

Islands Trust

THETIS ASSOCIATED ISLANDS

OFFICIAL COMMUNITY PLAN

BYLAW NO. 93, 2014

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**THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 93**

**A BYLAW TO ADOPT AN OFFICIAL COMMUNITY PLAN FOR THE THETIS LOCAL TRUST AREA
ASSOCIATED ISLANDS**

The Thetis Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Thetis Island Local Trust Area in the Province of British Columbia pursuant to the Islands Trust Act, enacts as follows:

AND WHEREAS the Thetis Island Local Trust Committee wishes to adopt an Official Community Plan;

AND WHEREAS the Thetis Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Thetis Island Local Trust Committee enacts as follows:

1. TITLE

Bylaw 93 may be cited for all purposes as the "Thetis Associated Islands Official Community Plan Bylaw, 2014".

2. APPLICATION

The Plan applies to the land, the water on the land, the bed of the sea, the water column, and the surface of the sea adjacent to Dayman, Hudson, Pylades, Reid, Ruxton, Scott, Tree, and Whaleboat Islands as shown on Schedule "B" of this Bylaw.

3. SCHEDULES

The following schedules attached to and forming part of this Bylaw, are adopted as "Thetis Associated Islands Official Community Plan Bylaw, 2014":

SCHEDULE "A" – Official Community Plan Policy Document
SCHEDULE "B" – Bylaw Area of Application
SCHEDULE "C" – Maps A through C: Land Use Designations

4. REPEAL

READ A FIRST TIME this	16th	day of	April	, 2014
READ A SECOND TIME this	23rd	day of	July	, 2014
PUBLIC HEARING HELD this	27th	day of	August	, 2014
READ A THIRD TIME this	17th	day of	September	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	18th	day of	November	, 2014
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this	4th	day of	February	, 2016
ADOPTED this	7th	day of	March	, 2016

SECRETARY

CHAIRPERSON

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Schedule A

PART A: BACKGROUND AND GOALS

1.0 BACKGROUND

1.1 THE OBJECT OF THE ISLANDS TRUST

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

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

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

1.2 THETIS ASSOCIATED ISLANDS

The Thetis Associated Islands are part of the Gulf Islands of British Columbia, in an area also known as the Salish Sea. They are smaller islands not served by public ferry, and are located east of the Vancouver Island communities of Ladysmith and Chemainus, north of Salt Spring and Galiano Islands, and south of Gabriola Island. Schedule B denotes the area of application for this plan.

The islands included in this Official Community Plan are as follows:

Dayman Island	Ruxton Island
Hudson Island	Scott Island
Pylades Island	Tree Island
Reid Island	Whaleboat Island

A community profile for the Plan Area was completed in September 2012 and serves as a thorough summary of the physical characteristics, history, and demographics of the islands.

While Valdes Island falls within the Thetis Local Trust area, it is not included as part of this Plan. Valdes Island currently has its own Rural Land Use Bylaw, adopted in 1998.

Bute and the two Dunsmuir Islands were originally to be included as part of the Plan Area, but have been removed at present to consider planning-related interests expressed by the Stz'uminus Nation. The aim is to re-insert these islands into the Plan Area upon completion of a stakeholder planning process with property owners and the Stz'uminus Nation.

Where the terms "Thetis Associated Islands Planning Area" or "planning area" or "Plan Area" are used in this Plan, these terms shall be interpreted to mean the area covered by this Plan. Where specific geographic references are made (e.g. Ruxton Island), that reference shall be interpreted to mean the specific geographic area.

1.3 NATURAL FEATURES

The islands are part of the coastal western hemlock biogeoclimatic or ecological zone which is characterized by coniferous temperate rainforests and associated ecosystems. Western red cedars, western hemlock, Douglas fir, big leaf maple and arbutus trees are common throughout this region. The climate of this area is considered temperate with mild wet winters and warm dry summers. The bedrock aquifers in this coastal environment are particularly vulnerable to saltwater intrusion into the freshwater resources.

Although small, many of the islands feature rare sensitive ecosystems, including the sensitive woodland, cliff, wetland, and herbaceous ecosystems. Mapping and detailed information of the sensitive ecosystems and rare natural features on these islands can be found in the 2012 Associated Islands Community Profile, as well as with the Islands Trust and the Islands Trust Fund.

1.4 ACCESS AND SERVICES

The majority of the islands are not served by power, water or telephone land-lines. There are no stores, commercially zoned visitor accommodation facilities, garbage pickup, or publicly-funded fire protection services on these islands. Groundwater is severely limited in the area and most residents rely on rainwater collection or community wells.

Most landowners are required to provide water and sewage disposal on-site. Historically the islands have been largely seasonal and residential in their land use, however, year-round residences exist on some islands. There are no ferries, no paved roads, relatively few automobiles, and limited year-round moorage. Access to these islands is by private boat, water taxi or float plane. Access points typically correspond to the nearest community on Vancouver Island for islanders to access provisions and related services.

1.5 POPULATION AND SETTLEMENT PATTERNS

Coast Salish First Nations have inhabited the Gulf Islands since time immemorial and have constitutionally protected Aboriginal rights. Archaeological sites mark sites of historical villages, resources harvesting and cultural and spiritual activity.

In the late 1920s, Ruxton Island, along with DeCourcy Island, was purchased by Mary Connolly and donated to the Aquarian Foundation headed by Edward Arthur Wilson, also known as Brother XII. He built a house and farmed on DeCourcy Island, and errant members of the following were banished to Ruxton Island. Ruxton Island was later bought by the Nayler family, then sold to Frank Ney, long-time Nanaimo Mayor, notary and real-estate developer, under the name of Ruxton Island Resorts. Through a series of four subdivisions between 1965 and 1970, Frank Ney created the 195 lots that exist today.

Reid Island was home to Portuguese and Japanese pioneers. 'Portuguese' Joe Silvey, from Pico Island in the Azores, is said to be the first naturalized Luso-Canadian; he married twice, both to First Nations women, and raised his family on Reid Island. The Silvey family cemetery is on Reid Island, maintained by family descendants and Reid Island residents. The cemetery also contains the remains of Japanese pioneers and Kanaka natives.

Hudson Island's unique feature is a grass airstrip that was established in the 1940s by Hugh Thomas, a well-known name in BC aviation history. The airstrip has continually remained in operation as a necessity for the property owners.

Scott and Tree Islands are private islands, each with one dwelling and private boat access. Dayman Island is a private island with two dwellings on one co-owned lot.

In the past, Bute and Dunsmuir Islands have also been termed the Ladysmith Harbour Islands. The use of south Dunsmuir Island as a Seattle Yacht Club Outstation was developed in 1974.

Whaleboat Island was known as Eagle Island before becoming a provincial park in 1981. In the 1940s, there was logging activity in the area and Whaleboat Island was logged; as a result, the island is blanketed with second-growth forest. Inhospitable steep rocky banks has prevented any kind of development on Whaleboat Island, but it serves as an important wildlife habitat isolated from larger land predators.

Local knowledge indicates there are few current full-time residents on these islands, approximately 10 full-time and another 15 full-time seasonally. The current seasonal population can be estimated by multiplying the total number of dwellings by the average British Columbia household size. Best available data shows a total of 239 lots on these islands, with 172 lots showing improvements and 9 with only accessory buildings. However, it is likely these properties are still used seasonally. Based on an average household size of 2.5 persons in a British Columbia household (2006 Census), a theoretical maximum summer population, with all lots containing a dwelling, could be 598 people.

1.6 DEVELOPMENT POTENTIAL

Ruxton Island was subdivided between 1965 and 1970 creating the 195 lots that exist today. There is no potential for any further subdivision.

Pylades Island was subdivided into four lots in 1964 and 1965. There is the potential for an additional nine lots of Pylades Island.

Reid Island has 24 lots that were created by subdivision between 1959 and 1972. There are two lots with subdivision potential on Reid Island; one lot can be subdivided into two, and another into seven. Therefore there is currently the potential for a maximum of 32 lots. On the southern-most 32 hectare lot, two resolutions of the Local Trust Committee from 1979 and 1984 gave permission for 26 cottages of a maximum floor area of 880 square feet.

Hudson Island was subdivided in 1972 and a statutory building scheme is registered on the title of all 11 lots. The statutory building scheme regulates land use and building siting in a way similar to a zoning bylaw. However, a statutory building scheme cannot be enforced by the local government; enforcement is a civil matter between property owners.

Dayman Island has the potential to be subdivided into two lots. Tree Island and Scott Island are one lot only islands, without the potential for subdivision.

1.7 OFFICIAL COMMUNITY PLAN

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

The Plan is a document prepared and adopted, in accordance with the Local Government Act and the Islands Trust Act, by the Thetis Island Local Trust Committee (LTC), being the locally elected land use authority for these islands.

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

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

- The location, type and density of residential development.
- Restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development.
- Agricultural, recreational, commercial, industrial, institutional, and public utility uses;

- Affordable, special needs and rental housing.
- The location and phasing of roads, sewer and water systems.
- Targets for the reduction of greenhouse gas emissions and policies and actions of the local government proposed with respect to achieving those targets.
- The location of public facilities, including schools, parks and waste treatment sites.
- Sand and gravel deposits suitable for extraction.

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

2.0 PLAN GOALS

- 2.1 To preserve and protect the ecosystems, habitat, and natural resources of the Plan Area.
- 2.2 To ensure that human activities and the scale, rate and type of development contribute to the preservation of the community character of the Plan Area.
- 2.3 To work cooperatively and collaboratively with other local governments, First Nations, Federal and Provincial governments and their agencies, the Trust Fund Board, non-governmental organizations, communities, property owners, residents, and visitors to advance the mandate of the Islands Trust and the Goals and Objectives of this plan.

PART B: LAND USE DESIGNATIONS

The objectives and policies in Part B are to be interpreted together with the map designations indicated in Schedule C, which constitute the land use plan for the Plan Area.

The land use of these islands is primarily seasonal residential with few exceptions. Whaleboat Island is a Provincial Park, and a lot that runs the length of Hudson Island is a private airstrip with shared ownership between the ten lots surrounding it.

3.0 RESIDENTIAL LAND USES

The predominant land use on the private islands in the Plan Area is residential, either as undeveloped, seasonal or permanent. Private islands are included in this designation.

3.1 RESIDENTIAL LAND USE OBJECTIVES

- 3.1.1 To guide and regulate growth and change in a manner that protects sensitive ecosystems, encourages sustainability, and adapts to the potential effects of climate change.
- 3.1.2 To maintain the traditional development patterns of the Plan Area.
- 3.1.3 To manage development in a manner that minimizes hazards.

3.2 RESIDENTIAL LAND USE POLICIES

- 3.2.1 Local Trust Committee bylaw provisions should preserve the relatively low density residential character of the area, so as to remain compatible with the environmental carrying capacity and traditional land use in the plan area.
- 3.2.2 The Local Trust Committee should continue to permit single family residential uses as the principal use.
- 3.2.3 Local Trust Committee bylaw provisions should ensure that uses customarily considered accessory to residential uses are permitted and regulated.
- 3.2.4 Residential density should be limited to one single family dwelling unit and structures accessory to a dwelling unit for each lot.
- 3.2.5 Despite Policy 3.2.4, zoning should permit existing densities in established communities.
- 3.2.6 Despite Policy 3.2.4, Local Trust Committee bylaw provisions may permit an increased density on Reid Island.

- 3.2.7 Subdivision regulations should establish an average lot size of 4 hectares, consistent with the historic 4 hectare minimum lot size, while allowing for the clustering of lots in future subdivisions to protect rare, threatened, or sensitive ecosystems.
- 3.2.8 The Local Trust Committee should encourage the consolidation of lots.
- 3.2.9 Applications for additional higher density for new development may only be considered subject to the following:
- (a) the application would result in the preservation and protection of a sensitive ecosystem, significant natural feature, or a heritage resource;
 - (b) the additional density takes the form of residential lots or dwellings;
 - (c) the additional development would be sited away from sensitive ecosystems, would minimize visual impacts, would mitigate potential natural hazards, and would address the sustainability of new development;
 - (d) the additional development would not adversely impact groundwater resources; and,
 - (e) the additional development would not adversely impact adjacent properties.
- 3.2.10 The Local Trust Committee may require zoning amendment applicants to provide development approval information.
- 3.2.11 The Local Trust Committee may consider zoning for the provision of affordable, rental and special needs housing if a community need is demonstrated.
- 3.2.12 The Local Trust Committee should undertake initiatives to identify areas that are hazardous to development, including areas subject to flooding, erosion or slope instability.
- 3.2.13 The Local Trust Committee should, through zoning, the use of setbacks, and the use of development permit areas, restrict and manage development in areas known to be subject to hazardous conditions.

3.3 RESIDENTIAL LAND USE ADVOCACY POLICIES

- 3.3.1 The Cowichan Valley Regional District is encouraged to implement sustainable building standards initiatives.

4.0 COMMERCIAL AND INDUSTRIAL LAND USES

There are currently no commercial or industrial uses in the Plan Area, and there is no expectation that there will be any need to provide significant commercial or industrial services in the Plan Area.

Home occupations are small scale business enterprises that provide a service or produce a product and are conducted by residents from within a dwelling unit or accessory building. As land uses, they should be clearly secondary or subordinate to the residential use.

4.1 COMMERCIAL AND INDUSTRIAL OBJECTIVES

- 4.1.1 To ensure that commercial uses are compatible with the goals of this plan.
- 4.1.2 To ensure that industrial activity is compatible with the goals of this plan.

4.2 COMMERCIAL AND INDUSTRIAL POLICIES

- 4.2.1 Zoning for any future commercial uses should be limited to those necessary to provide for the daily needs of residents.
- 4.2.2 Home occupations should be permitted as a use accessory to residential use and should be regulated to minimize impacts.
- 4.2.3 Commercial visitor accommodation should be limited to temporary overnight accommodation that is accessory to residential use of a dwelling, and should be regulated to minimize impacts.
- 4.2.4 Industrial uses should be limited to accessory home occupations and those permitted through temporary use permits.
- 4.2.5 The Local Trust Committee may require zoning amendment applicants to provide development approval information.
- 4.2.6 The Local Trust Committee may consider temporary use permits for short-term commercial or industrial uses where appropriate. Applications may be considered for temporary industrial use where such uses are of a short-term and fixed duration, and would not negatively impact the environment and natural resources in the Plan Area.
- 4.2.7 The Local Trust Committee should, in its bylaw provisions and in considering applications, consider the cumulative effects of existing and proposed development on sensitive ecosystems and groundwater supplies.

5.0 MARINE USES

The islands in the Plan Area are predominantly accessible by private boat only. By necessity and choice, much of the activity of permanent and seasonal residents is focused on the water and the foreshore. This designation will apply to all the waters in the Plan Area.

5.1 MARINE USES OBJECTIVES

- 5.1.1 To maintain the integrity of the marine ecosystem and the coastal areas in the Plan Area.
- 5.1.2 To allow for traditional marine uses by residents and other users without unduly compromising the marine or foreshore ecosystems or the visual appearance of the islands in the Plan Area.

5.2 MARINE USES POLICIES

- 5.2.1 The Local Trust Committee should identify and protect ecologically sensitive marine areas.
- 5.2.2 The Local Trust Committee should recognize and support the marine dependent nature of land uses in the Plan Area.
- 5.2.3 The Local Trust Committee should use bylaw provisions to protect public access to, from, and along the marine shoreline.
- 5.2.4 The Local Trust Committee may permit individual private docks accessory to residential uses. These docks should be regulated by zoning.
- 5.2.5 Regarding Ruxton Island, the Local Trust Committee should support rezoning applications for community docks that are small-scale and not intended for overnight moorage, and which address the cumulative impacts of community docks on Ruxton Island.
- 5.2.6 In order to limit the need for private dock development along the shoreline, community or communal docks should be encouraged where feasible.
- 5.2.7 The Local Trust Committee should use bylaw provisions to locate docks in locations with minimum environmental impact, and should encourage dock design that is sensitive to marine ecosystems and habitat.
- 5.2.8 The Local Trust Committee should not permit commercial marinas intended for use by non-residents.
- 5.2.9 The Local Trust Committee may consider rezoning applications for leases for aquaculture, other than finfish farms.

- 5.2.10 The Local Trust Committee should, through zoning, the use of building setbacks, and the use of development permit area designations and guidelines:
- (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes;
 - (b) discourage uses that disrupt natural features and processes;
 - (c) allow for natural erosion and accretion processes, without endangering structures;
 - (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and
 - (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities.
- 5.2.11 The Local Trust Committee should only give consideration to permitting structural modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect an existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilize banks, reduce erosion and provide habitat should be retained or enhanced.
- 5.2.12 The Local Trust Committee may require zoning amendment applicants to provide development approval information.
- 5.2.13 The Local Trust Committee should encourage and facilitate education around shoreline stewardship.

5.3 MARINE USES ADVOCACY POLICIES

- 5.3.1 Transport Canada is encouraged to educate and work with communities to promote appropriate regulation of mooring buoys in the Plan Area.

Information Note: The Navigation Protection Program (NPP) manages obstructions in navigable waters including Private Buoys on all navigable waters, as defined under the Canada Shipping Act, 2001 – Private Buoy Regulations.

- 5.3.2 Property owner associations are encouraged to assist with coordination efforts to share docks and mooring buoys.
- 5.3.3 Property owners are encouraged to place mooring buoys such that they do not impede clear access to public landing areas.

6.0 PARK AND CONSERVATION USES

The primary intent of this designation is to recognize and further protect those lands that have been voluntarily protected by other means. These are lands that are considered to have special importance for ecosystem protection, wildlife protection, watershed protection, enjoyment of scenery, historic preservation, environmental management, and/or protection against development.

6.1 CONSERVATION USE OBJECTIVE

- 6.1.1 To preserve, protect, and restore special or significant areas and ecosystems in the Plan Area considered important for environmental, low impact recreational, or aesthetic reasons.

6.2 CONSERVATION USE POLICIES

- 6.2.1 The Local Trust Committee should support the preservation of ecologically sensitive areas through land use regulation, conservation covenants, park land dedication, nature reserve, conveyance to conservation agencies, or, where feasible, participation in the Natural Areas Protection Tax Exemption Program (NAPTEP).
- 6.2.2 The Local Trust Committee may undertake or support initiatives to identify locations that are a priority for the creation of safe public access to beaches, parks, areas of recreational significance, linear parks and trails, and public anchorages, in cooperation with other agencies and community groups.
- 6.2.3 The Local Trust Committee should identify potential networks of protected areas in the Plan Area.
- 6.2.4 Local Trust Committee bylaw provisions may include in this designation lands that are protected by conservation covenant, park dedication, heritage designation, by donation to a conservancy organization or have been protected by other means.
- 6.2.5 The Local Trust Committee is encouraged to require dedication of land, rather than cash-in-lieu, where parkland dedication is required at the time of subdivision, as authorized by the Local Government Act.
- 6.2.6 Land provided as a conservation amenity in exchange for an increase in density as part of an amenity rezoning application may be included in this designation.
- 6.2.7 The Local Trust Committee should support initiatives to prevent the spread of invasive species.

6.2.8 The Local Trust Committee should support community-based initiatives that contribute to the protection and restoration of the natural environment, ecosystems, and biodiversity.

6.3 CONSERVATION USE ADVOCACY POLICIES

6.3.1 The Cowichan Valley Regional District is encouraged to establish a management plan for the wetland park land on Ruxton Island that respects natural processes and provides protection for the sensitive ecosystem.

6.3.2 The Cowichan Valley Regional District is encouraged to identify and designate areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities in the planning area.

7.0 NATURAL RESOURCES USES (AGRICULTURAL, FOREST LAND USE, AND SOILS AND AGGREGATES)

There are no current operations for agriculture, silviculture, or the extraction or processing of aggregate in the Plan Area. A need to designate land for such land uses is not anticipated.

7.1 NATURAL RESOURCES USE OBJECTIVE

7.1.1 To maintain current land use as it concerns natural resources in the Plan Area.

7.2 NATURAL RESOURCES USE POLICIES

7.2.1 The Local Trust Committee should ensure that its bylaw provisions:

- (a) minimize any adverse effects on potential agricultural land;
- (b) encourage the design of any road systems and servicing corridors to avoid identified agricultural lands;
- (c) support the economic viability of farming; and,
- (d) permit the use of Crown lands for agricultural leases where there is agricultural potential.

7.2.2 The Local Trust Committee should consider favourably any applications to include land with farming potential into the Agricultural Land Reserve.

7.2.3 The Local Trust Committee should identify significant unfragmented forest ecosystems and consider establishing zoning to limit inappropriate development in these areas and to cluster development elsewhere.

7.2.4 The Local Trust Committee should, through zoning and other applicable planning tools, protect any areas identified as having productive soil.

- 7.2.5 The Local Trust Committee may require zoning amendment applicants to provide development approval information.

7.3 NATURAL RESOURCES USE ADVOCACY POLICIES

- 7.3.1 The Local Trust Committee encourages landowners to protect sensitive forest ecosystems through donation, conservation covenants, careful management, or, where feasible, participation in the Natural Areas Protection Tax Exemption Program (NAPTEP).
- 7.3.2 The Local Trust Committee encourages voluntary stewardship to ensure protection and maintenance of adequate forested areas for the sustenance of groundwater supplies, as well as retention of characteristic forested landscapes, habitat for wildlife, significant trees or stands, and carbon sequestration.

8.0 COMMUNITY SERVICE AND INSTITUTIONAL USE POLICIES

Lands with this designation accommodate the provision of various social, cultural, and essential services that can range from community events to fire protection. The extent and degree of specialization of these facilities is influenced by the community's size, needs, and desires. Given the seasonal residential nature of the islands in the plan area, there is currently minimal demand for school facilities.

8.1 COMMUNITY SERVICE USE OBJECTIVE

- 8.1.1 To maintain current land use as it concerns community service and institutional use in the Plan Area.

8.2 COMMUNITY SERVICE USE POLICIES

- 8.2.1 The Local Trust Committee may establish zoning within this designation, or within the residential designation, to permit and regulate local community services such as meeting halls, infrastructure, and emergency service facilities.
- 8.2.2 Local Trust Committee bylaw provisions should maintain the historical designation of the Hudson Island airstrip as a community service use.
- 8.2.3 A need to designate land for schools is not anticipated.
- 8.2.4 The Local Trust Committee may require zoning amendment applicants to provide development approval information.

8.3 COMMUNITY SERVICE USE ADVOCACY POLICIES

- 8.3.1 Regional districts are encouraged to provide facilities for disposal of waste in appropriate locations.
- 8.3.2 BC Emergency Health Services are encouraged to work with communities and the Coast Guard to identify suitable helicopter landing areas for use in cases of medical emergency.

PART C: NATURAL ENVIRONMENT

9.0 SENSITIVE ECOSYSTEM POLICIES

9.1 SENSITIVE ECOSYSTEM OBJECTIVES

9.1.1 To encourage the preservation and protection of rare and sensitive ecosystems in the Plan Area.

9.1.2 To maintain the natural beauty and biodiversity in the Plan Area.

9.2 SENSITIVE ECOSYSTEM POLICIES

9.2.1 The Local Trust Committee should support and undertake initiatives to protect environmentally sensitive areas and significant natural sites, features and landforms.

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

9.2.3 The Local Trust Committee should protect environmentally sensitive areas, significant natural sites, features, views, scenic areas and landforms in the planning area through:

- (a) zoning regulations that encourage the siting of new development away from sensitive areas;
- (b) the implementation of development permit areas where mapping identifying sensitive ecosystems at an appropriate scale is available and where the administration of development permit areas is feasible;
- (c) acquisition of land by the Trust Fund Board, other conservancies, the Cowichan Valley Regional District, and government agencies;
- (d) encouragement of voluntary stewardship including the use of tools such as conservation covenants and where feasible, participation in the Natural Areas Protection Tax Exemption Program (NAPTEP);
- (e) park dedication at the time of subdivision; and,
- (f) the use of incentives such as lot clustering and amenity zoning.

9.2.4 The Local Trust Committee should, in its bylaw provisions and in considering applications, consider the cumulative effects of existing and proposed development on sensitive ecosystems and groundwater supplies.

- 9.2.5 The Local Trust Committee should, through bylaw provisions, implement provincial riparian area protection requirements should applicable watercourses be identified.
- 9.2.6 The Local Trust Committee may work with owners on Pylades, Ruxton, Dayman, Scott, and Hudson Islands to gather more refined mapping data of sensitive ecosystems and ecosystems at risk on those islands.

10.0 GROUNDWATER POLICIES

10.1 GROUNDWATER OBJECTIVE

- 10.1.1 To protect the quality and quantity of groundwater resources in the Plan Area.

10.2 GROUNDWATER POLICIES

- 10.2.1 Land use designations, zoning, subdivision regulations and other planning tools should be used to ensure that neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater.
- 10.2.2 The Local Trust Committee, in its bylaw provisions and in considering applications, should ensure that water quality is maintained, that existing, anticipated and seasonal demands for water are considered and addressed, and that new uses do not affect water availability to the detriment of existing uses.
- 10.2.3 The precautionary principle should be applied with respect to the planning, utilization and protection of potable water supplies, so that property owners, developers and government agencies act with a conservative approach regarding the impacts of land use on island water supplies.
- 10.2.4 The use of alternative technology to the traditional septic field, and the safe recycling of gray water, should be supported subject to compliance with other government regulations.

10.3 GROUNDWATER ADVOCACY POLICIES

- 10.3.1 The BC Ministry of Forests, Lands and Natural Resource Operations and Island Health are encouraged to ensure that their policies, legislations, and studies are designed to protect the quality and quantity of existing groundwater resources for current and future users.
- 10.3.2 Island Health is encouraged to ensure sewage disposal protects the quality of groundwater supply on islands in the Plan Area.
- 10.3.3 Island Health and the Cowichan Valley Regional District are encouraged to:

- (a) allow waste water treatment systems of demonstrated efficacy that are alternative to conventional septic disposal systems;
- (b) conduct studies on alternate systems for waste water treatment;
- (c) develop a regular septic system maintenance program requirement; and,
- (d) continue to detect and correct failing septic systems.

10.3.4 Property owners are encouraged to collect rainwater as an alternative to extracting groundwater.

10.3.5 Well owners and operators are encouraged to ensure their pumping does not cause or exacerbate saltwater intrusion in freshwater resources, particularly those in coastal bedrock aquifers.

11.0 CLIMATE CHANGE POLICIES

11.1 CLIMATE CHANGE OBJECTIVES

11.1.1 To understand the likely impacts of and vulnerabilities to regional climate change in the Plan Area.

11.1.2 To support actions to minimize greenhouse gas emissions.

11.1.3 To recognize the importance of forested lands and wetlands in removing carbon dioxide from the atmosphere.

11.2 CLIMATE CHANGE POLICIES

11.2.1 The Local Trust Committee should, in its bylaw provisions and review of development applications, consider the potential impacts on global climate change and greenhouse gas (GHG) emissions.

11.2.2 The LTC should investigate new methods of measuring GHG emissions that are relevant to the Plan Area.

11.2.3 The Local Trust Committee should work with other government agencies, stakeholders and residents to achieve energy conservation and emissions reduction goals.

11.2.4 The Local Trust Committee should identify significant unfragmented forest and wetland ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.

11.2.5 The Local Trust Committee should encourage and support initiatives to upgrade woodburning appliances.

11.2.6 The Local Trust Committee should, through bylaw provisions, support residential renewable energy (e.g. microhydro, solar, wind, waste heat, etc.) use.

11.2.7 The Local Trust Committee should work with the Islands Trust Fund Board and other conservation organizations to promote the conservation of forested lands and wetlands as a cost effective and important climate change mitigation strategy.

11.3 CLIMATE CHANGE ADVOCACY POLICIES

11.3.1 When considering transportation options by air, water or land, both residents and agencies with jurisdiction over services and infrastructure are encouraged to:

- (a) reduce fuel requirements;
- (b) reduce the extent of infrastructure; and,
- (c) limit the impact on the natural environment.

11.3.2 Residents are encouraged to:

- (a) incorporate high energy efficiency into building design and construction and use carbon-efficient materials in new construction;
- (b) use non-fossil fuel energy sources where possible; and,
- (c) not burn refuse.

Information Note: The Open Burning Smoke Control Regulation prohibits the burning of materials with the potential to release dangerous toxins, including domestic waste (household material and food waste not including newspaper and cardboard).

11.3.3 When considering changes to infrastructure, government agencies are strongly encouraged to mitigate impacts on the natural environment for any proposals for park, trail, road, ferry, dock, or infrastructure development.

PART D: COMMUNITY SERVICES

12.0 CULTURE AND HERITAGE POLICIES

12.1 CULTURE AND HERITAGE OBJECTIVES

12.1.1 To recognize the presence, practices, and interests of the First Nations people in the Plan Area, both historical and current.

12.1.2 To identify, protect, preserve and enhance important cultural and historical resources in the Plan Area.

12.2 CULTURE AND HERITAGE POLICIES

12.2.1 The Local Trust Committee should support initiatives to identify lands and structures of natural, historic, archaeological, cultural, aesthetic, educational or scientific heritage value or character.

12.2.2 The Local Trust Committee may amend this plan to designate any real property as a heritage conservation area under Part 27 of Local Government Act.

12.2.3 All archaeological sites (known or unknown) in British Columbia are protected under the Heritage Conservation Act. All development applications will be reviewed for the presence of known archaeological sites. Applicants will be notified if an archaeological site is present on the property. Notification may include a recommendation to engage a professional consulting archaeologist to determine whether proposed work could potentially impact archaeological deposits and whether avoidance will alleviate impact or if mitigative measures will be necessary.

12.2.4 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Any alteration to an archaeological site (including covering or capping archaeological materials) requires a Provincial Heritage Alteration Permit prior to land altering activities.

12.2.5 The Local Trust Committee will cooperate with First Nations to identify and protect significant archaeological or cultural sites, and to preserve these areas in as an undisturbed context as is practicable.

12.2.6 Lands identified as containing heritage resources or archaeological sites may be provided as an amenity in exchange for an increase in density as part of an amenity rezoning.

12.3 CULTURE AND HERITAGE ADVOCACY POLICIES

- 12.3.1 The Local Trust Committee may advocate for the designation and protection of eligible heritage sites under the Heritage Conservation Act.
- 12.3.2 Specific archaeological site types, including some burial practices, are meant to remain undisturbed while natural processes gradually break down site components. In cases such as these, all site materials should be left in a natural and undisturbed state.
- 12.3.3 Land owners and visitors are encouraged to protect archaeological and cultural sites by avoiding site disturbance as much as possible. Any person noticing damage or impact to a site should report it to the Islands Trust and/or the Archaeology Branch.
- 12.3.4 If the disposition of a site is in question, or if a site is in danger of disturbance by non-development related factors (such as wave erosion, biological changes, or geological changes), land owners and visitors are encouraged to contact the Islands Trust and/or the Archaeology Branch.
- 12.3.5 Landowners are encouraged to work with First Nations to protect archaeological and cultural sites.

13.0 SERVICES AND INFRASTRUCTURE POLICIES

13.1 SERVICES AND INFRASTRUCTURE OBJECTIVES

13.1.1 To support responsible servicing and waste management in the Plan Area.

13.1.2 To promote the development of effective community safety plans.

13.2 SERVICES AND INFRASTRUCTURE POLICIES

13.2.1 As islands in the Plan Area are mostly self-sufficient with respect to power, water and sewage disposal, the Local Trust Committee should recognize the challenges associated with providing these services in the Plan Area.

13.2.2 Local Trust Committee bylaw provisions should support the provision of power through small-scale, passive means such as solar collector, waste heat, and small scale wind generation.

13.2.3 Local Trust Committee bylaw provisions should permit small-scale geo-thermal heating for individual dwellings.

13.2.4 The use of alternative technology to the traditional septic field, and the safe recycling of grey water, is supported by the Local Trust Committee if methods can provide effective non polluting and energy efficient means to treat and dispose of effluent and are in compliance with all other government regulations.

13.2.5 The Local Trust Committee may require that new development or subdivision include provisions for fire fighting equipment, and for emergency water storage on the island in question.

13.2.6 Local Trust Committee bylaw provisions should permit structures for the storage of equipment for basic emergency service to the community.

13.2.7 The Local Trust Committee should support rezoning applications that enable the establishment of community service buildings.

13.3 SERVICES AND INFRASTRUCTURE ADVOCACY POLICIES

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

13.3.2 The Royal Canadian Mounted Police, Canadian Coast Guard, fire protection, Cowichan Valley Regional District, as well as search and rescue organizations are requested to be responsive to planning area needs and to assist residents in establishing adequate safety, protection and communication mechanisms for the public.

14.0 TRANSPORTATION POLICIES

14.1 TRANSPORTATION OBJECTIVES

- 14.1 To allow appropriate transportation conveyances for residents.
- 14.2 To ensure that transportation facilities do not have an unduly negative impact upon the ecosystems of the Plan Area.

14.2 TRANSPORTATION POLICIES

- 14.2.1 In its bylaw provisions and decision-making, the Local Trust Committee should recognize the challenges associated with accessing, living on and constructing on the islands in the Plan Area.
- 14.2.2 The Local Trust Committee may, through bylaw provisions, allow for emergency helicopter facilities in appropriate locations.
- 14.2.3 No island or islet in the plan area should be connected to another island or islet by a bridge, causeway or tunnel.
- 14.2.4 The Local Trust Committee should encourage the maintenance of low level road classification and support pedestrian and/or bicycle paths as on-land transportation systems.

14.3 TRANSPORTATION ADVOCACY POLICIES

- 14.3.1 The Ministry of Transportation and Infrastructure is encouraged to maintain the low level of road classification on islands in the Plan Area.
- 14.3.2 The Ministry of Transportation and Infrastructure is requested to retain natural vegetation along road right-of-ways, and to carry out road ditching and maintenance with minimal impact to groundwater and surface water flow patterns.
- 14.3.3 Water taxi services are encouraged to provide access for residents and visitors travelling to and from islands in the Plan Area.

15.0 TEMPORARY USE PERMIT GUIDELINES

An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may, notwithstanding a zoning bylaw, allow a temporary use, permit the construction or use of buildings or structures to accommodate the temporary use, and specify conditions under which the temporary use may be permitted.

The issuance of a temporary use permit should be conditional on compliance with the following guidelines:

Temporary Use Permits may be issued for any area covered by this plan, except for areas designated Park and Conservation on Schedule C.

Temporary Use Permits should only be issued for activities that are of short and fixed duration.

An application for a Temporary Use Permit should only be considered if the proposal can be demonstrated to have minimal negative impact on the environment of the plan area.

In issuing a Temporary Use Permit, the Local Trust Committee should specify conditions under which the use may be carried out that would mitigate any impacts of the use, including restoration of land upon completion of the permit.

PART E: ADMINISTRATION AND INTERPRETATION

Section E is to contain the administrative and legal provisions of the Official Community Plan (OCP) or The Plan.

16.1 PURPOSE

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

16.2 ISLANDS TRUST AUTHORITY

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

The Thetis Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the Thetis Island Local Trust Area. This committee has three members: two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

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

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

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

16.3 AREA OF JURISDICTION

The provisions of this Bylaw apply to that portion of the Thetis Island Local Trust Area shown on Schedule “B”, which forms part of this bylaw. The provisions of this bylaw are not applicable to other portions of the Thetis Island Local Trust Area.

16.4 ADVOCACY POLICIES

Community goals and objectives included in this bylaw that address matters that are outside the jurisdiction of the Thetis Island Local Trust Committee are considered “advocacy policies”. These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

16.5 PUBLIC FACILITIES

Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this bylaw.

16.6 IMPLEMENTATION

Section 884 of the Local Government Act specifies that:

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

and

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

16.7 INTERPRETATION

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

Part: A

Section: 1.0

Policy: 1.1 1

Subsection: (a)

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

- (a) Where boundaries coincide with lot lines, the boundaries are the lot lines.
- (b) Where a boundary is shown as following any highway, right-of-way or watercourse, the centreline of such highway, right-of-way, or watercourse is the boundary.
- (c) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.
- (d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.
- (e) The outer boundaries of the Marine designation on Schedule C are located 150 metres seaward of the natural boundary.

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

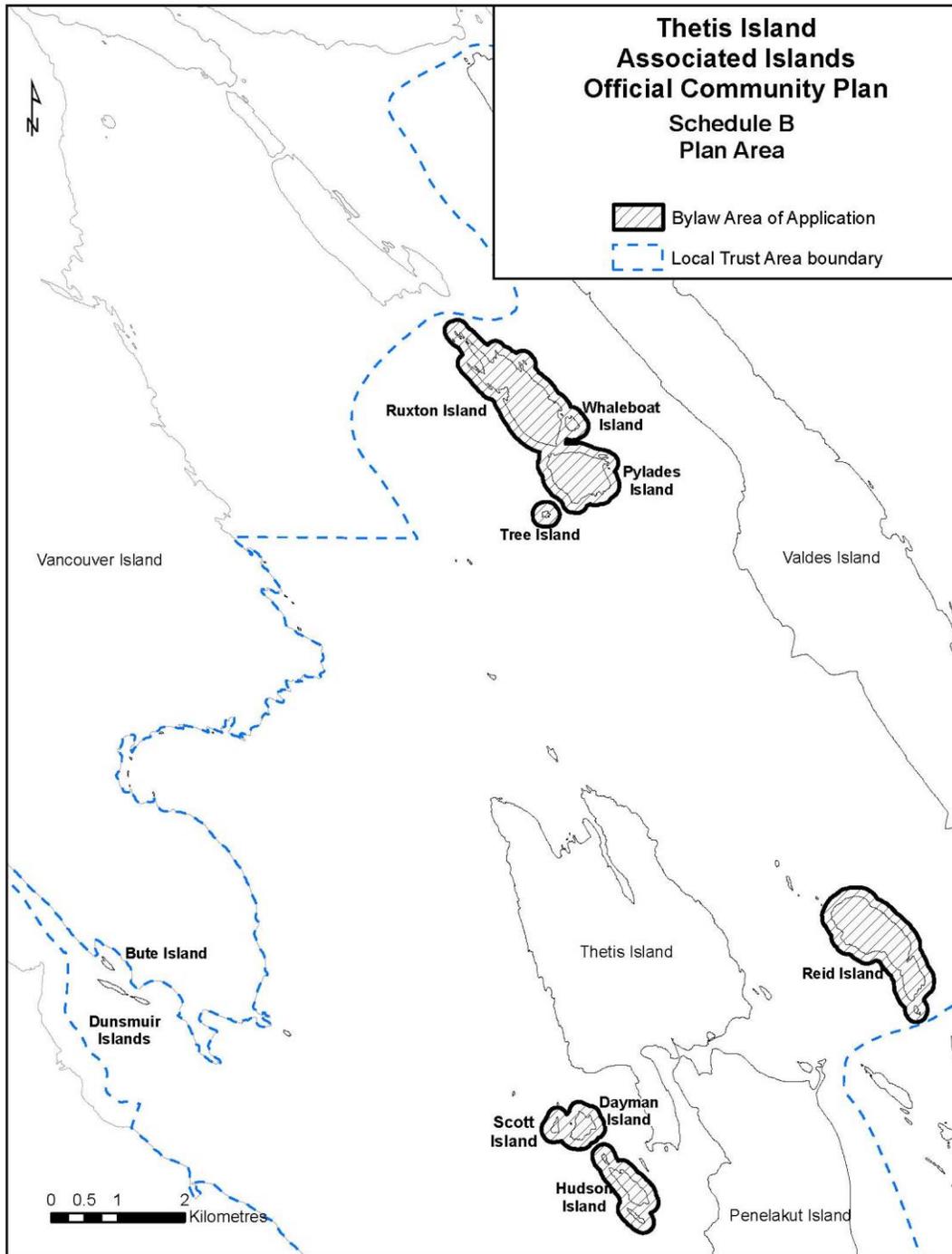
16.8 AMENDMENT PROCEDURE

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

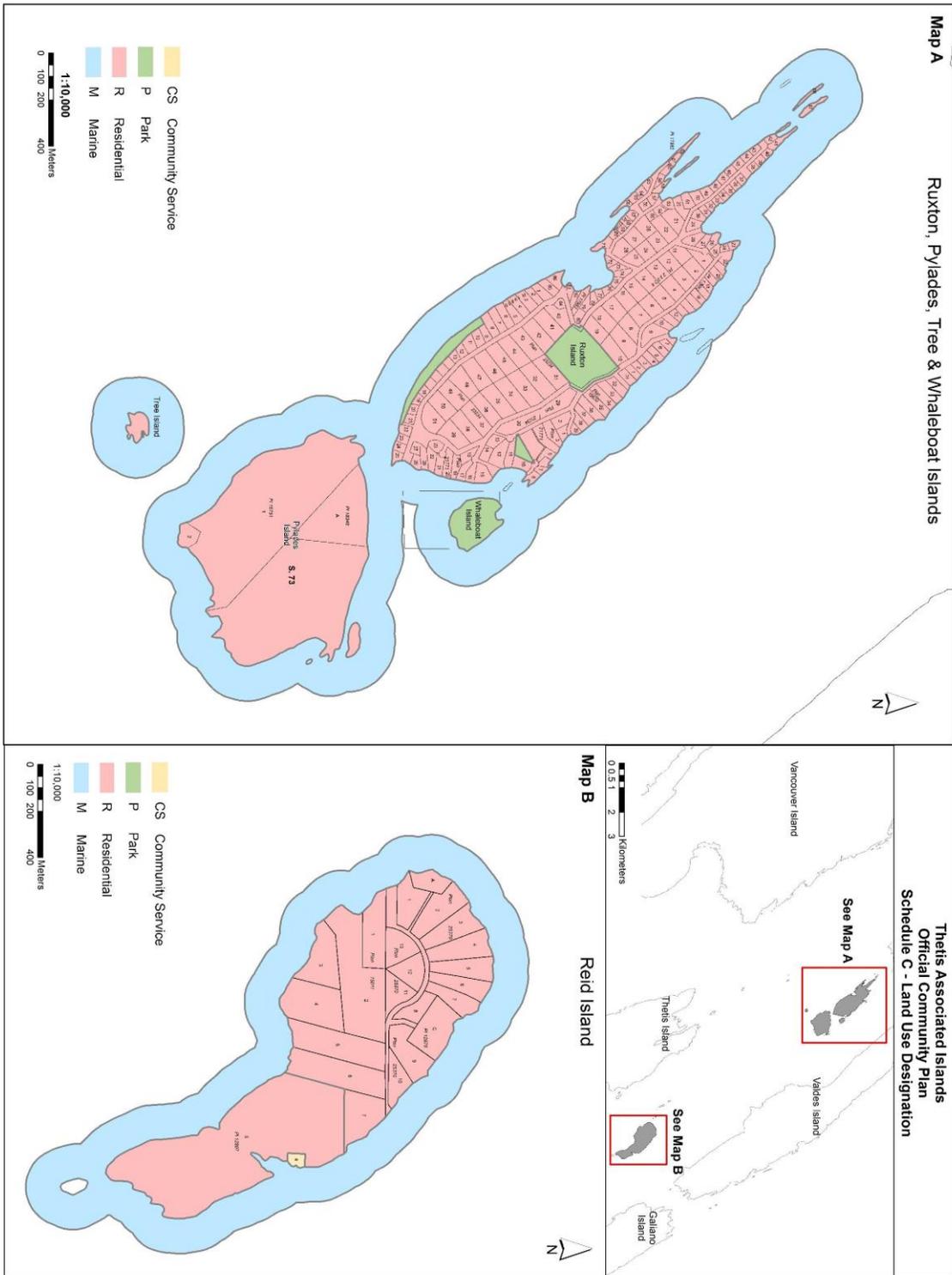
16.9 SEVERABILITY

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

SCHEDULE B: AREA OF APPLICATION



SCHEDULE C: LAND USE DESIGNATION MAPS A & B



SCHEDULE C: LAND USE DESIGNATION MAP C

