



Thetis Island Local Trust Committee Regular Meeting Agenda

Date: January 26, 2016
Time: 9:30 am
Location: Thetis Island Community Centre (Forbes Hall)
North Cove Road, Thetis Island, BC

	Pages
1. CALL TO ORDER	9:30 AM - 9:35 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	9:35 AM - 9:50 AM
4. COMMUNITY INFORMATION MEETING - None	
5. PUBLIC HEARING - None	
6. MINUTES	9:50 AM - 10:00 AM
6.1 Local Trust Committee Minutes dated November 24, 2015 for adoption	4 - 11
6.2 Section 26 Resolutions-Without-Meeting Report dated January 18, 2016	12 - 12
6.3 Advisory Planning Commission Minutes - None	
7. BUSINESS ARISING FROM MINUTES	10:00 AM - 10:20 AM
7.1 Follow-up Action List dated January 18, 2016	13 - 14
7.2 Advisory Planning Commission	
7.2.1 <u>Staff Report Dated January 14, 2016</u>	15 - 17
8. DELEGATIONS - None	
9. CORRESPONDENCE - None	
<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10. APPLICATIONS AND REFERRALS	10:20 AM - 11:00 AM
10.1 TH-DVP-2015.3 (Ryals)	
10.1.1 <u>Staff Report Dated December 18, 2015</u>	18 - 33
10.1.2 <u>Correspondence dated January 14, 2016 from Russ Irish</u>	34 - 34

10.2	TH-DVP-2015.4 (Carncross)	
10.2.1	<u>Staff Report Dated January 8, 2016</u>	35 - 69
10.2.2	<u>Correspondence dated January 12, 2016 from Deb Wilson</u>	70 - 70
10.2.3	<u>Correspondence dated January 11, 2016 from Patrick Mooney</u>	71 - 71
10.3	TH-SUB-2014.2 (Lindberg)	
10.3.1	<u>Memorandum Dated January 14, 2016</u>	72 - 80
11.	LOCAL TRUST COMMITTEE PROJECTS	11:00 AM - 11:10 AM
11.1	Riparian Areas Regulation Implementation - Budget Requests for 2016-17	
11.1.1	<u>Memorandum Dated January 13, 2016</u>	81 - 81
12.	REPORTS	11:10 AM - 11:30 AM
12.1	Work Program Reports	
12.1.1	<u>Top Priorities Report dated January 18, 2016</u>	82 - 82
12.1.2	<u>Projects List Report dated January 18, 2016</u>	83 - 84
12.2	Applications Report dated January 18, 2016	85 - 88
12.3	Trustee and Local Expense Report dated December, 2015	89 - 89
12.4	Adopted Policies and Standing Resolutions - None	
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Reports	
12.8	Electoral Area Director's Report	
12.9	Trust Fund Board Report - None	
13.	NEW BUSINESS - None	
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for Tuesday, March 29, 2016 at 9:30 am at the Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC	
15.	TOWN HALL	11:30 AM - 11:45 AM

16. CLOSED MEETING

11:45 AM - 12:00 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) for the purpose of considering appointments to the Advisory Planning Commission and s.90(1)(d) for the adoption of in-camera minutes dated June 12, 2015 AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT

12:00 PM - 12:00 PM



Thetis Island Local Trust Committee Minutes of Regular Meeting

Date: November 24, 2015
Location: Thetis Island Community Centre (Forbes Hall)
North Cove Road, Thetis Island, BC

Members Present: Susan Morrison, Chair
Peter Luckham, Local Trustee
Ken Hunter, Local Trustee

Staff Present: Janice Young, Recorder
Marnie Eggen, Acting Island Planner

Media and Others: 2 (two) members of the public were in attendance.

1. CALL TO ORDER

Chair Morrison called the meeting to order at 9:34 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She then introduced the staff and trustees and welcomed the public in attendance.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add late item 9.2 – Follow-up on Union of British Columbia Municipalities
- Add late item 12.10 – Trust Fund Board Report dated November 2015.
- Change 13.5 to “Request to Financial Planning Committee to Continue to Create Allocated Financial Statements for Discussion”.

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Kathleen Johnnie, Lyackson First Nation Lands and Resource Coordinator introduced herself and stated that she was happy to be at the meeting and to help bring First Nations and Islands Trust together on planning issues, as well as other mutual interests.

4. COMMUNITY INFORMATION MEETING – None

5. PUBLIC HEARING – None

6. MINUTES

6.1 Local Trust Committee Minutes Dated September 29, 2015 for adoption

The following amendment to the minutes was presented for consideration:

- Item 10.3, page 4, Resolution TH-2015-028, line 3, delete repeat of the word “in”.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report - None

6.3 Advisory Planning Commission Minutes - None

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List Dated November 13, 2015

Update by Acting Island Planner Eggen.

Trustee Luckham spoke of attending a meeting with the Cowichan Valley Regional District.

7.2 Advisory Planning Commission - Verbal Update

Acting Island Planner Eggen reported that there are three applicants to date and that a minimum of five members are required.

Discussion followed.

TH-2015-032

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee request staff to investigate options regarding a smaller number of members for the Advisory Planning Commission and bring a Resolution Without Meeting to the Thetis Island Local Trust Committee.

CARRIED

8. DELEGATIONS – None

9. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

9.1 Letter dated October 27, 2015 from Union of British Columbia Municipalities regarding the Regional Community to Community Forum Grant Application

Received.

9.2 Follow-up on Union of British Columbia Municipalities

Trustee Luckham spoke to this matter.

Discussion followed. There are many options in developing an agenda and invitation list.

Chair Morrison recommended an informal community based approach.

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Area Bylaw Referral Request for Response for Land Use Bylaw No. 485

TH-2015-033

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee's interests are unaffected by Salt Spring Island Local Trust Area Land Use Bylaw No. 485, application number SS-RZ-2015.1; however, we advise the Salt Spring Island Local Trust Committee consider requiring a pump-out facility.

CARRIED

10.2 TH-RZ-2015.1 (Penelakut Seafoods Ltd.)

10.2.1 Staff Report Dated November 9, 2015

Presented by Acting Island Planner Eggen. Discussion followed.

TH-2015-034

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee give first reading to draft Bylaw No. 96 – cited as “Thetis Island Official Community Plan, 2011, Amendment No.1, 2015.”

CARRIED

TH-2015-035

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee give first reading to draft Bylaw No. 97 – cited as “Thetis Island Land Use Bylaw, 2011, Amendment No.1, 2015.”

CARRIED

TH-2015-036

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee advise the Executive Committee that it has reviewed the Directives Only Checklist and determined that Bylaws No. 96 and No. 97 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

TH-2015-037

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee request staff to proceed with referrals for proposed Bylaw No. 96 cited as “Thetis Island Official Community Plan 2011, Amendment No. 1, 2015” and proposed Bylaw No. 97 cited as “Thetis Island Land Use Bylaw, 2011, Amendment No.1, 2015” to the local governments, local trustee committees, provincial agencies, federal agencies, First Nations and Islands Trust Bylaw Enforcement as noted in the staff report.

CARRIED

10.3 TH-RZ-2015.2 (Hardy Island Granite Quarries Ltd.)

10.3.1 Staff Report Dated November 10, 2015

Staff report presented by Acting Island Planner Eggen. Discussion followed, including dialogue with Helgi Sigurgjerson, representative of Hardy Island Granite Quarries Ltd.

TH-2015-038

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee request staff to prepare an amending bylaw to rezone unsurveyed Crown foreshore and land covered by water being part of the bed of Pylades Channel, adjacent to Lyackson IR3, Valdes Island as shown on "Site Map (License of Occupation – Hardy Island Granite Quarries Ltd., Sept. 27, 2014)" from the Marine Conservation 'W1' zone to a zone that permits barge facilities.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS - None

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated November 13, 2015

Acting Island Planner Eggen presented and reported updates.

12.1.2 Projects List Report Dated November 13, 2015

Acting Island Planner Eggen presented and reported updates.
Discussion followed.

12.2 Applications Report Dated November 13, 2015

Presented by Acting Island Planner Eggen.

12.3 Trustee and Local Expense Report Dated October, 2015

Received.

12.4 Adopted Policies and Standing Resolutions - None

12.5 Local Trust Committee Webpage

Thanks were extended to staff for updating the webpage.

12.6 Chair's Report

Chair Morrison reported on the Victoria Office Relocation Committee meeting, and the steps the Committee is going through to explore options.

12.7 Trustee Reports

Trustee Hunter reported on the following:

- Feedback from the Thetis Island Residents and Ratepayers Association (TIRRA) meeting that had an Islands Trust related item on the agenda.

Trustee Luckham reported on the following:

- He also attended the TIRRA meeting, in which he reported the following:
 - He spoke to the question of how Islands Trust benefits Thetis Island residents.
 - The meeting was well attended by Thetis Island residents.
 - He will follow up by meeting with Easton Vance, who brought a motion to the floor, for further discussion.
- He attended a meeting with Kathleen Johnnie to discuss the Community to Community Forum project, as well as First Nations archaeological sites.
- The results of the letter he sent to Beacon Wireless. The grant was received and service will be expanding to Thetis Island.

12.8 Electoral Area Director's Report – None

12.9 Trust Fund Board Report Dated October, 2015

Presented by Chair Morrison.

12.10 Trust Fund Board Report Dated November, 2015

Presented by Chair Morrison.

13. NEW BUSINESS

13.1 Cowichan Valley Regional District Meeting Follow-up

13.1.1 Memorandum Dated November 12, 2015

Memorandum presented by Acting Island Planner Eggen. Discussion followed.

TH-2015-039

It was **MOVED** and **SECONDED**
that the Thetis Island Local Trust Committee request staff to add to the
Projects List a Letter of Understanding between Thetis Island Local
Trust Committee and the Cowichan Valley Regional District.

CARRIED

**13.2 Memorandum Dated November 2, 2015 Regarding 2016 LTC Meeting Dates
for Adoption**

TH-2015-040

It was **MOVED** and **SECONDED**
that the Thetis Island Local Trust Committee schedule its 2016 regular business
meetings at 9:30 AM on the following dates:

Tuesday, January 26, 2016
Tuesday, March 29, 2016
Tuesday, May 24, 2016
Tuesday, July 26, 2016
Tuesday, October 11, 2016
Tuesday, November 29, 2016

CARRIED

**13.3 Coastal Douglas Fir and Associated Ecosystems Partnership
Conservation Strategy**

13.3.1 Briefing Report dated November 10, 2015

Received and discussed.

13.4 Letter of support for "ThINC" - for Discussion

Trustee Luckham received a request from the Thetis Island Nature Conservancy
(ThINC) for a letter to the Habitat Stewardship Program, in support of a grant
application.

TH-2015-041

It was **MOVED** and **SECONDED**
that the Thetis Island Local Trust Committee ask the Chair to send a letter of support to the Environment Canada Habitat Stewardship Program on behalf of the Thetis Island Nature Conservancy.

CARRIED

13.5 Request to Financial Planning Committee to Continue to Create Allocated Financial Statements – for Discussion.

Presented by Trustee Luckham; discussion followed.

TH-2015-042

It was **MOVED** and **SECONDED**
that the Thetis Island Local Trust Committee request that the Financial Planning Committee continue to create allocated financial statements in the future.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, January 26, 2016 at 9:30 am at the Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC

15. TOWN HALL - None

16. CLOSED MEETING - None

17. ADJOURNMENT

By general consent the meeting was adjourned at 11:22 am.

Susan Morrison, Chair

Certified Correct:

Janice Young, Recorder



Resolutions Without Meeting

Thetis Island

Resolution #	Action	Resolution Description	Resolution Date
2016-01	In Favour	"That the Thetis Local Trust Committee give first reading to draft Bylaw No.99, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012, Amendment No. 1, 2016."	14-Jan-2016

Follow Up Action Report

Thetis Island

29-Sep-2015

No.	Activity	Responsibility	Target Date	Status
1	Advertise for expressions of interest for APC membership in at least two E-spokes editions.	Becky McErlean Penny Hawley	30-Oct-2015	Done
1	Staff to enquire about predator netting with respect to the proposed mariculture activities in the navigation channel of the Cut with Transport Canada.	Marnie Eggen	08-Oct-2015	Done
1	Staff to prepare amending bylaws to change the OCP designation to "Mariculture" and to rezone the unsurveyed foreshore being part of the bed of Clam Bay, commonly known as "the Cut", Penelakut Island as shown on "Figure 4: Subject Area to be Rezoned" of this staff report dated September 17, 2015 from W-4 Zone to a W-5 site specific zone to allow "bottom culture mariculture."	Becky McErlean Marnie Eggen	30-Oct-2015	Done

24-Nov-2015

No.	Activity	Responsibility	Target Date	Status
1	Staff to provide advice on options for convening an APC smaller than 5 members & bring to LTC for consideration by RWM.	Becky McErlean Marnie Eggen	15-Jan-2016	Done
1	LTC gave 1st reading to amendment bylaws 96 and 97 (TH-RZ-2015.1). Staff to proceed with referrals for proposed bylaws 96 and 97.	Becky McErlean Marnie Eggen	09-Dec-2015	Done

Follow Up Action Report

- 1 Staff to prepare an amending bylaw to rezone unsurveyed Crown foreshore and land covered by water being part of the bed of Pylades Channel, adjacent Valdes Island from Marine Conservation W1 in the Valdes Island Rural Land Use Bylaw No. 42 zone to a zone that permits barge facilities (TH-RZ-2015.2).

Becky McErlean
Marnie Eggen

15-Jan-2016

On Going

STAFF REPORT

Date: January 14, 2016

File No.: 3050-01 (APC Bylaw Amendment)

To: Thetis Local Trust Committee
For meeting January 26, 2016

From: Marnie Eggen, A/Island Planner

CC: Ann Kjerulf, Regional Planning Manager
Beck McErlean, A/Legislative Clerk

**Re: Bylaw No. 99 - Amendment to Thetis Island Local Trust Committee
Advisory Planning Commission Bylaw No. 91**

THE PROPOSAL:

The purpose of this report is to present the next steps in the bylaw amendment process to amend the Advisory Planning Commission (APC) Bylaw No. 91 for the purposes of reducing the minimum number of APC members required to convene an APC meeting. The purpose of this staff report is to present the proposed bylaw amendment for consideration of second and third readings, and forward it to the Executive Committee (EC) for approval.

BACKGROUND:

The proposed amendment to the APC Bylaw is at the direction of the LTC who, at their November 24, 2015 meeting, requested that the APC be officially convened with fewer members than currently permitted by Bylaw No. 91. See resolution below:

TH-2015-032

It was **MOVED** and **SECONDED**

That the Thetis Island Local Trust Committee request staff to investigate options regarding a smaller number of members for the Advisory Planning Commission and bring a Resolution Without Meeting to the Thetis Island Local Trust Committee.

CARRIED

First reading was conducted by RWM (see Section 6.2, Resolutions without meeting Report in this LTC agenda).

STAFF COMMENTS:

Subsequent to EC approval, the LTC may consider adoption of the bylaw amendment, after which the APC could be convened with as few as three members.

RECOMMENDATIONS:

1. That the Thetis Island Local Trust Committee give Second Reading to Bylaw No. 99, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012, Amendment No. 1, 2016."
2. That the Thetis Island Local Trust Committee give Third Reading to Bylaw No. 99, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012, Amendment No. 1, 2016."
3. That the Thetis Island Local Trust Committee forward Bylaw No. 99, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012, Amendment No. 1, 2016" to the Executive Committee for consideration of approval.

Prepared and Submitted by:

M. Eggen

January 14, 2016

Marnie Eggen, A/Island Planner

Date

Concurred in by:

Ann Kjerulf

January 15, 2016

Ann Kjerulf, Regional Planning
Manager

Date

Attachments:

1. Proposed Amendment Bylaw No. 99

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 99

**A BYLAW TO AMEND THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 91 CITED
AS “THETIS ISLAND LOCAL TRUST COMMITTEE ADVISORY PLANNING
COMMISSION BYLAW, 2012”**

The Thetis Island Local Trust Committee, being the trust committee having jurisdiction in respect of the Thetis Island Local Trust Area under the Islands Trust Act, enacts as follows:

1. Section 2 (Appointment of Members) is amended as follows:
 - by deleting the text in subsection a) item i) and replacing it with the following text:
“The Advisory Planning Commission consists of a minimum of three and a maximum of seven members.”
2. Section 6 (Conduct of Meeting) is amended as follows:
 - by deleting the text in subsection b) and replacing it with the following text:
“A quorum is the greater of two members, or 50 per cent of those appointed.”

This bylaw may be cited as “Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”, Amendment No. 1, 2016”.

READ A FIRST TIME THIS	14 TH	DAY OF	JANUARY	, 2016
READ A SECOND TIME THIS	TH	DAY OF		201x
READ A THIRD TIME THIS	TH	DAY OF		, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	TH	DAY OF		, 201x
ADOPTED THIS	TH	DAY OF		, 201x

SECRETARY

CHAIRPERSON

STAFF REPORT

Date: December 18, 2015

File No.: TH-DVP-2015.3 (RYALS)

To: Thetis Island Local Trust Committee
For meeting January 26, 2016

From: Teresa Ritemann, Planner 1

CC: Ann Kjerulf, Regional Planning Manager
Marnie Eggen, Acting Island Planner

Re: **Development Variance Permit – Lot 38, Section 31, Nanaimo District, Plan 19830; PID 003-625-371**

Owners: Elizabeth and Terry Ryals
Applicants: Same as above.
Location: Lot 38, Section 31, Ruxton Island

THE PROPOSAL:

The applicant is seeking a Development Variance Permit to vary the setback distance in the Settlement zone of the Ruxton Island Zoning Bylaw No. 13 (1984):

as described in Subsection 3.1(a)

“No building or structure or part thereof shall be located within 5 metres of any lot line”

in order to permit the siting of only those portions of an existing deck (as shown in the Site Plan in Figure 4) that are currently within the required 5.0 metre setback, to a **minimum of 3.4 metres from the lot line that corresponds with the natural boundary of the sea.**

And described in Subsection 3.1(b)

“No building shall be located within 10 metres of the natural boundary of the sea”

in order to permit the siting of only those portions of an existing house (as shown in the Site Plan in Figure 4) that are currently within the required 10.0 metre setback, to a **minimum of 7.1 metres from the natural boundary of the sea.**

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approving the variances to allow only those portions of the existing house and deck that are currently within the setback from the natural boundary of the sea (highlighted in red as shown in Figure 4), because the impact on visual qualities, disruption to neighbouring property owners, and to ecological systems and processes appears to be minimal.

SITE CONTEXT:

The subject property is a waterfront lot located on the eastern side of Ruxton Island, as shown in Figure 1. The property is approximately 0.57 acres (0.23 hectares) in size, and is bordered by the natural boundary of the sea to the northeast, and by private, residential properties in all other directions, with access via a rural road along the southeast property line. In addition to the primary dwelling and attached deck with stairs, a storage shed for the generator and wood currently exists on the property, as shown in the site plan in Figure 2.

Photos of the existing building and structures are shown in Figure 3. These include photos from Bylaw Enforcement file TH-BE-2011.1 and photos taken during the March 19, 2015 site visit by Islands Trust Staff Warren Dingman and Teresa Rittemann.

Figure 1: Subject Property Map

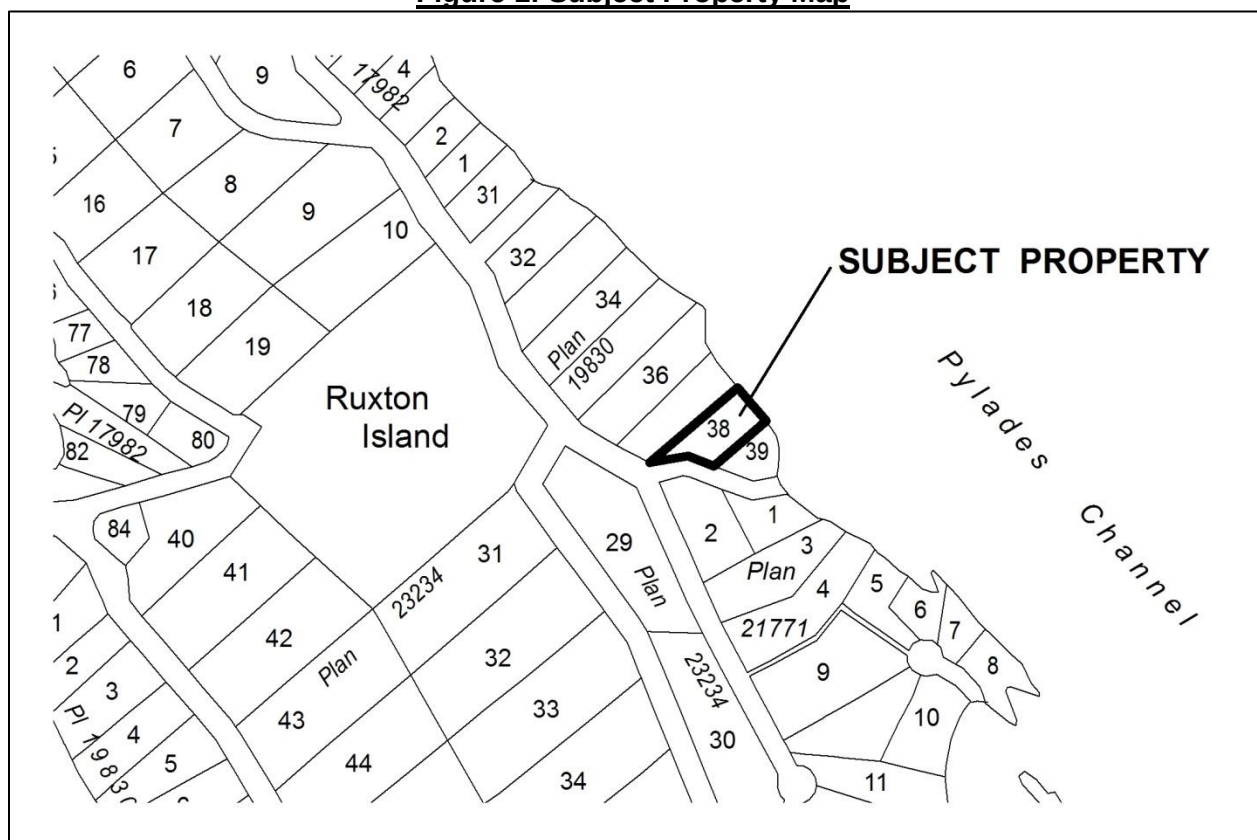


Figure 2: Site Plan

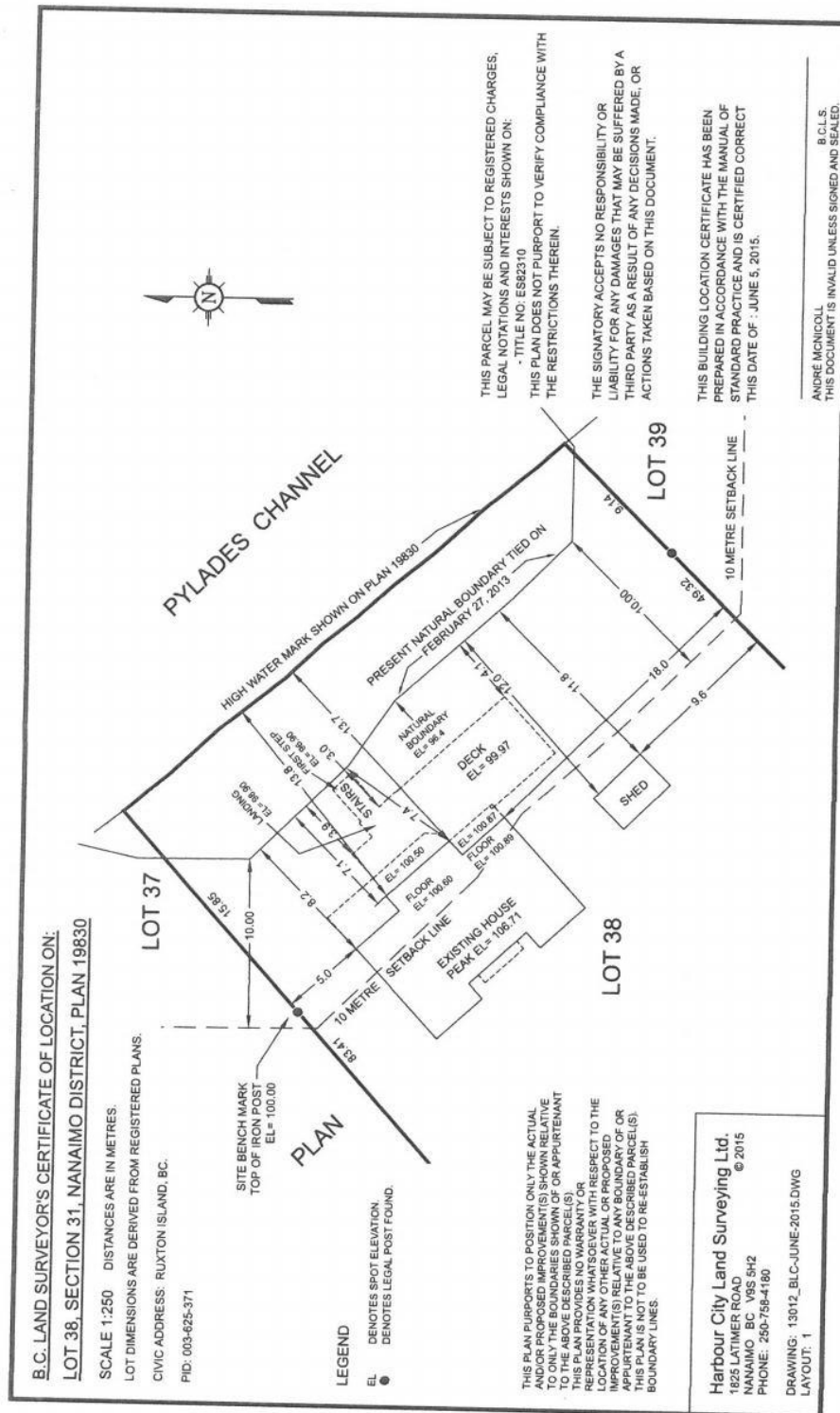
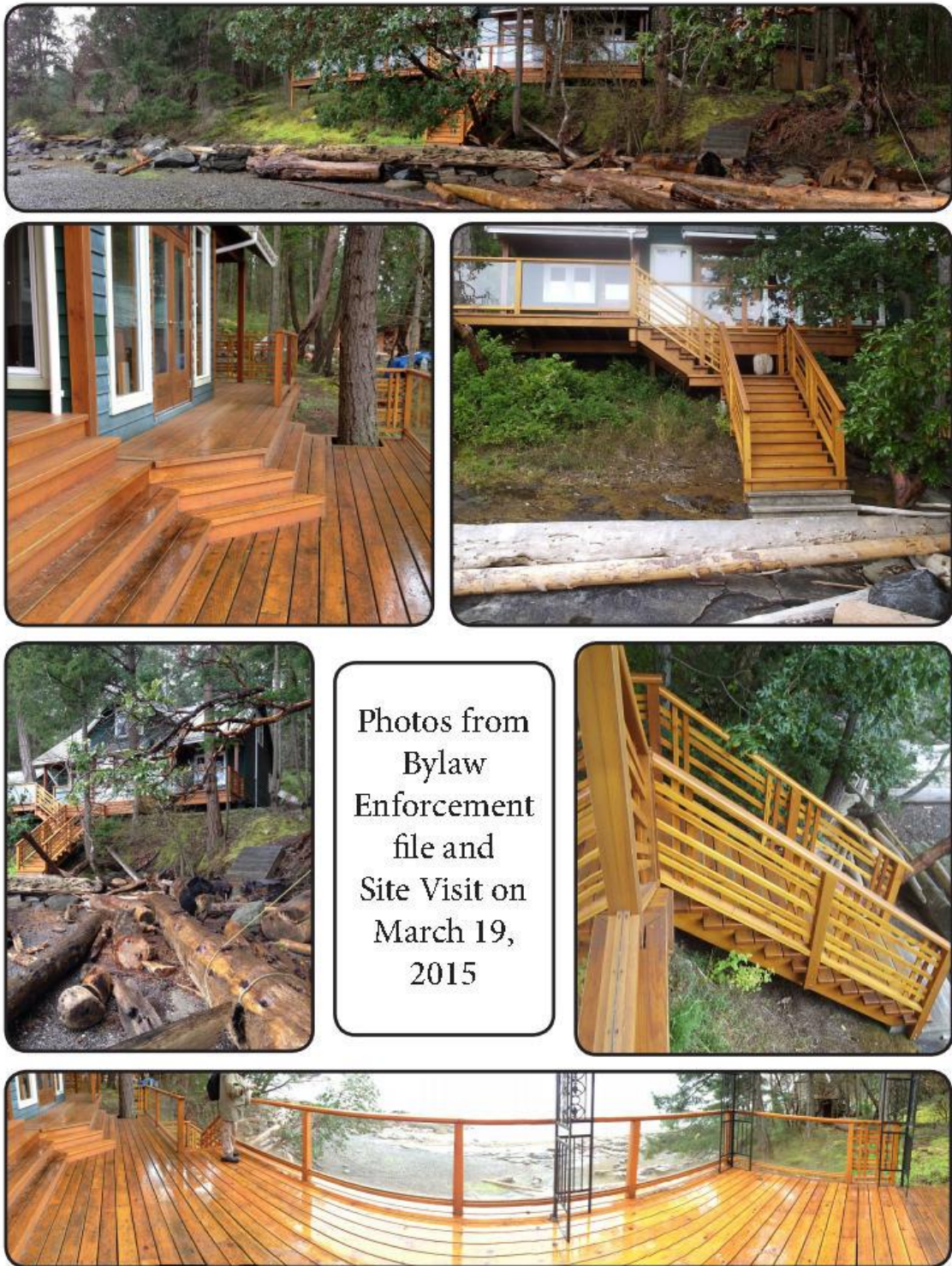


Figure 3



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

This application is in conformity with the Islands Trust Policy Statement.

Official Community Plan

Ruxton Island currently has no Official Community Plan in effect, and therefore, there are no Development Permit Areas or Heritage Conservation Areas associated with this application.

Land Use Bylaw

The property is zoned Settlement (S) as per the Ruxton Island Zoning Bylaw No. 13 (1984), which permits one dwelling unit for residential use and accessory buildings and structures per parcel subject to the following regulations in Section 3.1 (**emphasis added**):

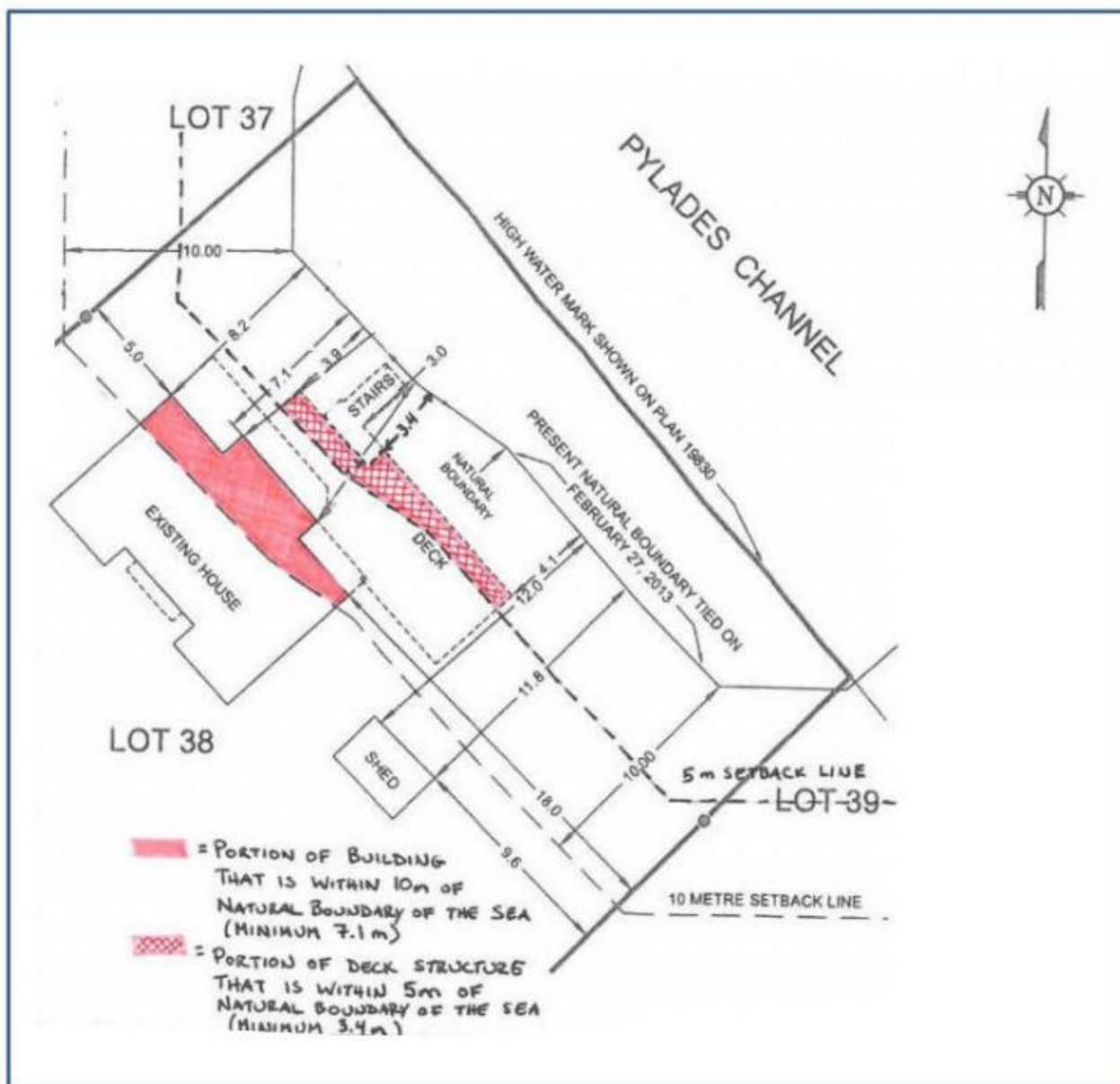
- (a) No building or structure or part thereof shall be located within 5 metres of any lot line;**
- (b) No building shall be located within 10 metres of the natural boundary of the sea;**
- (c) No building or structures shall exceed a height of 8 metres; and
- (d) Buildings and structures in total shall cover not more than 20 per cent of the lot.

Siting exception 2.4(c) exempts the waterfront stairway from this DVP application:

“Fences, walks or waterfront stairways, not exceeding two metres in height may be situated on any portion of a lot.”

Figure 4 below highlights in red, those portions of an existing house and deck which are currently within their regulated setbacks from the natural boundary of the sea, and which are included by this Development Variance Permit application.

Figure 4: Site Plan as would appear on the DVP



Islands Trust Fund:

As per the Islands Trust Fund Policy Manual, this application does not directly affect Islands Trust Fund Board (TFB) interests as it does not directly affect a TFB-owned property or conservation covenants, nor does it affect a property directly adjacent to a TFB-owned property or conservation covenants.

Regional Conservation Plan:

Map 16 of the Islands Trust Fund Regional Conservation Plan indicates that the estimated importance of habitat composition is *medium* for this property.

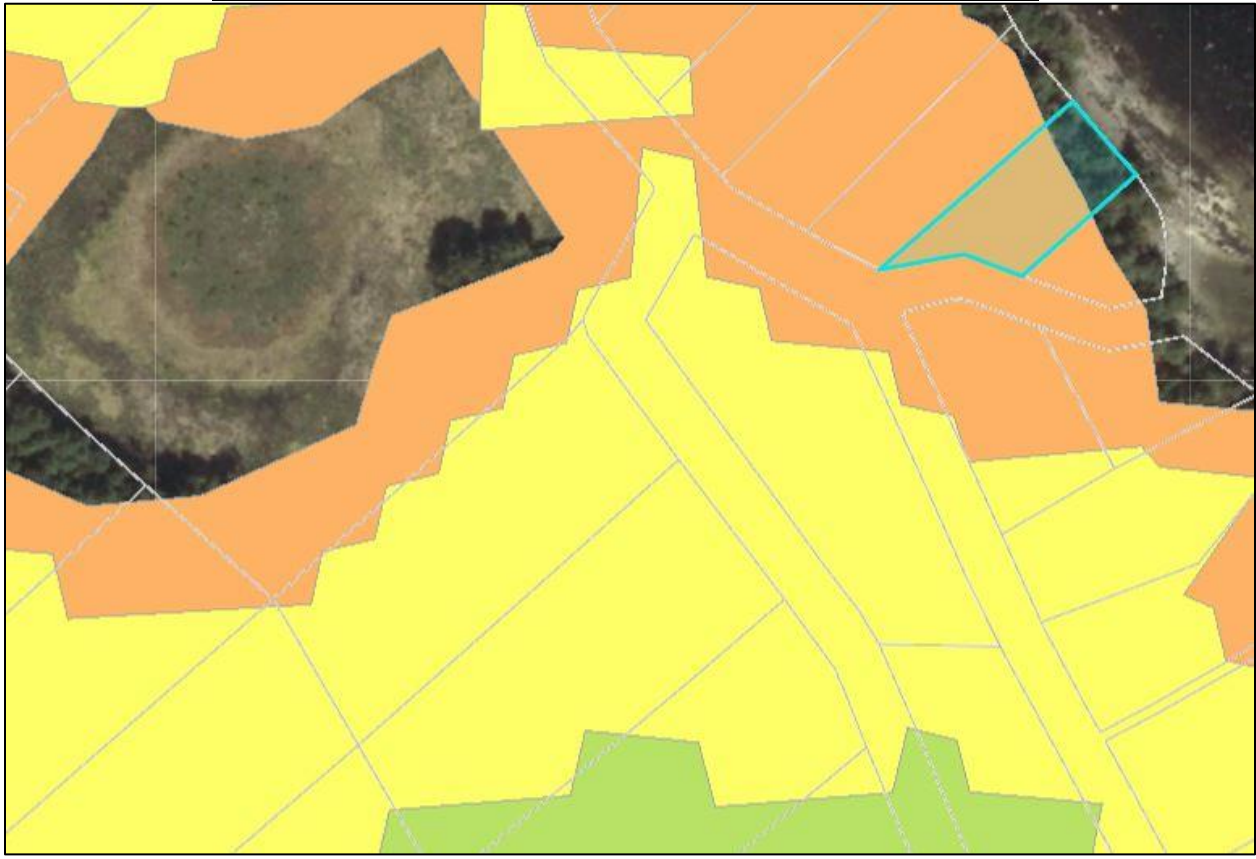
Sensitive Ecosystems and Hazard Areas:

Islands Trust Sensitive Ecosystem Mapping (SEM) does not indicate any hazard areas or sensitive ecosystems on the property; however, email discussion with the Islands Trust Fund Ecosystem Protection Specialist (Kate Emmings) confirmed that there is a Species at Risk occurrence of the Douglas Fir – Dull Oregon Grape on the property (and for much of Ruxton Island, see Figure 5 below). The applicant was made aware of this occurrence and has been provided with supplemental information on this ecosystem from: <http://www.env.gov.bc.ca/wld/documents/douglasfir.pdf>. Additionally, Islands Trust mapping indicates that the Groundwater Vulnerability is moderately high for this property (see Figure 6).

Figure 5: Species at Risk Mapping



Figure 6: Groundwater Vulnerability Map – Moderately High



Archaeological Sites:

There are recorded and potential archaeological sites mapped on a small portion of the waterfront. The applicant has been made aware that it is their responsibility to consult with the Archaeology Branch with regards to any archaeological sites that may be of concern with respect to development.

Covenants:

Covenants registered on this property:

- Restrictive Covenant 351077G (See DD 2402W) – This 1967 covenant restricts the construction of buildings/structures etc. without approval of “Ruxton Island Resorts Ltd.”

A Registry Analyst at Service BC has confirmed (for file TH-DVP-2015.1 – Giesbrecht) that “Ruxton Island Resorts Ltd. was dissolved on September 7, 1990 for failure to file annual reports with our office,” and as such, this restricted covenant likely does not affect this Development Variance Permit application.

Bylaw Enforcement:

This Development Variance Permit application emerged as a result of Bylaw Enforcement file TH-BE-2011.1.

Climate Change Mitigation and Adaptation:

For waterfront properties, sea level rise is an important consideration to take into account when new development is proposed. The development of this property is at least 4 metres above sea level (see contour maps in Figure 7 below). Based on the current sea level rise projection for the area, there is minimal risk of impact to the development, and no anticipated impacts on greenhouse gas emissions that would result from varying the setbacks as proposed.

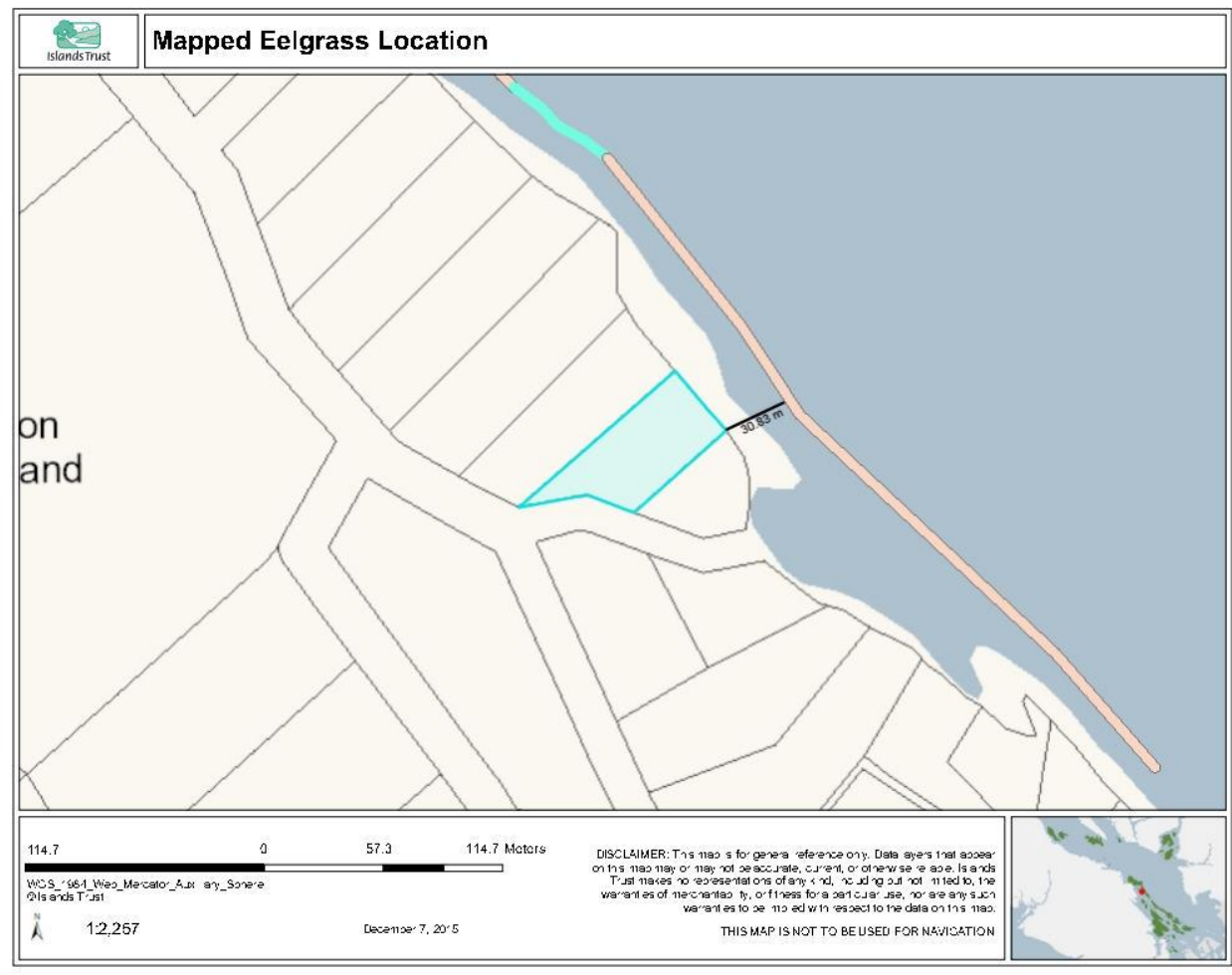
Figure 7: Contour Maps



Shoreline:

This is a waterfront property with no other waterbodies or watercourses mapped. Islands Trust mapping has not yet mapped the types of shorelines on Ruxton Island, though site visit photos (Figure 3) indicate a mix of hard and soft shoreline (rock/sandstone, with some areas covered by gravel and sandy soil). Forage fish and Bull Kelp populations are not mapped nearby, though a patch of Eelgrass is mapped about 31 metres offshore (see Figure 8 below). No sea walls have been constructed on the property and large woody debris has been maintained along the shoreline.

Figure 8: Map showing Eelgrass Location



Riparian Areas Regulation

Riparian Areas Regulations mapping has not yet been conducted for Ruxton Island.

COMMUNITY INFORMATION MEETING(S):

None held.

RESULTS OF CIRCULATION:

Notification of this variance application will be distributed to neighbouring property owners on January 15, 2016 in accordance with statutory requirements. At the time of writing this report, staff had received no submissions regarding the application.

STAFF COMMENTS:

Although some previous construction may have been granted variances in the past or others may apply in the future, each request for a variance is evaluated on its individual merits.

In Section 8 of their application, the applicants indicated that “the justification for the variance arises from confusion over what constituted the high water mark / natural boundary of the sea when the house was sited in 2002. The high water mark shown on Plan 19830 was used to guide the siting of the house and shed.” In a phone conversation with Jane Ryals on December 15, 2015 she further explained that the Cowichan Valley Regional District informed her and other Ruxton residents that Building Permits were not required, so the Ryals’ construction decisions were based on this assumption/advice.

In Section 9 of their application, the applicants indicated that “the proposed variance will not affect the property and surrounding lands. The existing house and shed were sited to protect the existing landscape and do not interfere with neighbours’ view of the ocean nor enjoyment of their properties.” Section 10 added that the applicants have informed their neighbours (of Lots 35, 37, and 39) via letters, email, and phone conversations, that they are applying for a DVP and “all are supportive.” In addition, notification as required by the *Local Government Act* will allow surrounding property owners the opportunity to provide further comments on any potential impacts of this variance.

Staff recommends approving the variances to allow only those portions of the existing house and deck that are currently within the setback from the natural boundary of the sea (highlighted in red as shown in Figure 4), because the impact on visual qualities, disruption to neighbouring property owners, and to ecological systems and processes appears to be minimal.

RECOMMENDATIONS:

THAT the Thetis Island Local Trust Committee **APPROVE** the issuance of Development Variance Permit TH-DVP-2015.3 to Elizabeth and Terry Ryals, for Lot 38, Section 31, Nanaimo District, Plan 19830; PID 003-625-371.

Prepared and Submitted by:



Teresa Rittermann
Planner 1

January 7, 2016

Date

Concurred in by:



Ann Kjerulf
Regional Planning Manager

January 11, 2016

Date

Attachments:

1. Public Notice
2. Proposed Permit (Including "Schedule A" - Site Plan)

cc: Marnie Eggen, Acting Island Planner



Islands Trust

NOTICE TH-DVP-2015.3 (RYALS) THETIS ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Thetis Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*, varying the following subsections of the Ruxton Island Zoning Bylaw No. 13:

Subsection 3.1(a): “No building or structure or part thereof shall be located within 5 metres of any lot line.”

The purpose of which is to permit the siting of only those portions of an existing deck that are currently within the required 5.0 metre setback, to a minimum of 3.4 metres from the lot line that corresponds with the natural boundary of the sea.

and

Subsection 3.1(b): “No building shall be located within 10 metres of the natural boundary of the sea.”

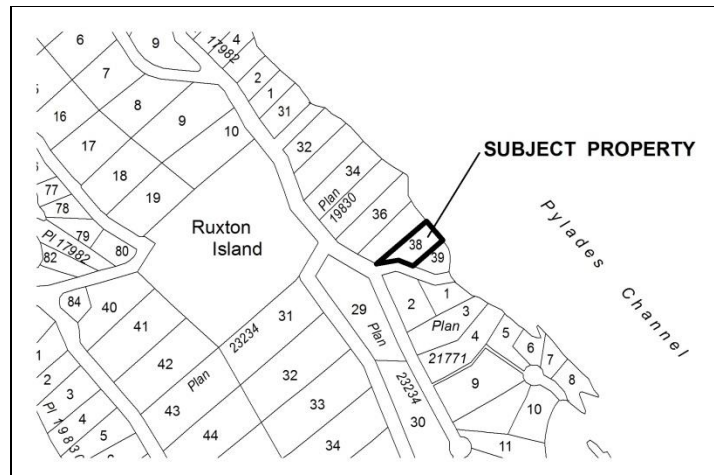
The purpose of which is to permit the siting of only those portions of an existing house that are currently within the required 10.0 metre setback, to a minimum of 7.1 metres from the natural boundary of the sea.

The property is legally described as:

PID: 003-625-371

Lot 38, Section 31, Nanaimo District, Plan 19830

The general location of the subject property is shown in the following sketch:



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing Friday, January 15, 2016 and continuing up to and including Monday, January 25, 2016.

Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed Permit, please contact Teresa Rittemann, Planner 1, at 250-247-2200; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3
Fax: (250) 247-7514
Email: trittemann@islandstrust.bc.ca

Following the end of the notice period, the Thetis Island Local Trust Committee may consider issuance of the proposed Permit at its regular business meeting to be held at 9:30 am, Tuesday, January 26, 2016, Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Lisa Webster-Gibson
Deputy Secretary

PROPOSED

	THETIS ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT TH-DVP-2015.3 (RYALS)
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TO: Elizabeth (Jane) Ryals and Terry Ryals

1. This Development Variance Permit applies to the land described below:

PID 003-625-371
Lot 38, Section 31, Nanaimo District, Plan 19830

2. Pursuant to Section 922 of the *Local Government Act*, Subsection 3.1(a) of the Ruxton Island Zoning Bylaw No. 13 (1984):
“No building or structure or part thereof shall be located within 5 metres of any lot line.”

is varied to permit the siting of only those portions of an existing deck (hatched in red as shown in Schedule “A” attached) that are currently within the required 5.0 metre setback, to a minimum of 3.4 metres from the lot line that corresponds with the natural boundary of the sea.

3. Pursuant to Section 922 of the *Local Government Act*, Subsection 3.1(b) of the Ruxton Island Zoning Bylaw No. 13 (1984):
“No building shall be located within 10 metres of the natural boundary of the sea.”

is varied to permit the siting of only those portions of an existing house (in solid red as shown in Schedule “A” attached) that are currently within the required 10.0 metre setback, to a minimum of 7.1 metres from the natural boundary of the sea.

4. All buildings and structures shall be consistent with Schedule “A” which is attached to and forms part of this permit. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the Ruxton Island Zoning Bylaw No. 13, including use and density, and to obtain other appropriate approvals as necessary.

AUTHORIZING RESOLUTION PASSED BY THE THETIS ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2016.

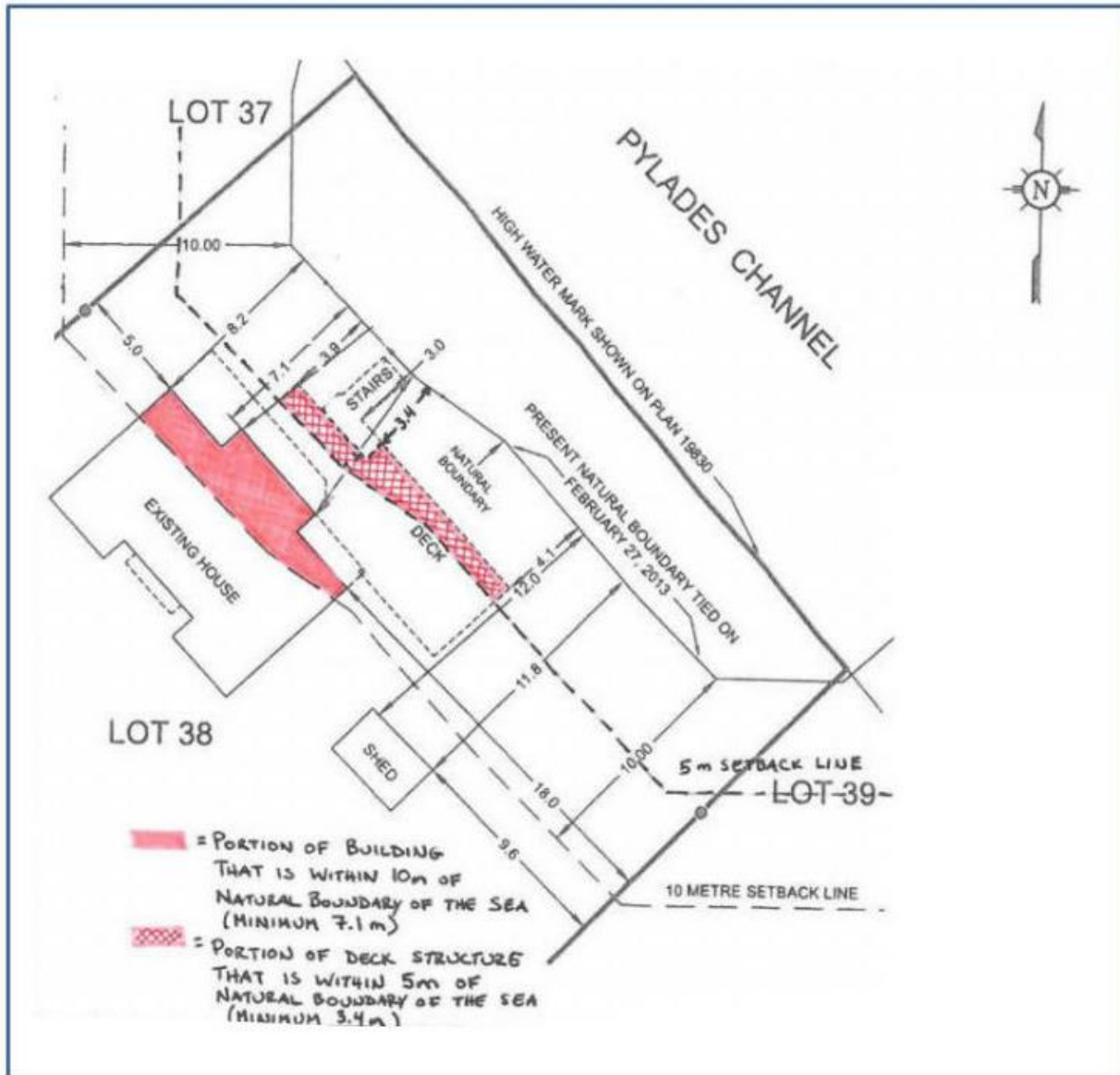
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____ 2018, THIS PERMIT AUTOMATICALLY LAPSES.

THETIS ISLAND LOCAL TRUST COMMITTEE
TH-DVP-2015.3 (RYALS)

Schedule "A"



From: Russ Irish [REDACTED]
Sent: Thursday, January 14, 2016 7:22 AM
To: Teresa Rittemann
Subject: Notice TH-DVP-2015.3 (Ryals)

Teresa,

I am the owner of Lot 2, Plan 21771, Ruxton Island, and my property is located directly south of the subject property.

I am a frequent visitor to the island, and as such, I am very familiar with the property and improvements that are the subject of this Development Variance Permit application.

In my opinion the existing house and deck are appropriate for the site.

This e-mail confirms my total support for the proposed Development Variance Permit.

Yours truly,
Russ Irish



STAFF REPORT

Date: January 8, 2016

File No.: TH-DVP-2015.4
(Carncross)

To: Thetis Local Trust Committee
For meeting January 26, 2016

From: Marnie Eggen, A/Island Planner

CC: Ann Kjerulf, Regional Planning Manager

Re: Development Variance Permit – Lot 18, District Lot 1, Thetis Island,
Cowichan District, Plan 5327, Except Parts in Plans 17467 and 21038

Owner: Gordon Carncross

Applicant: Same as above

PID: 001-510-487

Civic Address: 25 Bella Vista Road, Thetis Island

THE PROPOSAL:

The applicant requests to vary Section 5.4 (b) of the Thetis Island Land Use Bylaw No. 89, 2011 in order to allow the construction of a rock retaining structure within the setback to the rear lot line. The setback to the rear lot line is 6.0 metres (19.7 feet) and the applicant is requesting a variance of 0.0 metres.

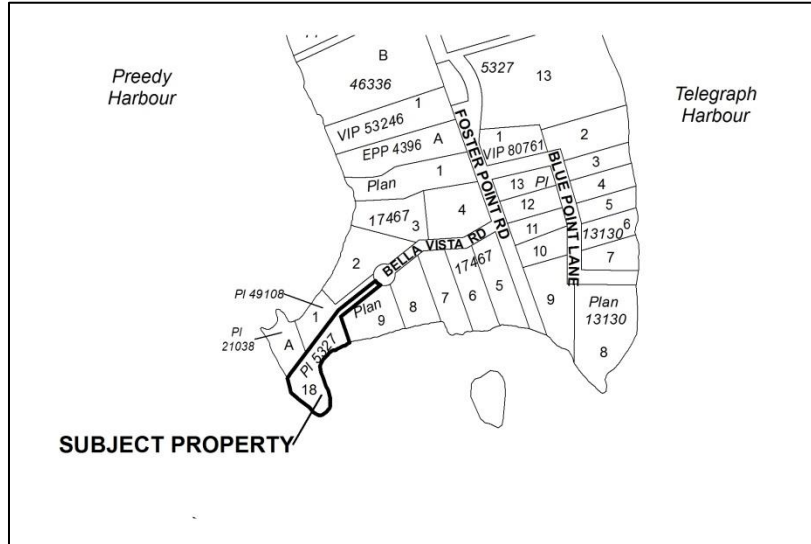
BACKGROUND:

The purpose of constructing the proposed rock retaining structure is to replace the existing deteriorating structure. The applicant was initially going to install a concrete seawall, but after involvement in the Thetis Green Shores for Homes Workshop in 2014, the applicant is moving forward with a softer approach (see Attachments for the Greenshores Summary for 25 Bella Vista). The proposed rock retaining structure will be less steep than the existing, and is intended to better dissipate the waves. The proposal requires removing most of the current rock and replacing it with more angular rock, along with native plantings. For more information on the applicant's rationale for the variance, please see the Shoreline section below and Attachments for the development variance permit application.

SITE CONTEXT:

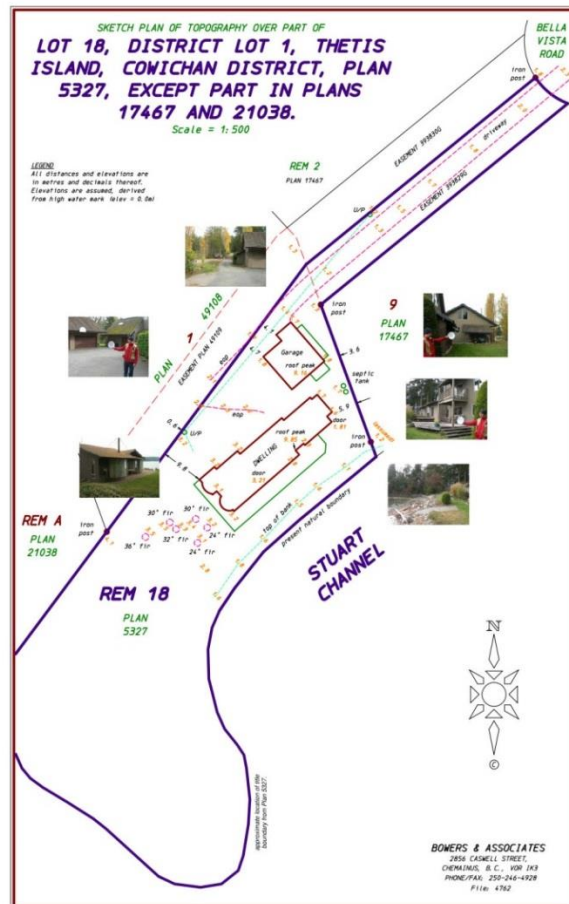
The subject property is located in a small bay at the south end of Thetis Island. See subject property map below. The lot is approximately 0.58 ha (1.43 ac) in size, and comprises the western point of the small bay.

Figure 1: Subject Property Map



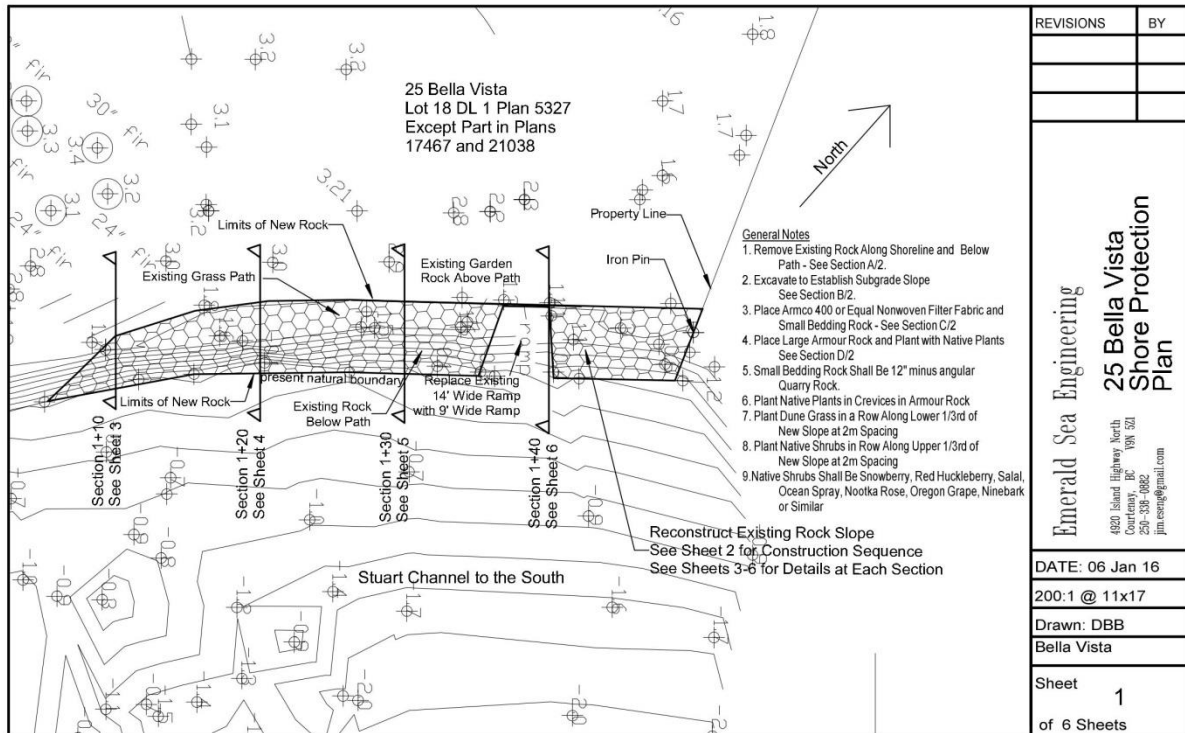
A dwelling and garage/workshop are clustered at the eastern end of the lot, and the remainder of the lot is forested. The dwelling is currently under construction under a valid building permit, and does not require a variance.

Figure 2: Sketch Plan of Lot



The proposed rock retaining structure would extend along a portion of the eastern most shoreline of the property in front of the dwelling, above the natural boundary of the sea (See Site Plan below and draft permit in Attachments for section drawings). The structure would be approximately 45 metres (148 feet) in length and 4 metres (13 feet) in width.

Figure 3: Site Plan



In the vicinity of the proposed rock retaining structure, the lot is relatively flat with a low to moderate gradient bank leading down to the beach that shows some evidence of erosion. The bank is terraced with grass path along its length. Several properties within the bay have concrete seawalls.

Figure 4: Shoreline of Subject Property



Figure 5: Looking along shoreline westward



Figure 6: Looking along shoreline towards adjacent properties, eastward



Figure 7: Subject property & cross section of bank proposed to be altered



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The following policies pertain to this application:

3.4 Coastal and Marine Ecosystems

Directive Policy

3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

4.5 Coastal Areas and Marine Shorelands

Commitments of Trust Council

4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

Directive Policy

4.5.10 Local trust committees... shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

5.2 Growth and Development

Directive Policy

5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.6 Cultural and Natural Heritage

Commitment of Trust Council

5.6.1 Trust Council holds that the natural and human heritage of the Trust Area — that is the areas and property of natural, historic, cultural, aesthetic, educational or scientific heritage

value or character — should be identified, preserved, protected and enhanced.

Directive Policies

5.6.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.

5.6.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.

Official Community Plan

The subject property is designated Rural Residential R-1. The following policies are pertinent to this application:

Marine and Coastal Resources Policies

13. Foreshore and adjacent coastal water area land use regulations should place emphasis on retaining natural characteristics.

15. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by:

- a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore.
- b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, excepting maintenance of navigational channels and existing wharfage areas.
- c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures.

Land Use Bylaw

The subject property is zoned Rural Residential (R-2).

Section 5.4 (b) of the LUB is requested to be varied to reduce the setback from the rear lot line of 6.0 metres (19.7 feet) to 0.0 metres. The setback from the natural boundary does not apply in this case, as the setback applies to buildings and not structures.

Islands Trust Fund

The application does not directly affect any Trust Fund Board property or conservation covenant.

Regional Conservation Plan

There are no identified interests in the immediate area pertaining to the Islands Trust Fund Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas

Islands Trust mapping indicates that there is a primary sensitive ecosystem covering the majority of the property – Douglas Fir/Dull Oregon Grape ecosystem community type, occupying a large proportion of Thetis Island and its ecological integrity is noted to be in good to fair condition.

No hazard areas are mapped for the subject property. As the construction site is already altered from its natural state, the proposed rock retaining structure isn't expected to have any significant impacts on the sensitive ecosystem. The proposal may in fact improve the habitat value as it intends to provide the foundation to encourage native vegetation growth.

Archaeological Sites

According to the Provincial Remote Access to Archaeology Data (RAAD), the property includes known and potential archaeological sites. The applicant has applied and obtained a Site Alteration Permit under the *Heritage Conservation Act*, and has hired an archaeologist, who, along with a Penelakut elder, will be on site during construction. The applicant has recently requested an amendment to their application to incorporate excavating the existing bank in order to prepare to install the proposed rock retaining structure. The amendment will be referred to First Nations.

While there is no requirement to refer such land use applications to First Nations, in an effort to share information which may affect their interest, and build and maintain relationships with First Nations, staff will notify the appropriate First Nations.

Covenants

An easement is registered on the property and is not in conflict with the proposed rock retaining structure.

Bylaw Enforcement:

There are no bylaw enforcement files associated with this application.

Climate Change Mitigation and Adaption

The subject property may be subject to impacts from sea level rise as a result of climate change. BC Ministry of Environment¹ anticipates that by 2100 mean sea level rise for the Nanaimo area will be 0.8 metres (2.62 feet), and that potential impacts of sea level rise in British Columbia include:

- More frequent and extreme high water levels in coastal areas;
- Increased erosion and flooding;
- Increased risk to coastal infrastructure, as well as increased maintenance and repair costs;
- Loss of property due to erosion.

Shoreline

Islands Trust mapping indicates that the shoreline along the subject property is classified as pebble/sand beach. Data indicates that this beach has semi-protected exposure, is accretional, and its stability is sensitive to sediment supply.

Islands Trust mapping also indicates eel grass habitat in the intertidal zone, and forage fish habitat along the beach, specifically for Surf Smelt and Pacific Sand Lance.

The applicant has submitted information regarding the attributes of the proposed rock retaining structure as it pertains to shoreline processes and habitat (see Attachments). The information was prepared by the geotechnical engineer who has designed the rock retaining structure. In

¹ <http://www2.gov.bc.ca/gov/content/environment/climate-change/policy-legislation-programs/adaptation/sea-level-rise>

summary, the proposed structure incorporates consideration of existing topography and local coastal processes, with the idea of maintaining and/or improving beach dynamics. These factors have determined the degree of the proposed slope and the rock size. They indicate that using the flattest slope and smallest armor rock possible, along with native plantings, will tend to reflect less wave energy and result in less scour and sand movement. They suggest that the proposal could result in improved potential for sand deposition and improved forage fish habitat, for example.

COMMUNITY INFORMATION MEETING(S):

Community information meetings are not required for Development Variance Permit applications.

RESULTS OF CIRCULATION:

A copy of the proposed development variance permit and notice was sent to adjacent property owners (see attachments).

At the time this staff report was prepared, no public comments had been received. Any comments received will be presented at the January 26, 2016 LTC regular business meeting.

In their application, the applicant indicates that he has discussed his proposal with three of his neighbours and none have concerns.

STAFF COMMENTS:

1. Applicants' stated rationale for the application:

The applicants' stated reason for their application is the following:

"The existing seawall on the property is over 30 years old consisting of large and small rocks. This seawall protects the property from seawater damage. It is deteriorating in the middle section..." The home on the subject property is not immediately threatened, but there is evidence of some bank erosion.

2. Riparian rights of waterfront property owners:

Waterfront property owners enjoy certain rights, including access to and from the water, and protection from erosion. These rights are recognized by common law rather than by statute, and local governments retain the authority to regulate the use of land as it affects waterfront property owners, such as regulating setbacks for structures. This common law right does not override the local government authority to regulate the use of land.

3. The overall intent of the regulations being varied:

The overall intent of setback regulations is to maintain residential privacy, and retain rural character and natural landscapes. As in this case the rear lot line borders the sea, the variance would not impact privacy or rural character, and may maintain or improve the natural landscape.

4. Impact of proposed rock retaining structure on the coastal environment:

Islands Trust and Thetis Island OCP policies clearly favour the protection of natural shoreline processes. The applicant states that his goal with this project is to "respect and achieve" these policies. Based on the rationale provided by the geotechnical engineer, the proposed rock retaining structure is designed as much as possible to maintain and/or improve beach dynamics. In consideration of best practices for shoreline protection (e.g. *Greenshores for*

Homes², *Coastal Shore Stewardship Guide*³), the elements of the proposed design, such as the lower slope and use of rock to better dissipate wave energy and native plantings, are predicted to maintain or possibly improve the existing shoreline processes in comparison to the existing terraced bank. While staff cannot predict the exact effects of the proposed structure on shoreline processes, it is a “softer” approach than a concrete seawall and it incorporates elements that are understood to help to maintain coastal processes.

5. Impact of the rock retaining wall on the archaeological site:

BC Archaeology Branch staff indicate that, in general, erosion is a major threat to island archaeological sites, and stabilization of the shore supports protection of the site. The Islands Trust Policy Statement and the Thetis Island OCP both clearly support the protection of heritage resources.

RECOMMENDATION:

THAT the Thetis Island Local Trust Committee APPROVE the issuance of Development Variance Permit TH-DVP-2015.4 (Carncross), for property PID 001-510-487; Lot 18, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Parts in Plans 17467 and 21038.

Prepared and Submitted by:

M. Eggen

Marnie Eggen, A/Island Planner

January 8, 2016

Date

Concurred in by:

Ann Kjerulf

Ann Kjerulf, Regional Planning Manager

January 11, 2016

Date

Attachments:

1. Development Variance Permit Application
2. 2014 Greenshores Workshop Summary for 25 Bella Vista, Thetis Island
3. Proposed Development Variance Permit
4. Notice

² http://stewardshipcentrebc.ca/Green_shores/

³ <http://www.stewardshipcentrebc.ca/portfolio/coastal-shore-stewardship/>



Preserving Island communities, culture and environment

Victoria Office

200 - 1627 Fort Street
 Victoria, BC V8R 1H8
 Telephone: **250.405.5151**
 Fax: 250.405.5155
 information@islandstrust.bc.ca
 North Pender, South Pender, Galiano,
 Mayne, Saturna, Executive

Salt Spring Office

1 - 500 Lower Ganges Road
 Salt Spring Island, BC V8K 2N8
 Telephone: **250.537.9144**
 Fax: 250.537.9116
 ssiinfo@islandstrust.bc.ca
 Salt Spring

Northern Office

700 North Road
 Gabriola Island, BC V0R 1X3
 Telephone: **250.247.2063**
 Fax: 250.247.7514
 northinfo@islandstrust.bc.ca
 Denman, Gabriola, Gambier,
 Hornby, Lasqueti, Thetis

www.islandstrust.bc.ca

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

Development Variance Permit Application Form

Print Form

Fee Paid:

\$715.00

Office Use Only

Receipt No.:

3038

File No.:

TH-DVP-2015.4

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel 18 Plan 5327 Block _____ District Lot/Section 1
 Range _____ Other Description Plan 5327, Except parts in plans 17467 & 21038. Title # EX1
 Street Address or General Location 25 Bella Vista Road, Thetis Island, B.C. V0R 2Y0
 Jurisdiction and Folio Number C0576508586.00018 (From Property Assessment/Tax Notice)
 Parcel Identifier (PID) 001-510-487 (From State of Title Certificate)

SECTION 2: OWNER INFORMATION

(ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

First Owner Information

Name _____
Gordon Carncross
 Street Address _____
 City Thetis Island Region _____
 Postal/Zip Code V0R 2Y0
 Telephone 604-364-2782
 Fax N/A
 E-mail gcarncross@telus.net

Second Owner Information

Name _____
 Street Address _____
 City _____ Region _____
 Postal/Zip Code _____
 Telephone _____
 Fax _____
 E-mail _____

SECTION 3: APPLICANT INFORMATION

(IF DIFFERENT FROM OWNER)

Name _____ Street Address _____
 City _____ Region _____ Postal/Zip Code _____
 Telephone _____ Fax _____ E-mail _____

RECEIVED
DEC 14 2015
ISLAND TRUST
NORTHERN OFFICE

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Provide one full-scale, and three (3) reduced (11 x 17) copies of a detailed site plan and other drawings that must include the following:

- ☐ existing and proposed uses on parcel
- ☐ existing bylaw requirements and proposed variance with accurate dimensions
- ☐ uses of existing and proposed buildings
- ☐ dimensions and/or floor areas of existing and any proposed buildings
- ☐ height of existing and proposed buildings/additions
- ☐ setbacks for all existing and proposed buildings to property lines, natural boundary of sea, watercourses and cliffs
- ☐ setback of existing and proposed septic field to natural boundary of the sea and watercourses (where applicable)
- ☐ parking areas including numbered parking stalls, aisle widths, stall dimensions (where applicable)
- ☐ all wetlands, sewage disposal field(s), septic tanks, wells, drainage areas, ponds and topography
- ☐ landscaping showing existing and proposed landscaping. Also, include an estimate of the cost of landscaping, provided by a Landscape Architect or qualified professional. This estimate will be used to determine the amount of any security required.
- ☐ elevation plan

If the space provided below for each section is not sufficient, please attach additional information using a Microsoft Word, Excel, Text or a separate PDF Document.

SECTION 5: Describe the current uses of the land and buildings on the property.

The existing seawall on the property is over 30 years old consisting of large and small rocks. This seawall protects the property from seawater damage. It is deteriorating in the middle section (see attached photos & survey).

SECTION 6: Describe the proposed uses of the land and buildings, and show on your site plans the location of any proposed buildings or structures. If required, submit an elevation plan showing side views of the proposal.

In June of 2014 Islands Trust conducted a one-day Green Shores seminar on Thetis Island. Three properties were chosen, one of which was mine. Islands Trust provided each owner with a marine engineer and a marine biologist to examine the seawall area, discuss the issues with the owner (and others) and make recommendations to fix the problem. The marine engineer felt that the reason for the erosion was because the seawall was built incorrectly. The key issue was that the angle of the seawall, in certain areas, was too steep and did not properly dissipate the waves.

SECTION 7: Describe the proposed variances to the bylaw requirements that are needed for the proposed development of the property. On your site plan, show the existing bylaw requirement and your proposed variance with accurate dimensions.

According to the Islands Trust Policy Statement 4.5.3 the replacement of the seawall "should not result in a loss of significant marine or coastal habitat or interfere with natural coastal processes." Policy Statement 4.5.10 states, "address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments". Policy Statement 5.2.3 states, "address policies related to the aesthetic, environmental and social impacts of development".

My goal with constructing the new seawall is to completely adhere to 4.5.3, 4.5.10 and 5.2.3.

SECTION 8: Describe the reasons for the proposed variance and why the current bylaw requirements cannot be met in the proposed development.

Islands Trust defines a seawall as a structure and as a structure it must be 25 feet setback from the natural boundary. Since a seawall wall must be at waters' edge a variance is needed.

As we do not want to build the rock wall seaward of the natural boundary, and still get the correct slope angles we have determined that we will need to extend the rock wall further towards the property by about 4-6 feet depending on the particular part of the seawall. We are able to do this because there is a pathway between the present seawall and the garden rock wall (see attached photos)

The job will require removing most of the current rock and replacing it, along with some new rock, back in the same area as before. The difference will be that the proper stone and slope angles will be used. I will also be putting in the recommended plant life to help secure the rocks. Because of the weight of a significant number of rocks and the height of the property a machine will be required to be on the beach to move and replace the rocks.

SECTION 9: Describe how the property and the surrounding lands may be affected by the proposed variance, show any of the affected features on your site plan, and describe how you propose to mitigate.

In the deconstruction phase a large machine capable of lifting extremely heavy rocks will be needed. It will be on the beach for one day only. In the construction phase the same machine will be needed to replace many of the larger rocks and will be needed for one day only. In speaking with the marine engineer and contractors they feel that very minimal damage will happen to the beach. To mitigate any potential damage the contractor will plan the rock removal and resetting carefully before actually starting with the goal to limit the machine's movement on the beach. With the 30-foot extension of the "arm" this should be achievable.

SECTION 10: Describe any consultation you have undertaken with your neighbours and strata corporation (if applicable).

I have discussed this with my 3 neighbours, Deb Wilson, Richard and Tess DeMarco and Brad and Heather Pease (24, 24A and 26 Bella Vista road respectively). None of them has any issues.

SECTION 11: APPLICATION COMPLETION CHECKLIST

- ☐ I have completed all sections of this application form
- ☐ I have included detailed site plans and elevation drawings as required in Section 4 of this application form
- ☐ I have included recent State of Title Certificate (not more than 30 days old)
- ☐ I have included copies of all covenants registered against this title
- ☐ All owners listed on the title have signed the application
- ☐ I have included the correct fee (Contact Islands Trust staff for current fees)

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

SECTION 12: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required. For additional owners, including Strata Corporations, attach a separate sheet)

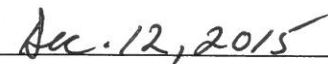
In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, I authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, if a convenient time can be scheduled, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

First Consent and Authorization



Consent and Authorization Signature



Date

Second Consent and Authorization

Consent and Authorization Signature

Date

Contaminated Sites Regulation

Print Form

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact the Islands Trust office.

Islands Trust Variance Application
25 Bella Vista Road
Thetis Island, B.C.

Section 5

The existing seawall on the property is over 30 years old consisting of large and small rocks. This seawall protects the property from seawater damage. It is deteriorating in the middle section (see attached photos & survey).

Section 6

In June of 2014 Islands Trust conducted a one-day Green Shores seminar on Thetis Island. Three properties were chosen, one of which was mine. Islands Trust provided each owner with a marine engineer and a marine biologist to examine the seawall area, discuss the issues with the owner (and others) and make recommendations to fix the problem. The marine engineer felt that the reason for the erosion was because the seawall was built incorrectly. The key issue was that the angle of the seawall, in certain areas, was too steep and did not properly dissipate the waves.

I hired the marine engineer, Jim Mitchell, to further evaluate the problem. I also hired a surveyor, Philip Bowers to conduct the needed surveying for Jim.

My initial thought was to build a concrete seawall since that is what my neighbours had done. During our discussion (with Jim and Chris Zamora, marine biologist) I learned that a rock wall, done properly, would work better and look better. I therefore decided to follow the recommendation of the Islands Trust team.

Section 7

According to the Islands Trust Policy Statement 4.5.3 the replacement of the seawall “should not result in a loss of significant marine or coastal habitat or interfere with natural coastal processes.” Policy Statement 4.5.10 states, “address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments”. Policy Statement 5.2.3 states, “address policies related to the aesthetic, environmental and social impacts of development”.

My goal with constructing the new seawall is to completely adhere to 4.5.3, 4.5.10 and 5.2.3.

The Thetis Official Community Plan Policies:

Marine and Coastal Resources Policies

13. Foreshore and adjacent coastal water area land use regulations should place emphasis on retaining natural characteristics.

14. Public access and the right to recreational use of the foreshore should be supported and protected, and such access and use should respect the interests of adjacent residents and tenure holders.

15. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by:

a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore.

b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, excepting maintenance of navigational channels and existing wharfage areas.

c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures.

My goal is to respect and achieve all the Thetis Official Community Plan Policies.

To achieve the correct angles to prevent erosion the majority of the seawall must be reconstructed either by:

1. Building the new seawall beyond the current natural boundary or

2. Remove major portions of the pathway above the current wall. This pathway potentially has Archaeological midden and I have therefore hired an archaeologist, Ginelle Taylor, to be onsite during the partial removal of the pathway (I had hired Ginelle to supervise the house demolition and the removal of the septic tanks. She has already looked at the current pathway damage and so far, has found no midden).

I will also be hiring Augie Sylvester, Penelakut Elder, to be onsite with Ginelle.

Section 8

Islands Trust defines a seawall as a structure and as a structure it must be 25 feet setback from the natural boundary. Since a seawall wall must be at waters' edge a variance is needed.

As we do not want to build the rock wall seaward of the natural boundary, and still get the correct slope angles we have determined that we will need to extend the rock wall further towards the property by about 4-6 feet depending on the

particular part of the seawall. We are able to do this because there is a pathway between the present seawall and the garden rock wall (see attached photos) The job will require removing most of the current rock and replacing it, along with some new rock, back in the same area as before. The difference will be that the proper stone and slope angles will be used. I will also be putting in the recommended plant life to help secure the rocks. Because of the weight of a significant number of rocks and the height of the property a machine will be required to be on the beach to move and replace the rocks.

By constructing the new seawall, as described, the house and property will be safe from potential water damage and the current sea life and beach will be protected.

SUMMARY OF HABITAT ISSUES

For this project the primary direct habitat impact is that a new rock slope is reconstructed over an existing rock slope and grass path. Thus we are largely maintaining large rock habitat as the status quo with some improvements to habitat due to a flatter slope and the planting of dune grass and native shrubs. However, there are also habitat concerns about the impacts of the project on the sandy beach in front of the project, especially with respect to the potential use of the beach for spawning of forage fish like sand lance.

This shoreline is contained by rocky headlands at each end, which traps sand within the bay so the primary dynamic for this sandy beach is transport of sand back and forth within the bay as waves encroach into the bay from different angles. There typically will also be seasonal onshore/offshore transport of sand with winter storms moving sand into deeper water and summer waves moving the sand back onto the upper beach. It is important that this project maintains and/or improves the beach dynamics in order to maintain and/or improve the sand habitat.

This project implements flatter slopes for the rock slope in most places and maintains the slope at the flatter east end. This can be observed on the section drawings where the existing grade is shown relative to the new construction and it is flatter than the existing slope for most sections. Rock at a flatter slope and properly placed tends to reflect less wave energy than steeper rock slopes randomly placed. This results in less scour and sand movement. As a result, this project should improve the potential for sand deposition in front of the project and could result in improved sand lance habitat. However, the expected changes to sand transport are minor and the beach dynamics are highly cyclical, both seasonally and with respect to longer storm patterns, so improvements to sand habitat may be small and difficult to observe.

The large rock will also have the habitat enhanced by planting dune grasses in the crevices near the natural boundary and other native plants and shrubs farther up the slope. The flatter slope of the rock means less wave impact and allows improved

establishment of plants. However, this is also highly dynamic and plants should be well anchored in the rock to resist wave action. In addition, the crevices in rocks can be habitat for crustaceans, insects, reptiles, small birds and other small animals.

RATIONALE FOR PLANNED DESIGN AND CONSTRUCTION

In general, a low impact design uses as small a size of rock material at as flat a slope as feasible. However, as we work towards that ideal, the materials become much more dynamic and because of the flat slopes, the area we must use becomes very large. Smaller grained or sized substrate (sand or gravel) generally supports more florals and is scarcer on our coastlines but if the smaller material is too dynamic, plants can't establish. In addition larger materials (Armour rock) that are planted can also have significant habitat value, especially if they are placed at flatter slope to reduce wave impacts and scour.

At this time in history we are typically constrained by BC Lands to working within historic natural boundaries and by planning departments from working beyond the current natural boundary. In this case, on the landside, we have a bank at the shoreline and a house quite close to the shoreline. If we start at the natural boundary, typically we have a rise of two or three metres to the top of bank over about six to nine metres. If we try to match the new slope to the existing slope without excavating significantly into the bank, this determines the minimum slope we can use.

Once we have a minimum slope, in this case ranging from 2:1 to 4:1 depending upon the location along the waterfront, we need to determine what size of rock is stable under these conditions. This depends on the wave size that can reach the slope and there are several steps that have been completed to estimate this wave height. This includes the estimation of fetch distances from different directions combined with wind speeds to estimate deep-water storm wave heights. These are modified for refraction diffraction and shoaling as required to determine what waves will travel to the site. For this case wave heights ranged from 0.7 to 1.7m depending upon the direction with the maximum from just south of SSE. After that, the elevation at the toe of the slope, in this case the natural boundary is correlated to long-term tidal water levels to establish an expected extreme water level at the slope that will occur once in 50 years and has been estimated to be 1.3m. This water depth may then limit the wave height that can reach the slope. In this case the deep-water waves were very close to the same size as the maximum deep-water waves and the design wave height was 1.7m with a wave period of 4 seconds. The stable rock size for this wave is about 2.5 feet in diameter for a 2:1 slope and 2.0 feet for a 4:1 slope. This is the smallest rock we can use on the surface layers and have confidence that 90% or more of it will stay in place during an extreme storm during an extreme high water.

While this size of rock is not the most environmentally for other environments it is the what is the best solution for this location and is still much more environmentally

friendly than the alternative, a vertical concrete or timber wall. Vertical walls are very reflective of waves and tend to scour away smaller materials, preventing plant growth and deepening the water level at the wall resulting in even bigger waves. In the long run, typically undercutting and failure of the wall will occur.

Large rock can also have dune grasses planted in the crevices near the natural boundary and other native plants and shrubs can be planted farther up the slope. In addition, the crevices in rocks can be habitat for crustaceans, insects, reptiles and small birds and other small animals.

In summary, the topography controls what slopes we can use, the high water levels determine what size offshore wave can reach the site and the slope and the wave height determine what rock size is stable. In this project we have used as flat a slope as possible ranging from 2:1 to 4:1 and as small of armour rock as possible to be stable at 2 to 2 1/2 feet diameter to create the most favourable habitat possible.

Section 9

In the deconstruction phase a large machine capable of lifting extremely heavy rocks will be needed. It will be on the beach for one day only. In the construction phase the same machine will be needed to replace many of the larger rocks and will be needed for one day only. In speaking with the marine engineer and contractors they feel that very minimal damage will happen to the beach. To mitigate any potential damage the contractor will plan the rock removal and resetting carefully before actually starting with the goal to limit the machine's movement on the beach. With the 30-foot extension of the "arm" this should be achievable.

In addition, I have hired Ginelle Taylor, archaeologist, to be onsite when the digging commences. I will also have Augie Sylvester, Penelakut elder on site as well to ensure that any midden found will be handled properly respecting First Nations culture.

Section 10

I have discussed this with my 3 neighbours, Deb Wilson, Richard and Tess DeMarco and Brad and Heather Pease (24, 24A and 26 Bella Vista road respectively). None of them has any issues.



Thetis Green Shores Scenarios Workshop

June 13, 2014



SITE B - 25 Bella Vista (Lot 18, Plan 5327)

The situation at 25 Bella Vista Road is a rip rap wall that is beginning to erode, with rocks falling off the wall.

The property is on low lying land, showing particular vulnerability to sea level rise over the next 80 years. The property owner is concerned about protecting his property and worries that the current height of the wall will be insufficient in the future.

The property owner has plans to redevelop the house in the near future, but does not plan to change the house's siting in relation to the shore.

Three concrete walls have been installed on neighbouring properties to the east.

The owner anticipates that he will have to build a seawall similar to those of his neighbours. He hopes that whatever protection work he builds will do the following:

- Be strong enough to handle the increased tides and wave action
- Ensure that the property is safe from future sea level increases for the next XX years
- Compliment the neighboring walls
- Be aesthetically pleasing for an island home on the water.

QUICK FACTS

The issue:

Failing rip rap

Shoreline Type:

Pebble/Sand next to a rocky shore on the western point

Wave exposure: Medium

General Sediment

Direction: Northward from southeasterly storms

Fetch: approximately 20 km

Height of bank:

approximately 5 feet (1.5 metres)

Vegetation at bank:

None (Lawn)

HISTORY

Neighbours assume that the rip rap wall was put up in the early 1980s following a large storm that washed away a 40' long, 8' diameter log that had long served as a breakwater at the intersection of the beach and the sandstone cliffs on the west side.

The most recent large storm was in January 2012. The photo at right was taken by a neighbor to the east of 25 Bella Vista during this storm.



SHORELINE DETAILS

The beach at 25 Bella Vista is a pebble sand beach. Pebble sand beaches are sensitive to sediment supply; they are dynamic beaches and often exhibit long-term storm cycles.

Sediment accretes (accumulates) on the beach, moving from both the southeast as well as around from the southwest onto the shore. The beach faces medium wave exposure, the highest wave exposure on the southern part of Thetis Island (see 2011 Shoreline mapping data produced by Murdoch de Greeff Inc). This beach is the end of a drift cell.

Shoreline mapping identifies this area a low-lying area, with 0-4 metres in elevation above the existing Mean Sea Level. This means it is an area particularly vulnerable to Sea Level Rise. In addition to a rising high water mark, Sea Level Rise may also cause a softening of sediment shorelines over the upcoming decades.

Recent forage fish and eelgrass mapping shows this area as important shoreline habitat. Biologists have noted this beach as good spawning habitat for Pacific Sand Lance and Surf Smelt.

Wave Fetch & Energy:

Waves are generated by wind. Wave fetch is the distance over which wind can push water to generate waves - generally, the longer the fetch, the larger the waves. In the diagram below, the wave fetch for Thetis Island is shown in green.



Foster Point





Side profile of bank facing the rocky shoreline point to the west.



The rip rap wall facing east to the rest of the beach.



Current materials on the beach in front of the property.



Beach at low tide.



25 Bella Vista (Foster Point) WORKSHEET Thetis Shoreline Scenarios Workshop – June 13, 2014

What is the challenge? What is the most critical issue?

- Failing rock wall due to extreme weather events over the past 10 years no erosion of bank noticed
- Rock wall built in 1983
- Limited yard between natural boundary (high water mark) and the existing house
- Sand lance habitat
- Barging materials to site
- Adjacent properties with cement seawalls may have added to the way the beach is

Upland Considerations (building siting, drainage)

- Not much yard between house and rock wall.
- Residence to be rebuilt in same location
- Natural boundary is at the toe of the existing
- Minor drainage issue with existing garden.
- Roof drainage should be directed away from the shoreline side of house
- If possible limited activity (new septic tank system installation, etc.) away from shoreline side of house

Shoreline Habitat Considerations:

- Eelgrass beds further out
- Exposed bedrock/sandstone outcrops on the foreshore
- 10% gradient beach
- Good habitat up to natural boundary for sand lance (sensitive marine species)

Wave energy considerations:

- End of drift/littoral cell
- Fetch is way out about 15 km and might have a worst case scenario of a 3 m wave which would end up as spray in the house
- Wave could impact rock wall as is seen from present failing

POSSIBLE SOLUTION #1

Do maintenance on the existing rock (riprap) wall, replace the existing cement ramp and gradually tie into edges of property (natural grade and adjacent cement wall)

- Gradual slope should be created from existing toe of rock wall (high water mark) to toe of rock garden (terrace) above existing walkway in a gradual slope (3-1 or less)
- Should be angular rock replacing the existing sandstone circular rock
- Initiate at the toe by burying large rocks in the ground to begin wall and gradually slope to garden terrace.
- Combination of large and small rock depending on location in the wall
- Add in dune grass, sand and gravel in between rocks
- Access to beach remains important so to use large rock slabs where the existing cement boat ramp is.



Materials required:

- Mid-size excavator
- Possibly reusing rocks
- Graded rocks – pea gravel on up
- Import clean sand and gravel
- Filter fabric
- Dune grass and other plantings
- Consultant(s)

Relative Cost and Time to do this option:

- Estimated about \$30k with extra 10-15% for consultant.
- About one week of excavator use and under a week to do plantings, etc. for a total of about 1.5 weeks.

Does this option require going below the high water mark?

Only slightly if at all as the wall will be constructed at (or just above) the high-water mark.

What are the obstacles to success for this solution?

- Tides
- Getting specific materials (i.e. rocks)
- Authorizations for agencies (i.e. DFO, FLRNO, Islands Trust, CVRD, etc.) as required.
- Additional work required on either end to connect the wall to existing infrastructure/natural rock wall.

POSSIBLE SOLUTION #2

To create a concrete retaining seawall as is done with adjoining property and further along the bay.

- It would be approximately 1 metre closer to the house location and therefore further from the high water mark
- Ability to maintain (if not increase) marine species habitat in front of wall along shoreline
- Not aesthetically pleasing for owner
- Wall will be built away from high water mark and therefore the wall should not have much of an impact or any on the foreshore.
- Ramp/access of some sort will be required for owner and boats.
- It would require moving of existing rock wall and finding a location for them.

Materials required:

- Quick set concrete
- Excavator to move rocks and machinery for cement (i.e. pump truck, etc).
- Consultant(s)
- Filter cloth, forms, rebar, etc.

Relative Cost and Time to do this option:

- Approximately \$45k and 3 weeks.

Does this option require going below the high water mark?

Should not go below high water mark other than to remove rocks. Wall will be built 1 m from high water mark.

What are the obstacles to success for this solution?

- Transportation of materials, cement etc.
- Digging that can be intrusive to the site
- Authorizations from agencies (i.e. DFO, FLRNO, Islands Trust, CVRD, etc.)

POSSIBLE SOLUTION #3

To do nothing.

There was no clear evidence of erosion to the wall other than from some storm events that may have knocked some rocks down.

- Wall has lasted about 35 years and likely could remain for some time in its current form. However, it is likely that it will become less and less over time with storm events.

PROPOSED

	THETIS ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT TH-DVP-2015.4 (CARNCROSS)
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TO: GORDON CARNCROSS

1. This Development Variance Permit applies to the land described below:

PID 001-510-487

Lot 18, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Parts in Plans 17467 and 21038

2. Pursuant to Section 922 of the *Local Government Act*, the *Thetis Island Land Use Bylaw No. 89, 2011* is varied as follows:

Subsection 5.4(b) "Minimum setback of buildings or structures" is varied to reduce the setback from the rear lot line from 6.0 metres (19.7 feet) to 0.0 metres in accordance with Schedules 'A1' through 'A6' attached to and forming part of this permit, to allow the construction of a rock retaining structure.

3. All buildings and structures shall be consistent with Schedules 'A1' through 'A6' which are attached to and form part of this permit. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of *Thetis Island Land Use Bylaw No. 89, 2011*, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

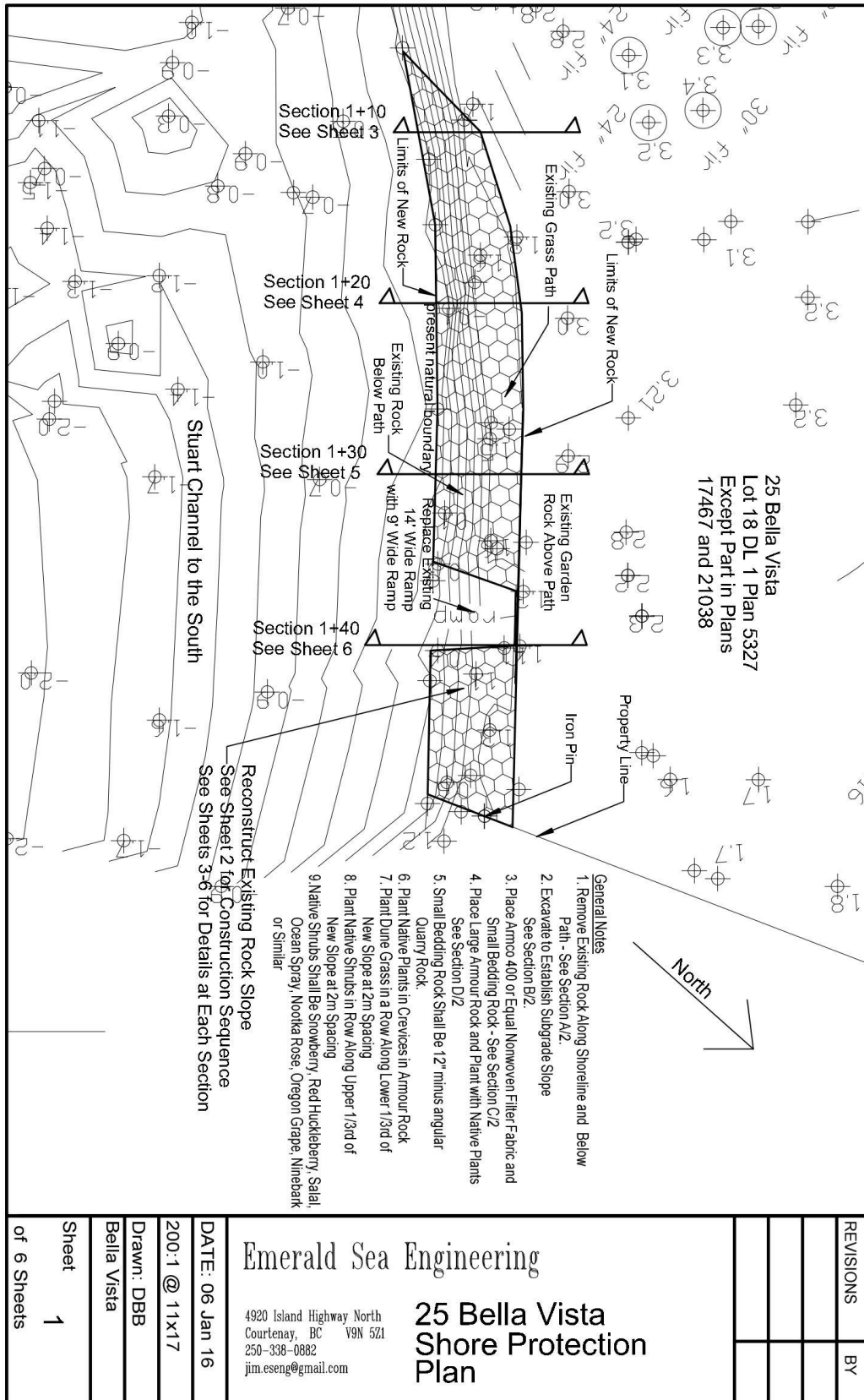
**AUTHORIZING RESOLUTION PASSED BY THE THETIS ISLAND LOCAL TRUST COMMITTEE THIS
___ DAY OF ___, 2016.**

Deputy Secretary, Islands Trust

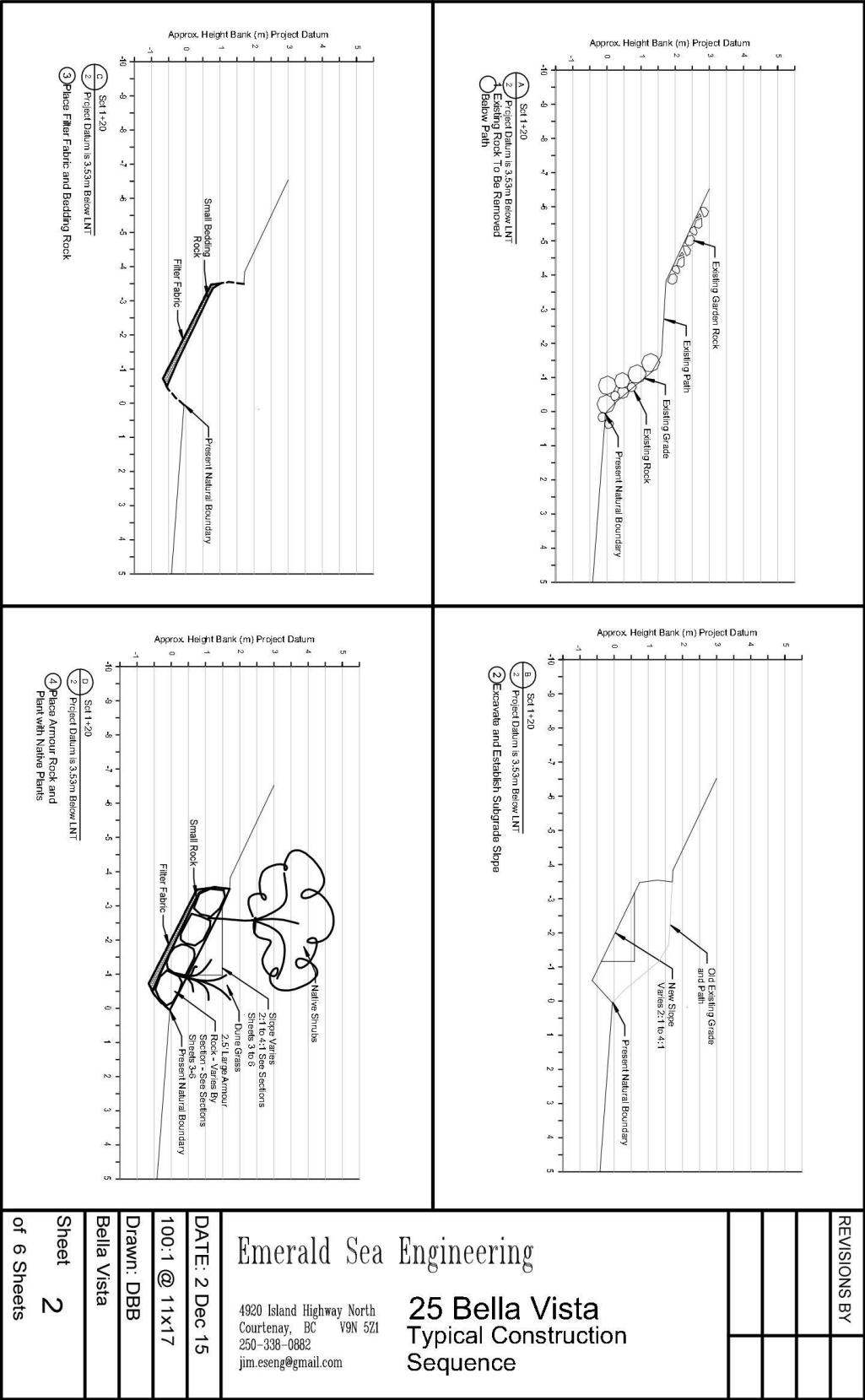
Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___ DAY OF
_____, 2018, THIS PERMIT AUTOMATICALLY LAPSES.**

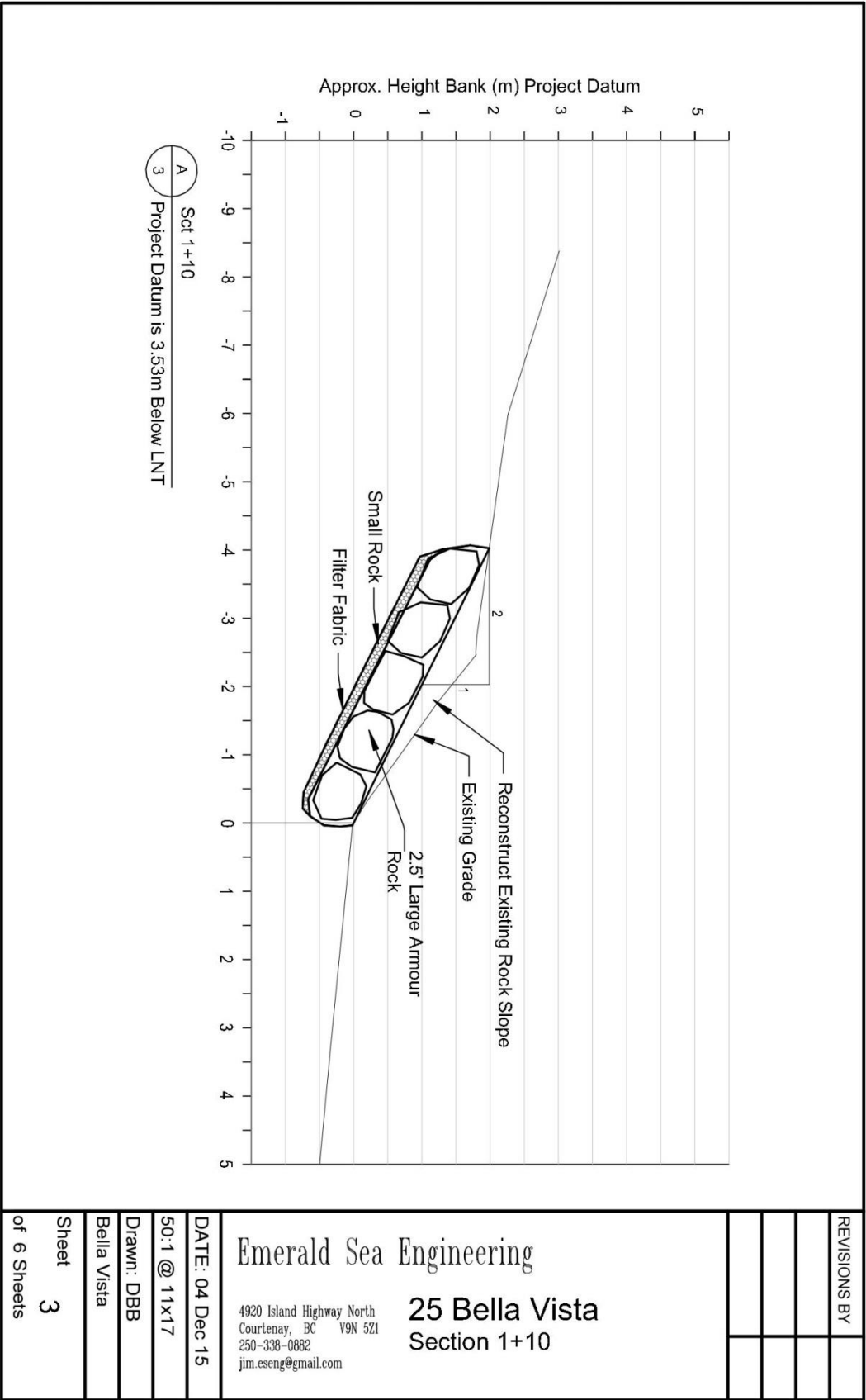
Schedule 'A1'



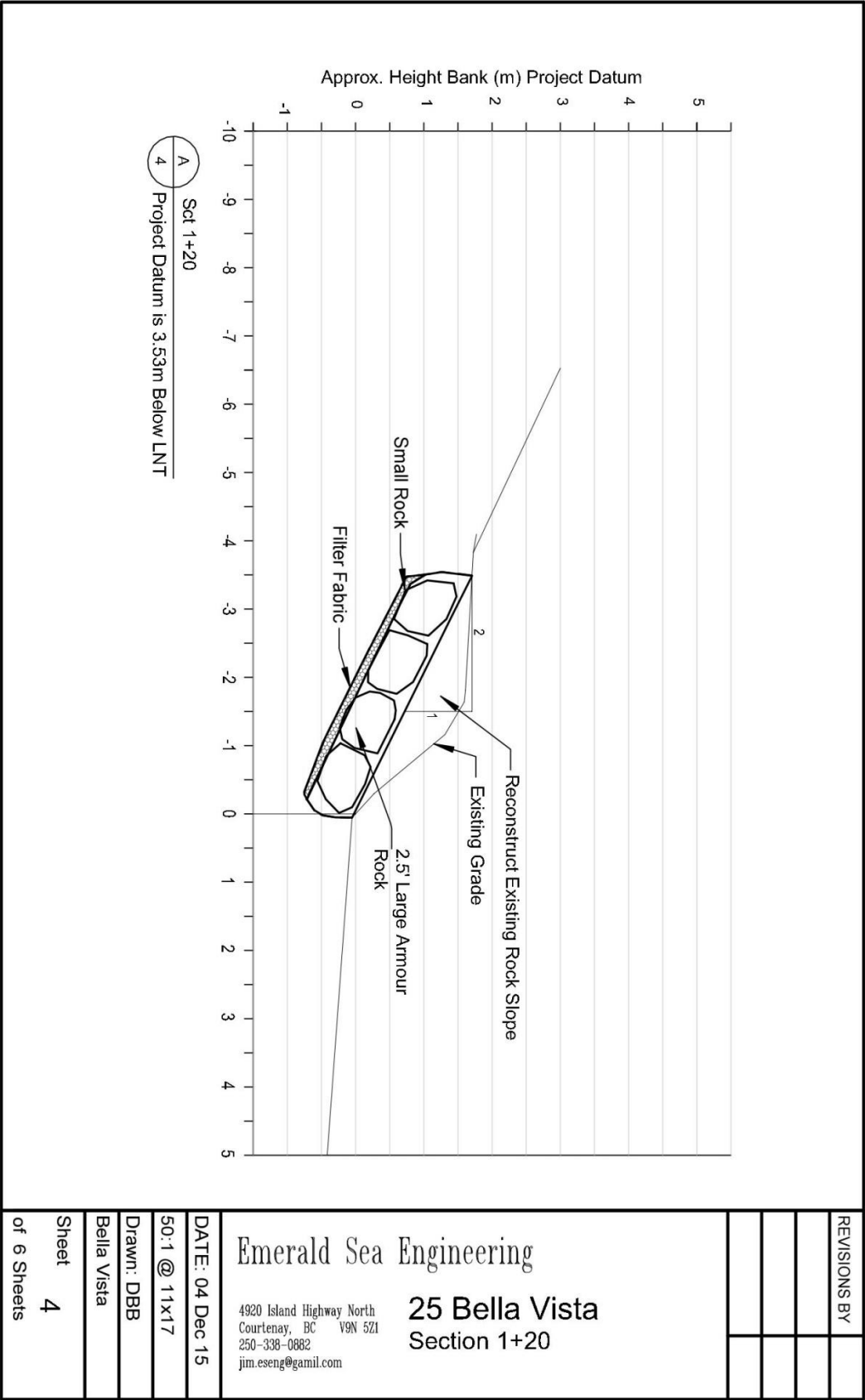
Schedule 'A2'



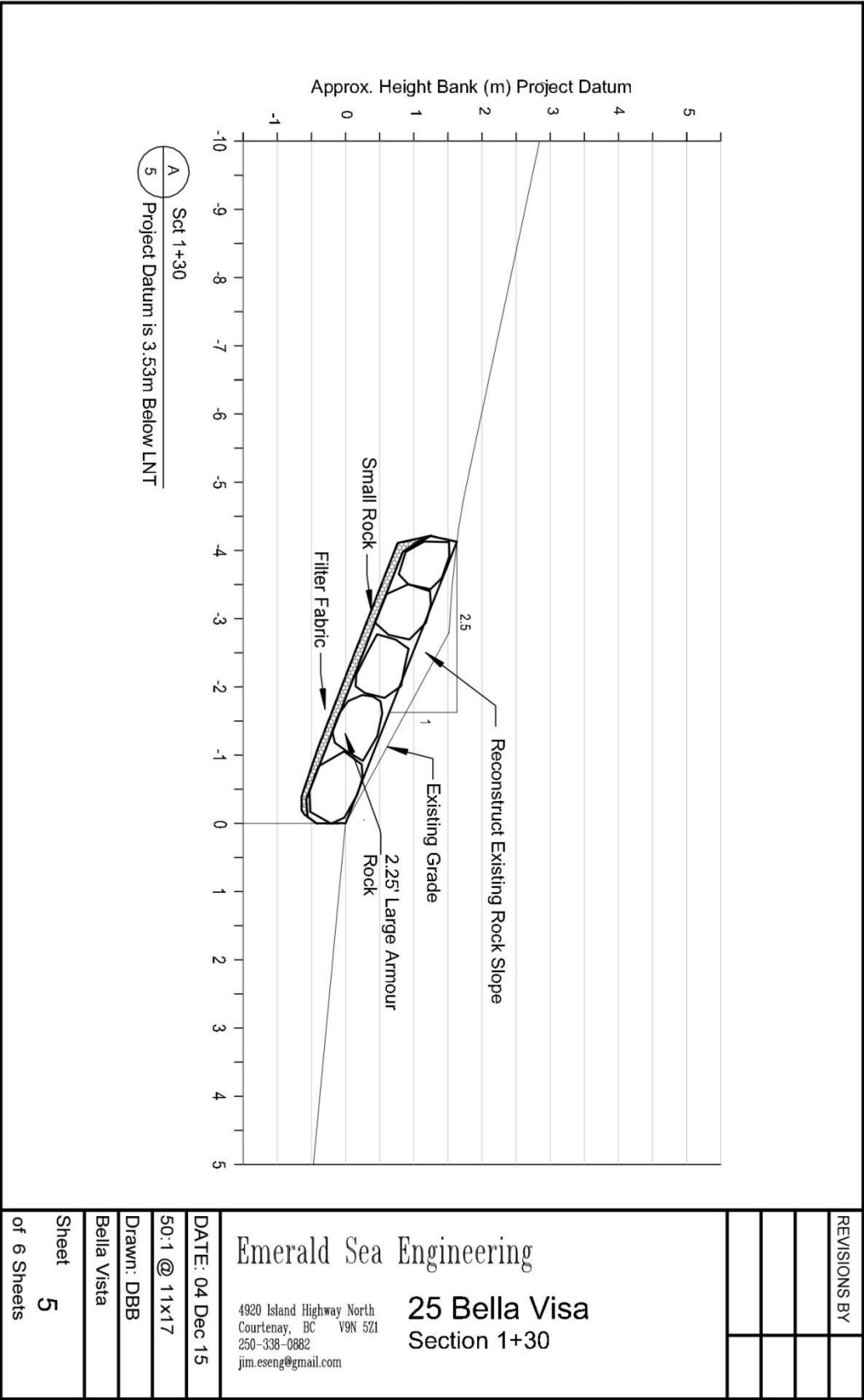
Schedule 'A3'



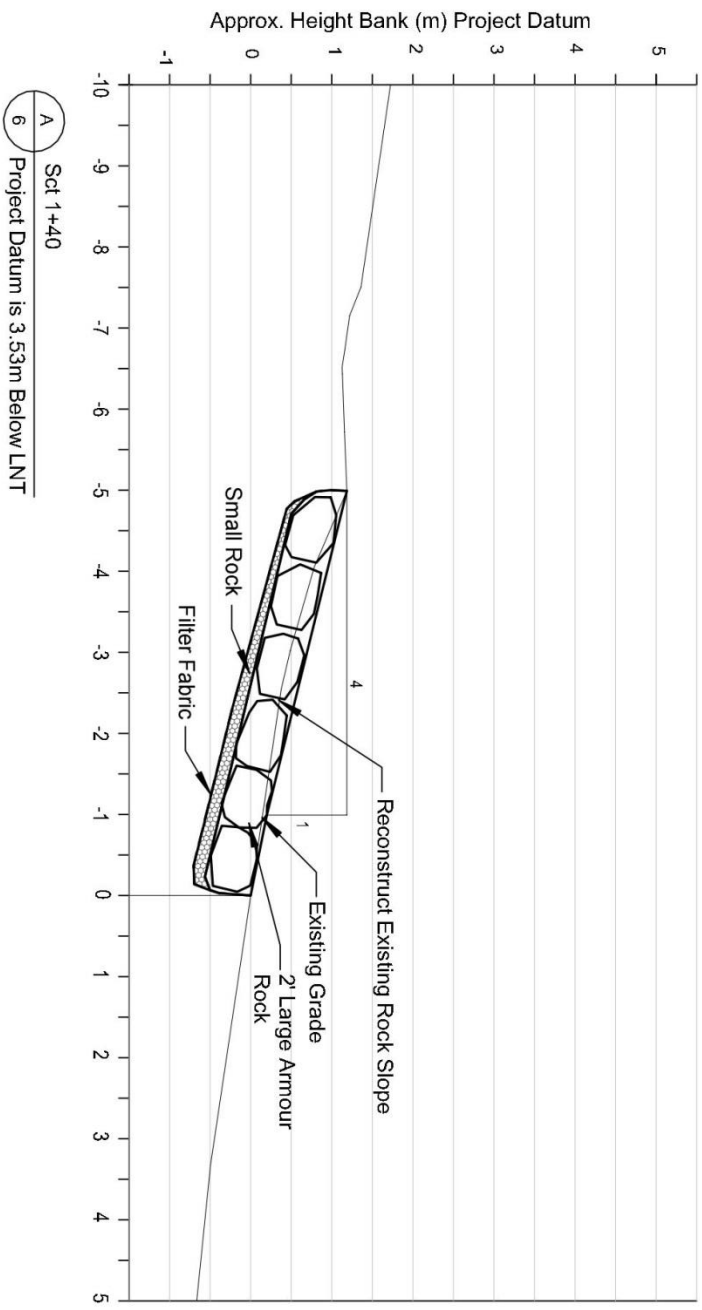
Schedule 'A4'



Schedule 'A5'



Schedule 'A6'



A 6
Sct 1+40
Project Datum is 3.53m Below LNT

REVISIONS BY		
Emerald Sea Engineering		
4920 Island Highway North		
Courtenay, BC V9N 5Z1		
250-338-0882		
jim.eseng@gamil.com		
25 Bella Vista		
Section 1+40		
DATE: 04 Dec 15		
50:1 @ 11x17		
Drawn: DBB		
Bella Vista		
Sheet 6		
of 6 Sheets		



NOTICE
TH-DVP-2015.4
THETIS ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Thetis Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*, varying Subsection 5.4(b) of the Thetis Island Land Use Bylaw No. 89, 2011:

“Minimum setback of buildings or structures”

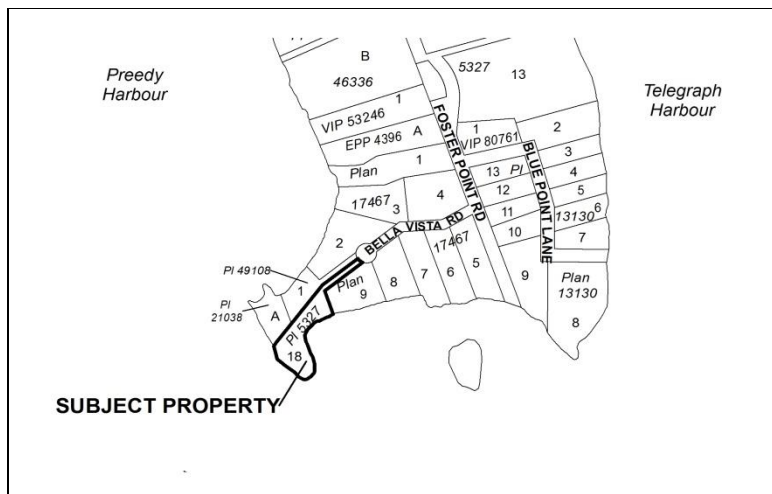
The purpose of this Permit is to reduce the setback from the rear lot line from 6.0 metres (19.7 feet) to 0.0 metres to allow the construction of a rock retaining structure.

The property is legally described as:

PID 001-510-487

Lot 18, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Parts in Plans 17467 and 21038

The general location of the subject area is shown in the following sketch:



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:30 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing Friday, January 15, 2016 and continuing up to and including Monday, January 25, 2016. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed Permit, please contact Marnie Eggen, Acting Island Planner, at 250-247-2210; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3
Fax: (250) 247-7514
Email: trittemann@islandstrust.bc.ca

Following the end of the notice period, the Thetis Island Local Trust Committee may consider issuance of the proposed Permit at its regular business meeting to be held at 9:30 am, Tuesday, January 26, 2016, Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Lisa Webster-Gibson
Deputy Secretary

Marnie Eggen

Subject: FW: Development Variance Permit Lot 18, DL 1, Thetis Island, Plan 5327

From: Deb Wilson [REDACTED]
Sent: Tuesday, January 12, 2016 5:45 PM
To: Teresa Ritemann
Subject: Development Variance Permit Lot 18, DL 1, Thetis Island, Plan 5327

Islands Trust Committee,

I am in favor of the above Development Permit being issued.

I'm the neighbour on the immediate left, 24 Bella Vista Road, Lot A Plan 21038. I think the proposed treatment of the foreshore will be an improvement both visually as well as protecting the bank from any further erosion.

Thank you for soliciting my response prior to issuance and I remain in favor of the project.

Deb Wilson
24 Bella Vista Road,
Thetis Island, BC
V0R 2Y0

[REDACTED]

Marnie Eggen

Subject: FW: Development Variance lot 18 ,District Lot 1, Thetis Island

-----Original Message-----

From: Patrick Mooney [REDACTED]
Sent: Monday, January 11, 2016 10:17 AM
To: Teresa Rittemann
Subject: Development Variance lot 18 ,District Lot 1, Thetis Island

As the owner of Lot 7 at the east end of the beach. I am in favor of the variance.

It will complete the erosion control on the entire beach.

This property was part of the Shore Protection Work shop put on by Islands Trust, The project was engineered by one of the panel of experts on the panel and used the best compromise by all participants.

Patrick Mooney
[REDACTED]



Memorandum

700 North Road Gabriola Island, BC V0R 1X3

Telephone **(250) 247-2063** FAX: (250) 247-7514

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

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date January 14, 2016

File Number TH-SUB-2014.2
(Lindberg)

To Thetis Local Trust Committee
From Marnie Eggen
A/Island Planner

Re Cost Recovery Agreement for Legal Review of a Covenant Prohibiting Residential Use of Common Property for a proposed two lot strata subdivision on PID 004-578-961; Lot 5, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except part in plan 2609 RW

The owner of the above noted property is required to enter into a covenant with the Local Trust Committee prohibiting residential use of common property pursuant to Section 2.6.11 of the Thetis Island Land Use Bylaw No. 89, 2011.

A copy of the subdivision referral report is attached for your information.

For the Islands Trust to enter into a cost recovery agreement with the applicant, a Local Trust Committee resolution is required.

RECOMMENDATION

THAT the Thetis Island Local Trust Committee instruct staff to enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a covenant prohibiting residential use of common property for subdivision application TH-SUB-2014.2 Reid (Lindberg).

pc Ann Kjerulf, Regional Planning Manager

Attachments:

1. Subdivision Referral Review Report (dated January 29, 2015)



Islands Trust

SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

Date: January 29, 2014

To: Jordan Wagner
District Development Technician

MOT File #: 2014-05330
IT File #: TH-SUB-2014.2

MOT District Office: Nanaimo

From: Karin Kronstal, Island Planner

Re: Proposed Bareland Strata Subdivision of Lot 5, District Lot 1, Thetis Island, Plan 5327, Except Part in Plan 2609RW (Civic Address 47 Harbour Road, Thetis Island)

Referral Response Summary:

Islands Trust recommends that the following be made conditions precedent of any Preliminary Layout Approval, based on Thetis Island Land Use Bylaw (LUB) No. 89 and relevant sections of the *Islands Trust Act*, the *Local Government Act*, and the *Riparian Areas Regulation*:

1. No non-conformity may be created with respect to the use, siting or density of any existing building or structure as a result of the subdivision;
2. that pursuant to section 2.6.11 of the Thetis Island Land Use Bylaw No. 89, that the applicant enter into a covenant with the Thetis Island Local Trust Committee prohibiting residential use of the common property; and
3. that upon completion of the above and review of the final plan of subdivision, that the applicant obtains written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Thetis Island Local Trust Committee bylaws.

This referral response is based upon the attached subdivision layout plan. Details of the application's compliance or non-compliance with specific bylaw regulations are provided on the attached pages.



Islands Trust

SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

1. General Information:

Applicant:	GW Lindberg Land Surveying Inc.
Land Owner:	Byron Frank Reid Sr.
Legal Description:	Lot 5, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Part in Plan 2609 RW (PID 004-578-961)
Area:	2.387 ha (5.89 acre)
Details of Proposal:	1 lot strata subdivision divided by Harbour Road (Plan 2609 RW)

2. Property Title Information: LTC Covenant/Easement/Right-of-Way/Permits

Legal Notations:	See Plan 2609 RW (Re: Road)
Comments:	No easements or restrictive covenants

3. OCP Information:

OCP Designation:	Rural Residential (R-1)
Development Permit Area:	N/A
Development Permit Required:	No
Comments:	n/a

4. Zoning Information:

Zone Classification:	Residential - R1
Average lot area:	n/a
Minimum lot area:	0.8 ha (1.98 acre)
Comments:	

5. Lot Sizes and Density:

Proposed lot areas:	Proposed Strata Lot A – 0.923 ha (2.78 acre) (divided by Harbour Road, one part is 0.483 ha and the second part is 0.440 ha) Proposed Strata Lot B – 1.242 ha (3.07 acre)
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Islands Trust

SUBDIVISION REFERRAL REPORT

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Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
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E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

	Common Property – 0.222 ha (0.55 acre)
Compliance with lot area:	Yes
Compliance with lot density:	Yes, as Section 5.3 of the Thetis Island Land Use Bylaw states there is a maximum of one single family dwelling and one guest cottage per lot in the R1 zone (Note: In the R1 zone, lots less than 1.6 hectare, the guest cottage is only used on an occasional basis, meaning that the accommodation is not used as a residence.) Currently there is no development on the property.
Covenant required:	Yes
Comments:	Restrictive covenant is required in accordance with Section 2.6.11 of the Thetis Island Land Use Bylaw No. 89, which states “Where the approval of a bare land strata plan creates common property on which this Bylaw would allow a residential use if the common property was a <i>lot</i> , the owner must grant a covenant in respect of the common property prohibiting such use and prohibiting further subdivision of the common property and the disposition of the common property separately from the strata lots.”

6. Section 946, Subdivision for a Relative:

<i>Local Government Act</i> requirements:	n/a
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7. Depth/Width Ratio:

Depth/width ratios of new lots:	No required depth/width ratio under Thetis Island Land Use Bylaw
Comments:	n/a

8. Park Dedication:

Park dedication required:	No
If Yes, Amount required:	n/a



Islands Trust

SUBDIVISION REFERRAL REPORT

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Victoria, B. C., V8R 1H8
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E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

Comments: Under section 941 of the *Local Government Act*, an owner of land being subdivided must provide (without compensation) park land when three or more additional parcels are created and at least one of the parcels is 2 ha or smaller. As only two lots are being created, there is no parkland requirement.

9. Ten Percent Waiver:

Lots Requiring Exemption: Both proposed Lot A and Lot B have meet the minimum of ten percent frontage of total lot perimeter as required under Section 2.6.8 of the Thetis Island Land Use Bylaw

Comments: n/a

10. Agricultural Land Reserve:

Proposed Lots within ALR: No

Comments: n/a

11. Servicing Requirements:

Proof of Potable Water: There are no Thetis Island Local Trust Committee bylaws requiring proof of water supply.

Sewage Disposal: Letter from applicant with supporting documentation confirms proposal shared sewage disposal field can support the waste produced by two 3-bedroom homes and two guest cottages.

Comments: Compliant with Section 13 of the Strata Property Act.

12. Road Standards:

Roads to be Constructed: n/a

Road Classification: n/a



Islands Trust

SUBDIVISION REFERRAL REPORT

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Victoria, B. C., V8R 1H8
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WWW: <http://www.islandstrust.bc.ca>

Heritage Designated Road in vicinity: n/a

Comments: Conversation with the applicant indicates that access to proposed Lot A will be via Harbour Road, and access to proposed Lot B will be via Foster Point Road. There is a road that runs along the southern edge of the property but it is not to highway standards and the applicant indicates that the owner does not intend to upgrade this road for access purposes.

13. Buildings and Structures:

Does subdivision create non-conformity with Bylaws: No

Existing non-conforming buildings or structures: No

Comments: There is no development on the property.

14. Environmental Features, Islands Trust Ecosystem Mapping:

Sensitive ecosystems identified: Yes, Mature Forests located on proposed Lot B (see Figure 1 in Attachment 2)

Raptor/Heron Nests identified: None

Watercourses: None

Riparian Areas Regulation – applicable stream or watershed: The Northwest Corner of proposed Lot A falls within an identified watershed but it has not be designated as RAR applicable

Steep Slope Hazard Classification: n/a (overall lot slope is 14%)

Comments: None

15. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility: Proposed Lot B – Moderate, Proposed Lot A – Moderate to Moderately High

Comments: None



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16. Cultural Features:

Archaeological Sites Identified:	None identified
Comments:	n/a

17. Boundary Adjustments Only:

Complies with regulations:	n/a
Comments:	none

18. Panhandle Lots Only:

Complies with regulations:	n/a
Comments:	Is not a panhandle lot.

19. Split (Hooked) Lots Only:

Complies with regulations:	Yes
Comments:	Section 2.6.5 of the Thetis Island Land Use Bylaw No. 89 states that "If a <i>lot</i> is divided into two or more portions by other land other than a <i>highway</i> , the minimum and average lot area requirements specified in this Bylaw apply to the portions as if they were separate <i>lots</i> and no new <i>lots</i> divided into two or more portions may be created except when the net result of the subdivision would be a reduction in the number of lots." However, as Harbour Road is considered a 'highway' under the Thetis Island Land Use Bylaw, this section does not apply.

Name: Karin Kronstal
Title: Island Planner

Signature: *Karin Kronstal*
Date: January 27, 2014

cc: Thetis Island Local Trust Committee
Courtney Simpson, Regional Planning Manager
G.W. Lindberg Land Surveying Inc. (applicant)

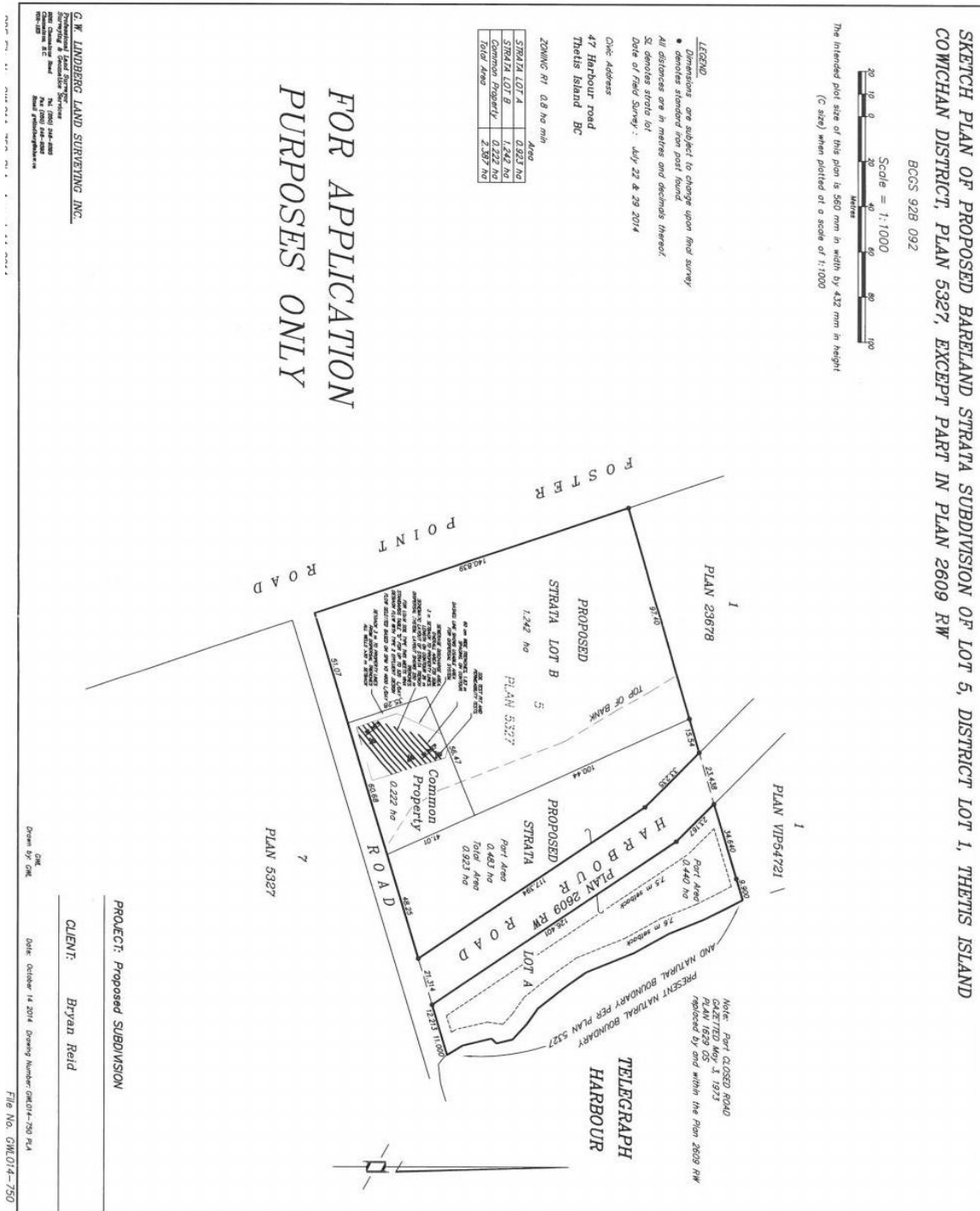


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Attachment 1: Subdivision Layout Plan





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Attachment 2: Relevant Islands Trust Mapping



Figure 1: Sensitive Ecosystems Mapping
(Schedule F, Thetis Island Official Community Plan, Bylaw No. 88)



Memorandum

700 North Road Gabriola Island, BC V0R 1X3

Telephone (250) 247-2063 FAX: (250) 247-7514

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

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date January 13, 2016

File Number 6500 – 20 Riparian
Areas Regulation

To Thetis Local Trust Committee
From Marnie Eggen
A/Island Planner
Northern Office

Re Riparian Areas Regulation Implementation – budget requests for 2016-17

At the August 11, 2015 Thetis LTC meeting, the LTC resolved to not request funds to support the Riparian Areas Regulation (RAR) implementation project in the 2016/17 fiscal year as no costs to the LTC were anticipated through RAR implementation, which would be via covenant. Consultation with the primary landowner affected by RAR and the Ministry of Forests, Lands and Natural Resource Operations, staff were satisfied that RAR implementation via covenant would be a viable approach to achieve RAR compliance.

Since consideration of the budget last August, there has been a lack of progress toward achieving RAR compliance on Thetis. Staff advises that, if RAR compliance is not achieved through a covenant with the affected landowners in a timely manner, the LTC should seek an alternate approach to achieving RAR compliance. An alternate approach, whether that be through zoning, Development Permit Area designation, or a combination thereof, would involve costs to the Thetis Island LTC as a result of the corresponding legislative process (i.e. referral and consultation with stakeholders including First Nations, and public hearing). As such, staff recommends that a budget amount of \$1,500 be allocated to the RAR implementation project for the 2016/17 fiscal year. This request, if made, would be considered by the FPC at their February 2, 2016 meeting.

Recommendation:

THAT the Thetis Island Local Trust Committee requests a revision to the draft 2016-17 Local Trust Committee Project Budget submission to include \$1,500.00 for the Riparian Areas Regulation Implementation project.

pc Ann Kjerulf, Regional Planning Manager

**Top Priorities****Thetis Island**

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Seek Community to Community funding re: Memorandum of Understanding with Penelakut, Lyackson and Stz'uminus First Nations.		29-Sep-2015	Marnie Eggen	31-Mar-2016	On Going
2	Shoreline Protection	Serving as the Pilot Local Trust Area for the Green Shores for homes draft credit rating system.	07-Sep-2011	Aleksandra Brzozow	01-Sep-2014	On Going
3	Riparian Areas Regulation Implementation	Ensure protection of freshwater ecosystems in the Ralston Creek watershed through review of current regulation and covenants, and possible bylaw amendment.	07-Sep-2011	Marnie Eggen	15-Nov-2014	On Going

**Projects****Thetis Island**

No.	Description	Activity	Received/Initiated	Status
1	Potential LUB amendments:	- short-term vacation rentals of principle dwellings in the R-2 zone - rainwater storage requirements	07-Sep-2011	On Going
1	Housekeeping Amendmends to LUB	4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)...	24-May-2012	On Going
1	Housekeeping amendments to the OCP	- objectives and policies re sea level rise (was resolution to include in draft but did not make it in to adopted OCP)	03-Oct-2012	On Going
1	Island-wide watershed protection	TBD	21-Nov-2012	On Going
1	OCP/LUB amendments to consider ocean loop geothermal exchange systems.		17-Apr-2013	On Going
1	Pilkey Point / Marina Drive Slough: Support for habitat restoration.		20-Nov-2013	On Going
1	Education and engagement re: sensitive ecosystems.	Environmental education and engagement efforts, in particular with owners on the Associated Islands, to explore ways to protect sensitive ecosystems in the Area.	19-Mar-2014	On Going
1	Explore regulatory measures to address impacts of wharf related structures.		23-Jul-2014	On Going
1	Associated Islands OCP and LUB Creation	Develop new OCP and LUB to replace Ruxton Island Zoning Bylaw, 1982, CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stz'uminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.	07-Sep-2011	On Going

Projects

Thetis Island

No.	Description	Activity	Received/Initiated	Status
1	Letter of Understanding between the Thetis LTC and the Cowichan Valley Regional District.	Planning staff to begin drafting once project progresses to Priorities.	24-Nov-2015	On Going



Islands Trust

Print Date: January 18, 2016

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
TH-DVP-2015.2	Trincomali Holdings Ltd.	03-Sep-2015	204 PILKEY POINT RD Obtain approval to construct a retaining wall.
Planner: Gary Richardson			
Planning Status			
Status Date: 15-Sep-2015 opened file, gave to planner, notified LTC, processed fees			

File Number	Applicant Name	Date Received	Purpose
TH-DVP-2015.3	RYALS, ELIZABETH	13-Nov-2015	PID: 003-625-371 District Lot 31, Ruxton Island. Variance of the 10 meter setback of the existing house from the natural boundary of the sea to 7.1 meters.
Planner: Teresa Rittemann			
Planning Status			
Status Date:			

File Number	Applicant Name	Date Received	Purpose
TH-DVP-2015.4	CARNCROSS, GORDON	14-Dec-2015	PID: 001-510-487 Seawall replacement
Planner: Marnie Eggen			
Planning Status			
Status Date: 18-Dec-2015 Planner reviewing			

Rezoning

File Number	Applicant Name	Date Received	Purpose
TH-RZ-2015.1	PENELAKUT SEAFOODS INC	11-Mar-2015	Rezoning to allow for mariculture in the marine area, south of Thetis Island.

Applications

Planner: Marnie Eggen

Planning Status

Status Date: 14-Dec-2015

First Nation and Agency referrals sent out.

Status Date: 09-Nov-2015

Supplemental Staff Report to consider 1st reading of draft bylaws 96 & 97.

Status Date: 17-Sep-2015

Preliminary staff report prepared.

File Number	Applicant Name	Date Received	Purpose
TH-RZ-2015.2	Hardy Island Granite Quarries Ltd.	05-Oct-2015	Zoning change to allow barges to be loaded and unloaded at the proposed lot.

Planner: Marnie Eggen

Planning Status

Status Date: 10-Nov-2015

Preliminary Staff Report.

Subdivision

File Number	Applicant Name	Date Received	Purpose
TH-SUB-1998.1	TRAX DEVELOPMENT LTD C/O WRIGHT FOCUS ENGINEERING LTD	25-Sep-1998	Phased Strata Subdivision 'Meadow Valley Properties' phased strata to create 21 strata lots from 4 parent parcels

Planner: Marnie Eggen

Planning Status

Status Date: 18-Dec-2015

Staff comments provided to MOTI.

Status Date: 14-Sep-2015

Applicant seeking comments on Phase III. Planner reviewing file.



Applications

Status Date: 15-Jul-2015
MOTI issued 1 yr. extension.

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2014.1	J.E. Anderson & Associates	23-Jun-2014	Ruxton Island to create 2 parcels from 3 existing lots

Planner: Marnie Eggen

Planning Status

Status Date: 08-Jan-2016
No change

Status Date: 11-Aug-2014
Sub not permitted; applicant request put on hold

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2014.2	GW Lindberg Land Surveying	25-Nov-2014	To established strata lots

Planner: Marnie Eggen

Planning Status

Status Date: 08-Jan-2016
Staff reviewing covenant.

Status Date: 29-Jan-2015
Sent referral to MOTI

Status Date: 28-Nov-2014
Reviewed File

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2015.1	Polaris Land Surveying Inc.	19-Aug-2015	PID:007-818-459 The proposed subdivision will create 2 parcels (including remainders) and the intended use of the land and/or buildings and structure is residential.

Planner: Marnie Eggen

Planning Status

Applications

Status Date: 08-Jan-2016

Planner reviewing application.

Status Date: 03-Sep-2015

Planner reviewing. In unzoned area, Local Services Act (4.047 ha min lot size) prevents proposed Strata subdivision.
Awaiting direction from applicant.

Islands Trust
LTC EXP SUMMARY REPORT F2016
Invoices posted to Month ending December 2015

670 Thetis	Invoices posted to Month ending December 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-670	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,000.00	404.81	595.19
65210-670	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-670	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-670	LTC - Local Exp - Special Projects	750.00	656.25	93.75
TOTAL LTC Local Expense		<u>2,550.00</u>	<u>1,061.06</u>	<u>1,488.94</u>
Projects				
73001-670-3008	Thetis RAR	1,500.00	0.00	1,500.00
73001-670-4033	Thetis Foreshore Protection	5,000.00	5,000.00	0.00
TOTAL Project Expenses		<u>6,500.00</u>	<u>5,000.00</u>	<u>1,500.00</u>