A NOTICE OF A BUSINESS MEETING OF **THE THETIS ISLAND LOCAL TRUST COMMITTEE**
to be held at 9:15 am on Wednesday, July 23, 2014 at Thetis Island Community Centre
(Forbes Hall Library) North Cove Road, Thetis Island, BC

AGENDA

		Page No.	****Approx. Time****
1.	**CALL TO ORDER**		9:15 am
2.	**APPROVAL OF AGENDA**		
2.1	Additions and Deletions		
2.2	Questions from the Public on Agenda Items		
3.	**TOWN HALL SESSION (10 MINUTES)**		
4.	**MINUTES**		
4.1	Local Trust Committee Meeting Minutes of June 4, 2014 - *for adoption - attached*	1-9	9:25 am
4.2	Section 26 Resolutions Without Meeting - *none*		
4.3	Advisory Planning Commission Meeting Minutes - *none*		
4.4	Ruxton Island Advisory Planning Commission Minutes - *none*		
5.	**BUSINESS ARISING FROM MINUTES**		9:40 am
5.1	Follow-up Action List dated July 14, 2014- *attached*	10	
6.	**DELEGATIONS – *none declared***		
7.	**CORRESPONDENCE - *none***		
	Correspondence specific to an active development application and/or project will be received by the Thetis Island Local Trust Committee when that application and/or project is on the agenda for consideration.		
8.	**APPLICATIONS AND PERMITS - *none***		
9.	**LOCAL TRUST COMMITTEE PROJECTS**		10:00 am
9.1	Associated Islands Official Community Plan and Land Use Bylaw		
	9.1.1 Staff Report dated July 7, 2014 – *attached*	11-132	
9.2	Shoreline Protection – *for discussion*		
	9.2.1 Memorandum dated July 14, 2014 - *attached*	133	

10. REPORTS

10.1 **Work Program Reports**

10.1.1 Top Priorities and Projects Report dated July 14, 2014- *attached* 134-136

10.2 **Applications Log**

10.2.1 Report dated July 14, 2014 - *attached* 137

10.3 **Trustee and Local Expenses**

10.3.1 Expenses posted to end of June, 2014 - *attached* 138

10.4 **Chair's Report**

10.5 **Trustees' Report**

10.6 **Advisory Planning Commission Report - *none***

11. NEW BUSINESS

11.1 Gabriola Island Local Trust Area Bylaw Referral Request for Response regarding Bylaw Nos. 274 and 275 - *attached* 139-140

11.2 Gabriola Island Local Trust Area Bylaw Referral Request for Response regarding Bylaw No. 276 - *attached* 141-143

12. BYLAWS

13. ISLANDS TRUST WEBSITE

13.1 Thetis Pages – *for discussion*

14. TOWN HALL DISCUSSION (10 MINUTES – TIME PERMITTING)

15. NEXT MEETING DATE

Wednesday, September 17, 2014 at 9:15 am at Thetis Island Community Centre (Forbes Hall Library) North Cove Road, Thetis Island, BC

16. ADJOURNMENT

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

Thetis Island
Local Trust Committee
Minutes of a Regular Meeting

Date of Meeting:	**Wednesday, June 4, 2014**
Location:	**Thetis Island Community Centre, Forbes Hall Hunter Room** **292 North Cove Road, Thetis Island, BC**
Members Present:	Ken Hancock, Chair Peter Luckham, Local Trustee Sue French, Local Trustee
Staff Present:	Courtney Simpson, Regional Planning Manager, Northern Team Aleksandra Brzozowski, Island Planner Janice Young, Recorder
Media And Others Present:	Zero (0) members of the public were in attendance

1. CALL TO ORDER

Chair Hancock called the meeting to order at 9:30 am. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

2.1 Additions and Deletions

The following additions to the agenda were presented for consideration:

- Late items, additions to items as presented in late items, additions to agenda package
- 11.8 Dock on Dayman Island – for discussion

By general consent the agenda was approved, as amended.

2.2 Questions from the Public on Agenda Items – None

3. TOWN HALL - None

4. MINUTES

4.1 Local Trust Committee Draft Minutes of April 16, 2014

The following amendments to the minutes were presented for consideration:

- Item 4.1, page 2, fifth bullet, first line, add after the word "resolution" the words "for clarity".
- Item 9.1.1, page 5, paragraph 4, delete last sentence, "Trustees supported the idea."
- Item 9.2.1, page 3, fourth bullet, fourth line down, change the name "Esquire" to "Squire".
- Item 12.4, page 8, last sentence – change "dealing" to "meeting".
- Item 12.5, line 2, add after "Nation" the words "Chief and Staff member".
- Item 15.1, page 9, second line, change to read "Homes Coastal Shores government jurisdiction very helpful."

By general consent the minutes were adopted, as amended.

4.2 Section 26 Resolutions Without Meeting Log – None.

4.3 Advisory Planning Commission Meeting – None.

4.4 Ruxton Island Advisory Planning Commission Minutes – None.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow Up Action List Dated May 26, 2014

Planner Brzozowski reported on the Follow Up Action List and suggested moving the first two items to the Projects List. Discussion followed.

TH-2014-038
It was MOVED and SECONDED,
to move February 8, 2013 Activity No.1 "Develop recommendations for a joint proactive enforcements strategy with the Cowichan Valley Regional District" to the Projects List.

CARRIED

TH-2014-039
It was MOVED and SECONDED,
to remove May 23, 2012 Activity No.1 "Report to LTC on use of neighbourhood mediation on Thetis" from the Follow up Action List.

CARRIED

Trustee Luckham will follow up on community members' interest in neighbourhood mediation.

5.2 Advisory Planning Commission Bylaw Amendment Update

5.2.1 Staff Report dated May 22, 2014

Planner Brzozowski presented a report on request to restructure term for Advisory Planning Commissions (APC) members. Discussion followed regarding the benefits of restructuring, including reduced administrative burden and aligning APC terms with the terms of the Local Trust Committee (LTC).

TH-2014-040
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee amend Bylaw No. 91, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw 2012" to change all terms of members to two years, and bring recommendation for a standing resolution directing staff to advertise for upcoming appointments.

CARRIED

TH-2014-041
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee direct Staff not to proceed with filling Advisory Planning Commission vacancies at this time and request Staff to write a letter for the Chair's signature to current members of the Advisory Planning Commission, to thank them and solicit feedback for their time on the Advisory Planning Commission, and ask if they wish to be considered for reappointment in the new term.

CARRIED

6. DELEGATIONS – None.

7. CORRESPONDENCE – None.

8. APPLICATIONS AND PERMITS – None.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Associated Islands Official Community Plan and Land Use Bylaw

9.1.1 Staff Report dated May 20, 2014
9.1.2 Memorandum dated June 2, 2014

Planner Brzozowski presented a report and memorandum, outlining steps taken so far and steps for proceeding with this process; also reviewed timeline and procedural choices.

Discussion followed regarding the importance of considering numerous responses to the early drafts, and also the importance of upcoming meetings for example, Chemainus First Nations.

Concerns were also expressed regarding noise bylaws and the importance of aligning with the Cowichan Valley Regional District (CVRD) regulations.

Review of the process of readings and amendments.

TH-2014-042
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee receive the referral comments of proposed Bylaw Nos. 93 and 94 received to date, and request Staff to provide recommendations to proposed Bylaw No. 93 and 94 to address concerns expressed by referral agencies and the community at the July 23, 2014 Local Trust Committee meeting.

CARRIED

9.2 Shoreline Protection – Shoreline Scenarios Workshop

9.2.1 Memorandum dated June 2, 2014

Planner Brzozowski reviewed the event planning so far; discussion of the events agenda followed including logistics of participants having the opportunity to visit all three of the sample sites, which are:

- St. Margaret's Cemetery
- 25 Bella Vista Road
- 136 Sunrise Point Road

Trustee Luckham has secured, from Capernwray Harbour Bible College, the use of a fourteen passenger van, with driver, to assist with transporting participants.

There are approximately thirty-two (32) participants to date including contractors, property owners, neighbouring property owners and realtors.

Planner Brzozowski thanked the LTC for feedback and will keep in mind the points made.

Trustee Luckham will contact Ralf Kempe, the van driver, with the time for the van to be at the community centre, when he will be free to go and also contact information for him to be in contact with Planner Brzozowski for further information. It was agreed that $100 will be given to Capernwray, for the use of the van.

10. REPORTS

10.1 Work Program Reports

10.1.1 Top Priorities and Project Report Dated May 26, 2014

The report was presented and received.

10.2 Applications Log

10.2.1 Report Dated May 26, 2014

The report was presented and received.

10.3 Trustee and Local Expenses

10.3.1 Final Fiscal Year-End Expenditures to March 31, 2104

10.3.2 Expenses Posted to end of May, 2014

Expense reports received and reviewed.

10.4 Chair's Report

Chair Hancock reported on preparations for June Trust Council meeting to be held on Saturna Island. Item of interest on the agenda is meeting with the Commissioner from San Juan County.

10.5 Trustees' Reports

Trustees French and Luckham reported that they met with Reid Islanders to discuss the Associated Islands Official Community Plan and Land Use Bylaw process and to encourage them to contact Staff with any concerns**.**

10.6 Advisory Planning Commission Report - None

11. NEW BUSINESS

11.1 New Federal Marihuana for Medical Purposes Regulation

11.1.1 Staff Report dated April 28, 2014

Regional Planner Manager Simpson presented a report outlining changes in legation and how this could affect the Thetis Island Bylaws.

Discussion followed looking at the possible and potential implications for Thetis Island as well as the associated islands.

TH-2014-043
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee add to the Projects List "Potential Land Use Bylaw amendments from the New Federal M*arihuana for Medical Purposes Regulation.*"

CARRIED
Trustee Luckham Opposed

11.2 Gabriola Island Local Trust Area Bylaw Referral Request for Response regarding Bylaw No. 273

Discussion followed.

TH-2014-044
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee advise the Gabriola Island Local Trust Committee that the Thetis Island Local Trust Committee interests are unaffected by Bylaw No. 273.

CARRIED

11.3 Galiano Island Local Trust Area Bylaw Referral Request for Response regarding Bylaw No. 246

11.4 Galiano Island Trust Area Bylaw Referral Request for Response regarding Bylaw No. 247

11.5 Galiano Island Trust Area Bylaw Referral Request for Response regarding Bylaw No. 248

Discussion followed.

TH-2014-045
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee advise the Galiano Island Local Trust Committee that the Thetis Island Local Trust Committee interests are unaffected by Bylaw Nos. 246, 247, and 248.

CARRIED

Upcoming referrals to be considered by Resolution Without Meeting.

11.6 Islands Trust/Islands Trust Fund Forage Fish Habitat Mapping – Thetis Island

11.6.1 Memorandum dated May 28, 2014

Memorandum received; discussion of Local Trust Committee options followed.

TH-2014-046
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee request Staff to provide links to the Forage Fish Habitat Mapping on the Thetis Island web page.

CARRIED

TH-2014-047
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee request to include the Forage Fish Habitat Mapping in the Greenshores Pilot Project.

CARRIED

11.7 Upcoming Woodlot Licence Plan referral (Woodlot 2043 on Valdes Island)

11.7.1 Memorandum dated June 2, 2014

Planner Brzozowski presented a memorandum providing background information on the subject of a Woodlot Licence Plan, and the processes regarding a Woodlot Licence.

Trustee Luckham read a draft letter he had written regarding Woodlot 2043, on behalf of the Local Trust Committee, for consideration and comments. The letter is an executive summary of the progress of this project, as well as addressing concerns of the Local Trust Committee whose role is to serve and protect the land and engage in advocacy work when needed.

Discussion, entertaining various aspects of this situation, followed.

TH-2014-048
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee directs Staff to prepare a response to the Woodlot Licence Plan for Woodlot 2043 referral, based on information provided to them through various Islands Trust policy documents and information sources, to be reviewed and endorsed by the Local Trust Committee at the July 23, 2014 meeting, or by Resolution Without Meeting if required to fit the time constrictions.

CARRIED

Letter drafted by Trustee Luckham to be on hold for the present.

11.8 Dock

Trustee Luckham spoke to, and provided aerial photographs of the dock being constructed on the south side of Dayman Island, which appears to be approximately 168 meters long, extending at least 100 metres out into the water.

Discussion followed regarding docks, dock regulations and zoning. There is an opportunity in the Associated Islands Official Community Plan and Land Use Bylaw to open a discussion on guidelines for future dock size consideration.

Item in need of attention put forward – for the LTC to provide a motion to support the Resolution Without Meeting.

11.9 Housekeeping Items

Amendment of March 19, 2014 Minutes.

TH-2014-049
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee amend the March 19, 2014 minutes as follows: to renumber the resolution in minutes Item 17 to TH-2014-027; and to adopt the minutes as amended.

CARRIED

12 BYLAWS – None

13 ISLANDS TRUST WEBSITE

13.1 Thetis Pages

Discussion of website followed.

TH-2014-050
It was MOVED and SECONDED,
that the Thetis Island Local Trust Committee direct Staff to post a link to the Coastal Douglas Fir Report to the website and a link be provided to the Woodlot Licence Plan, Woodlot 2043, referral, when it is available.

CARRIED

14 TOWN HALL DISCUSSION - None

15 NEXT MEETING DATE

The next meeting will take place on Wednesday, July 23, 2014 at 9:15 am at the Thetis Island Community Centre (Forbes Hall Library), North Cove Road, Thetis Island, BC.

16 ADJOURNMENT

By general consent the meeting adjourned at 1:55 pm.

_____
Ken Hancock, Chair

CERTIFIED CORRECT:

_____
Janice Young, Recorder

Print Date: Jul-15-2014

Follow Up Action Report w/ Target Date

Thetis Island
Mar-19-2014

No.	Activity	Responsibility	Target Date	Status
1	Amend APC admin bylaw to eliminate 1-year terms to 2-year terms for all members.	Aleksandra Brzozowski Lisa Webster-Gibson	Jul-09-2014	On Going

Jun-04-2014

No.	Activity	Responsibility	Target Date	Status
1	Staff to prepare a letter for Chair's signature to send to the APC members, including: • thank the APC members for their service and let them know that their terms have expired/will expire but the APC will lapse for the remainder of the term • tell them that the plan is to appoint an APC in the new year following the election and the beginning of a new term, and to let us know if they would like to be kept on file to be contacted about serving another term at that time • advise them that the APC bylaw terms are to be amended, and if they would like to comment or have questions about this, to contact the local Trustees	Aleksandra Brzozowski Becky McErlean	Jul-23-2014	Done
1	To prepare a referral response to the Woodlot License Plan for W2043, to be reviewed by the LTC.	Aleksandra Brzozowski	Jul-23-2014	On Going
1	Post a link to the Coastal Douglas Fir Report to the website and a link be provided to the Woodlot Licence Plan, Woodlot 2043, referral, when it is available.	Aleksandra Brzozowski	Jul-23-2014	On Going

STAFF REPORT

Date: July 7, 2014 **File No.:** TH-6500-20

To: Thetis Island Local Trust Committee
For meeting of July 23, 2014

From: Aleksandra Brzozowski, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: **Thetis Associated Islands Official Community Plan and Land Use Bylaw**

THE PROPOSAL:

This project was initiated by the Thetis Island Local Trust Committee (LTC) to create an official community plan and land use bylaw for Ruxton, Whaleboat, Pylades, Tree, Reid, Hudson, Scott, Dayman, Dunsmuir and Bute Islands.

The purpose of this report is to:

1) present possible revisions to the current proposed bylaws for the Thetis Associated Islands Official Community Plan (OCP) and the Thetis Associated Islands Land Use Bylaw;
2) present Proposed Bylaws No. 93 and No. 94 for consideration of second reading pending any amendments; and,
3) present possible dates and venues for the Community Information Meeting and Public Hearing for Proposed Bylaws No. 93 and No. 94.

BACKGROUND:

A preliminary report at the April 18, 2012 LTC meeting provided background information. A second report at the May 23, 2012 meeting presented a Terms of Reference for the project, a draft survey on communication and engagement methods, and draft communication materials. A staff report at the November 21, 2012 LTC meeting presented draft project goals, and a staff report at the April 17, 2013 LTC meeting presented revised project goals based on community feedback.

The first draft of the OCP was presented at the June 5, 2013 meeting, and the first draft of the LUB was presented at the November 20, 2013 meeting. Further changes to both the OCP and LUB were reviewed at the February 5, 2014 and March 19, 2014 regular business meetings.

Both the draft OCP and draft LUB received First Reading on April 17, 2014. Referral responses received prior to May 31, 2014 were presented at the June 4, 2014 LTC meeting.

SITE CONTEXT:

Please refer to the Community Profile, September 2012 for site context information.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Please refer to the staff report presented at the November 21, 2012 LTC meeting for this information.

REVISIONS TO CONSIDER PRIOR TO SECOND READING:

A number of comments have been made by agencies, First Nations, and community members thus far during the referral and public input period. Comments received to May 30, 2014 were presented to the LTC at the June 4, 2014 LTC meeting. Comments received after May 30, 2014 are attached to this staff report (Attachment 1).

A number of suggested revisions and clarifications regarding the proposed bylaws have been received and considered by Staff. These suggested revisions and staff recommendations are noted in the attached Summary Sheet of Suggested Revisions to Proposed Bylaws 93 and 94 (Attachment 2).

REVISIONS CONCERNING USE AND DENSITY TO CONSIDER PRIOR TO SECOND READING:

Four issues were raised during this input period that warrant detailed consideration by the LTC, as they would impact regulations and policies concerning land use and/or density. These four concerns are discussed at length below.

Removing Bute and Dunsmuir Islands from the Area of Application

Islands Trust Staff met with Stz'uminus Nation staff on July 2, 2014 to discuss concerns expressed by the Stz'uminus Nation. The Stz'uminus Nation stated that they have asserted particular interest and specific claim for Bute and Dunsmuir Islands. The position taken by the Stz'uminus Nation is that any zoning, even confirmation of the status quo, negatively impacts their claim to Bute and Dunsmuir Islands.

The Stz'uminus Nation calls on the LTC to embark on a much improved consultation process on these lands, beginning with a Memorandum of Understanding between the Islands Trust (or Local Trust Committee) and the Stz'uminus Nation.

In order to not stall the planning process for the other islands in the Plan Area, Staff and representatives from the Stz'uminus Nation propose to the LTC that Bute and Dunsmuir Islands be removed from the current planning process, and a separate process be undertaken specifically on these islands in the new term. A letter is forthcoming to the LTC from the Stz'uminus Nation on this topic.

Currently, there exists marine zoning and outdated upland zoning for Bute and Dunsmuir Islands, so there is not an immediate need to introduce zoning for this area. Staff supports the idea of taking the time to engage the stakeholders and work together to progressively plan for Bute and Dunsmuir Islands.

The Stz'uminus Nation has agreed to provide feedback on the more general policies in the OCP, as they do maintain interest in the other areas of the Plan Area. Also, there is a good possibility that pending zoning review, policies and regulation for Bute and Dunsmuir Islands would be added into the Associated Islands OCP and LUB at a later date.

Permitting “Recreational Cottages” as additional density

The current *Islands Trust Regulation* for unzoned areas allows for one recreational cottage not exceeding 37 square metres in floor area in addition to a main dwelling unit. Since accessory buildings also apply to recreational cottages in this regulation, one can interpret the intent to mean that a recreational cottage is intended to be a primary use. This fits with the current land use pattern on unzoned islands such as Reid with one main dwelling unit and a smaller second unit on the same lot. No mention is made in the regulation about the nature of “recreational cottages” other than size, so in all likelihood, kitchens have been placed in existing recreational cottages.

The majority of residents in the northern part of Reid Island noted as a comment that they would like to add two guest cabins with kitchens, up to 100 square metres each, as permitted structures for North Reid Island, in addition to the proposed one primary dwelling per lot.

Currently, unzoned properties are permitted one small recreational cottage in addition to the main dwelling unit. Permitting two guest cabins with kitchens in addition to a primary dwelling unit would significantly increase the density of North Reid lots, beyond even what could be allowed through the current regulation. Note that some North Reid lots have the potential to subdivide, so allowing additional density as well as allowing for subdivision would make for fairly dense properties if fully subsidized. Staff advises against permitting one dwelling unit and two guest cabins with kitchens on North Reid Island.

Considering, instead, that one recreational cottage be permitted as a secondary dwelling unit on previously unzoned land could be an option. Many lots on northern Reid Island already have at least one such cabin, and not allowing a secondary dwelling unit on undeveloped properties would introduce an inequality into the future.

Below is a summary of residential density provisions for other comparable small islands.

Island	***Residential Density Provisions in the LUB***
Ballenas-Winchelsea Islands	All Zones: One dwelling per lot (any size lot)
Passage Island	One dwelling per lot (any size lot)
Valdes Island	R1 Zone: One dwelling and one guest cottage not exceeding 65 m² (700 ft.²) on lots larger than 4.0 ha/10 acres. RH Zone: One dwelling and one guest cottage not exceeding 65 m² (700 ft.²) on lots larger than 1.0 ha/2.5 acres. R2 Zone: One dwelling on lots larger than 2.0 ha/5 acres.
Gambier Island	One dwelling and one associated secondary dwelling in specific zones for lots larger than 0.4 ha/1 acre subject to size regulations.
Keats Island	RR Zone: Two dwellings per lot over 8 ha/20 acres. RR Zone: One dwelling and one guest cottage on lots larger than 0.8 ha/2 acres. RC Zone: One dwelling and one guest cottage on lots larger than 1.0 ha/2.5 acres.

The concept of allowing a secondary dwelling unit is not unheard of on other Islands Trust land use bylaws. However, most have size restrictions for the cottage and a minimum parcel size of 1 hectare.

If considering one guest cabin in addition to a main dwelling unit, similar to the current Islands Trust Regulation, a definition of "cottage" would be required. Staff would recommend the following language for such a definition:

> **cottage** means a dwelling containing sleeping facilities, which may or may not contain a kitchen and sanitary facilities, that is intended exclusively to accommodate persons who are non-paying guests of the owner of the principle dwelling unit on the lot.

Staff notes that Island Health requires one hectare per dwelling for lots serviced by well and septic. In addition, a domestic water system that serves more than one single family dwelling unit is considered by Island Health to be a community water system, requiring proper compliance with the Drinking Water Protection Act and Regulation. Such compliance will include testing and monitoring, requiring additional effort and expense should a property owner wish to install a water system into a cottage.

The current proposed bylaw allows for sleeping cabins, the key distinction being that sleeping cabins do not have a water system in them for kitchen or sanitary purposes. The current proposed bylaw does not stipulate a restriction on the number or size of accessory sleeping cabins. Such sleeping cabins would also not draw on the septic or well, nor introduce the need for the units to comply as a community water system.

It is staff's opinion that the option to amend the R2 and R3 zones to allow for one principle dwelling unit and one cottage of a specified size (likely ~65m2) for lots larger than 1 hectare could be a reasonable one. Such an amendment would reflect the previous development potential of previously unzoned islands and prevent a number of legal non-conforming buildings. To address the issue of the community water system requirements, information notes could be placed in the Land Use Bylaw following the permission of cottages as secondary dwelling units in the R2 and R3 zones.

<u>Decreasing Lot Coverage</u>

One concern noted by multiple communities was that the proposed maximum lot coverages were too high. While no property owner is required to build to the maximum lot coverage, this concern suggests a misjudgment on the part of Staff when drafting the proposed lot coverages for the Plan area. A decrease in lot coverage falls in line with the objectives of the proposed OCP and LUB, as well as with the policies in the Trust Policy Statement.

Consideration must also be given, then, to reducing the lot coverage for all the islands, or only those that noted concern about the maximum lot coverage set. Staff presents the following options to respond to this issue:

1. Change Section 5.1 (3) to lower the maximum lot coverage for the R1 (Ruxton) zone from 25% to 15% <u>AND</u> add a site-specific regulation R2(a), lowering the maximum lot coverage for the North Reid area from 25% to 15%.

2. Lower all lot coverage maximums to 15% (for all Residential and Community Service zones).

3. Make no changes to the proposed bylaw.

Staff recommends Option 2, lowering all lot coverage maximums to 15%.

Vessel as a Permitted Permanent Residence

Comments from the Ruxton community indicated that the use of a vessel as a permanent residence should not be prohibited in the bylaw. Comment was made that vessels are used as residences during construction of upland primary dwelling units.

This prohibition is exercised in many bylaws, and is silent in many others. The environmental impacts of living permanently on a boat can be a concern over the long term, but also this policy reflects social contract. Staff also notes that a vessel may anchor for a number of consecutive days before it is deemed a structure, allowing vessel users to anchor and remain on their boats while visiting the island for short-term stays.

Staff presents the following options to respond to this issue:

1. Delete regulation 3.3 (4) and stay silent on the topic of residence in a vessel.

2. Add at the end of 3.3 (4) “notwithstanding the use of a vessel as a residence during dwelling construction on an upland lot.”

3. Make no change from the current proposed regulation prohibiting a vessel as a permanent residence.

Staff recommends either Option 2 or Option 3.

COMMUNITY INFORMATION MEETING AND PUBLIC HEARING:

Pending Second Reading of the Proposed Bylaws, a date for a Community Information Meeting and Public Hearing should be set, and information packages prepared for agencies, property owners, and residents. Preliminary scheduling enquiries suggest that Wednesday August 27, 2014 is a preferred date for Trustees and Staff. Venues include either the Legion or the Seniors Centre in downtown Chemainus, or the Agricultural Hall in Ladysmith.

STATUS OF PROJECT TIMELINE:

The following consultation schedule and project timeline is proposed for the remainder of the project. The schedule is slightly different than that noted in the Associated Islands OCP and LUB Project Terms of Reference endorsed by the Thetis Island Local Trust Committee on May 23, 2012; however, the final steps meet the timeline of the endorsed Terms so staff does not consider amendments to the Terms of Reference as necessary.

July 2014

- Staff to present summary of agency, First Nation, and community input to the LTC at a regular business meeting
- Consideration of Second Reading
- Notice of Community Information Meeting
- Public Hearing and Information Package prepared for agencies, property owners and residents

August 2014

- Community Information Meeting and Public Hearing

September 2014

- Consideration of Third Reading
- OCP and LUB Bylaws forwarded to Islands Trust Executive Committee
- OCP Bylaw forwarded to Minister of Community Development for approval

November 2014

- Final consideration and adoption

RECOMMENDATIONS:

THAT the Thetis Island Local Trust Committee:

1. provide staff with any revisions deemed appropriate to Proposed Bylaws 93 and 94;
2. give second reading to Proposed Bylaw No. 93, cited as the "Thetis Associated Islands Official Community Plan Bylaw 2014" as revised;
3. give second reading to Proposed Bylaw No. 94, cited as the "Thetis Associated Islands Land Use Bylaw 2014" as revised;
4. direct staff to schedule a public hearing for August __, 2014.
5. post the new revised versions of the bylaws to the Thetis webpage of the Islands Trust website.

Prepared and Submitted by:

Aleksandra Brzozowski — July 8, 2014

Aleksandra Brzozowski
Island Planner

Date

Concurred in by:

Courtney Simpson — July 9, 2014

Courtney Simpson
Regional Planning Manager

Date

Attachments:

1. Compilation of responses to Proposed Bylaws 93 and 94, received June 1-30, 2014.
2. Summary Sheet of suggested changes to Thetis Associated Islands Proposed OCP and LUB – July 2014
3. Thetis Associated Islands Official Community Plan, Proposed Bylaw No. 93
4. Thetis Associated Islands Land Use Bylaw, Proposed Bylaw No. 94

HALALT
A Coast Salish First Nation
7973 Chemainus Road - Chemainus BC V0R 1K5
Phone: (250) 246-4736 Fax: (250) 246-2330

May 29, 2014

Via email: abrzozowski@islandstrust.bc.ca

Islands Trust
700 North Road
Gabriola Island, BC
V0R 1X3

Dear Aleksandra Brzozowski,

RE: Thetis Island Local Trust Committee - New Official Community Plan and Land Use Bylaw for the Associated Islands (Bute, Dunsmuir, Dayman, Scott, Hudson, Ruxton, Tree, Whaleboat, Pylades, and Reid Islands)

I write today on behalf of Halalt First Nation in response to your referral email dated May 5, 2014.

Thank you for informing us of your contemplated decision. At present, Halalt does not take issue with this particular decision as having significant adverse effects upon our exclusive Aboriginal Rights and Title.

After careful review, we note that this decision is likely to have some level of adverse effect upon Halalt's shared Hul'qumi'num Aboriginal Rights and Title. Your pending decision is in relation to an application by Thetis Island Local Trust Committee for new official community plan and land use bylaw for the associated islands**.** The associated Islands (Bute, Dunsmuir, Dayman, Scott, Hudson, Ruxton, Tree, Whaleboat, Pylades and Reid) are situated within Halalt's Hul'qumi'num shared traditional territory and near Halalt's traditional harvesting areas.

As you are likely aware, government decision making continues to erode Halalt First Nation's ability to exercise our Aboriginal Rights and Title. Even those government decisions that enable seemingly innocuous and minor developments can contribute to a 'death of a thousand cuts'. Therefore, we reserve the right to challenge or seek accommodation in relation to your proposed action for new official community plans and land use bylaws in our shared territory in the future, in the context of cumulative effects of government decision making upon our Aboriginal Rights and Title.

Finally, Halalt First Nation wishes to encourage you to fulfil your duty to consult with and accommodate other First Nations who may be impacted by this decision.

Sincerely,

J. E. Smith

Jack E. Smith, Project Manager ***for***
Chief James R. Thomas, Halalt First Nation

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☑ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area
(Island)

~~86~~ 93
(Bylaw Number)

CLAIRE OLIVIER
(Name)

(Signature)

Legislative Clerk / Deputy Sec.
(Title)

Islands Trust - Salt Spring
(Agency)

June 26, 2014
(Date)

250-537-9144
(Phone Number)

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Outlined Below

☑ Interests Unaffected by Bylaw

☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area	~~89~~ 94
(Island)	(Bylaw Number)
CLAIRE OLIVIER	
(Name)	(Signature)
Legislative Clerk/Deputy Sec.	Islands Trust. Salt Spring
(Title)	(Agency)
June 26. 2014	250. 537-9144
(Date)	(Phone Number)

From: Aleksandra Brzozowski [mailto:abrzozowski@islandstrust.bc.ca]
Sent: Monday, June 2, 2014 12:08 PM
To: Cooper, Diana FLNR:EX
Subject: Referral Package for Thetis Bylaws 93 and 94

Hi Diana,

Here are the Referral Forms for Proposed Bylaw 93 (Thetis Associated Islands OCP) and Proposed Bylaw 94 (Thetis Associated Islands Land Use Bylaw), and the plans themselves.

If you could please have a critical look over Section 12.0 of the OCP (page 23) which is the section on Culture and Heritage Policies. This is where I think the additional policies could go in about proactively protecting important arch sites, particularly on Bute and Dunsmuir Islands. In the meantime, I will pull reports on the other sites in the plan area to see what is there.

Any more questions, please call!

Aleksandra Brzozowski
Island Planner
Northern Office, Islands Trust
700 North Road
Gabriola, BC V0R 1X3
250-247-2207

From: Cooper, Diana FLNR:EX [mailto:Diana.Cooper@gov.bc.ca]
Sent: June-10-14 12:23 PM
To: Aleksandra Brzozowski
Subject: RE: Referral Package for Thetis Bylaws 93 and 94

Hello Aleksandra,

I've had a look at the OCP and overall it looks really good! How about something along the lines of this:

With respect to the Thetis Associated Islands in general, there are numerous identified archaeological sites within the Thetis Associated Islands. In addition, all of the islands have areas of high potential for previously unrecorded archaeological materials.

It is the aim of the Local Trust Committee to promote the protection and preservation of these areas in as an undisturbed context as is practicable.

With specific reference to the Dunsmuir Islands, these areas have been used as burial places by First Nations for many generations. Disturbance to these areas constitutes not only a breach of the Heritage Conservation Act (under which perpetrators can be prosecuted) but also a violation of the sacred nature of the burials themselves.

I'm really impressed with the overall OCP and everything that is covered under it! It's easy to understand and outlines a measured and reasonable approach to keep the islands as nice places to live and/or visit.

Please let me know if you need more from me.

Kind regards,

Diana

Diana Cooper | Archaeologist/Archaeological Site Inventory Information and Data Administrator

Archaeology Branch | Ministry Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: http://www.for.gov.bc.ca/archaeology/

From: Aleksandra Brzozowski [mailto:abrzozowski@islandstrust.bc.ca]
Sent: Tuesday, June 10, 2014 12:35 PM
To: Cooper, Diana FLNR:EX
Subject: RE: Referral Package for Thetis Bylaws 93 and 94

Thanks Diana,

You were going to get back to me with some wording that we could maybe use to strengthen a policy or two to proactively protect sites of particular cultural significance.

Cheers,
Aleksandra

From: Cooper, Diana FLNR:EX [mailto:Diana.Cooper@gov.bc.ca]
Sent: June-10-14 2:20 PM
To: Aleksandra Brzozowski
Subject: RE: Referral Package for Thetis Bylaws 93 and 94

Hi again Aleksandra,

I wasn't too sure how much influence I was allowed for strengthening a policy.

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

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

12.2.4 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving and protecting archaeological resources. Any

alteration to an archaeological site (including covering or capping archaeological materials) requires a Site Alteration Permit from the Archaeology Branch prior to land altering activities.

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

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

12.3 Advocacy Policies

12.3.1 The Local Trust Committee may advocate for the designation and projection or eligible heritage sites under the *Heritage Conservation Act*.

12.3.2 Land owners and visitors are encouraged to protect archaeological and cultural sites by avoiding site disturbance as much as possible. Any person noticing damage or impact to a site should report it to the Islands Trust? (or the Local Trust Committee and/or the Chemainus FN and Archaeology Branch).

12.3.3 If the disposition of a site is in question, or if a site is in danger of disturbance by non-development related factors (such as wave erosion, biological or geological changes etc), land owners and visitors are encouraged to contact the Local Trust Committee, the Chemainus First Nation and/or the Archaeology Branch.

12.3.4 Specific archaeological site types, including some burial practices, are meant to remain undisturbed while natural processes gradually break down site components. In cases such as these, all site materials should be left in a natural and undisturbed state. If there is concern that a particular site has been subject to disturbance that does not appear natural, then the Local Trust Committee should be notified.

I can’t think of anything else at the moment.

Let me know if you have any questions.

Diana

Marlene & Barrie Bradshaw
Reid Island, BC

Trustees Peter Luckham, Sue French and Staff

I am Barrie Bradshaw and my family are the co-owner with the Nicol Family of lots C & 8 on North Reid.

I have the dubious distinction of being the oldest landowner on North Reid and my family and I have been on Reid the longest

When we came to Reid 40 years ago it was the time when the last of the Silvey family were leaving after being on Reid for 117 years. Joe & Emilia were in there mid 70s and the lack of infrastructure made it too difficult for them to stay on the island that Joe had been born and raised on and loved deeply.

Now 40 years later many of us are in our 70s but fortunately over the past several years we have improved our infrastructure so it is possible for us to come and not just visit but to stay and live on Reid.

At this time 9 out of the 21 landowners are north of 70, 10 are in their 60s and 2 in their 50s. Paul Warnock is the youngest landowner and he turns 50 on Aug. 10th. The original landowners have not moved off the island and the following generations have joined us. It is common during the summer months to have 3 generations living on and enjoy our island.

Ownership on North Reid has been amazingly stable. There has not been a lot sold out of a family in decades. This continuity of ownership has enabled us to build a wonderfully self-reliant & supportive community. Our community wishes to have the elders of the community sharing the island so the plan we put in place allows for homes that are elderly friendly which are easily heated, hot & cold water at the tap, in-door plumbing, lights on demand, the ability to cook food and reliable communications. Whether this is a primary structure or the second or 3rd structure is for each family to decide.

Two of the four full time North Reid inhabitants are over age 75 and 4 of the over 70 group are here on & off from Easter to Thanksgiving. My understanding is the fulltime number will grow to 6 or 8 within 5 years. Those of us that choose to live on Reid full time have workshops and trades skills required to build and rebuild our homes. In our shops we build toys for children, boats, windows & doors and furniture. Many of these products are produced from wood harvested from the forest or the beach and milled into lumber here on Reid. This on Reid Island capacity of self-reliance is part of what we want to include in our unique North Reid Community Plan.

I believe our aim is to preserve the land, sea and forest for existing and future generations. In our case two or three of the future generation is already here and one of our tasks is to teach the new generations to respect our island. My belief is this can be achieved through education verses regulation and that technology will assist us in lessening the impact of humans living on our island.

Regards

Barrie Bradshaw

From: Tom and Cathy Williams [mailto:tomcathy@telus.net]
Sent: June-03-14 11:09 AM
To: Thetis Island Local Trust Committee; A. Brzowski
Subject: Proposed Bylaws for Ruxton Island

June 3, 2014

Re: **Proposed Bylaws for Ruxton Island** LAND USE BYLAW for Thetis Associated Islands No. 94, 2014
First read April 16, 2014

Dear Trustees and others whom it may concern,

I read through the proposed Land Use Bylaw for Thetis Associated Islands No. 94, 2014 with concern. My family has owned property on Ruxton Island since 1965. Since I was five years old I had the joy of working alongside my father and mother using beachcombed materials to adapt to island living. Our own children, in turn, have experienced the same pleasures and are now at the age when they are starting their own families. There came a time a number of years ago when my parents were unable to safely access the island. (After my mother broke her leg on the bank, the construction of some simple steps and ramps extended the time they could enjoy the property for a few years.) My wife and I received ownership of the property just before my mother died in 2010.

The new bylaw no. 94 seems excessively intrusive, exclusive, and restrictive in a number of ways.

We are particularly concerned about additional, unnecessary restrictions on private property rights, restrictions on safe access to property which discriminate against people with accessibility challenges, and hindrances to maintaining and updating existing structures.

For nearly fifty years our family has enjoyed, appreciated, and valued the human element of life in the Gulf Islands. In the words of an old adage, “no less than the trees and the stars, we have a right to be here.” Please do not accept the intrusive interference that is reflected in this Land Use Bylaw document.

Here is something to consider. Paraphrasing from “Trauma Farm” by Saltspring Island writer Brian Brett, there are 66 words in The Lord’s Prayer, 1337 words in the Declaration of Independence, and about 15, 000 words in the Land Use Bylaw no. 94 for Thetis Associated Islands.

Thank you for the work you do to preserve the simple pleasures of island living.

Sincerely,

Tom and Cathy Williams

1374 Lockyer Rd.

Roberts Creek, BC

V0N 2W1

From: Chris Mclean [mailto:mcleanck@telus.net]
Sent: June-10-14 2:46 PM
To: Aleksandra Brzozowski
Subject: Hudson Is.

Hello Aleksandra,

I would like to reaffirm with you that there is a keen interest from some of the owners on Hudson Island to rebuild the private common dock that existed several years ago at the north end of the island. We would like to have the ramp and dock in the same spot as the original which is shown on the Cowichan District Plan 25398. As owners we are concerned that individual docks extending from each lot would be very expensive to build and very damaging to the shoreline along the west side of the island.

Regards,

Chris McLean

250-217-5572

Aleksandra Brzozowski, Island Planner, Islands Trust North Office

700 North Road, Gabriola Island, BC, V0R 1X3 June 30, 2014

Re Thetis Associated Islands, Draft 1.3 Land Use Bylaw

Dear Ms. Brzozowski:

My husband and I read the noted Draft Land Use Bylaw as it pertains to Ruxton Island where we have a seasonal residence. You have drafted a very detailed document which appears to address most of the concerns which we have with respect to land use on Ruxton Island. The following are our comments and questions on which we would appreciate further clarification.

We were very pleased to see that both the residential and marine use regulations were tailored to the individual identities of the islands being regulated. We applaud the establishment of Residential One (R 1) and Marine Ruxton (W3) zones with regulations which reflect the comments of Ruxton residents present at the meetings on Ruxton and forwarded directly to the committee. We had been initially concerned because, according to the map used at the Ruxton meeting last summer, Ruxton was still zoned (W 1). We were unable to locate a zoning map which coordinated with Draft 1.3 but, upon further study of the draft regulations, we were relieved to see the adaptation of the regulations specific to Ruxton through the establishment of the (R1) and (W3) zones. Thank you for listening with respect to commercial visitor accommodation, the prohibition of docks and the vision of a more natural environment. We would like to see a new zoning map made available that denotes the new R 1 and W 3 zones to avoid future confusion.

Relative to the (W 3) zoning, we would like to know if it is in the scope of the regulations to specify the placement of mooring buoys such that they do not impede clear access to public landing areas, i.e. Otter Bay, Whale Boat Passage and Naylor Bay, for offloading and loading of passengers and cargo. This is a sensitive issue which can be difficult to resolve in the absence of a local authority which could specify the placement of mooring buoys.

In the case of Ruxton's water wells, we would like to know if the (R 1) regulations could address the use of wells on Ruxton, i.e. should direct connections to wells be prohibited with only hand drawn use permitted. Currently we have six wells on Ruxton. Three wells have privately installed below grade connections to the well pipes and one has multiple above ground/wellhead connections which exclude public access to the well and testing. Of the five wells that can be tested, only one was found to be potable. We believe the below grade connections can lead to well contamination while the direct connections lead to over use of the wells when rain water collections systems can be readily installed for the provision of potable water.

We wish to thank you for the considerable time and effort that has gone into the preparation of Draft 1.3 and look forward to your responses.

Sincerely,

Ab and Marg Barrie cc. Peter Luckham, Sue French

From: Rod Keith [mailto:rck30546@gmail.com]
Sent: July-01-14 8:03 AM
To: Aleksandra Brzozowski
Subject: Associated Islands Community Plan

I wish to go on record as being STRONGLY OPPOSED to commercial operations on Ruxton Island, in particular those that bring more people to the Island - rental accommodation, bed and breakfast and kyaking operations.

The Island infrastructure, notably the drinking water supply and waste disposal provisions, are already strained, and moorage is becoming problematic in most anchorages.

I have noticed that litter and discarded cigarettes start to appear when there are groups of off-islanders using the trails. It is unrealistic to expect unsupervised short-term visitors to understand the extreme fire hazards on these small islands, and to fully respect the Island's natural systems.

Respectfully,

Rod Keith
Lot 8, SW
Ruxton Island

On 2014-06-24, at 0:55, "Ian Berry" <iberry@berrantgroup.com> wrote

Hi Aleksandra,

Attached is our proposal outlining the amendments to the proposed OCP for North Reid Island (R2) and the supporting data we compiled.(Note that there are two sheet on the Excel file being sent).

This material was reviewed by Peter Luckham in a face-to-face meeting on June 21/14 and reviewed by Sue French remotely on the same day. After their review we have been instructed to forward our recommendations to you.

Please advise that you have received this material and at what point will we receive your comments?

We would like to attend the meetings for the 2nd and 3rd readings of the OCP/LUB, so could you please advise the schedule, location and times?

Regards
Ian Berry and Barrie Bradshaw on behalf of the 22 Landowners that make up the North Reid Island Community

> <Reid Island OCP and LUB - Final Summary - June 24.pdf>
> <Final North Reid recap sheets.xlsx>

On Tue, Jun 24, 2014 at 12:47 AM, Aleksandra Brzozowski <abrzozowski@islandstrust.bc.ca> wrote:

Ian and Barrie,

Yes, confirmation that I have received this. This you very much, not only for the comments, but also the information you've compiled for us about North Reid properties and owners.

I am away in Poland this week for a family emergency, but when I return next week, I will be sure to add your comments to the list of changes to be considered.

The plan is for the staff report to go to the Trustees in advance of their July 23 LTC meeting, where they will consider the recommendations and hopefully be able to make changes and give the document 2nd reading.

The Thetis LTC meeting takes place at Forbes Hall on Thetis starting at 9:15am. In all likelihood, the LTC will get to discussing the AIOCP and AILUB around 10:30/11:00.

At the end of that discussion, I should be given direction to schedule the public meeting at the end of August. I intend for that meeting to happen on a weekday, on Vancouver Island (Chemainus, ladysmith, duncan, thereabouts).

I hope that info gives you some idea for planning to attend both meetings.

If I have any specific questions about your comments, I may be in touch later next week.

Regards,
Aleksandra

Aleksandra Brzozowski
Island Planner, Islands Trust
Northern Office
1.250.247.2207
1.250.713.4934

On Fri, Jul 4, 2014 at 5:18 PM, Aleksandra Brzozowski <abrzozowski@islandstrust.bc.ca> wrote:

Ian and Barrie,

First off, wow! Thank you for the package. The work you have done to engage the North Reid Islanders is wonderful, a much better success rate than this 'outsider' public servant is able to achieve.

I do not have any specific questions at this time about your comments. But if you are amenable, I would like to include each individual questionnaire response as part of the Public Hearing binder, in addition to the excel summary sheet you sent me. If you wish to mail them in, or scan them and email to me, I would appreciate that very much.

As for the rest of the process, the Public Hearing happens before Third Reading (which should take place on September 17th if all moves forward according to the current workplan). The key thing for property owners to note is that the period for public input ends with the Public Hearing. So when the LTC considers the bylaws for Third Reading, you are welcome to attend and witness any discussion the LTC may have, but you will not be able to speak to the bylaws at that meeting. Often, people only come to the Third Reading meeting if they are interested to hear what the LTC says and/or wish to report back to their neighbours.

Have a wonderful weekend!

Aleksandra.

Aleksandra Brzozowski
Island Planner
Northern Office, Islands Trust
700 North Road
Gabriola, BC V0R 1X3
250-247-2207

From: Ian Berry [mailto:iberry@berrantgroup.com]
Sent: July-08-14 3:49 PM
To: Aleksandra Brzozowski
Cc: Barrie Bradshaw; Sue French; Peter Luckham
Subject: Re: Associated Islands OCP/LUB - North Reid Island Recommendations

Re: AIOCP and the AILUB

To Trustees Luckham, French and Staff

I'm sending you this letter, as a co-owner and resident of Lot A on Reid Island, wanting to individually express my support for the OCP/LUB submission of recommendations from the collective landowners of Reid Island.

I feel that it reflects the character and values of the community, addresses our needs for the future protection and use, and the wishes of the 22 landowners.

In addition I also wanted to share my perspective of what the process had done for us on Reid Island.

At the beginning I was like the vast majority of the owners just wanting you all to just go away and leave us alone, (a much politer way of expressing what many were saying).

As the process progressed and with the efforts of the Trustees Luckham and French, our attitudes and approach to the creation of our own OCP and LUB changed.

I believe we started to feel empowered and a part of the process. Being asked to participant and contribute to the plan is a great opportunity to create something that truly reflects our needs and uniqueness here on Reid Island.

A process that I initially felt would create problems for us, when none existed.

I was afraid that the process would be divisive, create conflict, and camps of polarized points of view. In actual fact, the process has helped to make our existing strong, supportive community more close knit with a common goal which is to make things better.

It enabled us to also raise a few other issues outside the scope of OCP/LUB such as fire protection and road maintenance that will be addressed outside of the OCP.

So our community seems to be closer than before and we are more interconnected as a result of this process.

So for now, it has been a very positive undertaking and I anticipate continuing to feel empowered and that all our hard work will lead to a plan that reflects our needs.

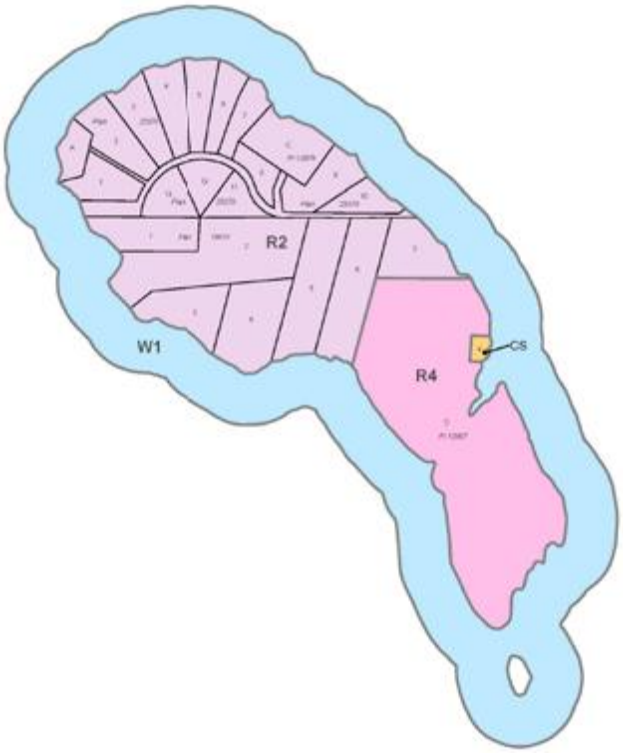
Ian Berry

Lot A

Reid Island

North Reid Island Landowners' Recommended Options for OCP and LUB

June 24th, 2014



Thetis Associated Islands

No. 94, 2014

Serving Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, Bute, and Dunsmuir Islands

Document Content

Reid Island – What makes it different

The Community

The Process

North Reid Island's OCP and LUB –Community Consensus

Conclusion and Mandate

Appendix

- The Questionnaire
- Questionnaire Results
- Reid Island Demographics

North Reid Island – What makes it different

As we all know, the Gulf Islands are a very special and unique part of Canada and the World. As unique as the Gulf Islands are to the World, we believe Reid Island is as unique to many, if not all the other Gulf Islands.

With its long standing community legacy, established back in 1881 by the Silvey families, it is once again a multi-generational community. With its 5 full time residents, and 5 others that spend approximately 50% -80% of their time on the island, Reid Island has become a community of liked minded people that share the same values and desire to preserve and protect it.

North Reid Island (North and Middle sub-divisions) is made up of 22 lots, owned by approximately 30 different families. Unlike other islands in the Thetis Island Trust Area, North Reid Island is divided into multi-acre lots. The smallest is just under 3 acres with about 800' of waterfront. The largest is 21.7 acres and the average acreage for the island is 6.23 acres. This alone makes North Reid Island very different from the others.

In addition, North Reid Island has 17 drilled wells, with an average flow rate of upwards of 5 gallons a minute. Reid Island is considered to be a 'wet island' which is why it was settled by the Silveys 135 years ago. It has year round surface wells as well as springs which support a large resident population prior to WWll.

North Reid Island landowners are made up of long time owners. Several lots were purchased from the Silveys, while most others have held their properties for decades. In the last 20 years there has been no public sale of a lot and it appears there are no plans by any of the owners to sell their homes. Most owners will be passing their land to the next generation. We are already seeing the second generation taking ownership and the third generation participating in the stewardship of the island and the harmony of the community.

As the second and third generations grow up there is a need to house these families. There is 100% consensus of the families on North Reid Island, to allow this type of controlled coverage on our land. (see LUB changes and Appendix - survey results).

These families have co-existed together for decades with zero complaints, all sharing the common values of preserving the island, protecting the environment, and respecting their neighbours.

In a nutshell

The Community makes North Reid Island different:

Shared and proud of the historical legacy of the island

Communal support when families are in need

Common values of how to share, protect and create a community

Second/third generation ownership of many lots

Zero complaints of neighbours' approach to using the land

99% agreement on the character of the island and how it should evolve for the future and the next generation of owners

North Reid Island is different:

Large acreage lots

Boat access only with minimal vehicle impact

Small number of residents with larger seasonal users lessening the impact of sewage

The Process

The Start – Call to action by the Trustees – Reid Island landowners met on May 18 2014 to discuss the pending draft OCP and LUB

Islanders take the initiative –May, 2014 - multiple meetings and emails from a few owners started the planning for moving forward, determining the key issues and how to gather the community's input.

Sampling of the Islanders – several individual meetings with a small number of owners to understand what they felt were the key issues and to validate what was expressed at the meeting with the Trustees.

Key Items identified – It was very clear that there were a few very important issues for the owners. It was decided to create a questionnaire/survey to send out to all the owners, one survey per lot.

Survey created – Several meetings were held amongst 5 – 6 owners to finalize the issues. Several renditions and further emails and meetings were held to finalize the survey.

Survey distributed – A covering letter encouraging participation as a collective group was written and sent with the survey. It also encouraged individual communication with the Trustees as well. Survey was sent out to the 22 lot owners. Much effort was taken to obtain absentee owners contact information. All owners were contacted. Even the two out of the country owners (Germany and USA) were contacted. The survey focussed only on North Reid Island specific issues they want in their OCP and the LUB.

Survey returned – The community spoke – out of the 22 potential respondents, 18 have replied. 2 out of country owners did not reply. That is an 82% response rate. We asked all owners to email their survey back, copying all other owners so that there is common understanding and transparency among us all.

Survey results – An overwhelming alignment of values and vision of what the landowners want for their island plan. There was unanimous agreement on all the key items that need to be addressed in the OCP and LUB with one exception. The only item that didn't get 100% support received a 94% support (17 out of 18). With this very clear direction, a final document was drafted and circulated back to the landowners for final consensus on the additions and changes to the OCP/LUB before sending to the Trustees.

Final results confirmed – Landowners were given time to respond with any concerns over the proposed additions and changes to the OCP/LUB.

Landowners to meet with Trustees to solicit feedback – Bradshaw and Berry to meet with Trustees Luckham and draft package forwarded to Trustee French.

Final document submitted – North Reid Island document, which reflect the wishes of the community, submitted to staff for inclusion of public input for consideration of the LTC .

North Reid Island's OCP and LUB –Community Consensus

The North Reid Island landowners felt there were a critical few, yet very important inclusions and changes that needed to be made to the OCP and the LUB. These changes reflect the values, vision, and current character of the community today.

There was a very strong consensus from the 18 of 22 respondents. This represents the will of the community. As both Trustees stated, in the online All Candidate Forum back in November of 2008 when running for the job of Trustee,(http://www.thetisisland.net/islands-trust/all-candidates-forum08.htm) both support the recommendation from the APC as long as it was in keeping with the Island Trust goals and that it could be proven that it was truly the desire of the community. We don't have an official APC as we are a small community so we have only what the community wants in their plan and land usage.

Additions and Changes to proposed draft OCP/LUB

O.C.P.

General Background of Reid Island

In the OCP, background information on Reid Island, page 8, it mentions that it was home to Portuguese and Chinese pioneers. Based on our understanding and Joan Barman's book on Portuguese Joe Silvey, there were no Chinese on Reid Island however there were Japanese families that worked the saltries. For historical accuracy we request this change.

OCP Plan Goals 2.0 and 2.2

One of the key issues for the landowners was the removal of the current ability to have a multi use guest cabin (not an accessory structure). There was unanimous agreement of the landowners that the provision of a guest cabin, of restricted size, should **not** be removed. The removal of this right is viewed by Reid Island owners as very disrespectful of our history and our values. Furthermore, it will create a negative distinction between the property owners who currently have a secondary cottage compared to those who have not been able to afford a secondary cottage to date, but would like to have one in the future.

There was also 94% support for a second guest cabin, of restricted size, to be added to North Reid Islands OCP and LUB. This would reflect the current values and character of the island today. This provision would support the multigenerational uniqueness of the community.

There was 100% support to restrict the maximum square footage of the principle dwelling to protect and preserve the current character of the island. We seek to have the size of the principle dwelling be reduced to 2,700 sq. ft.

As land owners we feel it aligns with the Plans Goals 2.0 - 2.2 and 2.2 of the OCP

These changes also need to be reflected in the OCP under items:

3.2.3 – change to reflect the guest cabins

3.2.4 – needs to change for Reid Island

3.2.5 – needs to reflect changes for Reid Island

L.U.B.

Site Specific Regulation is being sought by North Reid Island landowners as done for Dayman Island R3(a)

3.5 Accessory Uses, Buildings and Structures – needs to be altered for Reid Island

5.2 Residential Two

5.2.1 – needs to change to reflect 2 guest cabins, each not to exceed 1100 sq. ft.

Density

2 - needs to change to reflect the restriction of maximum square footage for principle dwelling to 2,700sq ft.

3 – needs to change the current 25% coverage to a maximum 12% coverage

Siting and size

Add – a maximum of 2 dwelling or guest cabins on the waterfront per lot

Add 3rd guest cabin must be setback 100 feet from high tide

Conclusion and Mandate

Reid Island landowners share in the OCP's Plan goal to preserve and protect Reid Island's unique environment while allowing human activity to continue in keeping with the community characteristics and values.

As illustrated by the extremely high survey response rate, congruent thinking on the key inclusions and changes to the proposed draft OCP and LUB, North Reid Island landowners are committed on what they want in their final OCP and LUB.

You, the Trustees, now have a mandate to take this clear direction and community consensus forward and have it reflected in our OCP and LUB.

Lot C/8 Barrie Bradshaw/Dave and Diane Nicol

Lot 09 Mike and Caroline Bailey

Lot 3 Jim and Heather Baker

Lot 6 Dick Baker

Lot 2 Ross Berringer, Helen Francis/Suzanne and Olin Anton

Lot A Ian Berry/Grant Penner and Margret Harding

Lot 4 Roy and Eleanor Duncan

Lot 5M Bruce and Patti Frederickson

Lot 12 Tom and Val Galvin, Steve Budd and Laura Bjarnason

Lot 1M Nancy Harrision

Lot 10 Hughes

Lot 5 Diane Little

Lot 13 Mada Moilliet and Jim and Selinde Holland

Lot 1 Kim and Diane Madsen

Lot 6 M Brian and Sally Thacker

Lot 3M Kevan Tisshaw, Nancy Reynolds-Tisshaw, Janice and Harvey Hamilton

Lot 7 Paul Warnock

Appendix

North Reid Island OCP Response Questionnaire

This questionnaire is being circulated to help facilitate a letter to the Islands Trust that represents our collective thoughts on some of the key issues that affect the North Reid Island (non-co-op) property owners. The intent is to find out where we have consensus on specific items so that we may be able to present a true representation of our wishes as it pertains to bylaws and the OCP.

From the meeting on May 18 the following are the suggested key items that seem to be of concern to most of us. Please feel free to add any items you feel are important.

This questionnaire or the subsequent letter with the results is not intended to replace your personal letter to the Islands Trust. Again the intent is to go back to the Trust with a strong common front on the issues we want in our OCP and Bylaws and that represent the true wishes of the North Reid (non-co-op) community.
For the purpose of this questionnaire, one response per property please, so for multiple owner properties please discuss your responses between yourselves and reply as a single unit.

Please give thought to your top priorities as you respond to this survey. A short prioritized list is more likely to be considered than a long wish list of items.

Please 'reply to all' in your responses so everyone can see your thoughts and the process remains transparent. This will also help in addressing duplicate questions.

Please read all the questions before answering. They are in no priority sequence.

1. Should we agree to a maximum square footage limitation on the one primary structure permitted per property? If so, what size should the maximum for this structure be? 2,000 sq. ft., 3,000 sq. ft. 4000 sq.ft., or _____?
2. Should we agree that we wish to keep the allowance of a secondary (one per property) structure (guest cabin) that is complete with kitchen? If yes, what maximum size should the structure be? 400 sq. ft., 600 sq. ft., 800 sq. ft., or _____sq. ft.?
3. Should we agree on an additional secondary structure (guest cabin) that is complete with kitchen which would give us 2 secondary guest cabins per property? If yes, what maximum size should the structure be? 400 sq. ft., 600 sq. ft., 800 sq. ft., or _____sq. ft.?
4. Taking into account questions 1, 2 and 3, the draft OCP and LUB suggests the total of all structures (homes, decks, workshops etc.) can cover up to 25% of the lot area. Is this number acceptable? Or should it be reduced to 10%, 15%, 20% or some other number? (1 acre equals 43,560 square feet if you would like to calculate your current lot coverage)
5. In order to protect the waterfront, can we agree to limit any combination of primary residence and/or guest cabin(s) on the waterfront to a maximum of 2? Therefore, any additional guest cabin(s) / primary residence would need to be set back 100 or ____ feet from the high water line.

6. Should we ask advice from our Islands Trust representatives (written) on how we gain the right to ensure access to Reid from Galiano & Thetis?
7. Do you have other issues that you would like to bring forward?

Once again, you do not need to respond to this inquiry. You are obviously free to express your views independently, but we suggest you do not stand by if you have an opinion on these and other issues.

If you have any questions regarding this questionnaire please send them to Barrie Bradshaw or Ian Berry via the following email addresses

barriebradshaw@gmail.com

Iberry@berrantgroup.com

Questionnaire Results

See attachment

North Reid Island Demographics

See attachment

North Reid existing populantion and strtuctures

Land owners	owners	children	grand Children	Primary Structures	Secondary Structures	sleeping Structures	Work shop	Firewood sheds	Storage sheds	Septic tank	outhouse	Deck area	drilled wells	Shallow wells
Nicol/Bradshaw	4	3	4	2	2	3	2	2	1	yes	2		2	2
Warnock	1	0	0	1	1	1	1	1	1	no	1		1	1
Dick Baker	1	3	5	1	1	2	1	1	3	yes	4		2	
Di Little	1	2	5	1	0	0	0	1	1	no	1		1	
Roy	2	2	3	1	0	0	1	1	1	no	1			
Jim & Heather	2	2	6	1	2	1	1	1	5	yes	2		1	
Anton/Beringer	4	5	0	1	0	1	0	1	1	no	1		1	
Penner/Berry	4	2	0	1	1	1	1	3	0	no	2		1	
Madsen	2	2	0	1	0	1	0	1	0	yes	1		1	
Saubina	1	2	0	0	0	1	0	1	0	no	1		0	
Harrison	1	3	0	1	0	1	0	1	1	no	2		1	1
Tisshaw/Hamilton	4	5	1	1	1	0	0	1	0	yes	1		1	
Kerr	2			0	0	1	0	0	0	no	1		1	
Bruce	2	5	7	1	0	0	1	1	1	yes				1
Thackers	2			1	0	0	1	1	1	?			2	
Holland/Johnston	3	4		2	0	0	0	1		no	2		1	
Val/Steve	4	4	0	1	0	1	0	1	1	no	1		1	1
Hamer/Carol	2	2		0	0	1	0	0	0	no	1		0	
Baily's	2	2	0	1	1	0	0	1	2	no	1		1	
Hughes	2	2		1	0	0	0	0	1	no	1		0	
Steeves	2	2	5	1	0	1	1	1	1	?			1	1
Total	**48**	**52**	**36**	**20**	**9**	**16**	**10**	**21**	**21**	**0**	**26**		**19**	

Assumptions & notes:

Primary structure in many cases the first built and occupied by the property owners

Secondary structures are in many cases the island homes of adult children of the owners

Sleeping structures are for guests

Septic systems vary from full tanks and field to composting systems

Drilled wells are deep wells Shallow wells are hand dug well and pond up to 10 feet deep

4 familiee are on living on the island a minium of 10 months per year

6 families are on Reid a few weeks during the summer months

The other fafmilies are here on and off from Easter to Thanksgiving. 8 to 10 familys are on Reid close to full time during July and Aug.

Land owners	Lot #	Question 1	Question 2	Question 3	Question 4	Question 5	Question 6	Question 7	lot size/acres
Nicol/Bradshaw	8	3000	1500	1500	15%	100'	yes		2.8
Nicol/Bradshaw	C	3000	1500	1500	15%	100'	yes		8.1
Warnock	7	3000	1500	1500	15%	100'	yes		3.93
Dick Baker	6	3000	1500	1500	15%	100'	yes		4.46
Di Little	5	2000	800	800	10%	100'	yes	yes	5.13
Roy	4	3000	900	900	10%	100'	yes		5.77
Jim & Heather	3	3000	1500	1500	15%	100'	yes		5.6
Anton/Beringer	2	3000	1200	1000	10%	100'	yes		6.24
Penner/Berry	A	3000	900	900	10%	100'	yes		2.88
Madsen	1	4000	1500	1500	10%	100'	yes	yes	4.88
Sabine	M1								8.5
Harrison	M2	2500	800	800	10%	100'	yes		21.7
Tisshaw/Hamilton	M3	3000	1500	1500	15%	100'	yes	yes	7.8
Kerr	M4								10.9
Bruce	M5	2500	1000	1000	20%	100'	yes		12.2
Thackers	M6	2250	1000	0	10%	N/A	yes		12.3
Holland/Johnston	13	3000	900	900	10%	100'	yes	yes	3.94
Val/Steve	12	2000	2000	900	10%	300'	yes		3.83
Hamer/Carol	11								3.49
Baily's	9	2000	800	800	10%	100'	yes		6.18
Hughes	10	2000	1500	1500	15%	100'	yes		3.57
Steeves	M7								7.5
Total	22	49250	22300	20000	225%				151.7
Average		2736	1239	1,111	12.5			Average	6.90
* Interior lot									

THETIS ASSOCIATED ISLANDS COMMUNITY PLAN

SUGGESTIONS IN ADVANCE OF SECOND READING OF BYLAWS 93 & 94

Concern	Comment from:	Specifics	Require change to OCP?	Require change to LUB?	Staff Comments	Possible Options	Recommended Option
Land Uses for Bute and Dunsmuir Islands	Stz'uminus Nation	Particular interest and specific claim for Bute and Dunsmuir Islands had been made by the Stz'uminus Nation. The position taken by the Stz'uminus Nation is that acquiescence erodes their rights, and any zoning, even confirmation of the status quo, may negatively impact their claim in the future. The Stz'uminus Nation calls on the LTC to embark on a much improved consultation process on these lands, beginning with a Memorandum of Understanding between Islands Trust and the Stz'uminus Nation.	Yes [Schedules B & C]	Yes [removal of YCO zoning; changes to Schedules B & C]	In order to not stall the planning process for the other islands in the Plan Area, Staff and representatives from the Stz'uminus Nation propose to the LTC that Bute and Dunsmuir Islands be removed from the current planning process, and a separate process be undertaken specifically on these islands in the new term. Currently, there exists marine zoning and outdated upland zoning for Bute and Dunsmuir Islands, so there is no immediate need to introduce zoning for this area. Staff strongly supports the idea of taking the time to engage the stakeholders and work together to progressively plan for Bute and Dunsmuir Islands. The Stz'uminus Nation has agreed to provide feedback on the more general policies in the OCP, as they do maintain interest in the other areas of the Plan Area. Also, there is a good possibility that pending zoning review, Bute and Dunsmuir Islands would be added into the Associated Islands OCP and LUB at a later date.	1. Removal of Bute and Dunsmuir Islands from the Areas of Application in both the OCP and LUB, with aim to pursue a separate planning process in next term. 2. Retain Bute and Dunsmuir Islands in the OCP & LUB, and halt the process until a Memorandum of Understanding is signed by the Islands Trust and Stz'unimus Nation. 3. Retain Bute and Dunsmuir Islands in the OCP and LUB, and attempt to engage stakeholders in discussion about the issues before the Public Hearing.	Option 1 - Removal of Bute and Dunsmuir Islands from the Areas of Application in both the OCP and LUB, with aim to pursue a separate planning process in next term for Bute and Dunsmuir Islands.
Marine Zoning around Hudson Island	Hudson Island community	Change proposed W2 zoning to W1 zoning to reflect the existing docks on the east side of the island.	No.	Yes. [Schedule C]	The original proposed zoning was erroneous and should be changed.	1. Change the W2 zoning around Hudson Island to W1 on Schedule C of the LUB.	Change the W2 zoning around Hudson Island to W1 on Schedule C of the LUB.
Vessel as Prohibited Permanent Residence	Ruxton Island community member	Use of a vessel as a permanent residence should not be prohibited in the bylaw.	No.	Yes. [delete 3.3 (4)]	This prohibition is exercised in many bylaws, and is silent in many others. The environmental impacts of living permanently on a boat can be a concern over the long term, but also this policy reflects social contract. Comment was made that vessels are used as residences during construction of upland primary dwelling units. A vessel may anchor for a number of consecutive days before it is deemed a structure, allowing vessel users to anchor and remain on their boats while visiting the island for short-term stays.	1. Delete 3.3 (4) and stay silent on the topic of residence in a vessel. 2. Add at the end of 3.3 (4) "notwithstanding the use of a vessel as a residence during dwelling construction on an upland lot." 3. No change from the current proposed regulation prohibiting a vessel as a permanent residence.	No specific recommendation.
Recreational Cottages as Permitted Use and Structures	North Reid community	Residents of North Reid would like to add in two guest cabins with kitchens, up to 100 square metres each, as permitted structures for North Reid Island, in addition to the proposed one primary dwelling per lot.	Yes. [Goals 2.0, 2.2 Policy 3.2.4]	Yes [R2 site specific regulation]	Current Islands Trust Regulation for Unzoned Areas allows for one recreational cottage not exceeding 37 square metres in floor area as well as a main dwelling unit. Since accessory buildings apply to recreational cottages, one can interpret the intent is that a recreational cottage is a primary use. This fits with the current land use pattern on unzoned islands such as Reid with one main dwelling unit, and a smaller second unit. No mention is made in the regulation about the nature of "recreational cottages" other than size, so there is a good chance that there have been kitchens placed in existing recreational cottages. Comments from current residents indicate that many lots have cottages with water systems in	1. Add site-specific zoning to R2 zoning to allow 1 primary dwelling unit and 3 small dwelling units on North Reid. 2. Add site-specific zoning to R2 zoning to allow 1 primary dwelling unit and 2 small dwelling units on North Reid. 3. Add site-specific zoning to R2 zoning to allow 1 primary	Option 4.

					them. Permitting two guest cabins with kitchens in addition to a primary dwelling unit would significantly increase the density of North Reid lots, beyond even what could be allowed through the current regulation. Note that some North Reid lots have the potential to subdivide, so allowing additional density as well as allowing for subdivision would make for fairly dense properties if fully subsidized. Considering the limited carrying capacity of the island, Staff strongly advises against permitting one dwelling unit and two guest cabins with kitchens on North Reid Island. If a domestic water system serves more than one single family dwelling unit, it is concerned by Island Health to be a community water system, requiring proper compliance with the Drinking Water Protection Act and Regulation. This means that even legal non-conforming uses will require additional thought in the future regarding drinking water supply standards. The current proposed bylaw allows for sleeping cabins, the key distinction being that sleeping cabins do not have a water system in them for kitchen or sanitary purposes. The proposed bylaw does not stipulate a restriction on the number or size of accessory sleeping cabins. If considering one guest cabin in addition to a main dwelling unit, similar to the Islands Trust Regulation, a definition of "cottage" would be required. It is staff's opinion that moving forward, the best option is to allow for one water system per lot.	dwelling unit and 3 small dwelling units on North Reid. 4. Change R2 zoning to allow 1 primary dwelling unit and one smaller dwelling unit on all R2 lots. 5. No change, allowing a density of one dwelling unit, unlimited sleeping cabins and legal non-conforming uses.	
Lot coverage	Ruxton	Lower from 25% to 15%.	No	Yes [R1 5.1 (3)]	The concern noted by multiple communities regarding lot coverage suggests that the proposed maximum is too high for the Plan area. A decrease in lot coverage falls in line with the objectives of the proposed OCP and LUB, as well as the Trust Policy Statement. .	1. Change 5.1 (3) to lower the maximum lot coverage for the R1 (Ruxton) zone from 25% to 15% **AND** add a site-specific regulation R2(a), lowering the maximum lot coverage for the North Reid area from 25% to 15%. 2. Lower all lot coverage maximums to 15% (for Residential and Community Service zones). 3. No change.	Option 2 - Lower all lot coverage maximums to 15% (Residential and Community Services).
	North Reid	Lower from 25% to 12.5% (an average of the 10-15% options suggested by the community)	No	Yes [R2 5.2 (3)]			

Consideration of First Nation interests	Stz'uminus Nation	Add a statement at the outset of the OCP regarding considerations made in the plan and planning process acknowledging First Nations interests for the area.	Yes	No	This statement would strengthen the Official Community Plan. Language can be drafted and sent to interested First Nations for review.	1. Add a statement to the OCP. 2. No change.	Option 1 - Add a statement to the OCP.
Strengthening Policies around Archaeological Protection	Arch Branch and Stz'uminus Nation	Agency referral responses suggested that the language for archaeological site protection could be strengthened, in particular regarding burial sites in the Plan Area.	Yes	No	Staff worked with the Archaeology Branch and Stz'uminus Nation to strengthen language in Section 12 of OCP, suggesting as follows (additional in bold): 12.2 CULTURE AND HERITAGE POLICIES 12.2.3 **All archaeological sites (known or unknown) in British Columbia are protected under the Heritage Conservation Act.** All development applications will be reviewed for the presence of known archaeological sites. Applicants will be notified if an archaeological site **is present on the property**. Notification may include a recommendation to engage a professional consulting archaeologist **to determine whether proposed work could potentially impact archaeological deposits and whether avoidance will alleviate impact or if mitigative measures will be necessary.** 12.2.4 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving and protecting archaeological resources. **Any alteration to an archaeological site (including covering or capping archaeological materials)** requires a Provincial Heritage Alteration Permit prior to land altering activities. 12.2.5 The Local Trust Committee will cooperate with First Nations to identify and protect significant archaeological or cultural sites, **and to preserve these areas in as an undisturbed context as is practicable.** 12.2 CULTURE & HERITAGE ADVOCACY POLICIES **12.3.3 Specific archaeological site types, including some burial practices, are meant to remain undisturbed while natural processes gradually break down site components. In cases such as these, all site materials should be left in a natural and undisturbed state.** **12.3.4 Land owners and visitors are encouraged to protect archaeological and cultural sites by avoiding site disturbance as much as possible. Any person noticing damage or impact to a site should report it to the Islands Trust and/or the Archaeology Branch.**	1. Add the suggested changes to Section 12 of the OCP. 2. No change.	Option 1 - Add the suggested changes to Section 12 of the OCP.

					12.3.5 If the disposition of a site is in question, or if a site is in danger of disturbance by non-development related factors (such as wave erosion, biological changes, or geological changes), land owners and visitors are encouraged to contact the Islands Trust and/or the Archaeology Branch.		
Authority over aquaculture	Fisheries and Oceans Canada	Agency referral response asserted authority and regulation over aquaculture activities, requesting the bylaws more explicitly state this.	No	Yes [W5 5.13]	Information notes recognizing DFO's authority over aquaculture activities could be noted as follows in W5 zoning (additions in bold): *Information Note: Marine aquaculture tenures are under the jurisdiction of the Ministry of Forests, Lands and Natural Resources Operations. Shellfish operations are under the jurisdiction of the Department of Fisheries and Oceans.* ***The Department of Fisheries and Oceans manages aquaculture in British Columbia under the authority of the Fisheries Act and the regulations made there under, particularly the Pacific Aquaculture Regulations.***	1. Insert the additional sentence to the information Note in the W5 (Marine Aquaculture) zoning. 2. No change.	Option 1 - Insert the additional sentence to the information Note in the W5 (Marine Aquaculture) zoning.
Leaving clear access to public landing sites	Ruxton community member	Commenter asked if regulations could specify the placement of mooring buoys such that they do not impede clear access to public landing areas, i.e. Otter Bay, Whale Boat Passage and Naylor Bay, for offloading and loading of passengers and cargo.	Yes [5.0 Marine Policies]	No	This could be included as an additional advocacy policy for residents, as follows: **5.3.3 Property owners are encouraged to place mooring buoys such that they do not impede clear access to public landing areas.**	1. Insert the additional advocacy policy to Section 5.3 of the OCP. 2. No change.	Option 1 - Insert the additional advocacy policy to Section 5.3 of the OCP.
Defining "derelict" and "abandoned"	Transport Canada	Referral response notes that a definition of "derelict" and "abandoned" would improve clarity.	No	Yes [Definitions]	Other Islands Trust bylaws do not feature definitions of derelict and abandoned vessels; however, this seems more due to the issue of derelict vessel only recently being raised. Definitions of derelict and abandoned could be added as definitions. Staff recommends following up with Transport Canada for more specific information to prepare succinct and clear definitions of these terms.	1. Insert definitions for "abandoned" and "derelict" to the Land Use Bylaw. 2. Insert a definition for either "derelict" or "abandoned" to the Land Use Bylaw and strike the undefined term from Sections 5.9 – 5.13. 3. No change.	Either Option 1 or 2.
Invasive Species & Community-based initiatives	CVRD Parks	CVRD requests to add objectives around curbing of invasive species, as well as supporting community initiatives.	Yes [Section 6.0]	No	Wording could be added to Section 6.0 of the OCP (additions in bold): 6.1.1 To preserve, protect, **and restore** special or significant areas **and ecosystems** in the Plan Area considered important for environmental, low impact recreational, or aesthetic reasons. **6.2.7 The Local Trust Committee should support initiatives to prevent the spread of invasive species.** **6.2.8 The Local Trust Committee should support community-based initiatives that contribute to the protection, restoration, and enhancement of the natural environment, ecosystems, and biodiversity.**	1. Insert the additional wording to Section 6 of the OCP. 2. No change.	Option 1 - Insert the additional wording to Section 6 of the OCP.

Structures in Parks	CVRD Parks	Referral response indicated that additional items be included as permitted structures in Park zoning, as well as a request to include restoration and enhancement as a permitted use.	No	Yes [P 5.7 Parks]	The following additions could be inserted into Section 5.7 (Parks) of the Land Use Bylaw (additions in bold): 5.7 (1) The following uses are permitted in the P zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited: **(c) Ecosystem restoration and enhancement.** 5.7 (2) The following structures are permitted in the P zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited: (a) Structures such as stairs, boardwalks, fences, **benches**, and roofed signs accessory to a permitted natural area protection, conservation or interpretation use; (b) Outhouses; and, (c) Informational, **regulatory, and directional** signs, subject to Part 6.	1. Insert the additional wording to Section 5.7 of the LUB. 2. No change.	Option 1 - Insert the additional wording to Section 5.7 of the LUB.
Accessory Building Height	Ruxton Community Member	Remove the distinct height restriction for accessory buildings.	No	Yes [Height Regs 3.4]	A height restriction on accessory buildings provides both a visual and substantive distinction between primary dwellings and the other buildings on the property. Note that the current height restriction for buildings on Ruxton Island is a general 8 metre maximum, so there will be a number of legal non-conforming buildings on Ruxton Island for the foreseeable future.	Option 1: Remove the height restriction for accessory buildings, and introduce a general height restriction of 9 metres. Option 2: Return height restrictions in the R1 (Ruxton) zone to those set in their current zoning bylaw, 8 metres for all buildings. Option 3: Change the height restrictions to one general restriction of 8 metres for all buildings on all islands. Option 4: No change.	Option 4 - No change to the proposed height restrictions (9 metres for primary dwellings and 6 metres for accessory dwellings).
Increase allowed Cottage size	South Reid Retreats	Requested to increase the allowed cottage floor area from 82m2 to 112m2.	No	Yes [R4 5.4 (7)]	In 1984, the Thetis LTC allowed the development of 26 cottages on the South Reid Retreats property, each restricted to a maximum floor area of 81.75m2 (880 sq ft).South Reid Retreats is requesting a review of the 1984 resolution to increase the maximum floor area to 111.5 m2 (1200 sq ft). Staff finds an increase in size is amenable, as it is still a reasonable size and the density remains the same.	Option 1: Increase the maximum floor area in the R4 Zoning article 5.4 (7) to 111.5 m2. Option 2: No change.	Option 1 - Increase the maximum floor area in the R4 Zoning article 5.4 (7) to 111.5 m2.

Decrease primary dwelling size	North Reid Community members	Set size restriction for primary dwelling to 279m2 (3,000 sq ft)	No	Yes [R2 5.2]	This suggestion resulted from a consultation process undertaken by North Reid Island residents. All 18 of the possible 20 respondents agreed to set a maximum size for the principle dwelling unit. The average size requested was 2,700 sq ft, but the largest number of residents requested 3,000 sq ft. A site-specific regulation could be introduced for only the R2 lots on Reid Island, setting a maximum floor area of 250m2 or 279 m2. This could be a defendable position to take, as it responds to community input.	1. Create a site-specific regulation for only the R2 lots on Reid Island, setting a maximum floor area of 279 m2. 2. No change.	No specific recommendation.
Hudson Setbacks from Lot 11	Hudson island Community	A general 15.25 metre setback from all lot lines is too much. Lot lines abutting Lot 11 should be exempt, as per the Regulatory Building Scheme.	No	Yes [R5 5.5 (4)]	The Regulatory building scheme for Hudson Island outlines setbacks for Hudson Island lots, requiring a 15.25 metre setback from side lot lines. However, no setback is set for lot lines abutting Lot 11. Staff agrees that the original proposed setbacks result in an overly restrictive area for development and should be changed.	1. Change the setback for R5 zoning in 5.5 (4) to read: **"The minimum setback for any building or structure in the R5 zone is 15.25 metres from side lot lines excluding those abutting Lot 11."**	Option 1.
Decks in the setback from the sea	South Reid	Would like to have decks (~6x6 sq m) within the 10 m setback from the sea.	No	Yes [Setback Regs 3.3 (5)]	The current proposed bylaw allows decks connected to buildings to extend 1 metre into the setback. Staff feels that this is sufficient while still protecting the foreshore from development.	1. Add decks to the list of structures exempted from in 3.3 (3) 2. No change.	No change.
Number of buildings on waterfront	North Reid	Suggest restricting the number of buildings between 10 – 25 m from the sea to 2.	No	Yes [R2 5.2]	In their consultation process, the North Reid residents agreed with a large majority to restrict the number of dwelling units to 2 in the 25 metre area from the high water line. This suggestion is born out of a request to have up to three guest cabins in addition to a primary dwelling unit on a North Reid lot. Staff is not recommending more than two dwelling units on any lot; if the LTC agrees with the staff recommendation, this amendment is unnecessary. Should the LTC grant the North Reid lots additional density, Staff recommends granting such subject to the Island Health's Sewage System Regulation's requirements around the location and density of dwelling units.	1. Create a site-specific regulation for only the R2 lots on Reid Island, setting the maximum number of dwelling units to 2 within 25 metres from the setback from the sea. 2. No change.	No change.
Ruxton Setbacks from the sea	Ruxton Community member	Reduce the setback from 10 metres to 5 metres.	No	Yes [Setback Regs 3.3]	The LTC has already reduced the suggested setback from 15 metres to 10 metres. In order to protect the foreshore, Staff does not recommend further reducing the setback.	1. Reduce the setback from the sea noted in 3.3 (3)(a). 2. No change.	No change.
Setback from the Natural Boundary of the Sea	South Reid Retreats	Wishes to reduce the 10 metre setback from the Natural Boundary of the Sea. Feels it is too restrictive.	No	Yes [Setback Regs 3.3]	The LTC has already reduced the suggested setback from 15 metres to 10 metres. In order to protect the foreshore, Staff does not recommend further reducing the setback.	1. Reduce the setback from the sea noted in 3.3 (3)(a). 2. No change.	No change.
Setbacks in Conservation Zones	Ruxton Community Member	Increase the setback from 4.5 metres to 5 metres (same as residential setbacks)	No	Yes [G 5.8 (3)]	There is no specific rationale to having a 4.5 metre setback as opposed to a 5 metre setback. Staff agrees this would increase the simplicity of the regulations overall.	1. Increase the setback from lot lines to 5 metres for Section 5.8 (3). 2. No change.	Option 1 - Increase the setback from lot lines to 5 metres for Section 5.8 (3).

Watercourses including streams on Ruxton	Ruxton Community Member	Concerned that the streams in Naylor and Herring Bays would be considered "watercourses". Requesting that the 30 metre setback be removed.	No	Yes [General 3.3.(4)]	It is staff's opinion that the definition of "watercourse" delineates a stream from surface drain and specifies a size warranting regulation. Staff notes that any existing buildings would not be subject to the setback regulation.	1. Reduce the setback regulations for watercourses on Ruxton. 2. No change.	No change.
Privies; Holding Tanks; Discharge Areas; Community Water Systems	Island Health	If outhouses are used, they must be maintained in a way prescribed in the *Sewage System Regulation* to not cause a health hazard. Note that dug hole privies are no longer allowed. Holding Tanks must be constructed as per the *Sewage System Regulation,* including being set back 15 metres from a well. Discharge Areas must be 30.5 metres from the natural boundary of tidal and non-tidal water. Domestic water system serving more than one single family residence is a community water system; must comply with the Drinking Water Protection Act & Regulation. (Water sources include groundwater, surface water, rain water.)	No	Yes [3.1; 3.3]	The Ballenas-Winchelsea Islands LUB recently included language as additional information notes, which staff suggests be added to the Land Use Bylaw (additions in bold). This information note could also be added at the end of Section 3.3 (Siting and Setback Regulations). ***Information Note:*** ***Water supply and sewage disposal facilities must comply with the following BC Acts and Regulations: Water Act, Groundwater Protection Regulation, Public Health Act, Drinking Water Protection Regulation, Water Sustainability Act, and Health Hazard Regulation.*** ***Water sources for water supply facilities may include groundwater, surface water, and rain water.***	1. Include suggested information note in both Sections 3.1 and 3.3 of the Land Use Bylaw. 2. No change.	Option 1.
Sewerage System Permits	Island Health	Island Health no longer issues permits for sewerage systems.	No	Yes [Section 3.1]	Current regulation can be modified to correctly reflect current procedures. Staff recommends the following change (noted in bold): 3.1 (11) Sewage disposal facilities for which **all required filings have been made in accordance with the Sewerage System Regulation** under the *Public Health Act*.	1. Change 3.1 (11) to reflect current procedures. 2. No change.	Option 1.
Subdivision Standards	Island Health	Note should be made that subdivision of residential lots must meet Island Health's subdivision standards.	No	Yes [Section 7]	The following sentence could be added to the Information Note at the end of Section 7.8 (Subdivision Water Supply). ***Subdivision of residential lots must meet Island Health's Subdivision Standards.***	1. Include suggested information note in Section 7.8 of the Land Use Bylaw. 2. No change.	Option 1.
Water Collection	FLNRO	Encourage rainwater collection as alternative to extracting groundwater. Discourage below grade connections, and encourage rainwater collection rather than direct well connections.	Yes [Section 10]	No	The following advocacy policy could be added to the OCP 10.3. **10.4 Property owners are encouraged to collect rainwater as an alternative to extracting groundwater.**	1. Include suggested advocacy policy in Section 10 of the OCP. 2. No change.	Option 1.

Groundwater Protection language	FLNRO	Change language around “protecting” and “wells” in OCP.	Yes [Section 10]	No	Change the following phrase in Section 10 of the OCP: 10.3.1 The BC Ministry of Forests, Lands and Natural Resource Operations and Island Health are encouraged to **ensure that their policies, legislation and studies are designed to protect** the quality and quantity of existing **groundwater resources for current and future users.**		
Groundwater Policies	Island Health	Some changes have been made to the process, please reflect that.	Yes [Section 10.3.3]	No	Staff suggests the following changes to the OCP: 10.3.3 Island Health and Cowichan Valley Regional District are encouraged to: (a) **allow** waste water treatment systems of demonstrated efficacy that are alternative to conventional septic disposal systems; (b) conduct studies on alternate systems for waste water treatment; (c) develop a regular septic system maintenance program requirement; and, (d) **continue** to detect and correct failing septic systems.	1. Change 10.3 3 of the OCP to reflect current procedures. 2. No change.	Option 1.
Saltwater intrusion	FLNRO	Add in comment about saltwater intrusion vulnerability in coastal bedrock aquifers.	Yes [Sections 1.3 and 10]	No	Staff recommends adding an additional paragraph in Section 1.3 of the OCP recognizing the bedrock aquifer in a coastal environment as a particularly vulnerable environment to saltwater intrusion into the freshwater resources. As well, an advocacy policy could be added to the Groundwater Policies in the OCP: **10.5 Well owners and operators are encouraged to ensure their pumping does not cause or exacerbate saltwater intrusion in freshwater resources, particularly those in coastal bedrock aquifers.**	1. Include suggested advocacy policy in Section 10, and suggested language to Section 1.3. of the OCP. 2. No change.	Option 1.
Surface Water	FLNRO	Surface Water should be addressed in the OCP	Yes	No	Staff is following up with the agency for clarification on their comment, and will report back should the comment require revisions to the OCP or LUB.	n/a	n/a
Water availability for commercial uses	FLNRO	Add in comment about the (lack of) water availability limiting commercial and industrial uses.	Yes [Section 4.0]	No	Staff recommends adding the following policy in Section 4.2 of the OCP: **4.2.7 The LTC should, in its bylaw provisions and in considering applications, consider the cumulative effects of existing and proposed development on sensitive ecosystems and groundwater supplies.**	1. Add suggested policy to Section 4.2 of the OCP. 2. No change.	Option 1.

Marine Advocacy Policies	Transport Canada	Uncomfortable with wording of Marine Advocacy Policies in OCP; wants OCP to reiterate Navigation Protection Program's policies	Yes [5.3.1]	No	Staff recommends adding the following note in the Marine Uses Advocacy Policies: 5.3.1 Transport Canada is encouraged to monitor and enforce the regulation of mooring buoys in the Plan Area, **as managed through its Navigation Protection Program.** The following could also be added as an Information Note at the end of Section 5.3 of the OCP (Marine Uses Advocacy Policies). ***Information Note:*** ***The Navigation Protection Program (NPP) manages obstructions in navigable waters including Private Buoys on all navigable waters, as defined under the Canada Shipping Act, 2001 – Private Buoy Regulations.***	1. Change the language of 5.3.1 in the OCP. 2. Change the language in 5.3.1 in the OCP, as well as add an information note at the end of the section. 3. No change.	Option 1.
Aquaculture Structures	Transport Canada	Notes that some structures such as predator netting, etc are not included as permitted structures.	No	Yes [5.13]	Predator netting and other aquaculture structures are not desired by the Islands Trust. Staff believes the LTC can stay silent on this topic and defer to Fisheries and Oceans Canada's authority over aquaculture activities and structures.	1. Change the language of 5.13 in the LUB. 2. No change.	No change.
Size of accessory docks.	Ruxton Community Member	States that 37m2 is too restrictive for dock floats and accessory structures.	No	Yes [5.9 (3)]	Staff recommends no change to this regulation.		No change.
Water Access to Property	Ruxton Community Members	Claim that there is legal duty to provide ready and safe access to Ruxton Island,	Yes	Yes	Legal opinion confirms that both bylaws fulfill the duty of legal access. Staff recommends no change to this regulation.	n/a	No change.
Open Burning	Island Health	Add in comment that burning domestic waste is prohibited in Open Burning Smoke Control Regulation.	Yes [11.3.2 (C)]	No	Staff suggests the following changes to the OCP in Section 11.3.2 (c): ***Information Note:*** ***The Open Burning Smoke Control Regulation prohibits the burning of refuse.***	1. Change 11.3 2 of the OCP to reflect current regulation. 2. No change.	Option 1.
Commercial On Ruxton	Ruxton Community Member	Strongly opposed to commercial activities on Ruxton that would attract tourism.	Yes [Section 4.0]	No	There are currently no commercially-zoned lands on Ruxton. Any land to be used for commercial tourism would require a rezoning. Staff recommends no change to this regulation.	n/a	No change.
Noise from Home Occupations	Ruxton Community Members	Modify regulation referring to "audible" noise; instead denote acceptable hours of operation.	No	Yes [General 3.6 (5)]	Staff recommends the following modification to the Home Occupation Regulations set out in the LUB: 3.6 (5) No noise resulting from any home occupation may be heard at a lot line or the natural boundary of the sea **on Sundays and/or between the hours of 18h00 and 8h00**.	1. Change 3.6 (5) of the LUB. 2. No change.	Option 1.
Definitions	Ruxton Community Member	Displeased with current definition of "building".	No	Yes [Definitions]	Staff recommends no change to this regulation.		No change.

Definitions	Ruxton Community Member	Displeased with current definition of “commercial”.	No	Yes [Definitions]	Staff recommends no change to this regulation.		No change.
Definitions	Ruxton Community Member	Displeased with current definition of “commercial visitor accommodation”.	No	Yes [Definitions]	Staff recommends no change to this regulation.		No change.
Definitions	Ruxton Community Member	Displeased with current definition of “emergency services”.	No	Yes [Definitions]	Staff recommends no change to this regulation.		No change.
Definitions	Ruxton Community Member	Displeased with current definition of “floor area”.	No	Yes [Definitions]	Staff recommends no change to this regulation.		No change.
Definitions	Ruxton Community Member	“Landscape Screen” should be removed as it is not used in the bylaw.	No	Yes [Definitions]	Landscape Screen is used in the LUB. Staff recommends no change to this regulation.		No change.
Definitions	Ruxton Community Member	Displeased with current definition of “ocean geothermal loop”.	No	Yes [Definitions]	Staff recommends no change to this regulation.		No change.
Reconstructing in the setback	Ruxton Community Member	Commenter wanted to removes “reconstructing” from the list of buildings subject to setbacks.	No	Yes	Staff recommends no change to this regulation.		No change.
Penalty Amount	Hudson Community Member	Commenter noted the high penalty fee is beside the point.	No	Yes [Section 2.5]	The Ballenas-Winchelsea LUB does not feature a concrete amount, so it is possible to not specify the penalty amount.	1. Remove the “$10,000” specifics from Section 2.5 (1).	No recommendation.
Site Surveying Requirements	Ruxton Community Member	Commenter wanted, for clarity, that development permits not be included in the Section 2.8	No	Yes [2.8]	Staff recommends no change to this regulation.		No change.
Fences, steps, etc in setbacks	Ruxton Community Member	Misunderstanding around the general regulations allowing for certain structures in the setback.	n/a	n/a	Staff recommends no change to this regulation.		No change.
Activities allowed in Water Zoning	Ruxton Community Member	Misunderstanding around water uses in a water zone versus the activities occurring in a water zone.	n/a	n/a	Staff recommends no change to this regulation.		No change.
Outhouses	Ruxton Community Member	Outhouses should be added to structures allowed in interior setback areas.	No	Yes [General 3.3 (2)]	Staff recommends no change to this regulation.		No change.
Outhouses	Ruxton Community Member	Allow outhouses while building primary dwelling.	No	Yes [General 3.5. (2)]	Staff recommends no change to this regulation.		No change.

THETIS ASSOCIATED ISLANDS

OFFICIAL COMMUNITY PLAN

BYLAW NO. 93, 2014

[Back of Front Cover]

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 93

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

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

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

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

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

1. TITLE

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

2. APPLICATION

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

3. SCHEDULES

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

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

4. REPEAL

   Cowichan Valley Regional District Electoral Area "H" Official Community Plan Bylaw No. 1497, 1993 is repealed to the extent that it applies to the area described in Section 16.3.

READ A FIRST TIME this 16th day of April , 2014
READ A SECOND TIME this day of , 201X
PUBLIC HEARING HELD this day of , 201X
READ A THIRD TIME this day of , 201X
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this day of , 201X
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this day of , 201x
ADOPTED this day of , 201x

SECRETARY **CHAIRPERSON**

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SCHEDULE C: LAND USE DESIGNATION MAPS C & D 27

Schedule A

PART A: BACKGROUND AND GOALS

1.0 BACKGROUND

1.1 THE OBJECT OF THE ISLANDS TRUST

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

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

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

1.2 THETIS ASSOCIATED ISLANDS

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

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

Bute Island
Dayman Island
Dunsmuir Islands
Hudson Island
Pylades Island
Reid Island
Ruxton Island
Scott Island
Tree Island
Whaleboat Island

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

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

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

1.3 NATURAL FEATURES

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

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

1.4 ACCESS AND SERVICES

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

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

1.5 POPULATION AND SETTLEMENT PATTERNS

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

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

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

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

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

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

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

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

1.6 DEVELOPMENT POTENTIAL

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

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

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

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

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

1.7 OFFICIAL COMMUNITY PLAN

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

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

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

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

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

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

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

2.0 PLAN GOALS

2.1 To preserve and protect the ecosystems, habitat, and natural resources of the Plan Area.

2.2 To ensure that human activities and the scale, rate and type of development contribute to the preservation of the community character of the Plan Area.

2.3 To work cooperatively and collaboratively with other local governments, First Nations, Federal and Provincial governments and their agencies, the Trust Fund Board, non-governmental organizations, communities, property owners, residents, and visitors to advance the mandate of the Islands Trust and the Goals and Objectives of this plan.

PART B: LAND USE DESIGNATIONS

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

The land use of these islands is primarily seasonal residential with few exceptions. Whaleboat Island is a Provincial Park, and the southern of the two Dunsmuir Islands is owned by the Seattle Yacht Club and used as an outstation for their members. A lot that runs the length of Hudson Island is a private airstrip with shared ownership between the ten lots surrounding it.

3.0 RESIDENTIAL LAND USES

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

3.1 RESIDENTIAL LAND USE OBJECTIVES

3.1.1 To guide and regulate growth and change in a manner that protects sensitive ecosystems, encourages sustainability, and adapts to the potential effects of climate change.

3.1.2 To maintain the traditional development patterns of the Plan Area.

3.1.3 To manage development in a manner that minimizes hazards.

3.2 RESIDENTIAL LAND USE POLICIES

3.2.1 Local Trust Committee bylaw provisions should preserve the relatively low density residential character of the area, so as to remain compatible with the environmental carrying capacity and traditional land use in the plan area.

3.2.2 The Local Trust Committee should continue to permit single family residential uses as the principal use.

3.2.3 Local Trust Committee bylaw provisions should ensure that uses customarily considered accessory to residential uses are permitted and regulated.

3.2.4 Residential density should be limited to one single family dwelling unit and structures accessory to a dwelling unit for each lot.

3.2.5 Despite Policy 3.2.4, zoning should permit existing densities in established communities.

3.2.6 Despite Policy 3.2.4, Local Trust Committee bylaw provisions may permit an increased density on District Lots 35 & 36 (South Reid Estates) of Reid Island.

3.2.7 Subdivision regulations should establish an average lot size of 4 hectares, consistent with the historic 4 hectare minimum lot size, while allowing for the clustering of lots in future subdivisions to protect rare, threatened, or sensitive ecosystems.

3.2.8 The Local Trust Committee should encourage the consolidation of lots less than 0.5 hectares.

3.2.9 Applications for additional higher density for new development may only be considered subject to the following:

(a) the application would result in the preservation and protection of a sensitive ecosystem, significant natural feature, or a heritage resource;

(b) the additional density takes the form of residential lots or dwellings;

(c) the additional development would be sited away from sensitive ecosystems, would minimize visual impacts, would mitigate potential natural hazards, and would address the sustainability of new development;

(d) the additional development would not adversely impact groundwater resources; and,

(e) the additional development would not adversely impact adjacent properties.

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

3.2.11 The Local Trust Committee may consider zoning for the provision of affordable, rental and special needs housing if a community need is demonstrated.

3.2.12 The Local Trust Committee should undertake initiatives to identify areas that are hazardous to development, including areas subject to flooding, erosion or slope instability.

3.2.13 The Local Trust Committee should, through zoning, the use of setbacks, and the use of development permit areas, restrict and manage development in areas known to be subject to hazardous conditions.

3.3 RESIDENTIAL LAND USE ADVOCACY POLICIES

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

4.0 COMMERCIAL AND INDUSTRIAL LAND USES

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

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

4.1 COMMERCIAL AND INDUSTRIAL OBJECTIVES

4.1.1 To ensure that commercial uses are compatible with the goals of this plan.

4.1.2 To ensure that industrial activity is compatible with the goals of this plan.

4.2 COMMERCIAL AND INDUSTRIAL POLICIES

4.2.1 Zoning for any future commercial uses should be limited to those necessary to provide for the daily needs of residents.

4.2.2 Home occupations should be permitted as a use accessory to residential use and should be regulated to minimize impacts.

4.2.3 Commercial visitor accommodation should be limited to temporary overnight accommodation that is accessory to residential use of a dwelling, and should be regulated to minimize impacts.

4.2.4 Industrial uses should be limited to accessory home occupations and those permitted through temporary use permits.

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

4.2.6 The Local Trust Committee may consider temporary use permits for short-term commercial or industrial uses where appropriate. Applications may be considered for temporary industrial use where such uses are of a short-term and fixed duration, and would not negatively impact the environment and natural resources in the Plan Area.

5.0 MARINE USES

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

5.1 MARINE USES OBJECTIVES

5.1.1 To maintain the integrity of the marine ecosystem and the coastal areas in the Plan Area.

5.1.2 To allow for traditional marine uses by residents and other users without unduly compromising the marine or foreshore ecosystems or the visual appearance of the islands in the Plan Area.

5.2 MARINE USES POLICIES

5.2.1 The Local Trust Committee should identify and protect ecologically sensitive marine areas.

5.2.2 The Local Trust Committee should recognize and support the marine dependent nature of land uses in the Plan Area.

5.2.3 The Local Trust Committee should use bylaw provisions to protect public access to, from, and along the marine shoreline.

5.2.4 The Local Trust Committee may permit individual private docks accessory to residential uses. These docks should be regulated by zoning.

5.2.5 Regarding Ruxton Island, the Local Trust Committee should support rezoning applications for community docks that are small-scale and not intended for overnight moorage, and which address the cumulative impacts of community docks on Ruxton Island.

5.2.6 In order to limit the need for private dock development along the shoreline, community or communal docks should be encouraged where feasible.

5.2.7 The Local Trust Committee should use bylaw provisions to locate docks in locations with minimum environmental impact, and should encourage dock design that is sensitive to marine ecosystems and habitat.

5.2.8 The Local Trust Committee should not permit commercial marinas intended for use by non-residents.

5.2.9 The Local Trust Committee may consider rezoning applications for leases for aquaculture, other than finfish farms.

5.2.10 The Local Trust Committee should, through zoning, the use of building setbacks, and the use of development permit area designations and guidelines:

(a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes;

(b) discourage uses that disrupt natural features and processes;

(c) allow for natural erosion and accretion processes, without endangering structures;

(d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and

(e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities.

5.2.11 The Local Trust Committee should only give consideration to permitting structural modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect an existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilize banks, reduce erosion and provide habitat should be retained or enhanced.

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

5.2.13 The Local Trust Committee should encourage and facilitate education around shoreline stewardship.

5.3 MARINE USES ADVOCACY POLICIES

5.3.1 Transport Canada is encouraged to monitor and enforce the regulation of mooring buoys in the Plan Area.

5.3.2 Property owner associations are encouraged to assist with coordination efforts to share docks and mooring buoys.

6.0 PARK AND CONSERVATION USES

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

6.1 CONSERVATION USE OBJECTIVE

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

6.2 CONSERVATION USE POLICIES

6.2.1 The Local Trust Committee should support the preservation of ecologically sensitive areas through land use regulation, conservation covenants, park land dedication, conveyance to conservation agencies, or, where feasible, participation in the Natural Areas Protection Tax Exemption Program (NAPTEP).

6.2.2 The Local Trust Committee may undertake or support initiatives to identify locations that are a priority for the creation of safe public access to beaches, parks, areas of recreational significance, linear parks and trails, and public anchorages, in cooperation with other agencies and community groups.

6.2.3 The Local Trust Committee should identify potential networks of protected areas in the Plan Area.

6.2.4 Local Trust Committee bylaw provisions may include in this designation lands that are protected by conservation covenant, park dedication, heritage designation, by donation to a conservancy organization or have been protected by other means.

6.2.5 The Local Trust Committee is encouraged to require dedication of land, rather than cash-in-lieu, where parkland dedication is required at the time of subdivision, as authorized by the Local Government Act.

6.2.6 Land provided as a conservation amenity in exchange for an increase in density as part of an amenity rezoning application may be included in this designation.

6.3 ADVOCACY POLICIES

6.3.1 The Cowichan Valley Regional District is encouraged to establish a management plan for the wetland park land on Ruxton Island.

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

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

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

7.1 NATURAL RESOURCES USE OBJECTIVE

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

7.2 NATURAL RESOURCES USE POLICIES

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

(a) minimize any adverse effects on potential agricultural land;

(b) encourage the design of any road systems and servicing corridors to avoid identified agricultural lands;

(c) support the economic viability of farming; and

(d) permit the use of Crown lands for agricultural leases where there is agricultural potential.

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

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

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

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

7.3 NATURAL RESOURCES USE ADVOCACY POLICIES

7.3.1 The Local Trust Committee encourages landowners to protect sensitive forest ecosystems through donation, conservation covenants, careful management, or, where feasible, participation in the Natural Areas Protection Tax Exemption Program (NAPTEP).

7.3.2 The Local Trust Committee encourages voluntary stewardship to ensure protection and maintenance of adequate forested areas for the sustenance of groundwater supplies, as well as retention of characteristic forested landscapes, habitat for wildlife, and significant trees or stands.

8.0 COMMUNITY SERVICE AND INSTITUTIONAL USE POLICIES

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

8.1 COMMUNITY SERVICE USE OBJECTIVE

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

8.2 COMMUNITY SERVICE USE POLICIES

8.2.1 The Local Trust Committee may establish zoning within this designation, or within the residential designation, to permit and regulate local community services such as meeting halls, infrastructure, and emergency service facilities.

8.2.2 Local Trust Committee bylaw provisions should maintain the historical designation of the Hudson Island airstrip as a community service use.

8.2.3 A need to designate land for schools is not anticipated.

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

8.3 ADVOCACY POLICIES

8.3.1 Regional districts are encouraged to provide facilities for disposal of waste in appropriate locations.

8.3.2 BC Emergency Health Services are encouraged to work with communities and the Coast Guard to identify suitable helicopter landing areas for use in cases of medical emergency.

PART C: NATURAL ENVIRONMENT

9.0 SENSITIVE ECOSYSTEM POLICIES

9.1 SENSITIVE ECOSYSTEM OBJECTIVES

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

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

9.2 SENSITIVE ECOSYSTEM POLICIES

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

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

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

(a) zoning regulations that encourage the siting of new development away from sensitive areas;

(b) the implementation of development permit areas where mapping identifying sensitive ecosystems at an appropriate scale is available and where the administration of development permit areas is feasible;

(c) acquisition of land by the Trust Fund Board, other conservancies, the Cowichan Valley Regional District, and government agencies;

(d) encouragement of voluntary stewardship including the use of tools such as conservation covenants and where feasible, participation in the Natural Areas Protection Tax Exemption Program (NAPTEP);

(e) park dedication at the time of subdivision; and,

(f) the use of incentives such as lot clustering and amenity zoning.

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

9.2.5 The Local Trust Committee should, through bylaw provisions, implement provincial riparian area protection requirements should applicable watercourses be identified.

9.2.6 The Local Trust Committee may work with owners on Pylades, Ruxton, Dayman, Scott, and Hudson Islands to gather more refined mapping data of sensitive ecosystems and ecosystems at risk on those islands.

10.0 GROUNDWATER POLICIES

10.1 GROUNDWATER OBJECTIVE

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

10.2 GROUNDWATER POLICIES

10.2.1 Land use designations, zoning, subdivision regulations and other planning tools should be used to ensure that neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater.

10.2.2 The Local Trust Committee, in its bylaw provisions and in considering applications, should ensure that water quality is maintained, that existing, anticipated and seasonal demands for water are considered and addressed, and that new uses do not affect water availability to the detriment of existing uses.

10.2.3 The precautionary principle should be applied with respect to the planning, utilization and protection of potable water supplies, so that property owners, developers and government agencies act with a conservative approach regarding the impacts of land use on island water supplies.

10.2.4 The use of alternative technology to the traditional septic field, and the safe recycling of gray water, should be supported subject to compliance with other government regulations.

10.3 ADVOCACY POLICIES

10.3.1 The BC Ministry of Forests, Lands and Natural Resource Operations and the Vancouver Island Health Authority are encouraged to protect the quality and quantity of existing wells.

10.3.2 The Vancouver Island Health Authority is encouraged to ensure sewage disposal protects the quality of groundwater supply on islands in the Plan Area.

10.3.3 The Vancouver Island Health Authority and Cowichan Valley Regional District are encouraged to:

(a) permit waste water treatment systems of demonstrated efficacy that are alternative to conventional septic disposal systems;

(b) conduct studies on alternate systems for waste water treatment;

(c) develop a regular septic system maintenance program requirement; and,

(d) develop a program to detect and correct failing septic systems.

11.0 CLIMATE CHANGE POLICIES

11.1 CLIMATE CHANGE OBJECTIVES

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

11.1.2 To support actions to minimize greenhouse gas emissions.

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

11.2 CLIMATE CHANGE POLICIES

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

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

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

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

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

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

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

11.3 ADVOCACY POLICIES

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

(a) reduce fuel requirements;

(b) reduce the extent of infrastructure; and,

(c) limit the impact on the natural environment.

11.3.2 Residents are encouraged to:

(a) incorporate high energy efficiency into building design and construction and use carbon-efficient materials in new construction;

(b) use non-fossil fuel energy sources where possible; and,

(c) limit the burning of refuse.

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

PART D: COMMUNITY SERVICES

12.0 CULTURE AND HERITAGE POLICIES

12.1 CULTURE AND HERITAGE OBJECTIVES

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

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

12.2 CULTURE AND HERITAGE POLICIES

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

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

12.2.3 All development applications will be reviewed for the presence of known and recorded archaeological sites. Applicants will be notified if the site includes a known, protected archaeological site. Notification may include a recommendation to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.

12.2.4 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

12.2.5 The Local Trust Committee will cooperate with First Nations to identify and protect significant archaeological or cultural sites.

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

12.3 ADVOCACY POLICIES

12.3.1 The Local Trust Committee may advocate for the designation and protection of eligible heritage sites under the Heritage Conservation Act.

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

13.0 SERVICES AND INFRASTRUCTURE POLICIES

13.1 SERVICES AND INFRASTRUCTURE OBJECTIVES

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

13.1.2 To promote the development of effective community safety plans.

13.2 SERVICES AND INFRASTRUCTURE POLICIES

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

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

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

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

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

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

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

13.3 ADVOCACY POLICIES

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

13.3.2 The Royal Canadian Mounted Police, Canadian Coast Guard, fire protection, Cowichan Valley Regional District, as well as search and rescue organizations are requested to be responsive to planning area needs and to assist residents in

establishing adequate safety, protection and communication mechanisms for the public.

14.0 TRANSPORTATION POLICIES

14.1 TRANSPORTATION OBJECTIVES

14.1 To allow appropriate transportation conveyances for residents.

14.2 To ensure that transportation facilities do not have an unduly negative impact upon the ecosystems of the Plan Area.

14.2 TRANSPORTATION POLICIES

14.2.1 In its bylaw provisions and decision-making, the Local Trust Committee should recognize the challenges associated with accessing, living on and constructing on the islands in the Plan Area.

14.2.2 The Local Trust Committee may, through bylaw provisions, allow for emergency helicopter facilities in appropriate locations.

14.2.3 No island or islet in the plan area should be connected to another island or islet by a bridge, causeway or tunnel.

14.2.4 The Local Trust Committee should encourage the maintenance of low level road classification and support pedestrian and/or bicycle paths as on-land transportation systems.

14.3 ADVOCACY POLICIES

14.3.1 The Ministry of Transportation and Infrastructure is encouraged to maintain the low level of road classification on islands in the Plan Area.

14.3.2 The Ministry of Transportation and Infrastructure is requested to retain natural vegetation along road right-of-ways, and to carry out road ditching and maintenance with minimal impact to groundwater and surface water flow patterns.

14.3.3 Water taxi services are encouraged to provide access for residents and visitors travelling to and from islands in the Plan Area.

15.0 TEMPORARY USE PERMIT GUIDELINES

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

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

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

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

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

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

PART E: ADMINISTRATION AND INTERPRETATION

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

16.1 PURPOSE

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

16.2 ISLANDS TRUST AUTHORITY

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

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

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

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

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

16.3 AREA OF JURISDICTION

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

16.4 ADVOCACY POLICIES

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

16.5 PUBLIC FACILITIES

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

16.6 IMPLEMENTATION

Section 884 of the Local Government Act specifies that:

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

and

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

16.7 INTERPRETATION

16.7.1 In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the three digit numbers policies and the lower case letters articles:
Part: A
Section: 1.0
Policy: 1.1 1
Subsection: (a)

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

(a) Where boundaries coincide with lot lines, the boundaries are the lot lines.

(b) Where a boundary is shown as following any highway, right-of-way or stream, the centreline of such highway, right-of-way, or stream the centreline of that feature is the boundary.

(c) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.

(d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.

(e) The outer boundaries of the Marine designation on Schedule C are located 150 metres seaward of the natural boundary.

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

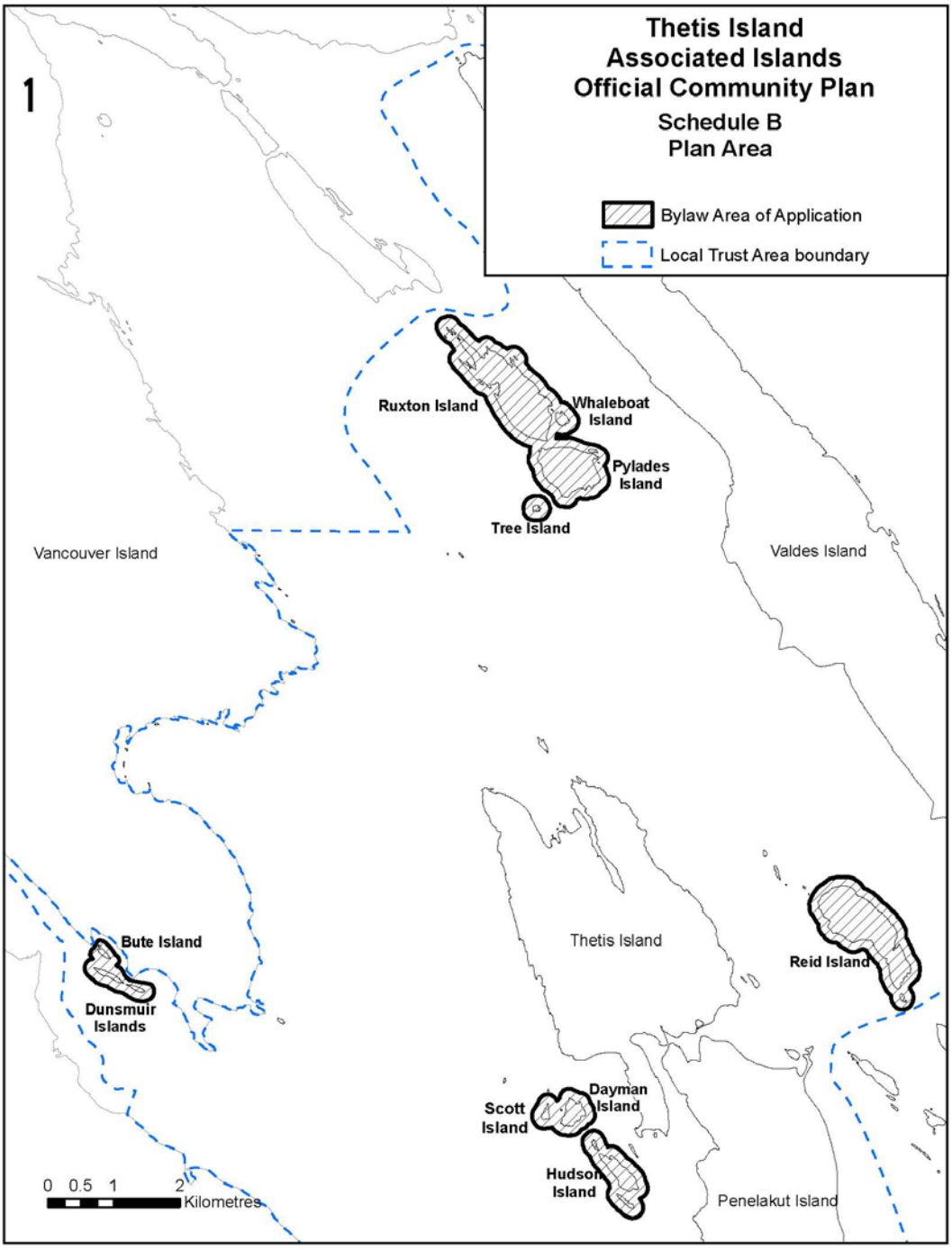
16.8 AMENDMENT PROCEDURE

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

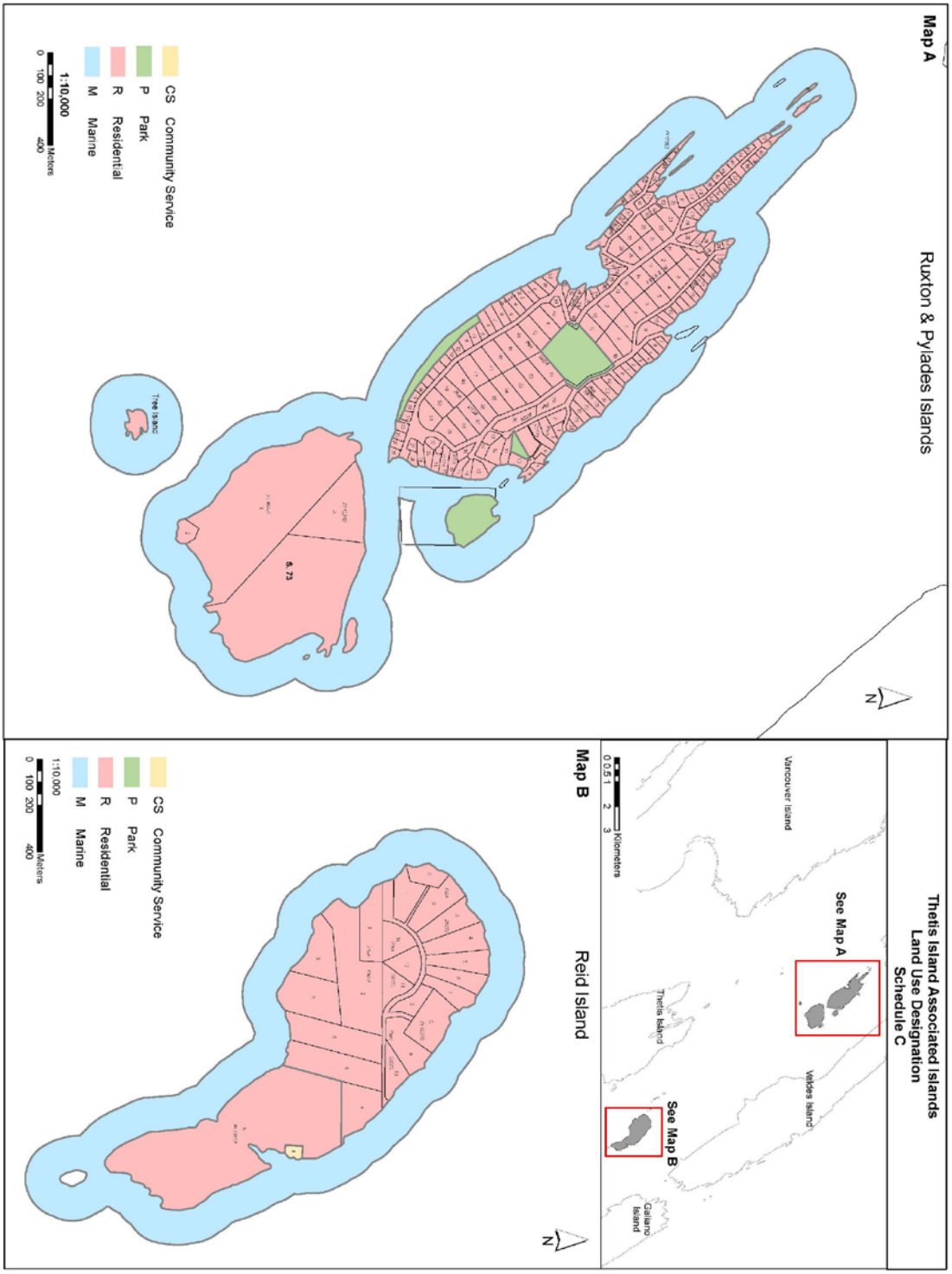
16.9 SEVERABILITY

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

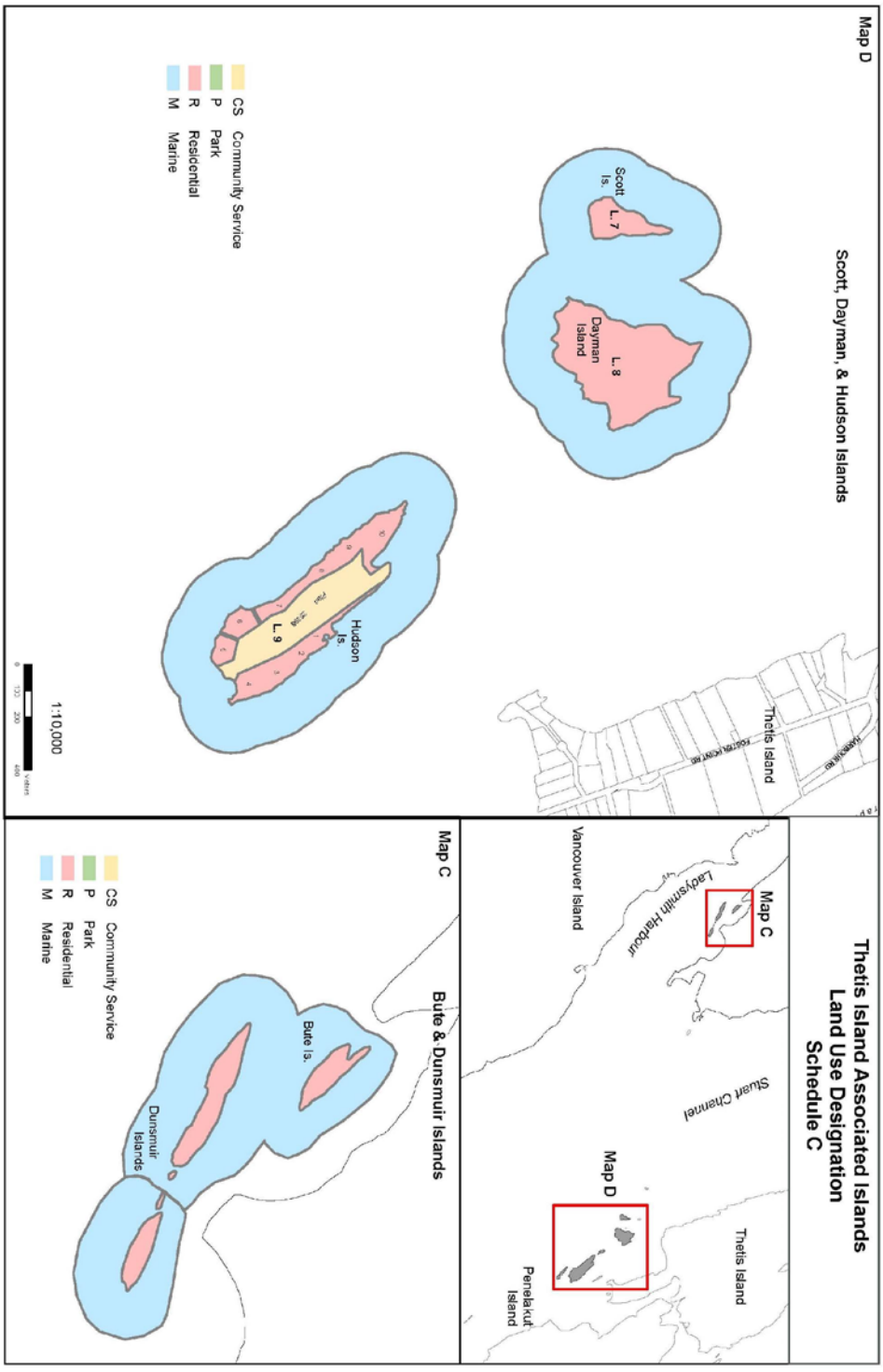
SCHEDULE B: AREA OF APPLICATION



SCHEDULE C: LAND USE DESIGNATION MAPS A & B



SCHEDULE C: LAND USE DESIGNATION MAPS C & D



LAND USE BYLAW
for
Thetis Associated Islands

No. 94, 2014

Serving Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, Bute, and Dunsmuir Islands

[Back of front cover]

THETIS ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 94

A LAND USE BYLAW FOR PART OF THE THETIS ISLAND LOCAL TRUST AREA

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

1. The regulations contained in Parts 1 to 7 inclusive in Schedule A, Schedule B, and Schedule C Maps A through D attached to and forming part of this Bylaw, are adopted as a bylaw pursuant to Part 26 of the *Local Government Act* and the *Islands Trust Act.*

2. This bylaw applies to the portion of the Thetis Island Local Trust Area described in Section 2.1 of Schedule A.

3. This Bylaw may be cited as "Thetis Associated Islands Land Use Bylaw, 2014".

4. The following bylaws are repealed:

   (a) Ruxton Island Zoning Bylaw, 1982;
   (b) Cowichan Valley Regional District Electoral Area "H" Zoning Bylaw No. 1020, 1986 to the extent that it applies to the area described in Section 2.1 of Schedule A; and,
   (c) Regional District of Cowichan Valley Zoning Bylaw No. 110, 1973 to the extent that it applies to the area described in Section 2.1 of Schedule A.

READ A FIRST TIME this 16th day of April , 2014

READ A SECOND TIME this day of , 2014

PUBLIC HEARING this day of , 2014

READ A THIRD TIME this day of , 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this day of , 2014

ADOPTED this day of , 2014

_____ _____

Chairperson Secretary

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Revision Date	Revision Title	Revised Pages/Sections	Revision Level

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PART 1 INTERPRETATION

1.1 Definitions

"accessory" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot and within the same zone, or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

“accessory guest cottage” means a single family residential dwelling regulated as to use, size and other conditions so as to ensure its accessory status.

“aquaculture” means the growing and cultivation of aquatic plants or animals for commercial purposes, in any water environment, or in human-made containers of water, and includes the growing and cultivation of shellfish on the foreshore or in the water.

“boathouse” means a building or structure that is located on a waterfront residential lot, and that is used to house a boat and equipment or items associated with sports, moorage and boating activities.

“breakwater” means a protective structure, bottom-founded or floating, and extending beyond the foreshore, designed to provide protection for a harbour, anchorage, docks, a shoreline or the adjacent upland from wave action by influencing the movement of water and/or deposition of materials.

“building" means a roofed structure used or intended to be used for supporting or sheltering any use or occupancy, and includes a mobile home and a park model recreational vehicle.

“commercial” means occupied with or engaged in an activity or enterprise for the purposes of generating personal, professional, or business income for an individual, proprietorship, partnership, or corporation, and not including activities and enterprises engaged in by non-profit organizations, government agencies, public service utilities, or public services.

“commercial visitor accommodation” means a home occupation comprising the provision of temporary overnight sleeping accommodation and meals to paying guests for a period not to exceed fourteen days while the dwelling in which the accommodation is provided is occupied as a dwelling by the owner or a tenant who is conducting the home occupation.

“community dock” means non-commercial boat mooring facilities which are owned, operated, and administered cooperatively by individuals, a non-commercial organization, or by a strata corporation, for the provision of boat moorage spaces to residents of the island on which the dock is located, , and for which user fees may be charged.

“community hall” means a public assembly building used for recreational, social, charitable, educational, entertainment and cultural activities, open to the public and owned or operated by a non-profit group, Regional District, non-commercial organization, or a strata corporation for the benefit of the community generally.

“dock” means a marine-based structure, or set of structures, generally consisting of a pier or wharf, and may include a ramp, float, and supporting structures, which is used for the non-commercial mooring of vessels in association with the permitted use of the adjacent upland.

“dwelling” means a building used for residential purposes by a single household, containing sleeping and living areas and a single set of cooking facilities, and includes a mobile home and a park model recreational vehicle.

“emergency services” means the provision of fire protection and medical services to the community.

"fence" means a structure used as a barrier to separate, prevent escape or intrusion or mark a boundary and may include a gate, screen or freestanding wall.

“float” means a floating non-roofed structure that is used as a landing or moorage place for marine transport and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea floor.

“floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and a ceiling are less than 1.5 metres apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch or similar projection is not fully enclosed then the floor of such projections is excluded from any calculation of floor area.

“hazardous waste” means a solid or liquid material that presents an unusual disposal problem, requires special handling, or may contain pathogenic agents that may cause disease in persons exposed to the waste, or any substance identified under the Hazardous Waste Regulation under the *Environmental Management Act* that could be harmful to people, plants, animals, or the environment.

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water and the watermark of any floating building or structure.

"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

"home occupation" means a commercial use that is accessory to a permitted principal residential use on the same lot.

“horticulture” means the use of land for growing fruits, vegetables, plants or flowers. Commercial medical marihuana production is not included in this definition.

“island” means land surrounded by water, and includes islets and rocks exposed above the natural boundary of the sea.

“landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to screen land uses from abutting land and highways.

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.

"lot coverage" means the total horizontal area at grade of those portions of a lot that are covered by buildings and structures, exclusive of decks not exceeding 1.2 metres in height at any point, measured to the outermost perimeter of a building or structure, divided by the area of the lot, and expressed as a percentage. The area of a lot that is covered by a roofed building or structure is measured to the drip line of the roof.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office or is the boundary of a lot as is otherwise described as authorized by the *Land Title Act*.

“moorage” means the tying or securing of a vessel to a fixed structure, float, dock, pier, or mooring buoy.

"natural boundary" means the visible high water mark of any ocean, lake, river, stream or other body of water where the presence and action of water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil or rock of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

“Ocean geothermal loop” means a heat exchange system that uses the natural occurring temperature of the ocean for the purpose of heating and cooling and that:

a. is a closed-loop system using only freshwater as the circulating heat transfer fluid,
b. meets or exceeds the Canadian Standards Association (CSA) design standards CAN/CSA-448-02, as amended from time to time, and
c. is designed and installed by a Registered System Designer accredited by the Canadian Geoexchange Coalition, or the International Ground Source Heat Pump Association.

“park” means any land dedicated as park under the *Park Act,* the *Land Title Act* or the *Local Government Act*, which is open to the general population and reserved for outdoor recreational, scenic, or nature conservation purposes, and may include undesignated Crown islets.

“pier” means a fixed structure constructed over the foreshore and the water and that abuts the shoreline, is generally perpendicular to the shoreline, and is used to provide access to a float or as a landing or moorage place for marine transport or for recreational purposes.

“platform” means a flat surface raised from the ground, abutting the shoreline to serve for the loading and offloading of materials and supplies.

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

“residential” means the use of a dwelling for the domicile and home life of a person or persons, and does not include the commercial rental of a dwelling for a period of less than one month.

"setback" means the minimum distance that a building or structure must be sited from a lot line, building or other feature.

"sign" means any device or medium, including its supporting structure, visible from the sea, any highway or lot other than the one on which it is located and which is used to attract attention for advertising, information or identification purposes.

“sleeping cabin” means an accessory building, which is not a dwelling unit, does not contain facilities for food preparation or eating, and is used for the temporary sleeping accommodation of occupants of a dwelling on the same lot.

“solar collector” means a device used to collect solar energy as part of a system which converts the sun’s radiant heat energy into thermal or electrical energy for use in space heating and cooling and domestic water heating.

"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic fields, septic tanks, sewage absorption fields and related underground appurtenances and concrete and asphalt paving or similar surfacing of the land.

“upland lot” means any parcel, block or other land area adjacent to or inland of the natural boundary of the sea.

“use” means the purpose or activity for which land, buildings or structures are designed, arranged or intended, or for which land, buildings or structures are occupied or maintained.

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities (excluding private radio or television towers) and includes navigation aids.

"utility shed" means an accessory building with a floor area of 10 square metres or less containing only equipment for pumping, processing, or storing of water or sewage, electrical generating equipment, or communication service equipment.

“watercourse” means any natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water, whether or not it usually contains water.

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a watercourse.

“wharf” means a structure, usually consisting of a pier, ramp, and float, which is connected to an upland lot by a ramp or walkway and used for the moorage of boats.

“wind turbine” means a wind energy conversion system consisting of a turbine, a turbine tower, and associated equipment, machinery, structures and buildings, which has a nameplate rated capacity of not more than 50kW, and which provides electricity for use on-site only.

“yacht club outstation” means the use of land and adjacent marine area for the temporary moorage of yacht club member vessels or guest vessels and for the private recreational use of marine and shore-based facilities by club members and guests.

"zone" means a zone established by Part 5 of this Bylaw.

1.2 Referencing

(1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

Part:	1
Section:	1.1
Subsection:	1.1(1)
Article:	1.1(1)(a)
Clause	1.1(1)(a)(i)

1.3 Units of Measure

(1) Metric dimensions are used in this Bylaw.

1.4 Information Notes

(1) Where a paragraph or sentence or column in a table in this Bylaw is preceded or labelled by the words “Information Note”, the contents of the paragraph or sentence or column are provided only to assist in understanding of the bylaw and do not form a part of it.

Information Note: The Interpretation Act, being a Provincial Statute defines a number of commonly used terms and is applicable in the interpretation of this bylaw.

PART 2 ADMINISTRATION

2.1 Application

(1) This Bylaw shall apply to that part of the Thetis Island Local Trust Area as shown on Schedule B. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters.

2.2 Conformity

(1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.

(2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.

(3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.

Information Note: *Strata Bylaws or Building Schemes (eg. Hudson Island) may contain private land use restrictions in addition to those contained in this bylaw.*

(4) Any existing lot that has less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.

(5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

2.3 Inspection

(1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

2.4 Violation

(1) Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw.

2.5 Penalty

(1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*, not exceeding $10,000 and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.6 Covenants

(1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* and delivered in registrable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

2.7 Owner's Cost

(1) If any provision of this Bylaw requires a report, study, covenant, plan or similar document to be prepared, unless otherwise stated, the owner shall pay all costs.

2.8 Enforcement of Siting Regulations

(1) Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings and structures in relation to lot and zone boundaries, watercourses, and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings and structures comply with the siting requirements of this or any other Bylaw.

PART 3 GENERAL REGULATIONS

3.1 Permitted in All Zones

The following uses, buildings and structures are permitted in any zone, except where prohibited, and all buildings and structures permitted by this Section are subject to siting and size regulations established for the relevant zone:

(1) Conservation areas, including ecological reserves, parks, and areas under conservation covenants.

(2) Water supply facilities, for an individual dwelling or as a community service, in any land zone for the purposes of supplying potable or grey water on an individual island, including cisterns, reservoirs, pipes, treatment facilities, catchment and storage facilities and pumping and intake structures.

(3) Utilities for the distribution of service within the Bylaw Area in any zone and above-ground cables in any land zone.

(4) Solar collectors and wind turbines in any land zone for the purposes of supplying electrical power to the lot on which the structure is located.

(5) Ocean geothermal loop exchange systems for the purposes of supplying energy to the lot on which the system is located or, where the system is located on the foreshore of the sea, to a lot adjacent to the foreshore.

Information Note: Installation of marine geothermal loops also requires the necessary permits or approvals from provincial and federal agencies.

(6) Air and marine navigational aids.

(7) Fences in any land zone, subject to regulations established in Section 3.7 and Part 5.

(8) Hiking and bicycle trails.

(9) Signs, subject to regulations established in Part 6.

(10) Utility sheds.

(11) Sewage disposal facilities for which a sewage disposal permit has been issued under the *Public Health Act*.

(12) Horticulture.

3.2 Prohibited in All Zones

For certainty, the following uses, buildings and structures are prohibited in all zones, except where expressly permitted in Part 5:

(1) The disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Municipal Wastewater Regulation of the *Environmental Management Act*.

(2) The disposal or storage of hazardous or toxic waste.

(3) Breakwaters.

(4) The use as a permanent residence of a vessel anchored, moored, or otherwise secured on the water.

(5) Finfish aquaculture in any water zone.

(6) Bridges, causeways, tunnels, and water utility pipes connecting any island to another island or to the mainland.

(7) Wind turbines in any water zone, and wind turbines intended to provide power to an island other than the island on which the structures are located.

3.3 Siting and Setback Regulations

(1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or structure in question.

(2) No building or structure except a fence, utility line, navigational aid, at-grade steps, driveway or path, or utility shed, may be constructed, reconstructed, moved, extended or located within the setback areas established in the regulations in Part 5 of this Bylaw.

(3) No building or structure except a fence, utility shed, boathouse, platform with a maximum area of 5 square metres, stairs and boat ramps may be constructed, reconstructed, moved, extended or located:

(a) within a 10 metre horizontal setback, and within 1.5 metres vertically, from the *natural boundary* of the sea; or

(b) within 30 metres of the natural boundary of any natural watercourse or source of water supply.

Septic tanks, sewage absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.

Ocean loop geoexchange systems are not considered a structure for the purposes of this subsection.

(4) No building or structure may be constructed, reconstructed, moved, extended or locatedwithin within 30 metres of the natural boundary of a wetland.

(5) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades or similar features may project into a required setback area, except a setback from the natural boundary of the sea, a natural watercourse or a wetland, provided they do not project more than 1.0 metre into the required setback area.

6) Wind turbines on land must be set back from all property lines, roads, and the natural boundary of the sea a minimum distance of 1.25 times the height of the wind turbine.

3.4 Height Regulations

(1) The height regulations for buildings and structures specified in Part 5 of this Bylaw do not apply to radio, telecommunications and television antennas and towers, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, and solar collectors.

(2) Despite any height regulation in Part 5, the height of wind turbines shall not exceed 15 metres.

3.5 Accessory Uses, Buildings and Structures

(1) A building or structure accessory to a dwelling may not be used as a residence but may be used as a sleeping cabin.

(2) The following accessory buildings or structures may be constructed or placed on a lot prior to the construction of a principal building or the commencement of a principal use on the same lot:

(a) a boathouse.

(b) a utility shed.

(c) one accessory building for the storage of building materials and personal effects.

(d) steps and structures accessory to and supporting a permitted dock.

(3) Any accessory building or structure, other than those specified in subsection 3.5(2), may only be constructed or placed on a lot prior to the construction of a principal building, or the commencement of a principal use, on the same lot provided that a building permit has been issued for a principal building on the same lot.

(4) Unless a building or structure is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

3.6 Home Occupation Regulations

(1) Permitted accessory home occupations, unless otherwise prohibited in this bylaw, include any of the following:

(a) drawing, carving, painting, printmaking, photography and sculpture for commercial purposes.

(b) repairing of goods.

(c) professional practice.

(d) personal and instructional services.

(e) the production of craft articles for sale including without limitation ceramics, furniture, weaving, and musical instruments.

(f) commercial visitor accommodation, subject to the following additional regulations:

(i) a commercial visitor accommodation must be conducted solely within a principal dwelling;

(ii) not more than 2 bedrooms may be used to accommodate guests; and

(iii) not more than 4 guests may be accommodated at any one time.

(2) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot on which a principal residential use is occurring.

(3) The owner or at least one employee of a home occupation must reside in the dwelling.

(4) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.

(5) No noise resulting from any home occupation may be audible at a lot line or the natural boundary of the sea.

3.7 Fences

(1) The height of fences shall not exceed 2 metres within any required building setback, subject to regulations established in Part 5.

(2) The provision of protective netting or wire to control animal nuisances, or a landscape screen, is exempt from Subsection 3.7(1).

3.8 Derelict Vehicles

(1) No land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles or vessels, including but not limited to automobiles, all-terrain vehicles, golf carts, tractors, campers, trailers, or parts of such vehicles, which are not completely enclosed in a permitted permanent building.

3.9 Use of Common Property

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

3.10 Parking and Access Facilities

(1) The residential uses permitted by this bylaw are permitted on islands with dedicated road rights of way, regardless of the condition of the roadways, only if the owner provides adjacent to the dwelling an improved area of sufficient size to accommodate the off-road parking or storage of such vehicles as the owner or occupier intends to use to access the dwelling. For this purpose “vehicles” includes automobiles whether licensed or not, all-terrain vehicles, golf carts, boats, trailers, and similar machines.

(2) The residential uses permitted by this bylaw are permitted in subdivisions of more than 2 lots approved after the date of adoption of this bylaw only if the subdivision provides a road right of way providing access from each lot to a location adjacent to the water that is suitable for the development of a community dock.

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

(1) The area subject to this Bylaw is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Maps designated as Schedule C that forms part of this Bylaw and the regulations for which are set out in Part 5.

Zone Classification	Zoning Designation
Residential Zones	
Residential 1	R1
Residential 2	R2
Residential 3	R3
Residential 4	R4
Residential 5	R5
Institutional Zones	
Park	P
Private Conservation	G
Community Service Zones	
Community Services	CS
Water Zones	
Marine General	W1
Marine Service	W2
Marine Ruxton	W3
Marine Protection	W4
Yacht Club Outstation	YCO

4.2 Zone Boundaries

(1) Where zone boundaries on Schedule C maps coincide with lot lines, the zone boundaries are the lot lines.

(2) Where a zone boundary is shown on Schedule C maps as following any highway, right-of-way or watercourse, the centre line of such highway, right-of-way, or watercourse is the zone boundary.

(3) Where land based and water based zone boundaries shown on Schedule C maps coincide, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the zone boundary.

(4) Where a zone boundary shown on Schedule C maps does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule C maps and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

PART 5 ZONES

5.1 Residential One – (R1)

*Information Note: The purpose of the Residential One Zone is to provide for the regulation of the development of residential areas on **Ruxton Island**.*

Permitted Uses

(1) The following uses are permitted in the R1 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential;

(b) Accessory uses, buildings and structures, including home occupations other than commercial visitor accommodation;

(c) Structures for the storage of emergency services equipment.

Density

(2) The maximum density in the R1 zone is 1 dwelling per lot.

(3) The maximum lot coverage in the R1 zone is 25 percent.

Siting and Size

(4) The minimum setback for any building or structure in the R1 zone is 5 metres from any lot line.

(5) The maximum height for any dwelling in the R1 zone is 9 metres.

(6) The maximum height for any accessory building or structure in the R1 zone is 6 metres.

(7) The maximum size for a structure storing emergency service equipment is 20 square metres, with a maximum height of 6 metres.

Subdivision

(8) No lot in the R1 zone may be subdivided.

5.2 Residential Two – (R2)

*Information Note: The purpose of the Residential Two Zone is to provide for the regulation of the development of residential areas on **Scott, Reid, Bute, Tree, and Dunsmuir Islands**.*

Permitted Uses

(1) The following uses are permitted in the R2 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential;

(b) Accessory uses, buildings and structures, including home occupations.

Density

(2) The maximum density in the R2 zone is 1 dwelling per lot.

(3) The maximum lot coverage in the R2 zone is 25 percent.

Siting and Size

(4) The minimum setback for any building or structure in the R2 zone is 5 metres from any lot line.

(5) The maximum height for any dwelling in the R2 zone is 9 metres.

(6) The maximum height for any accessory building or structure in the R2 zone is 6 metres.

Subdivision

(7) The minimum average lot area for any subdivision in the R2 zone is 4 hectares.

(8) The minimum lot area in the R2 zone is 1 hectare.

5.3 Residential Three – (R3)

*Information Note: The purpose of the Residential Three Zone is to provide for the regulation of the development of residential areas on **Dayman and Pylades Islands**.*

Permitted Uses

(1) The following uses are permitted in the R3 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential;

(b) Accessory uses, buildings and structures, including home occupations.

Density

(2) The maximum density in the R3 zone is 1 dwelling for lots less than 4.0 hectares in area and 2 dwellings for lots 4.0 hectares and more in area.

(3) The maximum lot coverage in the R3 zone is 20 percent.

Siting and Size

(4) The minimum setback for any building or structure in the R3 zone is 5 metres from any lot line.

(5) The maximum height for any dwelling in the R2 zone is 9 metres.

(6) The maximum height for any accessory building or structure in the R2 zone is 6 metres.

Subdivision

(7) The minimum average lot area for any subdivision in the R3 zone is 4 hectares.

(8) The minimum lot area in the R3 zone is 1 hectare.

Site Specific Regulations

	Table 5.3	
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
R3(a)	LOT 8, Thetis Island (known as Dayman Island), Cowichan District	1. Despite Subsections 5.3(1) and 5.3(2), a maximum of two accessory guest cottages are also permitted with an aggregate floor area of 198 square metres, exclusive of up to an aggregate area of 30.66 square metres of loft area not including stairs providing access to the loft.

5.4 Residential Four – (R4)

Information Note: The purpose of the Residential Four Zone is to provide for the regulation of ***South Reid Estates on Reid Island.*** *(Lot 5, District Lots 35 and 36, Reid Island, Cowichan District, Plan 12807)*

Permitted Uses

(1) The following uses are permitted in the R4 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential;

(b) Accessory uses, buildings and structures, including home occupations.

Density

(2) The maximum density is 26 dwellings in the R4 zone, subject to the floor area limit in Subsection 5.4(7).

(3) The maximum lot coverage in the R4 zone is 25 percent.

Siting and Size

(4) The minimum setback for any building or structure in the R4 zone is 5 metres from any lot line.

(5) The maximum height for any dwelling in the R4 zone is 9 metres.

(6) The maximum height for any accessory building or structure in the R4 zone is 6 metres.

(7) The maximum floor area of a dwelling in the R4 zone is 81.75 square metres.

Subdivision

(8) Subdivision is not permitted in the R4 zone.

5.5 Residential Five – (R5)

*Information Note: The purpose of the Residential Five Zone is to provide for the regulation of the development of residential areas on **Hudson Island**.*

Permitted Uses

(1) The following uses are permitted in the R5 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Residential.

(b) Accessory uses, not including home occupations or commercial visitor accommodation.

(c) One accessory building is permitted in the R5 zone, with a maximum floor area of 47 square metres.

Density

(2) The maximum density in the R5 zone is 1 dwelling per lot.

(3) The maximum lot coverage in the R5 zone is 25 percent.

Siting and Size

(4) The minimum setback for any building or structure in the R5 zone is 15.25 metres from the exterior and interior lot lines.

(5) The maximum height for any dwelling in the R5 zone is 9 metres.

(6) The maximum height for any accessory building or structure in the R5 zone is 6 metres.

Subdivision

(7) No lot in the R5 zone may be subdivided.

5.6 Community Services (CS)

Permitted Uses

(1) The following uses are permitted in the CS zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Community hall and shelter;

(b) Emergency services facilities;

(c) Equipment storage;

(d) Cemetery on Lot 4, District Lot 35, Reid Island, Cowichan District, Plan 12807;

(e) Airstrip and private road on Lot 11, Hudson Island, Cowichan District, Plan 25398.

Density

(2) The maximum lot coverage in the CS zone is 25 percent.

(3) The number of community halls in the CS zone shall not exceed one per lot.

Siting and Size

(4) The minimum setback for any building or structure in the CS zone shall be 4.5 metres from any lot line.

(5) The maximum height for any building or structure in the CS zone shall be 9 metres.

5.7 Park (P)

Permitted Uses

(1) The following uses are permitted in the P zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

(a) Provincial and Regional Parks and Ecological Reserves;

(b) Passive outdoor recreation including walking, hiking, and nature interpretation.

Permitted Buildings and Structures

(2) The following structures are permitted in the P zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:

(a) Structures such as stairs, boardwalks, fences and roofed signs accessory to a permitted natural area protection, conservation or interpretation use;

(b) Outhouses; and,

(c) Informational signs, subject to Part 6.

Siting and Size

(3) The minimum setback for any building in the P zone is 7.6 metres from any lot line.

5.8 Private Conservation (G)

Information Note: The purpose of the Private Conservation Zone is to provide for the regulation of lands reserved for privately managed conservation of local flora and fauna.

Permitted Uses

(1) The following uses are permitted in the G zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Protection and maintenance of natural features and habitat; and

(b) Conservation.

Permitted Structures

(2) The following structures are permitted in the G zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:

(a) Fences;

(b) Stairs, boardwalks; and

(c) Informational signs, subject to Part 6.

Siting and Size

(3) The minimum setback for any structure in the G zone is 4.5 metres from any lot line.

5.9 Marine General (W1)

Information Note: The purpose of the Marine General (W1) Zone is to provide for the regulation of development, including common dock facilities, in marine areas adjacent to residential islands.

Information Note: The W1 zone, and the other water-based zones, includes the surface of the water, up to the natural boundary of the sea.

Permitted Uses

(1) The following uses and structures are permitted in the W1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;

(b) Docks accessory to the residential use of an adjacent upland lot;

(c) Community docks; and,

(d) Marine navigational aids.

Density

(2) Not more than one dock may be constructed adjacent and accessory to any upland lot in the W1 zone.

Siting and Size

(3) The maximum area of any accessory dock in the W1 zone, excluding ramps and walkways, is 37 m^2**.**

Conditions of Use

(4) The use permitted in Subsection 5.9(1) does not include any dock constructed with foam flotation devices that are not completely encapsulated.

(5) No building in the W1 zone, other than one storage building not exceeding 10 square metres in area and 4 metres in height, may be constructed or erected on any float or wharf.

(6) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

5.10 Marine Service (W2)

Information Note: The purpose of the Marine Service (W2) Zone is to provide for the regulation of common dock facilities in marine areas adjacent to residential islands.

Permitted Uses

(1) The following uses are permitted in the W2 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;

(b) Community docks and wharves; and,

(c) Marine navigational aids.

Density

(2) One community dock or wharf may be constructed in each separate portion of the W2 zone.

Conditions of Use

(3) The use permitted in Subsection 5.10(1) does not include a dock constructed with foam flotation devices that are not completely encapsulated.

(4) No building in the W2 zone, other than one storage building not exceeding 10 square metres in area and 4 metres in height, may be constructed or erected on any dock.

(5) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

5.11 Marine Ruxton (W3)

Information Note: The purpose of the Marine Ruxton (W3) Zone is to provide for the regulation of development in marine areas around Ruxton Island.

Permitted Uses

(1) The following uses are permitted in the W3 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot; and

(b) Marine navigational aids.

Permitted Structures

(2) Permitted structures are limited to equipment installed on land to assist in the offloading and loading of people and materials from boats but not obstructing public access along the foreshore.

Conditions of Use

(3) The mooring, docking or other storage of derelict or abandoned equipment or other debris is prohibited.

5.12 Marine Protection (W4)

Information Note: The purpose of the Marine Protection (W4) Zone is to provide for the regulation of development in marine areas intended to be environmentally protected.

Permitted Uses

(1) The following uses are permitted in the W4 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Marine navigational aids;

(b) Mooring buoys for mooring a private vessel accessory to the residential use of an upland lot;

(c) Signs subject to Section 6;

(d) Ecological reserves; and

(e) Research and educational activities related to the marine environment, including nature interpretation.

Permitted Structures

(2) No permanent building or structure of any kind, other than a navigational aid or mooring buoy, may be erected, constructed or placed.

5.13 Marine Aquaculture (W5)

Information Note: The purpose of the Marine Aquaculture Zone is to provide for the regulation of aquaculture activities in areas around Bute Island and Dunsmuir Islands.

Permitted Uses

(1) The following uses are permitted in the W5 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

(a) Marine navigational aids;

(b) Sub-tidal and beach aquaculture.

Permitted Structures

(2) Buoys delineating aquaculture tenure boundaries.

Information Note: Marine aquaculture tenures are under the jurisdiction of the Ministry of Forests, Lands and Natural Resources Operations and shellfish operations are under the jurisdiction of the Department of Fisheries and Oceans.

5.14 Yacht Club Outstation (YCO)

The purpose of the Yacht Club Outstation Zone is to provide regulations for the recreational use of the yacht club outstation located on the upland and adjacent marine waters of Ovens Island (one of the Dunsmuir Islands).

Permitted Uses

(1) The following uses are permitted in the YCO zone, subject to the regulations set out in this section and general regulations, and all other uses are prohibited:

(a) Yacht Club Outstation;

(b) boat moorage to buoys associated with yacht club outstation use of the adjacent upland parcel;

(c) Passive recreation;

(d) Accessory Uses.

Permitted Buildings, Structures and Density

(2) Buildings and structures in the upland portion of the Yacht Club Outstation Zone are limited to:

(a) one yacht club clubhouse;

(b) one caretaker dwelling unit; and,

(c) stairs and ramps associated with yacht club outstation use of the adjacent marine parcel.

(3) Structures in the marine portion of the Yacht Club Outstation Zone are limited to:

(a) Mooring buoys, floats, docks, wharves, ramps, and walkways providing marine access to a yacht club outstation.

(b) Storage sheds.

Conditions of Use

(4) The uses permitted in this zone do not include any dock constructed with foam flotation devices that are not completely encapsulated.

(5) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

Subdivision

(6) Subdivision is not permitted in the YCO zone.

PART 6 SIGN REGULATIONS

6.1 Permitted Signs

(1) All types of address and home occupation signs, excepting animated, illuminated or flashing signs;

(2) Directional, traffic control, safety, and navigational signs;

(3) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 14 days of the date of election;

(4) Signs pertaining to the lease, sale, name of owner or property; and,

(5) Signs erected and maintained by a public agency.

6.2 Size and Height

(1) The maximum height for any sign is 6 metres.

(2) The maximum size for any sign is 1 square metre.

6.3 Obsolete Signs

(1) Any sign which has become obsolete because of the discontinuance of the business, service or activity which it advertises must be removed from the premises within thirty days after the sign becomes obsolete.

PART 7 SUBDIVISION REGULATIONS

7.1 Lot Area Calculations

(1) Subdivisions shall comply with the minimum and average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.

(2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with minimum average lot area regulations set out in Part 5, be included in the total area of lots being created, and the park or parks are deemed not to be lots.

7.2 Exemptions from Average and Minimum Lot Area Requirements

The average and minimum lot areas specified in Part 5 – Zone Regulations do not apply to:

(1) A lot being created to be used solely for the unattended equipment necessary for the operation of any of the following services and the owner grants a covenant restricting the use of the lot to that use:

(a) electrical and telecommunication utilities;
(b) community sewer or water system facilities;
(c) telephone receiving antenna;
(d) radio or television broadcasting antenna;
(e) telecommunication relay;
(f) air or marine navigation aid.

(2) A lot being created to be used solely for natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose.

(3) A lot created by the consolidation of two or more lots.

(4) The adjustment of boundaries between lots provided that the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment, and the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

7.3 Covenants Prohibiting Further Subdivision and Development

(1) Where a subdivision is proposed that yields the maximum number of lots permitted by the applicable average lot area specified by this Bylaw, and one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area, the owner must grant a restrictive covenant in respect of every such lot prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number or size of dwellings and accessory buildings.

(2) If a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and minimum average lot areas specified by this bylaw, and:

(a) one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area; and

(b) one or more of the lots being created has an area less than the applicable minimum average lot area, the applicant shall grant a restrictive covenant in respect of every lot prohibiting:

(i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and minimum average lot areas specified by this Bylaw; and

(ii) the construction, erection, or occupancy on the lot of dwellings and accessory buildings so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this Bylaw without subdivision.

(3) If the approval of a bare land strata plan would create common property, the applicant must grant a restrictive covenant in respect of the common property prohibiting the further subdivision of the common property and the disposition of the common property separately from the strata lots.

7.4 Boundary Adjustment Subdivisions

(1) A boundary adjustment subdivision that would result in the increase of the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment is prohibited.

(2) A boundary adjustment subdivision resulting in a lot lying in two or more zones is prohibited.

7.5 Section 946 Subdivisions (Residence for a Relative)

(1) No lot having an area less than 8 hectares may be subdivided pursuant to the *Local Government Act* to provide a residence for a relative of the owner.

7.6 Split Zoned Lots

(1) The creation of a lot lying within two or more zones is prohibited unless the subdivision consolidates lots or adjusts property lines.

7.7 Split or Hooked Lots

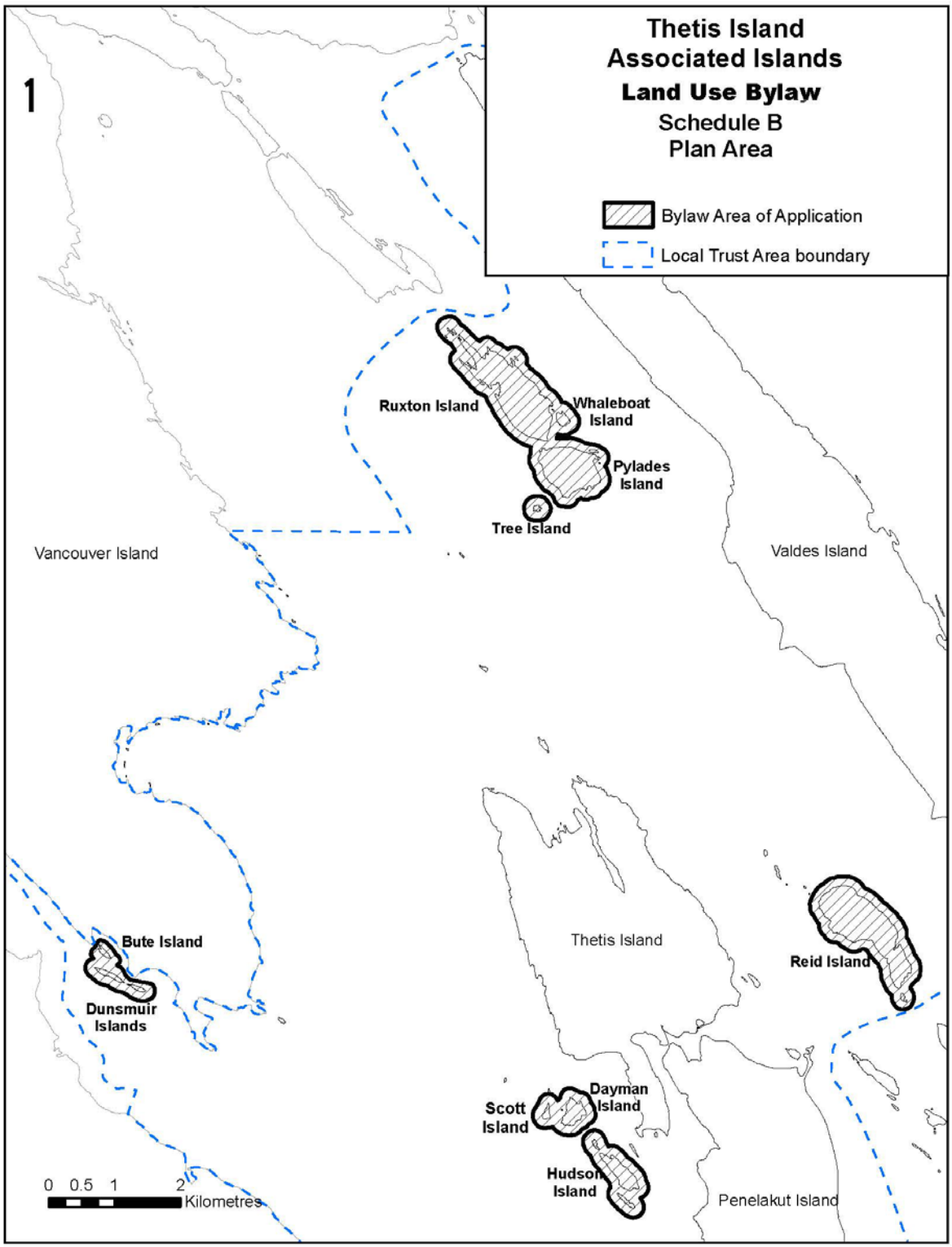
(1) No lot which is divided into two or more portions by a highway or other lot may be created by subdivision, except where required to provide highway access within a water access subdivision.

(2) Where a part of a parcel is separated from the main portion of the parcel by a road, watercourse, marine water or topographical feature, it may be consolidated with an adjacent parcel to which it may be more properly related without meeting other provisions of this Part, as long as the main portion of the parent parcel conforms to the provisions of this Part.

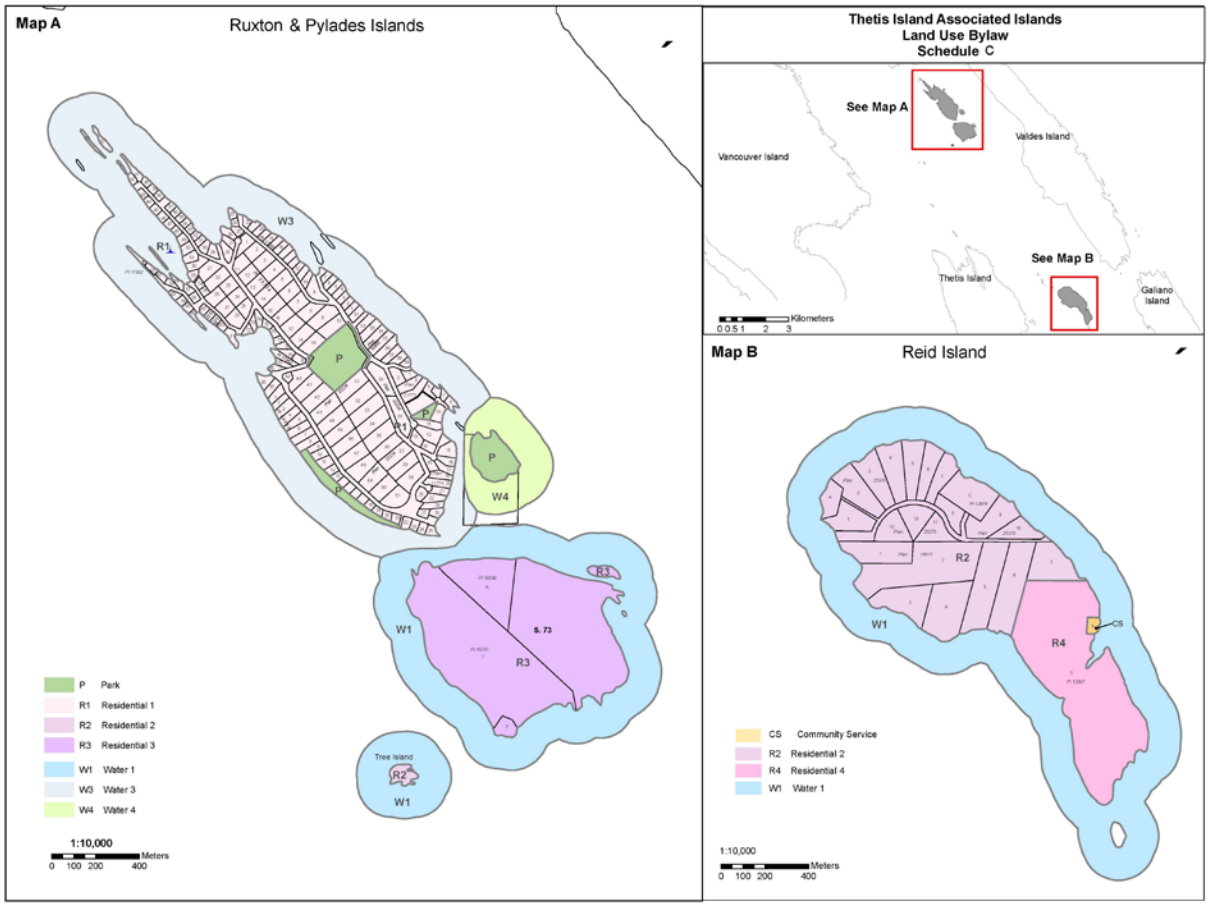
7.8 Water Supply

Information Note: For information on water quantity (volume) and quality (potability) requirements for proposed lots served by individual wells, contact the Provincial Approving Officer, Ministry of Transportation and Infrastructure, and for proposed lots served by a community water system contact the Island Health Authority. Drinking water systems that service more than one single family dwelling must comply with the Drinking Water Protection Act and Drinking Water Protection Regulation.

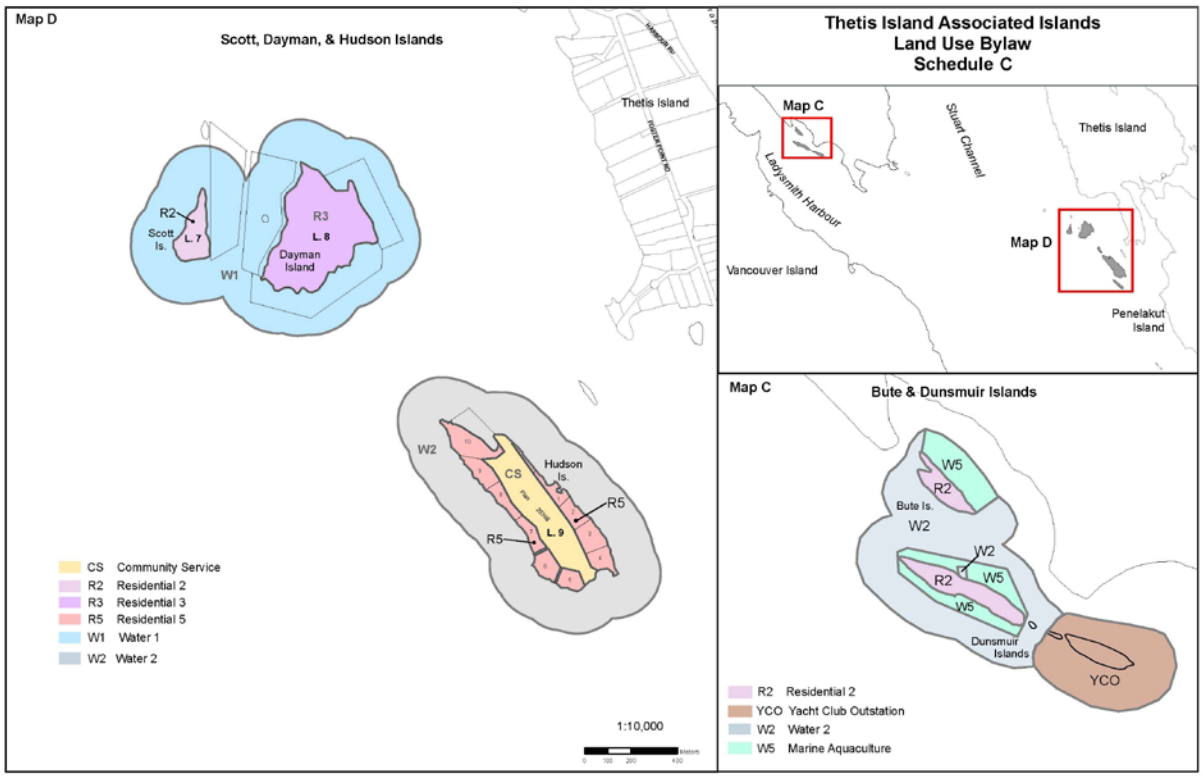
SCHEDULE B – AREA OF APPLICATION



SCHEDULE C – ZONING MAPS A & B



SCHEDULE C – ZONING MAPS C & D



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 July 14, 2014

File Number TH-6500-20
Shoreline Protection

To Thetis Island Local Trust Committee

From Aleksandra Brzozowski
Island Planner, Northern Office

Re Shoreline Protection Project Update

This memorandum is to provide an update on the priority project of Shoreline Protection.

Green Shores Thetis Scenarios Workshop

The Local Trust Committee hosted a very successful Green Shores workshop on June 13, 2014. The workshop focused on the industry side of shoreline development, inviting local contractors, realtors, and professionals. Three consulting engineers and biologists with experience in Green Shores techniques provided advice on three different sites on Thetis, one high-bank example and two low-bank examples. Materials for the workshop have been posted on the Thetis webpage.

Follow-up steps for the workshop include a summary report of the workshop including “case studies” of the three sites, a video of the day, and a final draft of the Islands Trust’s “Landowner’s Guide to Shoreline Protection”.

Green Shores Verifier Training

The Green Shores Steering Committee (consisting of various representatives from Washington staff representatives and members of the Green Shores Technical team) are preparing the first training sessions for verfiers of the Green Shores for Homes Credit Rating System. The 2-day training is scheduled to take place in September. Islands Trust has been invited to participate and the Director of Local Planning Services has committed to sending two to three Islands Trust staff for the training in San Juan County to serve as resource people in the organization.

The Thetis Local Trust Committee (LTC) is also invited to send a member of the Thetis community. Staff seeks direction on whether the LTC finds credit rating system training for a local member worthwhile at this time, and if so, how the LTC wishes to choose the participant and how the participant would be funded.

Green Shores – BC Pilot Project

The Green Shores – BC Pilot project has assembled an Advisory Committee consisting of staff working for the participating communities. Communities include Powell River, West Vancouver, and Lake Cowichan in the Cowichan Valley Regional District. A kick-off teleconference was held on July 9, 2014, and Terms of Reference for the advisory group were confirmed. The next step for this group is to provide feedback on the Request for Proposal to hire consultation consultants for the first phase of the project.

Print Date: Jul-14-2014

Islands Trust

Top Priorities

Thetis Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
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.	Sep-07-2011	Aleksandra Brzozowski	Nov-15-2014	On Going
2	Shoreline Protection	Serving as the Pilot Local Trust Area for the Green Shores for homes draft credit rating system.	Sep-07-2011	Aleksandra Brzozowski	Sep-01-2014	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.	Sep-07-2011	Aleksandra Brzozowski	Nov-15-2014	On Going

Islands Trust

Projects

Thetis Island

No.	Description	Activity	Received/Initiated	Status
1	Protocol Agreement or Memorandum of Understanding with Penelakut First Nation	Sent letter to newly elected Chief and Council to see if they are interested in continuing the work on a protocol that was started with former Chief Lisa Shaver.	Feb-06-2009	On Going
1	Joint proactive enforcement with CVRD	Develop recommendations for a joint proactive enforcements strategy with the Cowichan Valley Regional District.	Jul-28-2010	On Going
1	Revise Protocol Agreement with Lyackson First Nation	As of August, 2010 draft with Lyackson for review by their community.	Feb-06-2009	On Going
1	Development Approval Information Bylaw		May-25-2011	On Going
1	Potential LUB amendments:	- short-term vacation rentals of principle dwellings in the R-2 zone - rainwater storage requirements	Sep-07-2011	On Going
1	Sustainability Guidelines for Thetis Island	Discuss collaboration with Cowichan Valley Regional District Building Department, finalize draft, and make a plan for distribution. Update April 2013: brochures have been distributed; requires ongoing check-ins with CVRD that they have a sufficient supply of brochures.	Sep-07-2011	On Going
1	Housekeeping Amendmends to LUB	4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)...	May-24-2012	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)	Oct-03-2012	On Going
1	Island-wide watershed protection	TBD	Nov-21-2012	On Going

1	OCP/LUB amendments to potentially permit ocean loop geothermal exchange systems.		Apr-17-2013	On Going
1	Pilkey Point / Marina Drive Slough: Support for habitat restoration.		Nov-20-2013	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.	Mar-19-2014	On Going
1	Consider amendments to Thetis LUB and Valdes LUB regarding the production of medical marihuana.		Jun-04-2014	On Going

Print Date: Jul-14-2014

Applications w/ Status - Thetis Island Status: Open

Applications

Subdivision

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

Planning Status

Status Date: Nov-20-2013

Applicant pursuing a detailed assessment to address RAR issues on site.

Status Date: Jul-08-2011

PLA extended to June 8 2012

Status Date: Jun-23-2011

Indicated RAR requirement in response to request for PLA extension

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

Planning Status

Islands Trust

LTC EXP SUMMARY REPORT F2015

Invoices posted to Month ending June 2014

670 Thetis	Invoices posted to Month ending June 2014	Budget	Spent	Balance
65000-670	LTC "Trustee Expenses"	700.00	0.00	700.00
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,000.00	668.98	331.02
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	0.00	750.00
TOTAL LTC Local Expense		2,550.00	668.98	1,881.02
Projects				
73001-670-2010	Thetis (Ruxton Island) Associated OCP/LUB	1,500.00	605.09	894.91
73001-670-4033	Thetis Foreshore Protection	3,000.00	1,732.02	1,267.98
TOTAL Project Expenses		4,500.00	2,337.11	2,162.89

BYLAW REFERRAL FORM

700 North Road
Gabriola Island, BC BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Gabriola Island Trust Area **Bylaw No.:** 274 (OCP) and 275 (LUB) **Date:** May 29, 2014

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held July 16, 2014.

APPLICANTS NAME / ADDRESS:
Gabriola Island Local Trust Committee

PURPOSE OF BYLAW:
To strengthen the Gabriola Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations with respect to uses on ALR land; setbacks of greenhouses and produce stands on any land where agriculture is a permitted use; agri-tourism and production of medical marihuana.

GENERAL LOCATION:
Gabriola Island

LEGAL DESCRIPTION:
N/A

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
n/a	YES	Several Designations

OTHER INFORMATION:
Agriculture and Food Security Review Project: the Gabriola Local Trust Committee has been working over the last year to amend the OCP and LUB to address land use and housing on ALR land and allow greater flexibility for agriculture uses on non ALR land. All background information pertaining to bylaw development and rationale for proposed regulations is available on our project website. Please contact Sonja Zupanec, Island Planner at 250.247.2211 directly with questions.

Please fill out the Response Summary on the back of this form. If your agency's interests are *"Unaffected"*, no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Sonja Zupanec
(Signature)

Name: Sonja Zupanec, RPP

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies
N/A

Regional Agencies
Regional District of Nanaimo –Planning Department

Provincial Agencies
Ministry of Agriculture – Wayne Haddow
Agriculture Land Commission – Gordon Bednar

Adjacent Local Trust Committees and Municipalities
Thetis Island LTC

Non-Agency Referrals
N/A

First Nations
Penelakut Tribe
Snuneymuxw First Nations
Cowichan Tribes
Halalt First Nation
H'ul'qumi'num Treaty Group
Stz'uminus First Nation
Lake Cowichan First Nation
Lyackson First Nation
Semiahmoo First Nation

PLEASE TURN OVER ➔

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Gabriola Island Trust Area	274 (OCP) and 275 (LUB)
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

From: Lisa Webster-Gibson
Sent: July-07-14 5:12 PM
To: Aleksandra Brzozowski
Cc: Becky McErlean
Subject: Bylaw Referral; Gabriola Island Local Trust Committee Bylaw 276

Attention: Thetis Island Local Trust Committee

On June 26, 2014 the Gabriola Island Local Trust Committee gave first reading to Proposed Bylaw No. 276 to amend the Gabriola Official Community Plan. This email is notification to your agency about the intent of the proposed bylaw, in lieu of formal referral.

Proposed Bylaw No. 276 if adopted will amend the Gabriola Official Community Plan to include a justification and four objectives for existing Development Permit 7 – The Village Centre. This is necessary in order to enable the new guidelines in DP-7 detailed in Proposed Bylaw 273 which was referred to your agency in May 2014. The justification for the DP area is being expanded from form and character to also include water conservation and the reduction of greenhouse gas emissions. No other changes to the Gabriola Official Community Plan are proposed. A copy of Proposed Bylaw 276 is attached for your information, and supplemental to the referral you received from our office on Proposed Bylaw 273 (Climate Change Adaptation and Greenhouse Gas Emissions Reduction).

As Proposed Bylaw 273 is administrative in nature and required by the *Local Government Act* in order to enact the proposed new DP guidelines, agency and First Nations referral comments are welcome, but not anticipated. A public hearing is scheduled for July 16, 2014.

Please contact Sonja Zupanec, Island Planner at 250.247.2211 or szupanec@islandstrust.bc.ca directly with any questions.

Yours

Lisa

Lisa Webster-Gibson, BES, Hons.

Legislative Clerk

Islands Trust – Northern Office

700 North Road, Gabriola Island, B.C. V0R 1X3

Ph: 250.247.2204 or toll free 1.800.663.7867

Fx: 250.247.7514

www.islandstrust.bc.ca

Gabriola Island Local Trust Committee

BYLAW NO. 276

****

A BYLAW TO AMEND THE GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, NO. 166

****

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

1. Bylaw No 166, cited as ”Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997” is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2. This bylaw may be cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 2, 2014”

READ A FIRST TIME THIS	26TH	DAY OF	JUNE	, 2014
PUBLIC HEARING HELD THIS		DAY OF		, 2014
READ A SECOND TIME THIS		DAY OF		, 2014
READ A THIRD TIME THIS		DAY OF		, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 2014
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT				
THIS		DAY OF		, 2014
ADOPTED THIS		DAY OF		, 2014

SECRETARY **CHAIRPERSON**

Gabriola Island Local Trust Committee

Bylaw No. 276

Schedule 1

The Gabriola Island Official Community Plan Bylaw No. 166 cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997", is amended by:

1. Schedule A – Section 9 – Development Permit Areas, is amended as follows:

   a) Delete the Section 9.3 title and replace with the following:

   "**9.3 Development Permits to establish objectives for the form and character of commercial development, to promote water conservation, and to promote the reduction of greenhouse gas emissions"**

   b) Delete DP-7 The Village Centre and replace with the following:

   "DP-7 The Village Centre

   Development Permit Area 7 (Schedule C) is designated according to Section 919.1(1)(f),(i) and (j) of the *Local Government Act* and is located in the commercial Village Centre area.

   ## Justification

   The Gabriola village centre area is designated as a development permit area for the purposes of establishing objectives for form and character, water conservation and reduction of greenhouse gas emissions. This designation will help ensure that commercial development will be pedestrian oriented, landscaped to conserve water resources and encourage fuel efficient vehicles and alternative modes of transportation.

   ## Objectives

   The objectives of this development permit area are as follows:

   1. To promote small scale building design in the Village Centre.
   2. To promote development in the Village Centre that is pedestrian oriented with amenities such as public open spaces and walkways.
   3. To promote water conservation.
   4. To promote the reduction of greenhouse gas emissions.

   Information Note: Development Permit Area Guidelines for DP-7 The Village Centre are in the Gabriola Island Land Use Bylaw."

   c) Insert a new section heading of 9.4 before DP-8 Multi-dwelling Affordable Housing Development Permit Areas as follows:

   "9.4 Development Permits to Establish Objectives for the Form and Character of Industrial and Multi-dwelling Residential Development"