



Islands Trust

A NOTICE OF A BUSINESS MEETING OF **THE THETIS ISLAND LOCAL TRUST COMMITTEE**
to be held at 1:30 PM on Wednesday, May 23, 2012 at Thetis Island Community Centre
(Forbes Hall) North Cove Road, Thetis Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		1:30 pm
2.	APPROVAL OF AGENDA		
3.	TOWN HALL SESSION (10 MINUTES)		
4.	MINUTES		
4.1	Local Trust Committee Meeting Minutes of April 18, 2012- <i>for adoption</i>	1-7	1:45 pm
4.2	Section 26 Resolutions Without Meeting - <i>none</i>		
4.3	Advisory Planning Commission Meeting Minutes - <i>none</i>		
5.	BUSINESS ARISING FROM MINUTES		
5.1	Follow-up Action List dated May 10, 2012 - <i>attached</i>	8-9	
5.2	Advisory Planning Commission Appointments Memorandum dated May 9, 2012 – <i>to be distributed</i>		
6.	DELEGATIONS – <i>none declared</i>		
7.	CORRESPONDENCE <i>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.</i>		
7.1	Email dated April 5, 2012 from Steve Frankel regarding a Program called Neighbourhood Mediation - <i>attached</i>	10	
8.	APPLICATIONS AND PERMITS - <i>none</i>		2:00 pm
8.1	TH-SUB-2010.2 (Lindberg for Velez – 49 Harbour Road) Memorandum dated May 2, 2012 - <i>attached</i>	11-23	
9.	LOCAL TRUST COMMITTEE PROEJCTS		2:10 pm
9.1	Associated Islands Community Plan		
	9.1.1 Staff Report dated May 9, 2012 - <i>attached</i>	24-27	
	9.1.2 Draft Terms of Reference - <i>attached</i>	28-32	
	9.1.3 Draft “Ruxton Review” Article – <i>to be distributed</i>		
	9.1.4 Draft Newsletter - <i>attached</i>	33-34	

	9.1.5 Draft Survey – <i>to be distributed</i>		
	9.1.6 Draft Community Profile - <i>attached</i>	35-64	
9.2	Thetis Island Sustainability Guide	65-80	
	Staff Report dated May 4, 2012 - <i>attached</i>		
10.	REPORTS		3:10 pm
10.1	Work Program Reports		
	Top Priorities and Projects Report dated May 10 , 2012- <i>attached</i>	81-82	
10.2	Applications Log		
	Report dated May 10, 2012 - <i>attached</i>	83-84	
10.3	Trustee and Local Expenses		
	10.3.1 Expenses to Fiscal Yearend, March 31, 2012 - <i>attached</i>	85	
	10.3.2 Proposed Breakdown of the Local Expense Account Budget for 2012/13 – <i>attached</i>	86	
10.4	Chair’s Report		
10.5	Trustees’ Report		
10.6	Advisory Planning Commission Report		
11.	NEW BUSINESS		
11.1	Local Trust Committee Annual Report	87	
	Memorandum dated April 16, 2012 - <i>attached</i>		
11.2	Geothermal Exchange Enforcement Policy’		
	11.2.1 Email dated April 17, 2012 from Miles Drew - <i>attached</i>	88	
	11.2.2 Background Information - <i>attached</i>	89-97	
11.3	Proposal to Fund Distribution of the Islands Trust Fund Publication “The Heron” - <i>for discussion</i>		
12.	BYLAWS		
13.	ISLANDS TRUST WEBSITE		
13.1	Thetis Page - <i>attached</i>	98-99	
14.	CLOSED MEETING: The Thetis Island Local Trust Committee closes the next part of the May 23, 2012 business meeting to discuss matters pursuant to Section 90(1)(a) of the Community Charter to consider appointments to the Advisory Planning Commission and that staff be invited to attend this meeting		3:30 pm
15.	RECALL TO ORDER		
	Rise and Report from Closed Meeting		
16.	TOWN HALL DISCUSSION (10 MINUTES – TIME PERMITTING)		3:45 pm
17.	NEXT MEETING DATE		
	Wednesday, August 1, 2012 at 1:30 pm at Thetis Island Community Centre (Forbes Hall) North Cove Road, Thetis Island, BC		
18.	ADJOURNMENT		4:00 pm

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

DRAFT

**MINUTES OF THE THETIS ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON WEDNESDAY APRIL 18, 2012 AT 1:30 PM
AT THE THETIS ISLAND COMMUNITY CENTER
FORBES HALL, MAIN ROOM,
NORTH COVE ROAD,
THETIS ISLAND BC**

PRESENT

Ken Hancock	Chair
Peter Luckham	Local Trustee
Sue French	Local Trustee
Courtney Simpson	Islands Trust Planner
Chris Jackson	Regional Planning Manager
Stephanie Cottell	Recorder

There were 9 (nine) members of the public in attendance.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 1:30 pm and introduced the Local Trustees, Islands Trust planners and recorder to the public. Opening remarks were made by the Chair welcoming those in attendance and overviewing the agenda.

2. APPROVAL OF AGENDA

The following changes were made to the agenda:

Add Item 5.3 Thetis Island Community Profile.
Add item 11.2 Bylaw enforcement issue
Add item 11.3 The Trust Fund 'Heron' publication

The agenda was adopted as amended by consensus.

3. TOWN HALL SESSION

Dan Giesbrecht introduced himself as a Ruxton Island property owner supportive of the Ruxton and area Bylaw review, expressing interest in an appointment on the Advisory Planning Commission.

Ian Ralston spoke to his concerns and frustrations about the Riparian Areas Regulation process with the Meadow Valley properties strata. He hopes to work with the Local Trust Committee and the Qualified Environmental Professional from Aquaparian Environmental Consulting Ltd. to find solutions.

Denis Gagnon echoed Ian Ralston's concerns, and stated that as a Meadow Valley strata property owner he felt manipulated by the process.

Ernie Hunter gave his thanks for the opportunity to comment during meetings.

Lynn Decaire stated that her respect for the natural environment, as a land owner in the Meadow Valley Properties Strata, is reiterated by the Strata's commitment to ecological stewardship, and she also echoes Ian's concerns about inconsistencies in the Riparian Areas Regulation process.

Matt Hess expressed, as a Meadow Valley Properties owner, he didn't understand the perceived conflict that Islands Trust staff identified in the facts between the Mimulus and Aquaparian reports.

Alex Mendeleev introduced himself as a Ruxton Island property owner. He feels that the current bylaws are outdated and welcomes the bylaw review. He expressed interest in sitting on the Advisory Planning Commission for the Ruxton and Area Bylaw review.

Trustee Luckham spoke to his feelings regarding recent communications with Meadow Valley Properties Strata. He reiterated that recent staff reports regarding the regional Riparian Areas Regulation have not been discussed yet by the Thetis Island Local Trust Committee, and no locally relevant decisions have been made.

Ian Ralston expressed that he recognized and understood Trustee Luckham's comments.

Denis Gagnon stated that, from his understanding of the process, the Island's Trust staff interpretation seemed to be biased.

Ian Ralston commented that he had appreciated the how the Trust had worked with Meadow Valley Strata in the past, which only magnified the shock of recent Riparian Areas Regulation assessment developments.

Chair Hancock spoke to the struggle that the Islands Trust and other regulating bodies have been having with finding a common understanding and interpretation of the Ministry of Environment guidelines for riparian Areas Regulations.

4. **MINUTES**

4.1 *Local Trust Committee Meeting Minutes of February 8, 2012 – for adoption*

The minutes were adopted by consensus with the following amendments:

- On page 4, paragraph 1, line 3 remove the words 'the Associated Islands', and replace with 'Ruxton Island'.
- Motion TH-007-2012, page 5, paragraph 3, may it be noted that this motion relates to the Local Trust Committee having discussed options for enabling a

Ruxton Island focused Advisory Planning Commission.

4.2 *Section 26 Resolutions Without Meeting*

There were no minutes to be adopted

4.3 *Advisory Planning Commission Meeting Minutes*

There were no minutes to be adopted

5. **BUSINESS ARISING FROM MINUTES**

5.1 *Follow-up Action List dated April 2, 2012*

Under the date Feb-08-2012, No.1, first activity on list Trustee Luckham noted that a 't' should be added to create the word 'Joint'.

5.2 *Advisory Planning Commission Appointments*

Planner Simpson reported on the Advisory Planning Commission appointments.

TH-015-2012

It was **MOVED** and **SECONDED** that the Local Trust Committee direct staff to place an ad on E-spokes, at the ferry and post office bulletin boards, and in the mail boxes to solicit interest for participation in the Advisory Planning Commission.

CARRIED

Trustee Luckham discussed whether consideration should be given to advertising the additional Advisory Planning Commission for Ruxton Island at this time. Planner Simpson felt it might be premature.

5.3 *Thetis Island Community Profile*

This item was deferred until the next meeting.

6. **DELEGATIONS**

There were no delegations declared.

7. **CORRESPONDENCE**

None

8. **APPLICATIONS AND PERMITS**

None

9. **LOCAL TRUST COMMITTEE PROJECTS**

9.1 *Riparian Areas Regulation Compliance*

Regional Planning Manager Jackson presented his report on Riparian Areas Regulation compliance in the Northern Region. He added an additional recommendation to those on page 11 of his written report:

- to work with the Ministry of Environment on assessment methods.

Discussion followed.

TH-016-2012

It was **MOVED** and **SECONDED** that, based on the Local Trust Committee review of the reports by Mimulus and Aquaparian, the Thetis Island Local Trust Committee considers the Thetis Island Trust Area Riparian Areas Regulation compliant.

CARRIED

TH-017-2012

It was **MOVED** and **SECONDED** that the Local Trust Committee direct staff to prepare for the next meeting a draft amendment for the Thetis Island Official Community Plan, Section 8, Policy 4.1, to reflect the Local Trust Committee's decision the Thetis Island Local Trust Area is Riparian Areas Regulation compliant.

CARRIED

TH-018-2012

It was **MOVED** and **SECONDED** to accept staff recommendations to proceed with:

- establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for Riparian Areas Regulation implementation;

CARRIED

9.2 *Official Community Plan and Land Use Bylaw for Ruxton Island*

Planner Simpson provided her report. Discussion followed.

TH-019-2012

It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee direct staff to prepare a project terms of reference for endorsement, to include all of the associated islands in the Local Trust Area except Valdes Island.

CARRIED

TH-020-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee direct staff to draft an article or advertisement for the “Ruxton Island Review” for review by the Local Trust Committee

CARRIED

TH-021-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee direct staff to draft a mail-out to property owners including a survey on preferred engagement method and community goals for review by the Local Trust Committee.

CARRIED

9.3 *Advisory Planning Commission Bylaw Update*

Planner Simpson shared her report on the Advisory Planning Commission Bylaw. Discussion followed.

TH-022-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee give first reading to the draft Bylaw No.91, cited as “Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012.”

CARRIED

TH-023-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee give second reading to proposed Bylaw No.91, cited as “Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012.”

CARRIED

TH-024-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee give third reading to proposed Bylaw No.91, cited as “Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012.”

CARRIED

TH-025-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee refer proposed Bylaw No.91 cited as “Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012” to the Executive Committee.

CARRIED

10. **REPORTS**

10.1 *Work Program Reports*

Top Priorities and Projects Report dated April 2, 2012 was received for information. Discussion followed.

10.2 Applications Log

The Applications Log report dated April 2, 2012 was received for information. Discussion followed.

10.3 Trustee and Local Expenses

10.3.1 Expense report posted to February 23, 2012

10.3.2 Expense report posted to March 31, 2012

Received for information. Trustee French will draft a local expense budget.

10.4 Chair's report

Chair Hancock reported that former Chair Gary Steeves had been elected to the Executive of the Association of Vancouver Island Coastal Communities.

10.5 Trustee's report

10.5.1 Trustee Luckham's report

Trustee Luckham reported that he had attended the Association of Vancouver Island Coastal Communities conference.

10.5.2 Trustee French's report

Trustee French reported that she would be participating in an up-coming oil spill response exercise.

10.6 Advisory Planning Commission Report

There was no report to be delivered.

11. NEW BUSINESS

11.1 Memorandum dated February 21, 2012 from David Marlor, Director of Local Planning Services regarding a strategic approach to Islands Trust Communications.

Received for Information

11.2 Bylaw Enforcement

Discussion of this item was deferred to the next meeting.

11.3 Islands Trust Fund's 'The Heron' publication

Trustee Luckham brought forward for consideration potential funding for 'The Heron' to

be distributed on Thetis Island.

12. **BYLAWS**

None

13. **ISLANDS TRUST WEBSITE**

13.1 *Thetis Island Webpage*

This item was deferred to the next meeting.

14. **CLOSED MEETING**

No closed meeting took place.

15. **RECALL TO ORDER**

Not required

16. **TOWN HALL**

Ernie Hunter spoke to his appreciation of how the Riparian Areas Regulation issue was handled at the meeting.

17. **NEXT MEETING DATES**

The next business meeting date is Wednesday, May 23, 2012 at 1:30 pm at the Thetis Island Community Centre (Forbes Hall) North Cove Road, Thetis Island, BC.

18. **ADJOURNMENT**

The Thetis Island Local Trust Committee meeting was adjourned at 4:20 pm.

Chair

Recorder



Islands Trust

Follow Up Action Report w/ Target Date

Thetis Island Feb-09-2011

No.	Activity	Responsibility	Target Date	Status
1	Draft sign for Ragged Islet and possibly Esmeralda Islet, get approval from TAS for use of logo, and install signs. Trustee Luckham to arrange with staff.	Courtney Simpson	Mar-23-2011	On Going

Feb-08-2012

No.	Activity	Responsibility	Target Date	Status
1	Develop recommendations for a joint proactive enforcement strategy with the CVRD.	Miles Drew	Apr-02-2012	On Going
1	Review and revise Sustainability Guide.	Marnie Eggen Courtney Simpson	Apr-02-2012	Done

Apr-18-2012

No.	Activity	Responsibility	Target Date	Status
1	Extend deadline for APC appointments to be considered at May 23rd LTC meeting and advertise using ESpoKES and postings at the community hall, ferry and mailboxes.	Courtney Simpson	May-23-2012	Done
1	Staff to report back with a bylaw amendment to remove OCP section 4.1 policy 8 regarding RAR and replace with another policy to state there are non RAR-applicable watercourses on Thetis Island.	Courtney Simpson	May-23-2012	On Going
1	Prepare a project terms of reference for OCP and LUB creation for all associated islands except for Valdes	Courtney Simpson	May-23-2012	Done
1	Draft an article or ad regarding the associated islands bylaw review project for the "Ruxton Island Review" publication for review by the LTC	Courtney Simpson	May-23-2012	Done

- 1 Draft a mail-out to associated islands property owners regarding the bylaw review project including survey on preferred engagement methods and community goals for review by the LTC.
-

Courtney Simpson

May-23-2012

Done

From: frankel@island.net [<mailto:frankel@island.net>]
Sent: April-05-12 8:53 AM
To: Peter Luckham; Sue French; Courtney Simpson
Subject: NEIGHBORHOOD MEDIATION.....

Hi Courtney, Sue and Peter,

You may have already have heard about this program. It appears to have received very positive feedback.

The program; Neighborhood Mediation, actually started in Portland, Oregon, it appears to have taken off in other areas.

It is a mediation process that addresses individual and or community complaints before the complaint is taken to a more formal or legal level. There was a brief report on CBC Radio this morning regarding this process.

If Islands Trust has not already heard about this, it may be worthwhile to look into. It could possibly serve as an intervention before By-Law Enforcement or other formal process is initiated. The program does require volunteers to be trained.

Take care,

Happy Easter,

Steve Frankel

Blue Heron Ridge
Thetis Island, B.C.
Canada



Memorandum

700 North Road Gabriola Island, BC 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 May 2, 2012

File TH-SUB-2010.2
Number (Lindberg Velez)

To Thetis Island Local Trust Committee

From Marnie Eggen
Planner 1
Local Planning Services

Re Endorsement of finalized Covenant Prohibiting Residential Use of Common Property for a proposed two lot strata subdivision on Lot I, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Part in Plan 2609RW

After entering into a Cost Recovery Agreement with the Thetis Island LTC, a covenant prohibiting residential use of common property pursuant to Section 2.6.11 of the Thetis Island Land Use Bylaw No. 89 was drafted and reviewed. The Thetis Island Local Trust Committee is now requested to consider the covenant for signature.

Recommendation:

Staff recommends that the Thetis Island Local Trust Committee:

1. *Endorse the finalized Covenant Prohibiting Residential Use of Common Property for a proposed two lot strata subdivision on Lot I, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Part in Plan 2609RW;and*
2. *appoint a trustee, that on behalf of the Local Trust Committee, be a signatory on the Covenant.*

Attachment:

1. Covenant

Attachment 1

FORM_C_V18 (Charge)

**LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia**

PAGE 1 OF 13 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

--

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)
Peter English Notary Corporation

135 First Street
Duncan,

BC V9L 1R1

250-715-1575
File: 12063

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

**NO PID NMBR COMMON PROPERTY, DISTRICT LOT 1, THETIS ISLAND, COWICHAN
DISTRICT, STRATA PLAN EPS644**

STC? YES

Related Plan Number: **EPS644**

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION
Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)
(a) ☐ Filed Standard Charge Terms D.F. No. (b) ☒ Express Charge Terms Annexed as Part 2
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):
SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))
SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:
None

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Peter D. English
Notary Public
135 First Street
Duncan, BC V9L 1R1

Execution Date		
Y	M	D
12		

Transferor(s) Signature(s)

The Owners, Strata Plan EPS644
by its authorized signatory(ies):

Raymundo Velez

Marco Velez

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 2 of 13 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D
12		
12		

Thetis Island Local Trust Committee by
its authorized signatory(ies):

Name: _____

Name: _____

Royal Bank of Canada by its authorized
signatory(ies):

Name: _____

Name: _____

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 3 OF 13 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

The Owners, Strata Plan EPS644
a strata corporation under the BC Strata Property Act and having an address of:
49 Harbour Road, Thetis Island, BC V0R 2Y0

and

The Royal Bank of Canada (as to Priority Agreement only)

6. TRANSFEREE(S):

Thetis Island Local Trust Committee
Incorporated under the Islands Trust Act, RSBC 1996, C.239
c/o Suite 200, 1627 Fort Street
Victoria, BC V8R 1H8

TERMS OF INSTRUMENT – PART 2

COVENANT

BETWEEN:

The Owners, Strata Plan EPS644
a strata corporation under the BC *Strata Property Act* and having an address of
49 Harbour Road, Thetis Island, BC V0R 2Y0
on behalf of the strata lot owners

(hereinafter called collectively the "Owner")

OF THE FIRST PART

AND:

Thetis Island Local Trust Committee
c/o Suite 200, 1627 Fort Street
Victoria, BC V8R 1H8
(hereinafter called the "Covenant Holder")

OF THE SECOND PART

WHEREAS:

- A. The Owner is a strata corporation and may, under the provisions of the *Strata Property Act* grant charges over:

Common Property, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644

(herein called the "Lands");

- B. Section 219 of the *Land Title Act* provides that a covenant in respect of the use of land or of a building that land is, or is not to be built on in favour of a local trust committee under the *Islands Trust Act* may be registered as a charge against the title to that land;

- C. Thetis Island Land Use Bylaw No. 89, as amended (the "Bylaw") requires that:
"Where the approval of a bare land strata plan creates common property on which this Bylaw would allow a residential use if the common property was a lot, the owner must grant a covenant in respect of the common property prohibiting such use and prohibiting further subdivision of the common property and the disposition of the common property separately from the strata lots."

NOW THEREFORE in consideration of the payment of \$2.00 by the Covenant Holder to the Owner (the receipt and sufficiency of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the parties agree:

1. Interpretation

1.1 In this Agreement:

- (a) "Successor" means any person who, at any time after registration of this Agreement, becomes the registered owner of the Lands or any part thereof by any means, including a beneficial owner.

1.2 This Agreement must be interpreted in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia, and the parties agree to attorn exclusively to the jurisdiction of the courts of British Columbia (the "courts").

1.3 This Agreement is comprised of the recitation of the Parties, the recitals to the Agreement, the Schedules to the Agreement and Part 1 of the Land Title Act Form C to which this Agreement is attached.

1.4 In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context otherwise requires;
- (b) where a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (c) reference to a particular numbered section or article or to a particular lettered Schedule is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (e) the word "enactment" has the meaning given to it in the *Interpretation Act* (BC) on the reference date of this Agreement;
- (f) reference to any enactment is a reference to that enactment as consolidated, revised, amended or re-enacted or replaced, unless otherwise expressly provided;
- (g) reference to a "party" or the "parties" is a reference to a party or the parties to this Agreement and their respective successors, assigns, trustees, administrators and receivers;

- (h) reference to the "Lands" is a reference to the area shown as "Common Property" in the bare land strata plan of Lot 1, District Lot 1, Thetis Island, Cowichan District, a reduced copy of which is attached to this Agreement as Schedule A; and
- (i) reference to a "day", "month", or "year" is a reference to a calendar day, calendar month, or calendar year, as the case may be, unless otherwise expressly provided.

2. Representations and Warranties

- 2.1** The Owner warrants that the facts set out in Recital A are true as of the date of this Agreement.
- 2.2** The Covenant Holder warrants that the facts set out in Recital C are true as of the date of this Agreement.
- 2.3** The Parties warrant that the facts set out in Recitals B are true as of the date of this Agreement.

3. Restrictions on use of the Lands

- 3.1** The Owner covenants and agrees with the Covenant Holder that:
 - (a) the Lands may not be subdivided in any manner; and
 - (b) no residential dwelling unit or seasonal cottage may be constructed or built on the Lands; and
 - (c) the Lands may not be disposed of separately from the strata lots in Strata Plan EPS644
- 3.2** The owner agrees that the Covenant Holder may instruct the authority having jurisdiction over the issuance of building permits on Thetis Island to withhold any Building Permit that would authorize the construction of a building that would contravene this Agreement.

4. Owner's Obligations

- 4.1** The rights given to the Covenant Holder by this Agreement are permissive only and nothing imposes any obligation on the Covenant Holder to anyone, or obliges the Covenant Holder to perform any act or incur any expense for any purpose in respect of this Agreement.
- 4.2** The Owner releases the Covenant Holder, its directors, officers, employees, agents and contractors, from and against all liability, causes of action, actions, claims, damages,

expenses, costs, debts, demands or losses suffered or incurred by the Owner or any other person, arising from the granting of this Agreement, or by the act or omission of the Owner in relation to the operation and maintenance of the Lands.

4.3 The Owner, as registered owner of the Lands, must pay all taxes, assessments, fees and charges of whatever description which may be levied on or assessed against the Lands.

4.4 The Owner agrees to indemnify the Covenant Holder and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, losses, suits, actions, damages, claims, demands, costs and other harm arising out of or in any way connected with this Agreement or its subject-matter, and for any fees or expenses it may occur as a result of a breach of the Covenant by the Owner.

5. Owner's Reserved Rights

5.1 The Owner reserves all of its rights as owner of the Lands, including the right to use, occupy, and maintain the Lands in any way that is not expressly restricted by this Agreement.

6. Successor in Title of the Owner

6.1 This Agreement binds the parties to it and their respective Successors, heirs, executors, permitted assigns, and administrators.

6.2 The obligations and covenants contained in this Agreement shall be covenants running with the Lands and are perpetual, and will bind Successors in title to the Lands, and will be registered in the Land Title Office in Victoria pursuant to Section 219 of the *Land Title Act*.

7. Obligation

7.1 The rights given to the Covenant Holder by this Agreement are permissive only and nothing imposes any obligation on the Covenant Holder to anyone, or obliges the Covenant Holder to perform any act or incur any expense for any purposes in respect of this Agreement.

7.2 Nothing in this Agreement renders the Covenant Holder an owner or occupier of the Lands.

8. No Tort Liability

8.1 The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree

that no tort obligations or liabilities of any kind are created or exist between the parties in connection with this Agreement, it being the intent of this clause to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to covenants under seal.

9. Registration

- 9.1** The Owner agrees to do everything necessary at the Owner's expense to register this Agreement against title to the Lands in priority to all financial charges.

10. Severance

- 10.1** If any part of this Agreement is held to be invalid, illegal or unenforceable by the courts, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement is to remain in force unaffected by the severance.

11. No Other Agreements

- 11.1** This Agreement is the entire agreement between the parties and it terminates and supersedes all other such agreements regarding its subject.

12. Independent Advice

- 12.1** The Owner and Covenant Holder acknowledge and agree that each of them is satisfied with the legal and tax implications as to the meaning and effect of this Agreement.
- 12.2** The Owner acknowledges and agrees that no legal or tax advisor of the Covenant Holder has advised the Owner on the meaning or effect of this Agreement or in connection with this Agreement and that the Owner has not relied on any information from the Covenant Holder regarding legal or tax implications of such covenant.

13. Amendments

- 13.1** This Agreement is intended to be perpetual, and this Agreement may only be changed or cancelled by a written instrument signed by all the parties.

14. Joint and Several

- 14.1** Where the Owner of a parcel of land is comprised of more than one person, the obligations of the Owner under this Agreement shall be both joint and several.

PRIORITY AGREEMENT

The **ROYAL BANK OF CANADA** (the "Prior Charge holder") is the holder of a Mortgage encumbering the Lands, which Mortgage was registered in the Land Title Office on June 10, 2010 under registration number CA1601957 (the "Prior Charge").

The Prior Charge holder consents to and agrees that the attached Section 219 Covenant will have priority over the Prior Charge (the "Subsequent Charge").

FOR ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed to by the Prior Charge holder, the Prior Charge holder, being the holder of the Prior Charge, by signing the Form C General Instrument attached hereto as Part 1, hereby grants priority over the interest of the Prior Charge holder in the Lands to the Subsequent Charge as if the Subsequent Charge had been registered prior to the Prior Charge notwithstanding the respective dates and times of the execution and registration of the charge or the respective dates of advancement of money under them.

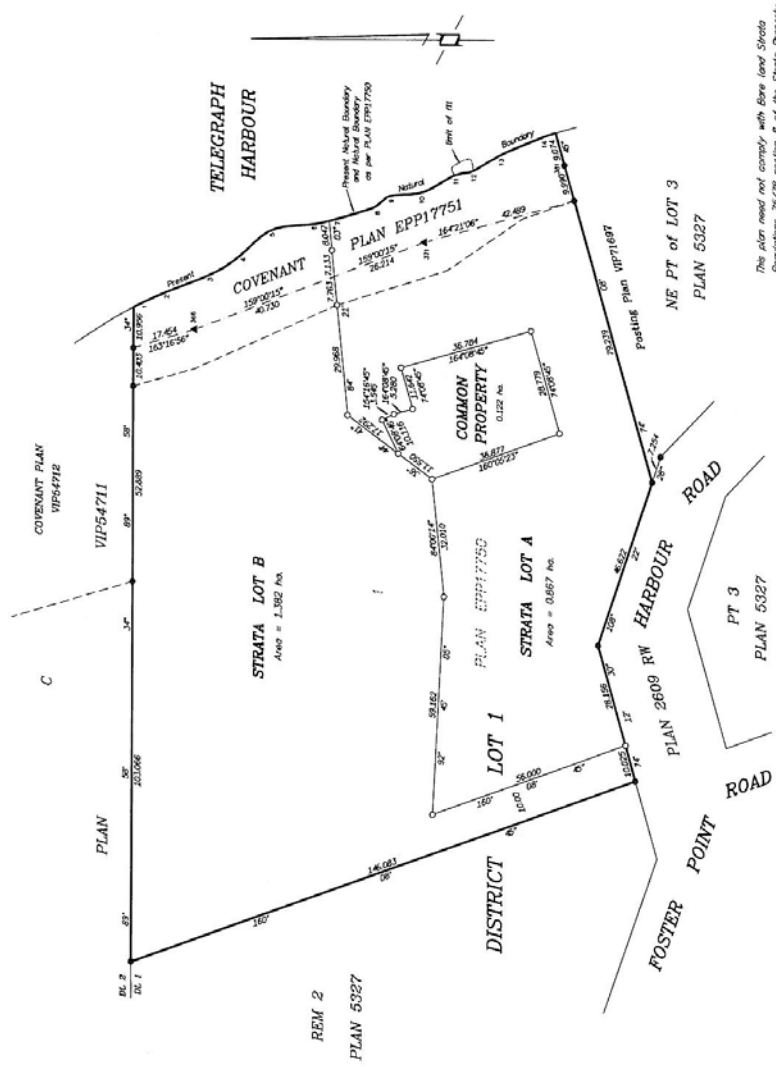
As evidence of their agreement to be bound by the above terms, all the parties each have executed this Agreement under seal by signing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE A

Related Plan EPS644

BARE LAND STRATA PLAN OF LOT 1, DISTRICT LOT 1,
THETIS ISLAND, COWICHAN DISTRICT, PLAN EPP17750

BCGS 928.092
Scale = 1:750
The intended plot size of this plan is 560 mm in width by 432 mm in height
(C size) when plotted at a scale of 1:750



LEGEND
Bearings are astronomic and derived from Plan EPP17750
● denotes standard iron post found
○ denotes standard iron nail placed
▲ denotes traverse hub found
FMB denotes present natural boundary
All distances are in metres and decimals thereof.

Chris Lindberg
49 Harbour Road
Thetis Island, BC
V0R 2T0

Table of Bore to Present Natural Boundary
of Telegraph Harbour

POINT	TO	DISTANCE	BEARING
70	71	12.520	53°33'44"
71	72	16.602	157°17'39"
72	73	15.136	117°12'32"
73	74	24.468	177°36'56"
74	75	29.890	92°24'14"
75	76	16.001	34°37'37"
76	77	15.548	57°48'02"
77	78	15.850	138°00'00"
78	79	20.017	144°03'07"
79	80	21.604	144°02'07"
80	81	31.817	213°07'12"
81	82	8.861	37°03'35"

GLW LINDBERG LAND SURVEYING INC.
Professional Land Surveyor
Surveying & Geomatics Services
Cowichan, BC V0R 1K5
Email: glw@lindbergland.com
Tel: (250) 246-9393
Fax: (250) 246-9393

A Covenant in the name of the Cowichan Valley Regional District and the Ministry of Transportation and Infrastructure pursuant to Section 219 is a condition of approval for subdivision.

This bare land strata plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure. This plan lies within the Municipal/Cowichan Assessment Area and the Thetis Island Improvement District.

This plan lies within the Cowichan Valley Regional District. The field survey represented by this plan was completed by Gerald M. Lindberg, BCLS on the 25th day of January, 2012.

This plan need not comply with Bore Land Strata Regulations 15/78 section 8 of the Strata Property Act.

Strata Property Act

Form E

[am. B.C. Reg. 289/2000, s. 3.]

CERTIFICATE OF STRATA CORPORATION

(Sections 78, of the Regulation)

The Owners, Strata Plan EPS644 certify that a resolution referred to in Section 78 of the *Strata Property Act* or Section 78 of the *Strata Property Regulation* was passed by a ☒ unanimous vote or ☐ 3/4 vote at an annual or special general meeting held on March , 2012, and that the attached instrument, schedule, plan or other document conforms to the resolution.

For the purposes of section 165 (4) (f) of the *Land Title Act*, execution of the attached instrument has been approved by a resolution at an annual or special general meeting in accordance with the requirements of the *Strata Property Act* or the *Strata Property Regulation*, and the instrument conforms to the resolution.

.....
Signature of Council Member

.....
Signature of Second Council Member
(not required if council consists of only one member)



STAFF REPORT

Date: May 9, 2012

File No.: TH-6500-20

To: Thetis Island Local Trust Committee
For meeting of May 23, 2012

From: Courtney Simpson, Island Planner

CC: Chris Jackson, Regional Planning Manager

Re: **Associated Islands Community Plan: Terms of Reference**

THE PROPOSAL:

This is a project initiated by the 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.

A preliminary report at the April 18, 2012 LTC meeting provided background information and recommended that the LTC expand the scope from only Ruxton Island to include the additional islands listed above.

The purpose of this staff report is to present a Terms of Reference for the project for endorsement. Also for endorsement are:

- Article for the "Ruxton Review" annual newsletter
- Newsletter for mail-out to property owners
- Survey on communication and engagement methods

Provided for information is a Community Profile document that summarizes biophysical, social, political and historical information about these islands to aide in the community deliberation.

SITE CONTEXT:

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

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Please refer to the staff report presented at the April 18, 2012 LTC meeting for this information.

COMMUNITY INFORMATION MEETING(S):

As contemplated at the last LTC meeting and in the proposed Terms of Reference, staff recommends holding a first community information meeting (CIM) on Ruxton Island in the summer of 2012. The purpose of the CIM would be to present results of the survey, particularly the property owners' views about goals and objectives for the community, and to engage in further discussion on community goals. Staff plans to have visual displays with the type of information and maps in the Community Profile to lead discussion around.

Staff recommends a date is scheduled for this meeting soon, so that it can be advertised in the initial mail-out and the article in the Ruxton Review. Given that property owners mostly live elsewhere, there may be more people in attendance if we can give as much notice as possible so that summertime holiday plans can be made well in advance.

Staff recommends the meeting is scheduled for **Friday, August 31**. This will give time for survey responses to be received, compiled, and prepared for presentation to the LTC first at their August 1 meeting. The August 1 meeting will also provide the opportunity to make more plans around the CIM such as for organizing creative methods of community engagement as opposed to the traditional method of a presentation followed by a speakers list. Staff recommends the meeting is at Naylor Bay that is a location used for community meetings in the past.

RESULTS OF CIRCULATION:

There has not yet been any circulation for this project.

STAFF COMMENTS:

Terms of Reference:

The attached draft Terms of Reference are for endorsement by the Local Trust Committee. The document outlines the scope, timeline and budget for the project to ensure these parameters are agreed upon and to guide the on time and on budget completion of the project. In the event that the LTC requests or staff recommend changes to anything in the Terms of Reference, these should be made with consideration of the implications for the timeline and budget and by resolution of the LTC.

There is little new information in the Terms of Reference that the LTC did not already review in the preliminary staff report. The only new information that has not yet been discussed is that the area of bylaw application will be a maximum of 1000 metres from the shoreline of each island or mid-channel. The distance can be reduced if desired. The implications of this are that some Crown Islets may not fall within the bylaw application area, and the zoning will not go to the high water mark of Vancouver Island.

Article for "Ruxton Island Review":

The attached draft article is for the annual newsletter delivered to Ruxton Island properties in July. The newsletter is produced by the Ruxton Island Property Owners Association. This article can be amended and can be adapted to be from trustees if desired. The deadline is the end of May.

Newsletter for mail-out:

The draft newsletter for mail-out is intended to inform property owners of this project and build interest for their participation. Two more newsletters are planned in the Project Work Plan in the Terms of Reference:

- December, 2012 – to update property owners on outcome of consultation and next steps.
- Summer, 2013 – for further consultation on draft of OCP and next steps.

The survey discussed next asks for input on preferred communication methods, and staff may recommend more or less newsletters once the responses have been received. The newsletters will not be the only method of communication with property owners.

Survey on communication and engagement methods:

The draft survey is intended to be included with the newsletter for completion and mailing back to the Northern Office, also providing the option to be filled out and submitted online instead. The hard copy can be included in the mail-out without increasing the cost, and staff recommends that it is valuable to provide both the hard copy and online option for completing the survey.

RECOMMENDATIONS:

Based on the above considerations, staff recommends that the Thetis Island Local Trust Committee:

1. endorse the project terms of reference dated May 23, 2012;
2. direct staff to schedule a community information meeting for Friday, August 31, 2012 at Naylor Bay, Ruxton Island;
3. direct staff to submit the draft article to the Ruxton Island Review;
4. endorse the June, 2012 newsletter for mail-out to all property owners;
5. endorse the Thetis Associated Islands Community Plan Review survey; and
6. direct staff to post the draft Community Profile on the website.

Prepared and Submitted by:

Courtney Simpson

Courtney Simpson, MICP
Island Planner

May 10, 2012

Date



TERMS OF REFERENCE

Date: May 23, 2012

File No.: TH-6500-20

Project: Thetis Island Local Trust Area Associated Islands Bylaw Review

Initiated by: Thetis Island Local Trust Committee
Endorsed on: _____

Lead Staff: Courtney Simpson, Island Planner

BACKGROUND

The Thetis Island Local Trust Area includes eight islands without zoning and seven islands under four different regulatory bylaws. The purpose of this project is to adopt a single Official Community Plan (OCP) and Land Use Bylaw (LUB) for all of the islands in the Thetis Island Local Trust Area excepting Thetis Island, Valdes Island and Kendrick Island. The new bylaws will be designed in such a way as to add Valdes and Kendrick Islands to them at a later date, and Thetis Island will remain with a separate OCP and LUB.

Tent Island and Penelakut Island are also within the Local Trust Area but under federal government jurisdiction as they are Penelakut IR number 7 with one exception; one lot on Penelakut Island is not within Penelakut IR number 7 and is included in the scope of this project pending consultation with the Penelakut Tribe.

Thetis Island Local Trust Area islands **within** the scope of this review include:

Island	OCP	LUB / Rural LUB	Year of Adoption / Comments
Ruxton Island	No	Zoning Bylaw No. 13	1983, Amended 1987
Whaleboat Island	No	Zoning Bylaw No. 13	Added in 1987 / Provincial Marine Park
Pylades Island	No	No	Subject to ITA/LSA Regulations
Tree Island	No	No	Subject to ITA/LSA Regulations
Reid Island	No	No	Subject to ITA/LSA Regulations
Hudson Island	No	No	Subject to ITA/LSA Regulations
Dayman Islands	No	No	Subject to ITA/LSA Regulations
Scott Island	No	No	Subject to ITA/LSA Regulations
Bute Island	No	CVRD Bylaw No. 110	1973
Dunsmuir Islands	No	CVRD Bylaw No. 110	1973
Penelakut Island	No	No	One lot not within Penelakut IR No. 7, subject to ITA/LSA Regulations
ITA - Islands Trust Act - Section 32 Restrictions on Construction and BC Regulation 119/90 LSA - Local Services Act BC Regulation 274/69 - Subdivision Regulation Requiring 10 Acre Minimum Lot Size.			

The boundary of the area of bylaw application will be a maximum of 1000 metres from the shoreline of each of the islands, or mid-channel.

Thetis Island Local Trust Area Islands **outside** the scope of this review include:

Island	OCP	LUB / Rural LUB	Year of Adoption / Comments
Thetis Island	Bylaw No. 88	Bylaw No. 89	2011
Leech Island	Bylaw No. 88	Bylaw No. 89	2011
Valdes Island	No	Rural LUB No. 42	1998, Amended 2010 (GHG reduction)
Kendrick Island	No	Rural LUB No. 42	1998, Amended 2010 (GHG reduction)
Penelakut Island	No	No	Penelakut IR No. 7 lands on island outside scope
Tent Island	No	No	Penelakut IR No. 7

None of the islands within this review have public ferry access, and the majority of owners have primary residences elsewhere, using these properties recreationally and/or seasonally. Of the islands within the scope of this project, Ruxton Island has the greatest number of lots at 195, followed by Reid with 32, Hudson with 10, Pylades with 4, and the remainder with the entire island contained within one lot.

Establishing a single OCP and LUB for the associated islands of the Local Trust Area will create efficiencies in the use of staff time to administer the bylaws, will eliminate inconsistencies, and improve clarity of bylaw regulations for agencies and the general public. In the future, bylaw maintenance will be more efficient and tracking updates in a number of bylaws will no longer be required. In addition, a single bylaw will ensure that complete and updated zoning coverage is provided for all the islands of the Local Trust Area in accordance with the Islands Trust Mandate and Policy Statement.

ALIGNMENT WITH TRUST COUNCIL STRATEGIC PLAN

At the time of writing these terms of reference, Trust Council had not adopted a new Strategic Plan and the 2008-2011 Strategic Plan was still in effect. The following objectives and strategies of the Strategic Plan can be furthered through this project:

Objective	Strategies
1.2 To improve the identification and protection of biodiversity, environmentally sensitive areas and significant natural sites, features and landforms.	1.2.3 Protect sensitive and significant land through land use planning decision
2.1 To increase the sustainability and quality of freshwater resources	2.1.1 Include new policies and regulations as OCP's and LUB's are amended
2.3 To advance the stewardship of coastal areas and marine shore lands	2.3.1 Develop and implement new land use planning tools for shoreline marine

DESIRED OUTCOMES

- Adopt an Associated Islands Official Community Plan in accordance with Islands Trust Policy Statement and relevant legislation.
- Adopt an Associated Islands Land Use Bylaw in accordance with Islands Trust Policy Statement and relevant legislation.
- By engaging with First Nations, avoid infringement on Aboriginal title and rights.
- Address community needs that are within the scope of land use planning.
- Play an advocacy role to help the community achieve goals outside of the Local Trust Committee's authority, when appropriate.
- Adopt policies and regulations to protect sensitive ecosystems.
- Adopt policies and regulations facilitating adaptation to climate change.
- Adopt policies and regulations to advance the stewardship of coastal areas and marine shore lands.
- Adopt policies and regulations to increase the sustainability and quality of freshwater resources.

FIRST NATIONS CONSULTATION

The following nine First Nations and one treaty group are identified by the Province's Consultative Areas Database as having Aboriginal rights in the project area, and will be engaged early in the project in order to identify their Aboriginal rights in the area and avoid infringement:

- Stz'uminus First Nation
- Cowichan Tribes
- Halalt First Nation
- Hul'qumi'num Treaty Group
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Tsawwassen First Nation
- Snuneymuxw First Nation
- Semiahmoo First Nation

STAKEHOLDER CONSULTATION

Goals of communications for this project include informing and engaging property owners, the Cowichan Valley Regional District, and others identified as having an interest. This engagement is needed to ensure that relevant bylaw objectives, policies and regulations are adopted that meet the needs of property owners and other regulatory agencies both in the present and into the future.

Communications with property owners will be an important part of this project and may require unique approaches given that few people live on these islands full time. There is no local meeting location for property owners, no newspaper that would be likely to reach the majority, and no bulletin boards that would be read by most.

Communications may include a combination of direct mail-outs, the Islands Trust website, an email list, online or mailed polls or surveys, or receipt of input via mail or email. Community Information Meetings (CIM) may be held on Ruxton Island as this island has a significantly larger number of lots and property owners than the other islands in the project and may warrant more involved consultation. Meetings on other islands will be considered if the need and/or opportunities arise. Meetings may also be held on Vancouver Island or the lower Mainland, as the majority of property owners of all of the islands live in these locations.

Initial stakeholder consultation will be a newsletter mailed to property owners and a survey on preferred methods of engagement that will be used to develop a more detailed consultation and communications plan for the project.

BUDGET REQUIREMENTS

As the work plan below shows, and dividing the budgeted \$8,000 for professional reports between two fiscal years, the estimated budget for the three fiscal years of the project is:

Year 2012/13	\$5,000
Year 2013/14	\$11,700
Year 2014/15	\$1,500
TOTAL	\$18,200

There are a number of factors that will affect the budget such as whether or not APC members will be reimbursed for travel expenses, what type of public meeting will be held and what the cost will be, and what professional reports will be required.

TARGET DATES

The table below provides a project work plan with target dates and cost estimates.

Associated Island OCP/LUB Project Work Plan			
	Task	Target Date	Cost Est.
1.	Define the Scope		
1.1	Preliminary staff report	<i>April 18, 2012 (LTC mtg)</i>	
1.2	LTC to endorse project terms of reference	<i>May 23, 2012 (LTC mtg)</i>	
2.	Identify Goals		
2.1	Update Islands Trust website with project information	May 31, 2012	
2.2	Contact First Nations to begin engagement, with follow-up	May 31, 2012	
2.3	Mail-out to property owners including survey on preferred engagement method and community goals	May 31, 2012	\$200
2.4	Appoint Advisory Planning Commission	June 30, 2012	
2.5	CIM to present results of survey and gather more info	August-September, 2012	\$750
2.6	Consult with CVRD – during annual meeting	September, 2012	
2.7	Staff report on first consultation with draft detailed list of project goals	<i>October 3, 2012 (LTC mtg)</i>	
2.8	APC meeting to review draft detailed list of project goals	October-November, 2012	\$1,000
2.9	LTC to endorse detailed list of project goals	<i>November 21, 2012 (LTC mtg)</i>	
2.10	Mail-out to update property owners on outcome of consultation and next steps	December, 2012	\$200
3.	Appraise the Facts		
3.1	Site visit to Islands	June, 2012	\$400
3.2	Staff report to identify information gaps	January, 2013	
3.3	Contract with professionals to fill gaps as necessary	February-June, 2013	\$8,000
3.4	Continued discussion with First Nations as necessary	ongoing	
3.5	Review results of any professional reports	June, 2013	
4.	Generate Options		
4.1	Draft 1 of OCP	June, 2013	
4.2	Staff report describing regulatory options, no draft of LUB yet.	June, 2013	
4.3	APC Meeting to review draft of OCP	July, 2013	\$1,000
5.	Assess the Options		
5.1	Continued discussion with First Nations as necessary	ongoing	
5.2	In-person CIM	August-September, 2013	\$750
5.3	Electronic and mail consultation with property owners	Summer, 2013	\$400
5.4	Staff report on results of community consultation to assess the options	October, 2013	
6.	Decide on Options to Adopt		
6.1	Draft 1 of LUB	November, 2013	
6.2	APC Meeting to review draft of LUB	November, 2013	\$1,000
6.3	Legal review of draft OCP and LUB	November, 2013	\$3,000
6.4	Draft 2 of OCP and LUB and first reading	January, 2014	
6.5	Agency referral	February, 2014	
6.6	Public hearing	April, 2014	\$1,500
6.7	Referral to EC	May, 2014	
6.8	Referral to Minister for OCP	June, 2014	
6.9	Adoption of OCP and LUB	September, 2014	



Islands Trust

Contact Us

700 North Road
Gabriola Island, BC V0R 1X3

Phone: 250-247-2063

Fax: 250-247-7514

E-mail: northinfo@islandstrust.bc.ca

Preserving Island communities, culture and environment

The Islands Trust is a unique federation of independent local governments, which plans land use and regulates development in the trust area. Like other communities in British Columbia, island communities elect their local representatives every three years.

There are two local trustees elected for each group of islands designated as a local trust area. Together, with an appointed chair from the Executive Committee, local trustees are responsible for land use decisions within their respective local trust area.

Meet Your Local Trustees and Chair



Sue French
Thetis Island Trustee
(250) 416-0373
sfrench@islandstrust.bc.ca



Peter Luckham
Thetis Island Trustee
pluckham@islandstrust.bc.ca



Ken Hancock
Chair, Thetis Island
North Pender Island Trustee
(250) 629-6610
khancock@islandstrust.bc.ca

Staff Contact

Courtney Simpson, Island Planner for Thetis Local Trust Area

csimpson@islandstrust.bc.ca (250) 247-2209



Islands Trust

DID YOU KNOW?

- There are 238 lots on these islands, with 195 on Ruxton
- Lindley's Microseris and Erect Pygmyweed are red-listed plant species found on Ruxton and Tree Islands respectively.
- The double-crested cormorant nests on the Rose Islets, just north of Reid Island.

INSIDE THIS ISSUE:

Desired Outcomes	2
First Nations Involvement	2
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Zoning on Ruxton	3
Unzoned areas	3
Meeting on Ruxton	3

Community Plan

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

VOLUME 1, ISSUE 1

JUNE, 2012

Local Trust Committee begins Community Plan review

The Thetis Island Local Trust Committee is launching a community planning project for the smaller islands in the Local Trust Area. These islands include Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Bute and Dunsmuir. These islands are sometimes referred to as the "associated islands" of the Thetis Island Local Trust Area.

The goal of this project is to create an Official Community Plan and a Land Use Bylaw for these islands. These documents will set objectives, policies and regulations for development, protection of the natural environment, and other topics related to land use planning.

Some of these islands currently have no regulatory bylaws for land use planning, and some have

older bylaws in need of review.

We will be seeking input from property owners over the next two years, and hope you will get



Lindley's Microseris is a red-listed plan species found on Ruxton Island

involved. To begin, we would like to hear how you would prefer to receive information and provide your feedback. Please respond to

the enclosed survey asking for your input on communications for this project. We will design our communications plan based on the feedback we receive.

The community planning process begins with an assessment of where we are now, and where we would like to go. We've also asked for your feedback on a community profile about these islands, so please let us know if we have the facts straight.

Finally, we would like to hear about any goals you think should be included in this project. Read on to see the desired outcomes of the project that have been endorsed by the Local Trust Committee, and tell us if you think anything should be added, or if there are more specific goals you have in mind.

Ruxton Island Advisory Planning Commission

With a much greater number of property owners than on the other islands combined, we expect that Ruxton Island will be a significant focus of this project.

As such, the Local Trust Committee would like to appoint an advisory planning commission (APC) of between five and seven Ruxton Island property owners

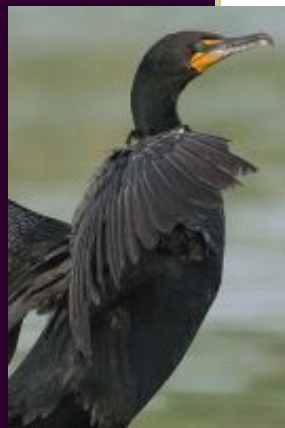
to meet over the course of this project and provide the Local Trust Committee with advice regarding Ruxton Island policies and regulations.

The APC will meet approximately 3 times per year over the next two years, and the meetings will be held on Vancouver Island, in a location most convenient to

members.

If interested, please submit a brief resume of your experience sitting on boards or committees, or with community planning to Courtney Simpson, Island Planner by mail to the address on the back page or by email or fax:

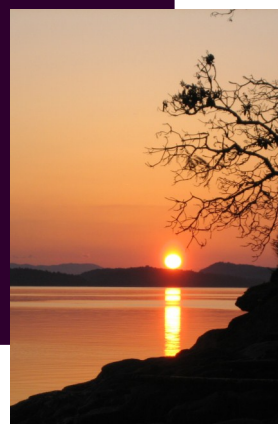
csimpson@islandstrust.bc.ca; fax (250) 247-7514



Double-crested cormorant, a blue-listed species

Coast Salish First Nations have inhabited the Gulf Islands since time immemorial

Sunset over Ruxton Island



COMMUNITY PLAN

Desired outcomes

The Local Trust Committee has endorsed the following desired outcomes of this project:

- Adopt an Associated Islands Official Community Plan in accordance with Islands Trust Policy Statement and relevant legislation.
- Adopt an Associated Islands Land Use Bylaw in accordance with Islands Trust Policy Statement and relevant legislation.
- By engaging with First Nations, avoid infringement on Aboriginal title and rights.
- Address community needs that are within the scope of land use planning.
- Play an advocacy role to help the community achieve goals outside of the Local Trust Committee's authority, when appropriate.
- Adopt policies and regulations to protect sensitive ecosystems.
- Adopt policies and regulations facilitating adaptation to climate change.
- Adopt policies and regulations to advance the stewardship of coastal areas and marine shore lands.
- Adopt policies and regulations to increase the sustainability and quality of freshwater resources.

First Nations involvement

Coast Salish First Nation have inhabited the Gulf Islands since time immemorial.

We are in the process of contacting the First Nations identified by the Province as having Aboriginal rights within the area of this community plan project. We hope to engage with them to better understand the nature of their Aboriginal rights, and how we can

not only avoid infringing upon them, but also how we can assist in achieving any goals they have to continued or future use of the area.

The First Nations with Aboriginal rights in the area are:

Stz'uminus First Nation

Cowichan Tribes

Halalt First Nation

Lake Cowichan First Nation

Lyackson First Nation

Penelakut Tribe

Tsawwassen First Nation

Snuneymuxw First Nation

Semiahmoo First Nation

Also included in our consultation is the Hul'qumi'num Treaty Group.

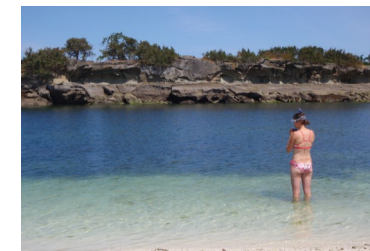
Community Profile on website

As an aide to community deliberation for the creation of a Community Plan, the Islands Trust has compiled background information for these islands into a "Community Profile" document.

The document is available on our website in draft form. We are hoping you might be able to fill in some of the blanks or let us know if we have any incorrect information. You can download the Community Profile from our website at www.islandstrust.bc.ca and by selecting the Thetis

page. Please send your feedback by email to: csimpson@islandstrust.bc.ca or by filing out a feedback form on the website. You can request a paper copy of this document through the contact information on the back of this newsletter.

Zoning on Ruxton, Bute and Dunsmuir Islands



Ruxton, Bute and Dunsmuir Island have zoning regulations, under two separate bylaws.

Ruxton Island has Zoning Bylaw No. 13, adopted in 1983 and amended in 1987 to include Whale-

Herring Bay, Ruxton Island

boat Island. This bylaw should be reviewed to take into account changes to provincial legislation requiring communities to consider things such as greenhouse gas emissions reduction and protection of riparian areas. Some community members have asked for a review of this bylaw to clarify some regulations such as those pertaining to private docks and floats.

Zoning for Bute and Dunsmuir Islands is through Cowichan Valley Regional District Bylaw 110 adopted in 1973, before the Islands Trust was created. The bylaw is still in effect and is administered by the Islands Trust.

Both bylaws should be reviewed and amended to consider the policies and objectives of the Islands Trust Council, in the Policy Statement of 1994, as well as protection of the natural environment.

"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..."

- Islands Trust Mandate

Regulations for Unzoned Areas

Pylades, Tree, Reid, Hudson, Scott and Dayman Islands have no zoning bylaw in effect, but this does not mean they are without regulation.

These unzoned areas within the Islands Trust area are subject to the *Islands Trust Act*, *Islands Trust Regulation*, and the *Local Services Act*.

The *Island Trust Act and Regulation* state that one dwelling and one

guest cottage are permitted per lot, and any additional construction requires approval by resolution of the local trust committee.

The *Local Services Act* states that the minimum lot area for subdivision is 10 acres.

Hudson Island is an exception, with a statutory building scheme registered on Title that has some regula-

tion for setbacks, building size use and number.

While these minimal regulations may be appealing to some property owners, they do not provide for protection of sensitive ecosystems, including marine shorelands, the very characteristics of the Gulf Islands that led to the establishment of the Islands Trust.

Information Meeting on Ruxton

Mark your calendars for August 31, 2012 for the first community information meeting on Ruxton Island. Islands Trust staff will present the results of the survey and lead a discussion on community goals.

This is a good opportunity to view maps, ask questions, and provide your views to the trustees.

The meeting will be held at Naylor

Bay from XXX am to XXX pm.

The meeting will be attended by the Thetis Island Local Trust Committee and Islands Trust staff. Please come with your ideas and questions.



Looking north from North Cove, Thetis Island

DRAFT – May 8, 2012

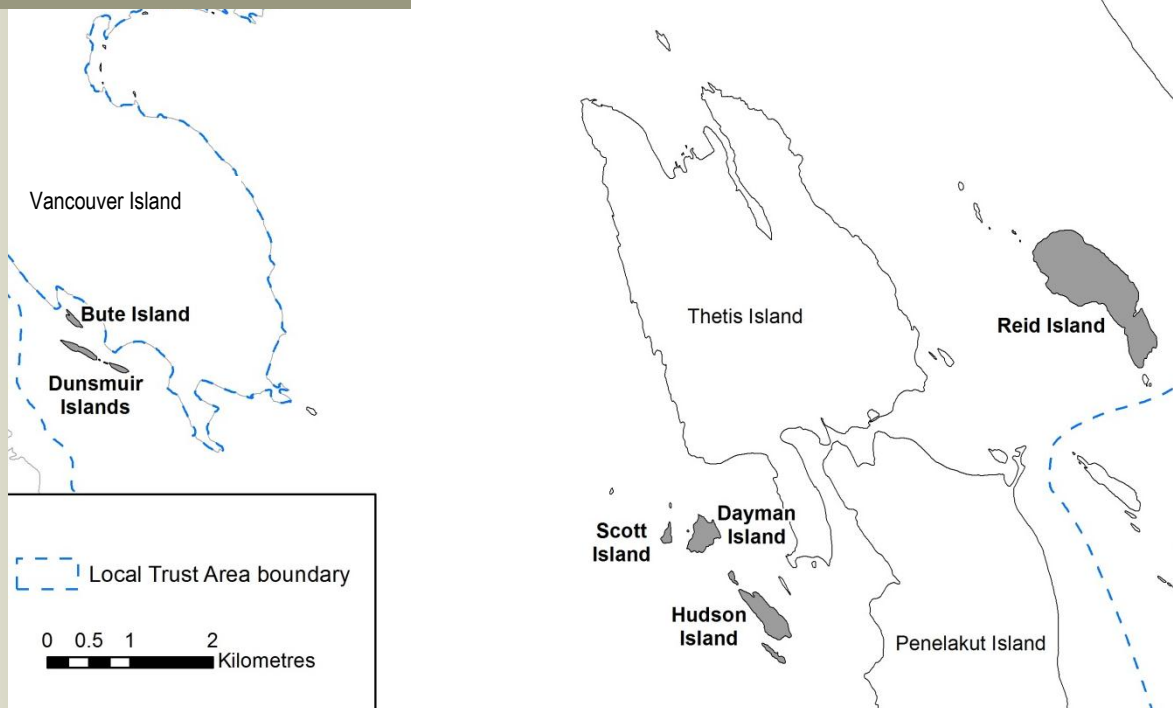
Community Profile

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



Islands Trust

May 2012



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1 Introduction

Coast Salish First Nations have inhabited the Gulf Islands since time immemorial. The area covered by this community profile is a portion of Coast Salish traditional territory and is defined by the contemporary political boundaries of the Islands Trust. The Islands Trust is a federation of independent local governments with land use planning authority for the lands and waters of the area, as described in the *Islands Trust Act*. Specifically, this community profile describes the smaller islands within the Thetis Island Local Trust Area: Ruxton, Reid, Hudson, Pylades, Tree, Whaleboat, Dayman, Scott, Bute and Dunsmuir Islands.

The purpose of this community profile is to summarize biophysical, social, political and historical information about the islands to support the creation of an official community plan and land use bylaw. Each community in British Columbia may adopt an official community plan and land use bylaw should update them periodically to ensure that future plans for the community reflect current needs, address relevant issues and work towards community goals for the future. This document provides information to aide this community deliberation.

2 Setting

This section describes the location, land use, and physical characteristics of the area including geology, climate and freshwater.

2.1 Location

The islands discussed in this community profile 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. Thetis Island is within the area of these islands, but is not covered this community profile. As a larger island with many full-time residents and a public ferry, Thetis Island has its own community profile and its own official community plan and land use bylaw.

2.2 Land Use

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.

South Dunsmuir Island Seattle Yacht Club Outstation

In 1965 past commodore of the Seattle Yacht Club, Wallace Ovens, donated the southern of the two Dunsmuir Islands to the Yacht Club. In 1974 the island was developed with paths, picnic tables and a float, and is used as an out station for yacht club members. There is no water or electricity. The islands is unofficially known as “Ovens Island” in honour of the past yacht club commodore (Seattle Yacht Club, n.d.).

2.3 Physical Characteristics

The physical characteristics of these islands include geology, climate and freshwater, and are intricately connected to the biological components discussed in the next section.

Geology

The Late Cretaceous Geoffrey Formation forms the bedrock of Scott, Dayman and Hudson Islands. It is characterized by thick sandstone and conglomerates. Wave action and spray have created honeycomb weathered surfaces, benches and notches along the shoreline (Simmons, 1973).

At the time this draft no further information had been found about the geology of the other islands subject of this Community Profile.

Climate

The Environment Canada Nanaimo Airport weather station data provides a picture of average temperature and precipitation for a location near the area covered by this Community Profile. Climate normal for 1974 to 2000 show average high temperatures in July and August of 17.9 and 18 degrees Celsius respectively and December and January wintertime lows of 2.9 and 2.7 degrees Celsius (figure 1). Precipitation falls mostly in the winter with a small amount of snow between November and March (figure 2).

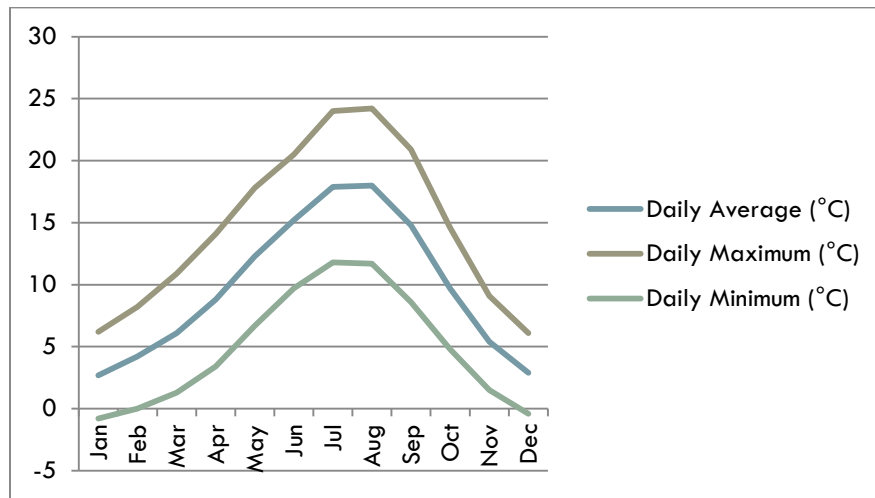


Figure 1 Nanaimo Airport Climate Normals 1974-2000, temperature

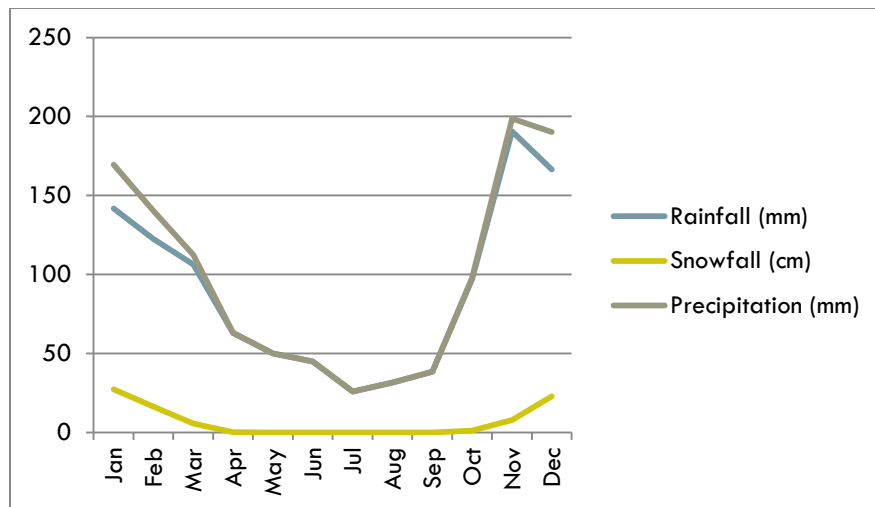


Figure 2 Nanaimo Airport Climate Normals 1974-2000, precipitation

Freshwater

Ruxton Island and Reid Island are the only two islands covered in this Community Profile that have identified wetland areas. The Ruxton Swamp, so named in Ministry of Environment documents, flows west and discharges into the ocean (Ministry of Environment, Lands and Parks [MELP], 1994). There are two water licenses for domestic use for Ruxton Swamp.

Sensitive Ecosystem mapping identifies two wetlands on Reid Island, however the Ministry of Environment does not recognize surface water on Reid Island in their 1994 Water Allocation Plan for the area. It is likely that the wetlands on Reid Island are too small to be measured by the Ministry of Environment in total.

area or in water volume or both. The drainage patterns of these two wetlands on Reid Island are also unknown. It is hoped that this information can be obtained through local knowledge.

At the time of writing this community profile no information had been found on the characteristics of groundwater on these islands although enquiries have been made.

3 Environment

The unique and fragile natural environment of the Gulf Islands is home to sensitive ecosystems, species at risk, and many kilometres of shoreline that provide important habitat for marine life.

3.1 Sensitive Ecosystems

An ecosystem is a system of living organisms interacting with their non-living environment. Ecosystems are distinguished from each other by their vegetation make-up, climate, drainage, and elevation along with many other modifiers.

Some ecosystems rely on a delicate mix of species and conditions that are easily impacted by human activities. These ecosystems are termed “sensitive.” Sensitive ecosystems are defined as those which are fragile and/or rare because of the diversity of species they support. The islands in the Strait of Georgia (the Gulf Islands) hold a disproportional number of these sensitive ecosystems due to the high density of rare species residing in the region. The Islands Trust created Ecosystem Mapping of the Islands Trust Area in an effort to encourage land-use decisions that will ensure the continued integrity of these ecosystems.

This area of the Gulf Islands is within the Coastal Douglas Fir Moist Maritime biogeoclimatic zone. The sensitive ecosystems found on the islands in this community profile are mostly woodland and herbaceous. There is one instance of a cliff ecosystem on Ruxton Island, and wetland ecosystems on Ruxton and Reid Islands. There are two instances of mature forest; a small area on Reid Island and the entire southern Dunsmuir Island. While mature forest (80-250 years) is not strictly a sensitive ecosystem by definition used in this mapping, it is considered rare.

Ruxton Island supports a wetland ecosystem in the centre and a cliff ecosystem on the south west coast, both of which are regional district parks. More than half of the island is a woodland ecosystem with the northern end around Herring Bay also supporting a herbaceous ecosystem (figure 3).

The Ruxton Island Residents Association (RIRA) has recently explored options for increasing the amount of open water habitat for birds and other wildlife in the wetlands, and using it as a water source for fire suppression. They would also like to eradicate yellow iris, an invasive species in the wetland. A report was prepared for RIRA in April, 2010 entitled: “Ruxton Island Wetland Restoration Outline of the Environmental Assessment and Feasibility Process” (Wind, 2010).

Woodland Ecosystems

Woodland ecosystems are dry and open forests dominated by a mix of deciduous and coniferous tree species. Arbutus, Douglas-fir and Garry oak dominated woodlands are among the most sensitive and biologically diverse woodland ecosystems in the Trust Area.

Woodland ecosystems are generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. Woodland ecosystems exist in areas with dry conditions that prevent the development of dense forests.

Woodland ecosystems provide habitat to a wide variety of plants, insects, reptiles and birds. Woodland ecosystems commonly occur with herbaceous and cliff ecosystems, thus enriching the diversity of an entire area and increasing connectivity between these other sensitive ecosystems.

Herbaceous Ecosystems

Herbaceous ecosystems are natural grasslands, open meadows and sparsely vegetated hilltops. The shallow soils, characteristic of herbaceous ecosystems, support low-growing vegetation, such as grasses, forbs (low, broad-leaved plants) and colourful arrays of wildflowers, mosses and ancient lichens. Few trees and shrubs survive on these sites due to the shallow, fast-drying nature of the exposed soils.

These fragile ecosystems are found in small patches throughout the Islands Trust Area.

Due to their occurrence on highly exposed areas, herbaceous ecosystems provide extremely specialized micro-habitats for many species of rare butterflies, wildflowers and lichens. The lifecycles of certain rare species depend entirely on the specific conditions found within extremely small locations (some with an area of a few square centimeters) of herbaceous ecosystems.

It is notable that Ruxton Island has no deer population despite numerous deer on neighbouring DeCourcy Island. Because there are no deer to browse the vegetation, Ruxton Island has been noted for its brilliant spring wildflower display (Gartshore, 2002).

It is not known if the other islands covered by this Community Profile have deer populations.

Pylades Island supports a herbaceous ecosystem inland and on the south west coast, and a herbaceous ecosystem on almost all of the remaining coastal areas (figure 3).

Whaleboat Island and the small islet off the north east of Pylades also host woodland and herbaceous ecosystems (figure 3).

Reid Island has a small area of mature forest in an inland section on the north west of the island and two wetland areas; one in the center of the island and the other contiguous with a bay on the east side of the island. Almost all of the coastal areas of the island host either a woodland or herbaceous ecosystem (figure 3).

Scott Island is entirely covered by primarily herbaceous and secondarily woodland ecosystems.

Dayman Island, although adjacent to Scott Island, has a greater representation of the woodland ecosystem, with herbaceous being secondary. These ecosystems cover the entire island as well.

Hudson Island is entirely covered by woodland ecosystem.

The southern **Dayman Island** is entirely covered by a mature forest ecosystem

The northern **Dayman Island** and neighbouring **Bute Island** are entirely covered by a herbaceous ecosystem

Cliff Ecosystems

Cliff ecosystems are steep slopes, often with exposed bedrock. Very little soil accumulates in these ecosystems and only exceptionally hardy trees and plants maintain a precarious grip.

Cliff ecosystems are regionally rare, making up less than 0.1% of the landscape in the Islands Trust Area. Coastal cliffs occur near shorelines with powerful wind, heat and wave influences

Cliff ledges and fissures offer isolated habitat protected from predators, making cliffs choice nesting sites for a variety of birds. Crevices are used by roosting bats, while deeper crevices serve as shelter and overwintering areas for snakes and lizards. Cliffs contribute to the scenic beauty of the Islands Trust Area. Cliffs also offer spectacular waterfront views, creating recreational opportunities on land, often leading to their degradation by development, trails and introduced species.

Wetland Ecosystems

Wetland ecosystems have moisture-dependent plants that thrive in an environment where water remains at or above the surface of the soil during most of the year. The type of wetland can vary between bog, fen, marsh, swamp and estuarine wetland (where fresh and salt water mix) and can be flooded year-round or seasonally. Wetlands rely on a delicate balance between water and plant life.

There are very few wetlands in the islands and they are precious. They serve as water filtration systems, removing toxins and sediments from run-off. They capture and store water, aiding in ground water recharge and flood control. Wetland ecosystems provide key breeding and feeding areas for birds, insects and amphibians and exhibit high rates of biodiversity.

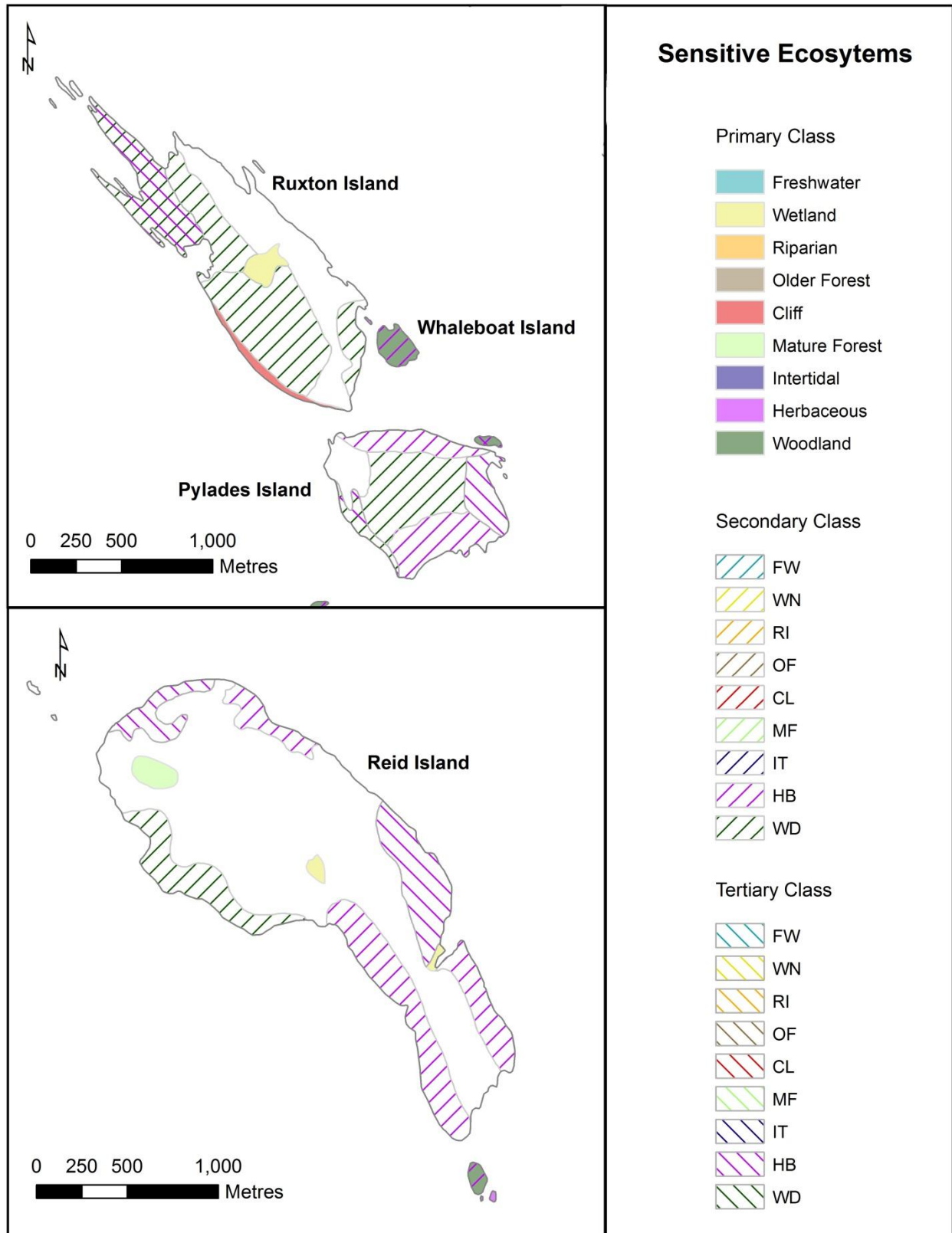


Figure 3 Sensitive Ecosystems of Ruxton, Whaleboat, Pylades and Reid Islands

3.2 Species at Risk

Lindley's *Microseris* (*Microseris lindleyi*), a red-listed plant species, is found on Ruxton Island. This yellow-flowered annual has a dandelion-like seed head. Ruxton Island has one of only four known populations in British Columbia, the others being found on other southern Gulf Islands. The Ruxton population is on the south-west side of the island, associated with the cliff ecosystem identified in Figure 3. The primary threats to Lindley's *Microseris* are housing development and invasive species.



Figure 4 Lindley's *Microseris*

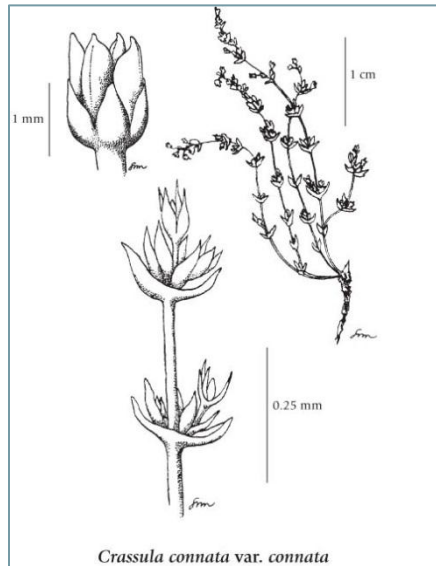


Figure 5 Erect pygmyweed

Erect pygmyweed (*Crassula connate*), a red-listed plant species, is found on Pyldaes Island. It is an annual herb with greenish flower clusters on the leaf axils. It is rare on Vancouver Island and the Gulf Islands, and on wet to moist vernal pools on coastal bluffs (*Crassula connate*, 2012).

Double-crested cormorants (*Phalacrocorax auritus*), a blue-listed species, have a nesting site on the Rose Islets, north-west of Reid Island.



Figure 6 Double-crested cormorant

At the time of writing this report there were no known heron or eagle nests on these islands, but this should be confirmed by local knowledge through discussion with the community, and any nest sites could be located by GPS and added to the Islands Trust mapping data.

3.3 Marine Shorelands

The Islands Trust Terrestrial Ecosystem Mapping (ITEM) categorizes natural and modified ecosystems from 2000 and 2002 digital orthophotos. Figure 7 shows the natural marine shorelands ecosystem classifications for the islands of this community profile, excepting Bute and Dunsmuir where there is no data. Accuracy of the ecosystem typing is time dependant; it is a snapshot of conditions in 2002. The initial product has no groundtruthing and the ecosystem features captures are representative of a bird's eye view of the landscape. Some wetlands, riparian corridor, cliffs and other natural features may not have been visible due to their vertical structure or the fact that they are located beneath the tree canopy.

More detailed data for shoreline classification is available through the BC ShoreZone Coastal Resource Information System. This is a database of aerial photographs and observations taken specifically for the physical and biological classification of the shorelines of the Gulf Islands for classification using over 30 shoreline type classifications and covering 100% of shorelines. However, the data for the islands in this community profile has not yet been classified. If more detailed and thorough shoreline classification than available from ITEM is needed for the development of the official community plan and land use bylaw,

professionals could be contracted to classify the data and provide the shoreline mapping from ShoreZone data.

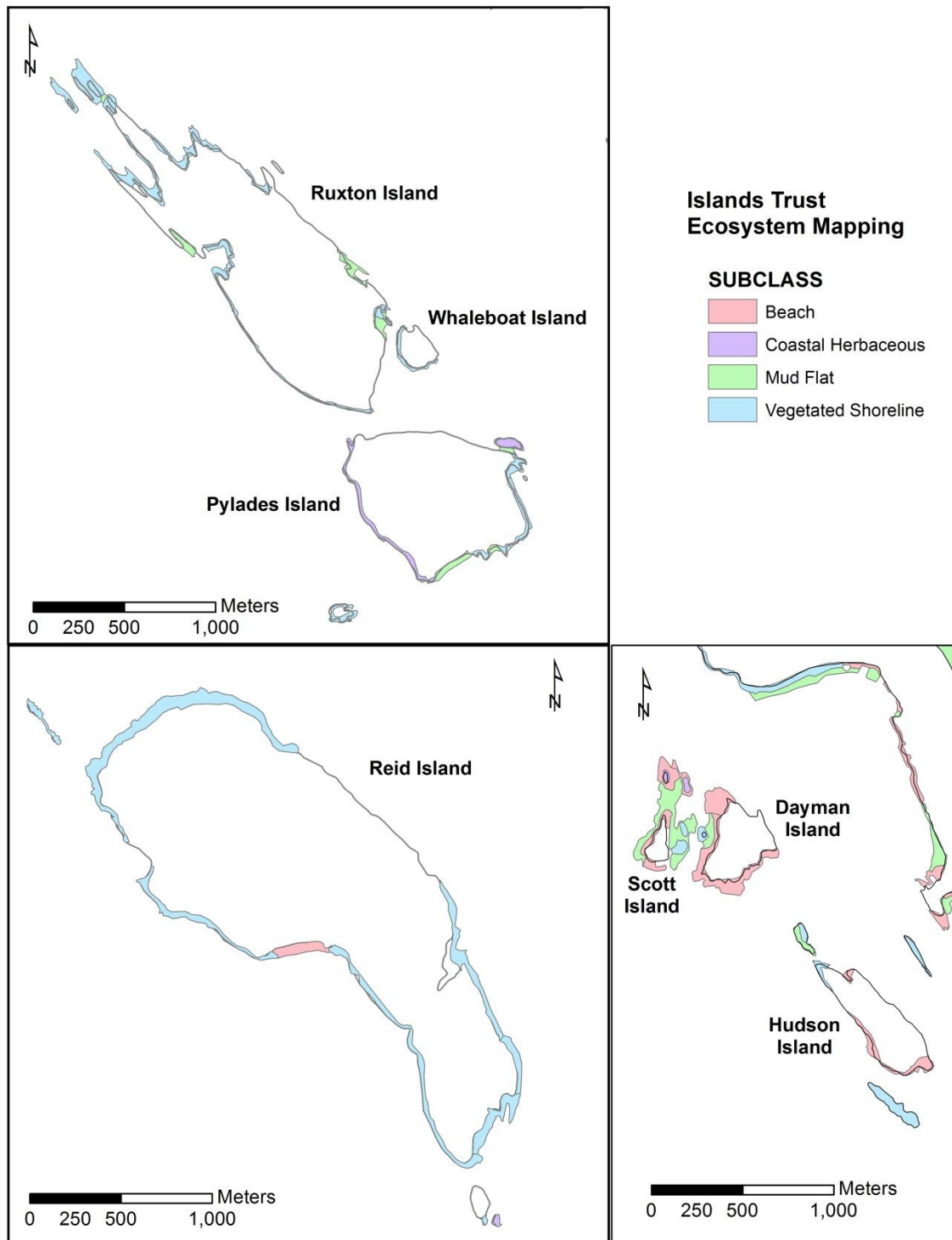


Figure 7 Shoreline Ecosystem Classifications

3.4 Parks and Protected Areas

Parks and protected areas in this area include regional district parks, rockfish conservation areas, and an ecological reserve.

Ruxton Island Parks

Ruxton Island has three parks that were created as a result of subdivision of the island in the late 1960's. Two of these parks include sensitive ecosystems; a 4.62 ha park includes the wetland, and a 2.05 ha waterfront strip includes the cliff. There is a third, 0.45 ha inland park at the east of the island. The Cowichan Valley Regional District has responsibility for these parks but as they have no park function on these Island they levy no taxes for it and have no budget for parks planning and management. However, CVRD parks staff has been in discussion with the Ruxton Water Conservation Society about the wetland park and are working on a stewardship agreement with them. The CVRD has currently given permission for the Water Conservation Society to hand clip the buds of yellow iris, an invasive species in the wetland, and are discussing options for maintaining the wetland as a water source for firefighting.



Whaleboat Island Provincial Park

Known as Eagle Island before becoming a provincial park in 1981, Whaleboat Island is next to Ruxton Island. Because of the rocky shoreline the island is difficult to access. It is an important nesting area for birds including black oystercatchers, pigeon guillemots, gulls and cormorants. Whaleboat Island was logged in the 1940's (Whaleboat Island Marine Provincial Park, 2012).

Rockfish Conservation Areas

Four Rockfish Conservation Areas cover much of the area in this community profile surrounding Ruxton, Whaleboat, Pylades, Tree, Hudson, Scott, and Dayman Islands (figure 8). Rockfish conservation areas are a federal designation limiting recreational and commercial fishing activities to protect and conserve rockfish. Inshore rockfish (which include yelloweye, quillback, copper, china and tiger) are usually caught with hook and line gear in rock reef habitats. Monitoring and research programs in BC indicate that inshore rockfish, especially within the inland waters of the Vancouver Island area, are at low levels of abundance (Rockfish Conservation Areas, 2012).

Rose Islets Ecological Reserve

Located north west of Reid Island, the Rose Islets are an Ecological Reserve under the Province of BC, established to protect nesting seabirds. The Ecological Reserve was established to protect nesting habitat of the double-crested cormorant, known to nest in only a few sites in the southern Strait of Georgia. Other seabirds observed at Rose Islets include: black oystercatcher, glaucous-winged gull, pigeon guillemot and pelagic cormorant (Rose Islets Ecological Reserve, 2012).

Conservation Covenants

There are no known conservation covenants on the islands in this community profile although an exhaustive search of all land titles for each property has not been done. There are a number of conservation organizations who can hold conservation covenants. The Natural Areas Protection Tax Exemption Program (NAPTEP) of the Islands Trust Fund provides up to a 60% reduction in property taxes for the portion of a property protected by covenant. This could be a good opportunity for some property owners in this area, especially those with large lots containing sensitive ecosystems.

Other

Hudson Island is subject to a statutory building scheme that defines an area of the commonly-held lot in the centre of the island as a “wilderness area”. The wilderness area contains a water reservoir and use of the area is restricted to protect the water supply.

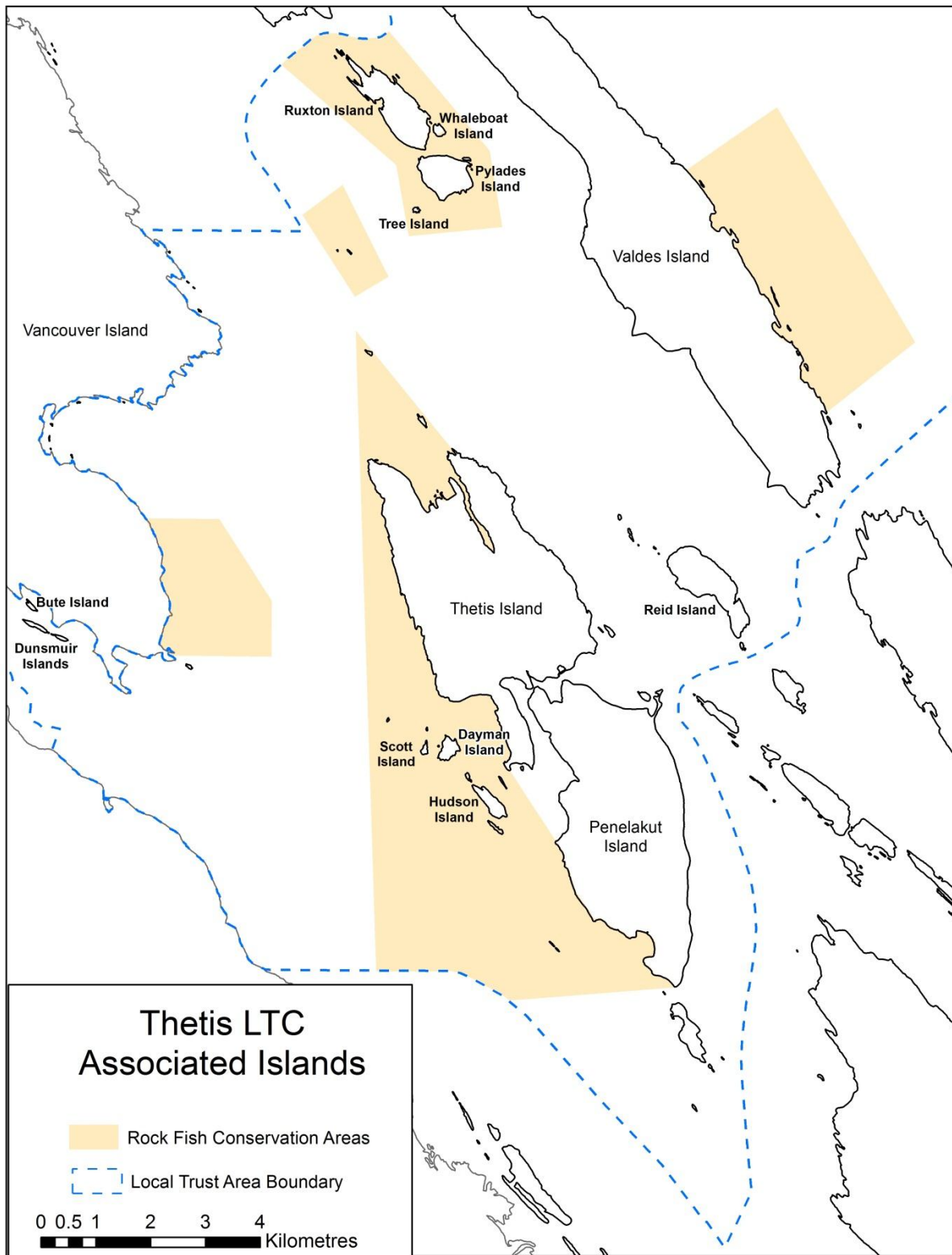


Figure 8 Rockfish Conservation Areas in the Thetis Island Local Trust Area

4 People

This section speaks to the First Nations historic use of the Gulf Islands and their current land use planning. The section also describes the settlement history and characteristics of the current population.

4.1 First Nations

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.

The Hul'qumi'num Treaty Group, who represent Cowichan, Chemainus, Penelakut, Lyackon, Halalt and Lake Cowichan First Nations, have published *Shxunutun's Tu Suleluxwtst In the Footsteps of our Ancestors: Interim Strategic Land Plan for the Hul'qumi'num Core Traditional Territory, 2005*. The purpose of this document is to “describe the Hul'qumi'num people's vision for how land and intertidal (beach) resources should be used, managed and protected to sustain them indefinitely and provide benefits for Hul'qumi'num people” and “is intended as a foundation for discussion about future use and management of Hul'qumi'num land and resources with all levels of government...” (p. 4). There are a number of goals and objectives in this Land Plan that could be addressed or partially achieved through the Thetis Island Local Trust Committee's community planning work, such as regulations for docks and protection of sensitive ecosystems.

The Land Plan identifies a number of intensive traditional use areas in the Gulf Islands. None of these areas are on the islands subject of this Community Profile. However, we look forward to discussion with the Hul'qumi'num Treaty Group and other First Nations about their Aboriginal rights and interests in this area.

Not wishing to misrepresent the culture, history or present-day interests of First Nations, this community profile does not go into any further detail on the history and present-day interests of First Nation. Anthropological and ethnographic texts have described the First Nations history in the Gulf Islands, and some First Nations have published this type of information on their websites. It is hoped that through the Local Trust Committee's consultation with First Nations, we will come to understand their rights and interests in the area and how they pertain to the Islands Trust land use planning process, with the objective of avoiding infringement on Aboriginal rights.

Although there are no Reserves on the islands covered by this community profile, adjacent reserves include:

- Lyackson First Nation: IR 3, 4 and 5 – Valdes Island
- Penelakut Tribe: IR 7, 8 and 9 – Penelakut Island, Tent Island and Galiano Island (Porlier Pass)
- Stz'uminus First Nation: IR 12 and 13 – Head of Ladysmith Harbour, and point of land between Ladysmith Harbour and Stuart Channel

The Provincial Government identifies the following additional First Nations as having interests in the area:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Snuneymuxw First Nation
- Semiahmoo First Nation
- Tsawwassen First Nation

4.2 Settlement History

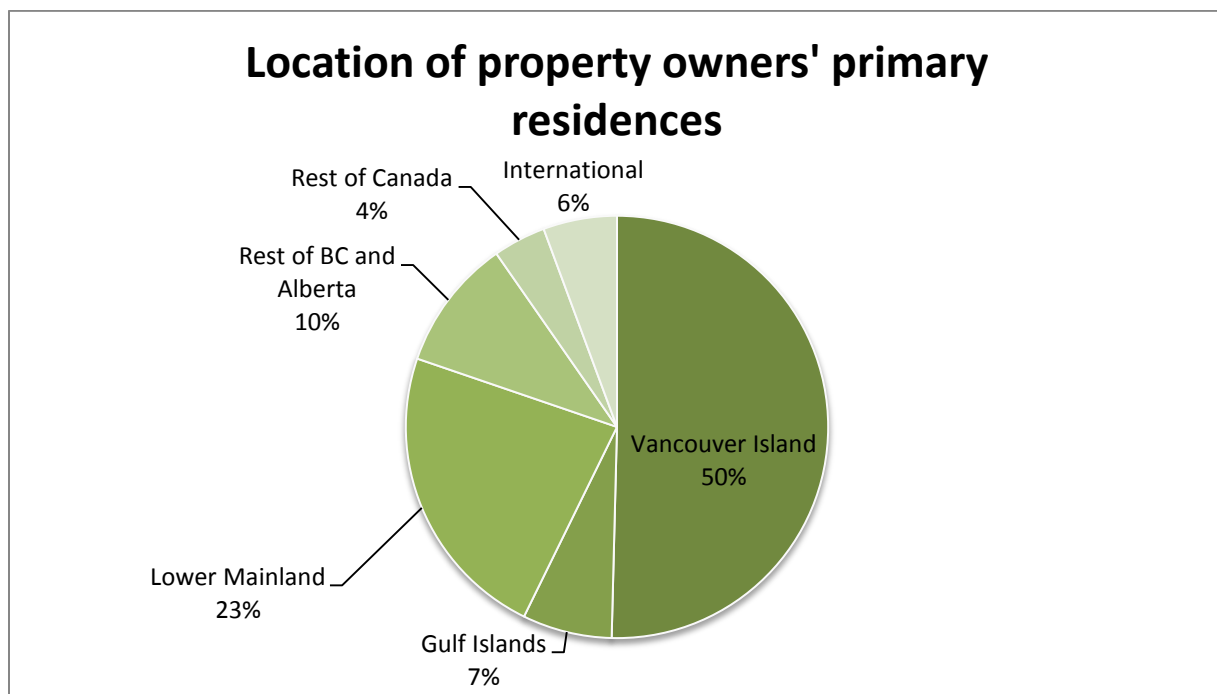
In the 1920's, Ruxton Island, along with neighbouring DeCourcy, was purchased by Mary Connolly and donated to the Aquarian Foundation headed by the notorious Brother XII. He built a house and farmed on DeCourcy Island, and errant members of the following were banished to Ruxton Island (Coffey & Goering, 2002).

Ruxton Island was later bought by 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.

At the time of writing this community profile no further settlement history for the islands had been found.

4.3 Current Population

Local knowledge indicates there are few full-time residents of these islands. Official statistics are unavailable, but using the home address of property owners as recorded at the Land Title Office, the percentage of property owners with primary residences categorized by location are shown in the graph below. Although 7% of property owners have primary residences, none are recorded on the islands in this Community Profile. It may be that those living full-time on these islands receive mail at an address on another Gulf Island or on Vancouver Island, and record that as their address.



The current seasonal population can be estimated by multiplying the total number of dwellings by the average British Columbia household size. As shown in section 6.8, our best available data shows that 172 lots have improvements. Of these, 9 have 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), an estimated summertime population could be up to 430 people.

The theoretical maximum seasonal population can be estimated from the number of lots and the average British Columbia household size. The table below shows a total of 238 lots on these islands. 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 595 people. For Ruxton Island only this theoretical maximum is 487 people. These estimates do not account for visitors in excess of the average 2.5 person household size so it is possible that the maximum seasonal population could be greater.

Table 1 Number of lots

Island	Number of lots
Ruxton	195
Pylades	4
Tree	1
Reid	23
Hudson	10
Dayman	1
Scott	1
Bute	1
Dunsmuir	2
TOTAL:	238

4.4 Community Groups

The Ruxton Island Property Owners Association meets annually on the August long weekend, and produces an annual newsletter in the spring.

The Ruxton Water Conservation Society was formed to explore habitat restoration in the wetland on Ruxton Island and to secure the wetland as a source for firefighting.

5 Infrastructure

This section describes the access options to these islands and transportation network on them, as well as water, sewage, power, telephone and emergency response services.

5.1 Access

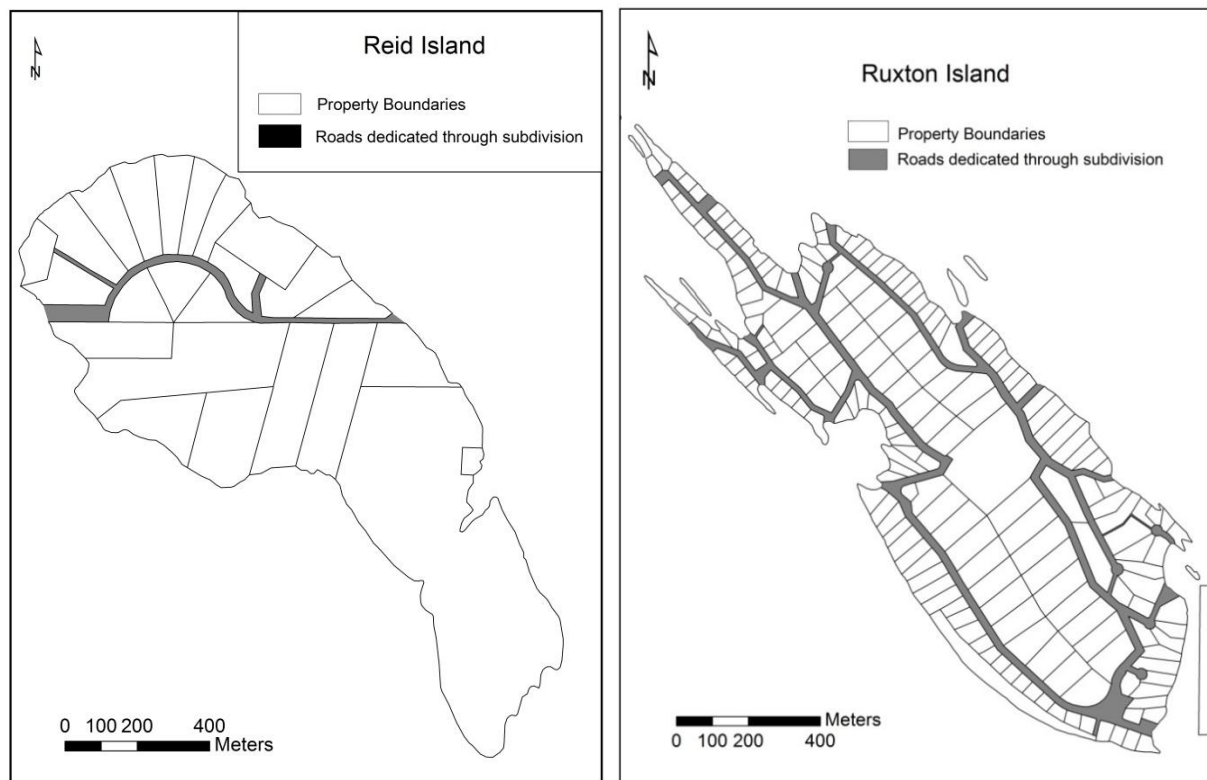
There is no public transportation to any of the islands described in this community profile; all are accessed by private boat or plane. There are no public docks or boat launches. Current land use regulations permit private docks on all the islands except for Ruxton Island, subject to a Provincial Crown lease. There are several Crown License tenures for private moorage. There are on Tree, Hudson, Scott, Dayman and Bute Island. There is one Crown lease for commercial moorage at south Dunsmuir Island, for the Seattle Yacht Club Outstation.

Hudson Island has a private airstrip with shared ownership between the ten lots on the island surrounding it.

Ladysmith, Nanaimo, and Gabriola Island are used by many Ruxton and surrounding property owners to launch a boat to travel to their property. Several years ago the proposed closure of the Transfer Beach boat launch in Ladysmith raised concern among property owners on these islands with no ferry access as the boat launch is used to load boats and barges with building materials and other supplies.

5.2 Roads and Trails

Ruxton and Reid Islands have roads that were dedicated at the time of subdivision, but none have been constructed. Emcon Services, the road maintenance company contracted by the Ministry of Transportation



and Infrastructure, sub-contracts to someone on Ruxton Island to maintain the right-of ways as paths for access to inland properties.

At the time of writing this draft it had not been determined road maintenance is also done for Reid Island.

On Ruxton Island, there are approximately six kilometres of road right-of way, and 13 points along the shoreline where roads end, providing access to the water for inland property owners.

Reid Island has approximately 1.4 kilometres of road right-of way and 3 points road endings at the shoreline.

Hudson Island has a network of private roads that are regulated by a statutory building scheme.

5.3 Water and Sewage

There are no known community water or sewage systems on the islands. Most lots are either serviced by private wells and septic systems or do without, using outhouses or composting toilets, and collecting rainwater or bringing potable water from elsewhere.

On Ruxton Island there are three or four wells used communally by the community, however local knowledge indicates that only one has potable water, the others having high mineral content or saltwater intrusion. *At the time of writing this draft, enquiries had been made to the Ministry of Environment for details on these wells including responsibility for them, location, and testing regime, but no response had yet been received.*

Hudson Island has a water reservoir on the commonly-held lot in the centre of the island. It is unknown whether this is a source of domestic water that is piped to each residential lot

A real estate listing for Bute Island states that there is an “old right-of way to the island from Vancouver Island (Talkynah Creek)”, but there is no statutory right-of-way registered on Title, so it is likely that such a right-of-way if it existed at one time, no longer does.

5.4 Power

Dayman, Scott and Hudson Island are connected to BC Hydro. Ruxton, Pylades, Tree, Reid, Dunsmuir and Bute are not, and property owners must generate their own power. Property owners likely use solar, wind or generator power or a combination thereof. In many cases property owners use their properties as if they were camping and perhaps make do with only flashlights and lanterns in the summer months.

5.5 Telephone

It is unknown if any of these islands are connected to a telephone service, and is likely that cell phones are relied on as the only telephone available.

5.6 Emergency Response

There are no emergency response services on these islands. Emergency response to a fire would be from the Coastal Fire Centre of Ministry of Forests, Lands and Natural Resources Operations with access likely by helicopter.

For medical emergencies, the coast guard would likely respond.

As there is no telephone service, property owners likely rely on cell phones or on the coast guard through the VHF radio in the case of an emergency.

6 Subdivision and Development

This section describes the subdivision history of these islands, current regulations for subdivision, and any potential for further subdivision. It also describes the current housing build-out, to the best of our knowledge with the information available.

6.1 Ruxton Island

Ruxton Island was subdivided between 1965 and 1970 creating the 195 lots that exist today. Under current regulations, there is no potential for any further subdivision.

The current Ruxton Island Zoning Bylaw, 1982 allows for one dwelling unit and accessory (non-residential) buildings and structures on each lot.

6.2 Pylades Island

Pylades Island was subdivided into four lots in 1964 and 1965. As there is no zoning bylaw for Pylades Island, the *Local Services Act* sets out the minimum lot area permitted by subdivision of 4.046 hectares (10 acres). There is the potential for an additional nine lots of Pylades Island under this legislation. See section 6.7 for an explanation of the regulation that applies for land use and development in an unzoned area.

6.3 Reid Island

Reid Island has 25 lots that were created by subdivision between 1959 and 1972. As there is no zoning bylaw for Reid Island, the *Local Services Act* sets out the minimum lot area permitted by subdivision of 4.046 hectares (10 acres). 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. See section 6.7 for an explanation of the regulation that applies for land use and development in an unzoned area.

On the southern-most 32 hectare lot, two resolutions of the Local Trust Committee from 1979 and 1984 give permission for 26 cottages of a maximum floor area of 880 square feet.

6.4 Bute and Dunsmuir Islands

Bute and Dunsmuir Islands are unsubdivided. Land use and development are regulated by Regional District of Cowichan Valley Zoning Bylaw No. 110, 1973. After the Islands Trust was created in 1974, administration of this bylaw for the areas of its application within the Islands Trust Area came under the jurisdiction of the Thetis Island Local Trust Committee.

These islands are zoned to allow a range of uses that seem out-of-date by today's standards and may not be in accordance with the Islands Trust policy statement. Residential density, setbacks and uses are regulated in the bylaw. The water area around these islands is also zoned, permitting private floats and wharves, and aquaculture.

Despite the transfer of jurisdiction for land use planning from the regional district to the Thetis Island Local Trust Committee, the (now called) Cowichan Valley Regional District repealed Bylaw 110 and replaced it with bylaw 1020 in 1987 that continued to zone the land and water surrounding Dunsmuir and Bute Islands, now in the Islands Trust Area. This could have caused some confusion for property owners in which regulation applied.

The use of south Dunsmuir Island as a Yacht Club Outstation, developed in 1974 for this use, does not comply with the zoning that was in place then and still is now.

6.5 Hudson Island

Hudson Island was subdivided in 1972 and is unzoned. There is, however, a statutory building scheme was 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.

The subdivision plan creates 10 waterfront lots surrounding an airstrip that runs the length of the island. Part of the lot containing the airstrip is designated as a “wilderness area” and contains a water reservoir. A network of private roads is established on the island.

The statutory building scheme establishes a number of zoning-like regulations including but not limited to:

- Building setbacks of:
 - 20 feet from the air strip
 - 50 feet from a side lot line
 - 10 feet from the high water mark
- A maximum of one house and one outbuilding per lot;
- A minimum of 1000 square feet for a house and maximum of 500 square feet for an outbuilding;
- Guidelines that the appearance of a house and outbuilding must be of rustic design;
- No tree removal except as required for construction of a house, structure, driveway, pathway, yard, play area, garden or for safety; and
- No subdivision.

6.6 Dayman and Scott Islands

Dayman and Scott Islands are each one lot. At 4 acres, Scott Island cannot be subdivided. Dayman Island, however, is 24 acres in size and could be subdivided into two lots under the *Local Services Act*.

6.7 Land Use Regulations in Unzoned Areas

Pylades, Tree, Reid, Hudson, Dayman and Scott Islands are not subject to any zoning bylaw. In the absence of a zoning bylaw, the *Islands Trust Regulation* prescribes the development permitted on each lot. One dwelling unit, one recreational cottage not exceeding 400 square feet in floor area, and any structure accessory to a dwelling unit or recreational cottage are permitted on a lot in an unzoned area. Any additional land use requires approval from the Local Trust Committee.

As it relates to the residential properties, the statutory building scheme on Hudson Island is more restrictive than the *Islands Trust Regulation* and they do not conflict. However, if non-residential buildings are to be constructed on the interior air strip lot, as the statutory building scheme contemplates, approval would be needed from the Local Trust Committee.

6.8 Current Housing

To measure current housing, the best proxy data source available for these islands is from BC Assessment who classifies properties based on the type of improvements on them. This data may not be completely accurate but provides a picture of development that is useful for community planning. Table 2 below shows that a total of 163 properties are recorded as having a dwelling or seasonal dwelling, and 9 have outbuildings only, for a total of 172 properties with some development on them. From a total of 238 properties, 66 remain undeveloped, or bare land.

Table 2 Developed properties from BC Assessment data

BC Assessment Use Category	Number of properties
Dwelling	40
Seasonal Dwelling	123
Outbuilding only	9

7 Economy

There is minimal economic activity on these islands with no commercial or industrial areas, few full-time residents, and limited access for the travelling public.

7.1 Tourism

An Internet search showed one vacation rental on Ruxton Island marketed as a retreat for “poets, photographers, and nature lovers alike”. The owner provides transportation to Ruxton Island from Gabriola Island, and offers a sailing day trip on their sailboat.

7.2 Home Businesses

Many people may work remotely from their homes on these islands, but there is no data to support this assumption.

7.3 Aquaculture

There are two aquaculture leases in this area, adjacent to Scott and Dayman Island. Although aquaculture can be a significant economic driver in a region, it likely has a small impact on the economics of these islands.

8 Governance

There are numerous governance agencies with responsibilities in the Islands Trust area that interact with land use planning. This section describes four main governance agencies: The Islands Trust, Cowichan Valley Regional District, Ministry of Transportation and Infrastructure, and the Integrated Land Management Bureau. Other agencies that interact with land use planning from time to time in the area include: the Agricultural Land Commission, Department of Fisheries and Oceans Canada, Parks Canada, and BC Parks, among others.

8.1 Islands Trust

The Islands Trust is a unique federation of independent local governments, including Bowen Island Municipality, with a unique legislated mandate for protecting and preserving the trust area, primarily through land use planning and regulation. The Islands Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. This is a unique and special place composed of 13 major islands and more than 450 smaller islands covering approximately 5200 square kilometres of land and water.

In 1974, in recognition of the special nature of the islands in the Strait of Georgia and Howe Sound, the Government of British Columbia enacted the *Islands Trust Act* to protect this unique part of the world. The reasons the province created the Islands Trust as a land use and planning agency are expressed in the mandate:

to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia. This mandate underlies the work of the Islands Trust, including the development of official community plans, zoning and other land use bylaws in each of the local trust areas or island municipalities.

The *Islands Trust Act* also established the Trust Fund Board to manage the Islands Trust Fund, the part of the Islands Trust that holds conservation covenants and nature reserves in support of the Islands Trust's goals.

Like other communities in British Columbia, island communities elect their local representatives every three years. There are two local trustees elected for each group of islands designated as a local trust area or island municipality. Together, with an appointed chair from the Executive Committee, local trustees are responsible for land use decisions within their respective local trust area, excluding First Nation reserves. The Islands Trust Area is comprised of 12 local trust areas and one island municipality. Each local trust committee has land use jurisdiction over a major island, plus smaller islands and surrounding waters.

8.2 Cowichan Valley Regional District

The Cowichan Valley Regional District (CVRD) has jurisdiction for building permits and parks planning and management in the Thetis Local Trust Area. The CVRD holds three parks on Ruxton Island, however has not established a parks function for Ruxton Island so levies no taxes and has no budget for parks planning and management. If there is local support for establishing a budget through taxation the CVRD could consider it.

The CVRD also has the ability to establish a function for economic development, and would be involved in the provision of servicing such as for community water or sewer if applicable.

8.3 Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure (MoTI) is responsible for subdivision approval and for public roads in the Islands Trust Area.

There are no constructed roads on the islands in this community profile, but there are unconstructed roads maintained as pathways on Ruxton and Reid Islands.

Subdivision applications are received by the MoTI and although the Islands Trust establishes bylaws for minimum lot area permitted by subdivision, the MoTI has the subdivision approving authority.

8.4 Integrated Land Management Bureau

The Integrated Land Management Bureau (ILMB) falls under the BC Ministry of Natural Resource Operations and is responsible for Crown land resource authorizations. The approvals they are most commonly involved with in the Islands Trust Area are water leases for private moorage and for aquaculture. For aquaculture, a license is also needed from Fisheries and Oceans Canada (DFO).

9 Climate Change

Climate change refers to the increasing concentration of heat-trapping greenhouse gases (GHGs) in the atmosphere as the result of human activities - Primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change reveals that between 1970 and 2004, GHG emissions have increased by 70%. This dramatic rise in atmospheric GHG concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe (Islands Trust, 2009).

Ecological changes resulting from climate change will challenge the social and economic systems on which Islands Trust communities depend. A few of the impacts expected in the Trust Area include:

- Forced re-settlement from shoreline areas and relocation of transportation routes
- An expanded food growing season, but a decrease in soil moisture levels
- Changes to critical ecological services (e.g. groundwater supply)
- New human health concerns (e.g. heat wave stress and related illness, altered geographic range of vector-borne diseases)
- More frequent natural disturbances (e.g. forest fires and pest outbreaks)
- Disturbance to and loss of natural ecosystems and wildlife habitat (Islands Trust, 2009).

In 2008, the *Local Government Act* was amended to require all official community plans in British Columbia to include targets, policies and actions for the reduction of greenhouse gas emissions. The province developed Community Energy and Emissions Inventories at the regional district level, and also for each local trust area. The data sources used do not represent the greenhouse gas emissions for the associated islands well, and as such we have no useful baseline data for these islands.

From what we know we can infer that the greatest contribution to greenhouse gas emissions for these small islands is from transportation to and from them, and potentially on them. While the energy used to support residential buildings is the second highest contributor on the major islands, the off-the-grid living on these smaller islands likely represents much lower emissions.

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STAFF REPORT

Date: May 4, 2012 **File No.:** 5500-02 (Thetis)
To: Thetis Island Local Trust Committee
For meeting of May 23, 2012
From: Courtney Simpson, Island Planner
Marnie Eggen, Planner I
CC: Chris Jackson, Regional Planning Manager
Re: Sustainability Guide

THE PROPOSAL:

The Thetis Island Local Trust Committee (LTC) initiated this project to create a "Thetis Island Sustainability Guide" in early 2010. Staff resources were fully committed to the Official Community Plan and Land Use Bylaw review at the time, however the LTC referred the project to the Advisory Planning Commission (APC) in May, 2010 in order to begin work while waiting for staff time to become available.

The APC was asked to review the Draft Best Practices for Building and Living on Lasqueti Island and the Salt Spring Island Sustainability Checklist and make recommendations for a similar document for Thetis Island. The APC recorded amendments on the Salt Spring Sustainability Checklist and passed the following resolution:

It was MOVED and SECONDED by the Thetis Island Advisory Planning Commission to forward to the Thetis Island Local Trust Committee the recommended amendments to the text of the Salt Spring Island Sustainability Checklist with the suggestion that the Lasqueti Island format be used and the request that our Islands Trust Planner insert the associated bylaw references.

In early 2011 staff resources remained fully committed to the top priority project, and the LTC directed staff to hire a consultant to make the draft the Sustainability Guide as recommended by the APC, using remaining funds in the local expense account.

Consultant Pam Shaw provided a draft of the Thetis Island Sustainability Guide that was reviewed by the LTC, who directed staff to make several minor changes reflected in a December, 2011 revised Sustainability Guide. This version was accepted by the LTC as a final version, the project was removed from the Top Priorities List, and moved to the project list for implementation.

The Sustainability Guide was brought to the LTC again in February, 2012 for a discussion on option for implementation, and several more revisions were requested, including a change to remove anything that was like a "checklist" and change the tone to that of guidelines.

COMMUNITY CONSULTATION:

This project was referred to the APC in 2010 for early recommendations on how to structure the guide, and what kind of language should be in it. It has not been through community consultation again. Considering the intended use will be as a guidance document and not a regulatory document or something that would influence the processing of a land use application, staff does not recommend further community consultation. While further community consultation could result in some improvements to the guide, this project would have to move back to the Top Priorities list for there to be any further staff resources available to work on it. In the opinion of staff there would be limited value in extending the timeline of this project for further consultation.

STAFF COMMENTS:

Changes to this draft: In summary, the following changes have been made to this draft, some being directed by the LTC, some recommended to staff from individual trustee review, and some initiated by staff:

- Altered the tone from a Checklist to Guide, otherwise text remained similar to *Salt Spring Islands Sustainability Checklist*;
- Added a new Coastal Waterfront section and related resources;
- Reformatted to be similar to *Best Practices for Building and Living on Lasqueti Island*; and
- Minor edits to text to improve readability and applicability to Thetis Island.

There are two places in the Guide where photographs that relate to the text on that page are still needed.

Distribution of the Guide: This Sustainability Guide is intended to be a resource for property owners, especially those beginning plans for development on their property. Below are suggestions for distributing the Guide:

- Post on Islands Trust website
- Email link to Guide to applicant for building permit when referred to the Islands Trust
- Mail Guide to applicant for building permit when referred to the Islands Trust
- Distribute Guide to new property owners through a Welcome Wagon if one exists
- Request realtors to distribute Guide to new property owners
- Request the Cowichan Valley Regional District to distribute the Guide to applicants for building permits

Printing the Guide: Staff recommends the Guide is printed in colour by a professional printing shop. The booklet format of the Guide is difficult to print at the Islands Trust office, and the product would not be as professional. The LTC should consider how many copies they would like printed, and staff will obtain a cost estimate for the work.

RECOMMENDATIONS:

Based on the above considerations, Staff recommends that the Thetis Island Local Trust Committee:

1. Endorse the Thetis Island Sustainability Guide;
2. Direct staff on distribution of the Thetis Island Sustainability Guide; and
3. Direct staff on how many copies to have professionally printed.

Respectfully submitted by:

Courtney Simpson

Courtney Simpson, Island Planner

May 10, 2012

Date of signature

Marnie Eggen

Marnie Eggen, Planner I

May 10, 2012

Date of signature

Attachments:

1. Thetis Island Sustainability Guide – April, 2012



Thetis Island

Sustainability Guide

What is the Sustainability Guide?

The Sustainability Guide suggests ways to make your residential construction project more environmentally friendly and reduce its impact on Thetis Island's natural ecosystems and save you money in the long term. It also includes information about financial incentives and other resources that can help you achieve these goals. The Guide is primarily a guidance document to be used as you prepare to build on your property and can be used to add additional information to an application to the Islands Trust if needed, such as rezoning, development permit, variance (consult with a planner).

Why on Thetis Island?

Thetis Island is part of the Islands Trust, which has a mandate to preserve and protect the Islands Trust area's unique environment. Both the Islands Trust and the Cowichan Valley Regional District (CVRD) have signed the provincial government's Climate Action Charter, which requires communities to reduce greenhouse gas emissions. One way to do this is through adopting a more sustainable approach to land development and construction. Initiatives you take at the planning stages of your building project can dramatically reduce any negative impacts and help to create a truly sustainable community.

Who should use the Guide?

All current and prospective Thetis Island land-owners who are preparing to build a new house, a cottage, or an accessory building, or planning to remodel, renovate or retrofit an existing dwelling. Someone planning driveway construction or re-routing will also benefit from this guide.

When should I use the Guide?

Whether you are applying for a building permit with the CVRD or a rezoning, development permit or variance with Islands Trust, the earlier you consult the Guide, the easier it will be to include its ideas in your project. Review the Guide with your architect, designer and contractor. Consulting the Guide after the working drawings are finished may result in lost opportunities and additional costs if you decide to make last-minute changes.

The Guide has two parts:

Part A: Location and Siting Design...page 2

Part B: Building Design and Construction...page 8



NOTES:



Islands Trust

Islands Trust contact:

700 North Road
Gabriola Island BC V0R 1X3
Phone: 250.247.2063
Fax: 250.247.7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca



C·V·R·D

Cowichan Valley Regional District contact:

175 Ingram Street
Duncan BC V9L 1N8
Building Inspection (Gulf Islands)
Phone: 250.746.2620
Fax: 250.746.2621
www.cvrld.bc.ca



Thetis Island

Sustainability Guide

Part A: Location and Siting Design

Ecosystem Approach to Site Planning:

Know the land

(Official Community Plan (OCP) Section 4 Natural and Heritage Resources Objectives and Policies, Section 6 Development Permits, and Schedule F - Sensitive Ecosystem Mapping)

1. Identify areas with environmental and archaeological values, including habitat for threatened or endangered species and First Nations sites, before planning access, site clearing and design.
2. Locate development — your driveway, septic system, house and outbuildings — away from areas with high environmental values such as shorelines, streams, rare plants, and wildlife trees. Place natural buffers between the development, sensitive features and neighbours.
3. Cluster development in one area of the property to minimize site disturbance.
4. Consider granting a covenant or the Natural Area Protection Tax Exemption Program (NAPTEP) for your property to protect ecological values in perpetuity.

Ecology Tips

Plan ahead: walk the land with your contractor and a local biologist to find environmental benefits and cost savings.

Certain types of First Nations sites are protected under federal and provincial law and must not be disturbed. Avoid the accidental destruction of an ancient burial site and costly delays and fines by walking the land with an archaeologist before work begins.

A small patch of skunk cabbage or bulrushes in an otherwise dry environment indicates a mini-wetland —an important habitat for amphibians and birds. Clustering buildings and planning short driveways helps the environment and saves money.

Conservation covenants and the Natural Area Protection Tax Exemption Program (NAPTEP) are registered on title and protect the special aspects of the land that you wish to preserve. They can also give you significant tax benefits.

Development proposals consistent with the Thetis Island Official Community Plan Bylaw No. 88 and the Thetis Island Land Use Bylaw No. 89 are supported.

Tree Removal: Think Twice Before You Cut

(OCP Schedule F - Sensitive Ecosystem Mapping)

1. Minimize tree cutting and soil disturbance. Our Island's trees and soils have ecological value and represent important carbon sinks, critical in addressing climate change. When land is cleared for development, its ability to hold on to carbon and keep it out of the atmosphere is lost.
2. Check for eagle or heron nests on your property. These are provincially protected and the Thetis Island Land Use Bylaw No. 89 requires a 100 metre undisturbed buffer around trees containing eagle, osprey or heron nests.
3. Retain and protect significant trees such as Garry oaks and older growth Douglas-fir and cedar.

Tree Tips

Very few old growth cedar or fir remain on Thetis Island. The dominant coastal Douglas-fir ecosystems on Thetis are very rare in the rest of the province. The island's Garry oak meadows are a rare subset of these shrinking ecosystems. These trees have both heritage and ecological value.

Standing dead trees provide important wildlife habitat; leave them standing unless they pose a hazard. Topping is better than felling.

You can create views by limbing taller trees instead of removing them. If you feel trees on your property must be removed to open up a view, cut trees selectively to create a view-scape framed by trees. Consider planting and replacing trees.

Consult an Islands Trust planner before removing trees and vegetation. Special restrictions may apply to tree removal in Development Permit Areas.



Photo credit: for.gov.bc.ca

Water Management: Fresh Water is a Precious Resource

(OCP Section 3 Services Objectives and Policies, Section 4 Natural and Heritage Resources Objectives and Policies, Land Use Bylaw Section 2)

- 1. Is your property located within a community water system’s well capture zone as defined in the OCP? If so, you need to ensure the drinking water supply is not contaminated by malfunctioning septic systems, phosphorus release from soil disturbance, runoff and erosion, and fuel and chemical spills. Design your project to minimize risks to water supplies.
- 2. Plan to protect trees and vegetation if your property has a stream or wetland.
- 3. Store rainwater on site by constructing a cistern, tank, pond or wetland.
- 4. Observe the way water flows over your property and design your landscaping and development in response.
- 5. No buildings other than a boathouse or

pumphouse may be constructed within 30.5 metres of the natural boundary of any watercourse or source of water supply. Depending on the location of a property, livestock grazing and solid waste disposal may also be prohibited in areas designated “Water Resources Areas” in the Official Community Plan.

Water Management Tips

Thetis Island typically has wet winters and dry summers. Good water management involves retaining the winter rains to recharge groundwater supplies and ponds. Forested slopes, fractured bedrock, and deep organic soils hold moisture. Bare rock and pavement do not. Ensure sufficient topsoil remains on the property and that soil is not left compacted after construction.

Removing trees can result in increased runoff and stormwater damage to properties below. Landowners can be liable for damages caused to a neighbour’s property. Plan stormwater retention ponds, drainage swales and wetlands to retain stormwater on site, and maintain existing drainage patterns.

Place Holder for Photo

Landscaping: Go Native, Avoid Turf

1. Landscape with native, drought hardy vegetation rather than lawns and water demanding ornamentals. Plant more and often!
2. Minimize impervious surfaces and plan to use permeable paving rather than conventional asphalt or concrete.
3. Avoid the use of synthetic pesticides and fertilizers.
4. Plan to control invasive species such as Scotch broom, holly, English Ivy, Himalayan and evergreen blackberry that may be growing on your property.
5. Plan an organic fruit and vegetable garden.

Ecological Landscaping Tips

Avoid non-native plants that spread into and alter our natural ecosystems. The highly invasive Scotch broom originated from three seeds brought from Scotland a century ago.

If turf is to be installed, reduce area as much as possible. Instead of turf grass, consider using drought resistant grass as ground cover.

Pesticides and chemical fertilizers decrease the biological diversity of the soil and are counter-productive to a healthy landscape. Many plant "pest" problems can be addressed by feeding the soil with organic material such as compost.

Growing organic food (or buying local organic food) is one of the best ways to reduce carbon emissions, as well as increasing self-sufficiency.



Photo credit: conservancy.bc.ca

Coastal Waterfront: Be a Shore Steward

(OCP Section 4.1 & Schedule H; Land Use Bylaw Section 2)

1. No buildings other than a boathouse or pumphouse may be constructed within 7.6 metres of the natural boundary of the sea. Locate buildings and structures well away from the shoreline to minimize interference with the shore and the threat of shore line forces.
2. Avoid hardening the shore to minimize interference with natural shore line processes and loss of coastal habitat. A permit is required for structures adjacent to the natural boundary of the sea, such as those to control shoreline erosion.
3. Use the natural features of the site to protect your property to avoid costly and disruptive shore line protection measures.
4. Restore, retain and increase the native vegetation along the shoreline to assist

with shoreline stabilization and conserving wildlife habitat.

Coastal Waterfront Tips

Know your property boundaries ahead of time, including the high water mark (or legal “natural boundary”). Ocean frontage may have changed since the site was subdivided or last surveyed. You may need to consult with a BC Land Surveyor.

If planning a dock or other marine structure, avoid areas of high biological productivity such as eelgrass or kelp beds, which help to stabilize sand and mud substrates and provide cover and attachment surfaces for fish and invertebrates.

There are several types of shorelines, each with their own ability to accommodate disturbance. Some are stable and robust; some are fragile and easily destroyed. Find out the type of shoreline along your property. What is its relative stability and its sensitivity to development? Consult with experts in coastal environments.

Place Holder for Photo



Thetis Island

Sustainability Guide

Part B: Building Design and Construction

Construction Site Management

1. Avoid outdoor burning of slash and wood debris through berming and/or chipping or trucking.
2. Have a construction waste recycling plan and a no-burn policy on site.
3. Protect trees and other natural features during construction.
4. Reduce erosion and sedimentation during construction.

Site Management Tips

Good management significantly reduces the amount of construction waste to be recycled or landfilled.

Outdoor burning is strongly discouraged because of local air pollution and greenhouse gas emissions.

Branches may be piled densely in alternating layers with other clean wood debris to form a long narrow mound or berm. The material will gradually decompose to form rich soil. Woody berms can be used to slow runoff from a sloping site and to create raised planting beds.

If you've had to cut down large trees, consider milling them on site to use in your project.

Wood unsuitable for construction can be cut, split and stored under cover for at least one year before using as firewood.

Clearing ground cover to limit fire spread is recommended for areas close to residential units- this material can be mixed with other compostable materials and returned to the property.

Canadian Mortgage and Housing Corporation found that in this climate it was theoretically possible to retrofit a 1969 bungalow to become a net zero energy home by adding insulation (R-50 ceiling, R-26 walls and R-10 slab), high-performance windows, high efficiency lighting and appliances, and a rooftop solar electric (PV) system.

House Design

1. Ensure your design is compact and resource-efficient to reduce the building's ecological footprint.
2. Use passive solar design principles for space heating and cooling and planned for natural daylighting and natural ven-

tilation.

3. Set performance objectives for your house (e.g. annual consumption targets for water, electricity, firewood and/or propane, or a third party industry standard such as BuiltGreen Platinum or EnerGuide for Homes 85 rating).
4. Use Hot-2000 or similar software to optimize your design for energy performance.
5. Plan a net zero energy house that produces as much energy as it consumes annually.

Design Tips

Good passive solar design is the key to an environmentally sustainable home. By taking the 'House as a System' approach and by setting energy and water consumption targets, you can create a healthy, comfortable and efficient sustainable home.

Match south-facing window areas with interior mass (e.g. concrete or tile floors, masonry feature walls, plaster or thick drywall) to store passive solar gains and reduce temperature swings. Avoid large areas of non-south glazing and large skylights; they cause overheating and glare during the summer and lose heat during the winter.

Use of Hot-2000 or equivalent modelling software at the preliminary design stage can result in major energy and cost savings. Re-running the program at the working drawing stage can help fine-tune your plans.

A near net zero energy house is feasible using current technology. The Canada Mortgage and Housing Corporation found that in this climate it was theoretically possible to retrofit a 1969 bungalow to become a net zero energy home by adding insulation (R-50 ceiling, R-26 walls and R-10

slab), high-performance windows, high efficiency lighting and appliances, and a rooftop solar electric (PV) system.

Building Materials

1. Use foundation options that will provide good thermal performance and water resistance, and efficient resource use.
2. Use resource efficient framing and wall options that optimise structural and thermal performance and reduce environmental impact.
3. Use more insulation, insulation with recycled content, and windows with a higher energy rating than required in this area by the BC Building Code.

Building Materials Tips

The building code is a minimum standard. Adding insulation reduces operating energy costs and increases comfort.

Various techniques and materials may be used to reduce a home's ecological footprint, but determining the best solution is not always straightforward. Depending on the circumstances, a 'high-tech' wall system using fossil fuel derived products may, or may not, score better than a conventional well-insulated wall, or a wall system built of natural materials. Ask your designer which techniques are appropriate for your home. Materials must be compatible with the design and with other building systems, plus meet performance objectives.

Foundation options include fabric forms, foundation drainage membranes, insulated concrete

forms (ICF), and portland cement substitutes such as fly ash.

Above grade, raised heel trusses, advanced framing techniques (e.g. 24" centres, elimination of non-bearing double headers), sustainably harvested FSC certified wood, structural insulated panels (SIPS), and insulated rammed earth walls may be appropriate choices, depending on the building design.

Provide a continuous air barrier. Air leakage through cracks, e.g. around beams and trim, significantly reduces energy performance. A blower door test towards the end of construction will identify unintentional air leakage paths, and is required if the house is to be rated.

Mechanical and Electrical Systems

1. Use heat pump technologies for space heating such as ground, water, or air source heat pumps, including air source ductless systems if justified by heat loads.
2. Install a central heat recovery ventilator system.
3. Install a high efficiency wood burning appliance, pellet stove, or efficient propane gas fireplace rather than a conventional fireplace.
4. Purchase EnergyStar appliances.

Mechanical System Tips

Heat pumps are excellent where heat loads are large, as in older houses and large new homes. If your house is compact and well-insulated, the space heating loads may be too small to justify a heat pump; electric baseboard heaters may be the best solution. Radiant floor distribution systems can circulate hot water from various sources boiler, heat pump, solar system — and provide even, dust-free silent heat. They do not necessarily save energy.

Central heat recovery ventilation (HRV) systems control humidity and ensure good indoor air quality.

Greywater or drain-water heat recovery systems can recover heat from the hot water used in showers, bathtubs, sinks, dishwashers, and clothes washers.

Always burn dry wood that has been seasoned under cover for at least one year. A conventional open fireplace wastes energy and creates air pollution. Low emissions wood stoves and fireplaces not only produce less air pollution — they're more efficient, heating your house with less wood.

Water Conservation

1. Consider harvesting rainwater from roofs and storing it in tanks, cisterns, and/or ponds.
2. Use dual flush toilets, low flow shower heads and faucet aerators.
3. Use greywater separation and treatment for irrigation or reuse.

Water Conservation Tips

Rainwater collected from the roof can be more than sufficient to meet annual household needs. 100 sq. m. of roof yields 86,000 litres, given 86 cm annual rainfall. Rainwater may be used for toilet flushing, laundry and garden irrigation. After treatment, rainwater may be used for all household needs, including drinking water. Install a metal, slate or clay tile roof if you plan to use rainwater for potable water and check with the Vancouver Island Health Authority (VIHA) for current regulations.

Dual flush toilets give the option of using only three litres per flush.

Low flow shower heads vary in water consumption from about two litres per minute to six litres per minute. Read the fine print before you buy.

Greywater from laundry, showers and baths can be filtered and treated for reuse to flush toilet, or water gardens. Commercial systems are approved for use in BC.

A waterless composting toilet is permitted and is the ultimate water saving device, but a septic system must still be installed to handle wastewater, grease and food debris from kitchen sinks, and to meet regulatory requirements. A registered practitioner is required to design and install residential wastewater systems in BC.

Interior and Exterior Finishes

1. Use roofing materials suitable for rainwater harvesting for potable use.
2. Source local wood and stone where

possible to reduce transportation energy.

3. Use low maintenance exterior cladding and trim to reduce the need for paint and stain.
4. Use environmentally friendly, water soluble low-VOC paints and finishes.
5. Use materials with recycled content.

Finishing Materials Tips

Local materials, such as stone, sustainably harvested wood, and locally sourced natural earth plasters, are nontoxic, have low embodied energy, and often are very attractive.

Natural, non-toxic and low VOC paints and coatings are now widely available and labelled as such.

Many products are available with recycled content, for example, roofing, interior doors, ceramic tiles, and carpets. Ask your building supplier.

Natural linoleum, bamboo and cork are three of many greener alternatives to vinyl flooring.

Renewable Energy

1. Install a clothesline.
2. Install a solar water heating system.
3. Consider a photovoltaic system. Roof-mounted photovoltaic (PV) panels can provide enough electricity from the sun to run an energy efficient home or cottage during summer months. A single panel can pump water from a pond

to a garden irrigation system, or power a computer and emergency lights.

Renewable Energy Tips

The clothesline is one of the simplest solar technologies, and a good way to save energy.

An unshaded south-facing roof and space for a solar preheat tank are the prerequisites for a solar hot water system. A solar water heater can supply up to 60% of your annual domestic hot water energy needs. Provincial and federal grants may be available to offset some of the initial costs.

If your PV, or wind energy system is connected to BC Hydro, whenever the system generates excess electricity you can “run the meter backwards,” to reduce your electricity bill. Contact BC Hydro, or a qualified installer for details on net metering.

Maintenance

1. Schedule annual cleaning for chimneys and regular inspection and servicing for mechanical equipment, including water treatment equipment.
2. Occasionally inspect the outside of your home during, or just after, heavy rain to check for any drainage problems such as blocked eaves troughs.
3. Purchase environmentally friendly cleaning products and use organic gardening methods.
4. Recycle all household recyclables and compost garden and kitchen waste.

Home Operating Tips

Careful use can typically reduce energy and water consumption in a home by 10% to 20%. Use programmable thermostats to set back the temperature at night and when the house is unoccupied. Remind family members about energy and water conservation, and “turn it off”.

An “operating manual” or binder with equipment and materials information, along with a photographic record of construction and list of trades used will be very helpful long after construction’s done.

Schedule regular servicing activities, such as filter cleaning or replacement, and chimney and eaves trough cleaning, into the household calendar. Filters include air filters on furnaces and screens on air intakes, and filters on home water purification systems.

Keep a schedule for infrequent tasks, such as exterior painting and septic tank pump outs. Postponing these tasks can lead to serious problems and major, expensive repairs.

Baking soda and vinegar work just as well as commercial cleaners for many household cleaning jobs and are better for the environment.

Dimmers and timers are a simple and inexpensive way to increase the lifespan of light bulbs and reduce energy use.

Plan to drive less. Automobiles are a major source of local air and noise pollution on Thetis Island, and are the largest single contributor to Thetis’s greenhouse gas emissions. Reduced automobile dependence is an island objective.

Tackle one guideline at a time – each one is a step closer to a more sustainable development.

Resources

Home Labelling Programs

If you would like assurance that your house meets current greenbuilding standards, you can get your home certified by an independent third party. Several home labelling systems are currently used in Canada, including Energy Star, LEED® Canada for homes, R-2000, and BuiltGreen™. These labels all use the same "Hot-2000" software for energy analysis. These are the available options in BC:

R-2000 CHBA-BC

www.chbabc.org/
1-800-933-6777

BuiltGreen™ BC CHBA-BC

www.chbabc.org/
1-800-231-1336

LEED® Canada for Homes

www.cagbc.org
866-941-1184

Home Retrofit Labelling Programs EcoEnergy for houses CityGreen

www.citygreen.ca
1-866-381-9995

Grants

Some federal, provincial and CVRD grants are available for energy & water conservation. The following were current at time of publication, check for additional grants with CVRD and CityGreen.

BC Hydro Power Smart Rebates

See BC Hydro's website for current incentives and discount coupons.
www.bchydro.com/powersmart

Solar BC

\$1,000 point-of-sale discount (plus a further \$625 EcoEnergy/Live SmartBC rebate) towards a solar hot water system.
www.solarbc.ca
1-866-650-6527

EcoEnergy / Live Smart BC provide grants to homeowners and landlords upgrading existing homes for energy efficiency and some renewable energy and water conservation measures.

Energy and Buildings

Canadian Mortgage and Housing Corporation: CMHC www.cmhc-schl.gc.ca/en/

Natural Resources Canada

NRCan www.oeenrcan.gc.ca

CityGreen

www.citygreen.ca
1-866-381-9995

Solplan Review is the independent Canadian journal of energy conservation, building science and construction practice for residential construction.
604-689-1841

BC Sustainable Energy Association

www.bcsea.org

Lighthouse Sustainable Building Centre

www.sustainablebuildingcentre.com

Water

Vancouver Island Health Authority

Jurisdiction over water quality
<http://www.viha.ca/mho/water/>

Islands Trust Fund

Rainwater Harvesting on the Gulf Islands, a series of publications, including project schematics and links.
www.islandstrustfund.bc.ca

Rainwater Connection

www.rainwaterconnection.com

Water Tiger

www.watertiger.net

Land Development

BC Ministry of Environment

Develop with Care March 2006 online manual
www.env.gov.bc.ca/wld/documents/bmp/devwithcare2006/develop_with_care_intro.html

Waterfront Management

Greenshores

<http://www.greenshores.ca/>

Coastal Shore Stewardship: A Guide for Planners, Builders and Developers on Canada's Pacific Coast:

<http://www.greenshores.ca/sites/greenshores/documents/media/105.pdf>

Caring for Our Shores: A Handbook for Coastal Landowners in the Strait of Georgia

<http://www.cowichanlandtrust.ca/content/caring-our-shores>

Conservation Covenants

TLC-The Land Conservancy of BC

www.conservancy.bc.ca

Islands Trust Fund

[Www.islandstrustfund.bc.ca](http://www.islandstrustfund.bc.ca)

Local Resources

The following organizations have information and programs to assist residents in reducing our ecological footprints:

Island Natural Growers

information on organic farming & gardening
www.cog.ca/ing/index.htm

Thetis Island Community Association

www.thetisland.net

The Thetis Island

Sustainability Guidelines

is downloadable at:

www.islandstrust.bc.ca



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	Courtney Simpson	Nov-15-2014	On Going
1	Shoreline Development Permit Area	Community outreach, education and engagement on draft DPA.	Sep-07-2011	Courtney Simpson	Nov-15-2014	On Going
1	Riparian Areas Regulation Implementation	Amend OCP to comply with RAR for the one watershed identified as applicable to RAR, using the stream mapping by Mimulus Biological Consultants.	Sep-07-2011	Courtney Simpson	Nov-15-2014	On Going



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 Cheif Lisa Shaver.	Feb-06-2009	On Going
2	Joint proactive enforcement with CVRD		Jul-28-2010	On Going
4	Revise Protocol Agreement with Lyackson First Nation	As of August, 2010 draft with Lyackson for review by their community.	Feb-06-2009	On Going
5	Development Approval Information Bylaw		May-25-2011	On Going
6	Potential LUB amendments:	- short-term vacation rentals of principle dwellings in the R-2 zone - rainwater storage requirements	Sep-07-2011	On Going
7	Sustainability Guidelines for Thetis Island	Discuss collaboration with Cowichan Valley Regional District Building Department, finalize draft, and make a plan for distribution.	Sep-07-2011	On Going
8	Ratification of protocol agreement with Cowichan Valley Regional District.	Director of Local Planning Services to move forward. Meeting to be held between CVRD board and Thetis LTC	Feb-06-2009	On Going



Applications w/ Status - Thetis Island Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
TH-DVP-2010.1	Trincomali Holdings Ltd Planner: Courtney Simpson	Aug-17-2010	Seawall Construction

Planning Status

Status Date: Apr-02-2012

Distributed DVP notice to property owners within 100m

Status Date: Mar-19-2012

Requested update on post-impact assessment from applicant

Status Date: Dec-22-2011

Waiting for post-impact archaeological assessment from applicant

Subdivision

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

Planning Status

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

Status Date: Jun-17-2010

12-month extension to PLA

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2010.1	Williamson & Associates Professional Surveyors Planner: Linda Prowse	Feb-24-2010	Subdivide to create 2 lots

Planning Status

Status Date: Feb-07-2012

Preliminary Layout not approved notice received - There are a number of conditions the applicant has not complied with. Ministry notes if conditions are not complied with, the file will be closed in 1 year.

Status Date: Jan-10-2012

MOTI will be recommending NON PLA to the Provincial Approving Officer, as there has not been any attempt by the applicant to remedy the concerns of the Environmental Health Officer regarding sewage disposal for this subdivision proposal.

Status Date: Apr-19-2011

Referral Response sent to MOTI and applicant

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2010.2	G.W. Lindberg Land Surveying Inc. Planner: Marnie Eggen	Dec-20-2010	Create 2 parcels

Planning Status

Status Date: Jan-03-2012

LTC resolved to enter into cost recovery agreement for covenant to prohibit residential use of common property

Status Date: Dec-05-2011

LTC approved frontage waiver

Status Date: Sep-30-2011

Staff site visit

From: Nancy Roggers
Sent: April-26-12 1:48 PM
To: Courtney Simpson; Ken Hancock; Peter Luckham; Sue French; Becky McErlean
Cc: Cindy Shelest
Subject: Thetis Expense report - final year end to March 31/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to March 31, 2012

670 Thetis	Invoices posted to March 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,000.00	116.10	883.90
65200	LTC Local Exp LTC Meeting Expenses	3,000.00	1,708.23	1,291.77
65210	LTC Local Exp APC Meeting Expenses	-	422.92	(422.92)
65220	LTC Local Exp Communications	-	-	-
65230	LTC Local Exp Special Projects	-	-	-
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		3,000.00	2,131.15	868.85
72300	Project OCP update	8,000.00	7,876.19	123.81

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

Proposed LTC breakout budget for Thetis LTC for discussion at May 23rd meeting.

Budget Information for Fiscal 2012/13		Budget
670 Thetis	65000 Trustee Expense	1,100.00
670 Thetis	65200 LTC Meetings	1,200.00
	65210 APC Meetings	600.00
	65220 Communications	500.00
	65230 Special Projects	500.00
	65240 Miscellaneous	200.00
	TOTAL LTC Local Expense	3,000.00
670 Thetis	72300 OCP/LUB Expense	10,000



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 April 16, 2012 File Number 3030-1 Thetis

To Thetis Island Local Trust Committee
For meeting of May 23, 2012

From Courtney Simpson
Island Planner

Re Annual Report - Thetis Island Local Trust Committee section

The 2011 Islands Trust Annual Report is currently being drafted and this year, senior staff have asked that the section reporting on the work of each local trust committee is approved by the local trust committee.

Planning staff has drafted the following text for the Thetis Island section of the Annual Report and requests approval from Local Trust Committee.

Thetis Island Local Trust Committee, 2011

The Thetis Island Local Trust Committee held seven regular meetings, four special meetings, and one public hearing. The Official Community Plan and Land Use Bylaw Review project represented the majority of the work of the Local Trust Committee and was the topic of special meetings and public consultations. This project, which began in 2008, was completed with the adoption of a new Official Community Plan and Land Use Bylaw.

Work proceeded on implementing the Riparian Areas Regulation with receipt of a report by a Qualified Environmental Professional to identify and map all streams within the Ralston Creek Watershed. Staff met with the strata property owners in this watershed to discuss possible implementation steps. Work also continued on Thetis Island Sustainability Guidelines.

There were a total of twelve development referrals and applications including eleven building permit referrals and one subdivision referral. Work has continued on several application received in earlier years as well.

pc Chris Jackson, Regional Planning Manager

Subject:geo thermal loop enforcement policy

Date:Tue, 17 Apr 2012 12:37:45 -0700

From:Miles Drew <mdrew@islandstrust.bc.ca>

To:Peter Luckham <pluckham@islandstrust.bc.ca>

CC:Courtney Simpson <CSimpson@islandstrust.bc.ca>

5.	August 31/11	SA-LTC-32-11	Adopt Ocean Loop Geo-thermal Exchange Enforcement Policy	It was Moved and Seconded that the Saturna Island Local Trust Committee adopts the policy stated in the Islands Trust memorandum dated August 23, 2011 regarding Ocean Loop Geo-thermal Exchange Enforcement. “That given that the Saturna Island Local Trust Committee (LTC) has placed “ocean loop geoexchange” on the LTC project list as a matter for staff review existing ocean loop geoexchange systems will not be subject to enforcement unless issues of health, safety or environmental degradation arise.”
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Peter, the above enforcement policy is okay. I would also add the following two phrases:

1. THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Thetis Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities at any time.
2. That this policy is no longer effective on April 18, 2012 or when the Thetis Island ILC review of ocean loop geo thermal regulations is complete, which ever is the soonest.

Miles Drew

Bylaw Enforcement Coordinator

Islands Trust

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

phone: 250-405-5175 fax: 250-405-5155

email mdrew@islandstrust.bc.ca

web page www.islandstrust.bc.ca



Fisheries and Oceans Pêches et Océans
Canada Canada

3225 Stephenson Point Road
Nanaimo, British Columbia
V9T 1K3

April 6, 2011

Your file Votre référence

Our file Notre référence
10-HPAC-PA3-00847

Doug Lockhart
Lockhart Industries (Duncan) Ltd.
P.O. Box 784
Duncan, British Columbia
V9L3Y1

Dear Lockhart:

Subject: Proposal not likely to result in impacts to fish and fish habitat provided that additional mitigation measures are applied.

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received the proposal on September 9, 2010. Please refer to the file number and title below:

DFO File No.: **10-HPAC-PA3-00847**

Title: **Geothermal loop installation at Razor Point, Pender Island, BC**

The proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act* or those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

Our review consisted of:

- Information package forwarded to DFO on September 9, 2010;
- Numerous telephone conversations with Mr. Doug Lockhart.

We understand that the proponent plans to:

- Install a geothermal loop system along the underside of an existing walkway and on the seabed beneath an existing private dock near Razor Point.

To reduce potential impacts to fish and fish habitat we are recommending the following mitigation measures be included into the proposed plans:

*Those sections most relevant to the review of development proposals include 20, 22, 32 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit www.dfo-mpo.gc.ca.

Canada

.../2

1. Cast in place concrete used in the upper intertidal zone is to be conducted while the site is not wetted by the tide. Cast in place concrete is to be covered for a period of 24 hours (isolated from incoming tidal water) to ensure that uncured concrete does not come into contact with seawater. Concrete tools and mixing equipment is to be rinsed and cleaned AWAY from fish bearing waters.
2. Jetting is to be minimized wherever practicable and possible.
3. Minimize foreshore excavation as much as possible. Dig the excavation by hand where appropriate or use the smallest tracked equipment possible, ensuring that activity on the intertidal beach is kept to an absolute minimum.
4. Ensure that all machinery is in good working condition and that fuels or lubricants do not enter the marine environment. Maintain a spill kit on-site for use in case of emergencies.
5. All works must be conducted in a manner that minimizes the release of sediment and sediment-laden water into any watercourse or the marine environment.
6. Any appropriate mitigation measures, as outlined in previous projects of a similar nature, should be incorporated if they are in the interests of protecting fish and fish habitat.

Provided that the additional mitigation measures described above are incorporated into the proposed plans, DFO has concluded that the proposal is not likely to result in impacts to fish and fish habitat.

The proponent will not need to obtain a formal approval from DFO in order to proceed with the proposal.

If the plans have changed or if the description of the proposal is incomplete the proponent should contact this office to determine if the advice in this letter still applies.

Please be advised that any impacts to fish and fish habitat which result from a failure to implement the proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement.

If you have any questions please contact the undersigned at (250) 756-7275, by fax at (250) 756-7162, or by email at scott.northrup@dfo-mpo.gc.ca.

Yours sincerely,

Scott Northrup
Habitat Management Biologist

Copy: Norman Harrison



STAFF REPORT

File No.: EX/04

To: Executive Committee acting as Local Trust Committee
for the meeting of May 8, 2012

From: Kaitlin Kazmierowski, Island Planner

CC: Robert Kojima, Regional Planning Manager

Re: Updates and Amendments to Draft Bylaws No. 27 & 28

OVERVIEW

At the Executive Committee as Local Trust Committee (LTC) meeting of February 7, 2012, staff were directed to make several small changes to the draft Official Community Plan (OCP), Bylaw No. 27 and the draft Land Use Bylaw (LUB), Bylaw No. 28. These changes have been captured in the following draft bylaws included in this agenda package. Staff were also requested to provide advice on how ocean-loop geothermal systems could be included and regulated in the draft bylaws. This staff report will provide the LTC with some options on the regulation ocean-loop geothermal uses in the Ballenas-Wichelsea area.

A brief update on First Nations consultation will also be included at the end of the report. Currently, staff have been directed to defer First Reading of draft bylaws until consultation with First Nations has taken place.

BACKGROUND

Ocean-Loop Geothermal

Staff have noticed an increase in public inquiries regarding ocean-loop geothermal systems; whether they are permitted in the Trust Area, and how such systems can be installed in adherence with zoning. Recently, a rezoning process on North Pender Island has been initiated in order to permit the siting of such a system on a specific property. Currently, rezoning appears to be the main tool for regulating this relatively new use. Mayne Island currently supports ocean-loop geothermal via OCP Climate Change Policy 4.7.9 which states:

"The LTC should consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating"

The Mayne Island LUB also permits ocean loop geothermal via regulation 3.1(6) Permitted in All Zones:

“Geothermal heating equipment for the purposes of supplying energy to the lot on which the structure is located or in the water for the purpose of supplying energy to a lot adjacent to the foreshore, except in the W1 zone.”

The W1 zone on Mayne Island is Water Protection, and only marine navigational aids are permitted.

Currently, section 3.1 of the Ballenas-Winchelsea LUB regulates the siting of solar collectors and wind generators, but is silent on geothermal systems. Policy 3.15.4 of the OCP speaks to geothermal in the following way:

“LTC provisions should permit small-scale, land-based geo-thermal heating for individual dwellings.”

If the LTC wishes to include ocean-loop geothermal uses within the LUB, several options may be considered. Permitting the use outright in certain zones (much like Mayne Island) is one option. This would remove the burden of rezoning applications for such systems and promote alternative energy as per OCP Climate Change Policies. The risk is that such an outright permission could result in damage to sensitive ecosystems, as well as the installation of un-certified systems, or the inappropriate siting of such systems. Permitting these structures in the Residential (R) zone and the Marine General (W1) zone only, would limit such systems to where they would be most used for private purposes. In addition, current zoning provisions encourage clustering of dwellings by regulating one dock to each residential zone as well as removing subdivision potential. This in turn creates an opportunity for shared “district” ocean-loop geothermal systems. Such systems would also need to be exempt from setback regulations as they are currently considered structures within the LUB definition.

Zoning alone will not ensure that any environmental impact of such a system is avoided. Currently, the Shoreline Development Permit Area includes all land 30m upland of the natural boundary of the sea, meaning that ocean-loop systems would not be required to undergo a DP process to ensure safe and appropriate installation if they were permitted through zoning. Amending the DPA in order to include guidelines for ocean-loop geothermal would complement zoning regulations in this manner.

The LTC may wish to consider the following options for regulating ocean-loop and terrestrial geothermal systems:

- Amend OCP Policy 3.15.4 to remove “land-based” so as to include all types of geothermal.
- Permit ocean-loop geothermal within the Residential (R) and W1 (Marine General) zones.
- Permit ocean-loop geothermal within the Residential (R) and Marine General (W1) zones and amend the shoreline DPA accordingly.
- Do not make any amendments to the Draft LUB and rely on site-specific rezoning applications for ocean-loop geothermal regulation.

PART 3 GENERAL REGULATIONS

3.1 Permitted in All Zones

The following uses, buildings and structures are permitted in any zone, except where noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

- (1) Utility lines and poles;
- (2) Conservation areas, including ecological reserves, conservation covenants and other habitat reserves, and passive recreations parks;
- (3) Air and marine navigational aids;
- BL 148 (4) Fences in any land zone, subject to regulations established in Section 3.7 and Part 5;
- (5) Signs, subject to regulations established in Part 6;
- (6) Geothermal heating equipment for the purposes of supplying energy to the lot on which the structure is located or in the water for the purpose of supplying energy to a lot adjacent to the foreshore, except in the W1 zone.

3.2 Prohibited in All Zones

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

- (1) In all zones except the R and AG zones, the keeping on a lot having an area of less than 2000m² (0.5 acres) of cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse;
- (2) The disposal or storage of hazardous or toxic waste;
- (3) The rental or sale of personal watercraft;
- (4) Fin fish aquaculture in any water zone;
- (5) Bridges, causeways or tunnels connecting any one island to another island or the mainland;
- (6) Marina, the use of which is restricted to members of a private club;
- (7) Retail sale or wholesaling of groundwater extracted on Mayne Island.

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, water storage tank not exceeding 3 metres (10 feet) in height, or utility shed, may be constructed, reconstructed,

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 191

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW 103, 1996

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend Land Use Bylaw 103, 1996;

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

NOW THEREFORE the North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

A. Bylaw No. 103, cited as "North Pender Island Land Use Bylaw 103, 1996" is amended as follows:

1. The following is inserted as a new Section 8.19.7 in the Water 1 (W1) Zone

8.19.7 Site Specific Regulations

The regulations listed in Column 3 of the following table only apply to the land identified in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

<i>Column 1</i> Site- Specific Zone Reference	<i>Column 2</i> Legal Description	<i>Column 3</i> Site Specific Regulations
W1(b)	The land covered with water fronting Lot B, Section 11, Pender Island, Cowichan District, Plan 32264, Except part in Plan VIP68515.	(1) In addition to the uses permitted in 8.19.1 the following is permitted: (a) Placement of a closed-loop, ocean-based geothermal heat exchange system for the purpose of domestic heating and cooling accessory to the upland residential property

2. Schedule "D" (Zoning Map for North Pender Island) is amended in accordance with the map attached to and forming part of this bylaw as Plan No. 1.

B. This Bylaw may be cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012".

C. 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.

9.11 SHORELINE ZONES

Information Note: As indicated on Schedule "A", shoreline zoning covers the entire Salt Spring Island Local Trust Area, with the exception of Piers Island and its surrounding foreshore, and with the exception of the Crown foreshore that lies within 300 m of the natural boundary of Vancouver Island.

9.11.1 Permitted Uses of Land, Buildings and Structures

BL413 (04/06)

- (1) In addition to the *uses* permitted in Subsection 3.1.1 of this Bylaw, the following *uses, accessory buildings and structures* and no others are permitted in the Shoreline Zones indicated, provided that they do not result in the removal or permanent shading of eelgrass (*Zostera marina*) or kelp (*Macrocystis sp.*) plants, and provided that they are not located within 125 m of clam beds identified on Map 10 of the Salt Spring Island Official Community Plan. For certainty, the only *buildings* permitted in the Shoreline Zones are *accessory buildings*.

	S1	S2	S3	S4	S5	S6	S7	S8
Principal Uses and Structures								
Navigational uses	♦	♦	♦	♦	♦	♦	♦	♦
Geothermal heating equipment in tidal waters only	♦	♦	♦	♦	♦	♦	♦	
Private floats and buoys for non-commercial boat moorage			♦	♦	♦	♦	♦	
Private docks and floats for non-commercial boat wharfage accessory to a permitted use on the adjacent upland			♦	♦	♦	♦		
Aquaculture, excluding the rearing of fin fish					♦			
Public ferry wharves			♦					
Docks for the temporary commercial wharfage of transient boats	♦	♦		♦				
Docks for private boat club wharfage				♦				
Commercial moorage or wharfage of resident boats	♦	♦		♦				
Marine fuelling services	♦	♦						
Retail sales of boating accessories	♦							
Commercial sea plane docks	♦							
Sporting equipment sales and rental businesses, excluding the sale or rental of personal watercraft	♦	♦						
Boat sales, rentals, and servicing businesses	♦	♦						
Commercial boat building and repair businesses	♦							
Barge loading and unloading piers	♦		♦					
Log sorting and storage	♦							



Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 340

Size:

1,129 hectares (2,789 acres)

Location:

7 kilometres north of Chemainus on Vancouver Island.

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Thetis Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Thetis Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

February 2012

- [Thetis Island owners have options to provide lasting protection for properties](#)

December 2011

- The Thetis Island Local Trust Committee Adopted [Bylaw No. 88](#) (Official Community Plan) and [Bylaw No. 89](#) (Land Use Bylaw)

Thetis Island Local Trust Committee Projects

General

- [Thetis Island Community Profile](#)
- [Thetis Island Draft Development Potential Map -August 2009](#)

Riparian Areas Regulation Implementation

- [Staff Report dated May 24, 2011](#)
- [Staff Report dated July 21, 2010](#)
- [RAR Stream Identification of the Ralston Creek Watershed, March 2011](#)
- [Map showing RAR streams with property lines](#)
- [Map showing RAR streams with buffers for Streamside Protection and Enhancement Area](#)
- [Provincial Riparian Areas Regulation website](#)

Marine Shorelands

- [DRAFT Marine Shorelands Development Permit Area, April 30, 2011](#)
- [Staff Report re: Marine Shorelands Development Permit Area and Sea Level Rise - January 26, 2011](#)
- [Staff Report re: Marine Shorelands Development Permit area - January 6, 2011](#)
- [Staff Report re: Shoreline Management - November 18, 2010](#)
- [Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd.](#)
- UBC Pilot Study on Thetis Shoreline Classification - maps and presentation boards:
 - [Distribution of Coastline Types](#)
 - [Coastal and Watershed Systems: Sediment Sources, Movement, Sinks and Ecosystems](#)
 - [Relative Energy Zones & Shoreline Dynamics](#)
 - [Coastal Types & Shoreline Characteristics](#)
 - [Coastal Types & Siting in Response to Systems](#)
 - [Coastal Design Strategies](#)

Advisory Planning Commission

- [Advisory Planning Commission Minutes](#)

Community Housing

Committee Links

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- [Community Housing in the Islands Trust Area](#)

Food Security

- [Food Security in the Islands Trust Area](#)

Climate Change Action

- [Staff Report dated October 6, 2009](#)
- [Memorandum dated August 17, 2009](#)
- [Climate Wise Islands](#)
- [Newsletter - November 2009](#)
- [Fact Sheets](#)

Valdes Island

- [Brochure for Building Permit information on Valdes Island](#)

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