



A NOTICE OF A BUSINESS MEETING OF **THE THETIS ISLAND LOCAL TRUST COMMITTEE**
to be held at 9:15 am on Wednesday, April 16, 2014 at Thetis Island Community Centre
(Forbes Hall Library) North Cove Road, Thetis Island, BC

AGENDA

		<i>Page No.</i>	<i>*Approx. Time*</i>
1. CALL TO ORDER			9:15 am
2. APPROVAL OF AGENDA			
2.1 Additions and Deletions			
2.2 Questions from the Public on Agenda Items			
3. TOWN HALL SESSION (10 MINUTES)			
4. MINUTES			
4.1 Local Trust Committee Meeting Minutes of March 19, 2014 - <i>for adoption</i> - <i>attached</i>	1-8		9:25 am
4.2 Section 26 Resolutions Without Meeting - <i>none</i>			
4.3 Advisory Planning Commission Meeting Minutes - <i>none</i>			
4.4 Ruxton Island Advisory Planning Commission Minutes - <i>none</i>			
5. BUSINESS ARISING FROM MINUTES			9:40 am
5.1 Follow-up Action List dated April 7, 2014- <i>attached</i>	9-10		
5.2 Local Trust Committee Request for Chronology Leading up to Drafting of Covenant for Dayman Island	11-99		
5.2.1 Memorandum dated March 24, 2014 - <i>attached</i>			
6. DELEGATIONS – <i>none declared</i>			
7. CORRESPONDENCE - <i>none</i>			
<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>			
8. APPLICATIONS AND PERMITS - <i>none</i>			
9. LOCAL TRUST COMMITTEE PROJECTS			
9.1 Associated Islands Official Community Plan and Land Use Bylaw			
9.1.1 Staff Report dated March 24, 2014 – <i>attached</i>	100-205		10:00 am
BREAK			
9.2 Green Shores Scenarios Workshop			
9.2.1 Memorandum dated April 4, 2014 - <i>attached</i>	206-210		

12.	REPORTS	12:00 pm
12.1	Work Program Reports	
12.1.1	Top Priorities and Projects Report dated April 7, 2014- <i>attached</i>	211-213
12.2	Applications Log	
12.2.1	Report dated April 7, 2014 - <i>attached</i>	214
12.3	Trustee and Local Expenses	
12.3.1	Expenses posted to March, 2014 - <i>attached</i>	215
12.4	Chair's Report	
12.5	Trustees' Report	
12.6	Advisory Planning Commission Report - <i>none</i>	
13.	NEW BUSINESS	12:15 pm
13.1	Gulf Islands Groundwater Protection - A Regulatory Toolkit	
13.1.1	Memorandum dated March 19, 2014 - <i>attached</i>	216-242
13.2	Local Trust Committee Submission for 2013/2014 Annual Report	
13.2.1	Memorandum dated April 31, 2014- <i>attached</i>	243
14.	BYLAWS	
14.1	Draft Bylaw No. 93 (OCP) cited as "Thetis Associated Islands Official Community Plan Bylaw, 2014". - <i>for consideration of first reading</i>	
14.2	Draft Bylaw No. 94 (LUB) cited as "Thetis Associated Islands Land Use Bylaw, 2014". - <i>for consideration of first reading</i>	
15.	ISLANDS TRUST WEBSITE	
15.1	Thetis Pages – <i>for discussion</i>	
16.	TOWN HALL DISCUSSION (10 MINUTES – TIME PERMITTING)	
17.	NEXT MEETING DATE	
	Wednesday, June 4, 2014 at 9:15 am at Thetis Island Community Centre (Forbes Hall Library) North Cove Road, Thetis Island, BC	
18.	ADJOURNMENT	1:00 pm

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



Thetis Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Wednesday, March 19, 2014

Location: Thetis Island Community Centre, Forbes Hall Hunter Room
292 North Cover Road, Thetis Island, BC

Members Present: Ken Hancock, Chair
Peter Luckham, Local Trustee
Sue French, Local Trustee

Staff Present: Aleksandra Brzozowski, Planner
Marnie Eggen, Planner
Jessie Sherk, Recorder

Media and Others Present: 4 members of the public were in attendance

1. CALL TO ORDER

Chair Hancock called the meeting to order at 9:23 am. Staff and trustees were introduced and the public was welcomed. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 9.2 The addition of two expressions of interest for Greenshores scenarios workshop for discussion (in-camera)**
- 9.3 BC Stewardship Centre Greenshores for Homes BC Pilot Project for discussion**
- 13.2 New Business - Minute Takers and meeting times (for discussion)**

It was suggested by a member of the public, that the Town Hall Session might be good to have before the approval to the agenda so the public could comment on the agenda.

The planner was asked to make a note that future agenda would have a new Number 2, being "Questions from the public on agenda items".

By general consent the agenda was approved, as amended.

3. TOWN HALL SESSION

Ernie Hunter asked that if there are extra agenda packages at the end of meetings that they are left in an envelope for him to circulate to members of the community.

4. MINUTES

4.1 Local Trust Committee Meeting Minutes of February 5, 2014

By general consent the minutes were adopted as presented.

4.2 Section 26 Resolutions Without Meeting - None

4.3 Advisory Planning Commission Meeting Minutes – None

4.4 Ruxton Island Advisory Planning Commission Minutes – None

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated March 7, 2014

With regard to the first two items on the Follow-up Action list, Planner Brzozowski noted that she has made attempts to get in touch with Miles Drew but has so far been unsuccessful and these items continue to be ongoing. Discussion ensued.

Trustee Luckham gave an update on the November 5, 2013 item regarding the possible C2C application.

6. DELEGATIONS - None

7. CORRESPONDENCE - None

8. APPLICATIONS AND PERMITS

9. LOCAL TRUST COMMITTEE PROJECTS

9.3 BC Stewardship Centre Greenshores for Homes BC Pilot Project

Planner Brzozowski updated the Committee on what has been happening since the LTC meeting on February 5, 2014. She explained that a decision must be made now about whether to dedicate the \$3000 budget for 2014/2015 shoreline protection projects towards the GSH-BC Pilot project. Extensive discussion ensued.

It was decided to return to this item.

9.1 Associated Islands Official Community Plan and Land Use Bylaw

9.1.2 Dayman Island – Request to Allow a Pre-existing Building Staff Report dated March 2014

Planner Eggen presented the staff report and explained that the owners of Dayman Island wish to increase the current aggregate floor area for two cottages. Staff recommendations were explained.

The applicant noted that this was an existing structure that was partially converted into commercial/guest cottage. He stated that they did not exceed the footprint.

The concern that this may leave an opening for a much larger guesthouse to be built somewhere else in the future, as well as the covenants that were adopted in 2006 were discussed by staff and trustees.

TH-2014-016

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee revise the draft Thetis Associated Islands Land Use Bylaw by replacing the wording in table 5.3, Site Specific Regulations of the Land Use Bylaw with the following:
“1. Despite Subsections 5.3 (1) and 5.3 (2), a maximum of two accessory guest cottages are also permitted with an aggregate floor area of 198 square meters (2131 square feet), exclusive of up to an aggregate area of 30.66 square meters (330 square feet) of loft area not including stairs providing access to the loft.”

CARRIED

TH-2014-017

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee discharge the instrument CA3477978 registered on Dayman Island upon final adoption of the Thetis Associated Island Land Use Bylaw so as to avoid creating a land use bylaw that is inconsistent with an existing registered instrument.

CARRIED

TH-2014-018

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request staff to provide a summary report on the creation of the covenant on Dayman island in 2006.

CARRIED

The applicant added that there is only one spot on the island for a septic system and that would restrict the ability of creating a subdivision. He

stated that speaking on behalf of the owners, they want to keep the island the way that it is.

9.1.1 Bylaw Provisions for Environmental Protection
Staff Report dated February 3, 2014

Planner Brzozowski summarized the report noting that environmental protection is one of the largest mandates for Trustees. Staff, Trustees and the Chair discussed the recommendations in the staff report at great length.

TH-2014-019

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee direct staff to include wetlands into Section 3.3 of the Land Use Bylaw.

CARRIED

TH-2014-020

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request that environmental education and engagement efforts for the Thetis Island Associated Islands be placed on the project list.

CARRIED

The possibility of putting a provision in the Official Community Plan that would allow consideration for future mapping was discussed.

By general consent the meeting was recessed at 11:45 am and reconvened at 12:00 pm.

Discussion continued. The Trustees were comfortable with Section 6.2.1 in the Official Community Plan as is currently written.

9.3 BC Stewardship Centre Greenshores for Homes BC Pilot Project

Discussion continued on this item.

TH-2014-021

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee authorizes expenditure of up to \$3000 for participation in The Stewardship Centre for British Columbia's "Greenshores For Homes – BC Pilot" project.

CARRIED

9.2 Green Shores Scenarios Workshop – for discussion

Planner Brzozowski gave an update on what information she has and what information she is still waiting for. It was decided to go into camera to decide on locations and then resume conversation after.

10. CLOSED MEETING

TH-2014-022

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee closes the next part of the March 19, 2014 business meeting to discuss matters pursuant to Section 90 (1)(a) of the *Community Charter* to consider pilot properties for Greenshores for Homes Project and that staff be invited to attend this meeting.

CARRIED

Committee closed the meeting at 12:18 pm.

TH-2014-23

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee re-opens the meeting to the public.

CARRIED

By general consent Committee reconvened in open meeting at 12:40 pm.

11. RECALL TO ORDER

Rise and Report from Closed Meeting

Chair Hancock reported that the following resolution was moved in the closed meeting:

“that the Thetis Island Local Trust Committee prioritize the expressions of interest for the shoreline workshops as Lot 136 and the cemetery as party #1, and as party #2, Lot 25 Bella Vista”.

9.2 Greenshores Scenarios Workshop – for discussion

Discussion continued on the logistics of the Greenshores workshop. It was agreed that June might work best for possible dates. The following actions were discussed:

- Developing and circulating a draft program via email for feedback;
- Collecting information about the properties in advance;
- Speaking to property owners and managing their expectations; and
- Taking photos of the properties.

TH-2014-024

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee directs staff to work with Trustees to create property profiles for the three candidates for the shoreline protection project.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities and Projects Report dated March 6, 2014

The Top Priorities list was discussed and reviewed.

Planner Brzozowski gave an update on Riparian Areas Regulation implementation.

Planner Eggen left the meeting at 1:10 pm.

12.2 Applications Log

12.2.1 Report dated March 6, 2014

No updates reported.

12.3 Trustee and Local Expenses

12.3.1 Expenses posted to February, 2014

Reviewed for information

12.4 Chair's Report

Chair Hancock reported that he has been busy with work on North Pender Island and is excited about Island Stewardship Day 2014. Also noted was that Trust Council approved a budget with a zero percent tax increase and that they are already preparing for the June Trust Council meeting and will include the annual meeting with San Juan County.

12.5 Trustees' Report

Trustee French reported that as a member of the Ferry Advisory Committee she met on March 3, 2014 with BC Ferries staff to advise them of a ferry schedule that would benefit everyone. She also attended the ferry protest on March 11, 2014, noting that it was a good experience. She reported that Islands Trust has written to the ferry commissioner requesting a review of BC Ferries operations, and that other local governments and special interest groups are making the same request.

Trustee Luckham reported that he has finally made some contact with Lyackson First Nations and that he has been busy with the Executive Committee.

12.6 Advisory Planning Commission Report – None

13. NEW BUSINESS

13.1 Gabriola Island Trust Area Bylaw Referral Request for Response regarding Bylaw Nos. 271 and 272

TH-2014-025

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee finds its interests are unaffected by proposed Gabriola Bylaws Nos. 271 and 272 and that the Committee supports the initiative.

CARRIED

13.2 Minute Taking and Meeting Times

It was noted that the current minute takers are only available if the meetings were to be held in the afternoons. Discussion ensued. It was agreed that staff be directed to put a call out for a new minute taker.

14. BYLAWS

None.

15. ISLANDS TRUST WEBSITE

Thetis Pages

TH-2014-026

It was MOVED and SECONDED,

That the Thetis Island Local Trust Committee request staff to post a link on the Thetis page to Greenshores document entitled "Coastal Shore Jurisdiction in British Columbia" – issue sheet dated October 2009.

CARRIED

It was suggested that there needs to be more development to the wording in the website as it should be easier to navigate by the general public.

16. TOWN HALL SESSION - None

17. NEXT MEETING:

Wednesday, April 16, 2014 at 9:15 am at Thetis Island Community Centre.

Planner Brzozowski stated that the terms of the Thetis Advisory Commission members are almost up. Discussion ensued.

TH-2014-26

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to bring back the Thetis Island Advisory Planning Commission Bylaw for review.

CARRIED

18. ADJOURNMENT

By general consent the meeting adjourned at 1:25 pm.

Ken Hancock, Chair

CERTIFIED CORRECT:

Jessie Sherk, Recorder



Islands Trust

Follow Up Action Report w/ Target Date

Thetis Island Feb-08-2012

No.	Activity	Responsibility	Target Date	Status
1	Develop recommendations for a joint proactive enforcement strategy with the CVRD.	Miles Drew	Jun-30-2013	On Going

May-23-2012

No.	Activity	Responsibility	Target Date	Status
1	Report to LTC on use of neighbourhood mediation on Thetis.	Miles Drew	Jun-30-2013	On Going

Sep-25-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to investigate the Local Planning Committee's activity in regard to compilation of current regulations regarding Shoreline Protection and jurisdiction. Update: Post link of Green Shores document 'Coastal Shore Jurisdiction in BC' issue sheet dated Oct 2009 to the Thetis webpage.	Aleksandra Brzozowski	Nov-20-2013	Done

Nov-20-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to work with a Qualified Environmental Professional and the Meadow Valley Strata owner-developer, Mr. Ian Ralston, to conduct an assessment under the Riparian Areas Regulation for Ralston Creek streams.	Aleksandra Brzozowski	Mar-19-2014	Done
1	Apply to the Union of BC Municipalities for Community to Community funding for hosting a social event between Lyackson First Nation, Valdes property owners and other Thetis Island Trust area residents.	Aleksandra Brzozowski Peter Luckham Mike Richards	Mar-19-2014	Done

Mar-19-2014

No.	Activity	Responsibility	Target Date	Status
1	Staff to prepare and send out event plan for Scenarios workshop.	Aleksandra Brzozowski	Mar-28-2014	Done
1	Summary report on Dayman Island development history and creation of covenant that was approved in 2006.	Marnie Eggen	Apr-10-2014	Done
1	Staff and trustees to create property profiles for the scenarios workshop.	Aleksandra Brzozowski Sue French Peter Luckham	Apr-16-2014	On Going
1	Add 'questions on agenda' to agenda. (look at Southern LTCs)	Aleksandra Brzozowski Becky McErlean	Apr-16-2014	Done
1	Amend APC admin bylaw to eliminate 1-year terms and instead have rotating 2-year terms.	Aleksandra Brzozowski Lisa Webster-Gibson	Jun-04-2014	On Going



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 March 24, 2014

File Number TH-6500-20

To Thetis Local Trust Committee
From Marnie Eggen, Planner 1

Re LTC request for chronology leading up to drafting of Covenant for Dayman Island

At the March 19, 2014 business meeting, the Thetis Local Trust Committee requested staff to prepare a chronology leading up to the drafting of the recent covenant restricting development on Dayman Island. There was concern at the meeting that the 2006 minutes didn't reflect the LTC decision made at the time, which they thought included prohibiting subdivision. Staff have prepared a table that provides a listing of the events leading up to drafting the covenant as requested.

Staff reviewed the 2006 staff report and any subsequent minutes specific to Dayman Island. Although the 2006 resolution format is not typical, staff have conferred with the planning clerk and conclude that the resolution is very clear and unambiguous. The 2006 resolution has been brought forward several times in staff reports and LTC meeting minutes since the resolution was made in 2006.

In review of the options provided to the Local Trust Committee in the 2006 staff report, the option that was approved did not include prohibiting subdivision. The first option recommended by staff was to allow an additional dwelling and a 615 square foot cottage, subject to prohibiting further subdivision of the Island. The second option recommended was to allow an additional dwelling and a 615 square foot cottage, subject to registering a covenant restricting development on the entire island to two dwellings, two cottages (800 square feet in total) and accessory structures. The minutes from the September 7, 2006 meeting clearly indicate that the second option was approved by the LTC. Staff note that the resolution includes a reference to page 8 of the staff report where only the second option is listed (and not the first option). At the subsequent meeting in November 2006, the minutes of the September 2006 meeting were adopted by the LTC as written.

Subsequently, in 2013, the LTC was presented with the 2006 resolution and requested to enter into a restrictive covenant that reflected the 2006 resolution. The LTC resolved to enter into such a covenant, and in November 2013 the minutes of the September 2013 meeting were adopted by the LTC.

Table 1: Chronology of development approval on Dayman Island leading up to drafting of the covenant limiting development on Dayman Island

Date	Event and Staff Comments	Attachments
December 2013	Covenant is registered with Land Titles Office.	1: registered covenant
November 2013	LTC approved the September 2013 meeting minutes with minor amendments; none with reference to Dayman Island discussion.	2: November 2013 agenda, includes September 2013 meeting minutes 3: November 2013 meeting minutes
September 2013	At the September 25, 2013 LTC meeting, the LTC considered a staff report regarding entering into a restrictive covenant with the owners of Dayman Island as per the 2006 LTC resolution. The staff report contained the explicit resolution from 2006.	4: September 23, 2013 Staff Report, agenda late item
November 2006	LTC approved the September 2006 meeting minutes as written.	5: November 2006 agenda, includes September 2006 meeting minutes 6: November 2006 meeting minutes
September 2006	At the September 7, 2006 LTC meeting, the LTC considered a staff report regarding proposed development on Dayman Island (unzoned area). Staff provided two recommended options. LTC approved the second recommended option, allowing two dwellings and one 615 square foot cottage conditional on registering a covenant restricting development to: • Two dwellings • Two cottages, 800 square feet in total • Accessory structures	7: September 7, 2006 meeting agenda

Copy: Aleksandra Brzozowski

Attachments:

- 1: registered covenant
- 2: November 2013 agenda, includes September 2013 meeting minutes
- 3: November 2013 meeting minutes, includes approval of September 2013 meeting minutes
- 4: September 23, 2013 Staff Report, agenda late item
- 5: November 2006 agenda, includes September 2006 meeting minutes

- 6: November 2006 meeting minutes, includes approval of September 2006 meeting minutes
- 7: September 7, 2006 meeting agenda

LAND TITLE ACT
FORM C (Section 233) CHARGE

Nov-27-2013 17:03:23.001

CA3477976 CA3477978

GENERAL INSTRUMENT - PART 1 Province of British Columbia

UNLOCK

1385598627 PAGE 1 OF 15 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.

Jyotika Shobna
Reddy 9XM17Y

Digitally signed by Jyotika Shobna Reddy 9XM17Y
DN: c=CA, cn=Jyotika Shobna Reddy 9XM17Y, o=Lawyer, ou=Verify ID at www.juricert.com/LKUP.cfm? id=9XM17Y
Date: 2013.11.27 16:55:57 -08'00'

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

Import Profile

R. BROCK JOHNSTON

CLARK WILSON LLP

900 - 885 WEST GEORGIA STREET

VANCOUVER

BC V6C 3H1

Telephone: 604.687.5700

File: 40608-0001

CW6741318

Document Fees: \$220.50

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

007-818-459

LOT 8, THETIS ISLAND, COWICHAN DISTRICT, (KNOWN AS DAYMAN
ISLAND)

No PID NMBR

STC? YES ☐

Pick up STC?

Use 30 Parcel Schedule

Use 3 Parcel Schedule

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Use Schedule

SEE SCHEDULE

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):

Use Schedule

SEE SCHEDULE

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

Use Schedule

SEE SCHEDULE

Joint Tenants?

7. ADDITIONAL OR MODIFIED TERMS:

Use Schedule

N/A

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)

Execution Date

Transferor(s) Signature(s)

Y	M	D

See Form D

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.

More Signatures

६४

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 5 OF 15 PAGES

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

Section 219 Covenant

Page 7

Person Entitled to Interest: Transferee

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Statutory Right of Way

Section 218 Statutory Right of Way

Page 7

Person Entitled to Interest: Transferee

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Rent Charge

Pages 7 - 8

Person Entitled to Interest: Transferee

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

**LAND TITLE ACT
FORM E****SCHEDULE**

PAGE 6 OF 15 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):

MATTHEW JOSEPH BRISTER (as to an undivided 50/100 interest) and JAMES WALKER
DAVIDSON and PATRICIA MARIE DAVIDSON (as to an undivided 50/100 interest as joint tenants)

6. TRANSFEREE(S):

THETIS ISLAND LOCAL TRUST COMMITTEE
Incorporated pursuant to the Island Trust Act
Suite 200, 1627 Fort Street
Victoria, BC V8R 1H8

**TERMS OF INSTRUMENT –
LAND USE COVENANT, STATUTORY RIGHT OF WAY AND RENT CHARGE**

This Agreement dated for reference November 25, 2013, is

BETWEEN:

MATTHEW JOSEPH BRISTER

~~322 Seimitar Bay N.W.~~ 1901 - 600 Princeton Way SW
~~Calgary, AB~~ Calgary, AB T2P 5N4

AND

JAMES WALKER DAVIDSON and PATRICIA MARIE DAVIDSON

3616 Elbow Drive SW
Calgary, AB T2S 1L8

(collectively the "Owner")

AND:

THETIS ISLAND LOCAL TRUST COMMITTEE, incorporated pursuant to the *Islands Trust Act*, having an office at 200 – 1627 Fort Street, Victoria, BC V8R 1H8.

(the "Local Trust Committee")

WHEREAS:

- A. The Owner is the registered owner in fee simple of PID 007-818-459, Lot 8, Thetis Island, Cowichan District, (known as Dayman Island) located within the Thetis Island Local Trust Area established by the *Islands Trust Act*;
- B. Dayman Island is not covered by a zoning bylaw, and according to the *Islands Trust Act* the Owner cannot lawfully begin construction on the land unless the construction is approved by the Thetis Island Local Trust Committee;
- C. In giving such approval, the Thetis Island Local Trust Committee wishes to make Dayman Island subject to land use restrictions that are similar to those that are in effect on Thetis Island at the time such approval is given;
- D. The Owner wishes to grant the Local Trust Committee a covenant containing such restrictions pursuant to s. 219 of the *Land Title Act*, and a statutory right of way over the Land pursuant to s. 218 of the *Land Title Act*;
- E. The statutory right of way granted in this Agreement is necessary for the administration of the covenants granted in this Agreement and the

operation and maintenance of the undertaking of the Local Trust Committee;

- F. The Local Trust Committee is authorized to accept covenants pursuant to s. 219 of the *Land Title Act*, and statutory rights of way pursuant to s. 218 of the *Land Title Act*;

NOW THEREFORE in consideration of the payment of \$2.00 by the Local Trust Committee to the Owner, the receipt and sufficiency of which are acknowledged by the Owner, and in consideration of the promises exchanged below, the Owner grants to the Local Trust Committee a statutory right of way pursuant to s. 218 of the *Land Title Act* and a covenant pursuant to s. 219 of the *Land Title Act* on the terms set out herein:

1. Covenant Restrictions

The Owner covenants and agrees that only the following buildings and structures may be constructed or erected on the Land:

- (a) a maximum of two single-family dwellings;
- (b) a maximum of two cottages with an aggregate floor area of 800 square feet, exclusive of up to 330 square feet of loft area not including stairs providing access to the loft, and for this purpose "floor area" means floor area as defined in Thetis Island Land Use Bylaw No. 89, 2011 as amended or replaced from time to time; and
- (c) non-residential buildings and structures accessory to the single-family dwellings and cottages.

2. Statutory Right of Way

The Owner grants to the Local Trust Committee for so long as the covenants set out in this Agreement are registered against title to the Land, the full, free and uninterrupted right, license, liberty and easement to enter upon the Land, at all reasonable times upon prior written notice by the Local Trust Committee to the Owner of at least 5 Business Days, to determine whether the Owner is in compliance with the covenants.

3. Rent Charge

- (a) The owner grants to the Local Trust Committee in perpetuity a Rent Charge in the initial amount of \$10,000.00 to be adjusted annually as provided for in this Agreement, which Rent Charge shall be the absolute property of the Local Trust Committee in fee simple and issue and be payable from the Land without any set-off or deduction.

- (b) The obligation of the Owner to pay the Rent Charge is suspended and deferred so long as the Owner is not in breach of this Agreement.
- (c) Upon the Owner being in breach of the Agreement, a Rent Charge of \$10,000.00 (the "Rent Charge Amount") shall forthwith become due and payable by the Owner to the Local Trust Committee, and the Rent Charge shall thereafter accrue from day to day at the rate of \$5,000.00 per annum so long as the breach continues, to a maximum of \$100,000.00, and shall be paid on demand.
- (d) The Rent Charge shall rank in priority to all financial charges and encumbrances burdening or charging the Land.
- (e) The Local Trust Committee may exercise any and all remedies available at law or in equity for enforcement of the Rent Charge, and without limiting the foregoing may sue in debt and levy distress against the Land.
- (f) The Rent Charge Amount shall be adjusted on January 1 of each year beginning in the year following that in which this Agreement is executed, by increasing or decreasing, as the case may be, the Rent Charge Amount by the amount determined by multiplying the Rent Charge Amount on December 31 immediately preceding by the percentage increase or decrease, as the case may be, in the All-Items Consumer Price Index published by Statistics Canada or its successor in function for Victoria, B.C between the previous January 1 and that December 31, and adding the amount so determined to the Rent Charge Amount as it stands on that December 31. If Statistics Canada or its successor in function ceases to publish a Consumer Price Index or comparable indicator as determined by the Local Trust Committee in its sole discretion, the parties agree that the factor to be used in determining the Rent Charge Amount for each year shall be +3%.

4. Notice

- (a) Any notice, request for approval or consent under this Agreement may be given by any of the following means:
 - (i) delivered in person;
 - (ii) sent by email to the parties at their respective email addresses set out below, if the parties have provided email addresses, followed by a copy sent by ordinary mail; or
 - (iii) sent by pre-paid registered mail, addressed to the parties at their respective addresses set out below.

- (b) Unless otherwise provided, a notice
 - (i) Delivered in person is deemed received on delivery;
 - (ii) Sent by email:
 - 1. If transmitted before 3:00 pm on a Business Day, is deemed to be received on the day of transmission;
 - 2. If transmitted after 3:00 pm on a Business Day or transmitted on a day that is not a Business Day, is deemed to be received on the next day that is a Business Day; and
 - (iii) Sent by pre-paid registered mail is deemed received on the fourth Business Day following the day on which the notice was sent.
- (c) The addresses of the parties for notice are as follows:

The Owner:

MATTHEW JOSEPH BRISTER
~~322 Scimitar Bay N.W.~~ 1901 - 600 Princeton Way SW
~~Calgary, AB T3L 1L8~~ Calgary, AB T2P 5N4

Email: MattB@chinookenergyinc.com

AND

JAMES WALKER DAVIDSON and PATRICIA MARIE
DAVIDSON
~~3616 Elbow Drive SW~~ c/o Patricia Davidson
~~Calgary, AB T2S 1L8~~ 3616 Elbow Drive SW
Calgary AB T2S 1L8

Email: pdavidson@paperlessdesk.net

provided that if the ownership of the Land has changed, the address of the owner is that of the registered owner in fee simple as indicated on title to the Land at the time of notice.

The Local Trust Committee:

THETIS ISLAND LOCAL TRUST COMMITTEE
2nd floor, 1627 Fort Street
Victoria, B.C. V8R 1H8

Email: information@islandstrust.bc.ca.

- (d) Each party agrees to give written notice to the others of any change in its address from that set out in this section as soon as reasonably practicable following such change of address.

5. No Exemption from Jurisdiction

Nothing in this Agreement shall exempt the Owner from any statutory requirement or imposition or from the ordinary jurisdiction of the LTC, its bylaws, permits, regulations and orders. In the event that compliance with this Agreement necessarily entails the breach of any bylaw, permit, regulation or order of the LTC, the Owner must comply with the bylaw, permit, regulation or order and need not comply with the Agreement.

6. Approvals

Wherever in this Agreement the approval or consent of the Local Trust Committee is required, or some act or thing is to be done to the satisfaction of a Local Trust Committee:

- (a) such approval, consent or expression of satisfaction may be given by an officer of the Local Trust Committee designated in writing by the Local Trust Committee for such purpose, and if no such officer has been designated, by the Local Trust Committee's chief operating officer;
- (b) such approval, consent or expression of satisfaction shall not be deemed to have been fulfilled or waived unless it is received from the Local Trust Committee in writing;
- (c) no prior approvals, consents or expressions of satisfaction and no condoning, excusing or overlooking by the Local Trust Committee, or any of them, on previous occasions when such approvals, consents or satisfactions were required shall be taken to operate as a waiver of the necessity for such approvals, consents or expressions of satisfaction whenever required by this Agreement;
- (d) any approvals or consents may be given on terms and conditions, provided the terms and conditions imposed by each Local Trust Committee are identical; and
- (e) the discretion of the LTC shall be contractual only, and shall not be subject to public law duties, and the principles of procedural fairness and the rules of natural justice shall have no application.

7. No Derogation and Permissive Rights

- (a) Nothing contained or implied herein shall impair, limit or affect the LTC's rights and powers in the exercise of its functions pursuant to the *Islands Trust Act* or pursuant to any other enactment, and all such powers and rights may be fully exercised in relation to the Land as if the covenants herein had not been granted by the Owner.
- (b) The rights of the Local Trust Committee pursuant to this Agreement are not obligations and such rights may be exercised at the sole discretion of the Local Trust Committee. Without limiting the generality of the foregoing, nothing in this Agreement obliges the Local Trust Committee to perform any act or incur any expense.

8. Priority

The Owner shall after executing this Agreement do or cause to be done all acts reasonably necessary to grant priority to the s. 219 covenant and the statutory right of way contained in this Agreement over all charges and encumbrances which may have been registered against title to the Land in the Land Title Office save and except those which have been granted to the LTC.

9. Further Acts

The Owner shall do and cause to be done all things and shall execute and cause to be executed all plans, documents and other instruments which may be necessary to give proper effect to the intention of this Agreement and the covenants and rights granted in this Agreement.

10. Owner's Indemnity

The Owner covenants to and does hereby indemnify and save harmless each of the Local Trust Committee, their respective officers, employees, contractors and agents at all times from all losses, damages, actions, suits, claims, demands, costs, expenses, fines and liabilities of any nature whatsoever by whomsoever brought, made or suffered for which the Local Trust Committee shall or may become liable, incur or suffer by reason of any injury to person (including death) or loss or damage to property or economic loss:

- (a) arising directly or indirectly from a breach or non-performance of this Agreement and the covenants herein by the Owner, its officers, employees, agents, contractors, licensees, and invitees;
- (b) arising directly or indirectly from the proper exercise by the Owner of any rights to use the Land pursuant to this Agreement or in the fulfilling of its obligations pursuant to this Agreement; or

- (c) arising directly or indirectly from any intentional act, or from any omission, default or negligence of the Owner, its officers, employees, agents, licensees, contractors, or invitees in the use of the Land.

11. Performance at Cost of Owner

Unless otherwise expressly provided in this Agreement, whenever the Owner is obliged or required to do or cause to be done any act, matter or thing, such act, matter or thing shall be done by the Owner at its sole expense.

12. Representations and Warranties

The Local Trust Committee each represent and warrant that they are persons authorized to hold covenants pursuant to s. 219 of the *Land Title Act*, and statutory rights of way pursuant to s. 218 of the *Land Title Act*.

13. Entire Agreement

This is the entire Agreement between the parties and none of the Local Trust Committee has made any representations, warranties, guarantees, promises, covenants or agreements to or with the Owner other than those expressed in writing in this Agreement.

14. Interpretation

- (a) This Agreement is comprised of the recitation of the parties, the recitals to this Agreement, the express terms of the Agreement, and the Schedules to the Agreement.
- (b) Where this Agreement says something is in the "sole discretion" of a party, that thing is within the sole, absolute and unfettered discretion of that party.
- (c) The rights of the Local Trust Committee under this Agreement may be exercised by each of them independently unless this Agreement expressly provides otherwise.
- (d) In this Agreement:
 - (i) wherever the singular or masculine is used it shall be construed as meaning the plural or the feminine or the body corporate or politic where the context so requires;
 - (ii) any reference to effluxion of time shall be calculated on the basis of the initiation and conclusion of the action having occurred at Pacific Time;

(iii) every reference to a party is deemed to include heirs, executors, administrators, successors, assigns, officers and employees of such parties wherever the context so requires or allows; and

(iv) the headings are inserted for reference and convenience only and must not be used to construe or interpret the Agreement.

15. Severance

All provisions of this Agreement are to be construed as covenants and should any section or lesser portion of this Agreement be held invalid or unenforceable by a court of competent jurisdiction, such section or portion shall be severed and the invalidity or unenforceability of such section or portion shall not affect the validity of the remainder which shall remain binding on the Owner and shall charge the Land and be enforceable to the fullest extent of the law.

16. No Liability in Tort

The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this Agreement as a covenant under seal. Without limiting the generality of the foregoing, the parties agree that no tort or fiduciary obligations or liabilities of any kind are created or exist between the parties in respect of this Agreement and nothing in this Agreement creates any duty of care or other duty on any of the parties to anyone else. For clarity, the intent of this section is to, among other things, exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

17. Waiver

An alleged waiver of any breach of this Agreement is effective only if it is an express written waiver signed by the party alleged to have waived a breach, and is only effective to the extent of that express waiver and does not operate as a waiver of any other breach.

18. Time

Time is of the essence of this Agreement.

19. Interest in Land

The statutory right of way and covenants in this Agreement shall charge the Land pursuant to s.219 and s.218 of the *Land Title Act* as the case may be and the burden of all the covenants in this Agreement shall run with the Land and bind the successors in title to the Land and charge the Land and every part into which the Land may be divided or subdivided.

20. Enurement

This Agreement shall enure to the benefit of and be binding upon the Parties.

21. Independent Advice

The Owner acknowledges and agrees that the Owner has sought and obtained, to the Owner's satisfaction, independent legal advice as to the meaning and effect of this Agreement, and the Owner further acknowledges and agrees that no legal advisor of the Local Trust Committee has advised the Owner on the meaning or effect of this Agreement or in connection with this Agreement.

22. British Columbia Agreement

This Agreement shall be interpreted in accordance with the laws of the Province of British Columbia.

23. Execution

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



A NOTICE OF A BUSINESS MEETING OF **THE THETIS ISLAND LOCAL TRUST COMMITTEE**
to be held at 9:15 am on Wednesday, November 20, 2013 at Thetis Island Community Centre
(Forbes Hall Library) North Cove Road, Thetis Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		9:15 am
2.	APPROVAL OF AGENDA		
3.	TOWN HALL SESSION (10 MINUTES)		
4.	MINUTES		
4.1	Local Trust Committee Meeting Minutes of September 25, 2013 - <i>for adoption</i> - <i>attached</i>	1	9:30 am
4.2	Section 26 Resolutions Without Meeting Log - <i>none</i>		
4.3	Advisory Planning Commission Meeting Minutes - <i>none</i>		
4.4	Ruxton Island Advisory Planning Commission Meeting – <i>none</i>		
5.	BUSINESS ARISING FROM MINUTES		
5.1	Follow-up Action List dated November 12, 2013 - <i>attached</i>	10	9:40 am
6.	DELEGATIONS – <i>none declared</i>		
7.	CORRESPONDENCE - <i>none</i> <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>		
8.	APPLICATIONS AND PERMITS - <i>none</i>		
9.	LOCAL TRUST COMMITTEE PROJECTS		9:50 am
9.1	Dock Regulations Options for Ruxton Island		
9.1.1	Staff Report dated November 8, 2013 - <i>attached</i>	11	
9.2	Associated Islands Land Use Bylaw		
9.2.1	Staff Report dated October 29, 2013- <i>attached</i>	37	
9.2.2	Draft Land Use Bylaw - <i>attached</i>	45	
9.3	Riparian Areas Regulation Project Update		
9.3.1	Staff Report dated October 31, 2013 - <i>attached</i>	83	
9.4	Shoreline Protection		
9.4.1	Memorandum dated November, 2013 – <i>to be distributed</i>		
9.4.2	Letter dated October 23, 2013 from Bob Bingham - <i>attached</i>	89	
9.4.3	Letter dated October 31, 2013 from Anne Barr - <i>attached</i>	90	

	BREAK		11:30 am
10.	REPORTS		11:45 am
10.1	Work Program Reports		
	10.1.1 Top Priorities and Projects Report dated November 12, 2013- <i>attached</i>	92	
10.2	Applications Log		
	10.2.1 Report dated November 12, 2013 - <i>attached</i>	94	
10.3	Trustee and Local Expenses		
	10.3.1 Expenses posted to September 30, 2013 - <i>attached</i>	95	
	10.3.2 Expenses posted to October 30, 2013 - <i>attached</i>	96	
10.4	Chair's Report		
10.5	Trustees' Report		
10.6	Advisory Planning Commission Report - <i>none</i>		
11.	NEW BUSINESS		12:00 pm
11.1	Briefing regarding Strategic Plan from Linda Adams, Chief Administrative Officer, dated October 3, 2013 - <i>attached</i>	97	
11.2	Salt Spring Island Bylaw Referral Request for Response regarding Bylaw No. 470 - <i>attached</i>	114	
11.3	Salt Spring Island Bylaw Referral Request for Response regarding Bylaw No. 471 - <i>attached</i>	116	
11.4	Application for Community to Community (C2C) Funding (Union of BC Municipalities (UBCM) Program) – <i>for discussion</i>		
11.5	Model Housing Resolution from Federation of Canadian Municipalities (FCM) – <i>attached for discussion</i>	118	
12.	BYLAWS - <i>none</i>		
13.	ISLANDS TRUST WEBSITE		
13.1	Thetis Pages – <i>for discussion</i>		12:35 pm
14.	TOWN HALL DISCUSSION (10 MINUTES – TIME PERMITTING)		
15.	NEXT MEETING DATE		
	Wednesday, February 5, 2014 at 9:15 am at Thetis Island Community Centre (Forbes Hall Library) North Cove Road, Thetis Island, BC		
16.	ADJOURNMENT		12:45 pm

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



Thetis Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Wednesday, September 25, 2013
Location: Thetis Island Community Centre, Forbes Hall Hunter Room
292 North Cove Road, Thetis Island, BC

Members Present: Ken Hancock, Chair
Peter Luckham, Local Trustee
Sue French, Local Trustee

Staff Present: Aleksandra Brzozowski, Island Planner
Janice Young, Recorder

Media And Others Present: There were two (2) members of the public in attendance

1. CALL TO ORDER

Chair Hancock called the meeting to order at 9:18 am, welcoming those present and introduced himself, the local trustees and staff. He acknowledged Thetis Island's location within the traditional territories of the Coast Salish people.

2. APPROVAL OF AGENDA

Planner Brzozowski asked to add item 11.4 - Staff Report Regarding Cost Recovery Agreement for Legal Review of a Covenant Restricting Development on Dayman Island, unzoned area. The agenda was approved by general consent.

3. TOWN HALL - None

4. MINUTES

4.1 Local Trust Committee Draft Minutes of July 24, 2013

The minutes of the July 24, 2013 Thetis Island Local Trust Committee were reviewed and adopted by consensus with the following amendments:

- Item 12.1.1, page 5, change date to July 16, 2013.
- Item 12.4, page 5, line two, replace "a focus on privacy laws and advocacy" with "workshops on freedom of information and advocacy".

- Item 16, page 7, line one, add “small” before the word “cost” and “great” before the word “benefit” and, line five move the sentence beginning with “Also” to begin a new paragraph and change to read “ Also, that the possible amendments regarding ocean loop geothermal exchange systems are on the Projects List.”

4.2 Local Trust Committee Draft Minutes of August 3, 2013

The minutes of the August 3, 2013 Thetis Island Local Trust Committee were reviewed and adopted by consensus with the following amendments:

- Item 4.2, replace the first sentence with “Acting Chair Luckham left the meeting for another commitment at 1:50PM; the meeting was therefore adjourned. Discussion continued.”
- All references to “Acting Chair French” be removed.

4.3 Local Trust Committee Draft Minutes of August 8, 2013

The minutes of the August 8, 2013 Thetis Island Local Trust Committee were reviewed and adopted by consensus with the following amendments:

- Change Media and Others Present to read: There were thirty-five (35) members of the public in attendance including: Andrew Stone, Videographer, Ramona de Graaf, Biologist, John Readshaw, Coastal Forces Engineer, and Stephanie Cottell with Suzanne Sarioglu representing the Thetis Island Nature Conservancy (ThINC).
- Item 2, change the call to order time to 6:45.
- Item 3, change “de Graff to “de Graaf”.
- Item 5, line one, change “de Graff” to “de Graaf”.
- Item 5, before “A question and answer period ensued.” Insert “Chair Hancock left the meeting at 9:30pm.”

4.4 Section 26 Resolutions Without Meeting Log - None

4.5 Advisory Planning Commission Meeting – None.

4.6 Ruxton Island Advisory Planning Commission Meeting - None

5. BUSINESS ARISING FROM MINUTES

5.1 Follow Up Action List Dated September 12, 2013

Planner Brzozowski presented the Follow Up Action List.

Discussion followed. Planner Brzozowski will have an update on Riparian Area Regulation implementation for Ralston Creek at the next meeting.

Planner Brzozowski will also report back on the progress of Resolution TH 024/13 regarding the participation of the TH LTC with a pilot of the

Green Shores Program, and will add to the Follow Up Action List.

6. **DELEGATIONS** – None.

7. **CORRESPONDENCE** – None.

8. **APPLICATIONS AND PERMITS** – None.

9. **LOCAL TRUST COMMITTEE PROJECTS**

9.1 **Associated Islands Official Community Plan Project - status update.**

9.1.1 Staff Report dated September 11, 2103

Planner Brzozowski presented the report; discussion followed.

Timeline was changed in the interest of providing First Nations with the most current draft.

TH 029/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee direct Staff to prepare a summary report on the various options available to address docks on Ruxton Island and their implications, including a more technical inquiry into temporary docks, shared docks, development permit area guidelines, site-specific zoning and rezoning.

CARRIED

TH 030/13

It was MOVED and SECONDED,

the Thetis Island Local Trust Committee keep the policy in their Official Community Plan not permitting short term vacation rentals; amend the sentence to say “*Short term vacation rentals should not be permitted except under Temporary Use Permit*”; and that Staff be directed to draft conditions.

CARRIED

TH 031/13

It was MOVED and SECONDED,

that the Crown Land on Ruxton Island be designated as follows:

- 1) Lot #84, for community service, and
- 2) The lot in proximity to the wetland, for conservation.

CARRIED

TH 032/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee direct Staff to further investigate the options for noting the unmarked road on Reid Island.

CARRIED

TH 033/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee receive and endorse the revised Thetis Associated Islands Official Community Plan/Land Use Bylaw Communications Plan.

CARRIED

9.2 Riparian Areas Regulation Project - status update.

Verbal update by Planner Brzozowski. Upcoming meeting on October 15 to discuss the various options; Planner will report back at the November Local Trust Committee meeting.

9.3 Shoreline Protection Program - status update.

9.3.1 Memorandum dated September 7, 2013

Memorandum presented by Planner Brzozowski.

Discussion regarding special event of August 8, 2103, "Stewarding Our Shores" ensued.

Trustee French spoke to the importance of communication between Staff and Presenters:

- Ensuring that everyone knows the agenda;
- That logistics such as meals and transportation are clearly arranged; and
- That facilities at the intended venue are assessed ahead of time.

Trustee Luckham added that there needs to be a work flow process that is very clear; who is taking care of what.

The DVD is in the works and will be made available for distribution as soon as possible.

TH 034/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee direct Staff to investigate the Local Planning Committee's activity in regard to compilation of current regulations regarding Shoreline Protection and jurisdiction.

CARRIED

Discussion Regarding participation survey from Stewarding our Shores Survey. Ideas included:

- Consolidate the information from surveys in some way for future reference;
- Continue to have educational sessions; and
- Be clear with speakers as to three main points, as well as timeframe.

For the next Local Trust Committee meeting, Trustees will prepare a list of events and speakers that have already happened and look at what points they took away from these presentations. Think about what three points would be that we want to get across in future events and presentations. Ask the community for input and dialogue. Bring contractors into the dialogue.

Ernie Hunter spoke to the importance of keeping communication regarding the Green Shores project open and have ongoing dialogue so we all learn together.

Staff will post upcoming Green Shores Community workshops on E-Spokes.

The Thetis Island Local Trust Committee is interested in supporting financially and photographically the upcoming Sharing Our Shores brochure and booklet.

TH 035/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee supports Planner Brzozowski to attend the Green Shores workshop.

CARRIED

10. REPORTS

10.1 Work Program Reports

10.1.1 Top Priorities and Project Report Dated September 12, 2013

The Program Priorities and Projects report was presented and discussed.

10.2 Applications Log

10.2.1 Report Dated September 12, 2013

The Applications Log report was presented and discussed.

10.3 Trustee and Local Expenses

10.3.1 Expense Report Dated July 31, 2013

The Expense report were presented and discussed.

10.3.2 Expense Report Dated August 31, 2013

The Expense report were presented and discussed.

10.4 Chair's Report

Chair Hancock reported that he, along with Trustee Luckham and Chair Malcolmson, represented the Executive Committee at the Union of British Columbia Municipalities (UBCM) Convention in Vancouver on September 16 to 20, 2013. The convention brought forth several successful motions including:

- Urging the Province to do some meaningful work to resolve the issues of derelict vessels;
- Requesting British Columbia to be Genetically Modified Organism (GMO)/Genetically Engineered (GE) Free Zone; and
- Supporting a Howe Sound Management Plan.

The Executive Committee delegates also attended Reconciliation Week activities and were able to attend a session of residential school witness testimony.

10.5 Trustees' Reports

Trustee French attended a Trust Council meeting held on Lasqueti Island on September 10 to 12, 2013. Along with the business at hand, there were short pieces of entertainment including a children's marimba band. Trustee French spoke of being reminded of the differences in the islands and distinct island cultures.

Trustee Luckham reported that on Lasqueti Island, there were two notable community presentations; one by the Last Resort Society, who is working to create long-term facilities and services on Lasqueti, and the second by the Forage Fish Team. Trust Council presented the Stewardship Award to the Lasqueti Island Forage Fish Team for its work monitoring beaches for forage fish habitat.

Trustee Luckham also reported on the UBCM convention and two important sessions:

- Steven Lewis, as the keynote speaker, addressed climate change and Truth and Reconciliation Commission of Canada (TRC); and
- The second session addressed off reserve First Nations and government resources available. The key question posed was: "What does reconciliation mean?" Roundtable and group discussion were included.

Trustee Luckham added that he is meeting with Lyackson Council member Jennifer Jones, and will put aside agenda items and focus on relationship building and expanding.

10.6 Advisory Planning Commission Report - None

11. NEW BUSINESS

11.1 2013-2015 Budget Submissions

11.1.1 Memorandum dated August 1, 2103

TH 036/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee approve and forward the draft 2014-2015 Local Trust Committee Project Budget submission to Financial Planning Committee as presented.

CARRIED

11.2 Proposed meeting Schedule for 2014

TH 037/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee adopt the Business Meeting Schedule for 2014.

CARRIED

11.3 Bylaw Referral from Galiano Island Trust Area regarding Bylaw No. 241

TH 038/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust interests are unaffected by Galiano Trust Area Bylaw No. 241.

CARRIED

11.4 Staff Report Regarding Cost Recovery Agreement for Legal Review of a Covenant Restricting Development on Dayman Island, unzoned area

Staff Report presented by Planner Brzozowski. A brief discussion followed.

TH 039/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee instruct Staff to enter into a cost recovery agreement with the owners of Dayman Island allowing Islands Trust legal counsel to draft and/or review a covenant that restricts development of Dayman Island to the following, as per the September 7, 2006, Thetis Island Local Trust Committee resolution:

That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Michelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the *Islands Trust Act* the Thetis Island Local Trust Committee **Approve** the following construction on Dayman Island:

- one additional dwelling unit; and
- one guest cottage of approximately 615 square feet in floor area;

conditional upon the registration of a Section 219 restrictive covenant limiting the development of the entire **island** to:

- two dwelling units,
- two seasonal cottages (800 square feet in total), and
- accessory structures.

CARRIED

12 BYLAWS – None.

13 ISLANDS TRUST WEBSITE - Usual updates.

14 TOWN HALL DISCUSSION

Ernie Hunter asked what the importance is of the unmarked road on Reid Island. Staff replied that there isn't necessarily any significance to it, but it was unknown to staff and should be investigated.

15 NEXT MEETING DATE

Wednesday, November 20, 2103, 9:15 am at Thetis Island Community Centre (Forbes Hall) North Cove Road, Thetis Island, BC.

16 ADJOURNMENT

The meeting was adjourned by consensus at 12:55 pm.

Ken Hancock, Chair

CERTIFIED CORRECT:

Janice Young, Recorder



Follow Up Action Report w/ Target Date

Thetis Island Feb-08-2012

No.	Activity	Responsibility	Target Date	Status
1	Develop recommendations for a joint proactive enforcement strategy with the CVRD.	Miles Drew	Jun-30-2013	On Going

May-23-2012

No.	Activity	Responsibility	Target Date	Status
1	Report to LTC on use of neighbourhood mediation on Thetis.	Miles Drew	Jun-30-2013	On Going

Nov-21-2012

No.	Activity	Responsibility	Target Date	Status
1	Provide report on existing level of protection on Ralston Creek including future plans and options for enhanced level of protection. Update: Working with Ian Ralston to explore options and possible further stream assessment.	Aleksandra Brzozowski Jason Youmans	Feb-06-2013	On Going

Sep-25-2013

No.	Activity	Responsibility	Target Date	Status
1	Prepare a summary report on the various options available to address docks on Ruxton Island and their implications, including a more technical inquiry into temporary docks, shared docks, development permit area guidelines, site-specific zoning and rezoning.	Aleksandra Brzozowski	Nov-20-2013	On Going
1	Staff to investigate the Local Planning Committee's activity in regard to compilation of current regulations regarding Shoreline Protection and jurisdiction.	Aleksandra Brzozowski Kris Nichols	Nov-20-2013	On Going



Thetis Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Wednesday, November 20, 2013 – 9:15 am
Location: Thetis Island Community Centre, Forbes Hall Hunter Room
 292 North Cove Road, Thetis Island, BC

Members Present: Ken Hancock, Chair
 Peter Luckham, Local Trustee
 Sue French, Local Trustee

Staff Present: Aleksandra Brzozowski, Island Planner
 Jason Youmans, Planner 1
 Janice Young, Recorder

Media and Others Present: There were six (6) members of the public in attendance

1. CALL TO ORDER

Chair Hancock called the meeting to order at 9:32 am, welcomed those present, introduced himself and acknowledged Thetis Island's location within the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 9.4.1 Staff Report dated November 19, 2013 (replaces Memorandum dated November, 2013)
- 9.4.1(i) Memorandum to Local Planning Committee dated October 25, 2013
- 9.4.1(ii) Stakeholder Matrix for Potential Green Shores Pilot Project
- 9.4.4 Letter dated November 13, 2013 from Peter Barr

By general consent the agenda was approved, as amended.

3. TOWN HALL

Carolyn Askew asked if there are Trust programs dedicated to the natural restoration of eelgrass.

Chair Hancock and Planner Brzozowski responded that some islands have volunteer working groups trained by Seachange Marine Conservation Society. Information is available at seachangesociety.com.

Trustee Luckham noted that the mapping of eelgrass for Thetis Island and its Associated Islands was a Trust project.

Bob Bingham referred to his letter to the Trustees, dated October 23, 2013 and his third point with questions regarding the drafted Marine Shorelands Development Permit Area (MSDPA) from 2011. A specific concern was the authority of the Local Trust Committee in the Development Permit Area process.

Chair Hancock responded that Trustees would still make the final decisions on any development permit applications, and then spoke to the procedural differences between a development permit and a development variance permit.

Peter Barr and **Ian Ralston** also spoke regarding concerns about the MSDPA.

Ernie Hunter thanked the Local Trust Committee for the extended Town Hall discussion.

4. MINUTES

4.1 Local Trust Committee Draft Minutes of September 25, 2013

The following amendments to the minutes were presented for consideration:

- Item 9.3.1, page 4, fourth line down add after "Staff", the word "Trustees".
- Item 9.3.1, page 4, line two, change "2103" to "2013".

By general consent the Local Trust committee meeting minutes of September 25, 2013 were adopted as amended.

4.2 Section 26 Resolutions Without Meeting Log - None

4.3 Advisory Planning Commission Meeting – None

4.4 Ruxton Island Advisory Planning Commission Meeting - None

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List Dated November 12, 2013

Planner Brzozowski presented the Follow-up Action List.

6. DELEGATIONS – None

7. **CORRESPONDENCE – None**

8. **APPLICATIONS AND PERMITS – None**

9. **LOCAL TRUST COMMITTEE PROJECTS**

9.1 **Dock Regulations Options for Ruxton Island**

9.1.1 Staff Report dated November 8, 2013

Planner Youmans presented options; discussion followed.

TH 040/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee establish a zone in the Land Use Bylaw around the perimeter of Ruxton Island within which docks are not a permitted use.

CARRIED

TH 041/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee include a policy in the Thetis Associated Islands Official Community Plan that the Local Trust Committee will support rezoning for community docks.

CARRIED

TH 042/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee refer this report to the Ruxton Island Advisory Planning Commission for comment.

CARRIED

9.2 **Associated Islands Land Use Bylaw**

9.2.1 Staff Report Dated October 29, 2013

9.2.2 Draft Land Use Bylaw

Presented by Planner Brzozowski; discussion followed; changes noted.

TH 043/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee direct Staff to amend the draft Associated Island Land Use Bylaw with changes as directed by the Local Trust Committee and post the revised draft Land Use Bylaw to the Thetis Local Trust Committee webpage.

CARRIED

TH 044/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee refer the revised Land Use Bylaw to the Ruxton Island Advisory Planning Commission for comment.

CARRIED

TH 045/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee refer the revised Land Use Bylaw to the Lyackson First Nation and Cowichan Valley Regional District.

CARRIED

9.3 Riparian Areas Regulations Project Update

9.3.1 Staff Report dated October 31, 2013

Staff Report presented by Planner Brzozowski; discussion followed.

TH 046/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee direct Staff to work with a Qualified Environmental Professional and the Meadow Valley Strata owner-developer, Mr. Ian Ralston, to conduct an assessment under the Riparian Areas Regulation for Ralston Creek streams.

CARRIED

TH 047/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee change the Activity column of Top Priority No. 2 to: "Ensure protection of freshwater ecosystems in the Ralston Creek watershed through review of current regulation and covenants, and possible bylaw amendment".

CARRIED

By general consent the meeting was recessed at 11:44 am and reconvened at 12:16 pm.

9.4 Shoreline Protection

9.4.1 Staff Report dated November 19, 2013

Staff Report presented by Planner Brzozowski; discussion followed.

9.4.1(i) Memorandum to Local Planning Committee dated October 25, 2013

9.4.1(ii) Stakeholder Matrix for potential Green Shores Pilot Project

9.4.2 Letter dated October 23, 2013 from Bob Bingham

9.4.3 Letter dated October 31, 2013 from Anne Barr

9.4.4 Letter dated November 13, 2013 from Peter Barr

Above items were received for information and discussion followed.

TH 048/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee move Priority #3 Shoreline Protection to Priority #2, and to have the following Activity Description: "Serving as the Pilot Local Trust Area for the Green Shores for homes draft credit rating system."

CARRIED

TH 049/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee suspend work on any further public education events, publications, or discussion of regulatory tools until work on the Green Shores Pilot is complete.

CARRIED

TH 050/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee identify its objectives for the Green Shores Pilot, as well as the resources it can commit to the project.

CARRIED

TH 051/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee review the Task 4 Work Plan once it is prepared in December with an aim to endorse it by Resolution Without Meeting before December 20, 2013.

CARRIED

Trustee Luckham wished to have it noted that the draft Marine Shorelands Development Permit Area guidelines as presented back in 2011 were never supported by him.

10. REPORTS

10.1 Work Program Reports

10.1.1 Top Priorities and Project Report Dated September 12, 2013

The Program Priorities and Projects report was presented and discussed.

TH 052/13

It was MOVED and SECONDED,

that a new item be added to the Projects List as follows: Pilkey Point Road/Marina Drive Slough: Support for habitat restoration.

CARRIED

10.2 Applications Log

10.2.1 Report Dated November 12, 2013

The Applications Log report was presented and discussed.

10.3 Trustee and Local Expenses

10.3.1 Expenses Posted to September 30, 2013

The expense report was presented and discussed.

10.3.2 Expenses Posted to October 30, 2013

The expense report was presented and discussed.

TH 053/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee allocate up to \$1,500 from the Special Projects budget to Work Program #3 Riparian Areas Regulation.

CARRIED

10.4 Chair's Report

Chair Hancock reported that he is preparing for the December Trust Council meeting in Victoria. Highlights include a half-day session with Trust Area Regional Districts regarding Economic Sustainability on the islands.

10.5 Trustees' Reports

Trustee Luckham spoke regarding working toward meeting with Chief Thomas of the Lyackson First Nations.

10.6 Advisory Planning Commission Report - None

11. NEW BUSINESS

11.1 Briefing regarding Strategic Plan from Linda Adams, Chief Administrative Officer, dated October 3, 2013.

Discussion followed.

TH 054/13

It was MOVED and SECONDED,

that Strategic Plan Item 2.1.3 be amended to reflect the current status of Thetis Island and the Green Shores Project.

CARRIED

TH 055/13

It was MOVED and SECONDED,

that a new Strategy 5.3 be added to the Strategic Plan as follows – Improve Local Trust Committee relationship with First Nations; Assigned to the Local Trust Committee subject to grant funding; Community to community discussions are held.

CARRIED

11.2 Salt Spring Island Bylaw Referral Request for Response regarding Bylaw No. 470

Discussion followed.

11.3 Salt Spring Island Bylaw Referral Request for Response regarding Bylaw No. 471

Discussion followed.

TH 056/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee reports that its interests are unaffected by Bylaw Nos. 470 and 471.

CARRIED

Chair Hancock and Planning Staff left the meeting at 2:40; Trustee Luckham assumed the Chair.

11.4 Application for Community to Community (C2C) Funding (Union of BC Municipalities (UBCM) Program)

Discussion followed.

TH 057/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee apply to the Union of BC Municipalities for Community to Community funding for hosting a social event between Lyackson First Nation, Valdes property owners and other Thetis Island Trust area residents, and that this request be forwarded to the grants administrator.

CARRIED

11.5 Model Housing Resolution from Federation of Canadian Municipalities (FCM)

Received; discussion followed. To be revisited at the next meeting.

12. BYLAWS – None.

13. ISLANDS TRUST WEBSITE

Discussion followed.

TH 058/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee ask Staff to post all minutes from 2011, 2012 and 2013 to the Thetis Island website.

CARRIED

TH 059/13

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee ask Staff to post Staff Report 9.4.1 of the agenda to the website.

CARRIED

TH 060/13

It was MOVED and SECONDED,

that an update be added to the Staff Report from January, 2011 regarding Shoreline Development that the Local Trust Committee is no longer pursuing this draft bylaw.

CARRIED

14. TOWN HALL DISCUSSION – None

15. NEXT MEETING DATE

Wednesday, February 5, 2014 at 9:15 am at Thetis Island Community Centre (Forbes Hall) North Cove Road, Thetis Island, BC.

16. ADJOURNMENT

By general consent the meeting was adjourned by consensus at 2.58 pm.

Ken Hancock, Chair

Peter Luckham, Chair

CERTIFIED CORRECT:

Janice Young, Recorder



**THETIS ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

**REGULAR BUSINESS MEETING
OF THE THETIS ISLAND LOCAL TRUST COMMITTEE**

held at 9:15 am on Wednesday, September 25, 2013 at Thetis Island Community Centre
(Forbes Hall Library) North Cove Road, Thetis Island, BC

LATE ITEMS, ADDITIONS

**AMENDMENTS/ADDITIONS
TO ITEMS:**

11. NEW BUSINESS

- 11.4 Staff Report dated September 23, 2013 regarding Cost Recover Agreement for Legal Review of a Covenant Restricting Development on Dayman Island, unzoned area - *attached*

STAFF REPORT

Date: September 23, 2013

File No.: 3320 - 25

To: Thetis Island Local Trust Committee

From: Marnie Eggen, A/Planner 2

CC: Aleksandra Brzozowski, Island Planner

Re: Cost Recovery Agreement for Legal Review of a Covenant Restricting Development on Dayman Island, unzoned area

Owner: James W. Davidson, Patricia M. Davidson, Matthew J. Brister

Applicant: Collins Custom Contracting

Location: Dayman Island

THE PROPOSAL:

The owners of Dayman Island (unzoned area) would like to enter into a restrictive covenant with the Thetis Island Local Trust Committee in order to be able to construct two dwellings and one cottage on Dayman Island as per the 2006 Thetis Island Local Trust Committee resolution:

Resolution TH-LTC-030-06

It was **MOVED** and **SECONDED** to adopt the second set of recommendations on Page 8 of the Planner's report.

CARRIED

Second set of recommendations from page 8 of staff report, dated September 5, 2006 (see full staff report in Attachment below):

*1. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Michelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction on Dayman Island:*

- one additional dwelling unit, and*
- one guest cottage of approximately 615 square feet in floor area;*

*conditional upon the registration of a Section 219 restrictive covenant limiting the development of the entire **island** to:*

- two dwelling units,*
- two seasonal cottages (800 square feet in total), and*

- *accessory structures.*

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

BACKGROUND:

Unzoned Area

Dayman Island is not within a planning area for which there is an applicable Official Community Plan or Land Use Bylaw in effect to provide direction for decision-making. As such, Dayman Island is subject to Section 32 of the *Islands Trust Act* and Sections 4 and 5 of the *Islands Trust Regulation* (BC Reg. 119/90) which in summary means that where there is no zoning in place, any construction requires approval from the local trust committee. Additionally, the *Islands Trust Regulation* modifies this statement and allows the following to be built without the local trust committee's approval:

- one dwelling unit,
- one recreational cottage not exceeding 400 square feet, and
- accessory structures to both the dwelling unit and recreational cottage.

Any proposal differing from this modified statement does require approval from the local trust committee. The proposal on Dayman Island does differ from the allowable development, and therefore approval from the local trust committee was required. The proposal differs in that more than one dwelling unit is proposed and the applicant requested approval of a cottage larger than 400 square feet.

STAFF COMMENTS:

Thetis Associated Islands Official Community Plan and Land Use Bylaw Project

Staff have recently confirmed with the owners that they are interested in pursuing the covenant now rather than wait for the completion of the Official Community Plan and Land Use Bylaw. As an LTC resolution was passed as per Section 32 of the *Islands Trust Act* and Sections 4 and 5 of the *Islands Trust Regulation* (BC Reg. 119/90) with regard to the development of Dayman Island, the LTC has an obligation to uphold the resolution should the owners wish to pursue it. Also, staff note that the development is consistent with current residential policies in the Thetis Associated Islands Official Community Plan – Draft Version 1.3.

RECOMMENDATION:

THAT the Thetis Island Local Trust Committee instruct staff to enter into a cost recovery agreement with the owners of Dayman Island allowing Islands Trust legal counsel to draft and/or review a covenant that restricts development of Dayman Island to the following as per the September 7, 2006 Thetis Island Local Trust Committee resolution:

That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Michelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction on Dayman Island:

- one additional dwelling unit, and
- one guest cottage of approximately 615 square feet in floor area;

conditional upon the registration of a Section 219 restrictive covenant limiting the development of the entire **island** to:

- two dwelling units,
- two seasonal cottages (800 square feet in total), and
- accessory structures.

Respectfully submitted by:

Marnie Eggen

Marnie Eggen, MSc
A/Planner 2

September 24, 2013

Date

Concurred by:

Courtney Simpson

Courtney Simpson, RPP, MCIP
Regional Planning Manager

September 24, 2013

Date

Attachment:

1. September 7, 2006 Staff Report



STAFF REPORT

September 5, 2006

File No.:

To: Thetis Island Local Trust Committee

From: Mark Brodrick, Island Planner
Central Islands Planning Team

CC: Patricia Davidson
Eric McClay, Consulting Archaeologist, Hul'Qumi'num Treaty Group
Chief Thomas, Lyackson First Nation
Chief Lisa Shaver, Penelakut Tribe

Re: **An application to develop two single-family residences and a guest cottage on Dayman Island.**

Owner: Brister, Davidson, Davidson, Tahmazian, Paget

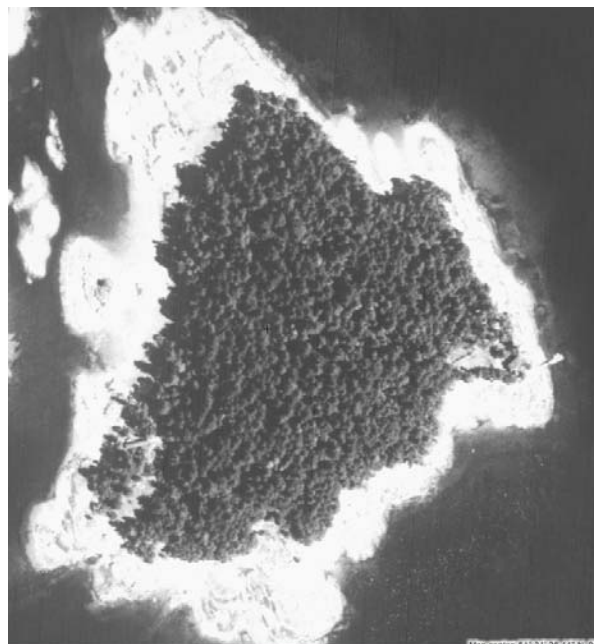
Applicant: Patricia Davidson

Location: Dayman Island

The Proposal:

This proposal involves Dayman Island which is currently owned by three couples. The island is approximately 23 acres in area. Currently there are a house, a trailer, some outbuildings, three wells, two septic fields, some clearings including some garden areas, an existing dock, a boathouse, and some trails across the island on Dayman Island. The majority of the island is treed. Please refer to the Air Photo below.

Air Photo of Dayman Island:



This "application" proposes a residential development and includes a guest cottage to house a seasonal caretaker. This application proposes to: (i) replace an existing house with a new house, (ii) replace an existing trailer with a new house, (iii) build a guest cottage of approximately 615 square feet in floor area, and (iv) build one new dock and some boardwalks.

This writer met with the applicant on July 21, 2006. Based on this meeting this writer understands that the applicant intends to develop a central sewage treatment facility with a drip field that would service the two proposed dwellings and guest cottage. The existing septic fields would not be used. The applicant expressed interest in a rainwater collection system and is currently researching same. Water quality testing has recently been done and the water is potable. This writer understands that the applicant has contacted several other agencies including the CVRD building inspector. It is this writer's opinion that the applicants have put considerable thought and research into their proposal and are very well prepared to move ahead with the proposed development.

The owners inform that they do not intend to build now, or in the future, any more than discussed in this report and as shown on the attached sketches. No additional trails are considered. Additionally, the owners are not contemplating any commercial development now or in the future and this includes a bed and breakfast or short term vacation rental.

For additional information on the proposed development please refer to a scanned copy of a letter from the applicant, dated July 2006 and date stamped received at this office on July 21, 2006. **Refer to page three of this report for the scanned letter.**

Refer to page four of this report for a scanned sketch of Dayman Island including the proposed development.

Two pieces of additional information have been scanned and are found at the end of this report. The first piece of information is a one page table ledger that lists current and proposed structures. The second piece of information is a three page text that provides more details.



July 2006

Re: Use of proposed re- development for Dayman Island Stated by Current Owners

The re-development is maximizing the use of existing cleared areas and infrastructure while minimizing any further disturbance of waterfront, meadows, soil or tree cover.

This is consistent with our desire to keep the property in its natural state to facilitate recreational use by the three families/owners use of the two proposed residences.

The two residences are planned for the existing developed sites. The island has a combination of mature Arbutus, Douglas Fir and Cedar forest cover, often in excess of 100'.

The waterfront consists of seven shell hash sand beaches and accessible low bank sandstone. Although we feel that comfortable residences are an important factor in our enjoyment of the property, our major draw to Dayman Island was the attractiveness and beauty of the west coast environment.

If use to date is a good guide, the owners use the property approximately 20 times/yr for an average of 3-5 days for recreational use and relaxation with family and friends. There is no intended commercial use of any aspect of the development and there is no desire or intent to propose further development as long as we are the property owners.

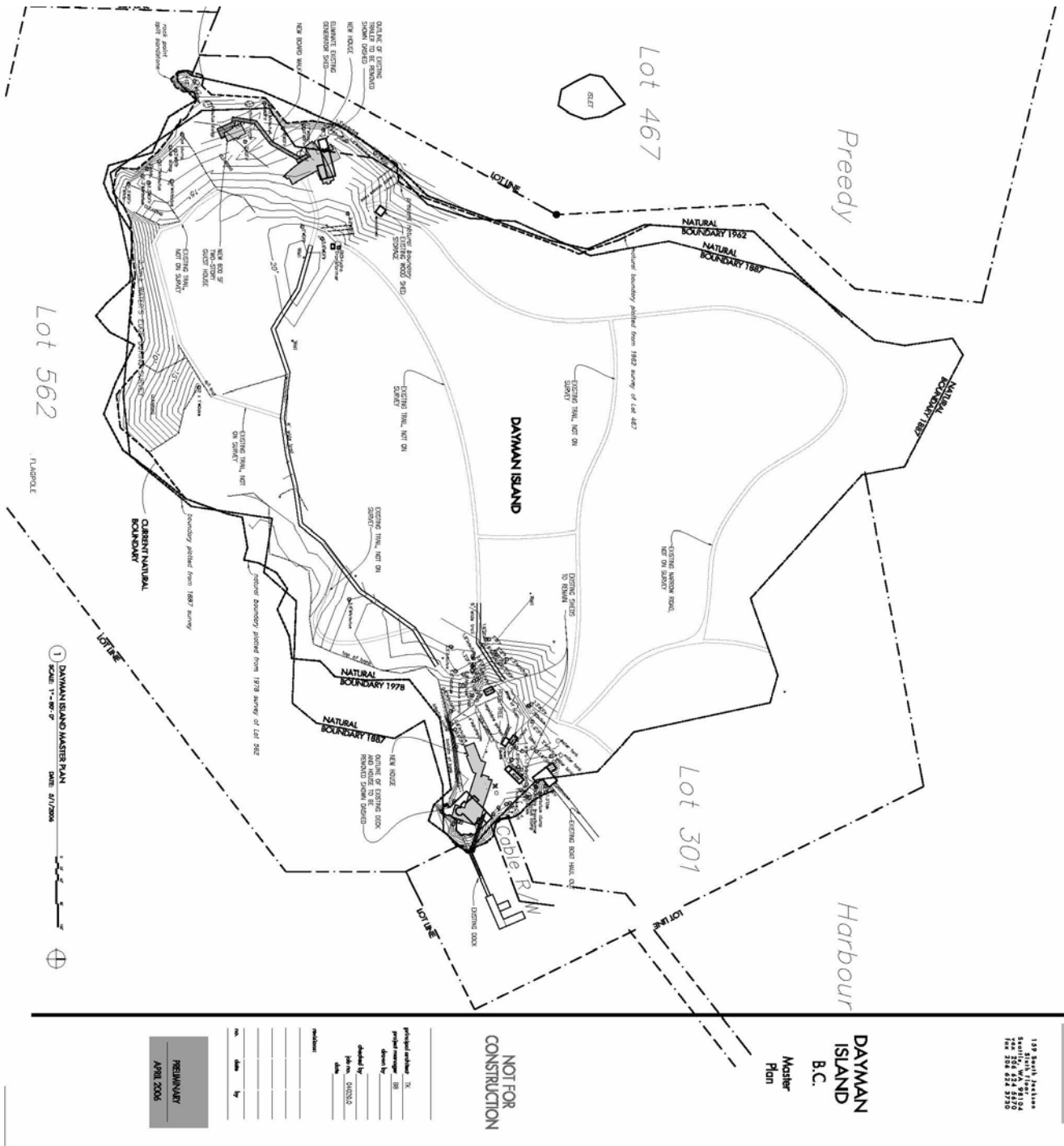
None of the owners has expressed an interest to live on the property on a full time basis but we do visit in all seasons. We currently have a 'care taker' on the property through the winter months and will likely continue with that after the construction phase is complete.

As the island is isolated we are requesting a small relaxation of the guesthouse measurements to assist us with seasonal caretakers accommodation. We are very concerned about beach fires and or other accidental destruction caused by curios uninvited visitors, as we know that this does take place.



Islands Trust

STAFF REPORT



Site Context:

The subject parcel is Dayman Island which lies within the Thetis Island Local Trust Area and which is located to the south west of Thetis Island in the vicinity of Preedy Harbour.

Current Planning Status of Subject Lands:

There are no land use Bylaws for Dayman Island; therefore, there is no Official Community Plan and no Land Use Bylaw in effect to provide direction for decision-making. For this type of “application” no formal application form is required, nor is there a required application fee.

This Staff Report is deemed to be an application as referred to in the Islands Trust Regulation and as discussed in greater detail below.

Legislative Framework**Islands Trust Act**

Dayman Island is subject to Section 32 of the Islands Trust Act which reads:

Restrictions on construction where no zoning in force

32 Subject to the regulations, a person must not begin construction on land in a local trust area that is not covered by a zoning bylaw unless the construction is approved by the local trust committee.

Islands Trust Regulation

However, Dayman Island is also subject to Sections 4 and 5 of the Islands Trust Regulation (BC Reg. 119/90) which reads:

Land use in trust area

4 (1) Section 32 of the Act does not apply, on a parcel of land that is within a local trust area but not within a municipality, to the construction of

- (a) a dwelling unit, unless a dwelling unit already exists on the parcel,
- (b) a recreational cottage not exceeding 400 square feet in floor area, unless a recreational cottage already exists on the parcel, and
- (c) any structure accessory to a dwelling unit or recreational cottage.

(2) If approval for a project is required under section 32 of the Act or this regulation, the owner of the building or improvement shall not use or occupy the building or improvement, or permit the use or occupancy of the building or improvement, until an application for the project has been approved by the local trust committee.

Application and approval

5 An application made under section 32 of the Act for approval of a project shall include the following information:

- (a) the name and address of the applicant or each applicant;
- (b) the location by address or legal description of the parcel of land involved;
- (c) the size of the parcel of land involved;
- (d) a statement describing the proposed dimensions, number of stories and area in square feet of land to be occupied by the project;
- (e) a statement describing the use and purposes of the project;
- (f) a statement declaring the existence of and describing the use, dimensions, number of storeys and area of land occupied by any existing structure situated on the parcel of land involved;
- (g) any other information that may be required by the chairperson of the local trust committee in relation to the application.

In summary, the Islands Trust Act states that when there is no zoning in place any construction requires approval from the local trust committee. However, the Islands Trust Regulation modifies this statement and allows the following to be built without the local trust committee's approval:

- one dwelling unit,
- one recreational cottage not exceeding 400 square feet, and
- accessory structures to both the dwelling unit and recreational cottage.

Any proposal differing from this modified statement does require approval from the local trust committee. The subject proposal on Dayman Island does differ from the allowable development and therefore approval from the local trust committee is needed. The proposal differs in that more than one dwelling unit is proposed and the applicant is requesting approval of a cottage larger than 400 square feet (approximately 615 square feet).

Trust Policy Statement

The Islands Trust Policy Statement typically contains directive policies that read:

“Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address...”.

However, as previously stated in this report there are no land use bylaws in place; therefore, this writer is unable to reference any applicable policies from the Islands Trust Policy Statement.

The following section is copied from the Policy Statement to provide some direction to the local trust committee.

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

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

Columbia.”

The Islands Trust has responsibility for conservation through land use planning and regulation and for leadership in stewardship — that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area. It is in this context that the word “stewardship” is used within this document. The Islands Trust seeks to integrate ecosystem preservation and protection, sustainable communities and stewardship of resources.

The Islands Trust Act provides special legislation for preservation and protection of the Georgia Strait-Howe Sound geographic area and creates a conservation-oriented agency to work towards this objective. The object establishes the value of the Trust Area by identifying the need for preservation and protection of the Area.

Approvals should not be contrary to or at variance from the policy statement. Staff considers the requested approval as being consistent with the Trust Policy Statement.

Official Community Plan

There is no Official Community Plan for Dayman Island.

Land Use Bylaw

There is no Land Use Bylaw for Dayman Island.

For Information Purposes

Staff recommends that the applicant contact and consult with local First Nations in the event there are any historic shoreline uses or archeological sites that may be impacted by the proposed development. This report has been copied to Hul'Qumi'num Treaty Group, the Lyackson First Nation and the Penelakut Tribe.

Recommendations:

1. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Micehelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction on Dayman Island:
 - one additional dwelling unit, and
 - one guest cottage of approximately 615 square feet in floor area; conditional upon the registration of a Section 219 restrictive covenant prohibiting further subdivision of the island.

And

2. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Micehelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction within the provincial foreshore of Dayman Island:
 - one additional dock to be located on the south west side of Dayman Island.

OR

1. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Micehelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction on Dayman Island:
 - one additional dwelling unit, and
 - one guest cottage of approximately 615 square feet in floor area;conditional upon the registration of a Section 219 restrictive covenant limiting the development of the entire **island** to:
 - two dwelling units,
 - two seasonal cottages (800 square feet in total), and
 - accessory structures.

And

2. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Micehelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction within the provincial foreshore of Dayman Island:
 - one additional dock to be located on the south west side of Dayman Island.

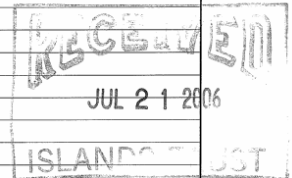
Respectfully submitted by:

Mark Brodrick, Island Planner

Date: September 5, 2006

Attachments:

Dayman Island Existing Buildings & Infrastructure:						
See survey island mapping for existing roads, trails, wells, septic fields, tanks, transformers, gardens, garden sheds, boathouse, dock, house, trailer						
Existing House Building/s Site #1:	# of Stories	Square Footage	Height	Width	Depth	Status
House & Deck	2	1370		42'	40"	To be replaced
Decks Raised Attached to House	n/a	2200				To be replaced
Dock	n/a	520				Existing / Repairs Only
Wood/Tool House	1	300		30'	10'	Existing / RepairsOnly
Pumphouse next to Wood/Tool House	1	as above		30'	10'	Existing / RepairsOnly
Glass Garden Green House	1	80		8'	10	Existing / RepairsOnly
Wood Garden Tool House	1	140		14'	10'	Existing / RepairsOnly
Chicken Coop	1	160		10'	16'	Existing / RepairsOnly
Gardens & Orchard	n/a					Existing / RepairsOnly
Septic Field	n/a					Replace new shared system, in use
Boathouse & Transformer Shed - Main Floor	1+ Loft			42'	30'	Existing / RepairsOnly total usable floor space 1500
Loft						
Well Water Storage	tanks					
Burn Site Clearing	n/a					
Proposed New Building/s Site #1:	2	3882		65'	64'	New, replace existing same location
Land Use Dimensions of Total Area:						
Existing Trailer Building/s Site #2:						
Trailer & Decks Build outs off Trailer	1					Removed build outs Trailer secured on site
Transformer Shed	n/a					
Burn Site & Scrap Pile / Clearing	n/a					
Old Saw Mill Wood House	1					
Septic Tank	n/a					Not in use
Proposed New Building/s Site #2:						
New House	2	4597		76'	94'	New, replace trailer same location
Guest House / Seasonal Caretaker / Main Floor	1+ Loft	Proposed 615		34'	20'	New for a total of 960 sq ft of usable
Loft		Proposed 345				floor space.
Boat House	1	800		40'	20'	
Land Use Dimensions of Total Area:						
Exiting Fields/Clearings						
Large Filed Flag Pole / Meadow						
Small Field Old Homestead Site, Concrete/Stone Foundation						
Medium Field Next to the Trailer / Meadow						
Existing Power						
New Infrastructure						
New Septic Field Shared - Who has the map layout design?						
New Septic, New Pump House				4'	6'	
New Septic Holding Tanks						Size of these was?
Geothermal Site #1						
Geothermal Site #2						





20 July 2006
Dayman Island

5 (c) :
the size of the parcel of land involved;

23.55 acres [as surveyed by Richard Mortimer, (B.C. Land surveyor) completed on the 30th. day of March, 2004]

5 (d) :
a statement declaring the existence of and describing the use, dimensions, number of storeys and area of land occupied by any existing structure situated on the parcel of land involved;

Existing structures include:

Site 1 (east side of the island):

A 2-story dwelling of 1,370 square feet, having overall dimensions of approx. 42' x 40' located on the south-east side of the island. The footprint of this structure is 1,266 square feet. Raised decks adjacent to the dwelling total 2,200 square feet. This structure is to be replaced or remodeled as described below.

A 2-story boathouse/electrical shed of 1,500 square feet, (960 sf. ground floor/540 upper floor) having overall dimensions of approx. 42' x 30' located on the east side of the island near the existing dwelling.

A single-story, 160 square foot, 10' x 16' chicken coop located on the east side of the island near the existing dwelling.

A single-story, 140 square foot, 10' x 14' garden shed located on the east side of the island near the existing dwelling.

A single-story, 80 square foot, 8' x 10' greenhouse located on the east side of the island near the existing dwelling.

Olson Sundberg Kundig Allen Architects
159 South Jackson Street Sixth Floor Seattle, Washington 98104
vox 206 624 5670 fax 206 624 3730 www.olsonsundberg.com



A single-story, 300 square foot, 10' x 30' wood shed/pumphouse located on the east side of the island near the existing dwelling.

A dock of 520 square feet.

Site 2 (west side of the island):

A single-wide mobile home with a popout 26' x 65' located on the west side of the island, to be removed. The footprint if this structure is 1,242 square feet.

A single-story, 48 square foot, 6' x 8' transformer shed located on the west side of the island near the existing mobile home.

5 (e) :

a statement describing the proposed dimensions, number of stories and area in square feet of land to be occupied by the project;

Proposed structures include:

Site 1 (east side of the island):

A 2-story dwelling of 3,882 square feet, (2,144 sf. ground floor/1,738 upper floor) having overall dimensions of approx. 65' x 64' to be located on the south-east side of the island at a location presently occupied by an existing dwelling.

Site 2 (west side of the island):

A 2-story dwelling of 4,597 square feet, (2,752 sf. ground floor/1,845 upper floor) having overall dimensions of approx. 76' x 94' to be located on the west side of the island at a location presently occupied by an existing mobile home.

Olson Sundberg Kundig Allen Architects
159 South Jackson Street Sixth Floor Seattle, Washington 98104
vox 206 624 5670 fax 206 624 3730 www.olsonsundberg.com

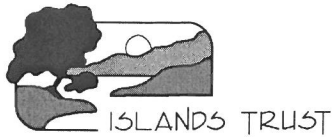
OLSON
SUNDBERG
KUNDIG ALLEN
ARCHITECTS

A 2-story guest cottage of 960 square feet, (615 sf. ground floor/345 upper floor) having overall dimensions of approx. 34' x 20' to be located on the south-west side of the island.

A one story boat house of 800 square feet, having overall dimensions of approx. 40' x 20' to be located on the south-west side of the island.

A small pumphouse as required for the septic system, 4' x 6'.

Olson Sundberg Kundig Allen Architects
159 South Jackson Street Sixth Floor Seattle, Washington 98104
vox 206 624 5670 fax 206 624 3730 www.olsonsundberg.com



THETIS ISLAND LOCAL TRUST COMMITTEE MEETING AGENDA

November 23, 2006 – 1:30 PM
Thetis Island Community Centre (Forbes Hall)

1. **APPROVAL OF AGENDA**
 - 1.1 Approval of Agenda
2. **DELEGATIONS** – NONE TO BE CONSIDERED
3. **PREVIOUS MINUTES**
 - 3.1 Minutes of September 7, 2006 LTC Meeting
4. **FOLLOW-UP ACTION LIST/WORK PROGRAM**
 - 4.1 Follow-up Action List (2006) – FOR INFORMATION
 - 4.2 Top Priorities (2006) – review list and reassign priorities
 - 4.2.1 Email dated October 6, 2006 from Mark Brodrick
 - 4.3 Long List – FOR INFORMATION
5. **REPORT OF SECTION 26 RESOLUTIONS**
 - 5.1 Resolutions Without Meeting – FOR INFORMATION
6. **APPLICATIONS**
 - 6.1 **Rezoning**s – NONE TO BE CONSIDERED
 - 6.2 **Subdivisions** – NONE TO BE CONSIDERED
 - 6.3 **Agricultural / Forest Land Reserve** – NONE TO BE CONSIDERED
 - 6.4 **Crown Land Referrals** – NONE TO BE CONSIDERED
7. **PERMITS**
 - 7.1 **Development Permits** - NONE TO BE CONSIDERED
 - 7.2 **Development Variance Permits** - NONE TO BE CONSIDERED
 - 7.3 **Temporary Commercial and Industrial Use Permits** – NONE TO BE CONSIDERED
8. **BYLAWS**
 - 8.1 **Draft Municipal Ticket Information Bylaw No. 82**
 - 8.1.1 Information – George Leukefeld
 - 8.1.2 Consideration of Readings
9. **PROJECTS** - NONE TO BE CONSIDERED

10. BUSINESS

- 10.1** Correspondence – NONE TO BE CONSIDERED
- 10.2** Bylaw Enforcement Report - George Leukefeld
- 10.3** Budget - FOR INFORMATION (September 15, 2006 outstanding balance is \$2803.84)
- 10.4** Advisory Committees – NONE TO BE CONSIDERED
- 10.5** Administrative
 - 10.5.1** Consider schedule for 2007 Local Trust Committee Meetings
- 10.6** Other Business:
 - 10.6.1** Staff Report and Valdes Island Vacant Crown Land Profiles, October 26, 2006 – for consideration of LTC acceptance and community review
 - 10.6.2** Temporary Use Permits (TUP) - OCP Information
 - 10.6.3** Next regular Local Trust Committee Meeting – as determined in 10.5.1 above

11. Town Hall

12. ADJOURNMENT OF PUBLIC MEETING

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DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE MEETING Thursday, September 07, 2006 - 1:30 PM Forbes Hall, Thetis Island

PRESENT

Gary Steeves, Chair
Sue French, Local Trustee
Peter Luckham, Local Trustee
Mark Brodrick, Island Planner
George Leukefeld, Islands Trust Bylaw Enforcement Officer
Janice Young, Recorder

Chair Steeves called the meeting to order at 1:34 PM. He welcomed the 15-member public assembly and introduced the Recorder, Local Trustees, Bylaw Enforcement Officer, and Island Planner.

1. APPROVAL OF AGENDA

Chair Steeves called for additions, deletions or changes of order to the Agenda.

Trustee French asked to speak about the award to Bob Burgess by Islands Trust as **Business 10.8**.

Planner Brodrick asked to add one piece of email correspondence as **Correspondence 10.1.6**.

Trustee Luckham asked to add "Budget Allocation" as **Business 10.9**.

Resolution TH-LTC-027-06

It was **MOVED** and **SECONDED** to adopt the Agenda, as amended. **CARRIED**

2. DELEGATIONS - None to be considered.

3. PREVIOUS MINUTES

3.1 **Minutes of Meeting of June 08, 2006**

Resolution TH-LTC-028-06

It was **MOVED** and **SECONDED** to change Item **10.6** Paragraph 2, to read as follows:

Trustee French spoke to the need to check carefully with the Cowichan Valley Regional District Building Inspector and obtain a building permit **BEFORE** work is begun. **CARRIED**

Resolution TH-LTC-029-06

It was **MOVED** and **SECONDED** that the Minutes of the June 08, 2006 Thetis Island Local Trust Committee Meeting be adopted as amended. **CARRIED**

4. **FOLLOW-UP ACTION LIST/WORK PROGRAM**

4.1 **Follow-Up Action List**

The Follow-Up Action List was received for information.

Planner Brodrick said all items on the list are completed or are at the stage they can be undertaken by staff.

4.2 **Top Priorities** - No changes since the last meeting.

4.3 **Long List** - None to be considered.

5. **REPORT OF SECTION 26 RESOLUTIONS**

5.1 **Resolutions Without Meeting** - None to be considered.

6. **APPLICATIONS**

6.1 **Rezoning** - None to be considered.

6.2 **Subdivisions** - None to be considered.

6.3 **Agricultural / Forest Land Reserve** - None to be considered.

6.4 **Crown Land Referrals** - None to be considered.

6.5 **Dayman Island** - Patricia Davidson

Planner Brodrick presented the Staff Report for this application.

Trustee Luckham thanked Patricia Davidson and James Davidson for their application.

Discussion followed.

Resolution TH-LTC-030-06

It was **MOVED** and **SECONDED** to adopt the second set of recommendations on Page 8 of the Planner's report. **CARRIED**

Chair Steeves thanked the applicants for their care and attention to detail.

7. **PERMITS**

7.1 **Development Permits** - None to be considered.

7.2 **Development Variance Permits** - None to be considered.

7.3 **Temporary Commercial and Industrial Use Permits** - None to be considered.

Note: Check the Official Community Plan to see if there is a need to keep 7.3 on the agenda.

8. **BYLAWS**

- 8.1 Board of Variance – discuss/decide amendment to conform with Salt Spring Island - i.e., delete sections 24 & 25.

Resolution TH-LTC-031-06

It was **MOVED** and **SECONDED** to amend proposed Bylaw No. 81, cited as "Thetis Island Local Trust Committee Board of Variance Establishment and Procedure Bylaw No. 81, 2006", and delete Sections 24 and 25 to conform with Salt Spring Island Board of Variance Bylaw No. 415. **CARRIED**

9. **PROJECTS** - None to be considered.

10. **BUSINESS**

10.1 **Correspondence**

Trustee Luckham brought forward additional correspondence - a report on the Ragged Islets, and public misuse of this crown land.

10.1.1 Salt Spring Island Referral re: OCP review

Resolution TH-LTC-032-06

It was **MOVED** and **SECONDED** to respond to the Salt Spring Island Referral Form by checking the second box which states "The OCP review should take into consideration the following policy matters"; adding "and take into consideration the Thetis Island Official Community Plan (OCP)." **CARRIED**

Resolution TH-LTC-033-06

It was **MOVED** and **SECONDED** to receive the following correspondence and follow up action taken:

10.1.2 Letter dated June 8, 2006 from David Steen

10.1.3 Letter dated June 8, 2006 from David Steen

10.1.4 Letter dated June 7 from David Steen

10.1.5 Email dated July 6, 2006 from Mark Brodrick

10.1.6 Letter re: Ragged Islets

10.1.7 Letter dated September 1, 2006 from David Steen

CARRIED

One additional item of correspondence:

10.1.8 Email dated September 02, 2006 from Daliel Leite of sealwatch.org was brought forward by Planner Brodrick.

Resolution TH-LTC-034-06

It was **MOVED** and **SECONDED** that the email from Daliel Leite of sealwatch.org be posted on the Thetis Island Community Bulletin Board, and that the writer be advised of this decision. **CARRIED**

10.2 Bylaw Enforcement Report

Bylaw Enforcement Officer Leukefeld reported that a Power Point presentation would soon be available to present bylaw enforcement procedures and policies to Local Trust Committees – a comprehensive presentation, yet short and sweet.

10.2.1 Municipal Ticket Bylaw

Bylaw Enforcement Officer Leukefeld explained that a "warning ticket" names the violation, the time frame, and the fine.

Resolution TH-LTC-035-06

It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee add the drafting of a Municipal Ticket Bylaw to its Top Priority List, and that staff be directed to draft a bylaw.

CARRIED

10.3 Budget – Approval of Revised Budget

Resolution TH-LTC-036-06

It was **MOVED** and **SECONDED** to adopt the revised Budget. **CARRIED**

10.3.1 Previous Planner Doug Ross (budget implications).

It was suggested that previous Planner Doug Ross be invited to attend one of the upcoming "Visioning" sessions. His fee could then come from the budget set aside for those sessions, if within budget constraints.

10.4 Advisory Committees - None to be considered.

10.5 Administrative - None to be considered.

10.6 Ardice Todosichuk, Islands Trust Fund (schedule public meeting Nov/Dec)

Ardice was invited to attend one of the upcoming "Visioning Sessions" scheduled for Saturday October 21, 2006 and Saturday November 4, 2006. The time is yet to be confirmed and will be either 1:30 to 5:30 PM (first choice), or 9:00 AM to 1:00 PM. Times to be confirmed as soon as possible and Ardice will choose the date best suited to her schedule.

Trustee Luckham outlined the purpose of the Visioning Sessions as an opportunity to meet with local residents to discuss the future of Thetis Island – "how we see Thetis Island developing in the next 10 to 20 years". Islanders will be asked for suggested topics, from which three will be discussed at each of the meetings.

10.7 Other Business

The next regular Local Trust Committee Meeting is scheduled on Thursday, November 23, 2006 at 1:30 PM in Forbes Hall.

10.8 Bob Burgess recipient of award.

Trustee French announced that Thetis Islander Bob Burgess was awarded the Community Stewardship Award by Islands Trust. This award will be presented to him at one of the Visioning Sessions.

10.9 Budget Allocation for "Visioning Sessions."

Resolution TH-LTC-037-06

It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee allocates \$500 to Visioning Sessions planned for this fall on Thetis Island, to be taken from #5 of the budget. **CARRIED**

11. TOWN HALL - Meeting open for public discussion.

Several local residents spoke to the Dayman Island development situation and the current lack of bylaws on Dayman.

Trustee Luckham thanked Thetis Island residents Joe Squire and Bob Bingham for their applications to the Board of Variance.

On behalf of Thetis Island Residents and Ratepayers Association (TIRRA) President Pat Moony and resident Ernie Hunter extended an invitation to the Trustees to attend the next TIRRA meeting and speak more about the Visioning Sessions.

12. ADJOURNMENT

The Thetis Island Local Trust Committee Meeting was adjourned at 3:56 PM.

CHAIR - Gary Steeves

RECORDER - Janice Young

THETIS ISLAND LOCAL TRUST COMMITTEE MEETING
Thursday, November 23, 2006 - 1:30 PM
Forbes Hall, Thetis Island

PRESENT

Peter Luckham, Local Trustee – Acting Chair
Sue French, Local Trustee
Mark Brodrick, Island Planner
George Leukefeld, Islands Trust Bylaw Enforcement Officer
Janice Young, Recorder

ABSENT

Gary Steeves, Chair

Trustee Luckham called the meeting to order at 1:30 PM. He announced that Gary Steeves was unable to attend due to illness; therefore, Trustee Luckham would assume the role of Chair for this meeting. He noted that the two Trustees present constituted a quorum and the meeting would proceed as scheduled.

Chair Luckham welcomed the 11-member public assembly, outlined the intention of the meeting as set forth in the Agenda, and introduced the Recorder, Local Trustees, Bylaw Enforcement Officer and Island Planner

1. APPROVAL OF AGENDA

Chair Luckham called for additions, deletions or changes of order to the Agenda.

Chair Luckham added as **New Business 10.7** a thank you letter and honorarium to Elmer Buchel for his contribution to the second "Envisioning" meeting.

Resolution TH-LTC-038-06

It was **MOVED** and **SECONDED** to adopt the Agenda, as amended.

CARRIED

2. DELEGATIONS – None to be considered.

3. PREVIOUS MINUTES

3.1 Minutes of Meeting of September 07, 2006

Resolution TH-LTC-039-06

It was **MOVED** and **SECONDED** that the Minutes of the September 07, 2006 meeting of the Thetis Island Local Trust Committee be adopted as written.

CARRIED

4. FOLLOW-UP ACTION LIST/WORK PROGRAM

4.1 Follow-Up Action List

The Follow-Up Action List was received for information. It was noted that items recorded as "Done" would be removed from the list prior to the next meeting.

4.2 Top Priorities – Top Priorities (2006)

It was noted that the list of Top Priorities must be limited to three. With a view to the Long List, and taking into account Planner Brodrick's email of October 06, 2006, the top three priorities were reassigned.

Resolution TH-LTC-040-06

It was **MOVED** and **SECONDED** to amend the Top Priority List as follows:

1. Logging Activity on Valdes Island.
2. Valdes Vacant Crown Land Profile.
3. Municipal Ticketing Bylaw.

CARRIED

4.3 Long List

Resolution TH-LTC-041-06

It was **MOVED** and **SECONDED** to amend the Long List by deleting Item No. 6 and replacing it with the following new item:

- “6. Thetis, Valdes, Ladysmith Harbour Islands, and Associated Islands within the Local Trust Area that are currently without zoning.”

CARRIED

5. REPORT OF SECTION 26 RESOLUTIONS

- 5.1 **Resolutions-Without-Meeting** That RWM Resolutions 2006-01 and 2006-02 were carried, as outlined in the RWM Report in the meeting information package.

6. APPLICATIONS

- 6.1 **Rezoning** – None to be considered.
6.2 **Subdivision** – None to be considered.
6.3 **Agricultural / Forest Land Reserve** – None to be considered.
6.4 **Crown Land Referrals** – None to be considered.

7. PERMITS

- 7.1 **Development Permits** – None to be considered.
7.2 **Development Variance Permits** – None to be considered.
7.3 **Temporary Commercial and Industrial Use Permits** – None to be considered.

8. BYLAWS

8.1 **Draft Municipal Ticketing Information Bylaw No. 82**

- 8.1.1 Information – George Leukefeld spoke to the Draft Bylaw and the ticketing process.
8.1.2 Consideration of Readings – The Draft Bylaw was received for review by the Local Trustees.

Chair Luckham thanked Bylaw Enforcement Officer Leukefeld for preparing this information.

9. **PROJECTS** – None to be considered.
10. **BUSINESS**

10.1 Correspondence

Correspondence was received from:

1. Ken Youds and Jan Therrien.
2. Myla and Steve Frankel.
3. "Anonymous".

10.2 Bylaw Enforcement Report – George Leukefeld

Bylaw Investigations Officer Leukefeld commented on various ongoing bylaw enforcement issues on Thetis and Valdes Islands.

10.3 Budget

The Budget report was received for information (September 15, 2006 outstanding balance was \$2803.84). Planner Brodrick was requested to forward to the Local Trustees all detailed budget reports from the Victoria office.

10.4 Advisory Committees – None to be considered.

10.5 Administrative:

10.5.1 2007 Local Trust Committee Meetings Schedule

Proposed dates for Local Trust Committee Meetings in 2007 are:

- Thursday, March 01, 2007 – 1:30 PM to 4:00 PM
- Thursday, June 07, 2007 – 1:30 PM to 4:00 PM
- Thursday, September 06, 2007 – 1:30 PM to 4:00 PM
- Thursday, November 22, 2007 – 1:30 PM to 4:00 PM

It was noted that Gary Steeves has been confirmed to Chair the March 01, 2007 meeting.

10.6 Other Business:

10.6.1 Valdes Island Crown Land Profiles

Island Planner Brodrick presented a Staff Report dated October 26, 2006.

Trustee French spoke about a community review process to look at the study which is now posted on the Islands Trust website. She noted that the Local Trust Committee is seeking individuals who know and care about the island to assist in this process, so that these Crown Lands are used in the best possible way.

Chair Luckham spoke to the importance of advising the local First Nations early on in this review process – consulting early and often rather than later.

It was agreed to accept the staff report and begin a community review process, with First Nations input as early as possible.

10.6.2 Temporary Use Permits (TUP) – OCP Information

It was agreed that since the Thetis Island OCP accommodates Temporary Use Permits, this should remain on the Agenda as a standing item.

10.6.3 Next regular Local Trust Committee Meeting

The next regular Local Trust Committee Meeting is scheduled on Thursday, March 1, 2007 at 1:30 PM in Forbes Hall.

10.7 New Business:

10.7.1 Letter and Honorarium to Elmer Bichel for his contribution to the second “Envisioning” Meeting.

Resolution TH-LTC-042-06

It was **MOVED** and **SECONDED** that a letter of thanks, together with an honorarium in the amount of \$100.00, be sent to Elmer Bichel. A letter will be drafted by the Local Trustees, and forwarded to the Salt Spring Office to be processed by staff. **CARRIED**

11. TOWN HALL

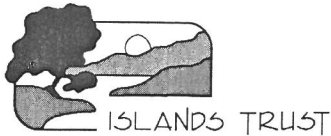
The meeting was opened for public discussion.

12. ADJOURNMENT

The Thetis Island Local Trust Committee Meeting was adjourned at 3:00 PM.

CHAIR - Peter Luckham

RECORDER - Janice Young



**THETIS ISLAND
LOCAL TRUST COMMITTEE MEETING
AGENDA
September 7, 2006 – 1:30 PM
Thetis Island Community Centre (Forbes Hall)**

1. **APPROVAL OF AGENDA**
 - 1.1 Approval of Agenda
2. **DELEGATIONS**
 - 2.1 – NONE TO BE CONSIDERED
3. **PREVIOUS MINUTES**
 - 3.1 Minutes of Meeting of June 8, 2006
4. **FOLLOW-UP ACTION LIST/WORK PROGRAM**
 - 4.1 Follow-up Action List (2006) – FOR INFORMATION
 - 4.2 Top Priorities (2006) – FOR INFORMATION
 - 4.3 Long List – FOR INFORMATION
5. **REPORT OF SECTION 26 RESOLUTIONS**
 - 5.1 Resolutions Without Meeting – NONE TO BE CONSIDERED
6. **APPLICATIONS**
 - 6.1 **Rezoning**s – NONE TO BE CONSIDERED
 - 6.2 **Subdivisions** – NONE TO BE CONSIDERED
 - 6.3 **Agricultural / Forest Land Reserve** – NONE TO BE CONSIDERED
 - 6.4 **Crown Land Referrals** – NONE TO BE CONSIDERED
 - 6.5 **Dayman Island** – Patricia Davidson
7. **PERMITS**
 - 7.1 **Development Permits** - NONE TO BE CONSIDERED
 - 7.2 **Development Variance Permits** - NONE TO BE CONSIDERED
 - 7.3 **Temporary Commercial and Industrial Use Permits** – NONE TO BE CONSIDERED
8. **BYLAWS**
 - 8.1 Board of Variance – discuss/decide amendment to conform with Salt Spring Island
i.e. delete sections 24 & 25
9. **PROJECTS**

NONE TO BE CONSIDERED

10. BUSINESS

10.1 Correspondence:

10.1.1 Salt Spring Island Referral re: OCP review

10.1.2 Letter dated June 8, 2006 from David Steen

10.1.3 Letter dated June 8, 2006 from David Steen

10.1.4 Email dated June 7, 2006 from David Steen

10.1.5 Email dated July 6, 2006 from Mark Brodrick

10.2 Bylaw Enforcement Report (includes Massey-Walker update)

10.2.1 Municipal Ticket Bylaw (prioritize, direct staff to draft a bylaw)

10.3 Budget – approve revised budget

10.3.1 Previous Planner Doug Ross (budget implications)

10.4 Advisory Committees – NONE TO BE CONSIDERED

10.5 Administrative – NONE TO BE CONSIDERED

10.6 Ardice Todosichuk, Islands Trust Fund (schedule public meeting Oct/Nov)

10.7 Other Business:

10.6.1 Next regular Local Trust Committee Meeting – Thursday, November 23, 2006 at 1:30 PM, Forbes Hall

11. Town Hall

12. ADJOURNMENT OF PUBLIC MEETING

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DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE MEETING

Thursday, June 08, 2006 - 1:30 PM

Forbes Hall, Thetis Island

PRESENT

Gary Steeves, Chair

Sue French, Local Trustee

Peter Luckham, Local Trustee

Mark Brodrick, Island Planner

Ardice Todosichuk, Islands Trust Fund, Ecosystem Protection Specialist

Janice Young, Recorder

Chair Steeves called the meeting to order at 1:30 PM. He welcomed the 12-member public assembly and introduced the Local Trustees, Island Planner, Ecosystem Protection Specialist and Recorder.

1. APPROVAL OF AGENDA

The Chair called for additions, delegations or changes of order to the Agenda.

Resolution TH-LTC-013-06

It was **MOVED and SECONDED** that Item 12, Town Hall, be repositioned to Item 11, and that Item 11, Meeting Closed to the Public, be repositioned to Item 12.

CARRIED

Resolution TH-LTC-014-06

It was **MOVED and SECONDED** to adopt the Agenda as amended.

CARRIED

2. DELEGATIONS - None to be considered.

Trustee Luckham asked that requests for delegations be made at least two weeks in prior to scheduled meeting to ensure a place on the Agenda.

It is noted that the next meetings are:

- September 07, 2006, Forbes Hall, 1:30 - 4:00 PM
- November 23, 2006, Forbes Hall, 1:30 - 4:00 PM

3. PREVIOUS MINUTES

3.1 Minutes of Meeting of March 02, 2006

The following corrections were made to the minutes.

Resolution TH-LTC-015-06

It was **MOVED and SECONDED** that a standing agenda item be a "Bylaw Enforcement Report".

CARRIED

Resolution TH-LTC-016-06

It was **MOVED and SECONDED** to add the words "following the receipt of the tourism report." to Item 9.3, paragraph one. **CARRIED**

Resolution TH-LTC-017-06

It was **MOVED and SECONDED** to change "Chair Reeves" to "Chair Steeves" in Item 4.3, paragraph four. **CARRIED**

Resolution TH-LTC-018-06

It was **MOVED and SECONDED** that the Minutes of the March 02, 2006 Thetis Island Local Trust Committee Meeting be adopted as amended. **CARRIED**

4. **FOLLOW-UP ACTION LIST/WORK PROGRAM**

4.1 **Follow-Up Action List**

The Follow-Up Action List was received for information.

Planner Brodrick said all items on the list are completed or are at the stage they can be undertaken by staff.

4.2 **Top Priorities**

Planner Brodrick listed the three top priorities for the Thetis Island Local Trust Committee in 2006 are dealing with Logging Action on Valdez Island; Phase Two of the Thetis Island Official Community Plan Review; and Ladysmith Harbour Islands development. He asked if these issues are still current and top priorities for the Thetis Island Local Trust Committee.

Trustee Luckham confirmed that these are ongoing priority issues.

4.3 **Long List - None to be considered.**

5. **REPORT OF SECTION 26 RESOLUTIONS**

5.1 **Resolutions Without Meeting - None to be considered.**

6. **APPLICATIONS**

6.1 **Rezoning - None to be considered.**

6.2 **Subdivisions - None to be considered.**

6.3 **Agricultural / Forest Land Reserve - None to be considered.**

6.4 **Crown Land Referrals - None to be considered.**

7. **PERMITS**

7.1 **Development Permits - None to be considered.**

7.2 **Development Variance Permits - None to be considered.**

7.3 Temporary Commercial and Industrial Use Permits - None to be considered.

8. BYLAWS

8.1 Bylaws – Consideration of Readings

8.1.1 Board of Variance Establishment and Procedure Bylaw No. 81, 2006

Planner Brodrick gave a summary of the Board of Variance Establishment and Procedures Bylaw No. 81 to be shared by Thetis and Salt Spring Islands.

Discussion (open to the floor) followed.

Trustee Luckham asked if the Board of Variance is an appeal body.

Chair Steeves responded and said that each case is viewed independently from the Trust Committee process as the Board of Variance is a separate body.

Trustee French asked if Thetis and Salt Spring will be represented on the Board.

Planner Brodrick stated that at this time no Thetis Islanders have applied for a position on the Board.

Resolution TH-LTC-019-06

It was **MOVED and SECONDED** that the Thetis Island Local Trust Committee give **FIRST READING** to the Bylaw cited as "Thetis Island Local Trust Committee Board of Variance Establishment and Procedure Bylaw No. 81, 2006".

CARRIED

Discussion (open to the floor) followed.

Resolution TH-LTC-020-06

It was **MOVED and SECONDED** that the Thetis Island Local Trust Committee give **SECOND READING** to the Bylaw cited as "Thetis Island Local Trust Committee Board of Variance Establishment and Procedure Bylaw No. 81, 2006".

CARRIED

Resolution TH-LTC-021-06

It was **MOVED and SECONDED** that the Thetis Island Local Trust Committee give **THIRD READING** to the Bylaw cited as "Thetis Island Local Trust Committee Board of Variance Establishment and Procedure Bylaw No. 81, 2006", and direct Staff to forward the bylaw to the Executive Committee of the Islands Trust for further consideration.

CARRIED

9. **PROJECTS**

Resolution TH-LTC- 022-06

It was **MOVED and SECONDED** to place Items 9.1, 9.2, 9.3 and 10.7 on the "Long List," to be discussed, prioritized, moved to the "short list" and taken care of in order of importance by the Thetis Island Local Trust Committee. **CARRIED**

10. **BUSINESS**

10.1 Correspondence

10.1.1 – BC Ferries – Received for information.

Trustee Luckham noted for the record that Islands Trust correspondence may not always come to the attention of the Local Trust Committee and requested that all correspondence (which may include some emails) pertaining to Thetis Island be forwarded to Trustees Luckham and French.

Chair Steeves said that if correspondence is addressed to the Thetis Island Local Trust Committee, it will automatically be forwarded to the Trustees and be available for the public record. Other correspondence (i.e., addressed specifically to the Islands Trust or the Planner) may receive some discretion about whether or not it is public or shared information.

Chair Steeves added for the record that if the public wants correspondence to be included in the meeting package that it must be addressed to the Thetis Island Local Trust Committee.

10.2 Presentation (30 minutes) - Ardice Todosichuk, Islands Trust Fund Ecosystem Protection Specialist

A Power Point presentation highlighted the work of the Islands Trust Fund conservation strategies and offered incentive tools for the preservation of the Thetis Island ecosystem (one of the smallest islands in the Trust area, and as such one of the most susceptible to change and fragmentation and in need of protection strategies), along with the other islands of the Trust Area. A copy of the CD-ROM, and accompanying text, was given to the Thetis Island Local Trust Committee.

10.3 Bylaw Enforcement Policy – Vacation rentals

Trustee Luckham spoke to the importance of better communication with the island residents regarding ongoing concerns on this policy. As a standing Agenda item, five situations are currently under enforcement; none removed at present.

10.4 Leased property developments - See Item 10.6.

10.5 New dwelling vs. old dwelling, North Cove Road - See Item 10.6.

10.6 Communication with Cowichan Valley Regional District Building Inspector

Trustee Luckham spoke to leased property developments and an upcoming Islands Trust information meeting to learn of the options of property development.

Trustee French spoke to the need of checking carefully with the Cowichan Valley Regional District Building Inspector **BEFORE** a building permit is given. "Selective enforcement" of bylaws has hindered early reporting of activities with regard to permits; it is important to conduct the inquiries as early as possible in the building process rather than waiting until the roof is on to make a report.

Chair Steeves commended the efforts of the Trustees and Planner to enhance communication between all parties involved.

10.7 Potential 2007 Project - Consolidation of Thetis and Valdez Official Community Plan and Land Use Bylaws

This item was dealt with earlier in the meeting.

10.8 Budget

Planner Brodrick present an estimated 2006-2007 Annual Budget of \$3,167.00 for the Thetis Island Local Trust Committee.

Resolution TH-LTC-022-06

It was **MOVED and SECONDED** to add the \$399.66 difference between the estimated total of \$3,167.00 and the projected total of \$2,747.34 to **Line Item 8 – Contingency**, thereby increasing its budget from \$316.70 to \$716.36.

CARRIED

Resolution TH-LTC-023-06

It was **MOVED and SECONDED** to adopt the Budget as amended.

CARRIED

10.9 Board of Variance - Vacancies for Thetis Island Local Trust Area

This item was dealt with earlier in the meeting.

10.10 Map Resources

Planner Brodrick and Ecosystem Protection Specialist Todosichuk outlined the maps available to the public. Full size copies of several maps are available through Todosichuk directly.

10.11 Advisory Committees - None to be considered.

10.12 Administrative - None to be considered.

10.13 Other Business:

10.13.1 Next regular Local Trust Committee Meeting

The next regular Local Trust Committee Meeting is scheduled on Thursday, September 07, 2006 at 1:30 PM in Forbes Hall.

11. **TOWN HALL** - Meeting open for public discussion.

12. **MEETING CLOSED TO THE PUBLIC**

Resolution TH-LTC- 021-06

It was **MOVED and SECONDED** that the Thetis Island Local Trust Committee Meeting be closed to the public at 3:45 PM, under Section 90(1)(g) of the Community Charter, for the purpose of legal counsel respecting litigation or potential litigation affecting Islands Trust. **CARRIED**

Resolution TH-LTC- 022-06

It was **MOVED and SECONDED** that the Thetis Island Local Trust Committee come out of the closed meeting and resume the public meeting at 4:00 PM. **CARRIED**

13. **ADJOURNMENT**

The Thetis Island Local Trust Committee Meeting was adjourned at 4:00 PM.

CHAIR - Gary Steeves

RECORDER - Janice Young



Islands Trust

Follow Up Action Report w/o Target Date Thetis Island

Print Date: Aug-25-2006

Mar-02-2006

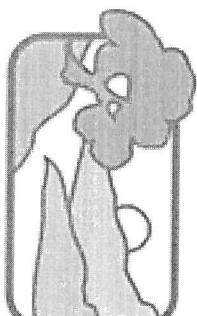
Inactive

No.	Activity	Responsibility	Status
4	Staff to schedule LTC meetings at 1:30 PM on Thursdays: June 8, Sept. 7 and Nov. 23 in Forbes Hall. Publish notice of schedule and make necessary arrangements.	Mark Brodrick Sheila Johnson	On Going

Jun-08-2006

Inactive

No.	Activity	Responsibility	Status
1	Add "Bylaw Enforcement Report" to Meeting Agendas as a standing item.	Mark Brodrick	Done
2	Minutes of March 02, 2006 were adopted, as amended. Post to website and copy extracts to relevant files.	Sheila Johnson	Done
3	Board of Variance Bylaw No. 81, 2006 was given First, Second and Third Readings, and forwarded to EC for approval. Staff to follow bylaw checklist.	Pauline Brazier	Done
4	Staff directed to add following items to the Long List: 1. Commercial Guest Accommodation Review. 2. OCP Review. 3. LUB Review. 4. Consolidation of Thetis and Valdes OCP's and LUB's.	Pauline Brazier	Done
5	Local Expense Budget: Staff directed to add \$399.66 difference between estimated total of \$3,167.00 and projected total of \$2,747.34 to Line Item 8 - Contingency, to increase those funds from \$316.70 to \$716.36.	Mark Brodrick	Done
6	Next regular LTC Meeting is scheduled for Thursday, September 07, 2006 at 1:30 PM in Forbes Hall. Staff to follow meeting checklist and prepare Agenda.	Mark Brodrick Sheila Johnson	Done



Top Priorities

Thetis Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Logging activity on Valdes Island.	Investigate reported logging activity on Valdes Island and communicate with logging company staff.	May-12-2005	Cathy McNamara		On Going
2	OCP Review - Phase 2.		Jul-31-2003	Cathy McNamara	Aug-31-2004	On Going
3	Review and update of the zoning for Ladysmith Harbour Islands and the unzoned Associated Islands of the Trust Area.		Jul-31-2003	Cathy McNamara		On Going



Islands Trust

Print Date: Aug-25-2006

Long List

Thetis Island

No.	Description	Activity	Received/Initiated	Status
1	Catalogue Thetis Island Resources.	Mapping	Mar-02-2006	On Going
2	Tax incentive program.	NAPTEP	Mar-02-2006	On Going
3	Commercial Guest Accommodation	Review	Jun-08-2006	On Going
4	OCP	Review	Jun-08-2006	On Going
5	LUB	Review	Jun-08-2006	On Going
6	Thetis & Valdes OCP's and LUB's	Consolidation	Jun-08-2006	On Going

STAFF REPORT

September 5, 2006

File No.:

To: Thetis Island Local Trust Committee

From: Mark Brodrick, Island Planner
Central Islands Planning Team

CC: Patricia Davidson
Eric McClay, Consulting Archaeologist, Hul'Qumi'num Treaty Group
Chief Thomas, Lyackson First Nation
Chief Lisa Shaver, Penelakut Tribe

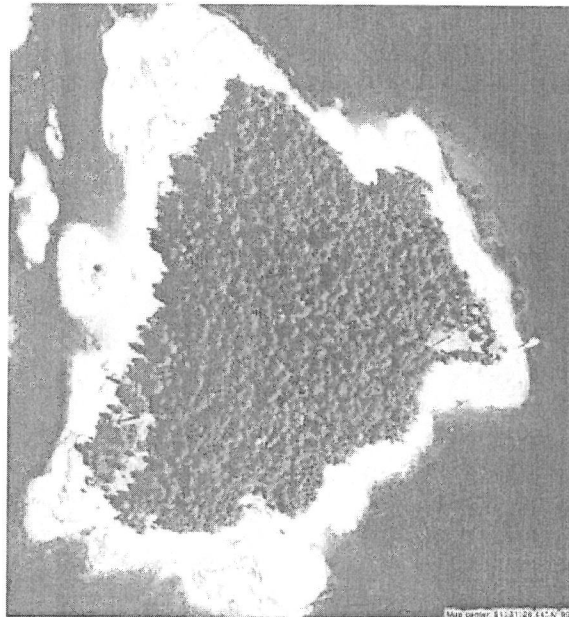
Re: **An application to develop two single-family residences and a guest cottage on Dayman Island.**

Owner: Brister, Davidson, Davidson, Tahmazian, Paget
Applicant: Patricia Davidson
Location: Dayman Island

The Proposal:

This proposal involves Dayman Island which is currently owned by three couples. The island is approximately 23 acres in area. Currently there are a house, a trailer, some outbuildings, three wells, two septic fields, some clearings including some garden areas, an existing dock, a boathouse, and some trails across the island on Dayman Island. The majority of the island is treed. Please refer to the Air Photo below.

Air Photo of Dayman Island:



This "application" proposes a residential development and includes a guest cottage to house a seasonal caretaker. This application proposes to: (i) replace an existing house with a new house, (ii) replace an existing trailer with a new house, (iii) build a guest cottage of approximately 615 square feet in floor area, and (iv) build one new dock and some boardwalks.

This writer met with the applicant on July 21, 2006. Based on this meeting this writer understands that the applicant intends to develop a central sewage treatment facility with a drip field that would service the two proposed dwellings and guest cottage. The existing septic fields would not be used. The applicant expressed interest in a rainwater collection system and is currently researching same. Water quality testing has recently been done and the water is potable. This writer understands that the applicant has contacted several other agencies including the CVRD building inspector. It is this writer's opinion that the applicants have put considerable thought and research into their proposal and are very well prepared to move ahead with the proposed development.

The owners inform that they do not intend to build now, or in the future, any more than discussed in this report and as shown on the attached sketches. No additional trails are considered. Additionally, the owners are not contemplating any commercial development now or in the future and this includes a bed and breakfast or short term vacation rental.

For additional information on the proposed development please refer to a scanned copy of a letter from the applicant, dated July 2006 and date stamped received at this office on July 21, 2006. **Refer to page three of this report for the scanned letter.**

Refer to page four of this report for a scanned sketch of Dayman Island including the proposed development.

Two pieces of additional information have been scanned and are found at the end of this report. The first piece of information is a one page table ledger that lists current and proposed structures. The second piece of information is a three page text that provides more details.



July 2006

Re: Use of proposed re- development for Dayman Island Stated by Current Owners

The re-development is maximizing the use of existing cleared areas and infrastructure while minimizing any further disturbance of waterfront, meadows, soil or tree cover.

This is consistent with our desire to keep the property in its natural state to facilitate recreational use by the three families/owners use of the two proposed residences.

The two residences are planned for the existing developed sites. The island has a combination of mature Arbutus, Douglas Fir and Cedar forest cover, often in excess of 100'.

The waterfront consists of seven shell hash sand beaches and accessible low bank sandstone. Although we feel that comfortable residences are an important factor in our enjoyment of the property, our major draw to Dayman Island was the attractiveness and beauty of the west coast environment.

If use to date is a good guide, the owners use the property approximately 20 times/yr for an average of 3-5 days for recreational use and relaxation with family and friends. There is no intended commercial use of any aspect of the development and there is no desire or intent to propose further development as long as we are the property owners.

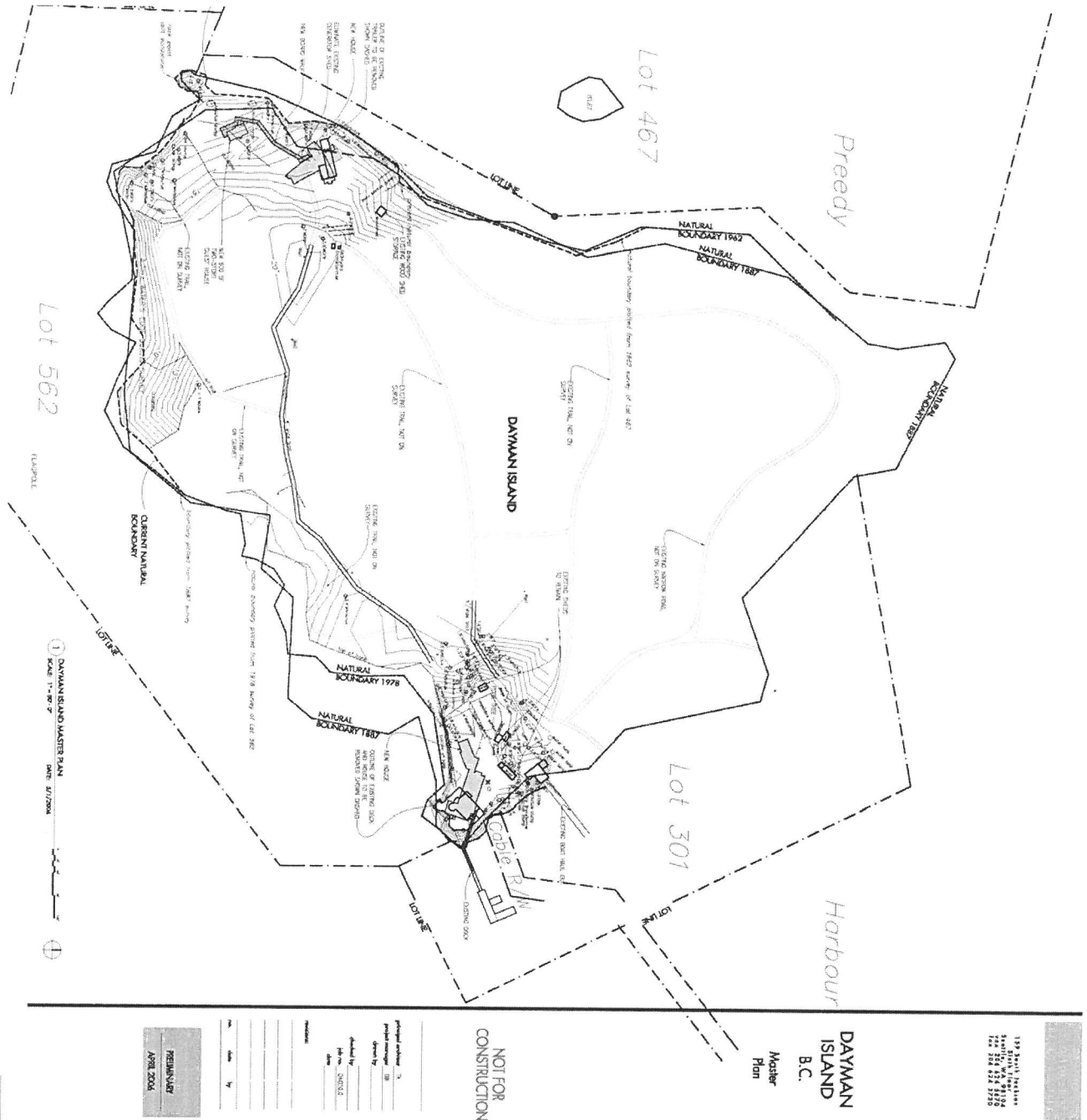
None of the owners has expressed an interest to live on the property on a full time basis but we do visit in all seasons. We currently have a 'care taker' on the property through the winter months and will likely continue with that after the construction phase is complete.

As the island is isolated we are requesting a small relaxation of the guesthouse measurements to assist us with seasonal caretakers accommodation. We are very concerned about beach fires and or other accidental destruction caused by curios uninvited visitors, as we know that this does take place.



Islands Trust

STAFF REPORT



Site Context:

The subject parcel is Dayman Island which lies within the Thetis Island Local Trust Area and which is located to the south west of Thetis Island in the vicinity of Preedy Harbour.

Current Planning Status of Subject Lands:

There are no land use Bylaws for Dayman Island; therefore, there is no Official Community Plan and no Land Use Bylaw in effect to provide direction for decision-making. For this type of "application" no formal application form is required, nor is there a required application fee.

This Staff Report is deemed to be an application as referred to in the Islands Trust Regulation and as discussed in greater detail below.

Legislative Framework**Islands Trust Act**

Dayman Island is subject to Section 32 of the Islands Trust Act which reads:

Restrictions on construction where no zoning in force

32 Subject to the regulations, a person must not begin construction on land in a local trust area that is not covered by a zoning bylaw unless the construction is approved by the local trust committee.

Islands Trust Regulation

However, Dayman Island is also subject to Sections 4 and 5 of the Islands Trust Regulation (BC Reg. 119/90) which reads:

Land use in trust area

4 (1) Section 32 of the Act does not apply, on a parcel of land that is within a local trust area but not within a municipality, to the construction of

- (a) a dwelling unit, unless a dwelling unit already exists on the parcel,
- (b) a recreational cottage not exceeding 400 square feet in floor area, unless a recreational cottage already exists on the parcel, and
- (c) any structure accessory to a dwelling unit or recreational cottage.

(2) If approval for a project is required under section 32 of the Act or this regulation, the owner of the building or improvement shall not use or occupy the building or improvement, or permit the use or occupancy of the building or improvement, until an application for the project has been approved by the local trust committee.

Application and approval

5 An application made under section 32 of the Act for approval of a project shall include the following information:

- (a) the name and address of the applicant or each applicant;
- (b) the location by address or legal description of the parcel of land involved;
- (c) the size of the parcel of land involved;
- (d) a statement describing the proposed dimensions, number of stories and area in square feet of land to be occupied by the project;
- (e) a statement describing the use and purposes of the project;
- (f) a statement declaring the existence of and describing the use, dimensions, number of storeys and area of land occupied by any existing structure situated on the parcel of land involved;
- (g) any other information that may be required by the chairperson of the local trust committee in relation to the application.

In summary, the Islands Trust Act states that when there is no zoning in place any construction requires approval from the local trust committee. However, the Islands Trust Regulation modifies this statement and allows the following to be built without the local trust committee's approval:

- one dwelling unit,
- one recreational cottage not exceeding 400 square feet, and
- accessory structures to both the dwelling unit and recreational cottage.

Any proposal differing from this modified statement does require approval from the local trust committee. The subject proposal on Dayman Island does differ from the allowable development and therefore approval from the local trust committee is needed. The proposal differs in that more than one dwelling unit is proposed and the applicant is requesting approval of a cottage larger than 400 square feet (approximately 615 square feet).

Trust Policy Statement

The Islands Trust Policy Statement typically contains directive policies that read:

“Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address...”.

However, as previously stated in this report there are no land use bylaws in place; therefore, this writer is unable to reference any applicable policies from the Islands Trust Policy Statement.

The following section is copied from the Policy Statement to provide some direction to the local trust committee.

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

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

Columbia.”

The Islands Trust has responsibility for conservation through land use planning and regulation and for leadership in stewardship — that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area. It is in this context that the word “stewardship” is used within this document. The Islands Trust seeks to integrate ecosystem preservation and protection, sustainable communities and stewardship of resources.

The Islands Trust Act provides special legislation for preservation and protection of the Georgia Strait-Howe Sound geographic area and creates a conservation-oriented agency to work towards this objective. The object establishes the value of the Trust Area by identifying the need for preservation and protection of the Area.

Approvals should not be contrary to or at variance from the policy statement. Staff considers the requested approval as being consistent with the Trust Policy Statement.

Official Community Plan

There is no Official Community Plan for Dayman Island.

Land Use Bylaw

There is no Land Use Bylaw for Dayman Island.

For Information Purposes

Staff recommends that the applicant contact and consult with local First Nations in the event there are any historic shoreline uses or archeological sites that may be impacted by the proposed development. This report has been copied to Hul'Qumi'num Treaty Group, the Lyackson First Nation and the Penelakut Tribe.

Recommendations:

1. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Micehelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction on Dayman Island:
 - one additional dwelling unit, and
 - one guest cottage of approximately 615 square feet in floor area;conditional upon the registration of a Section 219 restrictive covenant prohibiting further subdivision of the island.

And

2. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Micehelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction within the provincial foreshore of Dayman Island:
 - one additional dock to be located on the south west side of Dayman Island.

OR

1. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Micehelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction on Dayman Island:
 - one additional dwelling unit, and
 - one guest cottage of approximately 615 square feet in floor area;conditional upon the registration of a Section 219 restrictive covenant limiting the development of the entire **island** to:
 - two dwelling units,
 - two seasonal cottages (800 square feet in total), and
 - accessory structures.

And

2. That on the development application by Patricia Davidson, James Davidson, Rafi Tahmazian, Micehelle Paget, Matt Brister and Tara Brister, pursuant to Section 32 of the Islands Trust Act the Thetis Island Local Trust Committee **Approve** the following construction within the provincial foreshore of Dayman Island:
 - one additional dock to be located on the south west side of Dayman Island.

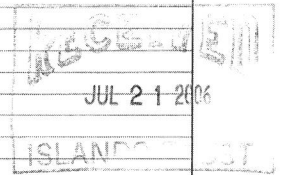
Respectfully submitted by:

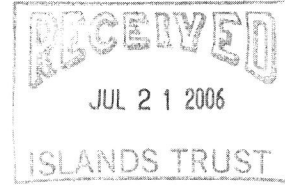
Mark Brodrick, Island Planner

Date: September 5, 2006

Attachments:

Dayman Island Existing Buildings & Infrastructure:						
See survey island mapping for existing roads, trails, wells, septic fields, tanks, transformers, gardens, garden sheds, boathouse, dock, house, trailer						
Existing House Building/s Site #1:	# of Stories	Square Footage	Height	Width	Depth	Status
House & Deck	2	1370		42'	40"	To be replaced
Decks Raised Attached to House	n/a	2200				To be replaced
Dock	n/a	520				Existing / Repairs Only
Wood/Tool House	1	300		30'	10'	Existing / RepairsOnly
Pumphouse next to Wood/Tool House	1	as above		30'	10'	Existing / RepairsOnly
Glass Garden Green House	1	80		8'	10'	Existing / RepairsOnly
Wood Garden Tool House	1	140		14'	10'	Existing / RepairsOnly
Chicken Coop	1	160		10'	16'	Existing / RepairsOnly
Gardens & Orchard	n/a					Existing / RepairsOnly
Septic Field	n/a					Replace new shared system, in use
Boathouse & Transformer Shed - Main Floor	1+ Loft			42'	30'	Existing / RepairsOnly total usable floor space 1500
Loft						
Well Water Storage	tanks					
Burn Site Clearing	n/a					
Proposed New Building/s Site #1:	2	3882		65'	64'	New, replace existing same location
Land Use Dimensions of Total Area:						
Existing Trailer Building/s Site #2:						
Trailer & Decks Build outs off Trailer	1					Removed build outs Trailer secured on site
Transformer Shed	n/a					
Burn Site & Scrap Pile / Clearing	n/a					
Old Saw Mill Wood House	1					
Septic Tank	n/a					Not in use
Proposed New Building/s Site #2:						
New House	2	4597		76'	94'	New, replace trailer same location
Guest House / Seasonal Caretaker / Main Floor	1+ Loft	Proposed 615		34'	20'	New for a total of 960 sq ft of usable
Loft		Proposed 345				floor space.
Boat House	1	800		40'	20'	
Land Use Dimensions of Total Area:						
Existing Fields/Clearings						
Large Filed Flag Pole / Meadow						
Small Field Old Homestead Site, Concrete/Stone Foundation						
Medium Field Next to the Trailer / Meadow						
Existing Power						
New Infrastructure						
New Septic Field Shared - Who has the map layout design?						
New Septic, New Pump House				4'	6'	
New Septic Holding Tanks						Size of these was?
Geothermal Site #1						
Geothermal Site #2						





20 July 2006

Dayman Island

5(c) :

the size of the parcel of land involved;

23.55 acres [as surveyed by Richard Mortimer, (B.C. Land surveyor) completed on the 30th. day of March, 2004]

5(d) :

a statement declaring the existence of and describing the use, dimensions, number of storeys and area of land occupied by any existing structure situated on the parcel of land involved;

Existing structures include:

Site 1 (east side of the island):

A 2-story dwelling of 1,370 square feet, having overall dimensions of approx. 42' x 40' located on the south-east side of the island. The footprint if this structure is 1,266 square feet. Raised decks adjacent to the dwelling total 2,200 square feet. This structure is to be replaced or remodeled as described below.

A 2-story boathouse/electrical shed of 1,500 square feet, (960 sf. ground floor/540 upper floor) having overall dimensions of approx. 42' x 30' located on the east side of the island near the existing dwelling.

A single-story, 160 square foot, 10' x 16' chicken coop located on the east side of the island near the existing dwelling.

A single-story, 140 square foot, 10' x 14' garden shed located on the east side of the island near the existing dwelling.

A single-story, 80 square foot, 8' x 10' greenhouse located on the east side of the island near the existing dwelling.

Olson Sundberg Kundig Allen Architects
159 South Jackson Street Sixth Floor Seattle, Washington 98104
vox 206 624 5670 fax 206 624 3730 www.olsonsundberg.com



A single-story, 300 square foot, 10' x 30' wood shed/pumphouse located on the east side of the island near the existing dwelling.

A dock of 520 square feet.

Site 2 (west side of the island):

A single-wide mobile home with a popout 26' x 65' located on the west side of the island, to be removed. The footprint if this structure is 1,242 square feet.

A single-story, 48 square foot, 6' x 8' transformer shed located on the west side of the island near the existing mobile home.

5(e):

a statement describing the proposed dimensions, number of stories and area in square feet of land to be occupied by the project;

Proposed structures include:

Site 1 (east side of the island):

A 2-story dwelling of 3,882 square feet, (2,144 sf. ground floor/1,738 upper floor) having overall dimensions of approx. 65' x 64' to be located on the south-east side of the island at a location presently occupied by an existing dwelling.

Site 2 (west side of the island):

A 2-story dwelling of 4,597 square feet, (2,752 sf. ground floor/1,845 upper floor) having overall dimensions of approx. 76' x 94' to be located on the west side of the island at a location presently occupied by an existing mobile home.

Olson Sundberg Kundig Allen Architects
159 South Jackson Street Sixth Floor Seattle, Washington 98104
vox 206 624 5670 fax 206 624 3730 www.olsonsundberg.com



A 2-story guest cottage of 960 square feet, (615 sf. ground floor/345 upper floor) having overall dimensions of approx. 34' x 20' to be located on the south-west side of the island.

A one story boat house of 800 square feet, having overall dimensions of approx. 40' x 20' to be located on the south-west side of the island.

A small pumphouse as required for the septic system, 4' x 6'.

Olson Sundberg Kundig Allen Architects
159 South Jackson Street Sixth Floor Seattle, Washington 98104
vox 206 624 5670 fax 206 624 3730 www.olsonsundberg.com



STAFF REPORT

Date: March 24, 2014 **File No.:** TH-6500-20

To: Thetis Island Local Trust Committee
For meeting of April 16, 2014

From: Aleksandra Brzozowski, Island Planner

CC: Courtney Simpson, Regional Planning Manager

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

THE PROPOSAL:

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

The purpose of this report is to:

- 1) confirm possible revisions to the current draft version of the Thetis Associated Islands Official Community Plan (OCP) and to the current draft version of the Thetis Associated Islands Land Use Bylaw; and,
- 2) introduce Draft Bylaws No. 93 and No. 94 for consideration of first reading.

BACKGROUND:

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

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

SITE CONTEXT:

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

CURRENT PLANNING STATUS OF SUBJECT LANDS:

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

LEGAL REVIEW AND SUGGESTED REVISIONS TO DRAFT OCP:

The draft OCP has received a legal review and a number of changes have been suggested. These revisions have been made to the draft OCP presented and are noted in the draft OCP Revision Tracker (Attachment 1).

One suggested revision impacts the intent of the bylaw provision in question and is presented to the LTC for comment.

Temporary Use Permits

One of the changes made to the *Local Government Act* in 2013 was an expansion of the potential for allowing Temporary Use Permits; this change has not been captured in earlier revisions of the draft Associated Islands OCP. As such, the originally drafted conditions regarding Temporary Use Permits in the draft OCP could be expanded to allow a temporary use of any sort in any zone, pending specific conditions of permission. This would include temporarily allowing community service uses in other zones, which staff believes could be beneficial to these islands.

Staff has included the following recommended rewording in the draft OCP (Attachment 3):

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

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

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

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

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

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

Should the LTC wish to return to the earlier wording from previous drafts, please direct Staff accordingly.

LEGAL REVIEW AND SUGGESTED REVISIONS TO DRAFT LUB:

The draft LUB has received a legal review and a number of changes have been suggested for this document. Revisions are noted in the draft LUB Revision Tracker (Attachment 2).

Four suggested revisions impact the intent of the bylaw provisions in questions and are presented to the LTC with staff recommendations below.

Medical Marihuana Clarification

There is a concern in some municipalities that allowing Horticulture as a permitted use in all zones could be interpreted to also permit commercial medical marihuana production under the new federal regulations.

Staff has included the following change to the definition of “horticulture”. Staff has included the following recommended rewording in the draft LUB (Attachment 4):

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

Should the LTC wish to return to the earlier wording from previous drafts, please direct Staff accordingly.

Permitted Structures in Parks

The drafted subsection 5.7 (2) regarding permitted structures in lands zoned as Park specifies examples of permitted structures, stating “such as stairs, boardwalks, fences, roofed signs”. Legal review has noted that because none of the examples cited are enclosed buildings, the examples effectively limit the type of permitted structures to only be unenclosed structures.

Normally, concern over such specifics would be minimal; park management plans typically offer direction on such matters. In this case, however, because the Cowichan Valley Regional District has no parks function for Ruxton Island, meaning that it does not receive taxes for parks from Ruxton Island property owners and the three park lands on Ruxton Island are not formally managed by their Parks Department, the bylaw provisions in the LUB are currently the regulations for permitted structures in these parklands.

Staff provides this information for the LTC's consideration, but recommends no change to this Subsection 5.7 (2) regarding Permitted Structures in the Park (P) zoning:

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

Parking Requirements

It has been noted by staff, trustees, and the community that the drafted parking regulations are inappropriate for the islands in question. Staff has discussed this concern with legal counsel, hoping to draft regulations that are more relevant to these smaller rural islands.

Staff recommends that Parking Regulations section of the LUB (previously Part 7) be removed, and that in its stead the following Section 3.10 be added to Part 3: General Regulations:

- (1) The residential uses permitted by this bylaw are permitted on islands with dedicated road rights of way, regardless of the condition of the roadways, only if the owner provides adjacent to the dwelling an improved area of sufficient size to accommodate the off-road parking or storage of such vehicles as the owner or occupier intends to use to access the dwelling. For this purpose “vehicles” includes automobiles whether licensed or not, all-terrain vehicles, golf carts and similar machines.
- (2) The residential uses permitted by this bylaw are permitted in subdivisions of more than 3 lots approved after the date of adoption of this bylaw only if the subdivision provides a road right of way providing access from each lot to a location adjacent to the water that is suitable for the development of a community dock.

Should the LTC wish to return to the earlier wording from previous drafts, please direct Staff accordingly.

Permitted Home Occupations

It has been noted that some of the drafted permitted home occupations are vague. Staff has discussed this concern with legal counsel, hoping to refine the regulations.

Staff recommends that the permitted home occupations in Section 3.6(1) be revised to read as follows:

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

- (a) drawing, carving, painting, printmaking, photography and sculpture for commercial purposes.
- (b) repairing of goods.
- (c) professional practice.
- (d) personal and instructional services.
- (e) the production of craft articles for sale including without limitation ceramics, furniture, weaving, and musical instruments.
- (f) commercial visitor accommodation, subject to the following additional regulations:
 - (i) a commercial visitor accommodation must be conducted solely within a principal dwelling;
 - (ii) not more than 2 bedrooms may be used to accommodate guests; and,
 - (iii) not more than 4 guests may be accommodated at any one time.

Should the LTC wish to revise this wording, please direct Staff accordingly.

WATER SUPPLY REQUIREMENTS TO PROTECT GROUNDWATER:

One of the project goals for the OCP/LUB project was to improve the protection of groundwater, and at the outset of the project, staff noted considering regulatory requirements for water catchment.

The LTC's explicit authority in relation to water supply is the ability to require that each parcel to be created by a subdivision have a source of potable water having a flow capacity at a rate established in the bylaw. As such, a requirement for a minimum amount of rainwater catchment could be added to Part 8 regarding Subdivision Requirements. This requirement would only impact lands with subdivision potential (select properties on Dayman, Pylades, and Reid Islands) and would not explicitly address the issue of groundwater protection.

Staff provides this information for the LTC's consideration, but recommends no change to the Land Use Bylaw regarding water supply requirements for subdivisions. Should the LTC wish to draft wording for such a requirement, please direct Staff accordingly.

As for lands without subdivision potential, regulatory requirements for water catchment have not been drafted because no quantitative requirements or regulations have been deemed readily suitable by planning staff without requiring groundwater studies and development permit areas. However, legal advice suggests that it would still be possible to require water catchment if included in the definition of a "dwelling" was a requirement for cisterns.

The consequence of such a definition would be that all existing dwellings without cisterns would be deemed legal non-conforming. If a building permit application was made to make any

renovations to such a dwelling without adding a cistern, the only avenue would be to appeal to the Board of Variance (a Development Variance Permit cannot vary the permitted use). Legal advice notes that a qualification could be noted in the definition specifying new construction or increase in floor area as the dwellings requiring cisterns of a certain capacity; this qualification would help to ease the number of non-conformities but it would not ease the requirement to appeal to the Board of Variance.

Staff provides this information for the LTC's consideration, but recommends no change to the Land Use Bylaw regarding water supply requirements. Should the LTC wish to draft wording for such a requirement, please direct Staff accordingly.

POLICY STATEMENT CHECKLIST THE OCP AND/OR LUB:

Section 1.6 of the Policy Statement Implementation Policy holds the primary responsibility for demonstrating that an official community plan or regulatory bylaw is not contrary to or at variance with the Islands Trust Policy Statement with each local trust committee.

Both the OCP and the LUB were drafted with careful reference to the directives noted in the Islands Trust Policy Statement, and staff is confident that all policies have been addressed. Staff has assessed each of the two bylaws against the Policy Statement Directives Only checklist (Attachments 5 and 6) and the LTC is requested to pass a formal resolution to indicate agreement with these assessments.

CONSULTATION AND REFERRALS:

The following consultation schedule and project timeline is proposed and is consistent with the Associated Islands OCP and LUB Project Terms of Reference endorsed by the Thetis Island Local Trust Committee on May 23, 2012.

March 2014

- Technical and legal analysis of OCP and LUB

April 2014

- Consideration of First Reading of OCP bylaw and LUB bylaw
 - o Referral to agencies including, but not limited to, Cowichan Valley Regional District, Island Health, Islands Trust Fund, Department of Fisheries and Oceans, BC Parks.
 - o Referral to First Nations including, but not limited to, Lyackson and Chemainus.

June 2014

- Staff to present summary of agency, First Nation, and community input to the LTC at a regular business meeting
- Return Bylaw for consideration of First Reading (if significant revisions or concerns need to be addressed); or
- Notice of Community Information Meeting
- Public Hearing and Information Package prepared for agencies, property owners and residents

June/July 2014

- Community Information Meeting(s) and Public Hearing

July – September 2014

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

November 2014

- Final consideration and adoption

RECOMMENDATIONS:

THAT the Thetis Island Local Trust Committee:

1. request staff to revise the Thetis Associated Islands draft Official Community Plan and Land Use Bylaw with any revisions deemed appropriate by the LTC;
2. give first reading to Draft Bylaw No. 93, cited as the “Thetis Associated Islands Official Community Plan Bylaw 2014” as revised;
3. give first reading to Draft Bylaw No. 94, cited as the “Thetis Associated Islands Land Use Bylaw 2014” as revised;
4. direct staff to refer Proposed Bylaw No. 93, cited as the “Thetis Associated Islands Official Community Plan Bylaw 2014” and Proposed Bylaw No. 94, cited as the “Thetis Associated Islands Land Use Bylaw 2014” to the following agencies and First Nations:
 - Stz’uminus First Nation
 - Cowichan Tribes
 - Halalt First Nation
 - Hul’qumi’num Treaty Group
 - Lake Cowichan First Nation
 - Lyackson First Nation
 - Penelakut Tribe
 - Snuneymuxw First Nation
 - Semiahmoo First Nation
 - BC Assessment Authority
 - BC Parks
 - Cowichan Valley Regional District
 - Department of Fisheries and Oceans
 - Island Health
 - Islands Trust Bylaw Enforcement
 - Islands Trust Fund
 - Ministry of Environment
 - Ministry of Forests, Lands, and Natural Resource Operations
 - Ministry of Transportation and Infrastructure
 - Transport Canada
 - Gabriola Local Trust Committee
 - Salt Spring Local Trust Committee
5. review the Directives Only Policies and determine that Bylaws No. 93 and No. 94 are not contrary to or at variance with the Islands Trust Policy Statement; and,
6. post the new revised versions of the bylaws to the Thetis webpage of the Islands Trust website.

Prepared and Submitted by:

Aleksandra Brzozowski

Aleksandra Brzozowski
Island Planner

April 3, 2014

Date

Concurred in by:

Courtney Simpson

Courtney Simpson
Regional Planning Manager

April 7, 2014

Date

Attachments:

1. Thetis Associated Islands draft OCP Revision Tracker – April 2014
2. Thetis Associated Islands draft LUB Revision Tracker – April 2014
3. Thetis Associated Islands Official Community Plan, Draft Bylaw No. 93
4. Thetis Associated Islands Land Use Bylaw, Draft Bylaw No. 94
5. Policy Statement Directives Only Checklist for Draft Bylaw No. 93
6. Policy Statement Directives Only Checklist for Draft Bylaw No. 94



THETIS ASSOCIATED ISLANDS DRAFT OCP REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
throughout	"Associated Islands"	"Plan Area"	Legislative Clerk recommended revision. For clarity, as the Plan does not include all Thetis Associated Islands
1.4 – 1.7	<i>New Text</i>	<i>Paragraphs added for 1.4 Natural Features, 1.5 Access and Services; 1.6 Population and Settlement Patterns; and 1.7 Development Potential.</i>	Finally added!
3.2.10; 4.2.5; 5.2.12; 7.2.5; 8.2.4	<i>New Policies</i>	The Local Trust Committee may require zoning amendment applicants to provide development approval information.	Staff recommended revision, to enable the LTC to request development approval information.
4.2.3	Commercial visitor accommodation should be limited to temporary overnight accommodation that is accessory to residential use, and should be regulated to minimize impacts. Short term vacation rentals should not be permitted. □	Commercial visitor accommodation should be limited to temporary overnight accommodation that is accessory to residential use of a dwelling , and should be regulated to minimize impacts.	Legal advises that the first sentence conveys necessary information while the second muddles the intent with a different term.
5.2.11	The Local Trust Committee should only give consideration to permitting structural modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure.	The Local Trust Committee should only give consideration to permitting structural modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect an existing use or structure.	Legal review noted "permitted" use and structures was deemed unnecessary in this instance.
7.1.1	To maintain traditional land use as it concerns natural resources in the Plan Area.	To maintain current land use as it concerns natural resources in the Plan Area.	Staff recommended revision. For clarity, not to mean historical or First Nations uses.
9.2.5	The Local Trust Committee should, through bylaw provisions, implement the provincial Riparian Areas Regulation should applicable watercourses be identified.	The Local Trust Committee should, through bylaw provisions, implement provincial riparian area protection requirements should applicable watercourses be identified.	The name of the legislation is changing so a more general reference is preferable.
10.2.5	It is Trust Council policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.	<i>That the entire section be deleted.</i>	Suggestion from legal review.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT OCP REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
10.3.3	The Local Trust Committee should encourage the Vancouver Island Health Authority and Cowichan Valley Regional District to: b) implement studies on alternate systems for waste water treatment;	The Local Trust Committee should encourage the Vancouver Island Health Authority and Cowichan Valley Regional District to: b) conduct studies on alternate systems for waste water treatment;	Staff recommended revision.
11.2.1	The Local Trust Committee should, in its bylaw provisions and review of development applications, consider the potential impacts on global climate change and greenhouse gas (GHG) education targets.	The Local Trust Committee should, in its bylaw provisions and review of development applications, consider the potential impacts on global climate change and greenhouse gas (GHG) emissions .	Staff recommended revision.
11.2.6	The Local Trust Committee should, through bylaw provisions, support residential renewable energy (e.g. microhydro, solar, wind, waste heat, etc.) potential in the Plan Area.	The Local Trust Committee should, through bylaw provisions, support residential renewable energy (e.g. microhydro, solar, wind, waste heat, etc.) use in the Plan Area.	Staff recommended revision.
12.2.3	Notification may include a direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.	Notification may include a recommendation to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.	The original policy stepped beyond the jurisdiction granted the LTC by the Heritage Conservation Act.
15.0	An Official Community Plan may designate areas where temporary commercial or industrial uses may be allowed. A temporary use permit may, notwithstanding a zoning bylaw, allow a commercial or industrial use, permit the construction or use of buildings or structures to accommodate persons who work at the commercial or industrial enterprise in respect of which the permit is issued and specify conditions under which a temporary commercial or industrial use may be carried on. The issuance of a temporary use permit should be conditional on compliance with the following guidelines: Temporary Commercial or Industrial Use	An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may, notwithstanding a zoning bylaw, allow a temporary use, permit the construction or use of buildings or structures to accommodate the temporary use, and specify conditions under which the temporary use may be permitted. The issuance of a temporary use permit should be conditional on compliance with the following guidelines: Temporary Use Permits may be issued for any area covered by this plan, except for areas designated Park and Conservation on Schedule C. Temporary Use Permits should only be issued for	Staff recommended revision, following recent changes to the <i>Local Government Act</i> .



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT OCP REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
	Permits may be issued for any area covered by this plan, except for areas designated Park and Conservation on Schedule C. Temporary Commercial and Industrial Use Permits should only be issued for activities that are of short and fixed duration. An application for a Temporary Commercial or Industrial Use Permit should only be considered if the proposal can be demonstrated to have minimal negative impact on the environment of the plan area. In issuing a Temporary Commercial or Industrial Use permit, the Local Trust Committee should specify conditions under which the use may be carried on that would mitigate any impacts of the use, including restoration of land upon completion of the permit.	activities that are of short and fixed duration. An application for a Temporary Use Permit should only be considered if the proposal can be demonstrated to have minimal negative impact on the environment of the plan area. In issuing a Temporary Use Permit, the Local Trust Committee should specify conditions under which the use may be carried out that would mitigate any impacts of the use, including restoration of land upon completion of the permit.	
16.7.2 (e)	<i>New Article.</i>	The outer boundaries of the Marine designation on Schedule C are located 150 metres seaward of the natural boundary.	Added following final drafting of Schedule C.
16.7.4	<i>A list of definitions.</i>	<i>That the entire section be deleted.</i>	Legal advises that definitions in an OCP are discouraged.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
throughout	<i>Imperial measurement conversions following metric measurements.</i>	<i>Remove imperial measurement notations.</i>	Staff recommended deletion.
1.1	<i>Definitions for “approving officer”, “frontage”, “side lot line”, “front lot line”, “rear lot line”, “natural watercourse”, “panhandle lot”, “stream”, and “swimfloat”</i>	<i>These definitions have been deleted, as the terms are not used in the bylaw.</i>	Staff recommended deletion.
1.1	<i>Definitions for “hazardous waste” and “solar collectors”.</i>	<i>These definitions have been added, as they are used but not defined in the bylaw.</i>	Staff recommended addition.
1.1	“accessory guest cottage” means a single family residential dwelling regulated as to use, size and other conditions so as to attribute criteria that insure it is a secondary and associated use and structure to the principal dwelling on a lot.	“accessory guest cottage” means a single family residential dwelling regulated as to use, size and other conditions so as to ensure its accessory status .	Revision following legal review.
1.1	“aquaculture” means the growing and cultivation of aquatic plants or animals for commercial purposes, in any water environment, or in human-made containers of water, and includes the growing and cultivation of shellfish on, in or under, the foreshore or in the water.	“aquaculture” means the growing and cultivation of aquatic plants or animals for commercial purposes, in any water environment, or in human-made containers of water, and includes the growing and cultivation of shellfish on the foreshore or in the water.	Revision following legal review.
1.1	“building” means a roofed structure used or intended to be used for supporting or sheltering any use or occupancy, and includes a mobile home.	“building” means a roofed structure used or intended to be used for supporting or sheltering any use or occupancy, and includes a mobile home and a park model recreational vehicle .	Revision following legal review.
1.1	“commercial visitor accommodation” means a home occupation comprising the provision of temporary overnight sleeping accommodation and meals to paying guests for a period not to exceed	“commercial visitor accommodation” means a home occupation comprising the provision of temporary overnight sleeping accommodation and meals to paying guests for a period not to exceed fourteen	Revision following legal review.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
	fourteen days.	days while the dwelling in which the accommodation is provided is occupied as a dwelling by the owner or a tenant who is conducting the home occupation.	
1.1	“community dock” means non-commercial boat mooring facilities which are owned, operated, and administered cooperatively by individuals, a non-commercial organization, or by a strata corporation, for the provision of boat moorage spaces to Bylaw Area residents, lot owners, and invitees, and for which user fees may be charged.	“community dock” means non-commercial boat mooring facilities which are owned, operated, and administered cooperatively by individuals, a non-commercial organization, or by a strata corporation, for the provision of boat moorage spaces to residents of the island on which the dock is located , and for which user fees may be charged.	
1.1	“dwelling” means a building used for residential purposes by a single household, containing sleeping and living areas plus a single set of facilities for food preparation and eating, and includes a mobile home and a park model recreational vehicle.	“dwelling” means a building used for residential purposes by a single household, containing sleeping and living areas and a single set of cooking facilities , and includes a mobile home and a park model recreational vehicle.	Revision following legal review.
1.1	“horticulture” means the use of land for growing fruits, vegetables, plants or flowers. Commercial medical marihuana production is not included in this definition.	“horticulture” means the use of land for growing fruits, vegetables, plants or flowers. Commercial medical marihuana production is not included in this definition.	Revision following legal review.
1.1	"lot coverage" means the total horizontal area at grade of those portions of a lot that are covered by buildings and structures, exclusive of decks not exceeding 1.2 metres in height at any point, measured to the outermost perimeter of a building or structure, divided by the area of the lot, and	"lot coverage" means the total horizontal area at grade of those portions of a lot that are covered by buildings and structures, exclusive of decks not exceeding 1.2 metres in height at any point, measured to the outermost perimeter of a building or structure, divided by the area of the lot, and	Staff recommended revision.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
	expressed as a percentage.	expressed as a percentage. The area of a lot that is covered by a roofed building or structure is measured to the drip line of the roof.	
1.1	"residential" means used for the domicile and home life of a person or persons, and for this purpose, does not include the commercial rental of a dwelling unit for a period of less than one month.	"residential" means the use of a dwelling for the domicile and home life of a person or persons, and does not include the commercial rental of a dwelling for a period of less than one month.	
1.1	"setback" means the distance that a building or structure must be sited from a specified lot line, building or feature.	"setback" means the minimum distance that a building or structure must be sited from a lot line, building or other feature.	
1.1	"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic fields, septic tanks, sewage absorption fields and related underground appurtenances below ground and concrete and asphalt paving or similar surfacing of the land.	"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic fields, septic tanks, sewage absorption fields and related underground appurtenances below ground and concrete and asphalt paving or similar surfacing of the land.	
1.1	"wind turbine" means a wind energy conversion system consisting of a turbine, a turbine tower, and associated equipment, machinery, structures and buildings, which has a nameplate rated capacity of not more than 50kW, and which provides power for use on-site only (grid connected or off-grid).	"wind turbine" means a wind energy conversion system consisting of a turbine, a turbine tower, and associated equipment, machinery, structures and buildings, which has a nameplate rated capacity of not more than 50kW, and which provides electricity for use on-site only.	



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
1.1	"wharf" means a structure, usually consisting of a pier, ramp(s), and float(s), which is connected to an upland lot by a ramp or walkway	"wharf" means a structure, usually consisting of a pier, ramp(s), and float(s), which is connected to an upland lot by a ramp or walkway and used for the moorage of boats.	
2.2 (3)	<i>Information Note: Strata Agreements or Building Schemes (eg. Hudson Island) may contain restrictions in addition to those in this bylaw and are to be honoured. In instances of discrepancy, the more restrictive of the two regulations applies, as per the precautionary principle.</i>	<i>Information Note: Strata Bylaws or Building Schemes (eg. Hudson Island) may contain private land use restrictions in addition to those contained in this bylaw.</i>	
2.5 (1)	Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the Offence Act, not exceeding \$2,000 and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.	Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the Offence Act, not exceeding \$10,000 and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.	Suggestion following legal review. Noted that the new maximum should be used.
3.3 (3)	No building or structure except a fence, utility shed, boathouse, platform at a maximum of 5 square metres, or stairs and boat ramps may be constructed, reconstructed, moved, extended or located: (a) within a 10 metre horizontal setback, and 1.5 metre elevation setback, from the natural boundary of the sea; or (b) within 30 metres of the natural boundary of any other natural watercourse or source of water supply.	No building or structure except a fence, utility shed, boathouse, platform with a maximum area of 5 square metres , stairs and boat ramps may be constructed, reconstructed, moved, extended or located: (a) within a 10 metre horizontal setback, and within 1.5 metres vertically , from the <i>natural boundary</i> of the sea; or (b) within 30 metres of the natural boundary of any natural watercourse or source of water	Suggestion following legal review.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
		supply.	
3.3 (6)	Wind turbines must be set away from all property lines, roads, and the natural boundary of the sea at a distance 1.25 times the height of the wind turbine.	Wind turbines on land must be set back from all property lines, roads, and the natural boundary of the sea a minimum distance of 1.25 times the height of the wind turbine.	Suggestion following legal review.
3.5 (4)	Unless a building or structure, excluding an attached deck and patio , is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.	Unless a building or structure is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.	Suggestion following legal review.
3.6 (1)	Permitted accessory home occupations, unless otherwise prohibited in this bylaw, include any of the following: (a) home craft. (b) repairing of goods. (c) professional practice. (d) personal services. (e) creation of a product. (f) commercial visitor accommodation, subject to the following additional regulations: (i) a commercial visitor accommodation must be conducted solely within a principal dwelling; (ii) not more than 2 bedrooms may be used to accommodate guests; and (iii) not more than 4 guests may be	Permitted accessory home occupations, unless otherwise prohibited in this bylaw, include any of the following: (a) drawing, carving, painting, printmaking, photography and sculpture for commercial purposes. (b) repairing of goods. (c) professional practice. (d) personal and instructional services. (e) the production of craft articles for sale including without limitation ceramics, furniture, weaving, and musical instruments. (f) commercial visitor accommodation, subject to the following additional regulations: (i) a commercial visitor accommodation	Suggestion following legal review.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
	accommodated at any one time.	must be conducted solely within a principal dwelling; (ii) not more than 2 bedrooms may be used to accommodate guests; and, (iii) not more than 4 guests may be accommodated at any one time.	
3.8	Except where permitted by the regulations in Part 5, no land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles, including but not limited to All-Terrain Vehicles (ATVs), golf carts, tractors, campers, trailers, vessels, or parts, which are not completely enclosed in a permitted permanent building.	No land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles or vessels, including but not limited to automobiles, all-terrain vehicles, golf carts, tractors, campers, trailers, or parts of such vehicles, which are not completely enclosed in a permitted permanent building.	Suggested revision following legal review.
3.10 Parking and Access Facilities	NEW	(1) The residential uses permitted by this bylaw are permitted on islands with dedicated road rights of way, regardless of the condition of the roadways, only if the owner provides adjacent to the dwelling an improved area of sufficient size to accommodate the off-road parking or storage of such vehicles as the owner or occupier intends to use to access the dwelling. For this purpose "vehicles" includes automobiles whether licensed or not, all-terrain vehicles, golf carts and similar machines. (2) The residential uses permitted by this bylaw are permitted in subdivisions of more than 3 lots approved after the date of adoption of this bylaw only if the subdivision provides a road right of way providing access from each lot to a location	Staff recommended suggestion, drafted with legal input.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
		adjacent to the water that is suitable for the development of a community dock.	
5.1 (8)	The minimum lot size in the R1 zone is 1 hectare.	<i>Delete subsection.</i>	Deemed unnecessary.
5.2 (7)	No lot in the R2 zone may be subdivided.	The minimum average lot area for any subdivision in the R2 zone is 4 hectares.	Revision to reflect larger properties on Reid Island.
5.4 (2)	The maximum density is 26 cottages on the property.	The maximum density is 26 dwellings in the R4 zone, subject to the floor area limit in Subsection 5.4(7).	Suggested revision following legal review.
5.5 (8)	The minimum lot size in the R5 zone is 1 hectare.	<i>Delete subsection.</i>	Deemed unnecessary.
5.8 (6); 5.9 (5);	Derelict or abandoned floats, ramps or walkways are prohibited.	The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.	Suggested revision following legal review.
5.11 (2)	Permitted structures are limited to apparatuses to assist in the offloading and loading of people and materials from boats. For clarity, these do not include floating structures, booms, or docks.	Permitted structures are limited to equipment installed on land to assist in the offloading and loading of people and materials from boats but not obstructing public access along the foreshore.	Suggested revision following legal review.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
5.11 (3)	(a) Permitted structures must allow unfettered public access along the shoreline. (b) Derelict or abandoned apparatuses or other debris are prohibited.	(a) The mooring, docking or other storage of derelict or abandoned equipment or other debris is prohibited.	Suggested revision in legal review. The original (a) article has been written into 5.11 (2).
5.14 (2)	No more than one yacht club outstation use is permitted per lot.	<i>Delete subsection.</i>	Deemed unnecessary.
5.14	3) Buildings in the upland area of the Yacht Club Outstation Zone are limited to the following yacht club outstation facilities: (a) one dwelling unit per parcel which may be included in a club house; and (b) one yacht club outstation facility per parcel. 4) Structures in the upland area of the Yacht Club Outstation Zone are limited to: (a) Stairs and ramps associated with yacht club outstation use of adjacent upland parcel;	2) Buildings and structures in the upland portion of the Yacht Club Outstation Zone are limited to : (a) one yacht club clubhouse; (b) one caretaker dwelling unit located within a club house; and (c) Stairs and ramps associated with yacht club outstation use of adjacent marine parcel.	Suggested revision in legal review.
(Previously) PART 7	7.1 Application (1) Parking regulations shall not apply to any island unless there is a highway right of way and one or more motor vehicles, as defined by the Motor Vehicle Act located on that island.	<i>Delete Part 7.</i>	Revisions following discussion between staff and legal advisor.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
	<i>Information Note: The Motor Vehicle Act definition of "motor vehicle" includes All-Terrain Vehicles (ATVs).</i> (2) There shall be one parking space available for each motor vehicle on an island of at least 2.75 metres in width and 6.25 metres in length, exclusive of manoeuvring aisles or driveways, and have unobstructed vertical clearance of at least 2 metres. (3) Each parking space shall be accessible to a highway via a driveway or manoeuvring aisle not less than 6 metres in width at the junction with the highway.		
(previously) 8.1 (3)	If a lot proposed to be subdivided is divided by a zone boundary, a separate calculation of the number of lots permitted shall be made for each portion, and no lot is to be created in respect of any fractional area resulting from such a calculation.	Delete subsection.	Deemed unnecessary.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
7.2 (1) [previously 8.2 (1)]	(a) electrical and telecommunication utilities; (b) community sewer or water system facilities; (c) telephone receiving antenna; (d) radio or television broadcasting antenna; (e) telecommunication relay; (f) <u>automatic telephone exchange</u> ; (g) air or marine navigation aid; (h) <u>electrical substation</u> .	(a) electrical and telecommunication utilities; (b) community sewer or water system facilities; (c) telephone receiving antenna; (d) radio or television broadcasting antenna; (e) telecommunication relay; (f) air or marine navigation aid.	Suggested revision following legal review. Certain structures were deemed so unlikely as to be unnecessary.
7.6 [previously 8.6]	(1) Pursuant to requirements of the <i>Local Government Act</i> , the frontage on a highway of any lot in a proposed subdivision shall be at least 10% of its perimeter, unless exempted by the Local Trust Committee. (2) No lot in a proposed subdivision may have a lot depth greater than three times its lot width, excluding any panhandle access strip. (3) If a panhandle lot proposed to be created has sufficient area to be further subdivided under the provisions of this Bylaw, the minimum width of the access strip of land shall be 20 metres. (4) If a panhandle lot proposed to be created has insufficient area to be further subdivided, the minimum width of the access strip of land shall be 10 metres.	<i>Delete entire section.</i>	Deemed unnecessary.



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT LUB REVISION TRACKER

APRIL 2014

SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
(Previously) 8.9 Water Access Subdivisions	Subdivisions that propose access by water only shall provide access by road dedication to a location suitable for the establishment of a neighbourhood dock for use by the owners and occupiers of the subdivision.	Delete section.	Deemed unnecessary if new 3.10 Parking Regulations are in place.
(previously) 8.10 Highway Standards	Information Note: For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways (now called Ministry of Transportation and Infrastructure), dated October 20, 1992 and amended July 18, 1996.	Delete section.	Deemed unnecessary.



THETIS ASSOCIATED ISLANDS
OFFICIAL COMMUNITY PLAN
BYLAW NO. 93, 2014

[Back of Front Cover]

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

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

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

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

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

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

1. TITLE

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

2. APPLICATION

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

3. SCHEDULES

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

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

4. REPEAL

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

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

SECRETARY

CHAIRPERSON

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TABLE OF CONTENTS

PART A: BACKGROUND AND GOALS	1
1.0 BACKGROUND	1
2.0 PLAN GOALS	5
PART B: LAND USE DESIGNATIONS	6
3.0 RESIDENTIAL LAND USES	6
4.0 COMMERCIAL AND INDUSTRIAL LAND USES	8
5.0 MARINE USES	9
6.0 PARK AND CONSERVATION USES	11
7.0 NATURAL RESOURCES USES (AGRICULTURAL, FOREST LAND USE, AND SOILS AND AGGREGATES)	12
8.0 COMMUNITY SERVICE AND INSTITUTIONAL USE POLICIES	13
PART C: NATURAL ENVIRONMENT	14
9.0 SENSITIVE ECOSYSTEM POLICIES	14
10.0 GROUNDWATER POLICIES	15
11.0 CLIMATE CHANGE POLICIES	16
PART D: COMMUNITY SERVICES.....	18
12.0 CULTURE AND HERITAGE POLICIES	18
13.0 SERVICES AND INFRASTRUCTURE POLICIES	19
14.0 TRANSPORTATION POLICIES	20
15.0 TEMPORARY USE PERMIT GUIDELINES	20
PART E: ADMINISTRATION AND INTERPRETATION	22
16.1 PURPOSE	22
16.2 ISLANDS TRUST AUTHORITY	22
16.3 AREA OF JURISDICTION	23
16.4 ADVOCACY POLICIES	23
16.5 PUBLIC FACILITIES	23
16.6 IMPLEMENTATION	23
16.7 INTERPRETATION	24
16.8 AMENDMENT PROCEDURE	24
16.9 SEVERABILITY	25
SCHEDULE B: AREA OF APPLICATION.....	26
SCHEDULE C: LAND USE DESIGNATION MAPS A & B	27
SCHEDULE C: LAND USE DESIGNATION MAPS C & D	27

Schedule A

PART A: BACKGROUND AND GOALS

1.0 BACKGROUND

1.1 THE OBJECT OF THE ISLANDS TRUST

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

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

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

1.2 THETIS ASSOCIATED ISLANDS

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

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

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

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

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

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

1.3 NATURAL FEATURES

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

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

1.4 ACCESS AND SERVICES

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

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

1.5 POPULATION AND SETTLEMENT PATTERNS

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

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

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

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

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

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

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

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

1.6 DEVELOPMENT POTENTIAL

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

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

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

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

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

1.7 OFFICIAL COMMUNITY PLAN

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

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

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

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

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

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

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

2.0 PLAN GOALS

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

PART B: LAND USE DESIGNATIONS

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

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

3.0 RESIDENTIAL LAND USES

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

3.1 RESIDENTIAL LAND USE OBJECTIVES

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

3.2 RESIDENTIAL LAND USE POLICIES

- 3.2.1 Local Trust Committee bylaw provisions should preserve the relatively low density residential character of the area, so as to remain compatible with the environmental carrying capacity and traditional land use in the plan area.
- 3.2.2 The Local Trust Committee should continue to permit single family residential uses as the principal use.
- 3.2.3 Local Trust Committee bylaw provisions should ensure that uses customarily considered accessory to residential uses are permitted and regulated.
- 3.2.4 Residential density should be limited to one single family dwelling unit and structures accessory to a dwelling unit for each lot.
- 3.2.5 Despite Policy 3.2.4, zoning should permit existing densities in established communities.
- 3.2.6 Despite Policy 3.2.4, Local Trust Committee bylaw provisions may permit an increased density on District Lots 35 & 36 (South Reid Estates) of Reid Island.

- 3.2.7 Subdivision regulations should establish an average lot size of 4 hectares, consistent with the historic 4 hectare minimum lot size, while allowing for the clustering of lots in future subdivisions to protect rare, threatened, or sensitive ecosystems.
- 3.2.8 The Local Trust Committee should encourage the consolidation of lots less than 0.5 hectares.
- 3.2.9 Applications for additional higher density for new development may only be considered subject to the following:
- (a) the application would result in the preservation and protection of a sensitive ecosystem, significant natural feature, or a heritage resource;
 - (b) the additional density takes the form of residential lots or dwellings;
 - (c) the additional development would be sited away from sensitive ecosystems, would minimize visual impacts, would mitigate potential natural hazards, and would address the sustainability of new development;
 - (d) the additional development would not adversely impact groundwater resources; and,
 - (e) the additional development would not adversely impact adjacent properties.
- 3.2.10 The Local Trust Committee may require zoning amendment applicants to provide development approval information.
- 3.2.11 The Local Trust Committee may consider zoning for the provision of affordable, rental and special needs housing if a community need is demonstrated.
- 3.2.12 The Local Trust Committee should undertake initiatives to identify areas that are hazardous to development, including areas subject to flooding, erosion or slope instability.
- 3.2.13 The Local Trust Committee should, through zoning, the use of setbacks, and the use of development permit areas, restrict and manage development in areas known to be subject to hazardous conditions.

3.3 RESIDENTIAL LAND USE ADVOCACY POLICIES

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

4.0 COMMERCIAL AND INDUSTRIAL LAND USES

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

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

4.1 COMMERCIAL AND INDUSTRIAL OBJECTIVES

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

4.2 COMMERCIAL AND INDUSTRIAL POLICIES

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

5.0 MARINE USES

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

5.1 MARINE USES OBJECTIVES

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

5.2 MARINE USES POLICIES

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

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

5.3 MARINE USES ADVOCACY POLICIES

- 5.3.1 Transport Canada is encouraged to monitor and enforce the regulation of mooring buoys in the Plan Area.
- 5.3.2 Property owner associations are encouraged to assist with coordination efforts to share docks and mooring buoys.

6.0 PARK AND CONSERVATION USES

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

6.1 CONSERVATION USE OBJECTIVE

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

6.2 CONSERVATION USE POLICIES

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

6.3 ADVOCACY POLICIES

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

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

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

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

7.1 NATURAL RESOURCES USE OBJECTIVE

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

7.2 NATURAL RESOURCES USE POLICIES

- 7.2.1 The Local Trust Committee should ensure that its bylaw provisions:
- (a) minimize any adverse effects on potential agricultural land;
 - (b) encourage the design of any road systems and servicing corridors to avoid identified agricultural lands;
 - (c) support the economic viability of farming; and
 - (d) permit the use of Crown lands for agricultural leases where there is agricultural potential.
- 7.2.2 The Local Trust Committee should consider favourably any applications to include land with farming potential into the Agricultural Land Reserve.
- 7.2.3 The Local Trust Committee should identify significant unfragmented forest ecosystems and consider establishing zoning to limit inappropriate development in these areas and to cluster development elsewhere.
- 7.2.4 The Local Trust Committee should, through zoning and other applicable planning tools, protect any areas identified as having productive soil.
- 7.2.5 The Local Trust Committee may require zoning amendment applicants to provide development approval information.

7.3 NATURAL RESOURCES USE ADVOCACY POLICIES

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

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

8.0 COMMUNITY SERVICE AND INSTITUTIONAL USE POLICIES

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

8.1 COMMUNITY SERVICE USE OBJECTIVE

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

8.2 COMMUNITY SERVICE USE POLICIES

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

8.3 ADVOCACY POLICIES

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

PART C: NATURAL ENVIRONMENT

9.0 SENSITIVE ECOSYSTEM POLICIES

9.1 SENSITIVE ECOSYSTEM OBJECTIVES

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

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

9.2 SENSITIVE ECOSYSTEM POLICIES

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

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

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

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

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

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

10.0 GROUNDWATER POLICIES

10.1 GROUNDWATER OBJECTIVE

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

10.2 GROUNDWATER POLICIES

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

10.3 ADVOCACY POLICIES

- 10.3.1 The BC Ministry of Forests, Lands and Natural Resource Operations and the Vancouver Island Health Authority are encouraged to protect the quality and quantity of existing wells.
- 10.3.2 The Vancouver Island Health Authority is encouraged to ensure sewage disposal protects the quality of groundwater supply on islands in the Plan Area.
- 10.3.3 The Vancouver Island Health Authority and Cowichan Valley Regional District are encouraged to:

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

11.0 CLIMATE CHANGE POLICIES

11.1 CLIMATE CHANGE OBJECTIVES

- 11.1.1 To understand the likely impacts of and vulnerabilities to regional climate change in the Plan Area.
- 11.1.2 To support actions to minimize greenhouse gas emissions.
- 11.1.3 To recognize the importance of forested lands and wetlands in removing carbon dioxide from the atmosphere.

11.2 CLIMATE CHANGE POLICIES

- 11.2.1 The Local Trust Committee should, in its bylaw provisions and review of development applications, consider the potential impacts on global climate change and greenhouse gas (GHG) emissions.
- 11.2.2 The LTC should investigate new methods of measuring GHG emissions that are relevant to the Plan Area.
- 11.2.3 The Local Trust Committee should work with other government agencies, stakeholders and residents to achieve energy conservation and emissions reduction goals.
- 11.2.4 The Local Trust Committee should identify significant unfragmented forest and wetland ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- 11.2.5 The Local Trust Committee should encourage and support initiatives to upgrade woodburning appliances.
- 11.2.6 The Local Trust Committee should, through bylaw provisions, support residential renewable energy (e.g. microhydro, solar, wind, waste heat, etc.) use.
- 11.2.7 The Local Trust Committee should work with the Islands Trust Fund Board and other conservation organizations to promote the conservation of forested lands and wetlands as a cost effective and important climate change mitigation strategy.

11.3 ADVOCACY POLICIES

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

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

11.3.2 Residents are encouraged to:

- (a) incorporate high energy efficiency into building design and construction and use carbon-efficient materials in new construction;
- (b) use non-fossil fuel energy sources where possible; and,
- (c) limit the burning of refuse.

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

PART D: COMMUNITY SERVICES

12.0 CULTURE AND HERITAGE POLICIES

12.1 CULTURE AND HERITAGE OBJECTIVES

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

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

12.2 CULTURE AND HERITAGE POLICIES

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

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

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

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

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

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

12.3 ADVOCACY POLICIES

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

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

13.0 SERVICES AND INFRASTRUCTURE POLICIES

13.1 SERVICES AND INFRASTRUCTURE OBJECTIVES

- 13.1.1 To support responsible servicing and waste management in the Plan Area.
- 13.1.2 To promote the development of effective community safety plans.

13.2 SERVICES AND INFRASTRUCTURE POLICIES

- 13.2.1 As islands in the Plan Area are mostly self-sufficient with respect to power, water and sewage disposal, the Local Trust Committee should recognize the challenges associated with providing these services in the Plan Area.
- 13.2.2 Local Trust Committee bylaw provisions should support the provision of power through small-scale, passive means such as solar collector, waste heat, and small scale wind generation.
- 13.2.3 Local Trust Committee bylaw provisions should permit small-scale geo-thermal heating for individual dwellings.
- 13.2.4 The use of alternative technology to the traditional septic field, and the safe recycling of grey water, is supported by the Local Trust Committee if methods can provide effective non polluting and energy efficient means to treat and dispose of effluent and are in compliance with all other government regulations.
- 13.2.5 The Local Trust Committee may require that new development or subdivision include provisions for fire fighting equipment, and for emergency water storage on the island in question.

13.3 ADVOCACY POLICIES

- 13.3.1 Landowners undertaking new construction are encouraged to install rainwater catchment systems.
- 13.3.2 The Royal Canadian Mounted Police, Canadian Coast Guard, fire protection, Cowichan Valley Regional District, as well as search and rescue organizations are requested to be responsive to planning area needs and to assist residents in establishing adequate safety, protection and communication mechanisms for the public.

14.0 TRANSPORTATION POLICIES

14.1 TRANSPORTATION OBJECTIVES

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

14.2 TRANSPORTATION POLICIES

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

14.3 ADVOCACY POLICIES

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

15.0 TEMPORARY USE PERMIT GUIDELINES

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

the temporary use, and specify conditions under which the temporary use may be permitted.

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

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

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

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

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

PART E: ADMINISTRATION AND INTERPRETATION

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

16.1 PURPOSE

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

16.2 ISLANDS TRUST AUTHORITY

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

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

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

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

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

16.3 AREA OF JURISDICTION

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

16.4 ADVOCACY POLICIES

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

16.5 PUBLIC FACILITIES

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

16.6 IMPLEMENTATION

Section 884 of the Local Government Act specifies that:

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

and

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

16.7 INTERPRETATION

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

Part: A

Section: 1.0

Policy: 1.1 1

Subsection: (a)

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

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

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

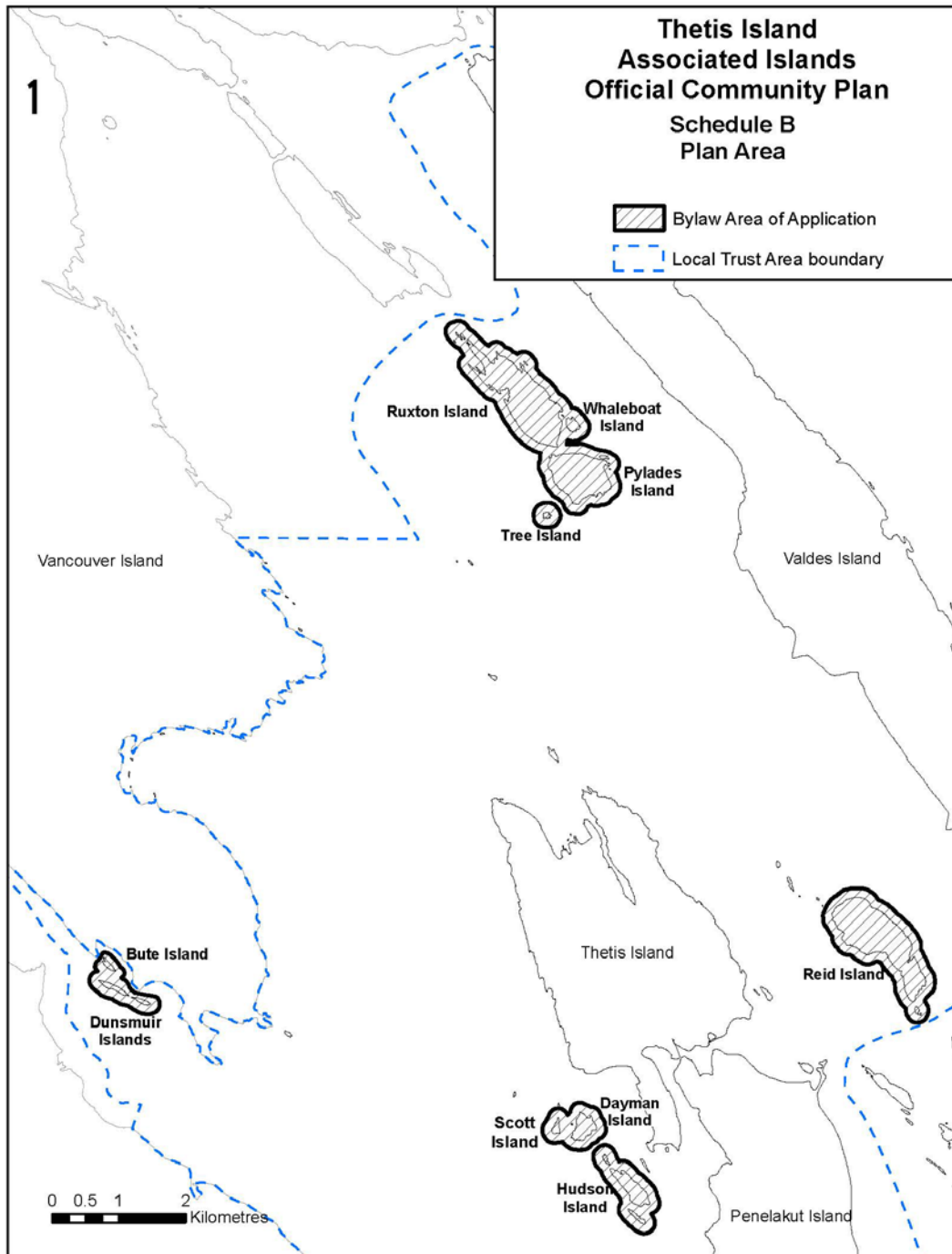
16.8 AMENDMENT PROCEDURE

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

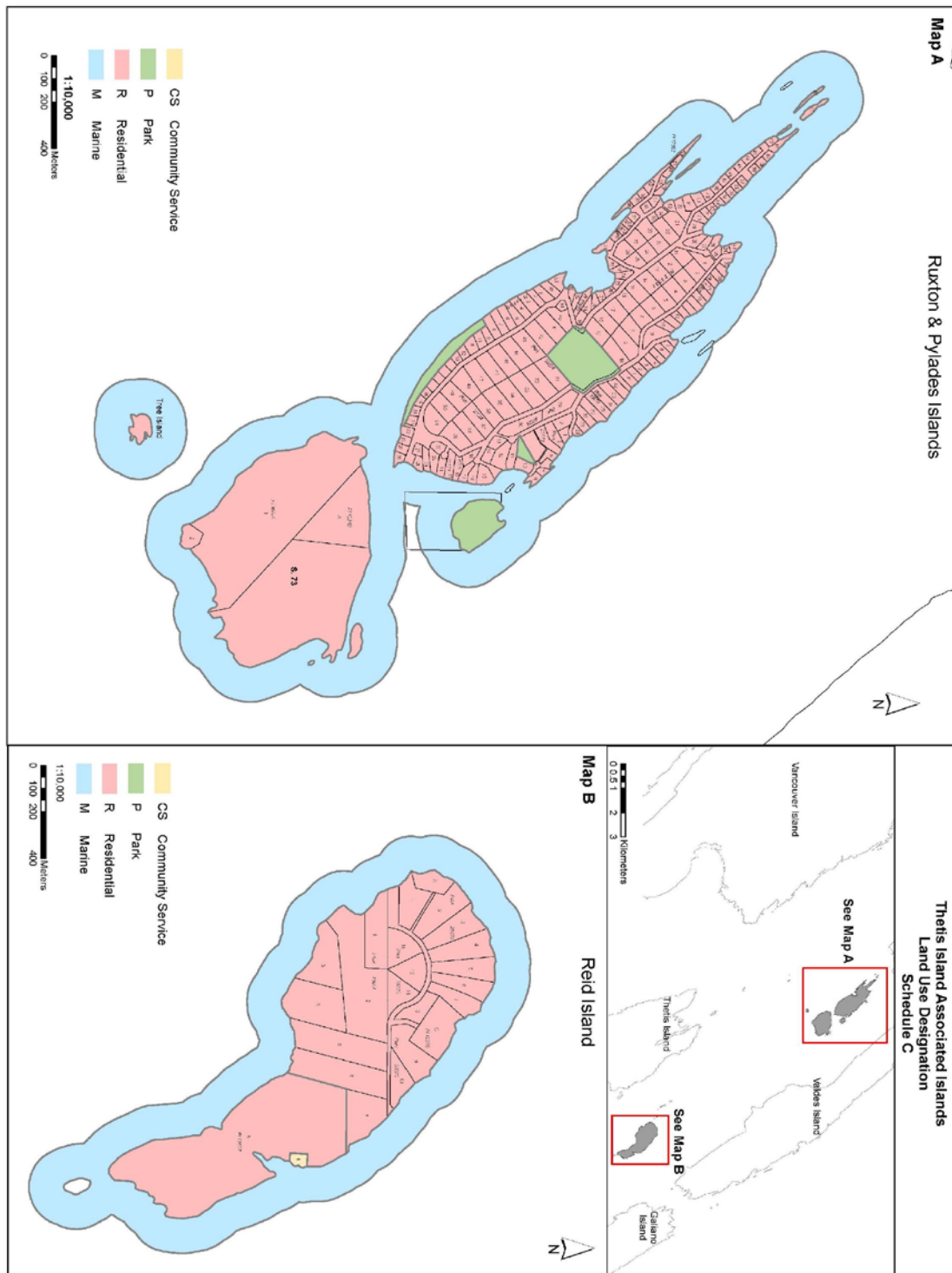
16.9 SEVERABILITY

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

SCHEDULE B: AREA OF APPLICATION



SCHEDULE C: LAND USE DESIGNATION MAPS A & B



SCHEDULE C: LAND USE DESIGNATION MAPS C & D





**LAND USE BYLAW
for
Thetis Associated Islands**

No. 94, 2014

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

[Back of front cover]

BYLAW NO. 94

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

1. The regulations contained in Parts 1 to 7 inclusive in Schedule A, Schedule B, and Schedule C Maps A through D attached to and forming part of this Bylaw, are adopted as a bylaw pursuant to Part 26 of the *Local Government Act* and the *Islands Trust Act*.
2. This bylaw applies to the portion of the Thetis Island Local Trust Area described in Section 2.1 of Schedule A.
3. This Bylaw may be cited as “Thetis Associated Islands Land Use Bylaw, 2014”.
4. The following bylaws are repealed:
 - (a) Ruxton Island Zoning Bylaw, 1982;
 - (b) Cowichan Valley Regional District Electoral Area “H” Zoning Bylaw No. 1020, 1986 to the extent that it applies to the area described in Section 2.1 of Schedule A; and,
 - (c) Regional District of Cowichan Valley Zoning Bylaw No. 110, 1973 to the extent that it applies to the area described in Section 2.1 of Schedule A.

ADOPTED this _____ day of _____, 2014

Secretary

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TABLE OF CONTENTS

PART 1 INTERPRETATION	1
1.1 Definitions	1
1.2 Referencing	5
1.3 Units of Measure	5
1.4 Information Notes	5
PART 2 ADMINISTRATION.....	6
2.1 Application	6
2.2 Conformity.....	6
2.3 Inspection.....	6
2.4 Violation.....	6
2.6 Covenants	7
2.7 Owner's Cost.....	7
2.8 Enforcement of Siting Regulations.....	7
PART 3 GENERAL REGULATIONS	8
3.1 Permitted in All Zones	8
3.2 Prohibited in All Zones	8
3.3 Siting and Setback Regulations.....	9
3.4 Height Regulations	10
3.5 Accessory Uses, Buildings and Structures	10
3.6 Home Occupation Regulations	10
3.7 Fences	11
3.8 Derelict Vehicles	11
3.9 Use of Common Property	11
3.10 Parking and Access Facilities.....	12
4.1 Division into Zones	13
4.2 Zone Boundaries.....	13
PART 5 ZONES.....	14
5.1 Residential One – (R1).....	14
5.2 Residential Two – (R2).....	15
5.3 Residential Three – (R3)	16
5.4 Residential Four – (R4).....	17

5.5	Residential Five – (R5).....	18
5.6	Community Services (CS)	19
5.7	Park (P)	20
5.8	Private Conservation (G)	21
5.9	Marine General (W1)	22
5.10	Marine Service (W2).....	23
5.11	Marine Ruxton (W3)	24
5.12	Marine Protection (W4).....	25
5.13	Marine Aquaculture (W5).....	26
5.14	Yacht Club Outstation (YCO)	27
PART 6 SIGN REGULATIONS		28
6.1	Permitted Signs.....	28
6.2	Size and Height	28
6.3	Obsolete Signs.....	28
PART 7 SUBDIVISION REGULATIONS.....		29
7.1	Lot Area Calculations	29
7.2	Exemptions from Average and Minimum Lot Area Requirements	29
7.3	Covenants Prohibiting Further Subdivision and Development	29
7.4	Boundary Adjustment Subdivisions.....	30
7.5	Section 946 Subdivisions (Residence for a Relative).....	30
7.6	Split Zoned Lots.....	30
7.7	Split or Hooked Lots	30
7.8	Water Supply	31
SCHEDULE B – AREA OF APPLICATION		32
SCHEDULE C – ZONING MAPS A & B		33
SCHEDULE C – ZONING MAPS C & D		34

PART 1 INTERPRETATION

1.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of the lot, and expressed as a percentage. The area of a lot that is covered by a roofed building or structure is measured to the drip line of the roof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.2 Referencing

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

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

1.3 Units of Measure

- (1) Metric dimensions are used in this Bylaw.

1.4 Information Notes

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

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

PART 2 ADMINISTRATION

2.1 Application

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

2.2 Conformity

- (1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.

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

- (4) Any existing lot that has less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

2.3 Inspection

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

2.4 Violation

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

2.5 Penalty

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

2.6 Covenants

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

2.7 Owner's Cost

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

2.8 Enforcement of Siting Regulations

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

PART 3 GENERAL REGULATIONS

3.1 Permitted in All Zones

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

- (1) Conservation areas, including ecological reserves, parks, and areas under conservation covenants.
- (2) Water supply facilities, for an individual dwelling or as a community service, in any land zone for the purposes of supplying potable or grey water on an individual island, including cisterns, reservoirs, pipes, treatment facilities, catchment and storage facilities and pumping and intake structures.
- (3) Utilities for the distribution of service within the Bylaw Area in any zone and above-ground cables in any land zone.
- (4) Solar collectors and wind turbines in any land zone for the purposes of supplying electrical power to the lot on which the structure is located.
- (5) Ocean geothermal loop exchange systems for the purposes of supplying energy to the lot on which the system is located or, where the system is located on the foreshore of the sea, to a lot adjacent to the foreshore.

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

- (6) Air and marine navigational aids.
- (7) Fences in any land zone, subject to regulations established in Section 3.7 and Part 5.
- (8) Hiking and bicycle trails.
- (9) Signs, subject to regulations established in Part 6.
- (10) Utility sheds.
- (11) Sewage disposal facilities for which a sewage disposal permit has been issued under the *Public Health Act*.
- (12) Horticulture.

3.2 Prohibited in All Zones

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

- (1) The disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Municipal Wastewater Regulation of the *Environmental Management Act*.
- (2) The disposal or storage of hazardous or toxic waste.
- (3) Breakwaters.
- (4) The use as a permanent residence of a vessel anchored, moored, or otherwise secured on the water.
- (5) Finfish aquaculture in any water zone.
- (6) Bridges, causeways, tunnels, and water utility pipes connecting any island to another island or to the mainland.
- (7) Wind turbines in any water zone, and wind turbines intended to provide power to an island other than the island on which the structures are located.

3.3 Siting and Setback Regulations

- (1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or structure in question.
- (2) No building or structure except a fence, utility line, navigational aid, at-grade steps, driveway or path, or utility shed, may be constructed, reconstructed, moved, extended or located within the setback areas established in the regulations in Part 5 of this Bylaw.
- (3) No building or structure except a fence, utility shed, boathouse, platform with a maximum area of 5 square metres, stairs and boat ramps may be constructed, reconstructed, moved, extended or located:
 - (a) within a 10 metre horizontal setback, and within 1.5 metres vertically, from the *natural boundary* of the sea; or
 - (b) within 30 metres of the natural boundary of any natural watercourse or source of water supply.

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

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

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

- (5) Steps, eaves gutters, cornices, sills, chimneys, retaining walls, balconies, decks and sunshades or similar features may project into a required setback area, except a setback from the natural boundary of the sea, a natural watercourse or a wetland, provided they do not project more than 1.0 metre into the required setback area.
- (6) Wind turbines on land must be set back from all property lines, roads, and the natural boundary of the sea a minimum distance of 1.25 times the height of the wind turbine.

3.4 Height Regulations

- (1) The height regulations for buildings and structures specified in Part 5 of this Bylaw do not apply to radio, telecommunications and television antennas and towers, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, and solar collectors.
- (2) Despite any height regulation in Part 5, the height of wind turbines shall not exceed 15 metres.

3.5 Accessory Uses, Buildings and Structures

- (1) A building or structure accessory to a dwelling may not be used as a residence but may be used as a sleeping cabin.
- (2) The following accessory buildings or structures may be constructed or placed on a lot prior to the construction of a principal building or the commencement of a principal use on the same lot:
 - (a) a boathouse.
 - (b) a utility shed.
 - (c) one accessory building for the storage of building materials and personal effects.
 - (d) steps and structures accessory to and supporting a permitted dock.
- (3) Any accessory building or structure, other than those specified in subsection 3.5(2), may only be constructed or placed on a lot prior to the construction of a principal building, or the commencement of a principal use, on the same lot provided that a building permit has been issued for a principal building on the same lot.
- (4) Unless a building or structure is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

3.6 Home Occupation Regulations

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

- (a) drawing, carving, painting, printmaking, photography and sculpture for commercial purposes.
- (b) repairing of goods.
- (c) professional practice.
- (d) personal and instructional services.
- (e) the production of craft articles for sale including without limitation ceramics, furniture, weaving, and musical instruments.
- (f) commercial visitor accommodation, subject to the following additional regulations:
 - (i) a commercial visitor accommodation must be conducted solely within a principal dwelling;
 - (ii) not more than 2 bedrooms may be used to accommodate guests; and
 - (iii) not more than 4 guests may be accommodated at any one time.
- (2) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot on which a principal residential use is occurring.
- (3) The owner or at least one employee of a home occupation must reside in the dwelling.
- (4) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.
- (5) No noise resulting from any home occupation may be audible at a lot line or the natural boundary of the sea.

3.7 Fences

- (1) The height of fences shall not exceed 2 metres within any required building setback, subject to regulations established in Part 5.
- (2) The provision of protective netting or wire to control animal nuisances, or a landscape screen, is exempt from Subsection 3.7(1).

3.8 Derelict Vehicles

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

3.9 Use of Common Property

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

3.10 Parking and Access Facilities

- (1) The residential uses permitted by this bylaw are permitted on islands with dedicated road rights of way, regardless of the condition of the roadways, only if the owner provides adjacent to the dwelling an improved area of sufficient size to accommodate the off-road parking or storage of such vehicles as the owner or occupier intends to use to access the dwelling. For this purpose “vehicles” includes automobiles whether licensed or not, all-terrain vehicles, golf carts and similar machines.
- (2) The residential uses permitted by this bylaw are permitted in subdivisions of more than 2 lots approved after the date of adoption of this bylaw only if the subdivision provides a road right of way providing access from each lot to a location adjacent to the water that is suitable for the development of a community dock.

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

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

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

4.2 Zone Boundaries

- (1) Where zone boundaries on Schedule C maps coincide with lot lines, the zone boundaries are the lot lines.
- (2) Where a zone boundary is shown on Schedule C maps as following any highway, right-of-way or watercourse, the centre line of such highway, right-of-way, or watercourse is the zone boundary.
- (3) Where land based and water based zone boundaries shown on Schedule C maps coincide, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the zone boundary.
- (4) Where a zone boundary shown on Schedule C maps does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule C maps and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

PART 5 ZONES

5.1 Residential One – (R1)

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

Permitted Uses

- (1) The following uses are permitted in the R1 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential;
 - (b) Accessory uses, buildings and structures, including home occupations other than commercial visitor accommodation.

Density

- (2) The maximum density in the R1 zone is 1 dwelling per lot.
- (3) The maximum lot coverage in the R1 zone is 25 percent.

Siting and Size

- (4) The minimum setback for any building or structure in the R1 zone is 5 metres from any lot line.
- (5) The maximum height for any dwelling in the R1 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R1 zone is 6 metres.

Subdivision

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

5.2 Residential Two – (R2)

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

Permitted Uses

- (1) The following uses are permitted in the R2 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential;
 - (b) Accessory uses, buildings and structures, including home occupations.

Density

- (2) The maximum density in the R2 zone is 1 dwelling per lot.
- (3) The maximum lot coverage in the R2 zone is 25 percent.

Siting and Size

- (4) The minimum setback for any building or structure in the R2 zone is 5 metres from any lot line.
- (5) The maximum height for any dwelling in the R2 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R2 zone is 6 metres.

Subdivision

- (7) The minimum average lot area for any subdivision in the R2 zone is 4 hectares.
- (8) The minimum lot area in the R2 zone is 1 hectare.

5.3 Residential Three – (R3)

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

Permitted Uses

- (1) The following uses are permitted in the R3 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
- (a) Residential;
 - (b) Accessory uses, buildings and structures, including home occupations.

Density

- (2) The maximum density in the R3 zone is 1 dwelling for lots less than 4.0 hectares in area and 2 dwellings for lots 4.0 hectares and more in area.
- (3) The maximum lot coverage in the R3 zone is 20 percent.

Siting and Size

- (4) The minimum setback for any building or structure in the R3 zone is 5 metres from any lot line.
- (5) The maximum height for any dwelling in the R2 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R2 zone is 6 metres.

Subdivision

- (7) The minimum average lot area for any subdivision in the R3 zone is 4 hectares.
- (8) The minimum lot area in the R3 zone is 1 hectare.

Site Specific Regulations

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

5.4 Residential Four – (R4)

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

Permitted Uses

- (1) The following uses are permitted in the R4 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential;
 - (b) Accessory uses, buildings and structures, including home occupations.

Density

- (2) The maximum density is 26 dwellings in the R4 zone, subject to the floor area limit in Subsection 5.4(7).
- (3) The maximum lot coverage in the R4 zone is 25 percent.

Siting and Size

- (4) The minimum setback for any building or structure in the R4 zone is 5 metres from any lot line.
- (5) The maximum height for any dwelling in the R4 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R4 zone is 6 metres.
- (7) The maximum floor area of a dwelling in the R4 zone is 81.75 square metres.

Subdivision

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

5.5 Residential Five – (R5)

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

Permitted Uses

- (1) The following uses are permitted in the R5 zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Residential.
 - (b) Accessory uses, not including home occupations or commercial visitor accommodation.
 - (c) One accessory building is permitted in the R5 zone, with a maximum floor area of 47 square metres.

Density

- (2) The maximum density in the R5 zone is 1 dwelling per lot.
- (3) The maximum lot coverage in the R5 zone is 25 percent.

Siting and Size

- (4) The minimum setback for any building or structure in the R5 zone is 15.25 metres from the exterior and interior lot lines.
- (5) The maximum height for any dwelling in the R5 zone is 9 metres.
- (6) The maximum height for any accessory building or structure in the R5 zone is 6 metres.

Subdivision

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

5.6 Community Services (CS)

Permitted Uses

- (1) The following uses are permitted in the CS zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Community hall and shelter;
 - (b) Emergency services facilities;
 - (c) Equipment storage;
 - (d) Cemetery on Lot 4, District Lot 35, Reid Island, Cowichan District, Plan 12807;
 - (e) Airstrip and private road on Lot 11, Hudson Island, Cowichan District, Plan 25398.

Density

- (2) The maximum lot coverage in the CS zone is 25 percent.
- (3) The number of community halls in the CS zone shall not exceed one per lot.

Siting and Size

- (4) The minimum setback for any building or structure in the CS zone shall be 4.5 metres from any lot line.
- (5) The maximum height for any building or structure in the CS zone shall be 9 metres.

5.7 Park (P)

Permitted Uses

- (1) The following uses are permitted in the P zone, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Provincial and Regional Parks and Ecological Reserves;
 - (b) Passive outdoor recreation including walking, hiking, and nature interpretation.

Permitted Buildings and Structures

- (2) The following structures are permitted in the P zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:
 - (a) Structures such as stairs, boardwalks, fences and roofed signs accessory to a permitted natural area protection, conservation or interpretation use;
 - (b) Outhouses; and,
 - (c) Informational signs, subject to Part 6.

Siting and Size

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

5.8 Private Conservation (G)

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

Permitted Uses

- (1) The following uses are permitted in the G zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Protection and maintenance of natural features and habitat; and
 - (b) Conservation.

Permitted Structures

- (2) The following structures are permitted in the G zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited:
 - (a) Fences;
 - (b) Stairs, boardwalks; and
 - (c) Informational signs, subject to Part 6.

Siting and Size

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

5.9 Marine General (W1)

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

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

Permitted Uses

- (1) The following uses and structures are permitted in the W1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;
 - (b) Docks accessory to the residential use of an adjacent upland lot;
 - (c) Community docks; and,
 - (d) Marine navigational aids.

Density

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

Siting and Size

- (3) The maximum area of any accessory dock in the W1 zone, excluding ramps and walkways, is 37 m².

Conditions of Use

- (4) The use permitted in Subsection 5.9(1) does not include any dock constructed with foam flotation devices that are not completely encapsulated.
- (5) No building in the W1 zone, other than one storage building not exceeding 10 square metres in area and 4 metres in height, may be constructed or erected on any float or wharf.
- (6) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

5.10 Marine Service (W2)

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

Permitted Uses

- (1) The following uses are permitted in the W2 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;
 - (b) Community docks and wharves; and,
 - (c) Marine navigational aids.

Density

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

Conditions of Use

- (3) The use permitted in Subsection 5.10(1) does not include a dock constructed with foam flotation devices that are not completely encapsulated.
- (4) No building in the W2 zone, other than one storage building not exceeding 10 square metres in area and 4 metres in height, may be constructed or erected on any dock.
- (5) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

5.11 Marine Ruxton (W3)

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

Permitted Uses

- (1) The following uses are permitted in the W3 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot; and
 - (b) Marine navigational aids.

Permitted Structures

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

Conditions of Use

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

5.12 Marine Protection (W4)

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

Permitted Uses

- (1) The following uses are permitted in the W4 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Marine navigational aids;
 - (b) Mooring buoys for mooring a private vessel accessory to the residential use of an upland lot;
 - (c) Signs subject to Section 6;
 - (d) Ecological reserves; and
 - (e) Research and educational activities related to the marine environment, including nature interpretation.

Permitted Structures

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

5.13 Marine Aquaculture (W5)

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

Permitted Uses

- (1) The following uses are permitted in the W5 zone, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Marine navigational aids;
 - (b) Sub-tidal and beach aquaculture.

Permitted Structures

- (2) Buoys delineating aquaculture tenure boundaries.

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

5.14 Yacht Club Outstation (YCO)

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

Permitted Uses

- (1) The following uses are permitted in the YCO zone, subject to the regulations set out in this section and general regulations, and all other uses are prohibited:
 - (a) Yacht Club Outstation;
 - (b) boat moorage to buoys associated with yacht club outstation use of the adjacent upland parcel;
 - (c) Passive recreation;
 - (d) Accessory Uses.

Permitted Buildings, Structures and Density

- (2) Buildings and structures in the upland portion of the Yacht Club Outstation Zone are limited to:
 - (a) one yacht club clubhouse;
 - (b) one caretaker dwelling unit; and,
 - (c) stairs and ramps associated with yacht club outstation use of the adjacent marine parcel.
- (3) Structures in the marine portion of the Yacht Club Outstation Zone are limited to:
 - (a) Mooring buoys, floats, docks, wharves, ramps, and walkways providing marine access to a yacht club outstation.
 - (b) Storage sheds.

Conditions of Use

- (4) The uses permitted in this zone do not include any dock constructed with foam flotation devices that are not completely encapsulated.
- (5) The mooring, docking or other storage of derelict or abandoned floats, ramps or walkways is prohibited.

Subdivision

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

PART 6 SIGN REGULATIONS

6.1 Permitted Signs

- (1) All types of address and home occupation signs, excepting animated, illuminated or flashing signs;
- (2) Directional, traffic control, safety, and navigational signs;
- (3) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 14 days of the date of election;
- (4) Signs pertaining to the lease, sale, name of owner or property; and,
- (5) Signs erected and maintained by a public agency.

6.2 Size and Height

- (1) The maximum height for any sign is 6 metres.
- (2) The maximum size for any sign is 1 square metre.

6.3 Obsolete Signs

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

PART 7 SUBDIVISION REGULATIONS

7.1 Lot Area Calculations

- (1) Subdivisions shall comply with the minimum and average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.
- (2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with minimum average lot area regulations set out in Part 5, be included in the total area of lots being created, and the park or parks are deemed not to be lots.

7.2 Exemptions from Average and Minimum Lot Area Requirements

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

- (1) A lot being created to be used solely for the unattended equipment necessary for the operation of any of the following services and the owner grants a covenant restricting the use of the lot to that use:
 - (a) electrical and telecommunication utilities;
 - (b) community sewer or water system facilities;
 - (c) telephone receiving antenna;
 - (d) radio or television broadcasting antenna;
 - (e) telecommunication relay;
 - (f) air or marine navigation aid.
- (2) A lot being created to be used solely for natural open space or conservation purposes provided that a covenant is granted that restricts the use of the lot to that purpose.
- (3) A lot created by the consolidation of two or more lots.
- (4) The adjustment of boundaries between lots provided that the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this Bylaw without the boundary adjustment, and the total number of lots after the boundary adjustment is no more than the total number of lots before the boundary adjustment.

7.3 Covenants Prohibiting Further Subdivision and Development

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

- (2) If a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum and minimum average lot areas specified by this bylaw, and:
- (a) one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area; and
 - (b) one or more of the lots being created has an area less than the applicable minimum average lot area, the applicant shall grant a restrictive covenant in respect of every lot prohibiting:
 - (i) the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and minimum average lot areas specified by this Bylaw; and
 - (ii) the construction, erection, or occupancy on the lot of dwellings and accessory buildings so as to create greater density of such development on the original lot than would have been created had the original lot been developed to the greatest density permitted by this Bylaw without subdivision.
- (3) If the approval of a bare land strata plan would create common property, the applicant must grant a restrictive covenant in respect of the common property prohibiting the further subdivision of the common property and the disposition of the common property separately from the strata lots.

7.4 Boundary Adjustment Subdivisions

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

7.5 Section 946 Subdivisions (Residence for a Relative)

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

7.6 Split Zoned Lots

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

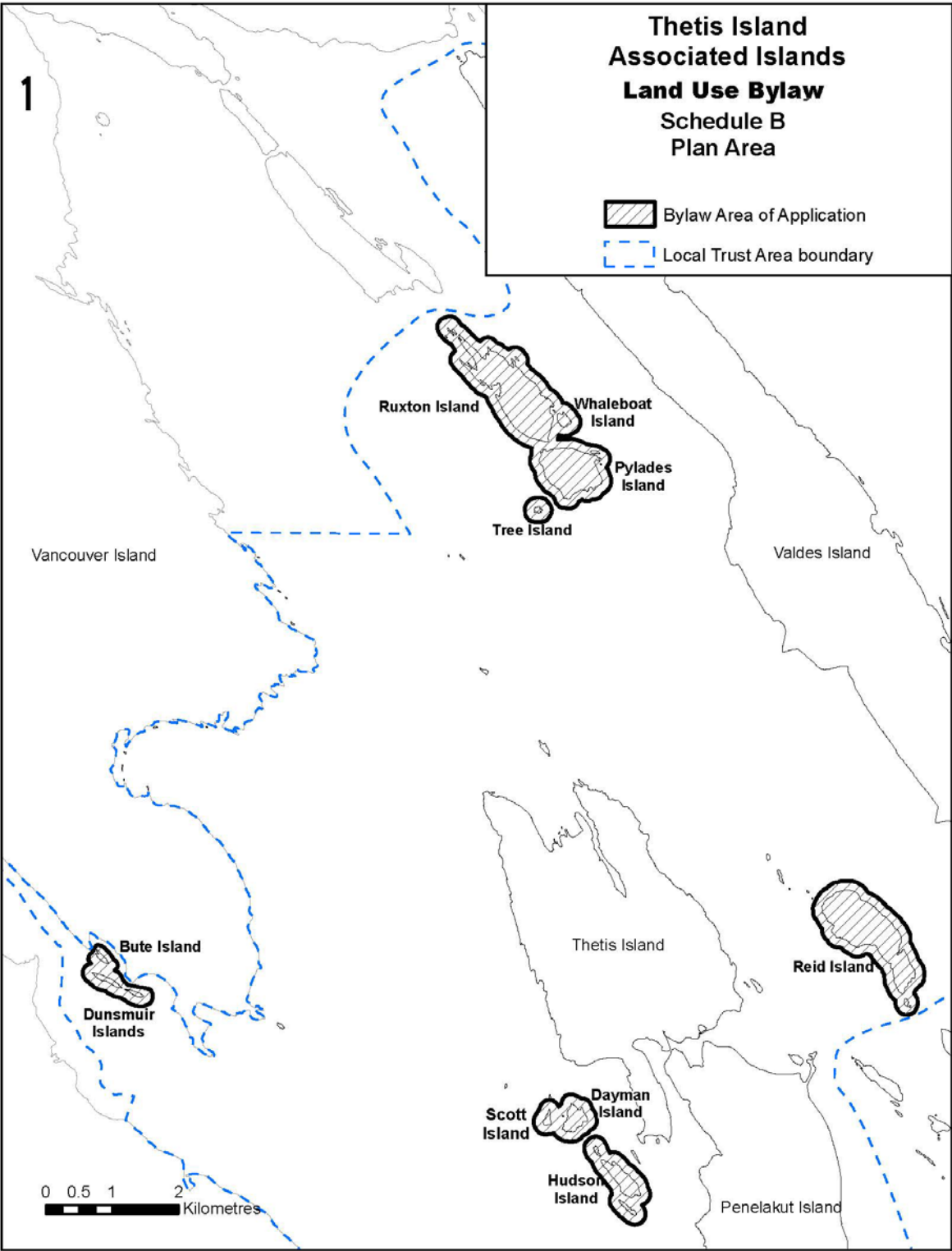
7.7 Split or Hooked Lots

- (1) No lot which is divided into two or more portions by a highway or other lot may be created by subdivision, except where required to provide highway access within a water access subdivision.
- (2) Where a part of a parcel is separated from the main portion of the parcel by a road, watercourse, marine water or topographical feature, it may be consolidated with an adjacent parcel to which it may be more properly related without meeting other provisions of this Part, as long as the main portion of the parent parcel conforms to the provisions of this Part.

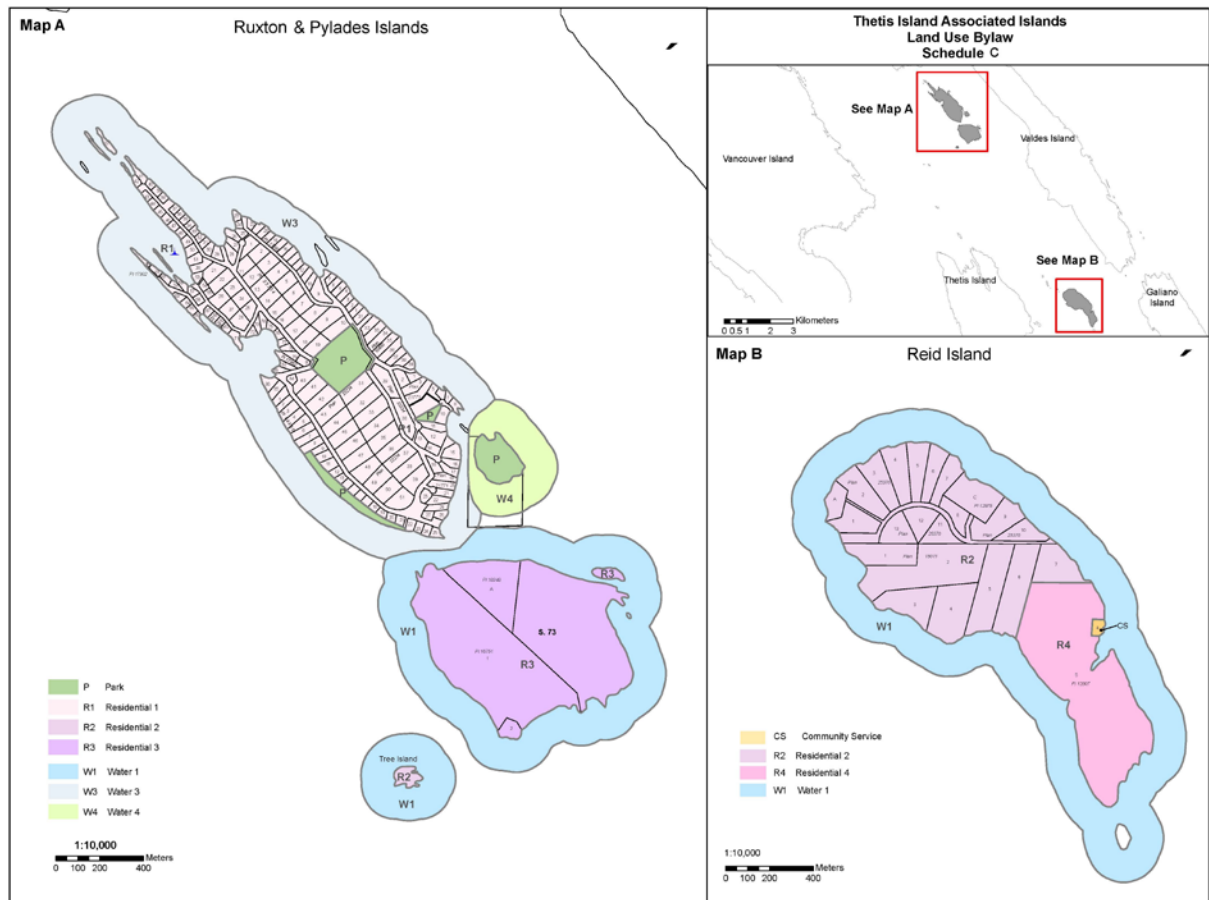
7.8 Water Supply

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

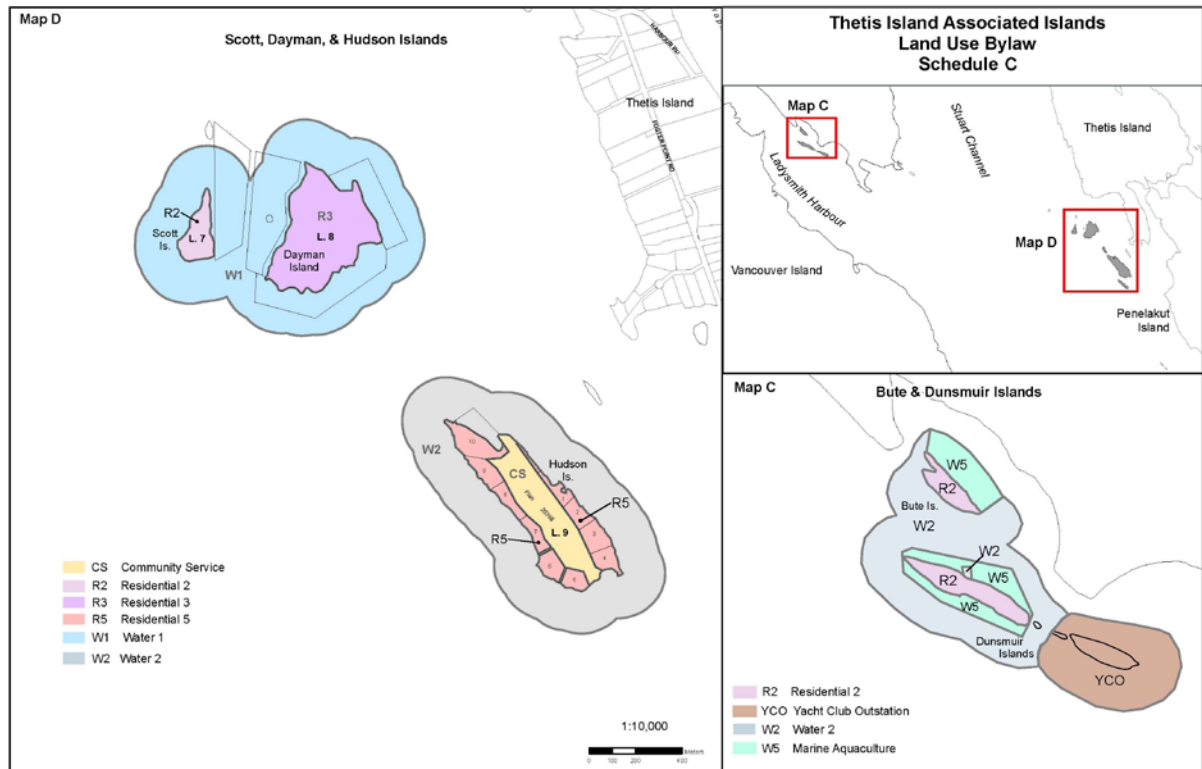
SCHEDULE B – AREA OF APPLICATION



SCHEDULE C – ZONING MAPS A & B



SCHEDULE C – ZONING MAPS C & D





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: TH BL No. 93 (Thetis Associated Islands OCP)

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Explanatory notes are added in bold and italics text

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

	3.4	Coastal and Marine Ecosystems
√	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas
√	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
√	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
√	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
√	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
√	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
√	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
√	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
√	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
√	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
√	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation

	4.4	Freshwater Resources
√	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
√	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
√	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses
√	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
√	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
√	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
√	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
√	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
√	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
√	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
√	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
√	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
√	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
√	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
√	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
√	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
√	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
√	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
√	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
√	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
√	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
√	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
√	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities

√	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
√	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
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Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: TH BL No. 94 (Thetis Associated Islands LUB)

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POLICY STATEMENT COMPLIANCE	
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	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



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 4, 2014

File Number 6500-20

To Thetis Island Local Trust Committee
For meeting on April 16, 2014

From Aleksandra Brzozowski
Island Planner
Northern Office

Re **Thetis Shoreline Scenarios Workshop**

At the March 19, 2014 LTC meeting, the Thetis Local Trust Committee requested Staff to confirm a date for the Thetis Shoreline Scenarios Workshop, and to prepare a detailed event plan for the workshop. Preliminary commitment has been made by key participants for Friday June 13, 2014 to serve as the workshop date.

Attached is the workshop event plan for the LTC's review and comment. In particular, Staff seeks feedback on the agenda timeline, and seeks direction on the list of invitees.

Attachments:

1. Draft Event Plan for Green Shores Scenarios Workshop



Event Plan

Thetis Shoreline Scenarios Workshop

Creation Date: March 24, 2014

Last Updated: April 07, 2014

Version: 1.0

	Name	Endorsement Date
Project Manager	Aleksandra Brzozowski, Island Planner	April 2, 2014
Local Trust Committee	Thetis Island	

Purpose

The aim of the Scenarios Workshop is to engage the local building industry around Green Shores approaches to development in the Islands Trust Area, where interest has been expressed by property owners towards the Green Shores approach and a possible credit rating system. The Scenarios Workshop will serve as an opportunity to continue promoting a paradigm shift to softer shoreline development. It will also help to establish collaborative relationships with other jurisdictions on the topic of shoreline protection and discuss the Green Shores for Homes program on a practical level.

Background

Over the last two years, there have been a small number of education events on shoreline protection for Thetis Island. In 2013, an education event was held on March 13 with speakers from shoreline mappers, eelgrass protection advocates, the Greenshores for Home program, and the Islands Trust Fund. On March 20, there was a meeting held for waterfront property owners, facilitated by Golder Associates, where discussion of potential development permit area regulation was met unfavourably. On August 8, engineer John Readshaw and biologist Ramona de Graaf presented at a speakers' night promoting Shoreline Protection.

Significant interest and commitment has been expressed by the Thetis Local Trust Area to explore implementation possibilities for the Green Shores for Homes program. In November 2013, the Local Planning Committee (LPC) designated Thetis LTC as the project lead for piloting the next phase of the Green Shores for Homes program.

Grant funding for Green Shores for Homes program work has afforded the Thetis LTC to host a workshop for the local development industry to look at possible Green Shores solutions to common shoreline issues on Thetis Island. This project is to be completed and reported upon by August 2014.

The objectives for the workshop are as follows:

- Continue work on Green Shores Credit Rating System, exploring practical implementation.
- Continue developing community support for Green Shores approaches.
- Contractor appreciation and engagement.
- Collaborate with local governments (Islands Trust and Regional Districts) and property owners to motivate all parties to preserve and protect the foreshore/nearshore ecosystem.

Event Agenda

When	What	Who
9:20 am – 9:35 am	- Introduce event and acknowledge First Nations - Outline agenda for evening and introduce everyone	Facilitator
9:35 am – 10:15 am	- Outline the basics of Green Shores approach - Brief Introduction to the scenarios	Staff (Aleks) and one Speaker
10:15 am – 11:30 am	- Site visits of locations - Questions and Answers	All
11:30 am – 12:00 pm	LUNCH	All
12:00 pm – 1:00 pm	3 concurrent working groups going over possible Green Shores options for one scenario.	All, each group led by “experts”
1:00 pm – 2:00 pm	- Each group presents possible solutions in plenary - Question and answers, input from the plenary	All
2:00 pm – 2:30 pm	Questions and discussion about incentives for the industry to take up Green Shores development approaches.	All

Invite List (not exhaustive)

Local Thetis Industry

Ernie Hunter _____
 Ian Ralston _____
 Dave Knowles _____
 Michel Poirier _____
 Stephanie Cottell _____
 Ross McAllister _____

Local Realtors

Cowichan Valley Regional District Staff

Ann Kjerulf, Senior Planner
 Mike Tippet, Manager, Planning and Development
 Brian Duncan, Manager, Inspection and Enforcement
 Kate Miller, Manager, Environmental Initiatives

Green Shores Professional Expertise (not all can be funded)

Brian Emmett, Archipelago
 Jim Johannessen, Coastal Geologic Services
 Jim Mitchell, P, Eng, Emerald Sea Engineering
 Wendy Gerstel, Qwg Applied Services
 Peter Hummel, Anchor QEA
 Adrian Roland

Green Shores for Homes Steering Committee Members

Harriett Ruggeberg
 DG Blair (Stewardship Centre for BC)
 Susan Key (San Juan County)

Task Timeline

	Task	Lead	Target Completion Date
✓	Confirm funding	Aleksandra	January, 2014
✓	Source “expert” participants	Aleksandra	February, 2014
✓	Identify Scenario Sites	Trustees	March 19, 2014
✓	Confirm key “expert” participants	Aleksandra	March 28, 2014
✓	Confirm date	Aleksandra	March 28, 2014
	Confirm venue	Penny Hawley	April 16, 2014
	Confirm agenda	All	April 16, 2014
	Develop list of participants	All	April 16, 2014
	Negotiate funding for professional attendees	Mike Richards	April 2014
	Send invitations & Follow Up	Aleksandra, Trustees	April 2014
	Confirm catering	Penny Hawley	April 2014
	Prepare additional info materials	Kris Nichols	May 2014
	Develop scenario profiles	Aleksandra & Kris	May 2014
	Arrange videographer for event	Aleksandra	May 2014
	Establish Facilitator	Aleksandra	May 2014
	Confirm participants	Aleksandra	May 2014
	Travel & Dinner Arrangements for all speakers	Penny	May 2014
	Confirm additional staff needed	Aleksandra	May 2014
	Finalize agenda schedule	All	June 4, 2014
	Dry run of Plenary Sessions	Aleks, Trustees	June 4, 2014
	Set up materials	All	June 13, 2014
	Video Post-production and posting on webpage	Aleksandra	July 2014
	Scenarios Summary Report	Aleks and Kris	July 2014
	Report to Funder	Mike Richards	August 2014

Project Budget

Item	Cost
Venue and Catering at Forbes Hall	\$500
Speaking and Travel Fees for Professionals (at least 3 professionals for 5 hours + travel)	\$6000
Invitations	\$50
Printing of Materials (Landowners' Guide, Scenario Packages)	\$250
Transportation for Site Visit	\$250
Notetaker	\$200
Facilitator?	\$100
Videographer?	\$500
TOTAL	



Islands Trust

Top Priorities

Thetis Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Associated Islands OCP and LUB Creation	Develop new OCP and LUB to replace Ruxton Island Zoning Bylaw, 1982, CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island.	Sep-07-2011	Aleksandra Brzozowski	Nov-15-2014	On Going
2	Shoreline Protection	Serving as the Pilot Local Trust Area for the Green Shores for homes draft credit rating system.	Sep-07-2011	Aleksandra Brzozowski	Sep-01-2014	On Going
3	Riparian Areas Regulation Implementation	Ensure protection of freshwater ecosystems in the Ralston Creek watershed through review of current regulation and covenants, and possible bylaw amendment.	Sep-07-2011	Aleksandra Brzozowski	Nov-15-2014	On Going



Projects

Thetis Island

No.	Description	Activity	Received/Initiated	Status
1	Protocol Agreement or Memorandum of Understanding with Penelakut First Nation	Sent letter to newly elected Chief and Council to see if they are interested in continuing the work on a protocol that was started with former Chief Lisa Shaver.	Feb-06-2009	On Going
1	Joint proactive enforcement with CVRD		Jul-28-2010	On Going
1	Revise Protocol Agreement with Lyackson First Nation	As of August, 2010 draft with Lyackson for review by their community.	Feb-06-2009	On Going
1	Development Approval Information Bylaw		May-25-2011	On Going
1	Potential LUB amendments:	- short-term vacation rentals of principle dwellings in the R-2 zone - rainwater storage requirements	Sep-07-2011	On Going
1	Sustainability Guidelines for Thetis Island	Discuss collaboration with Cowichan Valley Regional District Building Department, finalize draft, and make a plan for distribution. Update April 2013: brochures have been distributed; requires ongoing check-ins with CVRD that they have a sufficient supply of brochures.	Sep-07-2011	On Going
1	Housekeeping Amendmends to LUB	4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)...	May-24-2012	On Going
1	Housekeeping amendments to the OCP	- objectives and policies re sea level rise (was resolution to include in draft but did not make it in to adopted OCP)	Oct-03-2012	On Going
1	Island-wide watershed protection	TBD	Nov-21-2012	On Going
1	OCP/LUB amendments to potentially permit ocean loop geothermal exchange systems.		Apr-17-2013	On Going

1	Pilkey Point / Marina Drive Slough: Support for habitat restoration.		Nov-20-2013	On Going
1	Education and engagement re: sensitive ecosystems.	Environmental education and engagement efforts, in particular with owners on the Associated Islands, to explore ways to protect sensitive ecosystems in the Area.	Mar-19-2014	On Going



Applications w/ Status - Thetis Island Status: Open

Applications

Subdivision

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

Planning Status

Status Date: Nov-20-2013

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

Status Date: Jul-08-2011

PLA extended to June 8 2012

Status Date: Jun-23-2011

Indicated RAR requirement in response to request for PLA extension

Islands Trust
LTC EXP SUMMARY REPORT F2014
Invoices posted to Month ending March 2014

12.3.1

670 Thetis	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-670	LTC "Trustee Expenses"	1,100.00	149.32	950.68
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,500.00	1,492.12	7.88
65210-670	LTC - Local Exp - APC Meeting Expenses	500.00	50.00	450.00
65220-670	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-670	LTC - Local Exp - Special Projects	2,000.00	560.00	1,440.00
65240-670	LTC - Local Exp - Miscellaneous	250.00	0.00	250.00
TOTAL LTC Local Expense		<u>4,750.00</u>	<u>2,102.12</u>	<u>2,647.88</u>
Projects				
73001-670-2010	Thetis (Ruxton Island) Associated OCP/LUB	<u>11,700.00</u>	<u>8,133.92</u>	<u>3,566.08</u>
TOTAL Project Expenses		<u>11,700.00</u>	<u>8,133.92</u>	<u>3,566.08</u>



Memorandum

Date March 19, 2014

To Local Trust Committees
Planning Staff
Bowen Island Municipality

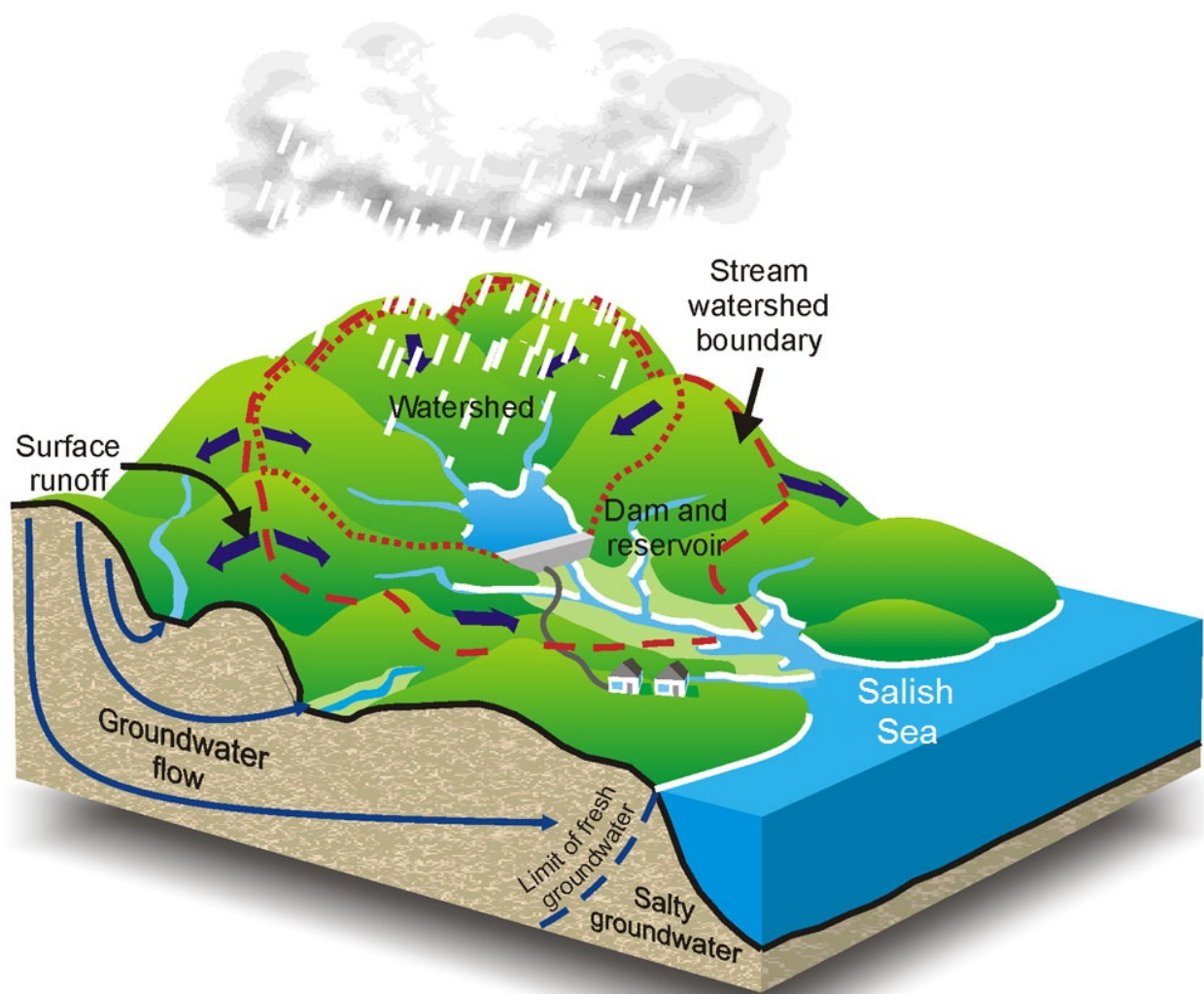
From Local Planning Committee

Re *Gulf Islands Groundwater Protection - A Regulatory Toolkit*

At its meeting on March 4-6, 2014, the Islands Trust Council passed a resolution requesting that the attached toolkit be circulated to all Local Trust Committees, planning staff and Bowen Island Municipality so that they are aware of some of the options available for the protection of groundwater.

This toolkit addresses options for the islands to consider in order to safeguard their water supplies now and into the future. The intent of this toolkit is to enable Local Trust Committees, planning staff and Bowen Island Municipality to choose the correct tool for the project at hand that suits their island.

Attachment: *Gulf Islands Groundwater Protection - A Regulatory Toolkit*



Gulf Islands Groundwater Protection

A Regulatory Toolkit

Prepared by Kris Nichols, LPC Island Planner

January 30, 2014



Table of Contents

Introduction	1
Background	1
What is the Islands Trust Doing Currently?	4
What Information is Available to Islands Trust Staff Currently?	4
Local Government Jurisdiction	6
Official Community Plan	6
Land Use Bylaw – Zoning	7
Development Permit Area (DPA) Designation	9
Development Approval Information Bylaws	11
Subdivision Servicing Bylaws	11
Water Conservation Tools - General Information	13
Overview – Groundwater Protection Objectives and Actions	14

Appendices

Appendix 1 - Sample Development Permit Area Bylaw	17
Appendix 2 - Sample Development Approval Information Bylaw	23

Tables

1. Groundwater Protection Objectives and Actions	14
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Figures

1. Aquifers (Source: Natural Resources Canada)	2
2. New Way Conservation (Source: Regional District of Nanaimo)	13

Introduction

Islanders are taking voluntary actions to steward and conserve water, island organizations educate and manage their water resources, and the Islands Trust has a strong focus on the importance of voluntary actions to protect water quality and quantity. A sample can be viewed here: <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>.

This project discussion paper is only about what regulatory options are available if islanders and trustees want to proceed down the regulatory route; it is not the only route to protect groundwater quality and quantity.

The Islands Trust Local Planning Committee (LPC) has on their work program the development of water quality and quantity toolkit and development of a model bylaw. This report includes a toolkit, a model Development Permit Area (DPA) bylaw and a model Development Approval Information Area (DAI) Provisions that will assist all Local Trust Committees (LTC) in addressing the issue of water conservation.

This report addresses options for the islands to consider in order to safe guard their water supplies now and into the future. The protection of a safe adequate water source will remain a priority for the Islands and will become increasingly important as the Islands continue to develop. Reaching the full potential of water conservation requires comprehensive and long-term strategic planning.

There is an ever increasing need to balance the water supply requirements for area growth against future sustainability and environmental needs. The issue of water quality and quantity has been a long standing issue on the Gulf Islands. Local Trust Committees (LTC) have approached the issue differently from no action to developing development permit area guidelines and specific water conservation bylaws or subdivision servicing regulations. However, it is believed that to plan for the future of the Islands is to include the protection of water – groundwater and surface water. Groundwater is inextricably linked to the amount of surface water which many island ecosystems and habitats rely on which is another reason why an island's groundwater supply should be protected and sustainably used.

Background

In British Columbia, water is owned by the Crown and not by individual land owners. Surface water is regulated by the *Water Act*. British Columbia is the last jurisdiction in Canada without groundwater legislation or licensing (i.e. protection). The intent of the Province in the near future is to integrate groundwater and surface water allocation. The Province is working to finalize the new *Water Sustainability Act* (see: <http://www.livingwatersmart.ca/water-act/>)

which would require all existing and new large groundwater users to apply for and obtain a water licence (e.g. waterworks, community wells, industrial and agricultural users). This proposed legislation will replace the *Water Act*. The proposed legislation would not include individual residential well users, but it would in high risk areas (priority areas) where for instance aquifers are under stress due to over use. To establish the Islands Trust as a priority area would be beneficial, but this cannot be established until the new legislation is in place. This would enable closer evaluation with the province on providing regulation for the protection of aquifers/ground water. Something all islands would benefit from.

An aquifer is the area underground where spaces between gravel, sand, clay, or rock fill with water. Water stored underground is called groundwater. There are different types of aquifers. When water is found in cracks and pores in the rock, we call this a 'bedrock' aquifer. When water is found in the spaces between sand and gravel, we call this a 'sand and gravel', or 'unconsolidated' aquifer.

There are two types of aquifers that exist in the Gulf Islands: sand and gravel layers and fractured bedrock. Fractured bedrock provides the primary source of freshwater for the majority of the island residents. Fractures in the bedrock located below the water table are filled with water and tapped by wells. The density of fractures and proximity to major faults determine the water yield from individual wells.

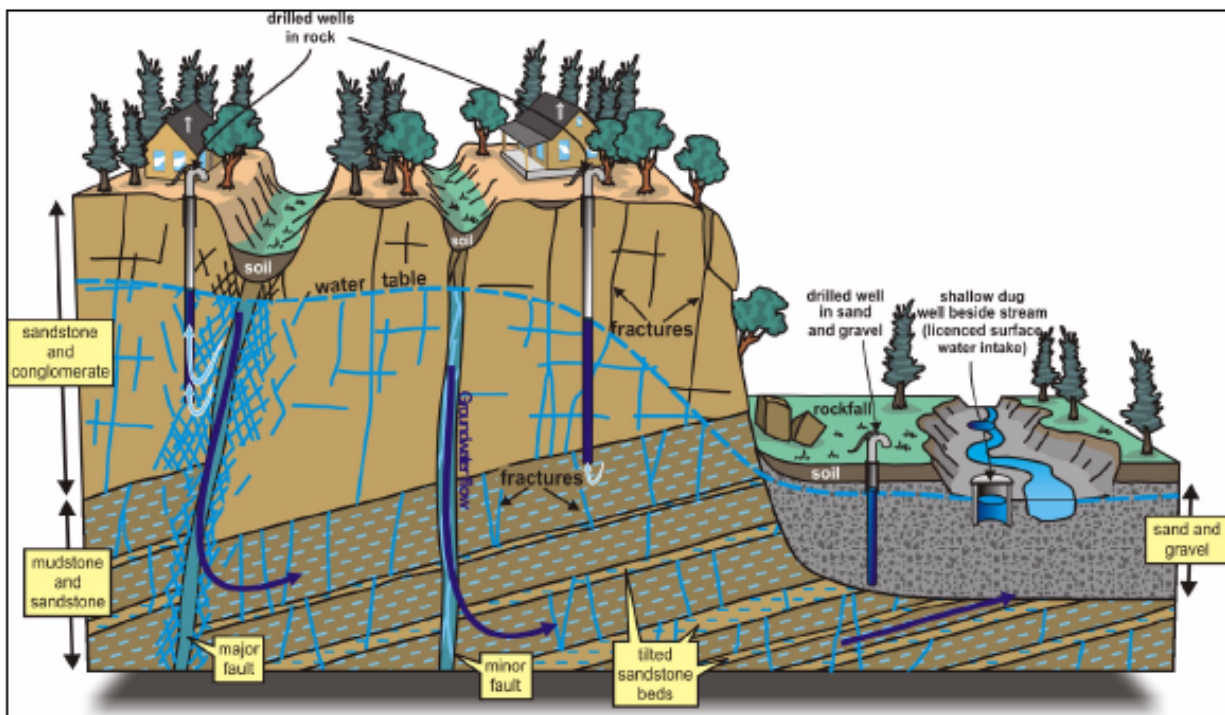


Figure 1. Ground water fills cracks and pores below the water table.

Source: Natural Resources Canada (http://ngwd-bdnes.cits.nrcan.gc.ca/service/api_ngwds:def/en/brief/pr_i03_mj.html)

Development pressures will continue to raise concerns over adequate quantity and quality of water on the Islands. The drinking water in the Gulf Islands comes from a variety of sources – private water systems, improvement districts, regional district water systems, individual wells, surface water all which rely on a safe supply of groundwater from aquifers. There are specialized systems that do not rely on groundwater such as rainwater catchment and desalinization. A few residents rely on bottled/trucked water.

Sustainable practices are required to conserve and protect fresh groundwater sources. There is currently no system to understand the cumulative impacts of individual wells drilled. There are a number of issues that impact the quality and quantity of groundwater such as saline intrusion, land use impacts (i.e. types and amount of uses), well interference, surface contamination, topography, recharge rates, soils, vegetation cover, geology, proximity to the sea, liquid waste (i.e. septic system) and seasonal water shortage. Climate change may also have an impact on groundwater supplies. The protection of existing groundwater supplies is significantly easier than finding alternative water sources on the islands. Groundwater also plays an important role in maintaining base flows in rivers and streams, which are critical in providing wildlife habitat and maintaining fish spawning areas and wetlands.

The Islands Trust has an important role to play in groundwater protection. It controls long-range development (Official Community Plans) and land use planning, zoning, development permit areas, bylaw enforcement, subdivision servicing bylaws. The Regional Districts and the Ministry of Transportation and Infrastructure (MoTI) have jurisdiction for water utilities and subdivision approvals, respectively. Island Health (formerly VIHA) has jurisdiction, through registered installers, for the approval of septic fields.

In addition to land use controls, there are several water conservation practices (e.g. low flow toilets, showers, rainwater collection, etc.) for residential home owners that should be encouraged to promote the sustainable use of water. Much of what will make the difference will not necessarily come from regulations, but from the community and its water use practices.

The Islands Trust decisions about how and where land is developed impacts groundwater quality and quantity. Therefore, the Island communities expect that the Islands Trust will manage land development to protect both water quality and quantity of groundwater. Often local government policy on groundwater is often unmanaged and unmeasured. With improved information, the Islands Trust can improve its impact on water quality and quantity. Even low density development can impact the rate of groundwater extraction through the use of wells and the ability of water to infiltrate into aquifers with development in recharge areas. Islands Trust communities have very few alternative sources of water than what they are currently using. Groundwater protection should be an overarching priority informing all land use decisions.

What is the Islands Trust Doing Currently?

The Islands Trust has recognized the significance of protecting the groundwater. Some islands have addressed water protection through development permit areas such as Salt Spring Island with its Development Permit Area 5 for the protection of Community Well Capture Zones or Galiano Island with its Development Permit Area 4 which addresses the protection Elevated Groundwater Catchment Areas. Some Islands such as Saturna Islands have specific requirements for areas of the island that have gone through studies around their groundwater. On the East Point area of Saturna Island where there is limited water quality and quantity the zoning bylaw requires that the lots contain a cistern for the storage of water. Galiano Island also has a similar bylaw requirement for areas identified as Water Management Areas and the requirement for extra cistern water storage.

In Gabriola's OCP they recognize the importance of groundwater by stating that, "there are known problems with inadequate soil percolation for septic disposal and groundwater supply because of the complex nature of groundwater flow through fractures in the bedrock. " Their OCP also "does not support the further creation of small lot residential areas except as permitted through density averaging provisions of this plan." The OCP also has a number of Water Supply Advocacy Policies that present a number of requests to the Ministry of Health and the Ministry of the Environment.

What Information is Available to Islands Trust Staff Currently?

Currently, staff have a number of sources of information that are available to them. In-house, staff have access to mapping (TAPIS) which indicates intrinsic vulnerability mapping for aquifers and various ecosystem mapping. The aquifer mapping relates specifically too how vulnerable the aquifer may be to contaminants primarily and therefore is useful for identifying land uses (industrial vs. residential). In general the islands are rural in nature with primarily large lots (> 1 acre) and therefore the vulnerability mapping has limited applicability. Both of these are valuable in determining areas where some groundwater issues may occur. Some islands as indicated previously may have specific development permits areas that can also be shown on TAPIS as well as specific zoning.

Some islands have also done advanced studies beyond what is available from the Islands Trust in general. Some have done studies for specific areas such as Saturna's East Point which was used to prescribe certain bylaw regulations (i.e. cistern requirement). Gabriola Island being part of the Regional District of Nanaimo has some of the best mapping related to groundwater and aquifers available as a result of programs the RDN has initiated.

There are several other sources of information that are available and can be used in evaluating water quality and quantity. One good source is the provincial well database on the Ministry of

Environment's website: http://www.env.gov.bc.ca/wsd/data_searches/wells/. It should be noted that unless the well is being monitored the information being provide by this well data base is a snapshot in time.

The Trust Area Services (TAS) is currently putting together an Islands Trust Water Resource Education Materials Project which will identify existing education materials by creating an inventory; to identify information gaps and if necessary develop options to address these gaps. There is a great deal of literature available on water conservation initiatives which are as important in the protection of water quality and quantity as protecting the source. Ensuring a sustainable use of the water source is beneficial. Utilizing sustainable practices is no longer a fad, but the norm.

See: <http://www.islandstrust.bc.ca/trust-council/advocacy/groundwater-regulation-advocacy.aspx>

Local Government Jurisdiction

The Islands Trust role in groundwater sustainability is limited to land use powers to:

- Ensure that rainwater is returned to streams and aquifers;
- Protect headwaters, riparian areas and other vulnerable aquifer recharge areas;
- Prevent groundwater contamination by limiting and regulating potentially polluting uses over aquifers and in groundwater recharge areas through zoning;
- Direct development to appropriate locations where the sufficiency of groundwater for domestic or commercial uses has been thoroughly assessed on a watershed scale before development occurs;
- Regulate storage and application of fertilizers and compost;
- Obtain information about the location of existing and new wells (including geothermal wells) when new development occurs; and
- Develop well protection plans.

The following will outline tools that will present some options in addressing the objectives listed in Table 1. The tools are for the development of Official Community Plans (OCP), Land Use Bylaws (LUB), Development Permit Areas (DPA), Development Approval Information (DAI) Bylaws and water conservation tools.

Official Community Plan

(*Local Government Act*, Part 26, Division 2)

Purpose: to establish a vision and policies for community development.

- Guides how and where new development occurs
- Directs LTCs and staff to undertake groundwater protection measures
- Raise awareness within a community of groundwater issues and areas of concern
- Establishes and contains the guidelines for development permit areas.

To ensure that policies and land use designations are most effective they should be based on data collection and mapping of recharge areas, local aquifers and areas of limited or critical supply. OCPs can contain explicit policies for groundwater protection.

Given that new bylaws cannot be in direct conflict with the OCP, it permits the ability for the OCP to contain policies on groundwater sustainability that will set the foundation for other bylaws (i.e. zoning) to contain specific and enforceable standards. OCPs can also establish policies around groundwater protection that can influence how development applications are reviewed/evaluated, for instance requirements placed on subdivisions.

Some examples of effective OCP policy areas for aquifer and groundwater protection:

- Protect aquifers by establishing development permit areas that require buffer zones and site specific attention through permitting prior to development.
- Designate aquifer protection zone(s) and development permit areas for which studies may be required.
- Commit the Local Trust Committee to an integrated water management planning approach that will coordinate action on the community water supply, rainwater management, green infrastructure and government regulations (e.g. RAR)
- Specify site design that maintains natural hydrologic cycles, including performance based measures such as managing rain water on site and not net increase in post development flows.
- Encourage cluster development that minimizes impervious surfaces and other impacts across the landscape.
- Direct LTCs to encourage communities to practice water conservation and protection.

It is important that OCPs are interpreted such that policy has an impact and considered in all land use decisions. The policies in the OCP are in many instances only as good as the subsequent bylaws.

Land Use Bylaw - Zoning

(Local Government Act, Part 26, Division 7)

Purpose: to regulate what, and where and how much of, activities may occur on specific parcels of land.

- Regulates use and density of property to direct development away from groundwater-limited or aquifer recharge areas
- Can limit lots sizes to reduce density in groundwater scarce areas
- Can prohibit potentially polluting uses in areas where aquifers must be protected.
- Sets standards on aspects of development that will have an impact on the water resources on the site or in an area (e.g. setbacks from riparian areas)
- Can encourage groundwater sensitive development by clustering development through rezoning and possibly utilizing density bonus provisions.
- Can leverage habitat protection or water-efficient amenities when rezoning.

Zoning permits the Local Trust Committee (LTC) to regulate the use and density and development standards (e.g. height, setbacks) through creating specific zones. Zoning for aquifer/groundwater protection would direct specific developments away from groundwater sensitive or aquifer recharge areas or prohibiting potential contaminating uses.

For instance, zoning can protect groundwater by keeping rural aquifer areas as rural zoning with low density and low risk uses. Zoning can regulate development by:

- Directing development to appropriate locations;
- Requiring development to be setback from riparian areas;
- Limiting the total impermeable site coverage;

- Establishing appropriate lot sizes;
- Limiting density;
- Requiring appropriate drainage; and
- Prohibiting potentially polluting uses in areas where aquifers must be protected.

Local Trust Committees (LTC) should review the zoning in areas that are important for aquifer protection and adjacent to riparian areas to ensure that no polluting land uses are permitted. In those areas that require aquifer/groundwater protection a form of aquifer zoning is recommended. The intent being to apply it to aquifer recharge areas, well capture zone areas and watersheds particularly ones that are relied upon for potable water. This zoning could have particular characteristics for:

- Maintaining large lots
- Increased setbacks from watercourses
- Lessened lot coverage requirements to encourage clustering of development and lessening road construction
- Amount of impervious lot coverage

Impermeable Site Coverage

It is not uncommon for zoning bylaws to address the total impermeable site coverage in a zone. This limits the amount of runoff generated. To exceed this site coverage, a development variance permit would be required.

New zoning bylaws increasingly contrast between “actual” and “effective” impermeability of a site.

Actual impermeability means the amount of the site covered by surfaces through which water will not infiltrate. This is what is generally addressed in many zoning bylaws.

Effective impermeability relates to how much of the total rainfall on a site is infiltrated into the ground. This can be enhanced through storm water detention, bio-filtration and ensuring that drainage occurs onsite.

For example where some sites may have 60% actual impervious meaning that water does not penetrate 60% of the site, but by utilizing techniques to ensure that water drainage remains on the site it may be possible to have an effective permeability significantly less than the actual impermeability. This could be achieved by a combination of drainage standards implemented through subdivision servicing bylaws and zoning regulations.

Although tough to measure, there would be benefits to ensuring actual impermeability is lessened and effective impermeability is increased.

Protecting Groundwater

The clustering of development on a portion of a site is a form of groundwater-sensitive development. There is a possibility voluntary amenity provision such as water efficient infrastructure by including it as part of a rezoning or amenity density bonus. The applicant

would have to choose an amenity density bonus zoning option that includes amenities that protect groundwater.

An amenity density bonus would permit an applicant to apply for increased density on a site in return for providing the LTC with an amenity. Some examples of LTC amenities could be:

- Building design that conserves water;
- Water efficient landscaping;
- Enhancement of riparian habitat;
- Dedication of wetlands; and
- Preservation of streams and other unique environmental attributes.

It may also be possible for an LTC to require cash-in-lieu amenity provided that the zoning bylaw specifies which cash-in-lieu contribution are favored (i.e. for what?).

Development Permit Area (DPA) Designation

To require applicants for development to obtain a permit that specifies conditions to protect groundwater/aquifers.

Development Permit Areas (DPAs) are areas designated in an OCP (in some cases a zoning bylaw) to which particular guidelines apply. A DPA may be designated for the protection of the natural environment or to promote water efficiency/conservation that will address watershed health. (see *Local Government Act* s. 919.1(i)) In order for the DPA to be effective it is important for the DPA to integrate surface water along with groundwater considerations. Generally, DPAs prohibit site disturbance before development approval which gives the LTC time to evaluate the development against established DPA guidelines. The DPA may include requirements for such things as landscaping, the siting of buildings, and the type and placement of trees and vegetation.

Some examples of guidelines are:

- Mandate replanting and rehabilitation of disturbed areas
- Erosion and sediment control (site specific plan)
- Environmental impact assessments/hydrologic studies to satisfaction of the Local Trust Committee
- Consistency between pre and post development hydrology
- Vegetation as per landscape plan
- Incorporate standards from other levels of government (e.g. Riparian Areas Regulation)
- Limits as to the amount of impermeable surfaces
- Specify areas that must remain clear of development

It is best to have a DPA as a companion tool with zone-specific requirements for groundwater protection as DPAs cannot be used to limit the amount of development permitted on a site. Nor can they address building construction standards that are addressed through the respective regional district building permit process.

DPAs do permit the LTC to monitor environmental conditions as the development progresses and for a limited amount of time post development. This is done through the collection of a security to ensure that works to complete permit conditions are finalized. If this is not done, then the intent is to use the funds/security to complete the conditions. Therefore, the security is returned only if the conditions are met.

See Appendix 1 - Development Permit Area Model Bylaw

In addition to having a stand-alone DP for groundwater/aquifer protection there are options where various guidelines could be implemented within existing DP areas for such land uses as industrial. The following guidelines are taken from the Regional District of Nanaimo's Area A OCP (Cedar Development Permit Area).

Groundwater Protection

- 1. The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.*
- 2. The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings and impervious surfaces does not negatively impact groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater. The RDN should require the applicant to implement the report's recommendations in the proposed development.*
- 3. The RDN shall require that drainage from all impervious surfaces and areas where vehicles and machinery are stored, cleaned, operated, and maintained be directed through an appropriately sized and engineered sedimentation, oil, water and grease separator or other engineered solution to the satisfaction of the RDN. The engineer must provide an appropriate maintenance schedule.*
- 4. The RDN may require the applicant to enter into a Section 219 covenant registering on title the maintenance schedule and a commitment to maintain the sedimentation, oil, water and grease separator as per the engineer's recommendations.*
- 5. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported.*

Development Approval Information Areas (DAI) Bylaw

Development Approval Information (DAI) Areas Bylaws are to establish areas in which local governments may request additional information from applicants for zoning, development permits, or temporary use permits. The purpose of a DAI is to enable the LTC to obtain expert assessment of the impact of a development on the community at the expense of the applicant.

A DAI bylaw enables the development of site specific information to inform decision making and the ability to require specialized information (e.g. impact assessments, etc.).

The requirement for a detailed assessment may be triggered by an application for a rezoning, a development permit or a temporary use permit. The information required is usually in the form of a professional report and would be used by staff and the LTC in determining permit conditions.

In the case of groundwater the LTC could request a hydrological assessment of:

- The availability of groundwater;
- Cumulative effects of groundwater use;
- Other environmental impacts.

The intent of establishing this DAI is to ensure that potential negative impacts of proposed major developments are identified and documented as part of the development review process and to provide the LTC with complete information to properly assess and mitigate conditions caused by that development. Where reports identify negative impacts, the LTC will require mitigation by the applicant as part of a development permit to improve the proposal and minimize potential negative impacts on hydrology, the environment, and the neighbourhood.

In order for a LTC to establish a DAI bylaw in an OCP it must prepare a bylaw that sets out what information the LTC may require and specific policies and procedures to be followed. DAI may be valuable in that if a bylaw is established and concerns are raised about specific developments specific information can be requested that can go beyond DPAs guideline requirements.

See Appendix 2 - Development Approval Information Model Provisions

Subdivision Servicing Bylaws

The intent of these bylaws is to establish standards for the subdivision of land that maximizes infiltration of water and minimizes impervious surfaces and evaluates the sustainability of new groundwater withdrawal from a specific aquifer.

Subdivision servicing bylaws set the standards by which works and services must be constructed when land is divided into new parcels. Standards that support groundwater quality and supply can be included in subdivision servicing bylaws. They can require each proposed lot to have a reliable source of potable water, and can establish infiltration, drainage and permeability standards. Subdivision servicing standards can direct development to mimic natural hydrology by requiring rainwater infiltration and limiting impervious surfaces. If an LTC has established a wellhead protection area that is regulated by zoning or a development permit area, the requirements could also be included in a subdivision servicing bylaw.

Land developments generally have two water supply options generally a stand-alone water source (surface or well) or a community water system. Of course, on the islands there are other water source options that do not involved groundwater/aquifers such as rainwater collection or desalinization.

Approvals are based on one time “proof of water” evaluations that generally do not give consideration to long-term ground water consideration such as impacts of future development or cumulative impacts of developments over time in a watershed. Most bylaws will contain requirements that each new parcel created have a potable water source and a specific flow rate depending on the type of development proposed. However, this “proof of water” focuses on yield and quality of each well and not the sustainability and protection of the aquifer system as a whole. Some LTCs do require an evaluation of long term sustainability and a qualified professional’s hydrology report especially where a development will be drawing on the aquifer in a greater quantity than single family development (e.g. higher density development, commercial uses, etc.). On-going monitoring should be implemented in sensitive aquifers or groundwater-limited areas.

There may also be instances when “proof of water” is not required with some subdivisions such as the creating of large lots (> 20 acres) or boundary adjustments where sources of water have historically been proven.

Community water approvals (>3 connections) are dealt with through the provincial government (i.e. Vancouver Island Health Authority). If lots are to connect to a community system, the LTC has an option to require that unused wells (if any) be closed in accordance with the Ground Water Protection Regulation (GWPR) by establishing a well closure bylaw thereby protecting the groundwater/aquifer and possible contamination. Given that Island Health is involved in these community wells it may be possible to ensure monitoring is done, however, there are not that many community wells on the islands.

Water Conservation Tools – General Information

In addition to regulatory requirements that an LTC can implement, there are a number of water conservation tools that should be encouraged on the islands. These are less regulatory and more voluntary in nature. Given the groundwater source the islands are reliant on it is important that each resident does their own part to lessen the water demand. The protection of a quantity and quality of water should not be solely reliant on regulatory processes. Education and awareness is also a big part of what is needed in the sustainable use of water on the Islands – a resource used by all. Water conservation practices should become common place for all residents and visitors to the Gulf Islands.

The Trust Programs Committee has initiated a site to educate islanders about water issues and options to promote sustainable use or reuse of water. The intent is that educational materials will be regularly posted on the Islands Trust website as a resource and part of the necessary community outreach. <http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx>



Source: Regional District of Nanaimo. For indoor and outdoor tips: <http://www.rdn.bc.ca/cms.asp?wpID=877> , <http://www.rdn.bc.ca/cms.asp?wpID=878> and <http://www.rdn.bc.ca/cms.asp?wpID=2155>

Overview

The intent of this toolkit is to provide a variety of tools (options) that will enable LTCs and planners to choose the correct tool for the project at hand that suits their island. The tools presented will aim to achieve the actions presented in Table 1. The following table outlines five objectives for groundwater protection and possible actions that local government can take.

Groundwater Protection Objectives and Actions:

#	Objective	Description	Local Government Actions
1	Minimize impacts on water sources	Streams depend on groundwater, especially during low-flow (baseflow) conditions. Groundwater pumping from many aquifers connected to surface water bodies can deplete or capture surface water flows. Retaining sufficient groundwater retains the health of fish-bearing streams and the security of community water supplies.	• Establish watershed protection zones supported by containment boundaries to preserve hydrologic function between aquifers and surface water sources • Establish well protection areas to capture zones to protect drinking water • Prohibit potentially polluting uses in critical aquifer recharge areas as well as capture or wellhead protection areas. • Understand composition of underlying aquifers
2	Sustain aquifers at healthy levels	Prevent over-use of aquifers and impacts on natural aquifer recharge to promote a healthy water balance. If this does not happen, the aquifer goes into decline and eventual depletion. Maintaining and monitoring water levels promotes healthy habitat and sustainable water supply.	• Plan land uses based on sustainable yield, not site-specific reports on proof of water. • Commit to integrated watershed management planning to coordinate action on community water supply, rainwater management, green infrastructure, and other regulations (e.g. Riparian Areas Regulation requirements) • Require all new development to provide evidence of a sustainable water source as a condition of subdivision or through the development permit process. • Monitor aquifer quality and quantity in partnership with other levels of government.
3	Maximize infiltration	Rainwater and snowmelt infiltration is key to aquifer recharge. Infiltration rates are affected by soil permeability, the amount of topsoil, and the rate that water moves across a landscape (as affected by vegetation, slope, etc.)	• Prohibit or limit development in groundwater recharge areas. • Protect sensitive ecosystems (e.g. wetlands) by establishing development permit areas that require buffer zones and special permitting before development takes place • Preserve baseflows in fish-bearing streams by maximizing groundwater recharge. • Infiltrate virtually all rainwater by limiting effective imperviousness to less than a specific percent. This includes maintaining extensive natural areas above recharge zones. • Implement cluster development through rezoning to maximize land available for

			infiltration. • Maintain native soils and vegetation (e.g. trees and other absorbent landscaping) • Establish landscaping standards for soil depth and type of landscape materials • Promote engineered infiltration systems such as infiltration ponds, vegetated swales, bioswales (i.e. grassy or vegetated areas besides roads and parking areas) or splash pads of gravel or other hard material • Create bioretention areas • Use permeable paving • Require alternative design standards and best management practices that maintain ecosystem functions (e.g. reducing impervious surfaces) • Use green roofs • Specify site design that causes no net increase in post-development flows • Maximum wetland recharge
4	Reduce groundwater use	The less the resource is extracted, the better the chances are that the system will maintain its natural balance. Each aquifer has a carrying capacity that should be considered before intensive use.	• Minimize leakage and waste within public water distribution systems (i.e. regional systems, improvement districts, etc.) • Reduce peak and annual demand for groundwater through water demand management approaches • In groundwater limited areas, limit development and require other water sources (i.e. rainwater and cisterns) • Enact restrictions on outdoor water use where a community water system is used • Promote use of native vegetation and landscaping to minimize water irrigation demand • Promote awareness for low flow devices to be installed in all new developments • Encourage individuals and non-government organizations to practice water conservation and protection
5	Protect groundwater quality	Protecting quality is critical to promoting healthy habitat and ensuring the safety and security of the potable water supply.	• Map and understand the vulnerability of aquifers • Minimize risks from point and non-point (i.e. from a diffuse source such as agricultural runoff, roads) source contaminants by prohibiting or regulating uses that could contaminate fish-bearing streams or aquifer recharge areas, capture zones or wellhead protection areas • Design sites to prevent increases in post-development flows that can pick up contaminants

			• Develop and implement a wellhead protection plan • Establish a local water quality testing program • Adopt a well closure bylaw • Plan developments to protect groundwater recharge areas
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Table 1: Primary Source: Groundwater Bylaws Toolkit (2009)

Information Note: Well Protection Toolkit

A set of voluntary guidelines developed by the Ministry of Environment to assist communities in developing well protection plans to prevent contamination of their well water supply. A well protection plan contains practical, protective measures to minimize and prevent undesirable impacts from land use activities on the source of water for the community well.

See:

http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/wells/well_protection/acrobat.html

APPENDIX 1: Development Permit Area X – Groundwater Protection DPA

2.1 Designation

All lands shown on Schedule _X_ as being a groundwater protection area are designated as a development permit area.

Alternately may be designated based on an elevation

2.2 Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the Local Government Act for the establishment of objectives to promote water conservation.

Legislative basis of designation

2.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and

The [Groundwater Study prepared by...] concluded that ... and recommended the measures in order to preserve and protect groundwater resources:

Note: insert reference to professional report supporting designation of DPA (if applicable) and summarize key conclusions and recommendations

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

2.4 Development Approval Information

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

See DAI for impact assessment report requirements

2.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

2.6 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)
- b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.
- c) Construction of a dwelling where the dwelling:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.
- d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.

This is based on the DPA being intended to address impacts of individual wells

A report from an engineer or other qualified professional may be required to satisfy the Islands Trust/Regional District that the proposed rainwater system has adequate capacity to meet the year-round water demands of the dwelling being proposed and that water will be stored and treated to meet potable water standards.

- f) The placement of temporary buildings or structures
- g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) Land alteration that does not alter the natural contours of the land.
- l) The construction of an accessory building or structure with a lot coverage of less than 100m², provided the accessory building or structure is not connected to a supply of water.
- m) Construction of fences.
- n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- o) Works undertaken by a local government or a body established by a local government.

From other RD bylaws and steep slope DPA, could be revised based on specific recommendations

Intended to ensure cut and fill or blasting requires a permit. Language could be revised to be more specific based on recommendations
Exempts small non-plumbed buildings, lot coverage could be altered based on specific recommendations

2.7 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.

Authorizes LTC to implement conditions of professional report

3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The LTC may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The LTC may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.

Appropriate where there is an agency or community group able to monitor wells
6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.
7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:
 - a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
 - b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
 - c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.

Revise to read all buildings where commercial, industrial or institutional buildings are permitted by zoning

- d) The LTC may require that all new dwelling units include an external rainwater harvesting system such which includes the following:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A storage tank(s) with a minimum storage capacity of 18,000 litres which is designed for rainwater collection and is rated for potable use;
 - iii. A pumping system;
 - iv. An overflow handling system.
- e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with “Non-Potable Water Do Not Drink”.
- f) Where external rainwater harvesting equipment is required as a condition of the permit, the LTC shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.
- 8. Where tree removal which is not exempt from the requirement for a permit:
 - a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.
 - b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting

requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

- e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
- 9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.
 - 10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
 - 11. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

APPENDIX 2: Model DAI Bylaw Provisions

1. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the Local Government Act for protection of the natural environment, its ecosystem and biological diversity and Section 919.1(1)(i) for the establishment of objectives to promote water conservation, for the purpose of requiring development permits for Groundwater Protection, the report shall consist of a hydrogeological assessment report containing the following information:
 - a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.
 - b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1.0 km from the development site.
 - c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.
 - d. A background analysis that includes the following known information on the site:
 - A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
 - A conceptual model of groundwater occurrence and groundwater-surface interaction;
 - A description of existing users within 1.0 km of the development site;
 - A preliminary pre-development water budget;
 - Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
 - Methodology and, if applicable, uncertainties and limitations of the report.
 - e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

- f. An impact assessment consisting of:
 - Cumulative effects analysis;
 - Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrusion;
 - Impact to surface water where applicable;
 - Other potential impact implications.
- g. Conclusions and recommendations consisting of:
 - A summary of results and impact assessment;
 - An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
 - Where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.
- h. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.



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 March 31, 2014

File Number 3030-20 Thetis

To Thetis Island Local Trust Committee

From Aleksandra Brzozowski, Island Planner

Re 2013/14 Annual Report submission for THLTC

Submissions for the Islands Trust Annual Report are being requested by the Director of Local Planning Services. Each LTC is being asked to review a work program submission and make changes as needed to reflect the work of the LTC over the last year.

Please note that this year, LTCs are being asked to specify work completed that has contributed to the Strategic Plan and Policy Statement.

Please review the following draft text and indicate any changes or additions you wish to submit for the 2013/14 Annual Report.

"In 2013-2014, the Thetis Island Local Trust Committee (LTC) held seven regular business meetings and two community information meetings. The LTC prepared a first-ever Official Community Plan and Land Use Bylaw for a number of the small associated islands in the Thetis Island Local Trust Area; these two bylaws are expected to be adopted later in 2014. In early 2013, the LTC began in earnest a priority project on Shoreline Protection focusing on education, mapping, and voluntary stewardship (*Strategic Plan 1.1, 2.1*). In November 2013, Thetis Local Trust Area became the focus area for further exploration of the Green Shores draft Credit Rating System (*Strategic Plan 2.1.3*). Work also continued on implementing provisions necessary to meet the Riparians Area Regulation on Thetis Island (*Strategic Plan 1.3.5*); this work will continue in 2014."

Copy: Courtney Simpson, Regional Planning Manager