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 - *for adoption - attached*	1	9:30 am
4.2	Section 26 Resolutions Without Meeting Log - *none*		
4.3	Advisory Planning Commission Meeting Minutes - *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 - *attached*	10	9:40 am
6.	**DELEGATIONS – *none declared***		
7.	**CORRESPONDENCE - *none*** *Correspondence specific to an active development application and/or project will be received by the Thetis Island Local Trust Committee when that application and/or project is on the agenda for consideration.*		
8.	**APPLICATIONS AND PERMITS - *none***		
9.	**LOCAL TRUST COMMITTEE PROJECTS**		9:50 am
9.1	Dock Regulations Options for Ruxton Island		
	9.1.1 Staff Report dated November 8, 2013 - *attached*	11	
9.2	Associated Islands Land Use Bylaw		
	9.2.1 Staff Report dated October 29, 2013- *attached*	37	
	9.2.2 Draft Land Use Bylaw - *attached*	45	
9.3	Riparian Areas Regulation Project Update		
	9.3.1 Staff Report dated October 31, 2013 - *attached*	83	
9.4	Shoreline Protection		
	9.4.1 Memorandum dated November, 2013 – *to be distributed*		
	9.4.2 Letter dated October 23, 2013 from Bob Bingham - *attached*	89	
	9.4.3 Letter dated October 31, 2013 from Anne Barr - *attached*	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- *attached*	92	
10.2	**Applications Log**		
	10.2.1 Report dated November 12, 2013 - *attached*	94	
10.3	**Trustee and Local Expenses**		
	10.3.1 Expenses posted to September 30, 2013 - *attached*	95	
	10.3.2 Expenses posted to October 30, 2013 - *attached*	96	
10.4	**Chair's Report**		
10.5	**Trustees' Report**		
10.6	**Advisory Planning Commission Report - *none***		
11.	**NEW BUSINESS**		12:00 pm
11.1	Briefing regarding Strategic Plan from Linda Adams, Chief Administrative Officer, dated October 3, 2013 - *attached*	97	
11.2	Salt Spring Island Bylaw Referral Request for Response regarding Bylaw No. 470 - *attached*	114	
11.3	Salt Spring Island Bylaw Referral Request for Response regarding Bylaw No. 471 - *attached*	116	
11.4	Application for Community to Community (C2C) Funding (Union of BC Municipalities (UBCM) Program) – *for discussion*		
11.5	Model Housing Resolution from Federation of Canadian Municipalities (FCM) – *attached for discussion*	118	
12.	**BYLAWS - *none***		
13.	**ISLANDS TRUST WEBSITE**		
13.1	Thetis Pages – *for discussion*		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

Print Date: Nov-12-2013

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

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

STAFF REPORT

Date: November 8, 2013 **File No.:** 6500-20

To: Thetis Island Local Trust Committee
For meeting November 20, 2013

From: Jason Youmans, Planner 1

Re: **Regulatory Options for Managing Docks on Ruxton Island**

OVERVIEW

The purpose of this staff report is to inform the Thetis Island Local Trust Committee of the regulatory options available to manage the development of residential and/or community docks on Ruxton Island.

At its September 25, 2013 meeting, Thetis LTC passed a motion that read, "Direct staff to prepare a short summary report on the various options available to address docks on Ruxton Island and their implications, including more technical inquiry into temporary docks, shared docks, development permit area guidelines, site-specific zoning, and rezoning."

This staff report provides the information requested in the above resolution. It addresses the following topics: temporary docks, shared docks, zoning, and development permit areas.

It provides staff comment and concludes with recommendations that:

- Thetis LTC establish a zone in the land use bylaw around the perimeter of Ruxton Island within which docks are not a permitted use
- Thetis LTC include a policy in the Thetis Associated Islands Official Community Plan that Thetis LTC will support rezoning for community docks
- Thetis LTC consult with the community regarding a shoreline development permit area around the perimeter of Ruxton Island to minimize the environmental consequences of any future dock construction or other shoreline works
- Thetis LTC refer this staff report to the Ruxton Island Advisory Planning Committee for comment

BACKGROUND

Community consultation during the Associated Islands community plan project has demonstrated there to be considerable debate among property owners on Ruxton Island about whether docks should be permitted along the shoreline and what form they might take. The conversation concerning docks has touched on numerous topics, from environmental impacts and aesthetic values to emergency access and security. Comments were received on this issue during initial research prior to development of the draft OCP, during public review of the draft OCP, from members of the Ruxton Island Advisory Planning Committee, and at the most recent community information meeting on Ruxton Island on August 3, 2013. Despite the volume of opinion and comment received, it remains unclear to staff where majority opinion on the Island falls on the matter.

Since 1984, uses along the Ruxton Island shoreline have been governed through a Marine Environment Protection (W-1) zone which states that "No wharves, floats, breakwaters, pilings, or other permanent structures shall be permitted." It is clear from recent conversations with some Ruxton Island property owners that a segment of the population feels that the prohibition of docks is unreasonable and an impediment to accessing their properties. Others feel that the 1984 bylaw lacks clarity. It is equally clear, however, that many property owners would strongly object to any relaxation of the current restriction on docks.

In determining how best to regulate docks on Ruxton Island, Thetis LTC should consider policies of the *Islands Trust Policy Statement* including, but not limited to:

3.4.4 Local trust committees … shall, in their official community plans and regulatory bylaws,

- address the protection of sensitive coastal areas.

4.5.10 Local trust committees … shall, in their official community plans and regulatory bylaws,

- address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

4.5.11 Local trust committees … 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

5.5.4: Local trust committees … shall, in their official community plans and regulatory bylaws,

- address 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 … shall, in their official community plans and regulatory bylaws,

- address the designation of locations for community and public boat launches, docks and anchorages.

Thetis LTC may also wish to consider, in their decision making, the range of community opinion they have received on the issue of docks during the course of developing the new Thetis Associated Islands official community plan.

Furthermore, Thetis LTC may wish to review the findings of McElhanney Consulting's *Ruxton Island Community Dock Options Study*. This study was commissioned to determine the feasibility of constructing a community dock at the terminus of any of the Island's right-of-ways and used five criteria (exposure, access from sea, access from land, distance to lots, ease of construction) to assess 15 prospective locations. Thetis LTC might consider that the feasibility findings of the McElhanney report are at least partly applicable to private docks constructed in the vicinity of some of the assessed public locations. Complementing the *Dock Options Study* was a case study of community and shared docks around the B.C. coast, which was presented to the Thetis LTC at its July 24, 2013 meeting. This report demonstrated that establishing zoning to allow community docks is but one small part of a far larger effort required to construct and operate community docks.

Limiting Factors

Trustees should note that external factors beyond Local Trust Committee land use regulations can impact future dock development on Ruxton Island.

The McElhanney *Dock Options Study* reviewed the various levels of provincial and federal permitting that are/may be required for constructing a dock in marine waters. These permits can be considered limiting factors. A given application might, for example, be denied provincial tenure because of the marine habitat at the proposed site or because of archaeological values present on the foreshore, damage to which cannot be mitigated. Transport Canada, meanwhile, might deny dock construction at a proposed site if it is perceived to pose a navigation hazard.

Certainly the topography and marine conditions at various shoreline sites around Ruxton Island will also significantly impact where and whether docks can be built. There are 122 waterfront properties on Ruxton Island. How many of these could actually support a dock is unknown. However, as one local dock building firm noted during research into this issue, if a property owner wants to spend enough money, a dock can be built almost anywhere.

The proposed establishment of the Southern Strait of Georgia National Marine Conservation Area may also influence use of the Ruxton Island foreshore and shorelines throughout the Islands Trust Area.

Temporary/Seasonal Docks

The idea of permitting only temporary or seasonal docks on Ruxton Island has emerged during local debate on the issue. For the purposes of this report, “temporary” refers to the dock’s physical infrastructure and ease of removal, while “seasonal” refers to the duration of time the dock is in the water. By this definition, it is assumed that all “seasonal” docks are probably “temporary” (i.e. easily removed), but all “temporary” docks are not necessarily “seasonal.”

Temporary Docks

In the coastal context, permanent and temporary docks are differentiated by the absence on the foreshore or in the water of permanent pile-driven or concrete-supported wharves or piers. Piled structures are generally built to ensure that public access along the foreshore is not interrupted by a ramp that runs from an upland property to a float, that none of the infrastructure rests on the foreshore or seafloor, and that the dock can withstand inclement conditions. The Crown owns the foreshore below the high water mark for the benefit of all British Columbians and will not approve “improvements” (i.e. docks) that unduly restrict foreshore access. This means that in many cases, absent a pier, only properties that slope steeply away from the water or that have a suitable upland structure can support a ramp that allows sufficient underside clearance so as not to obstruct the beach. The Province assesses applications for water lot tenure based on the perceived foreshore impact of a proposed development. It does not, therefore, differentiate between temporary and permanent structures when granting permits, since a temporary structure might be in place just as long as a permanent one. And although they might be “temporary,” any dock on the B.C. coast must still be robust enough to withstand wind and waves. Taken together, the various shoreline types on Ruxton Island and currently available dock technology means there will be circumstances where pier-less docks are viable on the Island and circumstances where they are not. If the Thetis LTC zoned to prohibit permanent structures (i.e. piers) on the Ruxton foreshore, this would reduce the number of Island properties that could entertain a dock, and in doing so reduce the cumulative impact of docks on the shoreline. Requiring upland structures to be set back from the natural boundary of the sea could also influence the number of properties that could accommodate a temporary dock, as such a regulation would limit the physical infrastructure that could support a ramp.

When considering temporary docks, the word temporary refers to the docks, not the regulation that permits them. If temporary docks are made a permitted use and the community later decides they are no longer desired, they can’t simply be ordered removed just because their removal is easy.

The use of temporary docks will do little to limit the perception of negative aesthetic impacts associated with docks, especially for Ruxton property owners who, as a largely summer population, will be on-Island for the duration of time that temporary docks likely will be in the water. If Ruxton’s temporary docks are made seasonal, and permanent structures on the foreshore are prohibited, this would mitigate against negative aesthetic impacts during the winter months.

Temporary docks are superior to permanent docks from an environmental perspective, as the absence of permanent structures on the foreshore and in the water means less disturbance of habitat and fewer impacts on natural processes.

Seasonal Docks

Seasonal docks are docks that remain in the water for only part of the year. The duration of this period could be defined by bylaw, or, as is the case where seasonal docks are currently used in the Trust Area, at the discretion of their owners. There is nothing in the Province's language to differentiate permanent from seasonal docks, so any proposal for tenure of a Crown water lot for a seasonal dock will be held to the same standards as an application for a year-round structure.

Maintaining security on the Island has been raised by some property owners as an argument against permitting docks. Seasonal docks are superior to permanent ones from a security standpoint, insofar as their removal during the off-season makes access to the largely unattended island nominally more difficult. Furthermore, decommissioning seasonal docks during the winter months means fewer problems for property owners who return in the spring to find that a storm has swept their dock away.

Research into the issue of seasonal docks has suggested that local officials should consider where and how temporary or seasonal docks will be stored during the off-season. Some property owners may have lots that lend themselves to storage of such infrastructure. Others, however, may hire a contractor to raft and store them on water in a sheltered bay for the winter. Where they are ultimately stored may not be zoned for such a purpose, thus leading to bylaw enforcement issues in the Trust Area and creating aesthetic concerns for anyone whose property looks out onto them.

Discussion

If Thetis LTC believes that temporary seasonal docks can help achieve Ruxton community and Islands Trust objectives, the Thetis Associated Islands Land Use Bylaw could define "temporary dock" in a satisfactory manner and control for the maximum duration that such structures would be permitted in the water in a calendar year. If Thetis LTC believe that certain Ruxton property owners' concerns about emergency ingress and egress are sufficient to warrant permitting private residential docks, then temporary seasonal docks would be preferable from a marine environmental and aesthetic standpoint to permanent foreshore structures.

Private Shared Docks

The notion of permitting private shared docks on Ruxton Island has also emerged during local debate on the issue. While such an approach is feasible, it will be only briefly touched on here, as its implementation requires significant forethought on the part of staff and the Thetis LTC.

Private Shared (or “neighbourhood”) docks represent an opportunity to cap the total number of private docks that could ever be built on Ruxton Island. For example, establishing a shared dock zone that permits only docks shared by two adjacent waterfront property owners immediately halves the number of docks that could ever be built. Requiring sharing among three adjacent property owners reduces the potential dock build-out on the Island by two-thirds. Determining the number of property owners required to join a shared dock would be at the discretion of the Thetis LTC.

People’s general unwillingness to share their private property with others would likely provide a natural check on the number of property owners that would actually establish a shared dock. However, as the allocation of shared docks on Ruxton Island would be determined on a first-come, first-served basis, one could foresee a potential scramble to become part of a shared dock arrangement “before it’s too late” and before all necessary impacts are considered by property owners.

What makes a shared dock zone particularly complex for local government is determining the instrument by which sharing will be controlled and monitored. To make a shared dock zone function with adequate oversight, the Thetis LTC would need a regulatory trigger—a development permit being the most obvious option—the granting of which would be partly contingent on proof that the dock is indeed being shared. The strongest form of proof in this situation would be the registration on title of restrictive covenants that prevent all properties involved in a sharing arrangement—with the exception of the host—from building docks of their own in the future. The LTC might also consider requiring proof of participation in a non-profit society governing a shared dock’s operations as a condition of any shared dock development permit. Participation in a non-profit shared dock society could be used as a mechanism to provide dock access to upland property owners. The LTC would need to determine the minimum and maximum number of waterfront and upland properties that would be required to permit a shared dock. In addition to restrictive covenants, easements should be required across the property hosting the dock to ensure reliable access to the shared dock for current and future property owners.

While such prescriptive regulations are complex and potentially onerous on property owners, it seems otherwise insufficient to simply require a declaration at the time of rezoning that a dock will be shared in perpetuity; leniency at the outset of a shared dock scenario could potentially lead to reactive and expensive bylaw enforcement when shared docks gradually slip toward becoming private docks. This could also create problems for property owners who thought they had use of a shared dock and find they no longer do, impacting enjoyment of their property and potentially its resale value.

Discussion

If so directed by Thetis LTC, staff can further investigate the technical requirements of a shared dock zone and the mechanisms to control sharing. However, staff do not advocate the shared dock approach at this time, as, like temporary and seasonal docks above, it is unclear if the problem it is well suited to resolve—namely balancing demand for residential docks against environmental and aesthetic considerations—actually exists on Ruxton Island. In the Metro Vancouver jurisdictions where shared dock zoning exists, they have been implemented as a solution to extremely high demand for private residential docks among waterfront property owners and the threat that demand poses to the marine environment. Ruxton is not currently confronted by a comparable intensity of demand. However, if in the future demand for private residential docks on Ruxton Island grows very strong, Thetis LTC may wish to consider this regulatory approach.

REGULATORY OPTIONS

Zoning

Zoning is used in many coastal jurisdictions to regulate docks. See attached Appendix A for example W1 zoning regulations from North Pender Island, which is typical of dock-permitting water zones in the Trust Area. While zoning generally controls only use, density, size and siting, some jurisdictions, such as Gambier Island, have included extra provisions in their water zoning to ensure docks adhere to certain conditions of use. Please see Appendix B attached for reference.

Potential water zoning possibilities for Ruxton Island include one of the following, or combinations thereof:

a) *Water zoning does not permit docks*:

Within such a zone, property owners wishing to construct a dock would be required to apply for rezoning, thus setting in motion a formal review and public process. The final decision on any rezoning rests with the Thetis Island LTC, informed by policies in the Official Community Plan, the Islands Trust Policy Statement, and information on the impacts of the proposed dock such as environmental concerns, and implications for the use and enjoyment of neighbouring properties. If Thetis LTC chooses this option, it will be important to adopt clear policies in the OCP that outline the circumstances under which a rezoning for a dock would be supported, desired characteristics of docks, and there could be different policies for different types of docks such as private, shared or community.

When the new Thetis Associated Islands land use bylaw is adopted, it will contain water zones around other islands (eg. Hudson, Reid, Dayman) where docks are permitted. Rezoning parts of the Ruxton shoreline could then be a matter of applying one of these dock-permitting zones to the subject water lot. Alternatively, site-specific zones could be created at the time of each rezoning application according to the applicant’s needs and Islands Trust’s requirements.

Once a given lot was rezoned to allow a dock, no further permit would be required from the Local Trust Committee. However, the Province would refer each application for water lot tenure to staff for comment. Staff would assess each application to ascertain compliance with the zone's requirements.

b) *Water zoning permits private docks on all waterfront properties*:

Within such a zone, docks would be allowed on all waterfront properties. The permitted siting and size requirements of private residential docks would be defined in the regulation. No permits would be required from the Local Trust Committee, but the Province would refer each application for water lot tenure to staff for comment. Staff would assess each application to ascertain its compliance with the Land Use Bylaw.

c) *Water zoning permits temporary or seasonal private docks on all waterfront properties*:

Within such a zone, docks would be allowed on all waterfront properties. All docks, however, would be required to comply with the definitions of "temporary" and/or "seasonal" as defined in the bylaw, and any other siting and size requirements listed there. Such a zone might also prohibit the presence of permanent structures on the foreshore. No permits would be required from the Local Trust Committee, but the Province would refer each application for water lot tenure to staff for comment. Staff would assess each application to ascertain its compliance with the Land Use Bylaw.

d) *Water zoning permits shared docks Island-wide*:

Within such a zone, docks would be allowed on any waterfront properties subject to meeting the "sharing" requirements laid out in the Land Use Bylaw's definitions. As mentioned above, such a zone would be well-complemented by a development permit area through which Islands Trust staff could proactively determine that the conditions of sharing were being met. Such a DPA could also set requirements for minimal environmental and aesthetic impacts. Thus, in addition to the Crown tenure referral from the Province, applicants would be required to obtain a development permit from the Local Trust Committee. Construction of such a dock would not begin until requisite proof of sharing was provided.

e) *Water zoning permits community docks Island-wide*:

Within such a zone docks would be allowed wherever the definition of "community dock"—as defined in the Land Use Bylaw—could be met. For example, if community dock was defined such that one could be established only at the end of a provincial road right-of-way, then that is where they would be allowed. If they were defined such that they could be established on private lots subject to access guarantees that make them "community" docks, then they could conceivably be permitted anywhere. The definition of "community dock" would need to be carefully considered before inclusion in the Land Use Bylaw.

f) Location-specific Pre-zoning

While it is possible to proactively zone certain areas of the Ruxton shoreline for docks, staff do not recommend this approach. It would be tempting, for example, to pre-zone the ends of all Ruxton Island's right-of-ways for community docks. These are, after all, the most logical places for such structures and pre-zoning such sites could be perceived as demonstrating leadership in helping meet a community need. However, some Island residents who live in the most favourable locations for a community dock—as determined by the McElhanney study—have already expressed their strong distaste for such developments. In many cases, locations most favourable for community docks are the very locations where the immediate neighbours will have the least to gain, since access to their properties from the water is already fairly easy. Additionally, pre-zoning locations for community docks would require establishing certain maximum size regulations—length, width, and total area—that might not be workable on the site ultimately selected by a community group pushing for dock development. Simply put, pre-zoning these areas for community dock use would deprive neighbours of the opportunity for the input into a given dock proposal that comes during a rezoning. Requiring all docks—including community ones—to undergo rezoning effectively puts the onus on the project's proponents to bring the community on side and present a proposal that the neighbourhood will support.

Development Permit Areas

The limited scope of issues for which zoning can control has led many coastal communities to adopt development permit areas to manage foreshore development to protect against negative impacts on sensitive ecosystems and to address other environmental considerations. Development Permit Areas are a complement to zoning, defining *how* a particular use is carried out, not *if* that use can be carried out. Development permit areas enable staff to request information that may be germane to a proposed development—such as environmental mitigation measures from a qualified professional—and to make adherence to those measures a condition of permit approval. Please see Appendix C attached for an example shoreline development permit area currently in force on Galiano Island, particularly the document's final two pages which speak directly to the issue of docks. Galiano Island's water zoning permits residential docks on the shoreline, and the development permit area adds a layer of oversight as to *how* the dock is sited and constructed. A shoreline development permit area could include other guidelines deemed important by the local community such as aesthetic guidelines.

Unlike a rezoning, a development permit does not require a public process. If the guidelines described in the development permit area are met, then the permit is granted. As such, a development permit area's guidelines must capture everything of concern to the community, since residents will not have the opportunity to comment on a given development application.

Discussion

Regardless of how Thetis LTC chooses to zone the waters around Ruxton Island, a development permit area is also recommended to ensure that any future shoreline construction is done in such a way as to minimize adverse marine environmental impacts.

STAFF COMMENTS

Community feedback on the docks question has demonstrated that the issue remains unresolved among Ruxton residents.

In determining how best to manage dock development on Ruxton Island, Thetis LTC should consider what objectives it hopes to achieve through regulation. If protection of the marine foreshore environment is an important objective—and the Islands Trust Policy Statement says it is—then the fewer docks on the Ruxton shoreline the better and a zone that does not permit private docks is preferred. However, if providing safe access for property owners is considered a high priority, then permitting the development of one or more docks is desirable. Given that community interest in this issue runs very high, it seems essential that Thetis LTC make incorporating stakeholder input into docks decision-making a goal of its regulatory regime. Requiring all prospective dock developments to go through a rezoning process, for example, guarantees the local community a chance to comment, while also providing the Thetis LTC with a gauge by which to measure community sentiment on the issue over time and an indicator with which to judge whether the marine zoning should be revisited and made less restrictive in the future.

In the absence of clear community direction that private residential docks should be permitted, it seems unnecessary at this time for the Thetis LTC to create a zone that allows private docks—whether permanent, temporary, or shared—and in doing so entrench a significant departure from the status quo without a clear compelling reason. The fact that in the almost 30 years since the current “no docks” zone was established no Ruxton property owners appear to have sought rezoning to allow a residential dock suggests that demand for residential docks is not particularly high. Restricting docks through zoning, meanwhile, does not mean that property owners who want one are absolutely denied that opportunity. Rather, it means they will be required to go through a rezoning process in which community members can participate and the LTC will weigh community sentiment in their final decision. Development of individual docks within a no-dock zone would be decided on a case-by-case basis. Where this approach breaks down is in the event that the first few applications for private residential dock rezoning receive resounding support from the community, are adopted by the LTC, and the floodgates then open to a flurry of rezoning applications. This would suggest that staff and the LTC have misread community feeling and might be compelled to amend its policies and regulations on docks.

Admittedly, the notion of a densely populated (in the summer months) island that lacks the convenience and emergency access provided by any form of dock is unusual. Therefore, staff believe that the Island would benefit from the provision of community docks at some point in the future. As noted above, staff are aware that proactively zoning one or more suitable areas for a community dock removes the barrier of rezoning that would otherwise be a required step to establish one. Rezoning can be expensive and time consuming, so pre-zoning is one of the few points in the community dock process with which the local trust committee is able to assist. Despite this, staff believe pre-zoning to be premature at this time. McElhanney Consulting's *Dock Options Study* evaluated suitable locations for a community dock at road endings. It identified several potential sites, but those which are most favourable are also located in areas of good moorage and where nearby property owners appear in least need of docking facilities. In addition, property owners adjacent to possible community dock sites have expressed concerns about siting structures at these locations at this time.

Given the preliminary nature of the McElhanney feasibility study, and the lack of clear neighbour support for possible dock locations at road endings, staff recommend that these areas are not pre-zoned for community docks. However, policies in the Official Community Plan should address the designation of locations for community docks and opportunities for sharing dock facilities in order to be consistent with the Islands Trust Policy Statement, and to capture the vision of the community at this time, to the extent that there is agreement.

Under a no-dock marine zone, community docks would be handled in the same way as private docks, which is that they would be permitted subject to rezoning. One can foresee that an application from a community group to rezone a water lot at the end of a right-of-way for a public-use dock might garner more community support than a private property owner's application to rezone for private moorage.

In sum, establishing a "no docks" zone around Ruxton Island means that Thetis LTC is able to assess any future shoreline rezonings on a case-by-case basis, whether they be for private residential docks, shared docks among neighbours, or public-access community docks from a residents' association, and will be guided by OCP policies addressing them.

RECOMMENDATIONS

1) **THAT** Thetis LTC establish a zone in the land use bylaw around the perimeter of Ruxton Island within which docks are not a permitted use

2) **THAT** Thetis LTC include a policy in the Thetis Associated Islands Official Community Plan that the LTC will support rezoning for community docks

3) **THAT** Thetis Island LTC consult with the Ruxton Island community regarding a shoreline development permit area to minimize the negative environmental consequences of any future dock construction or other shoreline works

4) **THAT** Thetis LTC refer this report to the Ruxton Island Advisory Planning Committee for comment

---

Prepared and Submitted by:

Jason Youmans Planner 1	November 8, 2013 Date

Concurred in by:

Courtney Simpson	November 8, 2013
Courtney Simpson, RPP, MCIP Regional Planning Manager	Date

Appendix A

North Pender Island W1 Zone

8.19 Water 1 (W1) Zone

BL 139

8.19.1 Permitted Uses

(1) The following uses and no others are permitted in the Water 1 (W1) Zone:

(a) private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea, and providing access to that lot or those lots;

(b) pilings necessary for the establishment or maintenance of the uses permitted by Clause 8.19.1(1)(a);

(c) boat launching ramps; and

(d) marine navigation, marine navigation aids and marker buoys.

8.19.2 Buildings Prohibited

(1) No building, including a boat house, may be constructed or erected on any float or wharf in the Water 1 (W1) Zone.

8.19.3 Commercial and Industrial Activity Prohibited

(1) For certainty, no commercial or industrial activity or use is permitted in the Water 1 (W1) Zone.

8.19.4 Residential Use Prohibited

(1) No person may reside on any structure or on any boat or vessel moored or wharfed in the Water 1 (W1) Zone.

8.19.5 Setbacks

(1) No structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot.

BL 132

8.19.6 Size of Structures

(1) The maximum water area that may be covered by floats and wharves is 37 m^2.

(2) The width of any ramp or walkway, including handrails, used to access any float or wharf permitted in clause 8.19.1(1)(a) shall not exceed 1.5 metres .

5.16 Marine General (W1) Zone

The purpose of the Marine General Zone is to provide regulations for the use of the foreshore and marine areas for private docks that provide access to upland residential lots.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this section and Part 3, and all other uses are prohibited:

(a) Non commercial anchorage and moorage of private vessels.

(b) Accessory use to upland residential use.

(c) Utilities.

Permitted Buildings, Structures and Density

(2) Permitted buildings are limited to one gear locker.

(3) Permitted structures are:

(a) mooring buoys, floats, docks, wharves, ramps, and walkways providing marine access to upland residential uses; including dolphins and pilings necessary for the establishment or operation of the permitted use;

(b) neighbourhood dock;

(c) swimming floats;

(d) structures for utilities.

Siting and Size

(4) The maximum area that may be covered by dock floats is:

(a) 65 square metres for a dock serving one lot;

(b) 65 square metres plus 47 square metres per lot served up to a maximum float size of 159 square metres, provided a restrictive covenant is registered on the title of the benefiting parcels to limit the total number of private docks.

(5) Despite regulation 5.16(4), where the upland parcel has not been subdivided but subdivision potential exists based on the minimum average lot area for the applicable zone of the upland parcel, and a neighbourhood dock cannot be provided through regulation 5.16(4)(b) the maximum area that may be covered by dock floats may be increased by 47 square metres per potential lot to a maximum float size of 159 square metres, provided a restrictive covenant is registered on the title of the benefiting parcels to limit the total number of private docks.

(6) The maximum area that may be covered by seasonal floats is 50 square metres surface area.

(7) The width of any ramp or walkway, including handrails, used to access any float or wharf shall not exceed 1.5 metres.

Information Note: Some words and phrases are defined in Part 1.

A chart at the end of the Bylaw provides approximate imperial equivalents.

(a) Despite 5.16(7), in areas outside the W1 (a) zone, the maximum width of any ramp or walkway, including handrails, used to access any float or wharf shall not exceed 2.4 metres.

(8) Ramps shall have a minimum clearance of 0.5 metres above the natural boundary of the sea.

(9) The maximum height of gear lockers is 2 metres.

Conditions of Use

(10) The permitted anchorage and moorage use is only permitted in conjunction with a permitted upland residential use.

(11) Docks shall not be located such that they physically divide a beach identified on Schedule D of the Official Community Plan.

(12) Structures associated with anchorage and moorage:

(a) shall be located such that they will not negatively impact eelgrass meadows, kelp beds, or shellfish beds;

(b) made of newly treated wood shall bear the BMP certification mark ensuring that appropriate treatment and post-treatment measures have been employed in producing the preserved wood;

(c) shall not restrict the movement of aquatic life requiring shallow water.

(13) The placement of structures associated with anchorage and moorage shall not involve the excavation or filling of the seabed, intertidal foreshore or adjacent upland.

(14) Bulkheads for docks shall not be located on the foreshore.

(15) Lights on docks that shine into a lot not served by the dock are not permitted.

2. Development Permit Area 2 – Shoreline and Marine DPA

BL219

2.1 Designation

Development Permit Area 2 includes all land 15 m upland of the natural boundary of the sea, and seaward to the boundary of the area of bylaw application.

2.2 Authority

The Shoreline and Marine 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, Section 919.1(1)(b) for the protection of development from hazardous conditions, and Section 919.1(1)(f) for establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

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 subject to hazardous conditions or that is environmentally sensitive to development.

It is policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp and eel grass beds and that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways; and

- the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning area.

Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland.

The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk
5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

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.

2.5 Applicability

This Development Permit Area applies to all development proposed within the Shoreline and Marine DPA. A development permit is required for the subdivision of land, construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt.

2.6 Exemptions

The following activities are exempt from any requirement for a development permit:

a) Repair, maintenance, alteration or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming, provided there is no alteration of undisturbed land or vegetation (a building permit may still be required).
b) The placement of impermanent structures such as benches, tables and garden ornaments.
c) 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* .
d) 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 asphalting or similar surfacing.
e) The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
f) Removal of invasive plants or noxious weeds on a small scale within the Development Permit Area.
g) 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.
h) 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.*
i) Construction of a fence so long as no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
j) Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do no alter the general contours of the land.
k) The pruning or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree.
l) The construction of a small accessory structure such as a pump house, gazebo, garden shed or play house if all the following apply:
    - The structure is located within an existing landscaped area;
    - No native trees are removed;
    - The structure is located a minimum of 7.5 metres from the natural boundary of sea or, where the bank has a slope greater than 3:1 at any point, 7.5 m from the top of the bank, whichever is further; and
    - The accessory structure does not cover an area greater than 10 m^2.
m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
    - Forest fire, flood and erosion protection works;
    - Protection, repair or replacement of public facilities;

- Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
- Bridge repairs.

n) The installation of mooring buoys.
o) Works undertaken by a local government or a body established by a local government.

2.7 Guidelines

General Guidelines:

1. In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access.
2. Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works are exhausted should such works be considered.
3. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.
4. 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.
5. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works.
6. When required, shore protection measures should:
   a. Apply the 'softest' possible shore protection measure that will still provide satisfactory protection; and
   b. Limit the size of shore protection works to the minimum necessary.

Shore Protection Measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' and 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' structural measures rely on less rigid materials such as biotechnical vegetation measures (biotechnical measures are the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

- Vegetation enhancement
- Upland drainage control
- Biotechnical measures
- Beach enhancement
- Anchor trees
- Gravel placement
- Rock (rip rap) revetments
- Gabions
- Concrete groins
- Retaining walls or bulkheads
- Seawalls

SOFT

↓

HARD

In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

7. ‘Hard’ structural shore protection measures (e.g. concrete walls, lock block, stacked rock) may be considered in support of existing development only when a geotechnical and biophysical analysis demonstrates that:

   a. an existing structure is at immediate risk from shoreline erosion caused by tidal action, currents, or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;

   b. the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization;

   c. non-structural measures, such as locating new buildings and structures further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues; and

   d. unavoidable damage to shoreline ecological function is mitigated as much as feasible and restoration is undertaken when feasible.

8. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. ‘Soft’ shoreline protection measures that provide restoration of previously damaged ecological functions may be permitted seaward of the natural boundary subject to obtaining necessary approvals from the provincial and federal governments.

9. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.

10. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.

11. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.

12. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.

13. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervisions of a qualified professional with advice from provincial and federal environmental agencies.

14. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.

15. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that:

    a. The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional;

    b. The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;

    c. Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works unless there are significant safety or environmental concerns that could only be addressed via such an encroachment. In such cases, the replacement of shore protection works should utilize the ‘softest’ approach possible and should abut the existing shore protection works; and

    d. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.

Guidelines for Subdivisions:

16. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.

Guidelines for Commercial and Industrial Development:

17. Boat maintenance and repair facilities shall be designed and sited in a manner that minimizes the potential for the discharge of toxic materials from boats (e.g. fuels, oils, maintenance by-products).

18. Lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility.

Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cut off angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.

19. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.

20. Offshore log storage should be located such that natural flushing and water circulation will disperse waste materials, and log dumping facilities should be designed and operated to prevent bark and other debris from accumulating on the sea bed.

Guidelines for Specific Shoreline Types:

21. Because of their extreme sensitivity to disturbance and slow rate of recovery, dredging or filling of estuaries should not be permitted, sea walls and rip rap embankments should not be permitted in estuaries, and when shore protection measures are necessary “beach nourishment” designs are preferred, which add appropriately sized material to the upper beach, creating a natural beach slope and beach armour.
22. New structures on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis for the structure.
23. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.

Guidelines for Construction Practices:

Erosion Control:

24. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. 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.

Monitoring:

25. A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit, until all such measures have been completed and the professional has provided a report confirming completion to the standard specified in the permit.

Guidelines for Vegetation Management, Restoration and Enhancement:

26. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.
27. Existing trees and shrubs to be retained 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.
28. If the area has been previously cleared of native vegetation, 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.

29. Vegetation 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 fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.
30. 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 stock 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.

Guidelines for Shore Protection Measures Design:

31. Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water.
32. Revetments (rip rap slopes) and bulkheads (retaining walls) should only be constructed if no other alternative exists.
33. Where revetments are proposed:
    a. They should not result in the loss of shoreline vegetation or fish habitat;
    b. The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location's hydraulic action and prevent collapse; and
    c. Filter cloth should be used to aid drainage.
34. Where bulkheads are proposed:
    a. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation. Feeder bluffs, marshes, wetlands, spits and hooks should be avoided;
    b. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible;
    c. They should allow the passage of surface or groundwater without causing ponding or saturation; and
    d. They should be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including proper footings and retention mesh should be included. Beach materials should not be used for fill behind bulkheads.

Guidelines for Beach Nourishment and Fill:

35. Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

36. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design.

37. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway.

38. All upland fill and beach nourishment materials should be clean and free of debris and contaminated material. All fill and beach nourishment proposals are subject to review and approval by provincial and federal authorities having jurisdiction.

Guidelines for Shore Access and Parking:

39. Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, not require retaining walls, and only use stairs as a last resort.

40. Accesses in extremely sensitive areas or hazardous areas should be restricted or prohibited.

41. Parking areas should be located away from the shore, buffered or landscaped, and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, filtration trenches or swales, unpaved or permeable all weather surfaces should be considered for this purpose.

Guidelines for the Construction and Replacement of Docks and Boat Launch Facilities:

42. For residential properties, preference is to be given to the placement of mooring buoys and floats instead of docks.

43. Docks and wharves should be designed to ensure that public access along the shore is maintained except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

44. Docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.

45. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate.

46. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore.

47. Piers and pilings and floating docks are preferred over solid-core piers.

48. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged.

49. Boat launch ramps are the least desirable of all water access structures and should be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept

flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.

50. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.

51. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters.

52. Residential docks should not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.

STAFF REPORT

Date: October 29, 2013

File No.: TH 6500-20 (Associated Islands LUB)

To: Thetis Island Local Trust Committee
For meeting of November 20, 2013

From: Aleksandra Brzozowski
Island Planner
Northern Office

Copy: Courtney Simpson, Regional Planning Manager, Northern Office

Re: Draft Land Use Bylaw for the Thetis Associated Islands

THE PROPOSAL:

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

The purpose of this report is to introduce the Draft Associated Islands Land Use Bylaw (LUB), outline items for discussion regarding draft LUB policies, outline next steps in the Land Use Bylaw Process and request direction from the LTC.

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.

DRAFT LAND USE BYLAW - VERSION 1.0 OCTOBER 2013:

Attached is a copy of the draft Land Use Bylaw (LUB) for the Thetis Associated Islands. This draft LUB contains the basic content of an LUB and synthesizes established regulations for the various islands within the Thetis Associated Islands Plan Area, stakeholder consultation undertaken to date, and current planning practice within the Trust Area and the profession. The initial draft is consistent with the Associated Islands Official Community Plan and the Project Charter. Map schedules will be labeled and inserted at a later date.

The attached draft is intended to be the starting point for further consultation and review. As a result of the on-going consultation process, additional policies may be added and draft policies may be altered.

The water zone for Ruxton Island is to be determined pending further consideration by the LTC on matters pertaining to dock regulations.

Some highlights of the draft LUB include:

i. Four consolidated residential zones (one a comprehensive development zone) regulating use, density, siting and subdivision of the island properties;
ii. Incorporation of existing provisions including site-specific zoning regulation where applicable;
iii. Zoning for a variety of marine uses;
iv. Zoning for parkland, private conservation, and community services;
v. Site–specific regulation for an airstrip zone; and,
vi. Provisions for home occupations on residential lots.

STAFF COMMENTS:

Residential Zones
Residential zones have been sub-categorized into three main zones and one comprehensive development zone, based predominantly on the average lot size of the island. The attached table of "Associated Islands Residential Zone Comparisons" tabulates the existing residential use and siting provisions for the subject islands, compared to the new draft provisions proposed in the LUB. It also tabulates the islands' lots by lot size.

Water Zones
Water zones have been drafted for a variety of uses, reflecting the variety of current uses in waters in the Plan area. Staff continues to review best practices on dock sizing requirements with an aim to balance environmental concerns with flexibility for property owners.

Future drafts of the LUB will likely feature residential and water zones regulations in a table format, similar to those found in the Thetis Land Use Bylaw.

Unaddressed Topics
When developing the draft LUB, in consideration of the small size of the islands and limited range of land uses and development, Staff has attempted to streamline the document as much as possible and limit regulations to those required through the Islands Trust Policy Statement and those addressing concerns mentioned by the LTC and/or the community. As such, there are a number of subjects commonly addressed in land use bylaws that have not been addressed in the draft, including the following:

- Recreational vehicles as a permitted use
- Mobile homes as a permitted use
- Houseboats as a permitted use
- Campgrounds (private, institutional, and/or commercial) as a prohibited use
- Personal Watercrafts (jet skis, etc) as prohibited use
- Dog breeding and boarding as a prohibited use
- Beach aquaculture in water zones adjacent to upland residential lots
- Retaining walls, including seawalls, as a permitted or prohibited structure
- Landscape Screening

Should the LTC wish to address any of these topics in the LUB, please provide such direction to Staff.

PUBLIC CONSULTATION:

Further work is required to complete the draft LUB, in consultation with property owners and residents. The Communications Plan includes a project newsletter in December, and community information meetings in early 2014 to consult with island property owners and residents.

Prior to formal agency referrals after first reading, staff recommends consultation with Lyackson and Penelakut First Nations on the draft LUB. Early notice to all First Nations with interest in the area received a response from Lyackson that they would like receive information about proposed changes to the LUB when they are ready. They noted a particular interest in docks. Although Penelakut did not indicate the same level of interest, given their geographic proximity staff recommends they are also contacted again at this stage.

Staff also recommends that the CVRD is referred the draft LUB at this stage, for review by their park and building departments.

NEXT STEPS:

Staff is requesting that the LTC review the draft LUB and request any changes or additions by resolution. A copy of the revised draft LUB will be posted to the website and hard copies made available at the meetings. Staff recommends that the revised draft LUB be referred to the Ruxton APC for feedback and input pertaining to the possible W3 (Marine Ruxton) zone.

Staff anticipates that proposed amendments to the draft LUB will be presented to the LTC in the February and March 2014 LTC agendas.

RECOMMENDATIONS:

THAT the Thetis Island Local Trust Committee:

1. Direct staff to amend the draft Associated Islands Land Use Bylaw with changes deemed appropriate by the LTC and post the October 2013 draft LUB to the Thetis LTC webpage; and,
2. Refer the draft Land Use Bylaw to the Ruxton Advisory Planning Commission for comment.
3. Refer the draft Land Use Bylaw to the Lyackson First Nation and Cowichan Valley Regional District.

Prepared and Submitted by:

Aleksandra Brzozowski

October 29, 2013

Aleksandra Brzozowski, Island Planner

Date

Concurred by:

Courtney Simpson

November 8, 2013

Courtney Simpson, RPP, MCIP
Regional Planning Manager

Date

Attachments:

1. Thetis Associated Islands Zone Comparison Table

Attachment No. 1

Thetis Associated Islands Residential Zone Comparisons

Existing Bylaw	***Applies to Island(s)***	***Existing Provisions***	***Proposed Zoning***	***Proposed Provisions***
No. 13 (Ruxton) **Settlement (S)**	Ruxton Island	Uses: -residence use only - accessory uses not specified Structures: - 1 dwelling per parcel - no max on accessory bldgs - 20% max lot coverage - 8m max height for primary building - 8m max height for accessory building Setbacks: - 5 metres of any lot line - 10 m from Natural Boundary of Sea No subdivision	**R1**	Uses: -residence use only - accessory uses inc. Home occupations except visitor accommodation Structures: - 1 dwelling per parcel - no max on accessory bldgs - 20% max lot coverage - 9m max height for primary building - 5.2m max height for accessory buildings Setback: - 5 metres of any lot line - 15 m from Natural Boundary of Sea No subdivision
Building Scheme A26604	Hudson Island	Uses: - residence use only - accessory uses: storage or workshop Structures: - 1 dwelling per parcel - one appurtenant bldg - no lot coverage specified - 92.9m2 MIN size for dwelling - 47 m2 MAX size for appurtenant bldg - no max heights specified Setback: - 6m from airstrip - 15.25m metres of any side lot line - 3 m from Natural Boundary of Sea No subdivision Conditions of use: rustic design	**R2**	Uses: -residence use only - accessory uses inc. Home occupations except visitor accommodation Structures: - 1 dwelling per parcel - no max on accessory bldgs - 20% max lot coverage - 9m max height for primary building - 5.2m max height for accessory buildings Setback: - 5 metres of any lot line - 15 m from Natural Boundary of Sea No subdivision

Thetis Associated Islands Residential Zone Comparisons

<table>
<tr><td>Islands Trust Regulation 119/90</td><td>Scott and North Side of Reid Island</td><td>Uses:
- residence use only
- accessory uses: storage or workshop

Structures:
- dwelling unit
- a recreational cottage
- structures accessory to a dwelling unit or recreational cottage
- anything else requires agreement from LTC

Sizes:
- 37m2 MAX size for rec cottage
- no max heights specified

Setback:
- None specified

4 ha min lot size for subdivision</td><td>R2</td><td>Uses:
-residence use only
- accessory uses

Structures:
- 1 dwelling per parcel
- no max on accessory bldgs
- 20% max lot coverage
- 9m max height for primary building
- 5.2m max height for accessory buildings

Setback:
- 5 metres of any lot line
- 15 m from Natural Boundary of Sea

4 ha lot size for subdivision</td></tr>
<tr><td>Islands Trust Resolution, July 13, 1979</td><td>South Reid Estates</td><td>Uses:
- recreational cottage
- workshop

Structures:
- 26 cottages on 36 “lots” on a 32 ha property
- no limit on accessory cottages
- no max lot coverage specified

Sizes:
- 81.75m2 MAX size for cottage

Setback:
- None specified</td><td>R4</td><td>To be determined with the owner of South Reid Estates. Tentatively:

Uses:
- recreational cottage
- accessory uses

Structures:
- 26 cottages on 36 “lots” on a 32 ha property
- 25% max lot coverage
- 9m max height for primary building
- 5.2m max height for accessory buildings

Sizing:
- 81.75m2 MAX size for cottage
- TBD with owner

Setback:
- 5 metres of any lot line
- 15 m from Natural Boundary of Sea

No further subdivision</td></tr>
</table>

Thetis Associated Islands Residential Zone Comparisons

Islands Trust Regulation 119/90	Dayman, Pylades	Uses: - residence use only - accessory uses: storage or workshop Structures: - dwelling unit - a recreational cottage - structures accessory to a dwelling unit or recreational cottage - anything else requires agreement from LTC Sizes: - 37m2 MAX size for rec cottage - no max heights specified Setback: - None specified 4 ha min lot size for subdivision	**R3**	Uses: -residence use only - accessory uses: Structures: - 1 dwelling if < 4ha - 2 dwellings if > 4ha - no max on accessory bldgs - 20% max lot coverage - 9m max height for primary building - 5.2m max height for accessory buildings Setback: - 5 metres of any lot line - 15 m from Natural Boundary of Sea 4 ha lot size for subdivision
Cowichan Valley Bylaw 1020	Bute, Dunsmuir Islands	Uses: - Residential - Home occupation - Bed and Breakfast - Day care (accessory to res) - Stable - Agriculture, horticulture, silviculture - Fish farm Density, Size: - 1 dwelling under 2 ha - 2 dwellings over 2 ha - 15% lot coverage Setbacks: - 15 m from sea - 7.5 metres from road - 4.5m from rear - 3m from side		Uses: -residence use only - accessory uses: Structures: - 1 dwelling if < 4ha - 2 dwellings if > 4ha - no max on accessory bldgs - 20% max lot coverage - 9m max height for primary building - 5.2m max height for accessory buildings Setback: - 5 metres of any lot line - 15 m from Natural Boundary of Sea 4 ha lot size for subdivision

Thetis Associated Islands Residential Zone Comparisons

Island	*# of Lots < 0.4 ha (1 acre)*	*0.4 ha – 2 ha (1 – 4.9 acres)*	*2.0 – 4.0 ha (5 – 9.9 acres)*	*# of Lots > 4 ha (> 10 acres)*
Bute		1		
Dayman				1
Dunsmuir		1	1	
Hudson		10		1
Pylades	1			3
Reid		10	13	1
Ruxton	131	68	2	
Scott		1		
Tree			1	
Whaleboat	n/a	n/a	n/a	n/a

Islands Trust

THETIS ASSOCIATED ISLANDS
LAND USE BYLAW No. __, 2014

Consolidation as of: ____, 200_

Note: Marginal notes in italics are explanatory and are not intended to form part of the Bylaw

Draft for Comment: Oct. 2013

This draft has been prepared by Islands Trust staff based on the Islands Trust LUB template, draft OCP policies, project terms of reference, and community input received to date.

[Back of front cover]

Revision Date	Revision Title	Revised Pages/Sections	Revision Level

[this page is intentionally left blank]

TABLE OF CONTENTS

PART 1 INTERPRETATION

Comments

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.

Standard Islands Trust bylaw definition

"Approving Officer" means the Approving Officer for the Thetis Associated Islands Area appointed pursuant to the *Land Title Act*.

Standard Islands Trust bylaw definition

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

GM Associated Islands LUB

"breakwater" means a protective structure, bottom-founded or floating, and extending below 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.

NP Associated Islands LUB

"building" means a roofed structure used or intended to be used for supporting or sheltering any use or occupancy.

Standard Islands Trust bylaw definition, not modified to exclude mobile homes or trailers.

"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.

Standard Islands Trust bylaw definition

"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.

Modification of GM Associated Islands LUB (extended to 14 days), similar to Bed & Breakfast in Thetis LUB

"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.

GM Associated Islands LUB

REQUIRES DISCUSSION

"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.

GM Associated Islands LUB

"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

NP Associated Islands LUB (modified).

Comments

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 plus a single set of facilities for food preparation and eating.

Standard Islands Trust bylaw definition

"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.

Standard Islands Trust bylaw definition

“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.

NP Associated Islands LUB

“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 (5 feet) 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.

Standard Islands Trust bylaw definition, with provision of wording confirming that fully enclosed decks (etc.) are considered floor area.

"frontage" means the length of that lot boundary which abuts a highway, other than a lane or a walkway, or an access route in a bare land strata plan.

Standard Islands Trust bylaw definition

"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.

Standard Islands Trust bylaw definition, reference to buildings on the surface of the water removed as bylaw draft does not contemplate buildings on docks. Structures on surface of water still addressed.

"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.

Standard Islands Trust bylaw definition, from Highways Act.

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

Standard Islands Trust bylaw definition.

“horticulture” means the use of land for the purpose of growing fruits, vegetables, plants or flowers.

Standard Islands Trust bylaw definition

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

Standard Islands Trust bylaw definition

Comments

“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.

Standard Islands Trust bylaw definition.

“local trust committee” means the Thetis Island Local Trust Committee.

"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*.

Standard Islands Trust bylaw definition.

"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.

Standard Islands Trust bylaw definition, modified to exclude ground level decks. Some definitions expand lot coverage to the drip line

"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*.

Standard Islands Trust bylaw definition modified to address methods of lot line definition other than a survey.

> "side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and another property.

Standard Islands Trust bylaw definition

> "front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line;

Standard Islands Trust bylaw definition. On an island community with no highway all lot lines are interior side lot lines.

> "rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line;

Standard Islands Trust bylaw definition.

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

Standard Islands Trust bylaw definition. Added float, dock, and pier for certainty.

"natural boundary" means the visible high water mark of any 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.

Standard Islands Trust bylaw definition, consistent with definition in the Land Act.

“natural watercourse” means a naturally formed place that perennially or periodically contains surface water, including a lake, river, creek, spring, ravine, wetland, salt water marsh, and bog, but does not include a constructed ditch, or surface drain, or the sea.

Standard Islands Trust bylaw definition

Definition	***Comments***
"panhandle lot" means a lot that fronts on a highway, or where there is no highway, that gains access at the natural boundary of the sea by means of a strip of land, known as the access strip, that is narrower than the main portion of the lot.	*Standard Islands Trust bylaw definition amended using Thetis LUB to address islands without highways.*
"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 within the planning area covered by this Bylaw.	*GM Associated Islands LUB*
"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.	*Standard Islands Trust bylaw definition*
"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.	*Standard Islands Trust bylaw definition*
"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.	*GM Associated Islands LUB*
"setback" means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.	*Standard Islands Trust bylaw definition*
"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.	*Standard Islands Trust bylaw definition*
"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 non-paying guests of the occupants of a dwelling on the same lot.	*Intended to replace the terms "recreational cottage" and "guest cottage" in existing regulations to establish better clarity.*
"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, absorption fields and related appurtenances below ground and concrete and asphalt paving or similar surfacing of the land.	*Standard Islands Trust bylaw definition*
"swimfloat" means a floating non-roofed structure that is used as a platform for diving or respite from swimming 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 and is not to be used as a landing or moorage place for marine transport.	*GM Associated Islands LUB*
"upland lot" means any parcel, block or other land area adjacent to or inland	*GM Associated Islands LUB*

Comments

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.

Standard Islands Trust bylaw definition with added reference of structures for certainty.

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

GM Associated Islands LUB and standard Islands Trust bylaw definition modified to exclude reference to' licensed by government.'

"utility shed" means an accessory building with a floor area of 10 square metres (108 sq. ft.) or less containing only equipment for pumping, processing, or storing of water or sewage, electrical generating equipment, or communication service equipment.

Standard Islands Trust bylaw definition of 'pumphouse' modified to limit floor area and include other electrical and communications equipment.

"watercourse" means any natural or man-made depression with well defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two square kilometres or more.

> **"stream"** means a watercourse, including a watercourse that is obscured by overhanging or bridging vegetation or soil mats, that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, and
>
> (a) has a continuous channel bed that is 100 m or more in length, or
>
> (b) flows directly into
>
> > (i) a fish stream or a fish-bearing lake or wetland, or
> >
> > (ii) a licensed waterworks intake; (from Private Managed Forest Land Matters Regulation 372/2004)
>
> **"stream"** includes a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch; (from Water Act)

There are a few definitions used in provincial legislation for "stream" or "watercourse" depending upon the purpose of the legislation. A definition in a LUB must address multiple objectives. The proposed definition for "watercourse" and the definition for "stream" from the Private Managed Forest Land Matters regulation (without clause (b) are certain and either definition could be used.

"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 stream.

Standard Islands Trust bylaw definition modified in accordance with Riparian Area Regulations

"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

Standard Islands Trust bylaw definition

"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).

GM Associated Islands Bylaw

Comments

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

Standard Islands Trust bylaw definition

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:

Standard Islands Trust bylaw organization

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. Imperial equivalents, where shown in parentheses are approximate, are provided for convenience only, and do not form part of this Bylaw.

1.4 Enacting Clauses

(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 (e.g. how to measure "time")* 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 D referred to as the Associated Islands Area. 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 and air spaces.

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.

INFO NOTE: Strata Agreements or Building Schemes (eg. Hudson Island) may contain restrictions in addition to those noted 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.

(4) Any existing lot that is 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 $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.

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* delivered in registerable 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.

This would apply to the form of any future s.219 covenants granted to the LTC as a condition of a rezoning or subdivision. Note" LPC is reviewing the management of conservation covenants and may require costs for monitoring of such covenants to be paid by the applicant as well.

2.7 Owner's Cost

(1) If any provision of this Bylaw requires a report, study, covenant, plan or similar item 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 noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

These are uses, buildings or structures that would be permitted outright in all zones without being explicitly permitted in the zone regulations.

(1) Conservation areas, including ecological reserves 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, lines, treatment facilities, catchment and storage facilities and pumping and intake structures.

Many of these uses and structures would be considered accessory to a permitted principal use, however allowing them outright would permit them to be constructed prior to a principal use being commenced.

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

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

(5) Geothermal heating equipment for the purposes of supplying energy to the lot on which the structure is located or in the water for the purpose of supplying energy to a lot adjacent to the foreshore.

(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.

Equestrian use and ATV/jeep trails are not included due to ecological impacts of such use on trail areas. Discussion suggested re need for allowing either use outright.

(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 *Health Act*.

(12) Horticulture.

3.2 Prohibited in All Zones

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

All uses are prohibited unless specifically permitted in 3.1 or Part 5. This section is for certainty only. Could we take it out?

(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 Sewage Disposal Regulation of the *Waste Management Act*.	*Standard to Islands Trust Land Use Bylaws.*
(2)	The disposal or storage of hazardous or toxic waste.	*Standard to Islands Trust Land Use Bylaws.*
(3)	Breakwaters.	*Requires discussion.*
(4)	The use of a vessel anchored, moored, or secured as a permanent residence.	*Standard to Islands Trust Land Use Bylaws.*
(5)	Finfish aquaculture in any water zone.	*Islands Trust policy statement*
(6)	Bridges, causeways, tunnels, or water utility lines connecting any island to another island or to the mainland.	*Islands Trust policy statement*
(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.	*Limited to same island rather than the same lot*

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.	*Standard to Islands Trust Land Use Bylaws*
(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.	*Standard to Islands Trust Land Use Bylaws, with inclusion of at-grade steps.*
(3)	No building or structure except a fence, utility shed, boathouse, or stairs and boat ramps with an average maximum elevated floor height of 0.3 metres (0.9 feet), may be constructed, reconstructed, moved, extended or located: (a) within 15 metres of 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. Septic fields, septic tanks, 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.	*Standard watercourse setback and setback from the sea based on Guidelines for Management of Coastal Flood Hazard Land Use (January 2011). Ruxton Bylaw currently has 15m setback, while Hudson Island has a 3m setback. Unzoned areas have no setback.* *30 metres for watercourses subject to the provincial Riparian Area Regulation.*
(4)	Steps, eaves gutters, cornices, sills, chimneys, retaining walls,	*Standard to Islands Trust*

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 (3 feet) into the required setback area.

Land Use Bylaws.

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..

Standard to Islands Trust Land Use Bylaws.

(2) Despite any height regulation in Part 5, the height of wind turbines shall not exceed 15 metres (50 feet).

For discussion. Initial proposal to prevent high intrusive turbine

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.

GM Associated Islands LUB

(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, and

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

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

This provision would allow certain accessory structures on a lot prior to commencing construction of principal dwelling.

Also allow rec vehicle outright?

(3) Any accessory building or structure, other than those cited 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 valid building permit has been issued for any principal building on the same lot, and subject to the issuance and maintenance of a building permit for a principal dwelling on the same lot.

This establishes that only those accessory structures explicitly permitted prior to construction of a principal dwelling.

(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.

This is intended to prevent the construction of over-height accessory buildings by connecting the accessory building to a principal building with tenuous connections.

3.6 Home Occupation Regulations

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

Standard Islands Trust Land Use Bylaws provisions for home occupations.

Home occupation must be incidental to residential use.

(a) home craft,

(b) repairing of goods,

(c) professional practice,

(d) service to a client,

(e) creation of a product,

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

OCP permits temporary overnight accommodation in policy 4.2.3. These draft conditions are starting points for discussion.

(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 where there is a permitted principal residential use.

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

(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 heard at a lot line or the natural boundary of the sea.

3.7 Fences

(1) The height of fences shall not exceed 2 metres (6.6 feet) within any required setback, subject to regulations established in Part 5.

Standard to Islands Trust Land Use Bylaws,

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

Allows a higher fence to protect water supply areas, gardens etc from animals if needed.Standard to Islands Trust Land Use Bylaws

3.8 Derelict Vehicles

(1) 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 ATVs, golf carts, tractors, campers, trailers, vessels, or parts, which are not completely enclosed in a permitted permanent building.~~.~~

Standard to Islands Trust Land Use Bylaws. Modified to suit the non-automobile nature of the Associated Islands.

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 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.

Standard to Islands Trust Land Use Bylaws

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

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

Zone Classification	Zoning Code	*Providing Regulation for:*
Residential Zones		
Residential 1	R-1	*Ruxton Island and Hudson Island*
Residential 2	R-2	*Islands with lots <4ha (Reid, Scott, Bute, Dunsmuir)*
Residential 3	R-3	*Unzoned Islands with larger lots (Dayman, Pylades)*
Residential 4 (CD Zone)	R-4	*South Reid Estates*
Institutional Zones		
Park	P	*Regional Parks, Provincial Parks & Ecological Reserves*
Private Conservation	G	*Private conservation and Hudson Wilderness Area*
Community Service Zones		
Community Services	S-1	*Community Services on Ruxton, etc* *Airstrip on Hudson a site-specific sub-zoning*
Water Zones		
Water Foreshore 1	W-1	*Private and communal moorage*
Water Foreshore 2	W-2	*Water zone allowing for communal docks*
Water "Ruxton" 3	W-3	*Ruxton specific zone?*
Water Protection 4	W-4	*Marine Parks and protected areas*
Yacht Club Outstation	YCO	*Seattle Yacht Club Outstation*

4.2 Zone Boundaries

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

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

(3) Where land based and water based zone boundaries shown on Schedule "__" 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 "__" 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 "__" 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 (Small Lot) Zone is to provide for the regulation of the development of residential areas on Ruxton and Hudson Island.

Permitted Uses

Comments

(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;

Only permitted principal use.

(b) Accessory uses, buildings and structures, including home occupations, but excluding commercial visitor accommodation.

Does not allow for commercial visitor accommodation, as per community input and Building Scheme.

Density

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

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

There is currently no lot coverage. 25% is common for areas with lots of this size, and lot coverage would include accessory structures as well as the principal dwelling. No limit placed on number of accessory buildings.

Siting and Size

(4) The minimum setback for any building or structure in the R1 zone is:

(a) 5 metres (16.4 feet) from any lot line;

Current setback in Ruxton Bylaw.

(b) 15 metres (25 feet) from the natural boundary of the sea.

Currently, Hudson has a 3m setback and Ruxton has 10m.

(5) The maximum height for any dwelling in the R1 zone is 9 m (29.5 ft).

Currently, the Ruxton Bylaw restricts height of any building to 8m. Differentiating between principal and accessory buildings seems reasonable.

9m is a typical dwelling height for small lot areas.

(6) The maximum height for any accessory building or structure in the R1 zone is 5.2 metres (17 feet).

Currently, the Ruxton Bylaw restricts height of any building to 8m. Differentiating between principal and accessory buildings seems reasonable. 5.2m is a common height restriction for accessory buildings. Warrants feedback *from the community.*

Subdivision Lot Area Requirements

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

Retains current regulations.

(8) The minimum lot size in the R1 zone is 1ha (2.4 acres).

Provides direction for lot consolidation.

	Table 5.1	
Site-Specific Zone	**Location Description**	**Site Specific Regulations**
R1(a)	LOTS 1-10, Thetis Island (known as Hudson Island), Cowichan District, Plan 25398	1. The minimum setback for any building or structure in the R1(a) zone is 15.25m from the exterior and interior lot lines. 2. Despite Subsections 5.1(3) and 5.1(8), one single family dwelling and one accessory building are permitted in the R1(a) zone, with the accessory building having a floor area of maximum 47 square metres.

Current setback in Ruxton Bylaw.

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, and Dunsmuir Islands.

Permitted Uses

Comments

(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;

Only permitted principal use.

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

Does allow for commercial visitor accommodation as a possible home occupation.

Density

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

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

There is currently no lot coverage. 25% is common for areas with lots of this size, and lot coverage would include accessory structures as well as the principal dwelling.

Currently, a recreational cottage is restricted to <37m2. This provision would remove this stipulation.

Siting and Size

(4) The minimum setback for any building or structure in the R1 zone is:

(a) 5 metres (16.4 feet) from any lot line;

There are currently no setbacks specified.

(b) 15 metres (25 feet) from the natural boundary of the sea.

There are currently no setbacks specified for Reid or Scott; 15m setback for Bute and Dunsmuir.

(5) The maximum height for any dwelling in the R2 zone is 9 m (29.5 ft).

There are no height restrictions for currently unzoned islands.

9m is the height restriction for Bute and Dunsmuir.

(6) The maximum height for any accessory building or structure in the R2 zone is 5.2 metres (17 feet).

Currently, there are no height restrictions for accessory buildings.

5.2m is a common height restriction for accessory buildings.

Subdivision Lot Area Requirements

(7) No lot in the R2 zone may be subdivided.

These lots would all be < 2 ha.

(8) The minimum lot size in the R2 zone is 1ha (2.4 acres).

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 Island.

	Comments
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;	*Only permitted principal use.*
(b) Accessory uses, buildings and structures, including home occupations.	*Does allow for commercial visitor accommodation as a possible home occupation.*
Density	
(2) The maximum number of dwellings is 1 (one) dwelling for lots less than 4.0 hectares (10 acres) and 2 (two) dwellings for lots larger than 4.0 hectares (10 acres).	*Allows for multiple dwellings on large lots without requiring subdivision. Dayman has one large lot and Pylades has three, two of which are >24 ha.*
(3) The maximum lot coverage in the R3 zone is 20 percent.	*There is currently no lot coverage. 20% is common for areas with lots of this size, and lot coverage would include accessory structures as well as the principal dwelling.* *Currently, a recreational cottage is restricted to <37m2. This provision would remove this stipulation.*
Siting and Size	
(4) The minimum setback for any building or structure in the R3 zone is:	
(a) 5 metres (16.4 feet) from any lot line;	*There are currently no setbacks specified.*
(b) 15 metres (25 feet) from the natural boundary of the sea.	*There are currently no setbacks specified.*
(5) The maximum height for any dwelling in the R2 zone is 9 m (29.5 ft).	*Currently, there are no height restrictions.* *9m is a typical dwelling height for small lot areas.*
(6) The maximum height for any accessory building or structure in the R2 zone is 5.2 metres (17 feet).	*Currently, there are no height restrictions.* *5.2m is a common height restriction for accessory buildings.*
Subdivision Lot Area Requirements	
(7) The average lot size in the R3 zone is 4 hectares (10 acres).	*Standard lot size for subdivision.*
(8) The minimum lot size in the R3 zone is 1ha (2.4 acres).	*Would permit lot clustering of any future subdivision.*

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.

Permitted Uses

Comments

(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;

Only permitted principal use.

(b) Accessory uses, buildings and structures, including home occupations but excluding commercial visitor accommodation.

Does not allow for commercial visitor accommodation as a possible home occupation, based on the already high density allowed.

Density

(2) The maximum density is 26 cottages on the property.

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

There is currently no lot coverage.

Lot coverage would include accessory structures as well as the principal dwelling.

Siting and Size

(4) The minimum setback for any building or structure in the R4 zone is:

(a) 5 metres (16.4 feet) from any lot line;

There are currently no setbacks specified.

(b) 15 metres (25 feet) from the natural boundary of the sea.

There are currently no setbacks specified.

(5) The maximum height for any dwelling in the R4 zone is 9 m (29.5 ft).

Currently, there are no height restrictions.

9m is a typical dwelling height for small lot areas.

(6) The maximum height for any accessory building or structure in the R4 zone is 5.2 metres (17 feet).

Currently, there are no height restrictions.

5.2m is a common height restriction for accessory buildings.

(7) The maximum size of a dwelling in the R4 zone is 81.75m2 (880 sq ft) .

Reflects LTC resolution passed in 1984.

Subdivision Lot Area Requirements

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

5.5 Community Services (CS)

Information Note: The purpose of the Community Services Zone is to provide for the regulation of the development of local community services.

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.

Density

(2) The combined coverage of all buildings and structures in the CS zone shall not exceed 25 percent of the zoned area.

(3) The number of halls in the S1 zone shall not exceed one per lot. *Is this needed?*

Siting and Size

(4) The minimum setback for any building or structure in the CS zone shall be 4.5 metres (15 feet) from any lot line. *Starting setback for discussion.*

(5) The maximum height for any building or structure in the CS zone shall be 9 metres (29.5 feet).

	Table 5.4	
Site-Specific Zone	Location Description	Site Specific Regulations
CS(a)	LOT 11, Thetis Island (known as Hudson Island), Cowichan District, Plan 25398	1. In addition to uses permitted in the CS zone, an airstrip and private road are permitted.

This site specific zone honours the existing permitted uses(airstrip, private road, and wilderness area) on Lot 11 of Hudson Island.

5.6 Park (P)

Information Note: The purpose of the Park Zone is to provide for the regulation of the development of regional district or provincially owned park lands.

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; and
(c) Cemetery on Lot 4, District Lot 35, Reid Island, Cowichan District, Plan 12807.

Recognizes cemetery on Reid Island.

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 accessory to a permitted natural area protection, conservation or interpretation use (such as stairs, boardwalks, fences, kiosks);
(b) Outhouses; and,
(c) Informational signs, subject to Part 6.

An early referral to CVRD Parks is recommended to know what infrastructure is desired as part of their planning.

Siting and Size

(3) The minimum setback for any building in the P zone is 7.6 metres (25 feet) from any lot line.

Starting setback for discussion.

5.7 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 (15 feet) from any lot line.

Starting setback for discussion.

5.8 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. 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:

This zone is intended to regulate the use of the water around the islands and to regulate the siting and size of private docks.

(a) Mooring buoys, for the purpose of 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; and,

(c) Community docks; and,

Still need to define community dock.

(d) Marine navigational aids.

Density

(2) The maximum number of docks that may be constructed adjacent and accessory to any upland lot in the W1 zone shall be one unless additional docks are permitted by site-specific regulation.

Siting and Size

(3) The maximum area of any accessory dock in the W1 zone, excluding ramps and walkways, shall not exceed 37 m^2 (400 ft^2**).**

Floats are often 400 sq ft.

Conditions of Use

(4) The use permitted in 5.8(1) does not include and dock constructed with foam floatation devices that are not completely encapsulated.

(5) No building, other than one storage building not exceeding 10 m^2 and 4 metres in height, in the W1 zone may be constructed or erected on any float or wharf.

One storage shed per dock

(6) Derelict or abandoned floats, ramps or walkways are prohibited and must be duly removed.

5.9 Marine Service (W2)

Information Note: The purpose of the Marine Service 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:

This zone is intended to accommodate community docks in pre-designated locations

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

(b) Community docks and wharves; and,

(c) Marine navigational aids.

Density

(2) One community dock or wharf may be constructed in each W2-zoned location.

Discuss whether size limits should be imposed for community docks if private docks are not permitted as policy encourages community docks.

Conditions of Use

(3) The use permitted in 5.9(1) does not include and dock constructed with foam floatation devices that are not completely encapsulated.

(4) No building, other than one storage building not exceeding 10 m^2 and 4 metres in height in the W2 zone may be constructed or erected on any dock.

One storage shed per dock

(5) Derelict or abandoned floats, ramps or walkways are prohibited and must be duly removed.

5.10 Marine Ruxton (W3)

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

TO BE DETERMINED.

5.11 Marine Protection (W4)

Information Note: The purpose of the Marine Protection Zone is to provide for the regulation of development in marine areas outside of areas zoned for docks and moorage.

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 the purpose of mooring a private vessel accessory to the residential use of an upland lot;

(c) Signs subject to Section 6;

(d) Ecological reserve; 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.

5.12 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 M3 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) Shellfish aquaculture.

Permitted Structures

(6) TO BE DETERMINED.

Siting and Size

(3) TO BE DETERMINED

Conditions of Use

(4) TO BE DETERMINED.

5.13 Yacht Club Outstation (YCO) Zone

The purpose of the Yacht Club Outstation Zone is to provide regulations for yacht club outstations located on the upland and adjacent marine waters of Dunsmuir Island as outdoor recreational uses for yachters.

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 use;

(b) Accessory use.

Permitted Buildings, Structures and Density

(2) No more than one yacht club outstation use is permitted within an area zoned Yacht Club Outstation.

(3) Buildings in the upland area of the Yacht Club Outstation Zone are limited to the following yacht club outstation facilities:

(a) TO BE DETERMINED

(4) Structures in the upland area of the Yacht Club Outstation Zone are limited to:

(a) TO BE DETERMINED

(5) Structures in the marine area 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.

Siting and Size

(6) TO BE DETERMINED

Conditions of Use

(7) TO BE DETERMINED.

Subdivision Lot Area Requirements

(8) 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 (20 feet).

(2) The maximum size for any sign is 1.2 square metres (13 square feet).

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 PARKING REGULATIONS

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.

(2) There shall be one parking space (per lots?) available for each motor vehicle on an island of at least 2.75 metres (9 feet) in width and 6.25 metres (21 feet) in length, exclusive of manoeuvring aisles or driveways, and have unobstructed vertical clearance of at least 2 metres (6.6 feet).

(3) Each parking space shall be accessible to a highway via a driveway or manoeuvring aisle not less than 6 metres (20 feet) in width at the junction with the highway.

PART 8 SUBDIVISION REGULATIONS

8.1 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 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.

(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.

8.2 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) automatic telephone exchange;
- (g) air or marine navigation aid;
- (h) electrical substation.

(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 is the result of 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.

8.3 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 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 sizes 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 size; and

(b) one or more of the lots being created has an area less than the applicable minimum average lot size 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 sizes specified by this Bylaw; and

(ii) the construction, erection, or occupancy on the lot of dwellings, guest houses 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.

8.4 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, except where the lots being subdivided are located in two or more zones.

8.5 Section 946 Subdivisions (Residence for a Relative)

(1) No lot having an area less than 8 hectares (20 acres) may be subdivided pursuant to the *Local Government Act* to provide a residence for a relative of the owner.

8.6 Lot Frontage and Lot Shape

(1) Pursuant to requirements of the *Local Government Act*, 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.

8.7 Split Zoned Lots

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

8.8 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.

8.9 Water Access Subdivisions

(1) 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.

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.

8.11 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.

STAFF REPORT

Date: October 31, 2013

File No.: 6500-20 (Riparian Areas Regulation)

To: Thetis Island Local Trust Committee
For meeting of November 20, 2013

From: Aleksandra Brzozowski, Island Planner

CC: Courtney Simpson, Regional Planning Manager (Northern Office)

Re: **Riparian Areas Regulation Compliance**

PURPOSE:

The purpose of this report is to provide the Local Trust Committee (LTC) with an update on Thetis Island's work to comply with the provincial Riparian Areas Regulation in the Ralston Creek Watershed. This work is Priority #2 on the LTC's Work Program.

INTRODUCTION:

To become compliant with the provincial *Riparian Areas Regulation* (RAR), the Islands Trust contracted with Mimulus Biological Consultants to map streams in the one watershed on Thetis Island identified by the Ministry of Environment as being applicable to the RAR. The March, 2011 Mimulus report mapped the watercourses and waterbodies that meet the definition of a "stream" under the RAR:

> *STREAM: Any of the following that provide or support fish habitat:*
>
> *a) a watercourse, whether it usually contains water or not;*
> *b) a pond, lake, river, creek, brook;*
> *c) a ditch, spring, and/or wetland that is connected by surface flow to a watercourse, pond, lake, river, creek, or brook.*

The RAR applies to any area within 30 metres of a "stream". The majority of the areas on Thetis Island that meet the RAR criteria are on the Meadow Valley Strata property.

Meadow Valley Properties is "a unique 206 acre bare land strata real estate development based on environmental planning"[i]. Extensive planning has gone into the strata design based on "Greenquest" principles, meaning "appropriate, environmentally sensitive, land use based on an understanding of the land". Meadow Valley Properties has covenanted three areas totaling 9 hectares of land, for conservation purposes. Their conservation objectives are also described on their website, and their values favour stewardship rather than regulation.

The provincial *Riparian Areas Regulation* (RAR) of the *Fish Protection Act* came into force after Meadow Valley Property's land use planning was complete, and is a regulation that affects much of the streams and wetlands on the property.

The LTC is required by the province to implement the RAR.

BACKGROUND:

Previous reports dated July 7, 2010; May 24, 2011; April 5, 2012; October 3, 2012; and November 21, 2012 deal with a number of other considerations and options that were considered for meeting the RAR requirements in the Ralston Creek watershed.

CURRENT STATUS OF SUBJECT LANDS:

Conservation Covenants

There are two conservation covenants on Lot A of the property, covering three areas:

Covenant ET13258:

- Held by TLC The Land Conservancy and Cowichan Community Land Trust
- 6 hectares on the west side of the property including the head of a marsh and the upper stretches of an ephemeral creek, together with surrounding riparian area and some drier upland. This is outside the RAR-applicable watershed and is not pertinent to this report
- 1.6 hectares on the south side of the property including a Willow Fen and a surrounding buffer. This is within the RAR-applicable watershed and is discussed further in the report.

Covenant EX28284:

- Held by TLC The Land Conservancy and the Trust Fund Board
- Consists of a strip of land of area approximately 1.4 hectares, below Pilkey Point Road. The site is a preserves bluff and dry grass/moss area and is not pertinent to stream protection under the RAR.

Lot B of the property features the following conservation covenant:

Covenant EX13394.

- Held by the Thetis Island Resident and Ratepayers Association and the Local Trust Committee
- The area is protected by a no disturbance covenant, with the intention to provide Thetis Island with a natural state community linear park.

Flood protection covenant:

Covenant ET013369:

- Between the owner, the Ministry of Water Land and Air Protection, and the mortgagee.
- The covenant restricts construction within 15 metres of the natural boundary of a watercourse or wetland, and within an elevation less than 1.5 metres of the natural boundary of a watercourse or wetland.
- The purpose of the covenant is to prevent damage to property from flooding.

STATUS UPDATE:

Existing Protection

The property owner has expressed an interest in achieving RAR compliance through covenants on the property. The LTC passed the following resolution at its November 21, 2012 business meeting:

> *It was **MOVED** and **SECONDED** that the Local Trust Committee request staff to provide a report on existing levels of protection of Ralston Creek, options for enhanced levels of protection, and future plans for the development.*

Below is a summary of the current freshwater protection in place through covenants on the subject property compared with the level of protection required under the RAR.

The Willow Fen area at the south end of the property is the only area subject to a conservation covenant that is also a stream applicable to the RAR. This area is called the “hardhack wetland” in the Mimulus report. As shown in Attachment 2, the covenanted area includes the wetland, but does not include the full extent of the associated streams.

The covenant on the watercourses and wetlands (ET013369) is intended to protected damage to property caused by flooding. The covenant effectively creates a “no build zone” 15 metres on either side of the streams and wetlands, or to where an elevation 1.5 metres from the stream, whichever is greater. The map in attachment 2 shows the 30 metre buffer from the high water mark of the streams / wetland required by the RAR, as well as 2 metre contour lines. It can be seen here that the elevation gain is greater than 2 metres within this 30 metre zone, so the covenant does not cover the whole 30 metre area.

The covenant on Lot B up at Cufra Inlet is intended to provide the public with a linear park that remains in a natural state. The terms of the covenant prohibit buildings and structures in the area. Disturbance of the watercourse is prohibited, as is pruning and removing vegetation (without consent of the Local Trust Committee). These terms meet the requirements of the Riparian Area Regulation.

The measures in place by Meadow Valley Properties to protect ecosystems and create a no-build buffer around streams and wetlands do not cover as great an area as required by the RAR. However, the 30 metre Riparian Assessment Area (RAA) designated in the RAR, does not represent a 30 metre “no build zone”. It represents the study area that must be subject of a report by a Qualified Environmental Professional (QEP) to determine the Streamside Protection and Enhancement Area (SPEA). Should a report be completed by a QEP and a SPEA set, there is the possibility that it would be covered by existing covenant measures.

Compliance through Covenants

On July 15, 2013, the property owner provided to Staff a draft plan for watercourse protection, focusing on the option of proposed covenants. This proposal has been reviewed by staff to identify areas that are not adequately addressed through covenants, and to determine the feasibility of complying with the RAR through covenants.

On October 22, 2013, Staff met with the property owner to review the draft proposal and identify next steps in pursuit of a possible compliance with the RAR through covenants. It is essential that such covenants must be supported by a RAR assessment to determine a SPEA and measures, that the covenants must ensure that no development takes place in the SPEA (unless exempt or previously authorized) and that the measures are followed.

STAFF COMMENTS:

Typically, a RAR applicable stream will fall across a number of properties spanning a wide spectrum of development plans. The most common approach for local governments implementing the RAR is to designate a development permit area within the 30 metre Riparian Assessment Area; if a property owner wishes to develop within the 30 metre RAA, they are then required to retain a QEP to determine the SPEA on their property. The SPEA is typically less, sometimes significantly less, than the 30 metre RAA and is determined based on careful study of the specific site.

In the instance of Thetis Island, however, the RAR applicable stream falls within one large strata property that is in mid-point of development. The property owner, having already established a number of conservation covenants, would like to pursue the option of introducing further conservation covenants on the property which would satisfy the RAR. As such, Staff recommends the following approach:

i. *Conduct a RAR assessment first, then register a conservation covenant on the SPEA*

A simple RAR assessment, done by a QEP, is one option available to establishing the SPEA width. On the Meadow Valley Strata, much of this work has already been done thorough the two existing QEP reports for the watershed; the Mimulus report that mapped the streams, and the Aquaparian Fish Presence Survey, both from 2011.

If the Meadow Valley Strata has particular plans for development within the 30 metre RAA, they should advise the QEP who can address these plans in their report. This report could then be used as the basis for the baseline for a conservation covenant.

Note that although the SPEA width is typically less than the 30 metre RAA width, even a SPEA set at 15 metres or less would require new covenant measures; the existing flood protection covenant is not sufficient to meet the requirements of the RAR. The flood protection covenant only speaks to structures where the RAR limits land alteration including thing such as vegetation removal and landscaping, as well as subdivision.

<u>Other RAR Implementation Options</u>

There are three other options available to the LTC to move forward on RAR compliance on the Meadow Valley Properties:

ii. *Register a conservation covenant on the 30 metre RAA*

A conservation covenant is much more restrictive than a development permit area. The purpose of a development permit area is to allow development under certain conditions, and a conservation covenant is usually meant completely prevent development.

Requiring a conservation covenant for the 30 metre RAA would be a very restrictive approach to complying with the RAR. There would likely be instances where the 30m RAA would encroach into the property’s strata lots.

iii. *Adopt a development permit area covering the 30 metre RAA*

The most immediately straight forward option is for the Thetis Island LTC to adopt a development permit area covering the 30 metre RAA using model development permit areas from other islands. With such a development permit area in effect, property owners would need to obtain a development permit on a case-by-case basis before doing any construction, subdivision or land alteration in the area. A requirement of the development permit application would be a QEP report to determine the SPEA, and ultimately to determine if, where and under what conditions the proposed development can take place in order to prevent impacting the stream.

iv. Conduct a simple assessment first, then adopt a development permit area on the SPEA

A simple assessment, done by a QEP, is another option available to establishing the SPEA width. A detailed assessment is the other option. The SPEA width is typically less than the 30 metre RAA width.

If the Meadow Valley Strata has particular plans for development within the 30 metre RAA, they could advise the QEP who can address these plans in their report and if allowed by the QEP in the SPEA, these can be included as exemptions in the development permit area, so a development permit would not be required for these specific, future developments.

Cost of hiring the QEP to conduct a simple assessment:

Throughout this project there has been a desire by the LTC to cover the costs of a QEP report when possible. If the preferred approach is to proceed with a simple assessment, a cost of a few thousand dollars is likely.

There remains the bulk of $1500 in the Thetis LTC Special Projects budget for 2013/2014; this budget item is intended to be spent on work program work items not previously budgeted through project charters. Staff suggests a sharing of costs with the property owner should this option be chosen.

Watershed Protection measures island-wide:

At the November 21, 2012 meeting, the LTC placed Island-Wide Watershed Protection as an item on the Projects List. While this is not likely to be tackled before the end of the 2011-2014 term, it should be remembered moving forward with protection measures for this RAR-applicable watershed.

RECOMMENDATIONS:

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

1. Direct staff to work with a Qualified Environmental Professional and the Meadow Valley Strata owner-developer, Mr. Ian Ralston, to conduct a simple assessment under the Riparian Areas Regulation for Ralston Creek streams;

2. Change the Activity column of Top Priority No. 2 to: “Ensure protection of freshwater ecosystem in the Ralston Creek watershed through review of current regulation and covenants, and possible bylaw amendment”.

Prepared and Submitted by:

Aleksandra Brzozowski

Aleksandra Brzozowski
Island Planner

November 8, 2013

Date

Concurred in by:

Courtney Simpson

Courtney Simpson
Regional Planning Manager

November 8, 2013

Date

R. Bingham
264 Forbes Rd
Box 55
Thetis Island, BC
V0R 2Y0
23 October, 13

9.4.2

Thetis Island Local Trust Committee

Re: Marine Shorelands Development Permit Area

Dear Sue & Peter,

I have a few points for your consideration related to the possible Development Permit Area Regulations on the shorefront of Thetis Island.

It is my opinion that the cost related to the successful acquisition of a Development Permit is inequitable. The average individual shoreline property owner on Thetis Island would be neither willing nor able to engage in the proposed process. This DPA would, in effect, simply double the current setback along the shore of Thetis Island.

Prior to any decisions related to the proposed DPA, it would be helpful for all concerned to attain a clear understanding of the current regulations that are mandated by the various jurisdictions related to shoreline development. I suggest that the Thetis Island Local Trust Committee direct staff to create a simple fact sheet outlining the regulations currently in place related to shoreline development on all levels of government: Federal, Provincial, Regional District and Islands Trust.

My final point relates to property values. If the Marine Shorelands Development Permit Area becomes a part of our Land Use By-laws; what will be the legal status of the homes currently situated within the DPA? Will they be deemed Legal Nonconforming? This status would have a negative effect on property values.

I look forward to a response.

Thank you for your time and attention

Yours,

Bob Bingham

Ms. Sue French
270 Forbes Drive,
Box 6-5,
Thetis Island, B.C.,
V0R 2Y0

October 31, 2013

9.4.3

Dear Sue,

I am a co-owner with my husband of the property at 89 Pilkey Point Road on Thetis Island. We purchased this property in part because of our appreciation of the natural state and beauty of the shoreline and foreshore.

I have numerous concerns regarding the Islands Trust Council draft bylaw which forms Attachment 1 to the Islands Trust Staff Report dated January 6, 2011. The principal concerns are:

1.The federal Ministry of Fisheries and Oceans (DFO), the BC Ministry of Forests , Lands and Natural Resource Operations (MFLNRO), and the BC Ministry of Environment(MOE), have enacted and administer numerous laws , regulations and guidelines to preserve and protect shorelines and riparian areas. I seriously question whether there is a need for another layer of regulation. The aforementioned departments are much better resourced to implement their respective legislation and mandate than the Islands Trust is now and can reasonably expect to be in the future.

2. Re: Part V (Development Permit) Application Requirements

Section 15 - The requirement that a homeowner have a professionally prepared legal survey, site plan, site inventory, and detailed impact assessments including mitigation and restorative measures, would impose a serious financial burden. Many homeowners, including retirees and those of limited means, would therefore be prevented from making even modest improvements to their property. The effect of this requirement would be that no changes, even those with a potentially positive effect, would occur.

3. Section 16- The power of the "official" whose credentials are not defined, to reject the report of the qualified professional *selected and financed by the homeowner*, and then to require another professional of the official's choosing, also financed by the homeowner, is unreasonable and arbitrary. This implies that a preferred opinion is being "shopped for" and is at risk of violating accepted standards for these professions (e.g. the Association of Professional Engineers and Geoscientists of BC, the College of Applied Biology of BC).

4. Section 17-The requirement that " the official ", may require further information entailing more expense to the homeowner is also onerous. It is critical that standards and objectives are established clearly and <u>in advance</u>. Creep in scope once project review is underway is unacceptable (i.e. " moving the goalposts"). Provision of this level of discretion to a single individual, very unlikely to be a technical expert on all technical and biological values appears inherently fraught with risk for misuse.

Respectfully,

Anne Barr

R.R. 1, Site 2, Box 17,

Millarville, AB,

TOL 1KO

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	Riparian Areas Regulation Implementation	Amend OCP to comply with RAR for the one watershed identified as applicable to RAR, using the stream mapping by Mimulus Biological Consultants.	Sep-07-2011	Aleksandra Brzozowski Courtney Simpson	Nov-15-2014	On Going
3	Shoreline Protection	Community outreach, education and engagement on methods of shoreline protection, including development permit areas.	Sep-07-2011	Aleksandra Brzozowski	Sep-01-2014	On Going

Islands Trust

Projects

Thetis Island

No.	Description	Activity	Received/Initiated	Status
1	Protocol Agreement or Memorandum of Understanding with Penelakut First Nation	Sent letter to newly elected Chief and Council to see if they are interested in continuing the work on a protocol that was started with former Cheif 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

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	Sep-25-1998	Phased Strata Subdivision "Meadow Valley Propreties" phased strata to create 21 strata lots from 4 parent parcels

Planner: Courtney Simpson

Planning Status

Status Date: Jul-08-2011

PLA extended to June 8 2012

Status Date: Jun-23-2011

Indicated RAR requirement in response to request for PLA extension

Status Date: Jun-17-2010

12-month extension to PLA

From: Anna Olson
Sent: September-26-13 2:41 PM
To: Aleksandra Brzozowski; Ken Hancock; Peter Luckham; Sue French; Becky McErlean
Cc: Nancy Roggers
Subject: Thetis Expense Report- SEPT/13

Islands Trust

LTC EXP SUMMARY REPORT F2014

Invoices posted to September 30, 2013

670 Thetis	**Invoices posted to September 30, 2013**	**Budget**	**Spent**	**Balance**
65000 670	LTC "Trustee Expenses"	1,100.00	58.44	1,041.56
65200 670	LTC Local Exp LTC Meeting Expenses	1,500.00	763.83	736.17
65210 670	LTC Local Exp APC Meeting Expenses	500.00	50.00	450.00
65220 670	LTC Local Exp Communications	500.00	-	500.00
65230 670	LTC Local Exp Special Projects	2,000.00	-	2,000.00
65240 670	LTC Local Exp Miscellaneous	250.00	-	250.00
TOTAL LTC Local Expense		4,750.00	813.83	3,936.17
73001 670 2010	Thetis Ruxton Island Associated OCP/LUB	11,700.00	7,387.88	4,312.12
TOTAL Project Expense		11,700.00	7,387.88	4,312.12

Anna Olson
Finance Clerk

Islands Trust
#200 1627 Fort Street
Victoria, B.C. V8R 1H8
Phone: (250) 405-5152
Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Islands Trust

LTC EXP SUMMARY REPORT F2014

Invoices posted to Month ending October 2013

670 Thetis	Invoices posted to Month ending October 2013	Budget	Spent	Balance
65000-670	LTC "Trustee Expenses"	1,100.00	90.88	1,009.12
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,500.00	763.83	736.17
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	0.00	2,000.00
65240-670	LTC - Local Exp - Miscellaneous	250.00	0.00	250.00
TOTAL LTC Local Expense		4,750.00	813.83	3,936.17
Projects				
73001-670-2010	Thetis (Ruxton Island) Associated OCP/LUB	11,700.00	7,387.88	4,312.12
TOTAL Project Expenses		11,700.00	7,387.88	4,312.12

Islands Trust

BRIEFING

To: Local Trust Committees

From: Linda Adams
Chief Administrative Officer

For the Meeting of: (LTC meetings in Oct. and Nov.)

Date prepared: **October 3, 2013**

File No.: **Strategic Plan**

SUBJECT: ISLANDS TRUST COUNCIL STRATEGIC PLAN – LTC INPUT

DESCRIPTION OF ISSUE:
Local Trust Committee input to Islands Trust Council Strategic Plan

BACKGROUND:
At its meeting in September 2013, the Islands Trust Council endorsed the Objectives, Strategies, Activities and Phases (columns 1-3) illustrated in the August 27, 2013 version of its Strategic Plan for 2011-2014 (Attachment 1).

Trust Council also requested Council Committees, Local Trust Committees and the Trust Fund Board to provide recommendations to the Financial Planning Committee and the Executive Committee in November, regarding:

a. Their projected ability to complete Strategic Plan items on target
b. Identification of any Strategic Plan items they recommend for amendment, removal or delay
c. Identification of any items that should be added to the Strategic Plan
d. Recommendations regarding any new resources that should be included in the annual budget in order to complete Strategic Plan items on target

Trust Council has requested the Financial Planning Committee to use the August 27, 2013 version of the Strategic Plan for the purposes of budget development, after considering recommendations of other Council committees, local trust committees and the Trust Fund Board. It has also requested the Executive Committee to make recommendations in December 2013 regarding amendments to the Strategic Plan for 2011-2014.

The August 27, 2013 version of Trust Council's Strategic Plan is being circulated to Council Committees, local trust committees and the Trust Fund Board as requested.

The Financial Planning Committee will meet on October 30 and November 13 to discuss a first draft of the 2014/2014 annual budget for Trust Council's review in December 2013. Following public consultation in February 2014, Trust Council would then adopt a budget in March 2014 and amend its Strategic Plan, as necessary, in response to the budget it has adopted.

ATTACHMENT(S):

- Attachment 1 - Islands Trust Council Strategic Plan – August 27, 2013
- The Request for Decision material considered by Trust Council's in September 2013 is available in Trust Council's September 2013 Agenda Package (see Item 3.4) at: http://www.islandstrust.bc.ca/uploads/meetings/2013/9/93/package/Sept%202013%20Trust%20Council%20Decision%20and%20Information%20Items%20Agenda%20Package.pdf)

AVAILABLE OPTIONS:

Each local trust committee may wish to provide advice to the Financial Planning Committee and the Executive Committee in regards to any items on the Strategic Plan that relate to its operations, specifically:

a. The local trust committee's projected ability to complete Strategic Plan items on target
b. Identification of any Strategic Plan items that a local trust committee recommends for amendment, removal or delay
c. Identification of any items that a local trust committee indicates should be added to the Strategic Plan
d. Recommendations regarding any new resources that a local trust committee indicates should be included in the annual budget in order to complete Strategic Plan items on target

FOLLOW-UP:

LTCs to consider providing advice to the Executive Committee and the Financial Planning Committee, by resolution, as indicated.

While early advice regarding Strategic Plan items that relate to LTC work would be most helpful, LTCs could also undertake further review and provide input after the December 2013 meeting of Trust Council.

Prepared By:	Linda Adams, Chief Administrative Office
Reviewed By/Date:	David Marlor, Director – Local Planning Services – October 4, 2013

G:\EXEC\Council\Strategic Planning\2013\2013 10 04 Referral of Strategic Plan to LTCs.docx

Attachment 1

Preserving Island communities, culture and environment

Our Provincial Mandate

"to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia"

– Islands Trust Act

Islands Trust Council — Strategic Plan 2011-2014

Adopted September 12, 2012 –updated to September 12, 2013

The Trust Area

The Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. This is a unique and special place composed of 13 major islands and more than 450 smaller islands covering approximately 5200 square kilometres.

The beauty, tranquility, and sometimes fragile natural environment of the islands in the Strait of Georgia and Howe Sound, characterized by an exceptional variety of species, have given the area national recognition.

The islands support strong communities characterized by a mix of lifestyles, livelihoods and individuals. Island residents bring unique skills, viewpoints and sense of place together to sustain a tradition of community involvement.

Our Council

The Islands Trust Council has a unique mandate from the province to preserve and protect the amenities and environment of the Islands Trust Area, for the benefit of residents and all British Columbians. It meets quarterly to make decisions about the Islands Trust's overall policy, advocacy positions, staff resources and budget. Trust Council is made up of the 26 locally-elected trustees who also sit on 12 local trust committees and one island municipality. There they have responsibilities for land use planning and regulatory decisions that are separate from their role at the Islands Trust Council. The current Council was elected for a 3-year term during BC Local General Elections in November 2011. Trustee terms will end in November 2014.

A Strategic Plan for the 2011-2014 term

The Islands Trust Policy Statement is partially implemented through Council's strategic plan. By identifying goals and developing a plan to achieve them, Council focuses finite resources and measures progress. After extensive review and public input, Trust Council has confirmed the following focus areas for its 2011-2014 term:

Goal A - Ecosystem Preservation and Protection

The Islands Trust will work to protect the natural environment of islands by:

- Encouraging and enabling islanders in voluntary stewardship actions that protect special areas, including the shoreline
- Working to protect fish habitat under BC's Riparian Areas Regulation
- Protecting special ecosystems, managing shoreline areas and reducing greenhouse gas emissions when land use decisions are made
- Advocating for new approaches to oil spill preparedness, derelict vessels, industrial developments, aquaculture, marine sewage and national marine conservation

Goal B – Stewardship of Island Resources

The Islands Trust will focus on good management of island water resources by:

- Encouraging voluntary stewardship, advocating for legislative reform and exploring creative solutions for watershed management
- Using land use planning tools and decisions to protect the quality and quantity of water resources

Goal C – Sustain Island Character and Healthy Communities

The Islands Trust will work to enhance the economic sustainability and security of island communities by:

- Creating linkages between islanders and regional districts to share effective economic development models
- Continuing to advocate for sustainable, affordable and appropriate ferry services
- Using land use planning tools and decisions to positively affect housing affordability, food security and farmland protection

Goal D – In Cooperation with Others

The Islands Trust will work with others by:

- Strengthening relations with the many First Nations who have interests in island land use decisions
- Continually working to improve our organizational effectiveness

.

Shaded text=activities primarily achieved in prior fiscal years or proposed for future fiscal years and subject to future budget decisions;
Italics=changes since last Trust Council meeting

NOTE: Status column has now been colour coded to provide a quick visual indicator, as follows:

	Not due to start or awaiting actions of others
	Completed
	In Progress – On Target
	Partially In Progress – Partially On Target (i.e. on target, by one or few LTCs)
	In progress - Behind Target (e.g. not funded, delayed by other priorities, etc.)
	Not started – Behind target

Policy Statement Goal A: Ecosystem Preservation and Protection…

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS ++
1 PROTECT the natural environment of islands	**1.1 Encourage voluntary stewardship of natural environment**	**FY 2011/12- 2014/15** 1.1.1 Promote community participation in conservation through information sharing and education about private land stewardship options	TFB	Subject to funding in annual budgets or grant funding	By whether the Islands Trust Fund is actively promoting its conservation programs at community events, in publications and online	Ongoing
		FY 2012/13 – 2013/14 1.1.2 Share information about best practices for covenants and NAPTEP with all planning staff	TFB	Funded by base budget	By whether planners have been provided with covenant education opportunities and whether information is available through the Islands Trust Fund website	Website information complete ITF presentation to LPS not started
		FY 2012/13 – 2014/15 1.1.3 Improve and update mapping of natural and modified environments, including terrestrial ecosystem mapping, protected area networks, nearshore mapping and areas under sustainable forestry or sustainable agricultural use.	TFB	Funded by program budget in 2013/14 $22K for eelgrass mapping; $10K for forage fish mapping Further work subject to 2014/15 budget $22K for eelgrass mapping; 10K for forage fish mapping	By whether maps of natural and modified environments are available to LTC's and BIM, RDs, local conservancies and other partners	Draft Protected Area Network mapping available; eelgrass mapping completed for Gambier, Thetis, Thetis associated islands (except Valdes) Lasqueti, North Pender, South Pender and Mayne and forage fish habitat mapping completed for North and South Pender; additional eelgrass mapping in progress
		FY 2013/14 1.1.4 Research and develop a pilot landowner contact program in collaboration with a local conservancy	TFB	Subject to external funding	By whether a landowner contact pilot program is implemented	Planning in progress

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS ++
		FY 2011/12 - 2014/15 1.1.5 Support island-based land trusts with partnerships, funding and capacity building opportunities	TFB	Funded by base budget and donations	By whether the Opportunity Fund grows by at least 10% per year and by the amount of grants issued	Recent grants awarded to Pender Island Conservancy ($5,000) and Salt Spring Island Conservancy ($5,000)
		FY 2013/14 1.1.6 Council workshop regarding invasive species	TFB	Funded by base budget	By whether a Trust Council workshop has been held	Scheduled for Dec/13 Trust Council meeting
		FY 2013/14 – 2014/15 1.1.7 Share information with the public about managing invasive species	TFB	Subject to funding in 2014/15 program budget	By whether information has been shared with the public	In progress. Invasive species control information shared through ITF website and e-newsletter
	1.2 Expand Natural Areas Protection Tax Exemption Program (NAPTEP) program to entire Islands Trust Area	**FY 2012/13** 1.2.1 Present NAPTEP program to BIM Council for consideration	TFB / BIM***	Funded by base budget	By whether or not BIM has considered participating in the NAPTEP program	Complete. BIM declined for current term
		FY 2013/14 1.2.2 Seek support from Metro Vancouver RD for NAPTEP.	TFB	Funded by base budget	By whether support from Metro Vancouver RD (MVRD) has been sought	Complete
		FY 2013/14 - 2014/15 1.2.3 Launch NAPTEP on the islands in MVRDRD (subject to BIM and MVRD approval)	TFB	Funded by base budget	By whether NAPTEP has been launched on the islands within the MVRD	Complete. Program launched on Gambier LTC islands. BIM declined for current term.
	1.3 Protect fish habitat by implementing Riparian Areas Regulation	**PHASE 1 – Identify watersheds** **FY 2014/15** 1.3.1 Identify RAR watersheds on Gambier and Lasqueti	LTCs**	Subject to budget	By whether all RAR watersheds on Gambier and Lasqueti have been identified	Not due Not started
		PHASE 2 – Improve mapping **FY 2012/13** 1.3.2 Improve mapping of some riparian areas on SSI	LTCs**	Funded by 2012/13 program budget	By whether new mapping of priority riparian areas is complete	Complete
		FY 2013/14 1.3.3 Improve mapping of additional riparian areas on Denman, Hornby and Salt Spring islands	LTCs**	Funded in 2013/14 program budget $71,000 RAR budget $30,000 Sci/Tech budget	By whether new mapping of riparian areas is complete	Project planning underway
		FY 2014/15 1.3.4 Improve mapping of additional riparian areas on Gambier, Lasqueti and Salt Spring islands	LTCs**	Subject to budget	By whether new mapping of riparian areas is complete	Not due Not started
		PHASE 3 – Adopt bylaws **FY 2012/13 - 2013/14** 1.3.5 Adopt new bylaws to implement RAR on selected	LTCs**	Funded by 2013/14 program budget	By whether Gabriola, Mayne and Saturna are RAR compliant through bylaw development	Saturna complete Gabriola, Mayne & Thetis in progress

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS **
		islands (Gabriola,Mayne,Saturna, Thetis)				
		FY 2014/15 1.3.6 Adopt new bylaws to implement RAR on all islands where still required (Ballenas/Winchelsea, Denman, Hornby, and one Salt Spring watershed)	LTCs**	Subject to budget	By whether Ballenas/Winchelsea, Denman, Hornby and one Salt Spring watershed are compliant with RAR through bylaw development	Not due Not started
		FY 2015/16 - ? 1.3.7 Adopt new bylaws to implement RAR on all Lasqueti, Gambier and remainder of Salt Spring)	LTCs**	Subject to budget	By whether all Gambier, Lasqueti and Salt Spring watersheds are compliant with RAR through bylaw development	Not due Not started
	1.4 Establish reliable, adequate and sustainable funding for the Islands Trust Fund	FY 2012/13 – 2013/14 1.4.1 Seek legislative change regarding TFB corporate structure and name	EC TFB	Funded by base budget	By whether legislative change has been requested	Chair correspondence sent Nov/12. Initial response received Feb/13
		FY 2011/12 – 2014/15 1.4.2 Engage in outreach to expand donor base, develop legacy giving program and secure acquisition funds	TFB*	Partially funded through 2012/13 program budget	By whether the TFB has implemented outreach regarding funding needs and legacy gifts	Information package prepared re Planned Giving
		FY 2014/15 1.4.3 Develop and implement strategy re changes to corporate structure and name	TFB	Subject to 2014/15 program budget	By whether TFB corporate status and name change has been implemented	Not started. Not due unless province makes legislative changes
		FY 2015/16 1.4.4 Review and launch long-term funding strategy	TFB	Subject to 2015/16 program budget	By whether the long-term funding strategy has been reviewed and launched	Not started. Not due unless province makes legislative changes
	1.5 Establish core conservation areas to protect biodiversity priorities	FY 2011/12- 2012/13 1.5.1 Map and prioritize high biodiversity areas and develop a strategy for protection	TFB	Funded by base budget	By whether the TFB has a prioritized high biodiversity areas, and developed a strategy including a funding needs assessment)	Mapping of high priority areas underway
		FY 2011/12 – 2014/15 1.5.2 Protect land with high biodiversity, through acquisition, donation, or conservation covenant	TFB*	Partial funding through base budget; acquisitions funded by donations and external grants	By whether the TFB has protected at least 500 hectares of high biodiversity land in the timeframe of the Regional Conservation Plan 2011-2015	144 hectares protected since 2011
	1.6 Use land use planning tools and decisions to increase protection of special areas	FY 2013/14 1.6.1 Explore model land use planning tools that protect species and ecosystems at risk	LPC	Funded by base budget	By whether a staff report on model land use planning tools has been completed	Not started. Pending provincial working group recommendations. Staff participating on prov. working group.

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS ++
		1.6.2 Trustee workshop about protection of special areas	TFB	Funded by base budget	By whether a trustee workshop has been held	Complete
		FY 2011/12 – 2014/15 1.6.3 Develop policy, OCP and LUB amendments that include protective measures for biodiversity	LTCs**/BIM***	Funded in 2013/14 program budgets	By whether OCPs and LUBs have been amended to address improved protection of biodiversity	Some reviews underway (details to be confirmed)
	1.7 Reduce greenhouse gas emissions	**FY 2012/13 – 2013/14** 1.7.1 Include GHG emission reduction targets, policies and actions in all OCPs, as required by LGA	LTCs	Funded by program budget	By whether all OCPs comply with LGA re GHG emissions	18 of 19 comply. Outstanding OCP (Piers Island) on work program for 2013, but work not started
		FY 2012/13 - 2014/15 1.7.2 Use new planning tools (Bill 27) to reduce greenhouse gas emissions to implement OCP policies LTCs adopted last term (e.g. as illustrated in Council toolkit Reducing Greenhouse Gases in the Islands Trust Area)	LTCs**/BIM***	Funded in 2013/14 annual budget	By whether LTCs/BIM have used new planning tools to foster reduced GHG emissions from development	Gabriola working on regulations to implement OCP policies
		FY 2012/13 – 2013/14 1.7.3 Develop policy regarding carbon-neutral operations and purchase of carbon credits to balance GHG emissions that cannot be eliminated	FPC	Funded by base budget	By whether Trust Council has adopted a policy	Complete
2. PROTECT coastal and marine ecosystems	**2.1 Encourage understanding of shoreline processes and voluntary stewardship of coastal and marine ecosystems**	**FY 2012/13** 2.1.1 Develop integrated shoreline and watershed protection mapping for major islands	LPC	Funded by external grants	By whether integrated shoreline and watershed protection mapping has been developed for major islands	Complete
		FY 2013/14 2.1.2 Identify and post updated website links regarding existing shoreline stewardship information	TAS	Funded by base budget	By whether website links have been updated	Complete
		FY 2014/15 2.1.3. Pilot a Green Shores for Homes credit rating incentive system in one LTA	LTCs**	Subject to successful grant application	By whether an LTC has piloted a Green Shores for Homes credit rating incentive system	Not started. Funding not recommended by LPC. Dependent upon grant application. LPC to reconsider in Nov/13
	2.2 Use land use planning tools and decisions to improve protection of coastal areas	**FY 2013/14 – 2014/15** 2.2.1 Adopt regulatory bylaws with respect to integrated shoreline and watershed protection mapping	LTCs**	Subject to funding in future program budgets	By whether LTCs have adopted regulatory bylaws	Reviewed by Thetis LTC. Educational program being considered/developed by N Pender, S Pender, Thetis

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS ++
		2.2.2 Develop mechanisms for proactive bylaw enforcement of illegal structures on the foreshore	LPC/LTCs**	Funded in 2013/14 program budget ($2000)	By whether mechanisms have been developed	LPC recommends educational approach, not proactive enforcement
	2.3 Participate in planning for National Marine Conservation Area Reserve	**FY 2011/12 – 2014/15** 2.3.1 Advocate for implementation of the NMCA reserve	EC	Funded by base budget	By whether the EC has continued to actively advocate for implementation of the NMCA reserve	Resolution supported by TC in Dec 2012 Feb 2013 Chair letters to Ministers Lake & Kent
		2.3.2 Participate in NMCA workshops and consultation opportunities	LTCs** / TAS / EC	May require additional funds	By level of participation in NMCA workshops and consultation opportunities	Workshops attended in Aug and Oct No funding proposed in 2013/14 budget. LTCs commenting on boundary details
		Future fiscal years (TBD) 2.3.3 Respond to NMCA implementation steps with complementary activities, as required	LTCs**	May require additional funds	TBD	Not due Not started
	2.4 Advocate for protection of the Salish Sea and Howe Sound from oil spills, derelict vessels and industrial activities	**FY 2011/12 – 2014/15** 2.4.1 Chair correspondence regarding oil spill prevention and response	EC	Funded by base budget	By whether the Chair has sent correspondence to advocate for oil spill prevention and response	2011:7 letters sent 2012:1 letters sent 2013: 3 letters sent Related resolutions passed at UBCM 2012 and AVICC 2013 conventions
		2.4.2 Chair participation in hearings related to tanker traffic increases	EC	Funded by base budget	By whether the Chair has participated in hearings related to tanker traffic increase	NEB hearing presentation Aug 2012
		2.4.3 Host local government workshops to raise awareness of gaps in oil spill prevention and response capacity	EC	Funded by base budget	By whether workshops have been held	One workshop held at AVICC. Jan 2013 Chair presentation to Regional District Nanaimo Board. 2013: Chair presentation at San Juan County marine managers workshop
		2.4.4 Participate in mock oil spill exercises to understand gaps in oil spill response capacity	EC	Funded by base budget	By whether participation has taken place	Participation in two exercises in 2012
		FY 2011/12 – 2014/15 2.4.5 Continue to advocate for senior government solutions to derelict vessels	EC	Funded by base budget	By whether the Islands Trust has continued to advocate for derelict vessel solutions	Islands Trust participation on derelict vessel working group is on-going Mar/13 Letter to minister seeking

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS ++
						action on Transport Canada report Organized resolution, clinic and meeting with Minister at UBCM
		FY 2011/12 – 2013/14 2.4.6 Advocate regarding potential impacts of the proposed Raven Coal Mine upon Baynes Sound	EC	Funded by base budget	By whether the Executive Committee has advocated regarding the proposed Raven Coal Mine	Complete May/13 BC EAO rejected proposal as submitted
		FY 2012/13 – 2014/15 2.4.7 Advocate regarding potential impacts of the proposed Burnco Gravel Mine upon Howe Sound	EC	Funded by base budget	By whether the Executive Committee has advocated regarding the proposed Burnco Gravel Mine	Not started
		FY 2013/14 – 2014/15 2.4.8 Clarify jurisdictional issues related to Islands Trust Area boundary	EC	Funded by base budget	By whether a method to clarify jurisdictional issues has been implemented	Preliminary discussion with ministry staff Initial briefing prepared for EC
	2.5 Advocate for appropriate regulation of aquaculture	**FY 2013/14 – 2014/15** 2.5.1 Collaborate with Department of Fisheries and Oceans regarding shellfish regulations through local government advisory committee as a pilot project for one LTC (Denman)	LTCs**	Funded in 2013/14 program budget ($1000)	By whether the Denman Island LTC has collaborated with DFO on a pilot project	Not3.3.Impl started (Denman unsuccessfully sought representation on DFO committee)
	2.6 Advocate for effective regulation of marine sewage	**FY 2011/12 – 2014/15** 2.6.1 Chair correspondence regarding marine sewage regulation	EC	Funded by base budget	By whether the Chair has written to advocate for regulation of marine sewage	Research and mapping in progress
		2.6.2 Amend OCP policies to require sewage pump-outs as a condition of new/expanded marinas (i.e. during rezoning applications)	LTCs**/BIM***	Funded by base budget	By whether OCP policies require sewage pump-outs as a condition of marina development/expansion	No new OCP amendments since adoption of Strategic Plan

NOTE: Status column has now been colour coded to provide a quick visual indicator, as follows

	Not due to start or awaiting actions of others
	Completed
	In Progress – On Target
	Partially In Progress – Partially On Target (i.e. on target, by one or few LTCs)
	In progress - Behind Target (e.g. not funded, delayed by other priorities, etc.)
	Not started – Behind target

Policy Statement Goal B: Stewardship of Island Resources…

TC	STRATEGIES	ACTIVITES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS++
3. PROTECT quality and quantity of water resources	**3.1 Encourage understanding and voluntary stewardship of water resources**	FY 2013/14 3.1.1 Compile educational materials about water resources done by local groups and identify gaps	TPC	Funded by base budget	By whether the need for new educational materials had been defined.	Complete
		3.1.2 Fill identified gaps with new educational materials about water resources	TPC	Funded by base budget	By whether new educational materials have been created	Not started
		FY 2014/15 3.1.3. Develop an on-going water stewardship program	TPC	Subject to 2014/15 program budget	By whether an on-going water stewardship program has been funded and launched	Not due Not started
	3.2 Advocate for provincial Water Act reform	**FY 2011/12 – 2014/15** 3.2.1 Continue to participate in Water Act reform consultations	EC	Funded by base budget	By whether participation in Water Act reform has taken place	Not started Pending provincial action
	3.3 Use land use planning tools and decisions to protect water quality and quantity	**FY 2013/14** 3.3.1 Develop toolkit for use by LTCs/BIM that illustrates options for using planning tools to protect water quality and quantity	LPC	Funded by 2013/14 program budget ($2500)	By whether a toolkit has been developed	Project charter approved by LPC; Report underway
		FY 2013/14 – 2014/15 3.3.2 Amend OCPs to include new policies for water resource protection	LTCs**/BIM***	Funded in 2013/14 program budget	By whether OCPs have been amended to include new policies about water resource protection	Galiano DAI bylaw adopted - addresses water protection
		3.3.3 Amend LUBs to include new regulations aimed at protection of water quality and quantity	LTCs**/BIM***	Funded in 2013/14 program budget	By whether LUBs have been amended to include new regulations aimed at protection of water quality and quantity	No LUB work begun
		FY 2013/14 3.3.4 Develop model Development Permit Areas that LTCs and BIM may consider in regards to water conservation	LPC	Funded in 2013/14 program budget ($2500)	By whether model Development Permit Areas have been developed	Not started

TC	STRATEGIES	ACTIVITES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS++
		FY 2014/15 3.3.5 Adopt new Development Permit Areas to enhance water conservation	LTCs**/BIM***	Subject to funding in 2014/15 program budget	By whether LTCs/BIM have adopted new Development Permit Areas to enhance water conservation	Not due Not started
	3.4 Explore alternative tools for improving watershed management	**FY 2012-13** 3.4.1. Identify options within the Islands Trust Act for coordination of watershed protection	EC	Funded by base budget	By whether options have been identified	Complete
		FY 2013-14 3.4.2 Consider pilot project for coordination of watershed protection within one LTA	LTCs**	Partially funded by base budget.	By whether a pilot project has been considered	Complete St. Mary Lake Watershed Working Group formed on SSI. June/13 - TC adopted bylaw to delegate some TC coordination and advocacy powers to SSILTC.

NOTE: Status column has now been colour coded to provide a quick visual indicator, as follows:

	Not due to start or awaiting actions of others
	Completed
	In Progress – On Target
	Partially In Progress – Partially On Target (i.e. on target, by one or few LTCs)
	In progress - Behind Target (e.g. not funded, delayed by other priorities, etc.)
	Not started – Behind target

Policy Statement Goal C: Sustain Island Character and Healthy Communities...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS++
4. ENHANCE community economic sustainability and security	4.1 Create linkages between islands and Regional Districts to share effective and appropriate economic sustainability models	**FY 2013/14** 4.1.1 Half day session on Trust Area economic sustainability at Dec 2013 Council in Victoria, inviting all EA reps	TPC	Funded by base budget	By whether a joint session has occurred	Sept/12 RD discussion at UBCM breakfast Aug/13 TPC approved project charter
	4.2 Advocate for sustainable, affordable and appropriate ferry	**FY 2013/14** 4.2.1 Develop and implement research program in support of advocacy program	TPC	Funded in 2013/14 program budget ($20,000)	By whether a research program has been developed and implemented	Aug/13 TPC approved research program

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS++
	service	**FY 2011/12 – 2014/15** 4.2.2 Continue advocacy program regarding ferry fares and service.	EC	Funded by base budget	By whether advocacy actions have been taken in regards to ferry fares and service	Submission sent to Minister Polak Chair meetings with Minister Polak, opposition critics and ferry commissioner
	4.3 Use land use planning tools and decisions to improve the availability of affordable, accessible, appropriate housing (as described in Trust Council's toolkit, Community Housing Toolkit)	**FY 2011/12 – 2014/15** 4.3.1 Amend OCPs to include affordable housing policies	LTCs**/BIM***	Funded in 2013/14 program budgets	By whether OCPs have been amended to include new affordable housing policies	Some OCP reviews underway. Hornby considering OCP amendments to allow secondary suites.
		4.3.2 Amend LUBs to improve availability of affordable housing	LTCs**/BIM***	Funded in 2013/14 program budgets	By whether LUBs have been amended to improve availability of affordable housing	SSI LUB amended to legalize secondary suites in some locations.
	4.4 Use land use planning tools and decisions to increase local food security and farmland protection (as described in Trust Council's 2010 report, Exploring Food Security in the Trust Area)	**FY 2012/13 – 2014/15** 4.4.1 Amend OCPs to include food security and farmland protection policies	LTCs**/BIM***	Funded in 2013/14 program budgets	By whether OCPs have been amended to address food security and farmland protection	Included in Gabriola OCP reviews (details to be confirmed)
		4.4.2 Amend LUBs to improve food security	LTCs**/BIM***	Funded in 2013/14 program budgets	By whether LUBs have been amended to improve food security	Included in Gabriola LUB review (details to be confirmed)

NOTE: Status column has now been colour coded to provide a quick visual indicator, as follows

	Not due to start or awaiting actions of others
	Completed
	In Progress – On Target
	Partially In Progress – Partially On Target (i.e. on target, by one or few LTCs)
	In progress - Behind Target (e.g. not funded, delayed by other priorities, etc.)
	Not started – Behind target

Goal D: In cooperation with others...

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS++
5. STRENGTHEN relations with First Nations	**5.1 Improve consultation/engagement with First Nations during land use referrals**	**FY 2011/12 – 2014/15** 5.1.1 Adopt First Nations Consultation Strategy	TAS, LPS	Funded by 2011/12 program budget	By whether Trust Council has adopted a First Nations Consultation Strategy	First draft to TC Jun/12. Final draft pending LPS capacity to consider financial and staffing implications
		5.1.2 Trustee workshop on working with aboriginal peoples	EC	Funded by 2012/13 program budget	By whether a trustee workshop has been held	Complete
		FY 2012/13 – 2014/15 5.1.3 Implement ‘essential’ and ‘quick start’ improvements to land use referral system that do not require additional resources, as identified in FN Consultation Strategy	LPS, TAS	Funded by base budget	By whether all ‘essential’ and ‘quick start’ improvements that do not require additional resources have been implemented	2 of 2 ‘essential’ improvements in progress 3 of 8 ‘quick start’ improvements in progress
		FY 2013/14 5.1.4 Identify resource needs for improved FN consultation and engagement	EC	Funded by base budget	By whether the resource needs for improved consultation and engagement has been identified	Not started. Pending completion of First Nations Consultation Strategy
		FY 2014/15 5.1.5 Implement improvements identified in the FN Consultation Strategy as longer term or requiring additional resources	LPS, TAS	Subject to increase in future base budget to support an additional LPS position	By whether all improvements identified in the FN Consultation Strategy as longer term or requiring additional resources have been implemented	Not started Not due
	5.2 Improve consultation/engagement with First Nations during Trust Council’s marine and terrestrial protection work	**FY 2014/15** 5.2.1 Improve consultation and engagement re free Crown grant program	TAS	Subject to increase in base budget	By whether consultation and engagement has been improved	Not started. Not due. Pending increased staff capacity
		FY 2012/13 – 2014/15 5.2.2 Improve communication and coordination during marine protection advocacy	EC	Subject to increase in base budget	By whether consultation and engagement has been improved	Not started. Pending staff capacity
6. IMPROVE organizational	**6.1 Confirm a fair distribution of Islands**	**FY 2012/13** 6.1.1 Review and amend	FPC	Funded by base budget	By whether Policy 7.2.vi has been amended	Complete

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS++
cost and operational effectiveness	**Trust Services to Bowen Island Municipality**	Policy 7.2.vi (Municipal Requisition Cost Allocations)				
		FY 2012/13 – 2014/15 6.1.2 Identify Bowen Island Municipality needs for services provided by Trust Area Services unit	TAS	Funded by base budget	By whether BIM needs for TAS services have been identified	Initial discussion held Sep/12. Chair follow up sent Oct/12 and Jan/13 Awaiting BIM response
		6.1.3 Identify improved opportunities for BIM to access services provided through Trust Area Services unit	TAS	Funded by base budget	By whether opportunities for BIM to access TAS services have been identified	Pending requests from BIM Staff follow up e-mail to CAO sent Jan/13 Awaiting BIM response
		6.1.4 Review budget lines to ensure accurate allocation of costs	FPC	Funded by base budget	By whether budget lines have been reviewed	Staff review of line items underway. Initial discussion at FPC complete. BIM staff contacted for discussion.
		FY 2013/14 6.1.5 Provide additional TAS services to BIM	TAS	Funded by base budget	By whether BIM is accessing additional TAS services as identified	Improved notice of IT items to BIM. Pending requests from BIM. BIM staff invited to training opportunities.
	6.2 Improve cost-recovery from development application fees	**FY 2013/14** 6.2.1 Develop model fees bylaw for consideration by LTCs	LPC FPC	Subject to annual program budget	By whether a model bylaw has been developed	TC referred to LPC/FPC before bylaw drafting begins. Not funded in 2013/14 program budget. LPC and FPC recommend 10% fee increase
		FY 2013/14 6.2.2 Consider adoption of amended fees bylaws.	LPC/LTCs**	Funded by base budget	By whether LTCs have adopted amended fees bylaws that improve cost recovery	Not started
	6.3 Prepare Island Trust organization to adapt to the potential incorporation of Salt Spring Island (if province advances a	**FY 2013/14** 6.3.1 Provide input into provincial study that assesses impact on Islands Trust of the potential incorporation of Salt Spring Island and identifies	EC	Funded and managed by province	By whether input has been provided	In progress. Input into study terms of reference complete. Response to initial info requests from

OBJECTIVE	STRATEGIES	ACTIVITIES AND PHASES	WHO WOULD WORK ON IT?	IS FUNDING REQUIRED OR IN PLACE?	HOW WOULD WE MEASURE SUCCESS?	STATUS++
	provincial restructure study for SSI)	alternative adaptation strategies				consultant complete.
		<u>**FY 2014/15**</u> 6.3.2 Consider options and adopt an adaptation strategy, for Islands Trust to implement in the event of municipal incorporation of Salt Spring Island	FPC / EC	Subject to future budgets	By whether options for an adaptation strategy have been considered and a preferred strategy adopted by Trust Council.	Not started. Not due unless a SSI restructure study is launched and is nearing completion
		<u>**FY 2014/15(?) - ?**</u> 6.3.3 Implement adopted adaptation strategy	EC	Subject to future budgets	By whether an strategy has been implemented to adapt to incorporation of SSI	Not started Not due unless SSI community passes a referendum to incorporate as a municipality
		<u>**FY 2014/15(?)**</u> 6.3.4 Review existing IT-MCSCD protocol agreement regarding incorporation of municipalities in the Islands Trust Area	EC	Funded by base budget	By whether the protocol agreement with the ministry has been reviewed and amended	Not started Not due unless a SSI restructure study is launched
	6.4 Review service delivery regarding application processing	<u>**FY 2013/14**</u> 6.4.1 Consider development and use of a quality management system pilot on Salt Spring Island for processing of development applications	LTC**	Funded in 2013/14 program budget	By whether a quality management system has been considered by the SSILTC for one type of application process	Not started

* subject to decisions of Trust Fund Board   **subject to decisions of local trust committees   ***subject to decisions of Bowen Island Municipality

Abbreviations:
AVICC – Assoc. of Vancouver Island Coastal Communities
BIM – Bowen Island Municipality
EC – Executive Committee
FN – First Nations
FPC – Financial Planning Committee
FY – Fiscal Year
IT – Islands Trust
ITF – Islands Trust Fund
ITPS – Islands Trust Policy Statement
LGA – Local Government Act
LPC – Local Planning Committee
LPS – Local Planning Services
LTA – Local Trust Area
LTC – Local Trust Committee
LUB – Land Use Bylaw
MCSCD – Ministry of Community, Sport and Cultural Development
MVRD – Metro Vancouver Regional District
NA – Not Applicable
NEB – National Energy Board
NAPTEP – Natural Area Protection Tax Exemption Program
NMCA –National Marine Conservation Area
OCP – Official Community Plan
ProD – Professional Development
RAR – Riparian Areas Regulation
RD – Regional District
RFD – Request for Decision
SSI – Salt Spring Island
TAS – Trust Area Services
TBD – To Be Determined
TC – Trust Council
TFB – Trust Fund Board
TPC–Trust Programs Committee
UBCM – Union of BC Municipalities

For more information, contact:

Sheila Malcolmson, Chair,
Islands Trust Council
email smalcolmson@islandstrust.bc.ca
telephone 250.247.8078

Linda Adams, Chief Administrative Officer,
Islands Trust
email ladams@islandstrust.bc.ca
telephone 250.405.5151

Visit our website at:
www.islandstrust.bc.ca

Colour Key for Middle Column:

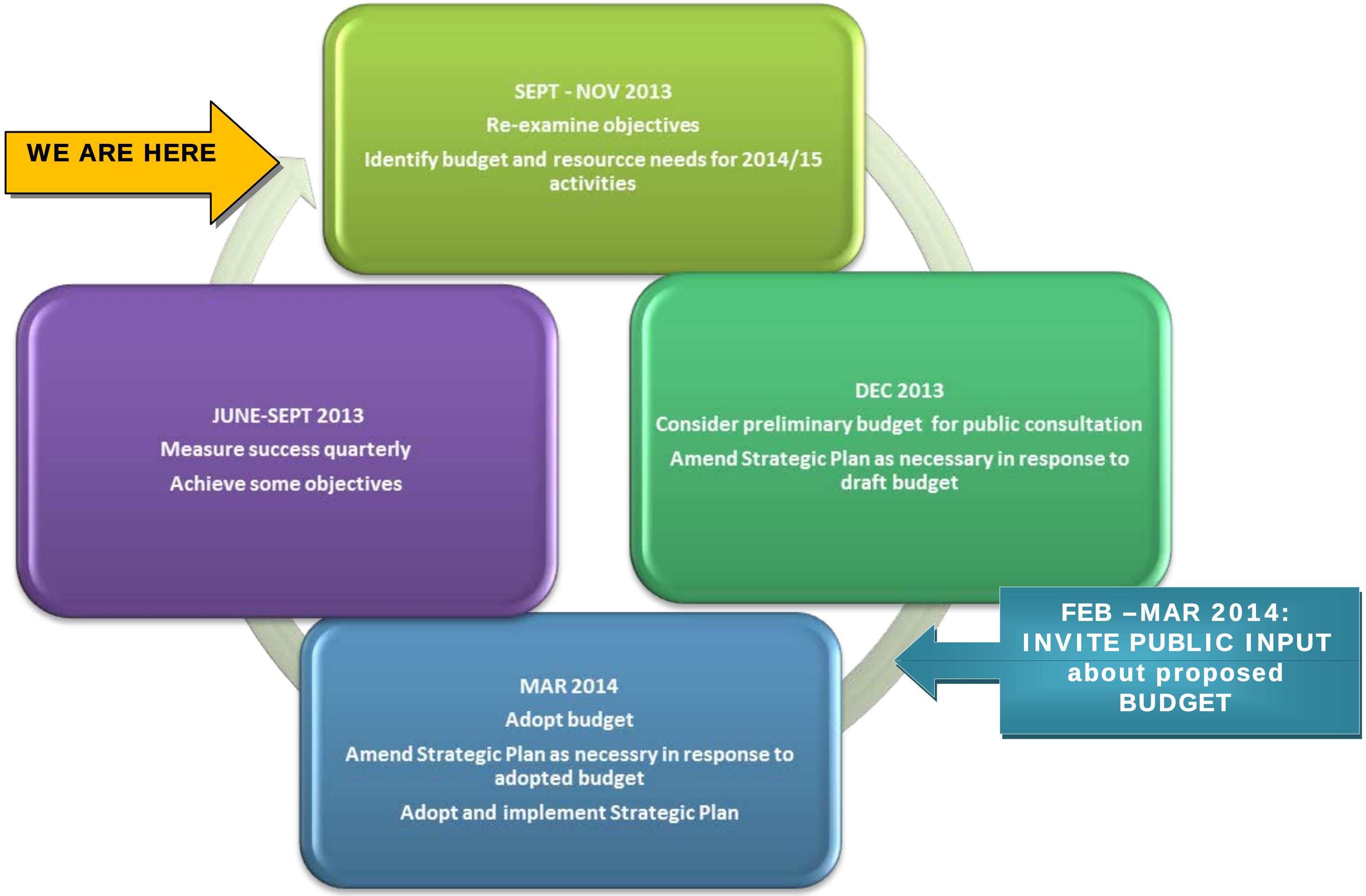
Colour	Potential committee / unit / body taking lead for a potential strategy
	Local Planning (through Local Planning Committee, Local Planning Services staff, Local Trust Committees or Bowen Island Municipality)
	Trust Programs Committee or Trust Area Services staff
	Executive Committee
	Trust Fund Board or Islands Trust Fund staff
	Financial Planning Committee

++ **Colour Key for Status Column:**

Colour	Status Description
	Not due to start or awaiting actions of others
	Completed
	In Progress – On Target
	Partially In Progress – Partially On Target (i.e. on target, by one or few LTCs)
	In progress - Behind target (e.g. not funded, delayed by other priorities, etc.)
	Not started – Behind target

Islands Trust

Strategic Planning Process (2013-2014)



1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Islands Trust

BYLAW REFERRAL FORM

Island: Salt Spring **Bylaw No.:** 470 **Date:** October 17, 2013

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

APPLICANTS NAME / ADDRESS:

Polaris Land Surveying.

PURPOSE OF BYLAW:

To amend Land Use Bylaw No. 355 to rezone a portion of the waters fronting Lot 1, Section 2, Range 2 West, North Salt Spring Island, Plan 29481 from Shoreline 7 (S7) to Shoreline 6 (S6) to permit a private wharf or dock (s) associated with upland residential use.

GENERAL LOCATION:

250 Collins Road, west coast of Salt Spring Island.

LEGAL DESCRIPTION:

Lot 1, Section 2, Range 2 West, North Salt Spring Island, Cowichan District, Plan 29481.

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
7.7 ha.	No	Shoreline Recreation

OTHER INFORMATION:

See attached staff report. Upland residential may be a future strata, propose a maximum 70 square meter dock.

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

(Signature)

Name: Leah Hartley

Title: Regional Planning Manager

This referral has been sent to the following agencies:

Federal Agencies
Fisheries and Oceans, Canada
Coast Guard

Provincial Agencies
Ministry of Environment
Ministry of Forests, Lands and Natural Resource Operations

First Nations
Cowichan Tribes
Halalt First Nation
Hul'qumi'num Treaty Group
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Stzuminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

Regional Agencies
CRD Building Inspection
CRD Parks and Recreation Commission
SSI Fire-Rescue
Trust Fund Board

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee

PLEASE TURN OVER ➔

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island Local Trust Area	470
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

1-500 Lower Ganges Road
Salt Spring Island, BC BC V8K 2N8
Ph: (250) 537-9144
Fax: (250) 537-9116
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Islands Trust

BYLAW REFERRAL FORM

Island: Salt Spring Island Trust Area **Bylaw No.:** 471 **Date:** November 1, 2013

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw will be held in the near future.

APPLICANTS NAME / ADDRESS:
N/A

PURPOSE OF BYLAW:
To amend the Salt Spring Island Official Community Plan Bylaw No. 434 - Part G - to allow a Temporary Use Permit to be issued for a residential use.

GENERAL LOCATION:
Salt Spring Island

LEGAL DESCRIPTION:
N/A

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
N/A	N/A	N/A

OTHER INFORMATION:
Staff Report and Bylaw 471 attached.

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

Justine Starke
(Signature)

Name: Justine Starke

Title: Island Planner

This referral has been sent to the following agencies:

Provincial Agencies
Agricultural Land Commission
BC Assessment Authority

First Nations
Hul'qumi'num Treaty Group (for information only)
Pauquachin First Nation
Malahat First Nation - Te'Mexw Treaty Association
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Chemainus First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation & Penelakut Tribe

Adjacent Local Trust Committees and Municipalities
Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee

Regional Agencies
Capital Regional District
CRD Building Inspection
CRD Engineering Services
Vancouver Island Health Authority

Non-Agency Referrals
BC Ambulance Service
Ganges Sewer Committee
North Salt Spring Waterworks District
RCMP
School District 64
SSI Chamber of Commerce
SSI Fire-Rescue
SSI Transportation Commission
SSI Copper Kettle
SSI Land Bank Society

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Salt Spring Island	471
(Island)	(Bylaw Number)
(Signature)	(Title)
(Date)	(Agency)

SAMPLE MODEL HOUSING RESOLUTION FOR SUPPORT FROM COUNCIL

Please customize as appropriate, particularly by providing examples of high-priority housing projects that require continued federal support.

RESOLUTION

Development of a New Long-Term Federal Plan to Fix Canada's Housing Crunch

WHEREAS, a stable and secure housing system that creates and maintains jobs and allows for a range of living options is essential to attracting new workers, meeting the needs of young families and supporting seniors and our most vulnerable citizens; and,

WHEREAS the high cost of housing is the most urgent financial issue facing Canadians with one in four people paying more than they can afford for housing, and mortgage debt held by Canadians now standing at just over $1.1 trillion; and,

WHEREAS housing costs and, as the Bank of Canada notes, household debt, are undermining Canadians' personal financial security, while putting our national economy at risk; and,

WHEREAS those who cannot afford to purchase a home rely on the short supply of rental units, which is driving up rental costs and making it hard to house workers in regions experiencing strong economic activity; and,

WHEREAS an inadequate supply of subsidized housing for those in need is pushing some of the most vulnerable Canadians on to the street, while $1.7 billion annually in federal investments in social housing have begun to expire; and,

WHEREAS coordinated action is required to prevent housing issues from being offloaded onto local governments and align the steps local governments have already taken with regard to federal/provincial/territorial programs and policies; and,

WHEREAS, the Federation of Canadian Municipalities (FCM) has launched a housing campaign, "Fixing Canada's Housing Crunch," calling on the federal government to increase housing options for Canadians and to work with all orders of government to develop a long-term plan for Canada's housing future; and,

WHEREAS FCM has asked its member municipalities to pass a council resolution supporting the campaign;

AND WHEREAS, our community has continuing housing needs, such as the XX and the XX, that can only be met through the kind of long-term planning and investment made possible by federal leadership;

THEREFORE BE IT RESOLVED that council endorses the FCM housing campaign and urges the minister of employment and social development to develop a long-term plan for housing that puts core investments on solid ground, increases predictability, protects Canadians from the planned expiry of $1.7 billion in social housing agreements and ensures a healthy stock of affordable rental housing for Canadians.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the minister noted above, to the (provincial/territorial) minister of municipal affairs, to (Name of local MP), to the Federation of Canadian Municipalities and to the (Name provincial/Territorial association).