



A NOTICE OF A BUSINESS MEETING OF **THE THETIS ISLAND LOCAL TRUST COMMITTEE**
to be held at 9:15 am on Wednesday, July 24, 2013 at Thetis Island Community Centre
(Main Hall) 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 June 5, 2013 - <i>for adoption</i>	1-7	9:25 am
4.2	Section 26 Resolutions Without Meeting Log - <i>none</i>		
4.3	Advisory Planning Commission Meeting Minutes - <i>none</i>		
4.4	Ruxton Island Advisory Planning Commission Draft Meeting Minutes of June 19, 2013 – <i>attached for information</i>	8-15	
5.	BUSINESS ARISING FROM MINUTES		
5.1	Follow-up Action List dated July 16, 2013 - <i>attached</i>	16-17	9:30 am
5.2	Stewarding Our Shores Speakers Evening – <i>for discussion</i>		
6.	CLOSED MEETING: The Thetis Island Local Trust Committee closes the next part of the July 24, 2013 business meeting to discuss matters pursuant to Section 90(1)(a) of the <i>Community Charter</i> to consider appointments to the Advisory Planning Commission and that staff be invited to attend this meeting.		10:00 am
7.	RECALL TO ORDER Rise and Report from Closed Meeting		
8.	DELEGATIONS – <i>none declared</i>		
9.	CORRESPONDENCE <i>Correspondence specific to an active development application and/or project will be received by the Thetis Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
10.	APPLICATIONS AND PERMITS - <i>none</i>		
11.	LOCAL TRUST COMMITTEE PROEJCTS		10:15 am
11.1	Shoreline Protection Concepts and Options		

11.1.1	Staff Report dated July 15, 2013 – <i>attached</i>	18-23	
11.2	Community and Shared Docks Case Studies		
11.2.1	Staff Report dated July 13, 2013 – <i>attached</i>	24-26	
11.2.2	Case Studies from the BC Coast - <i>attached</i>	27-41	
11.3	Ruxton Island Community Dock Technical Study		
11.3.1	Memorandum dated July, 2013 – <i>to be distributed</i>		
11.4	Associated Islands Community Plan Update		
11.4.1	Staff Report dated July 15, 2013 - <i>attached</i>	42-75	
	BREAK		12:00 pm
12.	REPORTS		12:15 pm
12.1	Work Program Reports		
12.1.1	Top Priorities and Projects Report dated July 16 , 2013- <i>attached</i>	76-77	
12.2	Applications Log		
12.2.1	Report dated July16, 2013 - <i>attached</i>	78	
12.3	Trustee and Local Expenses		
12.3.1	Expenses posted to May 31, 2013 - <i>attached</i>	79	
12.3.2	Expenses posted to June 30, 2013 - <i>attached</i>	80	
12.4	Chair's Report		
12.5	Trustees' Report		
12.6	Advisory Planning Commission Report		
13.	NEW BUSINESS		12:30 pm
13.1	Proactive Bylaw Enforcement of Illegal Structures on the Foreshore Memorandum dated June 18, 2013 - <i>attached</i>	81-87	
13.2	Salt Spring Island Trust Area Bylaw No. 468 Referral Request for Response - <i>attached</i>	88-89	
14.	BYLAWS		
15.	ISLANDS TRUST WEBSITE		
15.1	Thetis Pages – <i>for discussion</i>		
16.	TOWN HALL DISCUSSION (10 MINUTES – TIME PERMITTING)		
17.	NEXT MEETING DATE		
17.1	Special LTC Meeting for a Community Information Meeting regarding Ruxton Island and the Associated Islands OCP/LUB Saturday, August 3, 2013 at 12:00 pm, Naylor Bay, Ruxton Island, BC-		
17.2	Special LTC Meeting for a Shoreline Stewardship Event Thursday, August 8, 2013 at 6:30 pm, Overbury Resort, Thetis Island, BC–		
17.3	Regular LTC Meeting Wednesday, September 25, 2013 at 9:15 am at Thetis Island Community Centre (Forbes Hall) North Cove Road, Thetis Island, BC		
18.	ADJOURNMENT		1:00 pm

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

**MINUTES OF THE THETIS ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
WEDNESDAY, JUNE 5, 2012 – 9:15 AM
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	Islands Trust Planner
Stephanie Cottell	Recorder

MEDIA AND OTHERS PRESENT:

James van Hemert	Golder Associates Ltd.
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There was one (1) member of the public in attendance

1. CALL TO ORDER

Chair Hancock called the meeting to order at 9:20 am. He acknowledged Thetis Island as traditional territories of the Coast Salish people and expressed his appreciation; welcomed the members of the public; and introduced himself, trustees and staff.

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. TOWN HALL SESSION

One member of the public spoke.

Resident Ernie Hunter spoke to and quoted from the Golder Associates Ltd. (Golder) report regarding education and consultation in reference to shoreline protection strategies; as well as “smart growth” recommendations from local MP Jean Crowder which highlight engaging community participation.

4. MINUTES

4.1 Local Trust Committee minutes of April 17, 2013

The minutes of the April 17, 2013 Thetis Island Local Trust Committee were reviewed and adopted by consensus with the following amendments:

- Item 10.5 add date of Islands Trust council meeting (March 5-7, 2013) and replace the words “spoke to” with the words “spoke about”.

4.2 Section 26 Resolutions Without Meeting Log dated May 28 2013

Received for information.

4.3 Advisory Planning Commission Meeting Minutes

None.

4.4 Ruxton Island Advisory Planning Commission Meeting Minutes

None.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated May 28, 2013

The Follow Up Action List was presented by Planner Brzozowski. Discussion followed.

5.2 Shoreline Protection Education Event

A verbal report was presented by Planner Brzozowski highlighting the possibilities for this event. Discussion followed regarding possible speakers, event logistics, and how best to present the event to the community.

Chair Hancock suggested moving to agenda item 9.3 due to its relevance with topic 5.2.

9. LOCAL TRUST COMMITTEE PROJECTS

9.3 Shoreline Protection Consultation Report

9.3.1 Consultant Report dated May 24, 2013

James van Hemert of Golder presented his report. Discussion followed regarding the recommendations made in the report. There was a suggestion that the recommendations be referred to the Advisory Planning Commission for comment.

Discussion ensued regarding next steps in the project. The next step will be the speaker event with John Readshaw in August.

TH-018-2013

It was MOVED and SECONDED

to direct staff to bring back a report which outlines the core concepts and Islands Trust value of shoreline stewardship and options on further educational approaches for the Greenshores approach.

CARRIED

9.3.2 Shoreline Report Appendix A – Potential draft survey

The draft survey was received for information. Trustee Luckham noted that he wished to properly revise the document at a later time. There was consensus to put the survey aside until an appropriate opportunity arose to again consult the public on this topic.

6. DELEGATIONS

None.

7. CORRESPONDENCE

None.

8. APPLICATIONS

None.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Associated Islands Community Plan update

Planner Brzozowski provided her report and discussion followed about continued research on sensitive ecosystems and whether there is the need to comply with the Riparian Areas Regulation (RAR) in the Associated Islands.

Draft change requests by Trustees:

Trustee French:

- Section A 2.3 (page 16) Include landowners, community, residents, municipality, visitor; borrow language from IT policy statement roles and responsibilities

- where applicable, add NAPTEP reference in Sections: 6.2.1, 7.3.1, 9.2.3 (D)

Trustee Luckham:

- Would prefer a template similar to that of Thetis Island OCP. Planner Brzozowski replied that the template is based on the Gambier Associated Islands OCP, as it is both the most recent and relevant practice.
- Inquired about plans for currently empty areas (eg. Background). Planner Brzozowski replied that paragraphs will be drawn from the Community Profile.
- Section C 9.2.5 (page 26) Feels that RAR is not applicable in the Associated Islands.
- Section D (page 30) include 'historical and current presence, practices, and interests of the First Nations
- Section D 14.2 (page 32) replace the word 'provide' with 'consider' or 'allow for'
- Section D 13.3.2 (page 31) Please confirm existing emergency preparedness programs offered through the CVRD.

TH-019-2013

It was MOVED and SECONDED

to refer the Associated Islands Community Plan draft to the Ruxton Island Advisory Planning Commission for their review.

CARRIED

Further discussion followed regarding how to engage input from other associated islands beyond Ruxton Island.

9.2 *Ruxton Island Community Dock Technical Study*

Planner Brzozowski presented the report. Discussion followed.

TH-020-2013

It was MOVED and SECONDED

to direct staff to refer the Ruxton Island Dock Technical study draft dated May 27, 2013 to the Ruxton Island Advisory Planning Commission for their review.

CARRIED

10. REPORTS

10.1 *Work programs report*

Work programs report was presented by Planner Brzozowski. Discussion followed.

10.2 *Applications log*

10.2.1 *Report dated May 28, 2013*

The report needs to be updated by removing file TH-DVP-2010.1 from applications list.

10.3 Trustee and Local Expenses

10.3.1 Expenses posted March 31, 2013

Trustees would like to see most recent Local Trust Committee budgets summary in agenda package.

10.4 Chair's Report

Chair Hancock spoke about preparing for the council meeting on Mayne Island, which will include a Kinder Morgan oil spill response presentation.

10.5 Trustees' Report

Trustee Luckham spoke about his participation in recent Thetis Island Marine Association meetings.

Trustee French highlighted recent Thetis Island Nature Conservancy projects and activities.

10.6 Advisory Planning Commission Report

None.

11. NEW BUSINESS

None.

12. BYLAWS

None.

15. ISLAND TRUST WEBSITE

Discussion transpired regarding updates to the Islands Trust website.

TH-021-2013

It was MOVED and SECONDED

to update the website with Shoreline Protection public consultation report (not including Appendix A), the amended first draft of the Associated Islands Official Community Plan and the Ruxton Island Community Dock Technical Study.

CARRIED

16. TOWN HALL DISCUSSION

Ernie Hunter inquired as to the cost of the Ruxton Dock Technical Study and whether it was paid by the Islands Trust.

Planner Brzozowski responded that it came out of the Official Community Plan budget. The majority of the study was done pro bono, and the mapping and technical data cost approximately \$8000.

11. NEW BUSINESS

None.

12. BYLAWS

None.

14. CLOSED MEETING

TH-022-2013

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee closes the next part of the June 5, 2013 business meeting to discuss matters pursuant to Section 90(1)(a) of the *Community Charter* to consider appointments to the Advisory Planning Commission and that staff be invited to attend this meeting.

CARRIED

Chair Hancock closed the meeting at 12:50 pm.

15. RECALL TO ORDER

Chair Hancock reconvened the regular business meeting at 1:05 pm and reported that Laurel March and Patrick Mooney were appointed to the Thetis Advisory Planning Commission for a two-year term, and David Steen was appointed to the Thetis Advisory Planning Commission for a one-year term.

17. NEXT MEETING DATE

The next scheduled meeting of the Thetis Island Local Trust Committee will be Wednesday September 25, 2013 at 9:15 a.m. at the Thetis Island Community Centre (Main Hall), North Cove Road, Thetis Island, BC.

18. ADJOURNMENT

The Thetis Island Local Trust Committee meeting was adjourned by consensus at 1:07pm.

Recorder

Chair

**Minutes of the Ruxton Island Advisory Planning Commission Meeting
Held on Wednesday, June 19, 2013 at 11:00 a.m.
At the Vancouver Island Conference Center
101 Gordon Street, Nanaimo, BC**

Members Present:

Peter Luckham	Local Trustee (Thetis Island)
Roger Kimmerly	APC Member
Dennis Rutherford	APC Member
Larry Ross via telephone	APC Member
Mike Higgins	APC Member
David Paterson	APC Member
Gina Couchman	APC Member
Dan Geisbrecht	APC Member

Staff Present:

Aleksandra Brzozowski	Island Planner
Jessie Sherk	Recorder
Jason Youmans	Islands Trust Summer Intern

Others Present:

Judy Shaw	President, Ruxton Island Property Owners' Association (RIPOA)
Russ Irish	Dock Consultant

1. CALL TO ORDER:

Roger Kimmerly called the meeting to order at 11:10 am. Reading from the Advisory Planning Commission Operating Guidelines, he discussed how to pass a resolution. He also spoke of potential conflict of interest protocol noting that they are not here to promote their personal views but to make recommendations that reflect the best interest of the community.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus.

3. MINUTES**3.1. Ruxton Advisory Planning Commission Minutes dated March 1, 2013**

The minutes were adopted by consensus with the following amendments:

- On the 4th page under 'Protect the Natural Aesthetic of Residential Development, change "the general feel among the members is that"

to “the majority of the members feel that”. This is a more accurate summary, as one member is in support of private docks.

4. APC REFERRAL #1: DRAFT OFFICIAL COMMUNITY PLAN

4.1 Referral Package regarding review of Draft Official Community Plan

Planner Brzozowski introduced the draft Official Community Plan and noted that this would not only be for Ruxton Island but also for other associated islands. This means that not all the policies noted in the plan will be specific to Ruxton Island, and that hopefully the information notes in the margin explain those instances.

The Advisory Planning Commission members went through each item in the draft, flagging the following:

3.1.1 *“To Guide and regulate growth and change in a manner that protects sensitive ecosystems, encourages sustainability, and.”*

Incomplete sentence.

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

Discussion on what was meant by “single family dwelling unit” and “structures accessory..” ensued.

Trustee Luckham noted that a list of definitions would be helpful.

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

Discussed, as the members needed more clarification. The intention of an Official Community Plan as well as a Land Use Bylaw and how the two work together was discussed. It was noted by the Trustee that this item seems vague and may not add value to the document. The planner will look into the necessity of this statement.

3.2.7 *“Subdivision regulations should establish an average lot size of 4 hectares (10 acres), consistent with the historic 4 hectare (10 acre) minimum lot size, while allowing for the clustering of lots in future subdivisions to protect rare, threatened, or sensitive ecosystems.”*

Does not affect Ruxton Island.

By consensus all items under number three were agreed upon.

It was noted that the items in 4.1 and 4.2 have previously been discussed at great length.

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

Discussed and noted that this is giving direction to what will be specified in the Land Use Bylaw.

- 4.2.3 *"Commercial visitor accommodation should be limited to temporary overnight accommodation that is accessory to residential use."*

Visitor accommodation on Ruxton Island was discussed. The majority felt skeptical of vacation rentals, as it may be dangerous on a boat-only access island. It was noted that this item should be more specific as there could be potential dangers surrounding this. Regulations should include property owner being present to monitor propane use, water use, and to regulate vacationer activity.

RX-001-2013

It was MOVED and SECONDED,

that the Ruxton Island Advisory Planning Commission advises to add to paragraph 4.2, a clause that says that short term vacation rentals will not be permitted.

CARRIED

- 4.2.4 *"Industrial uses should be limited to accessory home occupations"*

The wording and intent of this item was discussed.

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

The pros and cons of temporary use permits were discussed at great length.

- 5.2.4 *"Excepting properties on Ruxton Island, the Local Trust Committee may permit individual private docks accessory to residential uses. These docks should be regulated by zoning. Community or communal docks, where feasible, should be encouraged in order to limit the need for private dock development along the shoreline."*

There were questions as to why these statements are in one policy (why encourage something that is not allowed?). Planner Brzozowski agreed to pull out the two points in the sentence and separate them into two policies.

The topic of a community dock and private docks was discussed at great length with many points made on both the pros and cons.

Discussion followed on the following points regarding community docks:

- Impacts on neighbours
- Safety standards
- Community docks on private property

It was noted that Islands Trust Student Planner Jason Youmans is working on a compilation of case studies that will provide further information on the subject of shared docks. This set of case studies is being done for a few Islands Trust islands, not only Ruxton.

The Advisory Planning Commission did not arrive at a consensus on the dock topics.

RX-002-2013

It was MOVED and SECONDED,

that the Ruxton Island Planning Commission advises to accept the wording of 5.2.4 as presented, provided it is broken into two parts.

CARRIED

Noted that there were six in favor and one not in favor of this motion.

LUNCH BREAK – 12:42 – 1:12 p.m.

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

The potential location of a dock as well as who would have access to and be responsible for maintenance was discussed at great length.

5.2.7 *“The Local Trust Committee may consider rezoning applications for leases for aquaculture, other than finfish farms.”*

Dennis Rutherford did not participate in this discussion due to a conflict of interest.

Discussion ensued.

RX-003-2013

It was MOVED and SECONDED,

that the Ruxton Island Advisory Planning Commission advises that 5.2.7 be rewritten to read, “the Local Trust Committee should discourage applications for leases for aquaculture”.

CARRIED

5.2.8 *"The Local Trust Committee should, through zoning, the use of setbacks, and the use of development permit areas:*

- (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes;*
- (b) discourage uses that disrupt natural features and processes;*
- (c) allow for natural erosion and accretion processes, without endangering structures;*
- (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and*
- (e) discourage filling, deposits, excavation, or removal of foreshore and seabed materials, except for maintenance or navigational channels and existing facilities.*

There was discussion about protecting the foreshore.

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

The direction and intent of this item was discussed. The need for stronger wording was also discussed.

RX-004-2013

It was MOVED and SECONDED, that the Ruxton Island Advisory Planning Commission advises to add "and enforce" after "monitor" in 5.2.8.

CARRIED

6.3.3 *"The Local Trust Committee should encourage the Cowichan Valley Regional District to establish a management strategy for the wetland on Ruxton Island."*

This paragraph was discussed in the context of how the CVRD would interpret this. Some Ruxton Island property owners would like to see the wetland enhanced and others would like to leave it alone and let nature takes its course.

8.3.2 *"The Local Trust Committee should work with communities and the Coast Guard to establish suitable helicopter landing areas for use in cases of medical emergency."*

This was discussed, as it was thought that it was voted down at the last RIPOA meeting. The possibility of changing the word "establish" to "identify" was discussed.

10.2.5 *"As it is Trust Council policy that islands in the Trust Area should be self-sufficient in regard to their water supply, no water line connections to the mainland should be permitted."*

Does not apply to Ruxton Island.

10.3.2 *"The Local Trust Committee should encourage the Vancouver Island Health Authority to ensure sewage disposal protects the quality of groundwater supply on islands in the plan area."*

Discussed. It was noted that the Vancouver Island Health Authority has a very thorough waste sewage policy about protecting groundwater supplies in place, and some members feel this statement is unnecessary.

10.3.3 *"The Local Trust Committee should encourage the Vancouver Island Health Authority and Cowichan Valley Regional District to:*

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

Discussed, as Vancouver Island Health Authority already has these policies in place.

14.2.2 *"The Local Trust Committee should, through bylaw provisions, provide for facilities for float plane emergency helicopter access in appropriate locations."*

Discussed. Wording should be cleaned up.

RX-005-2013

It was MOVED and SECONDED, that the Ruxton Island Advisory Planning Commission advises to change the wording in paragraph 14.2.2 from "should" to "may" and to remove the word "floatplane".

CARRIED

There was discussion about a fire hall on Ruxton Island.

RX-006-2013

It was MOVED and SECONDED, that the Ruxton Island Advisory Planning Commission advises that the Local Trust Committee continue to move forward with the Official Community Plan Bylaw as amended.

CARRIED

5. APC REFERRAL #2: DRAFT DOCK OPTIONS STUDY

5.1 Referral Package regarding input of local knowledge on Draft Dock Options Study

Russ Irish was introduced as not only a Ruxton Island property owner for the last 8 years, but also as the lead consultant on the Draft Dock options study. Russ reviewed the report that he and his company, McElhanney Consulting Services Ltd, put together. It was noted that Russ donated his time for this project. Before summarizing the report, he noted that the main objective of the dock would be safety and that he hopes his report will assist the people of Ruxton Island in developing informed opinions and discussing docks on Ruxton based on common technical information.

Russ identified 15 possible locations for a community dock on Ruxton Island. There was a question why the bay near site F was not included as a potential site. Russ replied that this site was not identified as a possible location at the outset of the study, and would be interested to know more about it.

With the help of an environmental consultant, he concluded that there were no significant issues from an environmental perspective that would stop the development of a dock at any of the 15 locations.

The approval process for building on the foreshore was reviewed, noting that it is a very involved process.

The members, trustee and consultant discussed each of the most favorable potential dock building sites (Sites M, L, and K). The method and reasoning behind the scoring in the report was discussed at great length. Some members feel that it should be made explicit that it is subjective scoring, and that the report should elaborate more on the scoring criteria and include a statement that the overall ranking was based on each factor having equal weight. Some members would like to have a section discussing the “best” sites and not just a table ranking them.

Mike Higgins exited the meeting at 2:23 p.m.

Discussion followed regarding the concerns for siting a dock. The following topics were discussed about dock sites and what would be the deciding factor for a location:

- Winds and other extreme weather
- Safety
- Neighbors; some people may not want a community dock near them
- Cost. Funding for a project like that was discussed and it was noted that a community dock might cost around \$200,000. Trustee Luckham noted that special tax levies may be available and that money should not be a deciding factor.

In closing, Russ Irish noted that this report is the basis for a more in depth discussion and that he welcomes information and comments from other islanders

if anything is missing from his report. All comments should be directed to Planner Brzozowski.

6. OTHER BUSINESS

None.

7. ADJOURNMENT

The meeting was adjourned by consensus at 3:00 pm.

Recorder

Chair



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	Feb-06-2013	On Going

Apr-17-2013

No.	Activity	Responsibility	Target Date	Status
1	Contact existing and recently serving members of the Thetis APC regarding wishes to be re-appointed. If there are vacancies, advertise for expressions of interest.	Aleksandra Brzozowski	Jun-05-2013	Done

Jun-05-2013

No.	Activity	Responsibility	Target Date	Status
1	Prepare an event plan for the Shoreline Education event, to be held between August 8-11, to be approved by Resolution Without Meeting.	Aleksandra Brzozowski	Jun-30-2013	Done

1	Prepare staff report which outlines the core concepts and Islands Trust value of shoreline stewardship and options on further educational approaches for the Greenshores approach.	Aleksandra Brzozowski	Jul-24-2013	Done
1	Update website with Shoreline Protection public consultation report (not including Appendix A), the amended first draft of the Associated Islands Official Community Plan and the Ruxton Island Community Dock Technical Study.	Aleksandra Brzozowski	Jul-24-2013	Done



STAFF REPORT

Date: July 15, 2013

File No.: TH 6500 – 20

To: Thetis Island Local Trust Committee
For meeting of July 24, 2013

From: Aleksandra Brzozowski
Island Planner

Re: Shoreline Protection Concepts and Options

INTRODUCTION:

At its June 5, 2013 business meeting, the Local Trust Committee (LTC) passed the following resolution:

TH-018-2013: It was MOVED and SECONDED to direct staff to bring back a report which outlines the core concepts and Islands Trust values of shoreline stewardship and options on further educational approaches for the Greenshores approach.

This report provides a summary of Islands Trust values influencing shoreline protection policies, as well as common shoreline protection concepts communicated in other jurisdictions and organizations. It also outlines the decisions required for continuing work on the Greenshores program.

The aim is that the information provided in this staff report will inform decisions regarding LTC messaging at the August 8 “Stewarding Our Shores” event, as well as next steps for shoreline protection on Thetis Island.

BACKGROUND:

During the 2008-2011 Official Community Plan (OCP) and Land Use Bylaw (LUB) Review for Thetis Island, the LTC decided to proceed no further with a draft development permit area for marine shorelands. This project was set aside, to be reviewed after more time dedicated to public consultation.

As well, Trust Council’s current Strategic Plan identifies the following current priorities relevant to shoreline protection:

- To advance the stewardship of coastal areas and marine shore lands
- Provide stewardship information about waterfront lands to community members
- Develop and implement new land use planning tools for shoreline and marine protection

Recently, the public on Thetis Island has indicated that they are more in favour of a non-regulatory approach to shoreline protection, specifically further in-depth education about shoreline stewardship.

ISLANDS TRUST VALUES REGARDING SHORELINES:

The LTC has requested a summary of the values held by the Islands Trust regarding shoreline protection, to serve as a starting point for dialogue with the Thetis community during the August 8 Stewarding Our Shores event.

In a summary list form, policies from the Thetis Island Local Trust Area – and the Islands Trust Area more generally – highly value the following:

- Quality marine habitats
- Preservation of marine biodiversity
- Marine water quality
- Maintaining natural coastal and intertidal processes
- Quality riparian areas
- Foreshore features
- Allowing for the natural processes of salt marshes, kelp, eelgrass beds, and coastal grasslands

These values are drawn from policies existing in the Islands Trust Policy Statement and the Thetis Official Community Plan, as summarized below.

Islands Trust Policy Statement

Local trust committees are clearly directed to protect the shorelines in the Trust Area, including protection of sensitive marine habitats, intertidal habitats, riparian habitats, water quality, and natural coastal processes.

In its section on Ecosystem Preservation and Protection, the Islands Trust Policy Statement makes the following commitment regarding ecosystems, including coastal ecosystems:

Commitments of Trust Council

Trust Council holds that:

- proactive land use planning is essential for the protection of Trust Area ecosystems
- protection must be given to the natural processes, habitats and species of the Trust Area, including those of the old forests, Coastal Douglas-fir forests, Coastal Western Hemlock, Garry Oak/Arbutus forests, wetlands, open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, and kelp and eel grass beds.

In the Policy Statement, there is also a directive policy 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.

Thetis Island Official Community Plan

One of the main objectives of the Thetis Island Official Community Plan (OCP) is to protect marine life and foreshore habitat. In its Natural Resources section, the Thetis Island OCP outlines policies to maintain the integrity of foreshore features, shoreline features, and intertidal processes by:

- Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore.
- Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, excepting maintenance of navigational channels and existing wharfage areas.
- Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures.
- Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

Shoreline values noted outside the Thetis Local Trust Area

For this report, staff also completed a short literature review of documents and communications materials produced by various other governments, agencies, and organizations involved in shoreline protection. A number of common themes emerged regarding the values held about shoreline protection, emphasizing the importance of the following:

- Species habitat
- Food chain for larger fish and whales
- Natural coastal processes
- Water Quality
- Ensuring continued public use
- Recreation
- Property Values
- Aesthetics
- Services and resources provided by marine areas
- Disaster Resilience

The vast majority of these values are common to those addressed in the Islands Trust Policy Statement and Thetis Island OCP, except for the focus on recreation which is generally absent from the Islands Trust and Thetis Island policies except for perhaps a recognition of marinas and docks. It is the advice of staff that the LTC present on August 8 the values contained in the Islands Trust Policy Statement and the Official Community Plan as the values driving future work on Priority #3: Shoreline Protection.

A more robust Communications Plan on specific messaging and communication approaches could be prepared in Autumn 2013 following dialogue with the community in August.

FURTHER EDUCATIONAL/NON-REGULATORY APPROACHES

Should the LTC wish to pursue further educational approaches to shoreline stewardship, there is a wide spectrum of activities from which to choose. Many of these activities were noted in the Golder Associates report presented to the LTC on June 5. A number of these methods have

also been previously pursued by other agencies and local governments and could be readily modified for Thetis Island (or all Islands Trust islands more generally). These methods include:

- an educational brochure mailed to all waterfront property owners
- a 'softer shorelines' checklist
- speakers series on shoreline issues
- interactive mapping on MapIT
- an online decision making tool
- one-on-one site visits
- educational videos
- consultation with contractors and developers on best practices
- establishing a Shoreline Stewards working group, made up of volunteer residents

Please note that all further education activities will require funding, as Shoreline Protection is not currently funded in the Thetis 2013/2014 Work Program budget.

Piloting the Greenshores Credit Rating System

At its April 17 meeting, the Thetis LTC expressed interest in exploring future work on Greenshores initiatives, including possibly participating in a pilot of the draft Greenshores credit rating system. This pilot program is contingent on continued funding; the current funding agreement will need to be renegotiated by August 31, 2013.

The Local Planning Committee expects to review the pilot credit ratings document and provide recommendations in November 2013. The Greenshores Pilot would likely begin in Spring/Summer 2014 following consultation with industry stakeholders, tentatively slated to take place in Winter 2014.

The Islands Trust Grants Administrator has noted that a formal resolution committing the LTC in principle to the next phase of the Greenshores program would give direction for the funding renegotiation and to the Local Planning Committee. Additionally, if any prioritized education and outreach activities were identified by August 12, 2013, they could be considered as part of the funding agreement renegotiation.

STAFF COMMENTS:

The LTC has made plans for a shoreline stewardship information evening, taking place on August 8, 2013. At its last business meeting, the LTC stated that it intended to take time during this event to communicate its goals and values for shoreline protection, and begin a dialogue with community members on ways to move forward with protecting shoreline ecosystems, starting from a "common ground" based on shared values.

After research into this topic to inform this staff report, staff recommends that the LTC use the Islands Trust policies and Thetis OCP policies as the starting point. These policies value protection of the natural environment above other values such as recreation which are emphasized in other jurisdictions. Furthermore, both the Policy Statement and OCP were developed through consultation with the public and represent the values of constituents, to the extent that the citizens of the Gulf Islands and Thetis Island in particular participated in the creation of these guiding documents.

The common themes can be summarized as:

- Quality marine habitats
- Preservation of marine biodiversity
- Marine water quality
- Maintaining natural coastal and intertidal processes
- Quality riparian areas
- Foreshore features
- Allowing for the natural processes of salt marshes, kelp, eelgrass beds, and coastal grasslands

To further this dialogue with the community, the August 8 event is a good opportunity to ask waterfront property owners how they would like to move forward on shoreline stewardship education, providing feedback on the various methods noted earlier in this report. It would be prudent to acknowledge that not all methods will be possible, particularly in the short-term, but this feedback may help inform the LTC's next steps for Work Priority #3: Shoreline Protection. Feedback could be obtained quantitatively through a short survey or "dot-mocracy" board at the event, or qualitatively through a post-speaker discussion or informal conversations.

It is useful to note that should the LTC desire funding for education and outreach activities and specific activities could be identified to staff by August 12, 2013, they could be considered as part of the Greenshores funding agreement renegotiation.

It has also been noted earlier in this report that the Local Planning Committee and the Grants Administrator would appreciate direction from the Thetis LTC regarding their commitment to the Greenshores pilot program. The following are points to consider before committing in principle to the Greenshores credit rating pilot program:

- scheduling of the pilot program within the current work program
- required commitment of Trustees to recruiting participants into the pilot
- potential commitment of staff time to oversee the project
- potential commitment of LTC to implement incentives offered through the pilot program

RECOMMENDATIONS:

Staff recommends that the Thetis Island Local Trust Committee:

- That the Thetis Island Local Trust Committee identify its key shoreline messages to present at the Stewarding Our Shores event;
- That the Thetis Island Local Trust Committee commit in principle to standing as a pilot Local Trust Area for the Greenshores draft credit rating system subject to further information about the timeline and planning staff time commitment;
- That the Thetis Island Local Trust Committee direct staff on preferred methods of information gathering to solicit community input on August 8 regarding future activities on the topic of shoreline stewardship.

Prepared and Submitted by:

Aleksandra Brzezanski

Island Planner

July 15, 2013

Date

Concurred in by:

Courtney Simpson

July 16, 2013

Date

STAFF REPORT

Date: July 13, 2013

File No.: TH-6500-20

To: Thetis Island Local Trust Committee
For the meeting of July 24, 2013

From: Jason Youmans
Planning Student

CC: Aleksandra Brzozowski, Island Planner

Re: **Community and Shared Dock Case Studies**

OVERVIEW:

Ongoing development of the Thetis Associated Islands Official Community Plan has generated considerable debate around the issue of ingress and egress to islands not served by B.C. Ferries. Apart from the binary “dock/no dock” debate, questions have been posed about how island communities might establish dock facilities that serve the interests of islanders while at the same time preventing a proliferation of private wharves with their attendant ecological, public access, and aesthetic problems. The purpose of this report is to present a collection of case studies outlining how several communities in the Islands Trust Area and elsewhere on the British Columbia coast have worked to establish community or shared docks. It was initiated based on recent conversations among property owners on the Thetis Associated Islands, as well as an enquiry from the East Trail Island community in the Gambier Local Trust Area. The information contained within these case studies should prove valuable to both private citizens and local trust committees throughout the Islands Trust Area when the question of community and shared dock development arises.

DISCUSSION:

Docks have long been a contentious issue in coastal communities for the ecological, aesthetic and access issues they create. Today, jurisdictions around North America are trying to limit the number of private docks extending from their shorelines. Underpinning the Islands Trust’s approach to dock development within its boundaries is Islands Trust Act Policy Statement 4.5.11, which states that “Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.” Interpretation of this policy has yielded a variety of approaches to dock development across the different islands in the Trust Area, a variety repeated throughout the South Coast beyond the Trust Area.

Research for the attached report comprised telephone interviews with private citizens and local government staff with experience in dock development, as well as the review of many policy and regulatory documents from island and coastal jurisdictions. Because development of the docks

featured here has not been rigorously documented elsewhere, it is hoped that the stories presented accurately capture how these docks came to be.

It is worth noting that some themes have been deliberately omitted from this report. First, the document does not provide a detailed discussion of the important part played by senior government agencies (ILMB, MOTI, DFO, TC)¹ in the dock development process. This omission is intentional because of this report's particular focus on organizing for dock development at the grassroots and local government level. Second, this report does not provide a discussion of either the technical specifications or costs associated with building docks on the B.C. coast. This is because these factors will vary widely depending on the size and location of the dock and the wind and wave conditions to which it is exposed. Finally, this report is not meant to provide a definitive "how to" checklist for either community groups or local governments to follow, since the steps to dock development will be unique to the context where new docks are sought and the type of dock desired.

CONCLUSIONS:

Research for this report demonstrated that developing shared (private-use) or community (public-use) docks—and the choice of one over the other—is a matter of community demand. The community, often through community or ratepayers associations, sets the tone that informs the policy positions and regulations that their elected officials adopt.

Research for this report suggested four possible dock "types" that island and coastal communities have adopted over the past decade:

- Publicly-developed, publicly-operated, public-use
- Privately-developed, publicly-operated, public-use
- Privately-developed, privately-operated, public-use
- Privately-developed, privately-operated, private-use

Determining which of the above four models to use is a function of many considerations, including:

- Local organizational capacity
- Funding opportunities
- Private sector partnerships
- Government support
- Proposed end users

While local government responds to community demand for dock development, it has a critical role to play in creating policies in its guiding documents that support appropriate dock development, and adopting land use bylaws that will allow for the type of dock development desired by the community. Local government will also play a role ensuring that upland zoning allows for the infrastructure associated with docks, and providing the variances necessary to permit structures within the setback of the natural boundary of the sea.

¹ B.C. Integrated Lands Management Bureau, B.C Ministry of Transportation and Infrastructure, Department of Fisheries and Oceans, Transport Canada

Research for this report does not suggest that one model dock development trumps another. Rather, the mode of dock created should reflect the needs and desires of the community.

RECOMMENDATIONS

- That the Thetis Island Local Trust Committee receive, for information, the attached report titled "Community and Shared Docks: Case Studies from the B.C. Coast."

Prepared and Submitted by:

Jason Youmans

July 15, 2013

Date

Concurred in by:

Courtney Simpson

July 15, 2013

Date

Community and Shared Docks

Case Studies from the B.C. Coast



Table of Contents

General Information	
Introduction	3
Definitions	4
Key Players	5
Residents and Docks	6
LTCs and Docks	7
Case Studies	
Thetis Island Community Dock	10
Surge Narrows Community Dock	11
Denman Island Community Dock	12
Brigade Bay Dock	13
Belcarra Group Wharves	14
Port Metro Shared Docks	15

Introduction

Around the South Coast and islands of British Columbia, excessive numbers of private docks extending from waterfront properties risk damaging sensitive ecosystems like eelgrass beds and forage-fish habitat, impede access to the publicly-owned foreshore, and detract from the natural beauty of the coastline. At the same time, most island and coastal communities see some value in the convenient access that docks provide. In an effort to limit the construction of private docks, many jurisdictions encourage, and some even require, the sharing of dock facilities among neighbours. Others ban outright the development of docks extending from private property. In the Gulf Islands, policy 4.5.11 of the Islands Trust Policy Statement guides local trust committees in their consideration of docks. This provision states that “Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jet-ties, boat houses, board walks and causeways.”

The purposes of this report are twofold. First, it is meant to provide a snapshot of how different communities around the South Coast have met the challenge of developing community and shared dock facilities. It is hoped that these examples might provide a point of departure for those seeking to do the same. Second, it is meant to give community and local trust committee members an idea of the policy and regulatory actions they can take around land use to support citizens looking to develop community or shared dock facilities, and to limit development of private docks. It is assumed, for the purposes of this report, that funding docks is beyond the authority of the elected officials served by this document.

There is no template to follow that ensures successful community or shared dock development. Success depends on the organizational capacity of the proponents, the responsiveness of various levels of government, the coastal location, and the type of dock sought, both physically and operationally. Some communities have made obtaining a community dock look relatively straightforward, while others have long desired a dock but been unable to make it happen. It is hoped that this report might open the eyes of grassroots groups to dock financing or management possibilities they had not yet considered.

On the policy and regulatory side, this report highlights how official community plans and land use bylaws are being used to encourage, discourage, permit, prohibit, site and size docks in the Trust Area and elsewhere on the coast. While they might not control the purse strings, local trust committee's have an important role to play facilitating development of community and shared docks and limiting the proliferation of private ones.

There is no one-size-fits-all strategy to community and shared dock development. Private-sector participation, well-timed grants, citizen support for tax increases, and government willingness to limit private docks all influence outcomes. It is hoped this report captures the ups and downs, benefits and drawbacks, of several community and shared dock experiences on the B.C. South Coast and Gulf Islands.

Definitions

In the absence of any formal definitions for the terminology related to community and shared docks, the following definitions are used in this report:

Community dock: A dock, owned and operated by public or private interests, which places no restrictions on who may use the facility.

Shared dock: A dock, owned and operated by private interests, that restricts use of the facility to a prescribed set of individuals or groups.

Key Players

Several agencies play a critical role in the development of docks on the Gulf Islands and around the B.C. coast, so it is important to note their responsibilities and acknowledge that their early involvement will expedite the success of any such venture.

British Columbia Integrated Lands Management Bureau (ILMB)

- Water lots and the foreshore are property of the Crown. As such, building a dock there requires both a Crown lease of the water lot and potentially a lease of the upland lot if it too is Crown property. (http://www.for.gov.bc.ca/Land_Tenures/tenure_programs/programs/privatemoorage/index.html).

Ministry of Transportation and Infrastructure (MOTI)

- Provincial roads are considered to extend to the high tide line. Any dock-related infrastructure (i.e. parking lots) built on them will require a “permit to construct works within a public right of way.”

Department of Fisheries and Oceans Canada (DFO)

- Any dock development should obtain prior approval from DFO. Failure to do so may result in the harmful alteration, disruption or destruction (HADD) of fish habitat. Contraventions can be avoided by seeking preliminary advice. (<http://www.pac.dfo-mpo.gc.ca/habitat/index-eng.htm>).

Transport Canada (TC)

- Construction of works within navigable waters require approval under the Navigable Waters Protection Act. (<http://www.tc.gc.ca/eng/marinesafety/tp-tp14595-menu-2978.htm>).

Regional Districts

- In the Islands Trust Area, regional districts are probably the most important partner for any groups seeking to establish publicly-owned or publicly-operated docks. Through their parks functions they are able levy fees, pay insurance costs, build up reserve funds, and in some cases, operate the dock either directly or through a local organization. In the Trust Area, regional districts are also likely to provide building inspection services on the completed structure.

Detailed discussion of the specific roles of the above-mentioned government agencies in the dock development process is beyond the scope of this report. However, each of them provides information on their respective websites about their role. It should also be noted that many of the major dock construction firms that operate on the British Columbia coast will help guide their clients through the dock permitting process.

Residents and Community/Shared Docks

Community and shared docks are established based on needs identified by the communities in which they are desired. They may be complementary, or an alternative to, private docks. Whatever the impetus for their development, however, they are generally the result of the organizational efforts of a group of private citizens. Sometimes it might be a handful of neighbours, sometimes a pre-existing group like a residents or ratepayers association, while other times a new group must be established specifically for the purpose of advancing dock development. Whatever the composition of the group, its success will be determined by how well organized its efforts are at assembling the constituent pieces.

Aside from their physical characteristics, community and shared dock types are differentiated to various degrees by the extent of public and private involvement in the initial organization and funding, their ongoing maintenance and operational structures, and the users they serve. Research for this report suggested the following four possible models:

Publicly-developed, publicly-operated, public-use: In this situation, local government is pro-actively involved from the outset of the dock development process and, when complete, continues to own and operate the dock for the benefit of all users. These are “community docks” in the truest sense of the word. (See Thetis Island Community Dock case study)

Privately-developed, publicly-operated-public-use: In this situation, development, fundraising and construction of the dock is undertaken by a private entity (usually a non-profit society), with the finished product transferred to local government for ownership, maintenance and operations. (See Surge Narrows Community Dock case study)

Privately-developed, privately-operated, public-use: This situation sees a private entity (like a non-profit society) develop the dock, while continuing to own and operate it after completion.* Use of the dock, however, is available to all users. (See Denman Island Community Dock case study)

Privately-developed, privately operated, private-use: This circumstance sees a private entity (formal or informal) develop, maintain and operate the dock for use by an exclusive group of people.

How a particular dock is funded and managed is largely a function of the category into which it falls. The case studies that follow in this report describe the practical implications of each type.

Lessons Learned

Referenda, either formal through local government, or informal through an unelected body, are an important tool for gauging community appetite for funding and operating a dock.

* While it is conceivable that such a configuration could occur abutting private land, all examples found during this report’s research saw docks that abutted leased Crown Land.

Lessons Learned

One resident of an island that’s grappled with the community dock issue for a decade said, “The two biggest hitches that keep coming up, apart from initial capital costs, are liability and ongoing operations. Out here we can’t have a fixed ramp. It’s got to be a cantilevered ramp, and whenever you’re dealing with a cantilevered ramp and 16 foot tides, the ramp is awkward to operate. The dock has to be just right, otherwise the winch won’t work right, and then there’s the steepness of the dock at low tide. All of these things will present challenges for the elderly people on the island. So, who’s going to take responsibility for all of this?”

LTCs and Community/Shared Docks

While community/shared docks generally rely on the energies of private citizens to set their development in motion, Local Trust Committees play an important role establishing the policy and regulatory framework that allows for their creation. The first way that Local Trust Committees set the stage for community/shared dock development is through their Official Community Plans (OCPs). While OCPs do not confer positive obligations on a Local Trust Committee, LTC's must not endorse any actions whose outcomes would be contrary to the policies of the OCP. Communities in the Trust Area and around the B.C. coast can, and do, use their official community plans to prohibit, support, define, and site community and shared docks. What they do and how they do it depends on the outcome the community desires. In the following examples, (IT) means the example OCP is an Islands Trust document, while (O) means the OCP comes from a jurisdiction other than the Islands Trust.

OCPs and Community/Shared Docks

(IT) On **Denman Island**, the OCP is used to identify the two locations where a community dock could be supported, while simultaneously prohibiting private docks elsewhere. To that end, Policy 9 of the Marine Environment section of Denman Island's OCP states, "... facilities for ferries, water taxis, fishing boats and pleasure boats should be limited to existing locations. Zoning regulations may permit public dockage on the foreshore area adjacent to the Denman West and Denman East ferry docks, provided such a use is primarily to serve the residents of Denman Island." Meanwhile, Policy 12 of the same section states in part, "In the Water designation, the following should be prohibited: private docks;"

(O) On **Quadra Island**, the stage was set for the eventual development of the community dock at Hoskyn Channel by including in the 2007 OCP the following policy in its water transportation section: "Identification of an appropriate site in the Surge Narrows and Granite Bay areas for the possible future establishment of a small public dock facility shall be encouraged."

(IT) On **Keats Island**, community members declined to constrain private docks, so instead the following policy was included in its OCP: "Waterfront property owners are encouraged to consider sharing the use of private docks and wharves with one or more of their neighbours, including upland neighbours (if any), through joint ownership or non-commercial cooperative agreements and through the use of easements or other forms of agreed upon access to the facilities rather than erecting individual private docks or wharves."

(IT) In the new **Gambier Associated Islands** OCP it says. "Zoning should permit and encourage the construction and use of common, community, or communal docks where feasible in order to limit the need for multiple private dock development along the shoreline; however, individual private docks accessory to residential uses should be permitted where required for access, but may be regulated by zoning."

(O) In Bedwell Bay at the mouth of Burrard Inlet's Indian Arm, the **Village of Belcarra** has noted as a policy in its OCP that "Within the area designated Civic Natural Shore Area on Schedule A (Generalized Land Use Map), the Village will entertain proposals for the use of the foreshore for Group Wharfage Facilities in accordance with Council's Group Wharfage Facility Foreshore Lease Policy."

"Group Wharfage" is defined in the document's glossary as, "a wharf owned and operated by a Group Wharfage Association which is a group of four to six Village residents that is formed pursuant to the Society Act for the purpose of owning and operating a group wharfage facility;"

(IT) **Passage Island's** section in the Gambier Associated Islands OCP includes the following advocacy policies to support its ongoing efforts to see a community dock established on the Island:

- The LTC requests that the Ministry of Transportation and Infrastructure provide for and maintain safe access to the foreshore on dedicated highways.
- The LTC encourages Greater Vancouver Regional District (Metro Vancouver) to explore options to provide a ports function for residents of Passage Island.

LTCs and Community/Shared Docks

Land Use Bylaws and Community/Shared Docks

Land use regulations (which can also apply to land under water) bring the policies of an official community plan to life by allowing and prohibiting different uses. Zoning bylaws related to water lots that can support community and shared docks on the Gulf Islands and around the coast vary widely according to the outcomes intended by the communities where they've been enacted.

For example, in communities where a single potential community dock location has been identified and favoured, local government can zone it to a designation that allows for that use and those structures. Such is the case in the Marine-5 zoning designation on **North Thormanby Island** under the Gambier Associated Islands soon-to-be-adopted Land Use Bylaw which states, "The following structures are permitted in the M5 zone, subject to the regulations set out in this section and the general regulations, and all other structures are prohibited: (a) Public wharf or barge; (b) Buoys, floats, wharves, wharf ramps, walkways, piers, floating breakwaters, dolphins and pilings, and buildings necessary for the establishment or operation of a use permitted in this zone." Meanwhile, if the community wants docks at several specific sites, each of them could be zoned to allow for a community dock. Such is the case of **Keats Island** where two locations carry the M-1 (Public Wharf) designation.¹

If the community has not yet considered where a community dock might go but wants to leave the option open, they might create a whole water zone around the Island that allows for community docks. Most of the east side of **Quadra Island**, for example, is characterized by Access 1 zoning, which allows "Private or public boat ramps or private or public wharves, excluding any such facilities that are offered for commercial gain."

If the community wants to ensure that only one of several potential sites is ever developed, the bylaw can restrict the number of docks that can be built in that zone to the number of their choosing. This is the case with the **Gambier Associated Islands** M-2 zone where "One community dock or wharf may be constructed or installed at each M2 zoned location." Likewise, if a community is interested in establishing zones where neighbours are forced to enter into sharing agreements with one another in order to construct docks, a zone such as **Belcarra's** Group Wharfage Zone, or its Shared Wharf Zone might be contemplated. The municipality's "group wharfage" zone states, "Permitted Land Use: (1) Group wharfage facility."

Land use bylaws can be used to encourage an essentially unlimited array of dock configurations, both physically from the perspective of length and width, and in terms of location. **Belcarra's** W-2 zone for group wharfage, for example, with its defined geographic boundaries, states that "No section of a float or wharf shall exceed a width of 6 metres, except for a maximum of 3 wharf fingers, each of which may have a length of no more than 7.5 metres and a width of no more than 1.2 metres."

Lessons Learned

One person familiar with the development of the community dock at Hoskyn Channel on Quadra Island said, "Just get it in there, into the official community plan somehow, to maintain community access where the roads end. Then give direction to pursue tenure. Once you've got that, which you can get fairly easily, zone the whole area as park."

¹ Both of these sites are home to former federal government wharves now owned and operated by the Sunshine Coast Regional District through its ports function.

LTCs and Community/Shared Docks

Further LTC Considerations and Community/Shared Docks

The role of local trust committees in the development of community and shared docks does not end with the inclusion of supportive OCP policies and land use regulations. Elected officials may further be called upon to make decisions in three areas when a new dock is ready to move forward: rezonings, variances, and development permits.

Rezonings, whether initiated by council at the behest of their community, or by private landowners interested in hosting a shared dock off their property, will be required to ensure that community/shared docks are sited appropriately. Local trust committees retain final discretion on those rezonings.

Variance permits may also be required, as most docks will violate the standard rules governing setbacks from the natural boundary of the sea for structures. A forward thinking bylaw, however, would grant community/shared dock sites the necessary exemptions from the customary sea setbacks.

Finally, if the proposed site of a community or shared dock should fall within a Development Permit Area (DPA), the local trust committee is responsible for determining whether the dock would meet the requirements of that DPA.

Publicly-Developed, Publicly-Operated, Public-Use

Thetis Island Community Dock

With the involvement of the Cowichan Valley Regional District almost from the outset (after significant community pressure), the Thetis Island Community Dock exemplifies a true public community dock.

Origins: Like many coastal Islands, Thetis Island was long home to a federal government wharf. After years of effort by Thetis Islanders to acquire local control of the facility, the federal government eventually agreed to divest its wharf on the Island to the Cowichan Valley Regional District in 2002. The CVRD, while at first reluctant to take on the responsibility, agreed to do so following a referendum among Islanders (85 percent of whom voted in favour) that created a local area services establishment bylaw for the operation and maintenance of the wharf and the tax regime to pay for it.

Financing: Divestment of the federal wharf came with a \$300,000 grant to undertake major repairs to the wharf. This was spent on a major refit within the first few years under its new owners. Meanwhile, the 2002 service establishment bylaw saw a parcel tax implemented on Thetis Island that authorizes the CVRD to raise \$15,000 annually from property owners. To date, the CVRD has found that \$9,000 is adequate to cover ongoing maintenance and operation of the wharf and the adjacent boat launch over which it also has jurisdiction. Moorage fees are collected from dock users. Approximately \$30,000 from unspent annual parcel tax money now sits in an operating reserve fund in anticipation of future repair work.

Governance/Operations: A Thetis Island Port Commission was established by CVRD bylaw in 2003 that consists of five Islanders (appointed by the CVRD board on the recommendation of the Thetis Island Residents and Ratepayers Association), one Improvement District trustee, and the Director for Electoral Area G –Saltair/Gulf Islands. The Port Commission is the on-Island eyes-and-ears for the dock. When maintenance, minor or major, is required, the Port Commissioners convene a volunteer work party or manage a tendering process to bring in professional contractors and sends the bill to the CVRD for payment.



Photo Credit: Kelly Bannister

Lessons Learned

When a port commission is established through the regional district, it allows local decision making to guide the dock while the regional district manages the complexities of crown leases and liability insurance.

Lessons Learned

Parcel taxes or property tax levies brought into effect through a local area services establishing bylaw can be an effective tool to fund public goods that will be used by residents in one geographic area of a broader government jurisdiction.

Privately-Developed, Publicly-Operated, Public-Use

Surge Narrows Community Dock

On the northeast edge of Quadra Island, a community dock shows what can be accomplished when a committed community and a dedicated local politician harness the power of the private sector to get things done.

Origins: Unlike the Thetis Island example, Hoskyn Channel had no federal wharf to acquire when residents of the outer Discovery Islands began pressing for better access to Quadra Island. Up until the early 2000s, they had relied on a haphazard assortment of floats, boom sticks and pulleys to get to shore at Hoskyn Channel. Hearing the demands of the Surge Narrows community, the electoral area director for Quadra Island teamed up with the leadership of the Surge Narrows Community Association, and began to drum up support from private-sector donors to help construct a permanent, all-season dock. Over the years, financial and infrastructure donations—like surplus fish farm floats—have been received from aquaculture operators and other businesses in the area, and most of the labour to get the docks built has been volunteered by local business, the community and dock users. Efforts to get a permanent dock built (including permitting, etc.) began in 2004 and the official ribbon cutting took place in 2008.

Financing: Apart from a \$10,000 regional district grant to help offset the cost of ramp construction, virtually the entire capital costs of the project were covered by in-kind and cash donations. Today, the electoral area director says he continues to shake the tree for support from large businesses, government contractors and crown corporations that operate in the area whenever he can. Moorage fees pay for a portion of the ongoing maintenance and operation, while the electoral director says a “small sliver” of the Strathcona Regional District’s (SRD) parks budget is carved off for operations. The SRD pays a contractor on Quadra Island approximately \$6,000 per year to undertake maintenance on the dock as required and keep an eye on the facilities, and provides grant money where possible. No property or parcel tax has ever been implemented, which avoids creating new bureaucracy, but also means forgoing a predictable funding source.

Operations/Governance: Despite the large volume of private funding and grassroots efforts that led to its creation, the Surge Narrows dock is today owned and insured by the Strathcona Regional District. Decisions about the dock are made at the regional district staff level, usually on the basis of suggestions or complaints that come to the local electoral area director via the Surge Narrows Community Association or other dock users. No formal port commission has been established to govern the dock, but its users are reportedly quick to flag any outstanding issues to the SRD.

Lessons Learned

Hoskyn Channel dock proponents say that the regional district’s decision to zone the end of highway right-of-ways at key locations on Quadra Island as regional parks was an important tool to dissuade the province from granting water lot occupation leases to individuals or firms whose planned use of the sites would have rendered a community dock impossible.

Lessons Learned

Leveraging private industry support and tapping in to professional networks can yield great benefits and significantly offset development costs.



Photo Credit: Marine Harvest Canada

Privately-Developed, Privately-Operated, Public-Use

Denman Island Community Dock

The Denman Island Community Dock demonstrates how to leverage grant money in pursuit of a community dock, and how to do so with minimal government assistance.

Origins: While Denman Island long had a federal dock, the derelict structure was removed in the 1980s and the Island was without a small boat docking facility from then on. Even with the dock gone, however, the federal government retained Crown Land tenure over the site. Sensing an opportunity with the federal government's attempts to divest itself of dock sites around the coast, the Denman Island Residents Association (DIRA)—a non-profit society—struck a committee to begin working toward the development of the new dock. After five years of effort, the \$381,000 dock was officially opened in the summer of 2011.

Financing: The DIRA was given \$75,000 in federal divestiture money to take over responsibility for the former dock site. The group used this funding as leverage to start seeking ever-larger grants from a variety of government and quasi-government agencies and organizations. The largest grantors to the project were the Island Coastal Economic Trust (ICET) with \$118,500 and the West Coast Community Adjustment Program (WestCCAP) with \$124,188.50. Grants from the Comox Valley Regional District, the Comox Valley Community Fund and plenty of locally-raised donations and volunteer hours helped round out the funding. Today, moorage fees help offset the day-to-day operations costs, and the DIRA retains a fund of approximately \$35,000 from the original federal divestiture money from which they'll carry out maintenance as those needs arise.

A member of the DIRA suggested that the key to the organization's ability to win grants was the economic development spin with which they pitched the project, arguing that increased boat traffic to the Island would increase visitation to local shops and restaurants.

Operations/governance: The Denman Island Community Dock is run by a committee of the Denman Island Resident's Association. It holds the insurance on the dock through a marine liability policy which costs approximately \$2,000 annually. The DIRA member with whom we spoke for this report suggested she wished her organization had approached the Comox Valley Regional District early on in the process to bring the dock under the regional district's parks and recreation function. She said there is expertise within the regional district on which they wish they could have drawn, and the regional district is better placed to cover the insurance functions.



Photo Credit: Denman Island Residents Association

Lessons Learned

Grant money is out there, but finding the right pitch with which to win it can be challenging. While local economic development was the flavour of the day when the Denman dock was under development, today it could be emergency access or strengthening the marine highway.

Lessons Learned

What an organization gains in autonomy by pursuing a dock independent of government oversight can be offset by frustration over dealing with complex issues (i.e. insurance) without government help.

Privately-Developed, Privately-Operated, Private-Use

Brigade Bay Owners Association Dock

In waterfront areas where residents are demanding dock access, but a public community dock won't be entertained, there exist opportunities for shared, private docks. The dock at Brigade Bay on Gambier Island offers an example of a private dock that serves dozens of waterfront and upland properties in the same subdivision.

Origins: When the Brigade Bay subdivision was created on Gambier Island, the developer expected that waterfront homes would be granted private docks. Those plans were scrapped when the Department of Fisheries and Oceans refused to okay private docks over concern for the marine environment. Instead, the developer created a "community lot" on one of the subdivision's waterfront properties, and used that property's water access to construct a breakwater and multi-fingered dock. Today, operation and maintenance of this dock falls to the Brigade Bay Owners Association.

Financing: The Brigade Bay Owners Association owns the community lot and the dock. All property owners in the subdivision are expected pay annual fees to the homeowners society which are then used for maintenance and up-keep of the subdivision including the community lot and dock. A homeowner in the subdivision estimated the total annual costs associated with the dock at \$23,000. Of this, \$10,000 is for annual insurance, maintenance and operations, while the remaining \$13,000 is saved in a fund to pay for future large-scale maintenance or replacement of the facility. The dock has an estimated replacement value of \$200,000.

Operations/governance: A committee of the Owners Association manages the dock, pays the liability insurance, and determines repairs as necessary. Access to the dock is via a lot owned by that subdivision's homeowners association, and a gate on the dock prevents both non-Brigade Bay residents and those who don't pay their homeowners association dues from accessing the shore from the dock and vice versa.

Lessons Learned

A homeowners/ratepayers association with the resources to purchase a waterfront lot of its own then has the ability to create a private access dock to be used only by those who pay into its maintenance.



Photo Credit: Rick Gustavson

Privately-Developed, Privately-Operated, Private-Use

Belcarra Group Wharves

In an effort to grant non-waterfront property owners an opportunity for dock access, the Village of Belcarra created a “Group Wharves” water zone. This zone runs parallel to a waterfront municipal road, and within it, groups of four to six non-waterfront property owners can apply to construct a dock at one of 13 designated spots. Licenses of occupation for the limited number of spaces the municipality has allocated for Group Wharfage are issued on a first-come-first-served basis.

Origins: The “Group Wharfage” zone was established to minimize wharf construction in Bedwell Bay while still allowing local property owners a place to dock their boats. Port Metro Vancouver has authority to govern waterfront uses in the area—an authority delegated to it by the provincial government—and the Port has subcontracted this authority to the municipality as the upland property owner. Property owners interested in forming a group and building a wharf must register as a society under the British Columbia Society Act. The internal bylaws of the society will govern how money is collected and allocated and the responsibilities of the society’s various members. The society then applies to the municipality for a building permit, highway encroachment agreement to access the foreshore from the municipal road allowance, and the necessary water lot license. The water license is tied to the society, and members may join or depart as they choose with the sale and purchase of property, provided there are between four and six members at any given time. The municipality demands the society carry liability insurance and will inspect the dock once a year for structural integrity.

Financing: The society created by the Group Wharf users is responsible for all aspects of the dock, including construction and insurance.

Operations/governance: Societies formed for the purposes of sharing a group wharf in Belcarra can enact any by-laws they choose so long as they conform to the provisions of the B.C. Society Act. It is recommended that a lawyer be involved in drafting the society’s governing bylaws.

Lessons Learned

Because the municipality owns the road that runs parallel to the foreshore, Belcarra’s group wharves policy provides a unique opportunity for non-waterfront property owners to have waterfront access.

Lessons Learned

While the group wharves system has so far been relatively popular, administering the program costs the municipality more than it brings in from administration fees because of the amount of time spent chasing down dock societies to ensure their insurance is in order. Furthermore, since the ramps often begin within the municipality’s road allowance, poorly maintained docks risk becoming a municipal liability.

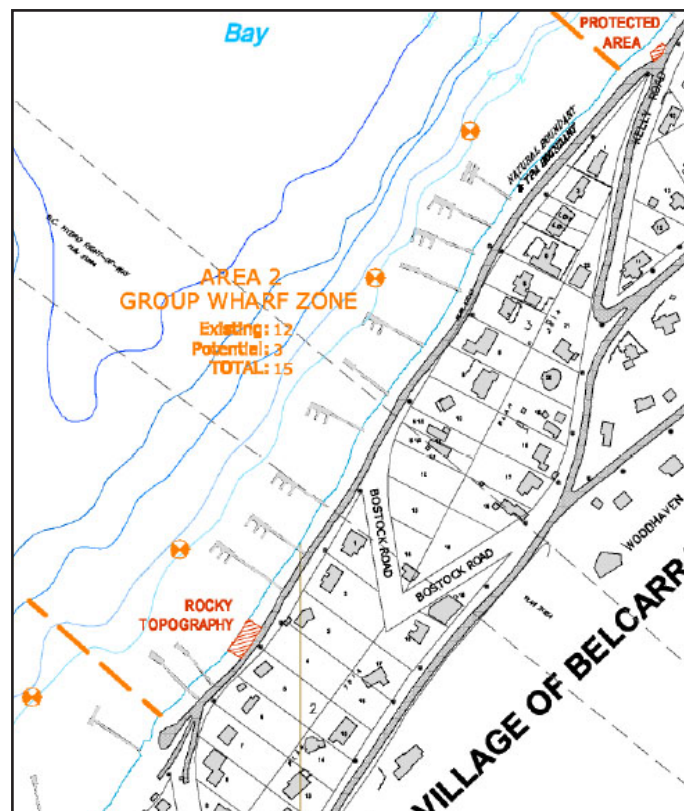


Photo Credit: Village of Belcarra

Port Metro Vancouver Shared Docks

For the past six years, Port Metro Vancouver has had in place a moratorium on private dock development. Instead, it accepts only applications for shared docks. As such, waterfront neighbours are learning to get along if they want a place to park their boat.

Origins: Two or more—typically adjacent and exclusively waterfront—property owners submit an application for a shared dock license of occupation to Port Metro Vancouver. This is generally done as a cooperative or non-profit society so to more easily establish the internal bylaws that will govern the construction and ongoing maintenance of the structure. The addresses of all individual members of the society are identified in the license application, so the Port knows which waterfront property owners have surrendered their right to host a private dock on their own waterfront, and instead sign up to use one that abuts a neighbour's property.

Financing: The waterfront property owners that agree to share the dock are responsible for all aspects of its construction and maintenance.

Operations/governance: While not required by Port Metro Vancouver, shared dock applicants are strongly advised to formalize their relationship using the services of a lawyer who drafts bylaws that define the nature of each member's responsibilities toward the dock and other members. Easements can be registered on title to guarantee right of access for society members to the dock regardless of who owns the property to which the dock abuts.

Lessons Learned

Despite the years-long moratorium on private dock development on the shoreline administered by Port Metro Vancouver, the organization says it has received relatively few shared dock applications. It does, however, receive a constant stream of inquiries from waterfront property owners wondering when the moratorium will be lifted.



STAFF REPORT

Date: July 15, 2013 **File No.:** TH-6500-20

To: Thetis Island Local Trust Committee
For meeting of July 24, 2013

From: Aleksandra Brzozowski, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: **Thetis Associated Islands Community Plan –
Draft Plan and Project Update**

THE PROPOSAL:

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

BACKGROUND:

A preliminary report at the April 18, 2012 LTC meeting provided background information. A second report at the May 23, 2012 meeting presented a Terms of Reference for the project, a draft survey on communication and engagement methods, and draft communication materials. At the October 3, 2012 meeting the LTC referred development of a list of project goals to the Ruxton Island Advisory Planning Commission (Ruxton APC). A staff report at the November 21, 2012 LTC meeting presented draft project goals, and a staff report at the April 17, 2013 LTC meeting presented revised project goals based on community feedback.

The first draft of the Thetis Associated Islands Official Community Plan (AIOCP) was presented at the June 5, 2013 meeting and was referred to the Ruxton APC for comment. This report presents revisions made to the first draft of the Thetis AIOCP based upon comment from the Ruxton APC, as well as input from the LTC on June 5. It is Staff's hope that these revisions be endorsed by the LTC prior to the community information meeting on Ruxton Island to take place on August 3, 2013.

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.

SUMMARY OF POLICY REVISIONS:

The first draft of the Thetis AIOCP was presented to the Thetis LTC on June 5, 2013 and staff received a number of constructive comments on the draft. The first draft was then referred to the Ruxton APC, who reviewed the document on June 19, 2013. Draft minutes of their meeting note requested changes to the document.

The attached worksheet (*Attachment 1*) has been prepared to aid in tracking changes to the draft AIOCP. Each revision is identified by page number, section number(s), text from the previous draft, proposed text changes, and staff comments.

The second draft of the AIOCP (*Attachment 2*) is attached to this staff report for LTC review and comment.

POLICY DEVELOPMENT UPDATE:

Staff continues to develop policy on certain topics, including those requiring mapping or further research. These policies will be added to subsequent versions of the AIOCP as they are completed. These include:

- 1) Nuanced policy following community discussion regarding the option of allowing for communal docks on Ruxton and Hudson Islands
- 2) Protection tools and policies for areas of environmental importance (sensitive ecosystems, rare occurrences)
- 3) Possible development permit area designations for protection of the natural environment
- 4) Further work on Climate Change policies

NEXT STEPS:

Based on the Project Work Plan, found in the Terms of Reference, staff will be proceeding with the following steps over the next three months:

1. A Community Information Meeting is to be held on Ruxton Island on August 3, 2013 to discuss the most recent draft of the AIOCP for comment, as well as to solicit community input stemming from the information provided through the technical dock study and the dock case studies report.
2. Continue with consultation with property owners and residents from non-Ruxton islanders.
3. Make draft documents available for public review.
4. Incorporate new policies pending mapping and research.
5. Refer drafts to First Nations for comment.

RECOMMENDATIONS:

1. THAT the LTC receive the revised draft Thetis Associated Islands OCP dated July 2013 and endorse the revisions to date.
2. THAT the LTC provide staff with any general or specific revisions to the draft Thetis Associated Islands OCP dated July 2013.

Prepared and Submitted by:

Aleksandra Brzozowski

Aleksandra Brzozowski
Island Planner

July 15, 2013

Date

Concurred in by:

Courtney Simpson

Courtney Simpson
Regional Planning Manager

July 16, 2013

Date

Attachments:

1. Thetis Associated Islands Official Community Plan Revisions Worksheet
2. Revised draft of Thetis Associated Islands Official Community Plan, dated July 2013



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT OCP REVISION TRACKER

JULY 2013

July 2013 (Ver 1.2) pg. #	SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
3	1.0	None.	Populated with background information consistent with other Trust Area OCPs.	n/a
5	2.3	To work cooperatively with other local governments, First Nations, Federal and Provincial governments and their agencies to advance the mandate of the Islands Trust and the Goals and Objectives of this plan.	To work cooperatively and collaboratively with other local governments, First Nations, Federal and Provincial governments and their agencies, the Trust Fund Board, non-governmental organizations, communities, property owners, residents, and visitors to advance the mandate of the Islands Trust and the Goals and Objectives of this plan.	Trustee recommended addition based on wording in the Strategic Plan
6	3.1.1	To guide and regulate growth and change in a manner that protects sensitive ecosystems, encourages sustainability, and .	To guide and regulate growth and change in a manner that protects sensitive ecosystems, encourages sustainability, and adapts to the potential effects of climate change.	Ruxton APC noted unfinished sentence
8 -14	4.0 – 8.0	<i>Affirmation of existing land use was embedded in the policies themselves.</i>	<i>Affirmation of existing land use is stated separately in paragraphs preceding the policies.</i>	Trustees recommended change
8	4.2.3	Commercial visitor accommodation should be limited to temporary overnight accommodation that is accessory to residential use.	Commercial visitor accommodation should be limited to temporary overnight accommodation that is accessory to residential use. Short term vacation rentals should not be permitted.	Ruxton APC recommended addition
8	4.2.4	Industrial uses should be limited to accessory home occupations.	Industrial uses should be limited to accessory home occupations and those permitted through temporary use permits.	Staff recommended revision
8	4.2.5	The Local Trust Committee may consider temporary use permits for short-term commercial or industrial uses where	The Local Trust Committee may consider temporary use permits for short-term commercial or industrial uses where	Ruxton APC recommended addition



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT OCP REVISION TRACKER

JULY 2013

July 2013 (Ver 1.2) pg. #	SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
		appropriate. Applications may be considered for temporary industrial use where such uses are of a short-term and fixed duration, and would not negatively impact the environment and natural resources in the Plan Area.	appropriate. Applications may be considered for temporary industrial use, including aquaculture , where such uses are of a short-term and fixed duration, and would not negatively impact the environment and natural resources in the Plan Area.	
9	5.2.4 and 5.2.5	Excepting properties on Ruxton Island, the Local Trust Committee may permit individual private docks accessory to residential uses. These docks should be regulated by zoning. Community or communal docks, where feasible, should be encouraged in order to limit the need for private dock development along the shoreline.	5.2.4 Excepting properties on Ruxton Island, the Local Trust Committee may permit individual private docks accessory to residential uses. These docks should be regulated by zoning. 5.2.5 In order to limit the need for private dock development along the shoreline, community or communal docks should be encouraged where feasible.	Ruxton APC suggested that the policies be separated out for clarity.
10	5.2.8	The Local Trust Committee may consider rezoning applications for leases for aquaculture, other than finfish farms.	The Local Trust Committee may consider rezoning applications for leases for aquaculture, other than finfish farms. Temporary use permits should be encouraged for aquaculture leases in the Plan Area.	Ruxton APC recommended addition, modified by Staff
10	5.3.1	Transport Canada is encouraged to monitor the regulation of mooring buoys in the Plan Area.	Transport Canada is encouraged to monitor and enforce the regulation of mooring buoys in the Plan Area.	Ruxton APC recommended addition
11	6.2.1	The Local Trust Committee should support the preservation of ecologically sensitive areas through land use regulation, conservation covenants, park land dedication, or conveyance to	The Local Trust Committee should support the preservation of ecologically sensitive areas through land use regulation, conservation covenants, park land dedication, conveyance to conservation	Trustee suggested addition



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT OCP REVISION TRACKER

JULY 2013

July 2013 (Ver 1.2) pg. #	SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
		conservation agencies.	agencies, or, where feasible, NAPTEP.	
12	6.3.3	The Local Trust Committee should encourage the Cowichan Valley Regional District to establish a management strategy for the wetland on Ruxton Island.	The Local Trust Committee should encourage the Cowichan Valley Regional District to establish a management strategy for its designated parkland on Ruxton Island.	Ruxton APC debated revision, modified by Staff.
13	7.2.4	The Local Trust Committee should identify any areas of productive soil in the Plan Area.	The Local Trust Committee should, through zoning and other applicable planning tools, protect any areas identified as having productive soil.	Staff recommended revision
13	7.2.5	The Local Trust Committee encourages landowners to protect sensitive forest ecosystems through donation, conservation covenants, or careful management.	The Local Trust Committee encourages landowners to protect sensitive forest ecosystems through donation, conservation covenants, careful management, or, where feasible, NAPTEP.	Trustee recommended addition
14	8.3.2	The Local Trust Committee should work with communities and the Coast Guard to identify suitable helicopter landing areas for use in cases of medical emergency.	The Cowichan Valley Regional District should work with communities and the Coast Guard to identify suitable helicopter landing areas for use in cases of medical emergency.	Trustee recommended revision
15	9.2.3(d)	encouragement of voluntary stewardship including the use of tools such as conservation covenants;	encouragement of voluntary stewardship including the use of tools such as conservation covenants and, where feasible, NAPTEP agreements;	Trustee recommended revision
16	9.2.5	The Local Trust Committee should, through bylaw provisions, implement provincial riparian area regulations to protect potentially fish-bearing watercourses in the plan area.	The Local Trust Committee should, through bylaw provisions, implement provincial riparian area regulations (RAR) should RAR-applicable watercourses be identified in the Plan area.	Trustee suggested revision, modified by Staff



Islands Trust

THETIS ASSOCIATED ISLANDS DRAFT OCP REVISION TRACKER

JULY 2013

July 2013 (Ver 1.2) pg. #	SECTION	PREVIOUS TEXT	RECOMMENDED REVISIONS	STAFF COMMENTS
16	10.2.5	As it is Trust Council policy that islands in the Trust Area should be self-sufficient in regard to their water supply, no water line connections to the mainland should be permitted.	It is Trust Council policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater .	Trustee and Ruxton APC suggested revision
19	12.1.1	To recognize the historical presence of First Nations people in the Plan area.	To recognize the presence, practices, and interests of the First Nations people in the Plan Area, both historical and current .	Trustees recommended revision, modified by staff
21	14.2.2	The Local Trust Committee should, through bylaw provisions, provide for facilities for float plane and emergency helicopters in appropriate locations.	The Local Trust Committee may , through bylaw provisions, allow for emergency helicopter facilities in appropriate locations.	Ruxton APC and Trustees suggested revision, modified by Staff
22	15.0	An Official Community Plan may designate areas where temporary commercial or industrial uses may be allowed. A temporary use permit may, notwithstanding a zoning bylaw, allow a commercial or industrial use, permit the construction or use of buildings or structures to accommodate persons who work at the commercial or industrial enterprise in respect of which the permit is issued and specify conditions under which a temporary commercial or industrial use may be carried on.	An Official Community Plan may designate areas where temporary commercial or industrial uses may be allowed. A temporary use permit may, notwithstanding a zoning bylaw, allow a commercial or industrial use (including aquaculture) , permit the construction or use of buildings or structures to accommodate persons who work at the commercial or industrial enterprise in respect of which the permit is issued and specify conditions under which a temporary commercial or industrial use may be carried on.	Ruxton APC suggested revision
23 - 27	16.0	<i>None.</i>	<i>Populated with information consistent with other Trust Area OCPs.</i>	n/a



Islands Trust

**THETIS ASSOCIATED ISLANDS
OFFICIAL COMMUNITY PLAN
BYLAW No. XX, 20XX**

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

Draft for Comment: July 2013

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

TABLE OF CONTENTS

SECTION A: CONTEXT AND BACKGROUND	3
1.0 BACKGROUND	3
2.0 PLAN GOALS	5
SECTION B: LAND USE DESIGNATIONS	6
3.0 RESIDENTIAL LAND USES	6
4.0 COMMERCIAL AND INDUSTRIAL LAND USES	8
5.0 MARINE USES	9
6.0 CONSERVATION AND PARK USES	11
7.0 NATURAL RESOURCES USES (AGRICULTURAL, FOREST LAND USE, AND SOILS AND AGGREGATES)	13
8.0 COMMUNITY SERVICE AND INSTITUTIONAL USE POLICIES	14
SECTION C: NATURAL ENVIRONMENT	15
9.0 SENSITIVE ECOSYSTEM POLICIES	15
10.0 GROUNDWATER POLICIES	16
11.0 CLIMATE CHANGE POLICIES	17
SECTION D: COMMUNITY SERVICES	19
12.0 CULTURE AND HERITAGE POLICIES	19
13.0 SERVICES AND INFRASTRUCTURE POLICIES	20
14.0 TRANSPORTATION POLICIES	21
15.0 TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMIT GUIDELINES	22
SECTION E: IMPLEMENTATION	
16.0 ADMINISTRATION AND IMPLEMENTATION	23

SECTION A: BACKGROUND AND GOALS

SCHEDULE A

Local Government Act requires that Official Community Plans be adopted as schedules to a bylaw. Schedule 'A' is the policy document; subsequent schedules are maps.

1.0 BACKGROUND

1.1 THE OBJECT OF THE ISLANDS TRUST

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

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

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

1.2 OFFICIAL COMMUNITY PLAN

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

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

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

considers will be affected.

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

- The location, type and density of residential development;
- Restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- Agricultural, recreational, commercial, industrial, institutional, and public utility uses;
- Affordable, special needs and rental housing;
- The location and phasing of roads, sewer and water systems;
- Targets for the reduction of greenhouse gas emissions and policies and actions of the local government proposed with respect to achieving those targets;
- The location of public facilities, including schools, parks and waste treatment sites; and,
- Sand and gravel deposits suitable for extraction.

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

1.3 THETIS ASSOCIATED ISLANDS

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

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

The islands included in this Plan are as follows:

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

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

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

1.4 NATURAL FEATURES

To be completed in a later draft.

1.5 ACCESS AND SERVICES

To be completed in a later draft.

1.6 POPULATION AND SETTLEMENT PATTERNS

To be completed in a later draft.

1.7 DEVELOPMENT POTENTIAL

To be completed in a later draft.

2.0 PLAN GOALS

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

SECTION B: LAND USE DESIGNATIONS

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

3.0 RESIDENTIAL LAND USES

The predominant land use on the private Associated Islands is residential, either potential, seasonal or permanent. The majority of the private islands are included in this designation.

3.1 RESIDENTIAL LAND USE OBJECTIVES

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

3.2 RESIDENTIAL LAND USE POLICIES

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

Policies 3.2.1, 3.2.2, and 3.2.4 support the maintenance of existing development patterns and residential land uses and addresses Islands Trust Policy Statement policies 5.2.3 and 5.2.4. Also consistent with AIOCP project goals.

3.2.3 authorizes LUB provisions to permit and regulate accessory uses. Note: Ruxton APC questions the necessity of this policy.

3.2.4 supports existing residential densities on Ruxton and Hudson Islands. Unzoned islands currently also allow for one recreational cottage <400sq ft.

3.2.5 supports existing residential densities.

- 3.2.6 Despite Policy 3.2.4, Local Trust Committee bylaw provisions may permit an increased density on the Reid Island lot identified in Schedule ____.
- 3.2.7 Subdivision regulations should establish an average lot size of 4 hectares (10 acres), consistent with the historic 4 hectare (10 acre) minimum lot size, while allowing for the clustering of lots in future subdivisions to protect rare, threatened, or sensitive ecosystems.
- 3.2.8 The Local Trust Committee should encourage the consolidation of small lots (less than 0.5 hectares).
- 3.2.9 Applications for additional higher density for new development may only be considered subject to the following:
- the application would result in the preservation and protection of a sensitive ecosystem, significant natural feature, or a heritage resource;
 - the additional density takes the form of residential lots or dwellings;
 - the additional development would be sited away from sensitive ecosystems, would minimize visual impacts, would mitigate potential natural hazards, and would address the sustainability of new development;
 - would not adversely impact groundwater resources; and,
 - would not adversely impact adjacent properties.
- 3.2.10 The Local Trust Committee may consider zoning for the provision of affordable, rental and special needs housing if a community need can be demonstrated.
- 3.2.11 The Local Trust Committee should undertake initiatives to identify areas that are hazardous to development, including areas subject to flooding, erosion or slope instability.
- 3.2.12 The Local Trust Committee should use appropriate tools, including setbacks and development permit area designations, to restrict and manage development in areas known to be subject to hazardous conditions.

3.2.6 addresses the historic Local Trust Committee resolutions granting permission for 26 cottages on 32 hectare lot on Reid.

3.2.7 would retain the existing subdivision density in unzoned areas, but would replace the minimum with average lot sizes in order to allow clustering of lots in future subdivisions and addresses Islands Trust Policy Statement policy 5.2.5. Addresses subdivision potential on Pylades and Reid Islands.

3.2.8 addresses the issue of islands that were over subdivided before the Islands Trust came into existence. Also consistent with AIOCP goals concerned with water resources.

3.2.9 establishes that the Local Trust Committee may consider amenity zoning applications provided such applications are residential, support ecosystem protection, and the increase is equivalent to the density permitted on the area being protected. This policy addresses Islands Trust Policy Statement policy 5.2.5.

3.2.10 addresses Local Government Act s. 877(2) required content and addresses Islands Trust Policy Statement policies 5.8.6.

3.2.11 addresses Islands Trust Policy Statement policy 5.2.6 and Local Government Act required content 877(1)(d).

3.2.12 addresses Islands Trust Policy Statement policy 5.2.6 and Local Government Act required content 877(1)(d).

3.3 RESIDENTIAL LAND USE ADVOCACY POLICIES

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

3.3.1 addresses Islands Trust Policy Statement policy 5.2.6 and Local Government Act required content 877(1)(d).

4.0 COMMERCIAL AND INDUSTRIAL LAND USES

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

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

4.1 COMMERCIAL AND INDUSTRIAL OBJECTIVES

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

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

4.2.1 addresses Local Government Act s. 877(1) (b) required content. It also re-affirms the existing zoning (there are no commercial zones in the plan area) and addresses Islands Trust Policy Statement policies 5.7.2 and 5.5.3. Addresses goals set for Ruxton Island.

4.2 COMMERCIAL AND INDUSTRIAL POLICIES

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

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

4.2.2 would direct the Local Trust Committee to establish home occupation regulations and addresses Islands Trust Policy Statement policy 5.7.2.

4.2.3 Commercial visitor accommodation should be limited to temporary overnight accommodation that is accessory to residential use. Short term vacation rentals should not be permitted.

4.2.3 would preclude vacation rentals and others forms of commercial guest accommodation in the area, other than temporary overnight accommodation as a home occupation.

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

4.2.4 addresses Local Government Act s. 877(1) (b) required content. It also re-affirms the existing zoning, where there are no industrial zones in the plan area and addresses Islands Trust Policy Statement policy 5.7.2.

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

4.2.5 would permit applications for temporary commercial or industrial uses in order to provide for specific needs on a case by case basis.

5.0 MARINE USES

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

5.1 MARINE USES OBJECTIVES

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

5.2 MARINE USES POLICIES

- 5.2.1 The Local Trust Committee should identify and protect ecologically sensitive marine areas.
- 5.2.2 The Local Trust Committee should recognize and support the marine dependent nature of land uses in the Plan Area.
- 5.2.3 The Local Trust Committee should use bylaw provisions to protect public access to, from, and along the marine shoreline.
- 5.2.4 Excepting properties on Ruxton Island, the Local Trust Committee may permit individual private docks accessory to residential uses. These docks should be regulated by zoning.
- 5.2.5 In order to limit the need for private dock development along the shoreline, community or communal docks should be encouraged where feasible.
- 5.2.6 The Local Trust Committee should use bylaw provisions to locate docks in locations with minimum environmental impact, and should encourage dock design that is sensitive to marine ecosystems and habitat.
- 5.2.7 The Local Trust Committee should not permit commercial marinas intended for use by non-residents.

5.2.1 addresses Islands Trust Policy Statement policy 3.4.4. Also consistent with AIOCP project goals.

5.2.2 addresses Islands Trust Policy Statement policy 4.5.8 and the nature of development in the planning area.

5.2.3 addresses Islands Trust Policy Statement Policies 4.5.10 and 5.5.5.

5.2.4 recognizes the need to provide safe and secure access to the islands in the planning area, but directs the Local Trust Committee to consider regulating the impacts of private dock development. The Ruxton Island exception reflects existing zoning and community comment.

5.2.5 addresses Islands Trust Policy Statement policies 4.5.11 and 5.5.5. Also addresses issue of possible community dock for Ruxton and Hudson Island residents.

5.2.6 addresses Islands Trust Policy Statement 5.5.4. Also consistent with AIOCP project goals and encouraging of best practice.

5.2.7 confirms the existing zoning and addresses Islands Trust Policy Statement Policy 4.5.9.

5.2.8 The Local Trust Committee may consider rezoning applications for leases for aquaculture, other than finfish farms. Temporary use permits should be encouraged for aquaculture leases in the Plan Area.

5.2.8 addresses Islands Trust Policy Statement policy 4.5.1 and creates a policy that any aquaculture proposals should be reviewed through the rezoning process, while recognizing the provincial interest..

5.2.9 The Local Trust Committee should, through zoning, the use of setbacks, and the use of development permit areas:

- (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes;
- (b) discourage uses that disrupt natural features and processes;
- (c) allow for natural erosion and accretion processes, without endangering structures;
- (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and
- (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities.

5.2.9 addresses Islands Trust Policy Statement policies 3.4.4, 3.4.5, 4.5.3, 4.5.5, 4.5.10. This policy directs the Local Trust Committee to maintain setbacks from the natural boundary and consider the impacts of development on the foreshore.

5.2.10 addresses AIOCP goals and emerging best practice around shoreline protection tools.

5.2.11 is based on best practices.

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

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

5.3 MARINE USES ADVOCACY POLICIES

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

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

6.0 PARK AND CONSERVATION USES

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

6.1 CONSERVATION USE OBJECTIVE

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

6.2 CONSERVATION USE POLICIES

6.2.1 The Local Trust Committee should support the preservation of ecologically sensitive areas through land use regulation, conservation covenants, park land dedication, conveyance to conservation agencies, or, where feasible, NAPTEP.

6.2.1 addresses Islands Trust Policy Statement policies 3.1.1, 3.1.3, and 5.2.4 and Local Government Act required content.

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

6.2.2 addresses Islands Trust Policy Statement policies 5.5.5 and 5.5.7.

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

6.2.3 addresses Islands Trust Policy Statement policy 3.1.4. Consistent with AIOCP goals for Ruxton Island.

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

6.2.4 addresses AIOCP goals to increase area of protected land on islands that are fully subdivided and at maximum density.

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

6.2.5 is required in order to ensure that the Local Trust Committee rather than the owner can determine whether land or cash is provided for parkland dedication at the time of subdivision (Local Government Act s. 941(2)).

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

6.2.6 enables the Local Trust Committee to secure conservation and park land as part of amenity zoning.

6.3 ADVOCACY POLICIES

6.3.1 The Local Trust Committee should encourage the Cowichan Valley Regional District and provincial agencies to ensure that the location and type of recreational, park, and conservation areas would not result in the degradation of environmentally sensitive areas, including sensitive marine or wetland areas.

6.3.1 addresses Islands Trust Policy Statement policies 3.4.4 and 5.5.4.

6.3.2 The Local Trust Committee should encourage the Cowichan Valley Regional District to identify and designate areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities in the planning area.

6.3.2 addresses Islands Trust Policy Statement policy 5.5.6.

6.3.3 The Local Trust Committee should encourage the Cowichan Valley Regional District to establish a management strategy for its designated parkland on Ruxton Island.

6.3.3 addresses AIOCP goals set for Ruxton Island.

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

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

7.1 NATURAL RESOURCES USE OBJECTIVE

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

7.2 NATURAL RESOURCES USE POLICIES

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

- (a) minimize any adverse affects on identified or potential agricultural land;
- (b) encourage the design of any road systems and servicing corridors to avoid identified agricultural lands;
- (c) support the economic viability of farming; and
- (d) permit the use of Crown lands for agricultural leases where there is agricultural potential.

7.2.1 addresses Local Government Act s. 877(1) (b) required content. It also re-affirms the existing zoning, where there are no agricultural zones in the plan area and addresses Islands Trust Policy Statement policies 4.1.4 through 4.1.9. It also addresses the provincial interest with respect to farming.

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

7.2.2 addresses how the Local Trust Committee would consider any possible future ALR inclusion applications.

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

7.2.3 addresses Islands Trust Policy Statement policies 3.2.2 and 4.2.6.

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

7.2.4 addresses Islands Trust Policy Statement policy 4.6.3 and Local Government Act required content 877(1)(c).

7.3 NATURAL RESOURCES USE ADVOCACY POLICIES

7.3.1 The Local Trust Committee encourages landowners to protect sensitive forest ecosystems through donation, conservation covenants, careful management, or, where feasible, NAPTEP.

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

8.0 COMMUNITY SERVICE AND INSTITUTIONAL USE POLICIES

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

8.1 COMMUNITY SERVICE USE OBJECTIVE

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

8.2 COMMUNITY SERVICE USE POLICIES

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

8.2.1 allows the Local Trust Committee to establish separate zones for community services and infrastructure facilities and addresses Islands Trust Policy Statement policy 5.8.6

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

8.2.2 affirms existing use and is consistent with AIOCP goals for Hudson Island.

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

8.2.3 addresses Local Government Act required content and addresses Islands Trust Policy Statement policy 5.8.6.

8.3 ADVOCACY POLICIES

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

8.3.1 addresses Local Government Act required content and Islands Trust Policy Statement policy 5.4.4

8.3.2 The Cowichan Valley Regional District should work with communities and the Coast Guard to identify suitable helicopter landing areas for use in cases of medical emergency.

8.3.2 addresses AIOCP goals to improve emergency response.

SECTION C: NATURAL ENVIRONMENT

9.0 SENSITIVE ECOSYSTEM POLICIES

9.1 SENSITIVE ECOSYSTEM OBJECTIVES

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

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

9.2 SENSITIVE ECOSYSTEM POLICIES

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

9.2.1 addresses Local Government Act Required content 877(1)(d) and Islands Trust Policy Statement policies 3.1.3, 3.1.4, 5.2.1, 5.2.4.

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

9.2.2 addresses Islands Trust Policy Statement policy 3.1.4

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

9.2.3 addresses Islands Trust Policy Statement policy 3.1.3, 5.2.1, 5.2.4, 5.13. Consistent with AIOCP goals.

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

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

9.2.4 addresses Islands Trust Policy Statement policies 5.2.3, 5.2.4

9.2.5 The Local Trust Committee should, through bylaw provisions, implement provincial riparian area regulations (RAR) should RAR-applicable watercourses be identified in the Plan area.

9.2.5 Addresses provincially mandated requirements to comply with Riparian Area Regulation.

10.0 GROUNDWATER POLICIES

10.1 GROUNDWATER OBJECTIVE:

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

10.2 GROUNDWATER POLICIES:

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

10.2.1 addresses Islands Trust Policy Statement policy 4.4.2.

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

10.2.2 addresses Islands Trust Policy Statement policy 4.4.2 and 4.4.3. The policy would direct the Local Trust Committee place a priority on ensuring that new development address the quality and quantity of potable water.

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

10.2.3 and 10.2.4 address AIOCP goals.

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

10.2.5 It is Trust Council policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.

10.2.5 addresses Policy Statement policy 4.4.1.

10.3 ADVOCACY POLICIES:

10.3.1 The Local Trust Committee should encourage the BC Ministry of Forests, Lands and Natural Resource Operations and the Vancouver Island Health Authority to protect the quality and quantity of existing wells in the plan area.

10.3.1 and 10.3.2 address AIOCP goals regarding groundwater resources.

10.3.2 The Local Trust Committee should encourage the Vancouver Island Health Authority to ensure sewage disposal protects the quality of groundwater supply on islands in the plan area.

10.3.3 The Local Trust Committee should encourage the Vancouver Island Health Authority and Cowichan Valley Regional District to:

10.3.3 addresses AIOCP goals regarding sewage disposal on Ruxton Island.

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

11.0 CLIMATE CHANGE POLICIES

11.1 CLIMATE CHANGE OBJECTIVES

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

11.1.2 To support actions to minimize greenhouse gas emissions.

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

11.2 CLIMATE CHANGE POLICIES

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

11.2.1 through 11.2.6 address requirements of Local Government (Green Communities) Statutes Amendment Act, (Bill 27) 2008

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

11.2.3 The Local Trust Committee should work with other government

agencies, stakeholders and residents to achieve energy conservation and emissions reduction goals.

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

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

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

11.3 ADVOCACY POLICIES

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

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

11.3.2 Residents are encouraged to:

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

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

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

SECTION D: COMMUNITY SERVICES

12.0 CULTURE AND HERITAGE POLICIES

12.1 CULTURE AND HERITAGE OBJECTIVES

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

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

12.2 CULTURE AND HERITAGE POLICIES

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

12.2.1 addresses Islands Trust Policy Statement policy 5.6.2 and 5.6.3

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

12.2.2 directs that Local Trust Committee may designate heritage buildings or sites.

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

12.2.3: Archaeology Branch recommended policy wording.

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

12.2.4: Archaeology Branch recommended policy wording

12.2.5 The Local Trust Committee will cooperate with First Nations to identify significant archaeological or cultural sites in the planning area.

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

12.2.6 references possible amenity zoning, and directs Local Trust Committee to consider a heritage site as an applicable amenity.

12.3 ADVOCACY POLICIES

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

12.3.1 Archaeology Branch recommended policy wording.

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

13.0 SERVICES AND INFRASTRUCTURE POLICIES

13.1 SERVICES AND INFRASTRUCTURE OBJECTIVES

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

13.1.2 To promote the development of effective community safety plans.

13.2 SERVICES AND INFRASTRUCTURE POLICIES

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

13.2.1 acknowledges existing uses and procedures to provide services on the various islands.

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

13.2.2 and 13.2.3 address requirements of Local Government (Green Communities) Statutes Amendment Act, (Bill 27) 2008 and are consistent with AIOCP goals.

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

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

13.2.4 is consistent with AIOCP goals to address sewage disposal.

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

13.2.5 addresses AIOCP goals concerning improved emergency response.

13.3 ADVOCACY POLICIES

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

13.3.2 The RCMP, Canadian Coast Guard, fire protection, CVRD, as well as search and rescue organizations are requested to be responsive to planning area needs and to assist residents in establishing adequate safety, protection and communication mechanisms for the public.

14.0 TRANSPORTATION POLICIES

14.1 TRANSPORTATION OBJECTIVES

14.1 To allow appropriate transportation conveyances for residents.

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

14.2 TRANSPORTATION POLICIES

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

14.2.1 acknowledges existing uses and procedures to provide services on the various islands.

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

14.2.2 addresses Islands Trust Policy Statement policy 5.3.6 and AIOCP goals concerning improved emergency response.

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

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

14.2.4 addresses Islands Trust Policy Statement policies 5.3.4 and 5.3.7 and is consistent with AIOCP goals.

14.3 ADVOCACY POLICIES

14.3.1 The Local Trust Committee should encourage the Ministry of Transportation and Infrastructure to maintain the low level of road classification on islands in the Plan Area.

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

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

15.0 TEMPORARY USE PERMIT GUIDELINES

An Official Community Plan may designate areas where temporary commercial or industrial uses may be allowed. A temporary use permit may, notwithstanding a zoning bylaw, allow a commercial or industrial use including aquaculture, permit the construction or use of buildings or structures to accommodate persons who work at the commercial or industrial enterprise in respect of which the permit is issued and specify conditions under which a temporary commercial or industrial use may be carried on. The issuance of a temporary use permit should be conditional on compliance with the following guidelines:

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

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

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

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

SECTION E: ADMINISTRATION AND INTERPRETATION

Section E is to contain the administrative and legal provisions of the OCP.

16.1 PURPOSE

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

16.2 ISLANDS TRUST AUTHORITY

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

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

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

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

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

16.3 AREA OF JURISDICTION

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

16.4 ADVOCACY POLICIES

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

16.5 PUBLIC FACILITIES

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

16.6 IMPLEMENTATION

Section 884 of the Local Government Act specifies that:

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

and

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

16.7 INTERPRETATION

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

Part: A

Section: 1.0

Policy: 1.1

Subsection: (a)

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

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

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

16.7.4 Throughout this Plan, the words listed below shall be defined as follows:

Conservation – actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or area of human heritage value or character.

Ecosystem – a complete system of living organisms interacting with the soil, land, water, and nutrients that make up their environment. An ecosystem is the home of living things, including humans. An ecosystem can be any size—a log, pond,

field, forest, or the earth's biosphere—but it always functions as a whole unit. Ecosystems are commonly described according to the major type of vegetation—for example, old-growth forest or grassland ecosystem.

Environmentally Sensitive Area - places that have special environmental attributes worthy of retention or special care. These areas are critical to the maintenance of productive and diverse plant and wildlife populations. Examples include rare ecosystems, habitats for species at risk and areas that are easily disturbed by human activities. Some of these environmentally sensitive areas are home to species which are nationally or provincially significant, others are important in a more local context. They range in size from small patches to extensive landscape features, and can include rare and common habitats, plants and animals.

Foreshore - the area between the high and low water mark of tidal water.

Local Trust Committee (LTC) - The Thetis Island Local Trust Committee.

Official Community Plan - A community plan adopted pursuant to Part 26, Division (2), Section 876 of the *Local Government Act*.

Park - Park land acquired through dedication of land at time of subdivision, donation or by purchase through a community parks function of a regional district unless otherwise specified in this Bylaw.

Plan - An Official Community Plan adopted by the Thetis Island Local Trust Committee.

Precautionary Principle – the recognition that when an activity raises threats of harm to the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.

Preserve – to maintain a given condition. Preservation often requires maintaining the processes that generate the desired condition.

Protect – to maintain over the long-term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

Sensitive Ecosystem – ecosystems which are fragile and/or rare, or those ecosystems which are ecologically important because of the diversity of species they support.

Stewardship – voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

Sustainable – capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

16.8 AMENDMENT PROCEDURE

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

16.9 SEVERABILITY

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



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



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 Planner: Courtney Simpson	Sep-25-1998	Phased Strata Subdivision "Meadow Valley Properties" phased strata to create 21 strata lots from 4 parent parcels

Planning Status

Status Date: Jul-08-2011

PLA extended to June 8 2012

Status Date: Jun-23-2011

Indicated RAR requirement in response to request for PLA extension

Status Date: Jun-17-2010

12-month extension to PLA

From: Nicole Ranger
Sent: June-07-13 5:07 PM
To: Aleksandra Brzozowski; Ken Hancock; Peter Luckham; Sue French; Becky McErlean
Cc: Nancy Roggers
Subject: Thetis expense report to May 31, 2013

670 Thetis	Invoices posted to May 31, 2013	Budget	Spent	Balance
65000 670	LTC "Trustee Expenses"	1,100.00	-	1,100.00
				-
65200 670	LTC Local Exp LTC Meeting Expenses	1,500.00	400.00	1,100.00
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	450.00	4,300.00
73001 670 2010	Thetis Ruxton Island Associated OCP/LUB	-	2,864.00	(2,864.00)
	TOTAL Project Expense	0.00	2,864.00	(2,864.00)

Thanks!

Nancy Roggers
 Finance Officer

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

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

From: Nicole Ranger
Sent: June-26-13 12:14 PM
To: Aleksandra Brzozowski; Ken Hancock; Peter Luckham; Sue French; Becky McErlean
Cc: Nancy Roggers
Subject: Thetis LTC Expenses - June 30/13

Islands Trust LTC EXP SUMMARY REPORT F2014 Invoices posted to June 30, 2013				
670 Thetis	Invoices posted to June 30, 2013	Budget	Spent	Balance
65000 670	LTC "Trustee Expenses"	1,100.00	-	1,100.00
65200 670	LTC Local Exp LTC Meeting Expenses	1,500.00	80.00	1,420.00
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	130.00	4,620.00
73001 670 2010	Thetis Ruxton Island Associated OCP/LUB	11,700.00	2,864.00	8,836.00

Nicole Ranger

Finance Clerk
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
Phone: (250) 405-5152
Fax: (250) 405-5155

Preserving [Island](#) communities, culture and environment



Please consider the environment before printing this email



Memorandum

13.1

Date June 18, 2013 File Number 4020-20 Foreshore Structures

To Local Trust Committee

From Local Planning Committee

Re **PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE**

At the May 9th, 2013 Local Planning Committee (LPC) meeting the following resolution was passed:

It was MOVED and SECONDED

That the Local Planning Committee direct staff to ask the Local Trust Committees if they are willing to pilot a project on proactively enforcing illegal structures on the foreshore.

CARRIED

As a result, this memo is to ask whether there is willingness to participate in a pilot project regarding proactively enforcing illegal structures on the foreshore. Attached is a copy of the staff briefing report considered at the LPC meeting.

The purpose of this project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulation. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about, and enforcement of, regulations pertaining to structures built near the sea.

At this stage, it is just to gather the interest of the LTCs and then a decision will be made on which LTC and what sort of pilot project it will be given the resources (staff and funding) available.

Please indicate your interest by e-mail to Kris Nichols, Island Planner at knichols@islandstrust.bc.ca . The LPC will take the LTCs interests and comments into consideration at the August LPC Meeting.

Attachment: Staff Briefing Report

Pc David Marlor, Director

To: Local Planning Committee

For the Meeting of: May 9, 2013

From: Kris Nichols, Island Planner

Date Prepared: April 30, 2013

pc: David Marlor, Director

File No: 4020-20 Foreshore Structures

SUBJECT: PROACTIVE BYLAW ENFORCEMENT OF ILLEGAL STRUCTURES ON THE FORESHORE

DESCRIPTION OF ISSUE:

Local Planning Committee (LPC) has as its number one priority on its Work Program, “Develop Mechanism for Proactive Bylaw Enforcement of Illegal Structures on the Foreshore”. The purpose of this work program priority/project is to address the issue of proactive bylaw enforcement of illegal structures on the foreshore and to develop a generalized approach that all islands could use through education, proactive enforcement and regulations.

Initially, this priority was to be addressed in the form of a project charter. It was decided by staff in consultation with the LPC Chair and the Director of Local Planning Services that a project charter would not be the best approach to take at this time given the uncertainty of some of the issues around doing proactive enforcement, participation by the Local Trust Committees and resources (staff, time and money) required to carry out the project given the current budget of \$2000.00. Staff determined that a report would be the best approach in order to provide information to understand the issues around proactive bylaw enforcement of illegal structures on the foreshore and to present options for consideration of moving forward.

The intent of this report is to outline the issues and the possible scope of enforcement that could occur and present options for LPC discussion and direction for moving forward.

BACKGROUND:

This project has been initiated by the Local Planning Committee (LPC). This topic is in the Strategic Plan as item 2.2. The intent of this project is to address the issue of illegal foreshore structures (e.g. buildings, decks, seawalls, etc.) through various methods of improving awareness about and enforcement of regulations pertaining to structures built near the sea.

Residents that have built within the setback to the sea have done so either through not being aware of current bylaw regulations or thinking that a replacement structure is permitted without adhering to the bylaws. Some may also believe that if a building permit is not required (e.g. seawall construction) there is no issue with other local bylaw requirements such as setbacks from the sea or development permits. As well, those that do build ignoring the regulations recognize that currently there is little risk. The structures are also generally not that visible except from the seaward side of the property that bylaw officers cannot easily access, making proactive enforcement difficult when you don't know where the structures are. The best option for viewing these foreshore structures is by boat, plane or helicopter, but to do this for all the islands with approximately 1377 km of shoreline may not be a feasible solution. Residents that chose to ignore the regulations are generally aware that they can apply for a development

variance permit retroactively and in many cases these get approved, thereby weakening the argument for restrictive development of structures within the foreshore.

Generally, bylaw enforcement is complaint driven. That being said, the Islands Trust bylaw enforcement policy does permit bylaw enforcement officers to initiate enforcement on the foreshore without complaint as these areas are considered as environmentally sensitive. Pro-active enforcement is generally the best approach which should be combined with education (i.e. workshops, letters, brochures, web postings, newspaper advertisements, etc.) as bylaw officers have limited resources and capacity to do this on their own. Increasing proactive enforcement should result in greater compliance as it would increase the risk to property owners who ignored the regulations, but more importantly education of the regulations and their rationale and subsequent enforcement should help to reduce the number of bylaw infractions and protect these environmentally sensitive areas.

Rationale for Proactive Enforcement of Illegal Foreshore Structures

In establishing some of the background rationale for this priority staff has met with Bylaw Enforcement staff to gain a further understanding of the need for proactive enforcement and the specific file types (e.g. docks, decks, seawalls, etc.). Staff has reviewed the bylaw files pertaining to illegal foreshore structures on each of the islands. There are 38 files bylaw enforcement files currently open. They are as follows:

Island	Files	Generalized Type
Denman	6	Stairs to Foreshore: 5 Building: 1
Gabriola	1	Stairs to Foreshore & Log Seawall: 1
Galiano	2	Retaining Wall: 1 Stairs to Foreshore: 1
Gambier	8	Concrete Dock: 1 Structure (not specified): 5 Rip Rap Seawall: 2
Hornby	0	N/A
Lasqueti	0	N/A
Mayne	0	N/A
North Pender	5	Wooden Ramp to Foreshore: 1 Seawall (Possibly Rip Rap): 1 Dock: 2 Stairs to Foreshore: 1
Saturna	3	Deck: 2 Platform: 1
Salt Spring	8	Seawall (no indication of what type): 2 Groyne: 1 Deck with Stairway to Beach: 2 Deck: 2 Concrete Seawall: 1
South Pender	0	N/A
Thetis	5	Concrete Seawall: 1 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp/Stairs: 1 Addition to Cabin: 1
Totals	38	Stairs to Foreshore: 7 Building: 1 Stairs to Foreshore & Log Seawall: 1 Retaining Wall: 1 Concrete Dock: 1 Structure (not specified): 5

		Rip Rap Seawall: 2 Wooden Ramp to Foreshore: 1 Seawall (not specified what type): 3 Dock: 2 Deck: 4 Platform: 1 Groyne: 1 Deck with Stairway to Beach: 2 Concrete Seawall: 2 Deck and Dock: 1 House/Deck/Stairs: 1 Float/Boat Ramp Stairs: 1 Addition to Cabin: 1
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Table 1 – Foreshore Enforcement Files

The files listed above give a good indication of the issues that are prevalent for bylaw enforcement in addressing illegal structures on the foreshore with the most prevalent being providing access to the foreshore through the construction of stairs. The enforcement of these files will help to establish that there are regulations pertaining to illegal structures within the foreshore. It is hoped that through such enforcement that others will learn of the need to follow the regulations. This would have to be coupled with proactive enforcement in order to be more effective in getting the word out or to tackle those that were not a result of a complaint or happened upon by the enforcement officer. Again, bylaw enforcement will have to consider existing resources in order to determine whether they can expand their current enforcement program which will be needed at the outset. It should be noted that because four local trust committees do not have foreshore violations does not mean that they do not have illegal structures on the foreshore, they just don't have any recorded complaints.

Project Outline:

Staff has outlined in brief the project objectives and scope to address illegal foreshore structures. This is based on the original discussion at LPC, however, after some analysis staff realize that the project will have to be further defined prior to proceeding with further (more detailed) project evaluation.

Proposed Project Objectives

- Initiate proactive enforcement through regulation, education and awareness.
- Reduce the number of development variance permits that are applied for retroactively in the foreshore areas.
- Educate property owners with sea frontage on the importance of maintaining these environmentally sensitive areas and providing alternatives to hard structures where "green" structures could be utilized lessening the environmental impact.
- Educate agencies (e.g. CRD, VIHA, etc.) and contractors that deal with property owners with sea frontage (e.g. building permits, septic fields, etc.)
- Develop as required regulations that will help to protect the foreshore areas from illegal structures (e.g. development permits, additional setbacks, etc.)
- Establish general procedures for the enforcement of regulations with a combination of proactive enforcement and education. This would include an analysis as to the best way to establish a benchmark and the subsequent reviews of the island shorelines.

Proposed Project Scope

- Increase communication around education and awareness regarding foreshore/setback from the sea structure construction.
- Review of existing regulations on all Islands to determine if new regulations are required.
- Review of differing island approaches being taken for pro-active foreshore enforcement (i.e. existing bylaws, communication, etc.)
- Review of the current regulations used on each island regarding the ability to construct structures within the foreshore/setback to the sea.
- Determine the best approach to identifying structure on the foreshore (i.e. boat, plane, helicopter, roads, etc.) initially and a timeframe for subsequent analysis.

ATTACHMENT(S):

AVAILABLE OPTIONS:

Options to Consider for Proactive Enforcement

There are a number of options that should be considered by the LPC as to the direction to take toward increasing proactive enforcement of illegal structures on the foreshore. It is important to remember that currently the budget for this project is \$2000.00 and that as this is an enforcement issue there are limited staff resources that need to be considered.

1. Trust Wide Proactive Enforcement

This would be the most financially, staffing and time dependent option. It would involve researching the shorelines of all the islands to locate through GPS possible infractions and then identifying the specific properties and determining whether they had been given variances to accommodate the infractions or to determine when they may have occurred. It would then entail being proactive with the land owners and following up with their infractions. Follow up would be required by either bylaw enforcement staff or planning staff. Creating a foreshore picture of illegal structures would be a useful tool, but would have to be maintained every 2-3 years to be effective.

Pros – this would create the best record of structures on the foreshore for all the local trust areas. It would enable staff to be proactive in their approach by identifying specific properties and thereby proposing specific remedies.

Cons – It would be costly and time consuming for staff to establish the record and for follow up. Additionally, funding would be required and buy-in from all the local trust committees and respective staff. It would also have to be done every 2-3 years to remain effective. It would take staff away from current bylaw enforcement duties and file management. It may increase staff requirements for follow up.

2. Island Proactive Enforcement – Establish Generalized Approach

The intent would be to take one local trust area to establish a proactive enforcement approach and to use that approach, once determined, in other local trust areas (with variations).

In addition, this approach could involve establishing an education and awareness program that could ultimately be used for other islands.

Pros – this approach would create a sample proactive enforcement approach for a specific local trust area that could be used in other local trust areas. It would provide an

idea of what extra resources (i.e. staffing, time and money) would be required to do the proactive enforcement.

Cons – this approach would be specific to one local trust area and not address illegal foreshore structures immediately in all the local trust areas.

3. Education and Awareness Approach – Trust Wide

This would be the least resource dependent approach and would deal with ways to educate land owners of the need to protect the shoreline and likely could be started with the \$2000 allocated at this time. However, it could be argued that this is the least likely way to get results.

1. Mail outs – to select foreshore property owners for a targeted mail out of information regarding island specific enforcement (i.e. setbacks, development permit areas, etc.)
2. Pamphlets/Brochures – a more general approach through the development of a brochure to be available at offices and possibly used for a mail out and placed on website.
3. Website Updates – to be placed on all Island's web pages in a similar format with the brochure, but with island specific references (i.e. links to zones, Development Permit Areas, etc.)
4. Information meetings – build on Shoreline Workshops held over the past couple of months, but with specific reference to enforcement issues and what can and cannot be built in the foreshore areas.
5. Encouraging Local Trust Committees to adopt Development Permits for Shorelines Areas – while this may not stop illegal structures from occurring, the process of implementing Development Permit Areas will help to educate people about the importance of protecting the foreshore areas.

Pros – this approach is the least costly method to get information out to the residents. It ensures that those that are most likely to be able to impact the foreshore will be made aware of what is permitted to be constructed and what is not. May be a first approach to enforcement and could be evaluated at a later date to see what else may be needed. It fits within the allocated budget.

Cons – this approach may be the least likely to get results as it may just be considered another piece of paper and or meeting by the local trust committee.

4. Status Quo Approach

Given that illegal foreshore activities are only 13.9% of enforcement files and the anticipated impact that proactive enforcement may have on current resources (staff, time and money) that no proactive enforcement be taken.

Pro – keeps resources as they are currently being used.

Con – illegal foreshore structures may continue to be an issue for many islands and enforcement will remain to be both complaints driven and proactive where noticed.

Staff Summary:

It should also be noted that the active files indicated in the table (See Table 1) represent 13.9% of the total number of open enforcement files (273) currently. It should also be noted that being proactive regarding illegal foreshore structures is important in order to address some environmental concerns; however, the reality is that it will have an impact on the existing enforcement resources and will undoubtedly increase the number enforcement files that staff will have to address. It will also likely impact planning staff for follow up where applications are made. It has to be understood that a shift in the allocation of the limited resources (i.e. staff,

time and money) would be required to be more proactive in enforcement thereby impacting what kind, how and when infractions are being dealt with.

A sample approach could be done with the \$2000 currently allocated for this project, but certainly not the most effective approach, which is to survey all the foreshore properties in order to be truly proactive as to what currently exists on the foreshore properties. The LPC in making its decision about how to proceed will have to consider:

- The amount of resources (staffing, time and money) they want the Islands Trust to spend on being proactive?
- Given the amount of resources required to do this proactive enforcement in an effective manner and the resultant impact it will have on current enforcement. Should this still be an LPC top priority for all the Islands?
- There is no additional staffing enforcement resources and that bylaw files will grow and that the initiation of taking proactive enforcement measures will take some time to fully implement?
- Would education and awareness through brochures, website, and/or mail outs be sufficient given the resource limitations?

Given the possible breadth of this project and its scope staff is providing information to inform the LPC discussion on the various options considering the allocated budget available. Given the budget allocated, the most cost effective approach would be to do a brochure that could be useable for all islands and put on the websites as information as to what can and cannot be done and who to contact for further information.

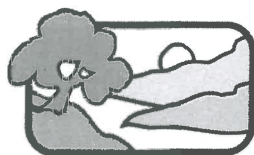
FOLLOW-UP:

That the Local Planning Committee discuss and decide upon an option regarding proactive bylaw enforcement for illegal foreshore structures based on the information provided in this report entitled, "*Proactive Bylaw Enforcement of Illegal Structures on the Foreshore*" dated April 30, 2013.

Prepared By: Kris Nichols, Island Planner

Date: April 30, 2013

Reviewed By: David Marlor, Director of Local Planning Services



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area **Bylaw No.:** 468 **Date:** June 21, 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.

APPLICANTS NAME / ADDRESS:

Capital Regional District

PURPOSE OF BYLAW:

To change the zoning classification of a portion of the subject property from Agriculture 1 (A1) to Agriculture 1 Zone Variation (c) - A1(c)

GENERAL LOCATION:

Burgoyne Bay, Salt Spring Island

LEGAL DESCRIPTION:

North 1/2 of Section 3, Range 1, South Salt Spring Island, Cowichan District, Except That Part in Plan VIP75183

SIZE OF PROPERTY AFFECTED:

7.1 ha

ALR STATUS:

Within ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

A - Agriculture

OTHER INFORMATION:

Staff report attached.

The subject property is within the ALR. Please note that this bylaw application (SS-RZ-2013.4) has been submitted concurrent with an application for non-farm use (SS-ALR-2013.1) to the BC Agricultural Land Commission (ALC) and will not proceed without ALC approval.

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: Chris Larson

Title: Planner 1

This referral has been sent to the following agencies:

Federal Agencies

N/A

Regional Agencies

Capital Regional District
CRD Engineering Services
Vancouver Island Health Authority

Provincial Agencies

Agricultural Land Commission
BC Parks
Ministry of Agriculture
Ministry of Environment
Ministry of Forests, Lands and Natural Resource Operations

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

Non-Agency Referrals

BC Ambulance Service
RCMP
SSI Fire-Rescue

First Nations

Tsawout First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Local Trust Area

(Island)

468

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)