



# Thetis Island Local Trust Committee

## Regular Meeting Agenda

Date: February 6, 2024  
Time: 9:30 am  
Location: Forbes Hall Community Centre  
North Cove Road, Thetis Island, BC

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	<b>Pages</b>
<b>1. CALL TO ORDER</b>	9:30 AM - 9:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
<b>2. APPROVAL OF AGENDA</b>	
<b>3. REPORTS</b>	9:35 AM - 9:50 AM
<b>3.1 Trustee Reports</b>	
<b>3.2 Chair's Report</b>	
<b>3.3 Electoral Area Director's Report</b>	
<b>4. PUBLIC COMMENTS</b>	9:50 AM - 10:05 AM
<b>5. MINUTES</b>	10:05 AM - 10:10 AM
<b>5.1 Local Trust Committee Minutes dated November 7, 2023 - for Adoption</b>	3 - 9
<b>5.2 Section 26 Resolutions-Without-Meeting Report dated January 30, 2024</b>	10 - 10
<b>5.3 Advisory Planning Commission Minutes - none</b>	
<b>6. BUSINESS ARISING FROM MINUTES</b>	10:10 AM - 10:15 AM
<b>6.1 Follow-up Action List dated January 30, 2024</b>	11 - 14
<b>7. APPLICATIONS AND REFERRALS - none</b>	
<b>8. LOCAL TRUST COMMITTEE PROJECTS</b>	10:15 AM - 10:30 AM
<b>8.1 Minor Project: Referral Responses for Proposed Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaws) - Memorandum</b>	15 - 38
<b>9. DELEGATIONS - none</b>	

10. **CORRESPONDENCE - none**  
*(Correspondence received concerning current applications or projects is posted to the LTC webpage)*
11. **NEW BUSINESS - none**
12. **REPORTS** 10:30 AM - 11:00 AM
- 12.1 **Housing Statute Changes to British Columbia Legislation - Memorandum** 39 - 53
- 12.2 **Trust Conservancy Report - verbal update from Chair Elliott**
- 12.3 **Applications Report - none**
- 12.4 **Trustee and Local Expense Report dated December, 2023** 54 - 54
- 12.5 **Adopted Policies and Standing Resolutions** 55 - 58
- 12.6 **Local Trust Committee Webpage**
13. **WORK PROGRAM** 11:00 AM - 11:15 AM
- 13.1 **Active Projects Report dated January 30, 2024** 59 - 59
- 13.2 **Future Projects Report dated January 30, 2024** 60 - 62
14. **UPCOMING MEETINGS** 11:15 AM - 11:20 AM
- 14.1 **2024 Thetis Local Trust Committee Meetings - Designate in-person and electronic**  
 2024 Meeting dates: April 30, 2024, July 9, 2024, September 10, 2024, and November 12, 2024
- 14.2 **Next Regular Meeting Scheduled for Tuesday, April 30, 2024 at 9:30 am at to be decided**
15. **ADJOURNMENT** 11:20 AM - 11:20 AM



## Thetis Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** November 7, 2023  
**Location:** Electronic Meeting

**Members Present:** Tobi Elliott, Chair  
 Peter Luckham, Local Trustee  
 Ken Hunter, Local Trustee

**Staff Present:** Marlis McCargar, Island Planner  
 Warren Dingman, Bylaw Compliance & Enforcement Manager  
 Vicky Bockman, Recorder

**Others Present:** There were approximately nine (9) members of the public and no members of the media in attendance.

#### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Elliott called the electronic meeting to order at 9:33 a.m. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations. She welcomed the public and introduced herself, Local Trustees, staff and recorder.

#### 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

#### 3. REPORTS

##### 3.1 Trustee Reports

Trustee Hunter reported on the following:

- He has received many letters from community members expressing concern regarding the Abrupt Shellfish rezoning application.
- The replacement vessel currently operating during the MV Kuper refit is causing some public concern; completion of the refit is anticipated in a month.
- An increase in theft on the island is causing concern; a plan to address the issue is currently being considered.

Trustee Luckham reported on the following:

- He acknowledged the many emails, letters and phone calls he has received regarding the Abrupt Shellfish rezoning application.

- He attended the Oceans Protections Plan Conference electronically where topics of interest included coastal marine ecosystem protection strategies, impacts of marine shipping, derelict vessels and more.
- He has been busy with his work as Chair of Islands Trust Council.

### **3.2 Chair's Report**

Chair Elliott commented on the following:

- She has been closely following the legislation regarding potential changes to housing regulations across BC; and staff are researching how these changes might be applicable in the Islands Trust area.
- She reported that the second draft of the 2024/25 budget is scheduled to be reviewed at tomorrow's Executive Committee meeting.

### **3.3 Electoral Area Director's Report - none**

## **4. PUBLIC COMMENTS**

- Paul Duncan asked if there will be any discussion of the 2022/23 Annual Report where the public can ask questions or comment.
  - Trustees explained the process, responding that the Annual Report was submitted and approved at the Trust Council meeting with discussion in September; and will be presented to the legislature in the future. Trustee Luckham suggested he may be contacted with any further questions about the Annual Report.

## **5. MINUTES**

### **5.1 Local Trust Committee Minutes dated September 5, 2023 - for Adoption**

**By general consent** the Local Trust Committee meeting minutes of September 5, 2023 were adopted.

### **5.2 Section 26 Resolutions-Without-Meeting Report - none**

### **5.3 Advisory Planning Commission Minutes - none**

## **6. BUSINESS ARISING FROM MINUTES**

### **6.1 Follow-up Action List dated October 31, 2023**

- Trustee Luckham acknowledged that he is responsible for following up on September 5, 2023 Activity No. 2, inviting Ken Thomas or another Elder to open a future LTC meeting; he anticipates providing an update for the next Local Trust Committee (LTC) meeting.
- The draft Letter of Understanding or Protocol Agreement between the Thetis LTC and the Cowichan Valley Regional District is in process; an update is anticipated for the next LTC meeting.

**TH-2023-027**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee forward the draft Protocol Agreement Letter documents from the previous term to Cowichan Valley Regional District Director Jessie McClinton for information.

**CARRIED**

Bylaw Compliance & Enforcement Manager Dingman responded to a request for an update on the Lot 88 enforcement issue for the community's information. He reported that Mr. Pegg was found in contempt of court in September and was assigned fines. Serving Mr. Pegg with the sentencing order has been unsuccessful as he does not appear to be on island and his location is unknown. This may lead to delays; options provided by legal counsel have been provided and can be discussed *In Camera*.

Trustees supported adding an *In Camera* meeting to the agenda at this time, given the importance of this issue to the community.

**By general consent** item 15 Closed Meeting was added to the agenda.

**7. APPLICATIONS AND REFERRALS**

**7.1 TH-RZ-2022.1 Abrupt Shellfish Inc - Preedy Harbour near Crescent Point - Staff Report**

Planner McCargar summarized the Staff Report that asks the LTC to consider proceeding no further with application TH-RZ-2022.2, provides supporting reasons, and background. She reported that at least 29 letters have been received in opposition to this application request. The correspondence may be viewed on the Islands Trust website with the main concerns outlined in the Staff Report.

The applicant was in attendance at this meeting, and was given opportunity to speak to the application, however, declined.

**TH-2023-028**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee proceed no further with application TH-RZ-2022.1 for the following reasons:

- a) Inconsistent with the Thetis Island Official Community Plan No. 88;
- b) Inconsistent with the Islands Trust Policy Statement;
- c) Incompatible with adjacent land and recreational uses; and
- d) Potential risk to sensitive ecosystem.

**CARRIED**

**TH-2023-029**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff and Chair to forward a letter and the supporting material received by the Local Trust Committee today to the Ministry responsible for issuance of the lease.

**CARRIED**

During discussion of the motion, Trustee Luckham read a draft letter to be signed by the LTC Chair, which he proposed might be sent to the Ministry responsible for the issuance of the lease to ask that the LTC decision to reject the application be respected and that the permit that has been issued to the applicant be cancelled. The letter includes the LTC's resolution to proceed no further, summarizes background, observes the community's opposition to the application, notes the lack of consultation with Penelakut Tribes, and expands on the reasons for denial.

**8. LOCAL TRUST COMMITTEE PROJECTS**

**8.1 Minor Project: OCP/LUB Marine Areas Review Project - Staff Report**

Planner McCargar presented the Staff Report that asks the LTC to consider First and Second readings and referral of Proposed Bylaw Nos. 113 and 114 which amends both the Thetis Associated Islands Official Community Plan (OCP) and the Thetis Associated Islands Land Use Bylaw (LUB) to add zoning and land use designations to an unzoned/undesignated marine area.

Comments included the following:

- Planner McCargar confirmed that the W5 area, Burial Islet, is not affected by these amendments.
- A Public Hearing will be necessary as it is a requirement for OCP amendments.
- Staff was asked to ensure that the referrals include a notation that this action is resolving an outstanding oversight from a previous OCP review and is not a more specific, comprehensive amendment process.

**TH-2023-030**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023," is not contrary to or at variance with the Island Trust Policy Statement.

**CARRIED**

**TH-2023-031**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023," is not contrary to or at variance with the Island Trust Policy Statement.

**CARRIED**

**TH-2023-032**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 113, cited as “Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023,” be read a first time.

**CARRIED**

**TH-2023-033**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 114, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023,” be read a first time.

**CARRIED**

**TH-2023-034**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 113, cited as “Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023,” be read a second time.

**CARRIED**

**TH-2023-035**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 114, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023,” be read a second time.

**CARRIED**

**TH-2023-036**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee proposed Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaw) be referred to the following for comment:

First Nations:

Semiahmoo First Nation, Tsawwassen First Nation, Snuneymuxw First Nation, Halalt First Nation, Stz’uminus First Nation, Cowichan Tribes, Lake Cowichan First Nation, Penelakut Tribe, Lyackson First Nation, Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation and Tsartlip First Nation;

Local Government and Agencies:

Islands Trust Conservancy, Salt Spring Island Local Trust Committee, Gabriola Local Trust Committee, Cowichan Valley Regional District, School District 79, Ministry of Forests, Ministry of Agriculture and Food, Ministry of Transportation and Infrastructure, and Fisheries and Oceans Canada.

**CARRIED**

**TH-2023-037**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to schedule an electronic Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaw).

**CARRIED**

**9. DELEGATIONS - none**

**10. CORRESPONDENCE - none**

*(Correspondence received concerning current applications or projects is posted to the LTC webpage)*

**11. NEW BUSINESS - none**

**12. REPORTS**

**12.1 Trust Conservancy Report**

- A positive meeting between Executive Committee and the Trust Conservancy Board occurred and more frequent meetings of this nature with more collaboration and sharing of processes is being encouraged.
- Penelakut Tribe Council Member Ken Thomas has been appointed by the province to be a sitting board member of the Trust Conservancy, bringing welcomed perspective and contributions.

**12.2 Trustee and Local Expense Report dated August, 2023**

- LTC meeting expenses are not related to the frequency of meetings; and the LTC Meeting Facilitator position has not yet been filled, affecting budget numbers.
- Trustee Hunter requested that hard copies of agendas be sent to him prior to electronic meetings; staff supported this request and will implement this procedure.
- Trustees affirmed the value of in-person meetings; however, also considered that electronic meetings might be desirable when agendas are light and public interest is minimal.

**12.3 Adopted Policies and Standing Resolutions**

Received for information.

**12.4 Local Trust Committee Webpage**

There were no changes or additions requested.

**13. WORK PROGRAM**

**13.1 Active Projects Report dated October 31, 2023**

Received for information.

**13.2 Future Projects Report dated October 31, 2023**

Received for information.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled - To Be Determined**

**15. CLOSED MEETING**

**15.1 Motion to Close the Meeting**

**TH-2023-038**

**It was MOVED and SECONDED,**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(f) for the purpose of considering:

- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment

and that the Recorder and Staff attend the meeting.

**CARRIED**

The meeting closed to the public at 10:53 a.m.

**15.2 Recall to Order**

The meeting reconvened at 11:26 a.m.

**15.3 Rise and Report**

The LTC reported that in the closed meeting the LTC directed further work to serve Mr. Pegg and seek recovery of legal costs.

**16. ADJOURNMENT**

**By general consent** the meeting was adjourned at 11:27 a.m.

\_\_\_\_\_  
Tobi Elliott, Chair

Certified Correct:

\_\_\_\_\_  
Vicky Bockman, Recorder



## Resolutions Without Meetings Log

### Thetis Island

Resolution Number	Action	Date
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**2023-004**

**Carried**

**05-Dec-2023**

**2024 Regular Business Meetings**

"That the Thetis Island Local Trust Committee schedule its regular business meetings on the following dates in 2024: February 6, April 30, July 9, September 10, and November 12."

## Follow Up Action Report

### Thetis Island

#### 05-Sep-2023

Activity	Responsibility	Dates	Status
1 Trustee Luckham to invite Ken Thomas or another elder to open a future LTC meeting.			In Progress
2 Request that staff provide a status update for the Letter of Understanding or Protocol Agreement between the Thetis LTC and the Cowichan Valley Regional District. Has a letter been drafted? <i>A signed LOU or protocol agreement was never formalized. The LTC can consider picking it up again with CVRD, if they are interested.</i>	Clare Frater Marlis McCargar Renee Jamurat	Target: 07-Nov-2023	In Progress

#### 07-Nov-2023

Activity	Responsibility	Dates	Status
1 Forward the draft Letter of Understanding or Protocol Agreement between the Thetis LTC and the Cowichan Valley Regional District (from the previous LTC term) to the new CVRD Director Jesse McClinton, for information. <i>Staff located a draft LOU from November 1998 between TH/SSI and CVRD. Confirm if the LTC would like the 1998 LOU forwarded to CVRD Director?</i>	Clare Frater Marlis McCargar		In Progress
2 Close application and issue the appropriate refund for TH-RZ-2022.1.	Chloe Straw Marlis McCargar		Completed

## Follow Up Action Report

### Thetis Island

07-Nov-2023

Activity	Responsibility	Dates	Status
<p>3 request staff and the Chair to forward a letter (read by Trustee Luckham at the Nov 7 LTC meeting) to the Ministry responsible for issuance of the aquaculture lease (related to TH-RZ-2022.1) and the supporting material (Islands Trust staff report) received by the LTC today. <i>Letter sent to Minister of Forests 11/20/2023</i></p>	<p>Marlis McCargar Wil Cottingham</p>		<p>Completed</p>
<p>4 That the Thetis Island Local Trust Committee Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023", be read a first and second time.</p>	<p>Marlis McCargar Nadine Mourao</p>		<p>Completed</p>
<p>5 That the Thetis Island Local Trust Committee Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023", be read a first and second time.</p>	<p>Marlis McCargar Nadine Mourao</p>		<p>Completed</p>

## Follow Up Action Report

### Thetis Island

07-Nov-2023

Activity	Responsibility	Dates	Status
<p>6 That the Thetis Island Local Trust Committee Proposed Bylaw Nos. 113 (OCP) and 114 (LUB) be referred to the following for comment:</p> <p><b>First Nations:</b> Semiahmoo First Nation, Tsawwassen First Nation, Snuneymuxw First Nation, Halalt First Nation, Stz'uminus First Nation, Cowichan Tribes, Lake Cowichan First Nation, Penelakut Tribe, Lyackson First Nation, Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation and Tsartlip First Nation;</p> <p><b>Local Governments and Agencies:</b></p> <p>Islands Trust Conservancy, Salt Spring Island Local Trust Committee; Gabriola Local Trust Committee; Cowichan Valley Regional District; School District 79; Ministry of Forests, Ministry of Agriculture and Food, Ministry of Transportation and Infrastructure and Fisheries and Oceans Canada.</p> <p>Include a cover letter to the referrals that provides information regarding the bylaws (e.g. the proposed bylaws are resolving an outstanding oversight).</p>	<p>Margot Thomaidis Nadine Mourao</p>		<p>In Progress</p>

## Follow Up Action Report

### Thetis Island

07-Nov-2023

Activity	Responsibility	Dates	Status
<p>7 That the Thetis Island Local Trust Committee request staff to schedule an electronic Community Information Meeting and Public Hearing for Proposed Bylaws Nos. 113 (OCP) and 114 (LUB) once the referral period has closed.</p>	<p>Margot Thomaidis Nadine Mourao Wil Cottingham</p>		<p>In Progress</p>



File No.: 6500-20 (Marine Areas Review Project)

DATE OF MEETING: February 6, 2024

TO: Thetis Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2  
Northern Team

SUBJECT: Minor Project Update: Referral Responses for Proposed Bylaw Nos. 113 (OCP) and 114 (LUB)

## REPORT SUMMARY

This staff report provides the Thetis Island Local Trust Committee (LTC) with a follow up of bylaw referral responses received from First Nations, agencies, and the Thetis Advisory Planning Commission to date. Staff are recommending the LTC continue with Proposed Bylaw Nos. 113 and 114 as drafted (Attachments 1 and 2) and will arrange an electronic Community Information Meeting and Public Hearing before the next LTC regular business meeting.

## BACKGROUND

The purpose of this project is to review and update the Thetis Associated Islands Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to address a portion of the marine area that is outside the OCP designation area and is outside the area of LUB application.

Proposed Bylaws 113 and 114 will establish an expanded bylaw area of application for the OCP and LUB in the marine area surrounding Scott, Dayman and Hudson Islands to ensure the marine uses are consistent with the object of the Islands Trust and to ensure the Thetis Associated Island Bylaws are applicable in that area.

The LTC gave First and Second Readings to proposed Bylaw Nos. 113 and 114 on November 7, 2023. All relevant background information is contained in the [report](#) provided to the LTC at that meeting.

At their regular business meeting held November 7, 2023, the LTC considered staff’s recommendations to proceed with Proposed Bylaw Nos. 113 and 114. At that meeting, the LTC passed the following resolutions:

### TH-2023-030

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023," is not contrary to or at variance with the Island Trust Policy Statement.

**CARRIED**

### TH-2023-031

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 114, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023,” is not contrary to or at variance with the Island Trust Policy Statement.

**CARRIED**

**TH-2023-032**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 113, cited as “Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023,” be read a first time.

**CARRIED**

**TH-2023-033**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 114, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023,” be read a first time.

**CARRIED**

**TH-2023-034**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 113, cited as “Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023,” be read a second time.

**CARRIED**

**TH-2023-035**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 114, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023,” be read a second time.

**CARRIED**

**TH-2023-036**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee proposed Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaw) be referred to the following for comment:

First Nations:

Semiahmoo First Nation, Tsawwassen First Nation, Snuneymuxw First Nation, Halalt First Nation, Stz’uminus First Nation, Cowichan Tribes, Lake Cowichan First Nation, Penelakut Tribe, Lyackson First Nation, Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation and Tsartlip First Nation;

Local Government and Agencies:

Islands Trust Conservancy, Salt Spring Island Local Trust Committee, Gabriola Local Trust Committee, Cowichan Valley Regional District, School District 79, Ministry of Forests, Ministry of Agriculture and Food, Ministry of Transportation and Infrastructure, and Fisheries and Oceans Canada.

**CARRIED**

**TH-2023-037**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to schedule an electronic Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaw).

Reports and associated information for the Marine Area Review project are available on the Islands Trust website, under [Thetis Projects](#).

## **ANALYSIS**

### **Policy/Regulatory**

#### ***Islands Trust Policy Statement (ITPS):***

Staff have previously provided an analysis of the proposed bylaws in the [staff report](#) dated November 7, 2023, and have determined Proposed Bylaw Nos. 113 and 114 are not contrary to or at variance with the ITPS.

### **Issues and Opportunities**

#### ***CIM and Public Hearing:***

Under section 464 of the *Local Government Act* (LGA), a local government must hold a public hearing to adopt an official community plan bylaw and zoning bylaw, “...for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.” Under section 465 (1) of the LGA, a public hearing must be held after first reading and before third reading of a proposed bylaw.

The purpose of the public hearing is to hear the view of community members regarding a proposed bylaw. A public hearing is preceded by a community information meeting (CIM), which is intended to introduce the proposed bylaws and respond to any questions community members may have prior to voicing their opinion at the public hearing.

The LTC has already directed staff to arrange an electronic CIM and public hearing following the referral period, which ended on January 26, 2024. Scheduling options include holding the CIM and public hearing following the regular business portion of an LTC meeting (next meeting is April 30, 2024), or holding the CIM and public hearing on a separate day (or night).

The LTC may consider potential dates and request staff to schedule the meetings accordingly. Staff will circulate notification of the public hearing in advance of the meeting date.

### **Consultation**

#### ***Referrals***

A referral of Proposed Bylaws Nos. 113 (OCP) and 114 (LUB) was forwarded to First Nations and other agencies on December 5, 2023.

A referral was also forwarded to the Advisory Planning Commission (APC) and considered by members at their meeting of January 18, 2024.

#### ***Bylaw Referral Responses***

At the time of this report, referral responses from 8 First Nations and agencies have been received. The referral response from Cowichan Valley Regional District (CVRD), Department of Fisheries and Oceans (DFO), Ministry of Transportation and Infrastructure (MOTI) and Ministry of Agriculture and Food have been included as Attachments 3, 4, 5 and 6.

A summary of the referral responses that have been received are provided in Table 1.

**Table 1. Summary of Referral Responses**

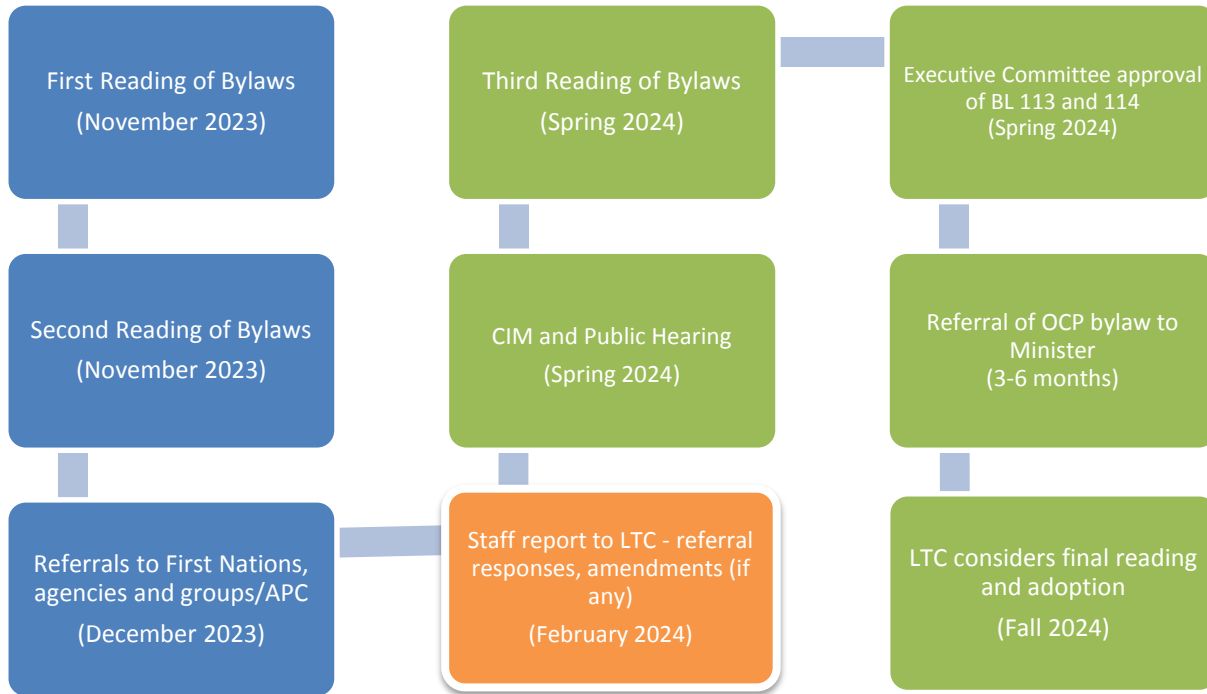
First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
Thetis Advisory Planning Commission	<ul style="list-style-type: none"> <li>Recommend moving forward with Proposed Bylaw Nos. 113 and 114.</li> </ul>	
Islands Trust Conservancy	<ul style="list-style-type: none"> <li>Bylaw was not referred to ITC as it is not required by the referral policy.</li> </ul>	
Salt Spring Island Local Trust Committee		Unable to provide a response until after February 15, 2024 LTC meeting.
Gabriola Island Local Trust Committee	<ul style="list-style-type: none"> <li>Interests Unaffected.</li> </ul>	
Semiahmoo First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Snuneymuxw First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Halalt First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Stz'uminus First Nation	<ul style="list-style-type: none"> <li>No response</li> </ul>	
Cowichan Tribes	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Lake Cowichan First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Penelakut Tribe	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Lyackson First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Tsayout First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	

Pauquachin First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Tseycum First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Tsartlip First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Tsawwassen First Nation	<ul style="list-style-type: none"> <li>No concerns.</li> </ul>	
Fisheries & Oceans, Canada - Pacific Region	<ul style="list-style-type: none"> <li>No detailed comments.</li> <li>Land use planning processes consider establishing clear environmental conservation and protection objectives that are reflected in designation of environmentally sensitive areas, setback requirements, stormwater retention/detention requirements, land use restrictions and bylaws (e.g., tree removal).</li> </ul>	Extending the Bylaw Area of Application as proposed increases environmental protection of the marine area.
Cowichan Valley Regional District	<ul style="list-style-type: none"> <li>Electoral Area Services Committee and Board support proposed Bylaw Nos. 113 and 114.</li> </ul>	
School District 79	<ul style="list-style-type: none"> <li>No response.</li> </ul>	
Ministry of Agriculture and Food	<ul style="list-style-type: none"> <li>Interests unaffected.</li> </ul>	
Ministry of Transportation and Infrastructure	<ul style="list-style-type: none"> <li>No objections to the zoning text amendment.</li> </ul>	
Ministry of Forests	<ul style="list-style-type: none"> <li>No response.</li> </ul>	

**Timeline:**

The following timeline outlines the bylaw amendment process milestones to-date along with next steps and approximate timing which may assist in managing community expectations in how an OCP and LUB amendment is processed. The blue steps identify completed milestones, the orange identifies the current stage, and the green identifies anticipated next steps or milestones in the process.

Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing.



**NEXT STEPS**

Staff will proceed to schedule an electronic CIM and public hearing for Proposed Bylaw Nos. 113 and 114. Once a date is decided, public notification of the CIM and public hearing will be coordinated.

Submitted By:	Margot Thomaidis, Planner 2	January 18, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 30, 2024

**ATTACHMENTS**

1. Proposed Bylaw No. 113
2. Proposed Bylaw No. 114
3. December 11, 2023 referral response from DFO
4. December 12, 2023 referral response from MOTI
5. December 15, 2023 referral response from Ministry of Agriculture and Food
6. January 18, 2024 referral response from CVRD

# DRAFT

## THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 113

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### A BYLAW TO AMEND THETIS ASSOCIATED ISLANDS OFFICIAL COMMUNITY PLAN BYLAW, 2014

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The Thetis Island Local Trust Committee being the Trust Committee having jurisdiction in respect of the Thetis Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as “Thetis Associated Islands Official Community Plan Bylaw, 2014, Amendment No. 1, 2023”.

2.

Thetis Associated Islands Official Community Plan Bylaw No. 93, 2014, cited as “Thetis Associated Islands Official Community Plan Bylaw, 2014, Amendment No. 1, 2023” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.

READ A FIRST TIME THIS	7 <sup>th</sup>	DAY OF	NOVEMBER	, 2023
READ A SECOND TIME THIS	7 <sup>th</sup>	DAY OF	NOVEMBER	, 2023
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**THETIS ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 113**

**SCHEDULE 1**

1. Schedule “A” of “Thetis Associated Islands Official Community Plan No. 93, 2014” is amended as follows:

**PART E – ADMINISTRATION AND INTERPRETATION**, is amended by deleting Section 16.7.2(e) in its entirety.

2. **Schedule “B” Plan Area – Area of Application** of the Thetis Associated Islands Official Community Plan No. 93, 2014 is amended as follows:

The area of application map is replaced with a new map as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 93 as are required to effect this change.

3. **Schedule “C” – Land Use Designation Map C** of the Thetis Associated Islands Official Community Plan No. 93, 2014 is amended as follows:

The land use designation is changed from “Undesignated” to “Marine” as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule “C” of Bylaw No. 93 as are required to effect this change.

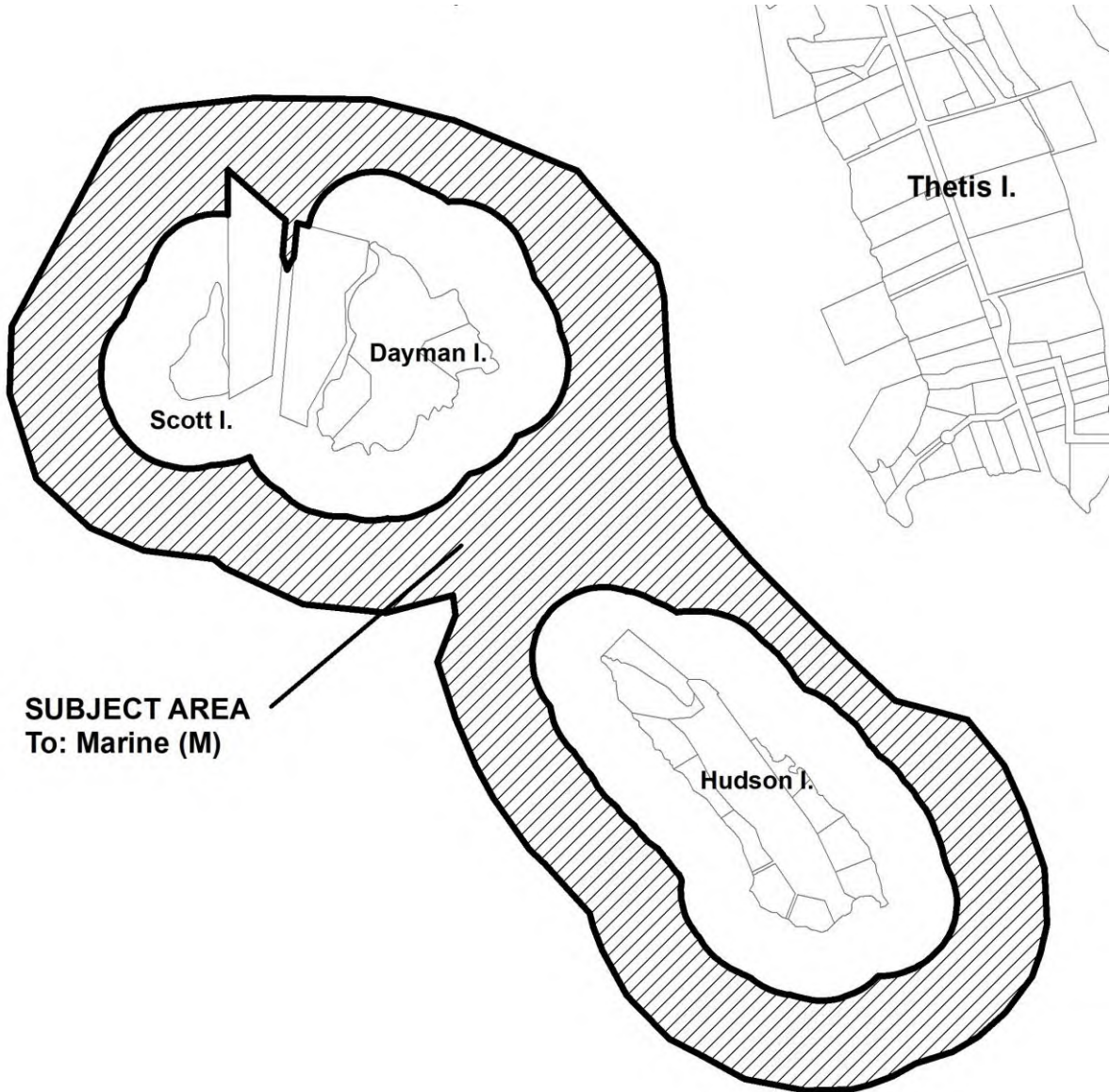
THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE  
BYLAW NO. 113

Plan No. 1



THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE  
BYLAW NO. 113

Plan No. 2



SUBJECT AREA  
To: Marine (M)

# DRAFT

## THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 114

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### A BYLAW TO AMEND THETIS ASSOCIATED ISLANDS LAND USE BYLAW, 2014

---

The Thetis Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Thetis Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. This bylaw may be cited for all purposes as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023”.
2. Thetis Associated Islands Local Trust Committee Bylaw No. 94, cited as “Thetis Associated Islands Land Use Bylaw, 2014,” is amended as follows:
  - 2.1 Schedule “B” – Area of Application, is amended as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 94 as are required to effect this change.
  - 2.2 Schedule “C” – Zoning Map C, on those marine areas on Plan No. 2 the zoning is changed from unzoned to “Water 1 (W1)” as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 94 as are required to effect this change.

READ A FIRST TIME THIS	7 <sup>th</sup>	DAY OF	NOVEMBER	, 2023
PUBLIC HEARING HELD THIS	7 <sup>TH</sup>	DAY OF	NOVEMBER	, 2023
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

---

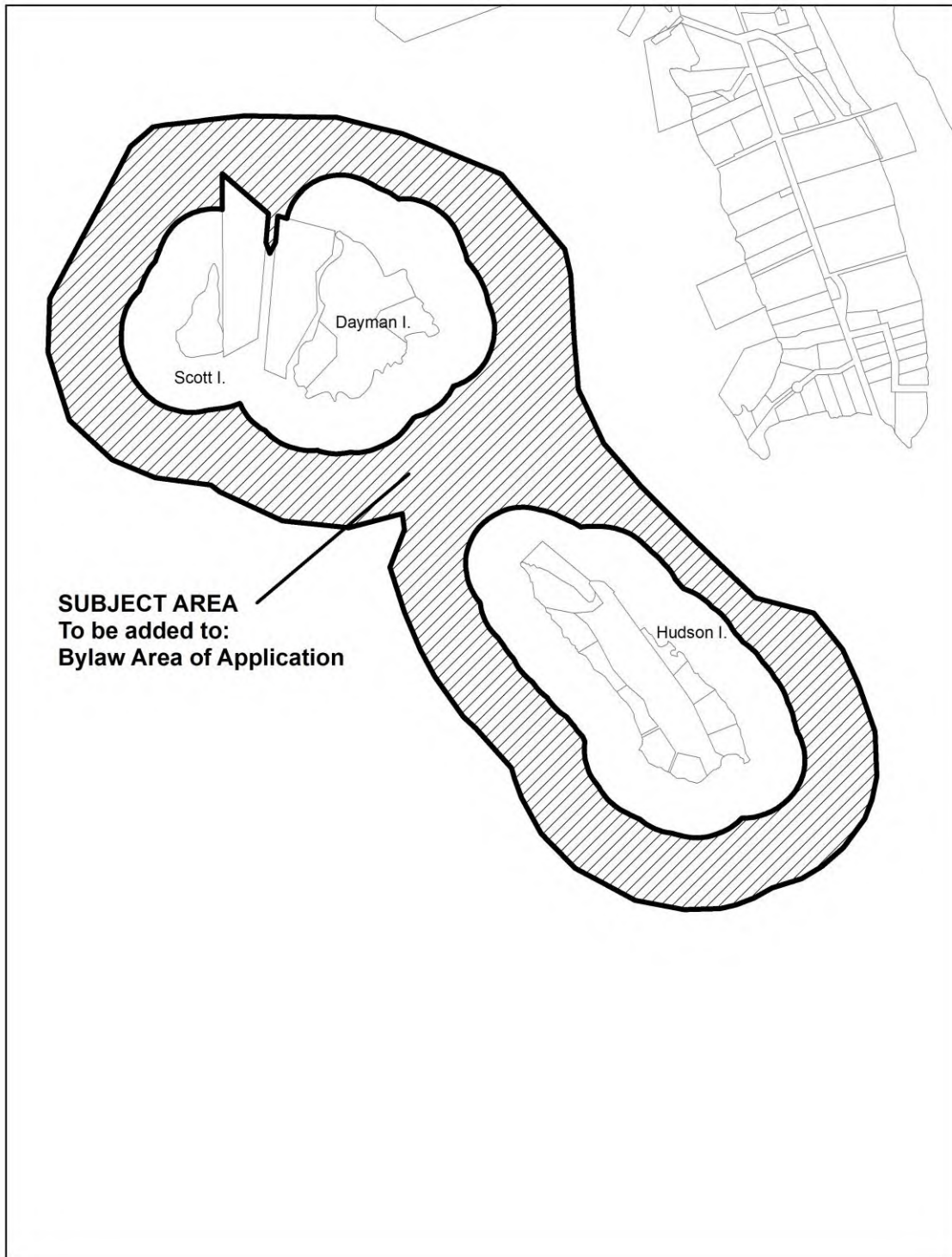
CHAIR

---

SECRETARY

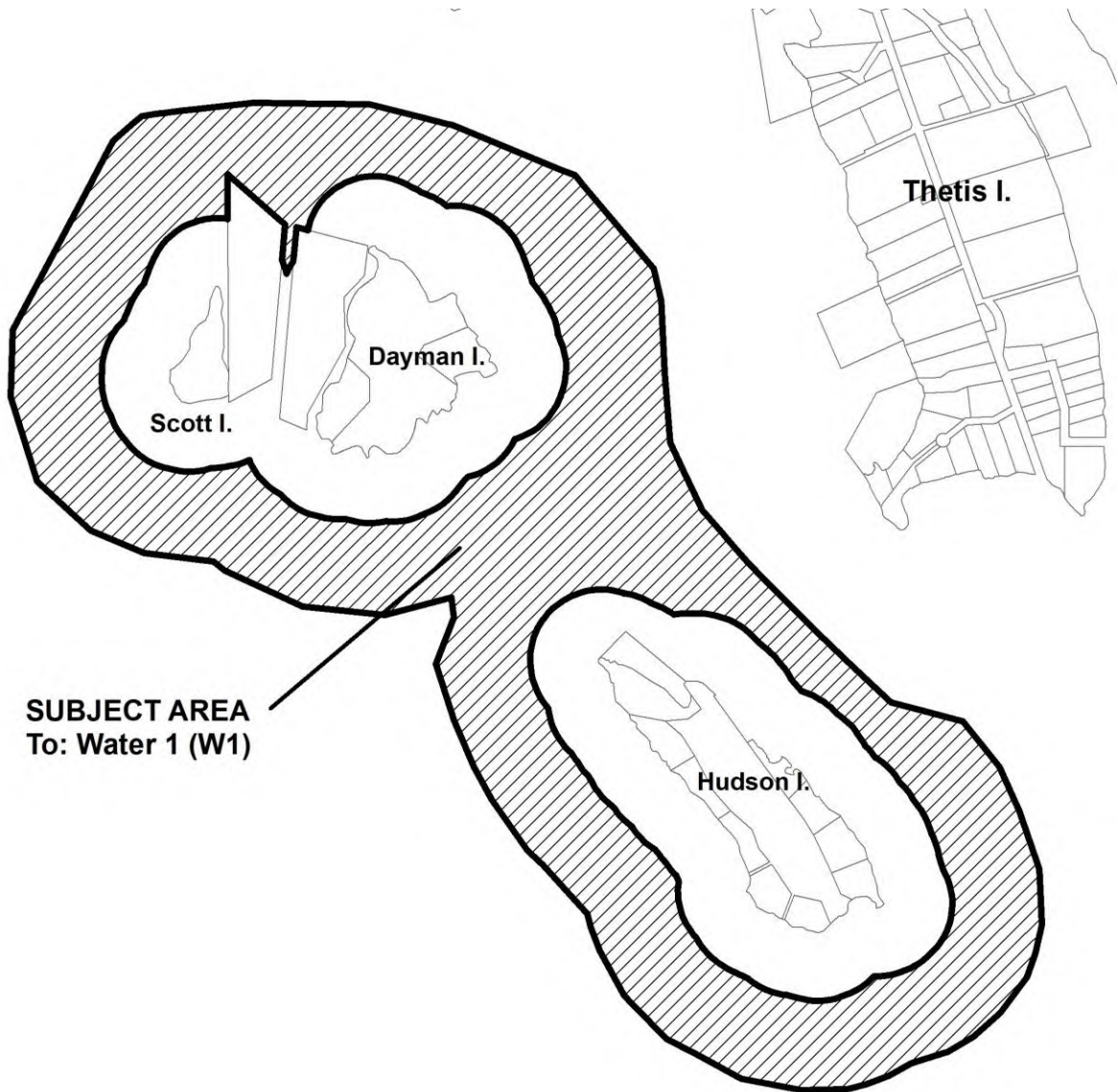
THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE  
BYLAW NO. 114

Plan No. 1



THETIS ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 114

Plan No. 2



**From:** Nadine Mourao  
**Sent:** Monday, December 18, 2023 11:38 AM  
**To:** Margot Thomaidis  
**Subject:** FW: Thetis Island Bylaw Referral - Response Required

FYI

**Nadine Mourao**, (she, her, hers)  
Legislative Clerk / Deputy Secretary  
Islands Trust | T 250-247-2206

---

**From:** PAC FPP / PPP PAC (DFO/MPO) <[DFO.PACFPP.PPPPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACFPP.PPPPAC.MPO@dfo-mpo.gc.ca)>  
**Sent:** Monday, December 11, 2023 4:06 PM  
**To:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Subject:** RE: Thetis Island Bylaw Referral - Response Required

Hi Nadine,

Thank you for contacting the Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) regarding the above headlined Thetis Island Bylaw Referral.

The conservation and protection of Canada's marine and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). DFO's [Fish and Fish Habitat Protection Program](#) (FFHPP) helps conserve and protect fish and fish habitat and restore fish habitat for future generations. The FFHPP administers and ensures compliance for development projects taking place in and around fish habitat, under the *Fisheries Act* and relevant provisions of the *Species at Risk Act*.

DFO's FFHPP is not providing detailed comments. However, DFO recommends that land use planning processes consider establishing clear environmental conservation and protection objectives that are reflected in designation of environmentally sensitive areas, setback requirements, stormwater retention/detention requirements, land use restrictions and bylaws (e.g., tree removal). Protection of freshwater and marine resources provides long-term benefits to fish and fish habitat, as well as to the public, by regulating water quality and quantity, providing for stream channel and foreshore stability, and increasing resiliency to climate change impacts.

If you have any further questions about DFO's role in municipal planning processes, please feel free to direct future enquiries to [EnquiriesPacific@DFO-mpo.gc.ca](mailto:EnquiriesPacific@DFO-mpo.gc.ca).

I hope that the information I have provided is helpful and thank you for the opportunity to provide input.

Kindly,

Stephen Tessovitch (he/him)  
Referrals and Client Services Coordinator  
Regional Operations Division

*Fish & Fish Habitat Protection Program  
Ecosystems Management Branch  
Fisheries and Oceans Canada....><(((°°  
985 McGill Place  
Kamloops, BC V2C 6X6  
E-mail: [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca)*

---

**From:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Sent:** Friday, December 8, 2023 11:45 AM  
**To:** PAC FPP / PPP PAC (DFO/MPO) <[DFO.PACFPP.PPPPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACFPP.PPPPAC.MPO@dfo-mpo.gc.ca)>;  
[Jill.Hatfield@gov.bc.ca](mailto:Jill.Hatfield@gov.bc.ca); [Reed.Bailey@gov.bc.ca](mailto:Reed.Bailey@gov.bc.ca); Atchison, Derek MOTI:EX <[Derek.Atchison@gov.bc.ca](mailto:Derek.Atchison@gov.bc.ca)>;  
[Pat.Lapcevic@gov.bc.ca](mailto:Pat.Lapcevic@gov.bc.ca); [mtippett@cvrd.bc.ca](mailto:mtippett@cvrd.bc.ca); [rgray@sd79.bc.ca](mailto:rgray@sd79.bc.ca); [skoers@sd79.bc.ca](mailto:skoers@sd79.bc.ca)  
**Cc:** Margot Thomaidis <[mthomaidis@islandstrust.bc.ca](mailto:mthomaidis@islandstrust.bc.ca)>  
**Subject:** Thetis Island Bylaw Referral - Response Required

You don't often get email from [nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca). [Learn why this is important](#)

Dear Referral Coordinators,

The Thetis Island Local Trust Committee has asked that its draft Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaw) be referred to you for comment. The referral package is attached and a reply is respectfully requested by **January 26, 2024**.

Amendments to the Thetis Associated Islands Official Community Plan (OCP) and Land Use Bylaw (LUB) are part of the Thetis Island OCP/LUB Marine Areas Review Project to ensure the marine area surrounding Scott, Dayman and Hudson Island permits uses that are consistent with the object of the Islands Trust.

The intent of Bylaw No. 113, if adopted, would be to amend both Schedule Maps B and C in the Thetis Associated Islands Official Community Plan No. 93, 2014 (OCP) to include undesignated area in the area of application. The proposed subject area is a sensitive ecosystem and inclusion in the OCP bylaw application area offers greater protection and regulation.

The intent of Bylaw No. 114, if adopted, would be to amend Thetis Associated Islands Land Use Bylaw No. 94, 2014 to include the unzoned area surrounding Scott, Dayman and Hudson Island in the Marine General (W1) zone. The following uses and structures are permitted in the W1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

- a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;
- b) Docks accessory to the residential use of an adjacent upland lot;
- c) Community docks;
- d) Floats and swimfloats; and,
- e) Marine navigational aids.

The Thetis Island Local Trust Committee gave First and Second Reading to proposed Bylaw Nos. 113 and 114 on November 7, 2023. A copy of the staff report and the proposed bylaw is included in this referral for background information. All relevant background information, including staff reports and public

correspondence received is posted to the Thetis Projects webpage: <https://islandstrust.bc.ca/island-planning/thetis/projects/>

Thank you for your time and attention,

**Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

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**Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səilwətaʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṪÁUTW, Stz'uminus, †aʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉŁP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and x<sup>m</sup>məθk<sup>w</sup>əyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

**From:** Nadine Mourao  
**Sent:** Monday, December 18, 2023 11:23 AM  
**To:** Margot Thomaidis  
**Subject:** FW: Thetis Island Bylaw Referral - Response Required

FYI

**Nadine Mourao**, (she, her, hers)  
Legislative Clerk / Deputy Secretary  
Islands Trust | T 250-247-2206

---

**From:** Atchison, Derek MOTI:EX <[Derek.Atchison@gov.bc.ca](mailto:Derek.Atchison@gov.bc.ca)>  
**Sent:** Tuesday, December 12, 2023 11:02 AM  
**To:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Subject:** RE: Thetis Island Bylaw Referral - Response Required

Hello,

The Ministry of Transportation and Infrastructure has received and reviewed your referral of December 8, 2023.

The Ministry has no objections to the zoning text amendment.

Thank you for the opportunity to comment. If you or the proponent has any questions, please let me know.

Kind regards,

**Derek Atchison**  
Development Services Officer  
Vancouver Island District- SA02  
Ministry of Transportation and Infrastructure  
[Derek.Atchison@gov.bc.ca](mailto:Derek.Atchison@gov.bc.ca)



[APPLY FOR PERMIT](#)  
[APPLY FOR BCeID](#)  
[SUBDIVISION INFORMATION](#)

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**From:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Sent:** Friday, December 8, 2023 11:45 AM  
**To:** [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca); [Jill.Hatfield@gov.bc.ca](mailto:Jill.Hatfield@gov.bc.ca); Bailey, Reed AF:EX <[Reed.Bailey@gov.bc.ca](mailto:Reed.Bailey@gov.bc.ca)>; Atchison, Derek MOTI:EX <[Derek.Atchison@gov.bc.ca](mailto:Derek.Atchison@gov.bc.ca)>;

[Pat.Lapcevic@gov.bc.ca](mailto:Pat.Lapcevic@gov.bc.ca); [mtippett@cprd.bc.ca](mailto:mtippett@cprd.bc.ca); [rgray@sd79.bc.ca](mailto:rgray@sd79.bc.ca); [skoers@sd79.bc.ca](mailto:skoers@sd79.bc.ca)

Cc: Margot Thomaidis <[mthomaidis@islandstrust.bc.ca](mailto:mthomaidis@islandstrust.bc.ca)>

Subject: Thetis Island Bylaw Referral - Response Required

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

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Thank you for your time and attention,

**Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

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## Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

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**From:** Nadine Mourao  
**Sent:** Monday, December 18, 2023 9:27 AM  
**To:** Margot Thomaidis  
**Subject:** FW: Thetis Island Bylaw Referral - Response Required

FYI

**Nadine Mourao**, (she, her, hers)  
Legislative Clerk / Deputy Secretary  
Islands Trust | T 250-247-2206

---

**From:** Bailey, Reed AF:EX <[Reed.Bailey@gov.bc.ca](mailto:Reed.Bailey@gov.bc.ca)>  
**Sent:** Friday, December 15, 2023 10:56 AM  
**To:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Cc:** Mills, Bejay AF:EX <[Bejay.Mills@gov.bc.ca](mailto:Bejay.Mills@gov.bc.ca)>; ALC Referrals ALC:EX <[ALC.Referrals@gov.bc.ca](mailto:ALC.Referrals@gov.bc.ca)>  
**Subject:** RE: Thetis Island Bylaw Referral - Response Required

Hi Nadine,

Thank you for sending the below noted draft bylaws to the Ministry of Agriculture and Food. Ministry staff have reviewed the proposed changes to the OCP and the Land Use Bylaw and have determined that the Ministry's interests are unaffected.

Cheers and all the best,

Reed Bailey, Land Use Planner  
Strengthening Farming Program  
BC Ministry of Agriculture and Food  
778 698 3455

---

**From:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Sent:** Friday, December 8, 2023 11:45 AM  
**To:** [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca); [Jill.Hatfield@gov.bc.ca](mailto:Jill.Hatfield@gov.bc.ca); Bailey, Reed AF:EX <[Reed.Bailey@gov.bc.ca](mailto:Reed.Bailey@gov.bc.ca)>; Atchison, Derek MOTI:EX <[Derek.Atchison@gov.bc.ca](mailto:Derek.Atchison@gov.bc.ca)>; [Pat.Lapcevic@gov.bc.ca](mailto:Pat.Lapcevic@gov.bc.ca); [mtippett@cprd.bc.ca](mailto:mtippett@cprd.bc.ca); [rgray@sd79.bc.ca](mailto:rgray@sd79.bc.ca); [skoers@sd79.bc.ca](mailto:skoers@sd79.bc.ca)  
**Cc:** Margot Thomaidis <[mthomaidis@islandstrust.bc.ca](mailto:mthomaidis@islandstrust.bc.ca)>  
**Subject:** Thetis Island Bylaw Referral - Response Required

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

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- d) Floats and swimfloats; and,
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Thank you for your time and attention,

**Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

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**From:** Nadine Mourao  
**Sent:** Thursday, January 18, 2024 2:09 PM  
**To:** Margot Thomaidis  
**Subject:** FW: Thetis Island Bylaw Referral - Response Required

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI

**Nadine Mourao**, (she, her, hers)  
Legislative Clerk / Deputy Secretary  
Islands Trust | T 250-247-2206

---

**From:** Mike Tippett <[Mike.Tippett@cprd.bc.ca](mailto:Mike.Tippett@cprd.bc.ca)>  
**Sent:** Thursday, January 18, 2024 11:36 AM  
**To:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Subject:** RE: Thetis Island Bylaw Referral - Response Required

Hi Nadine,

The Electoral Area Services Committee met yesterday afternoon and passed the following recommendation to our Board:

That it be recommended to the Board that the Thetis Island Local Trust Committee be advised that the Cowichan Valley Regional District supports proposed Bylaw Nos. 113 and 114.

The Board will consider this Committee recommendation on the 24<sup>th</sup>. I could send another email following that meeting, but I will let you know for sure if the above recommendation is either not ratified at the Board or amended in some way (both of which are highly unlikely).

Best regards,

Mike Tippett, MRM, RPP, MCIP

Division Manager  
Community Planning  
Land Use Services Department  
Cowichan Valley Regional District  
175 Ingram Street, Duncan BC V9L 1N8  
Telephone: 250.710.2928

---

**From:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Sent:** December 8, 2023 11:45 AM

**To:** [ReferralsPacific@dfo-mpo.gc.ca](mailto:ReferralsPacific@dfo-mpo.gc.ca); [Jill.Hatfield@gov.bc.ca](mailto:Jill.Hatfield@gov.bc.ca); [Reed.Bailey@gov.bc.ca](mailto:Reed.Bailey@gov.bc.ca); Atchison, Derek  
MOTI:EX <[Derek.Atchison@gov.bc.ca](mailto:Derek.Atchison@gov.bc.ca)>; [Pat.Lapcevic@gov.bc.ca](mailto:Pat.Lapcevic@gov.bc.ca); Mike Tippett  
<[Mike.Tippett@cvrd.bc.ca](mailto:Mike.Tippett@cvrd.bc.ca)>; [rgray@sd79.bc.ca](mailto:rgray@sd79.bc.ca); [skoers@sd79.bc.ca](mailto:skoers@sd79.bc.ca)  
**Cc:** Margot Thomaidis <[mthomaidis@islandstrust.bc.ca](mailto:mthomaidis@islandstrust.bc.ca)>  
**Subject:** Thetis Island Bylaw Referral - Response Required

Dear Referral Coordinators,

The Thetis Island Local Trust Committee has asked that its draft Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaw) be referred to you for comment. The referral package is attached and a reply is respectfully requested by **January 26, 2024**.

Amendments to the Thetis Associated Islands Official Community Plan (OCP) and Land Use Bylaw (LUB) are part of the Thetis Island OCP/LUB Marine Areas Review Project to ensure the marine area surrounding Scott, Dayman and Hudson Island permits uses that are consistent with the object of the Islands Trust.

The intent of Bylaw No. 113, if adopted, would be to amend both Schedule Maps B and C in the Thetis Associated Islands Official Community Plan No. 93, 2014 (OCP) to include undesignated area in the area of application. The proposed subject area is a sensitive ecosystem and inclusion in the OCP bylaw application area offers greater protection and regulation.

The intent of Bylaw No. 114, if adopted, would be to amend Thetis Associated Islands Land Use Bylaw No. 94, 2014 to include the unzoned area surrounding Scott, Dayman and Hudson Island in the Marine General (W1) zone. The following uses and structures are permitted in the W1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

- a) Mooring buoys, for mooring a private vessel accessory to the residential use of an upland lot;
- b) Docks accessory to the residential use of an adjacent upland lot;
- c) Community docks;
- d) Floats and swimfloats; and,
- e) Marine navigational aids.

The Thetis Island Local Trust Committee gave First and Second Reading to proposed Bylaw Nos. 113 and 114 on November 7, 2023. A copy of the staff report and the proposed bylaw is included in this referral for background information. All relevant background information, including staff reports and public correspondence received is posted to the Thetis Projects webpage: <https://islandstrust.bc.ca/island-planning/thetis/projects/>

Thank you for your time and attention,

**Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

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T 250-247-2206 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

**Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səliwətəʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', S7ÁUTW, Stz'uminus, †aʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉŁP, WSIKEM, Xeláitxw, Xwémalhkwu, Xwsepsum, and x<sup>w</sup>məθk<sup>w</sup>əyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*



File No.: 400-30  
12-RPT-HSNG

DATE OF MEETING: January or February 2024

TO: All Local Trust Committees

FROM: Stefan Cermak, Director  
Planning Service

SUBJECT: **Housing Statute Changes to British Columbia Legislation**

## PURPOSE

The purpose of this memorandum is for Local Trust Committee’s to receive a copy of the Housing Statues and Regulation Changes to BC Legislation briefings received at Trust Council December 7, 2023 and subsequently updated at Executive Committee December 20, 2023. The Executive Committee recommends that Local Trust Committees consider requesting to opt-in to the provincial’s principal residence requirement for short term rental accommodations.

## BACKGROUND

On December 7, 2023, Trust Council received a briefing: Housing Statue Changes to British Columbia (Attachment 1). The briefing provided an update and speaking notes on:

- The Short Term Rental Accommodation Act (Bill 35)
- The Housing Statutes (Residential Development) Amendment Act (Bill 44)
- Housing Statutes (Development Financing) Amendment Act (Bill 46)
- Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)
- Speculation and Vacancy Tax Act

On December 20, 2023, the Executive Committee received an update (Attachment 2) to the above briefing as provincial regulations were adopted the same day Trust Council considered the original briefing. After consideration, the Executive Committee carried the following resolution:

“That Executive Committee request staff to forward the housing statues and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake.”

CARRIED

As per the attached briefing:

A sample Local Trust Committee resolution to opt-in to the provincial principle residence requirement may read:

That the [\_\_\_\_] Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [\_\_\_\_] Local Trust Area and that the [\_\_\_\_] Local Trust Area be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.

Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024. If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

**NEXT STEPS**

All Local Trust Committees, to the exception of Ballenas-Winchelsea, meet before the 2024 March Trust Council meeting. Staff will respond to the ministry in one letter that contains all opt-in resolutions immediately following Trust Council in March 2024. Staff will provide the appropriate background information that describes the area and jurisdiction.

Submitted By:	Stefan Cermak Director, Planning Services	January 18, 2024
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**ATTACHMENTS**

- 1. Attachment 1 - Trust Council Housing Statue Changes to British Columbia Briefing for the meeting December 7, 2023
- 2. Attachment 2 – Executive Committee Housing Statue Changes to British Columbia Briefing Update for the meeting December 20, 2023



### ***The Short-Term Rental Accommodation Act.***

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short-term rental accommodation uses.

**Action** for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).

### **The Housing Statutes (Residential Development) Amendment Act**

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

#### *Residential Density Requirements*

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

#### *Housing Needs Reports Amendments*

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the

prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to apply only to municipal councils). This is a point that needs clarification with Ministry staff.

**Action** for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

### Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are consistent with the official community plan and exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

**Action** for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments that are consistent with the Official Community Plan for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential. Note that if there is a Official Community Plan amendment as part of the land use bylaw amendment, then a public hearing is required for the amendment to the Official Community Plan.

## **Housing Statutes (Development Financing) Amendment Act**

### Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

## **Housing Statutes (Transit Oriented Areas) Amendment Act**

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

**ATTACHMENT(S):**

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

**FOLLOW-UP:**

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

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**Prepared By:** David Marlor, Director, Legislative Services

**Reviewed By/Date:** Robert Kojima, Regional Planning Manager  
Stefan Cermak, Director, Planning Services/ November 8, 2023



## Backgrounder/Speaking Notes

**Bill 44** - Housing Statutes (Residential Development) Amendment Act, 2023 (First Reading version)

**Bill 35** - 2023 Short-Term Rental Accommodations Act (Royal Assent)

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November 9, 2023

### [Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023 was on November 1.
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

### Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. Staff understanding is that this section will also not apply to municipalities under a certain population. The BC Government news release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. Staff will need to wait for the regulation to know for sure.

### Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs report must be received by December 31, 2028, and then by December 31<sup>st</sup> every five years after that. A transitional provision in the legislation requires that existing housing needs reports are updated to reflect the new requirements by a prescribed date – that date will be in the forthcoming regulations and will likely be by the end of 2024 or early 2025.
- Housing needs reports must consider five-year and 20-year timelines for expected housing requirements (previously only five years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every five years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional (i.e. cannot require conditions (such as provision of amenities) for the housing to be provided).

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***Preserving and protecting over 450 islands and surrounding waters in the Salish Sea***

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

## Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
  - an official community plan is in place for that area
  - the bylaw is consistent with the official community plan
  - the purpose of the bylaw is to permit a residential development
  - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

## Official Community Plan Adoption

Previously, the decision to adopt an official community plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but will be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs.

## [Bill 35: 2023 Short-Term Rental Accommodations Act](#)

- **Royal Assent October 26, 2023**– will be brought into force by regulation, which is expected in December 2023.

### Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

### Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust committees are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Staff not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.
- Provincial staff have advised that local trust committees will be able to opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how a local trust committees that chooses to opt-in can opt-out in the future.

## No Legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

## **Business Licenses**

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees.

## **Focus of the Legislation**

- The legislation focuses on three key areas:
  - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTCs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
  - Returning more short-term rentals to long-term homes
  - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
  - Hotels and motels
  - Additional types of properties, for example, timeshares and fishing lodges
  - Communities on First Nations reserve land
  - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
  - Resort municipalities and mountain resort areas
  - Regional district electoral areas
  - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

## **Islands Trust Background:**

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
  - Poorly managed growth could threaten the preservation and protection of the Trust Area
- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
  - Strengthening housing affordability is an Islands Trust Council priority
  - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
  - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful

- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
  - Increased noise, traffic and parking concerns
  - Increased fire risk
  - Increased consumption of disposable goods, production of solid waste, and sewage
  - Impacts to community character and cohesiveness
  - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

### Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
  - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows Temporary Use Permits to be issued for limited periods of time, and several islands have created specific guidelines
  - Bowen Island Municipality issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
  - There is interest from some islands in advocating to regional districts to institute business licenses for STVRs

### Current Islands Trust Enforcement

- Since the 2012 Islands Trust loss in the Supreme Court of BC of a case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island, Islands Trust has continuously found that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts. In the 2012 case the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw.
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
  - Co-op planning students have, at times, reviewed the listings
    - Since 2005, 532 STVR enforcement files have been closed

- During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
  - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
  - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
  - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice.
- Enforcement staff note that the clear bylaw language in the Gabriola Island Land Use Bylaw has resulted in less complications and conflicts than have occurred in other local trust areas.
  - The Gabriola Island Land Use Bylaw also explicitly states that you cannot operate without that permit:
    - *B.6.3 Commercial Vacation Rentals*
    - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
  - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
  - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

## Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)\*
- While the province’s STVR market is dominated by commercial operators\*, this may not be the case for the Islands Trust Area
- The top 10% of hosts earned 48.8% of revenue\*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023\*
- In June 2023, 16,810 housing units were taken off BC’s long-term and shifting to the STVR market\*

*\*Data from The Housing Impacts of Short-Terms Rentals in British Columbia’s Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*

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**To:** Executive Committee                      **For the Meeting of:** December 20, 2023

**From:** Stefan Cermak, Director,  
Planning Services                      **Date Prepared:** December 14, 2023

**SUBJECT:** Housing Statute and Regulation Changes to British Columbia Legislation

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**PURPOSE:**

To provide the Executive Committee with an update on recent and upcoming legislative and regulatory changes regarding provision of housing in British Columbia, and how the changes may affect the Islands Trust area and local trust committees.

Key Takeaways:

- A draft resolution is provided for local trust committees to opt-in to the principal residence requirement for Short Term Rental. Such a resolution needs to be made by March 31, 2024 to take effect by November 1, 2024.
- Local Trust Committees with MTI Bylaws (Gabriola, North Pender, Salt Spring, and Thetis) may amend the penalty fees to \$3,000 per infraction per day. Other LTCs would require MTI bylaws if seeking the extra short term rental disincentive.
- Housing Need Reports Regulations have not been adopted at time of drafting this briefing.

**BACKGROUND:**

On December 7, 2023, the Islands Trust Council was briefed on five recent and upcoming provincial legislative changes designed to increase housing supply throughout BC. On the same day, the province adopted Orders-In-Council (Regulations) for Bills 35 and 44 (Short Term Rental Accommodation and Housing Statutes (Residential Development) respectively) and released policy documents to assist local governments implement the changes.

1. **The Short Term Rental Accommodation Act (Bill 35)**
  - Received Royal Assent on October 26, 2023
  - NEW regulations (Order in Council) adopted December 7, 2023
2. **The Housing Statutes (Residential Development) Amendment Act (Bill 44)**
  - Received Royal Assent on November 30, 2023
  - NEW regulations (Order in Council) adopted December 7, 2023
3. **Housing Statutes (Development Financing) Amendment Act (Bill 46)**
  - Received Royal Assent on November 30, 2023
  - Does not apply to Local Trust Committees; applies to Bowen Island Municipality
4. **Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)**
  - Received Royal Assent on November 30, 2023

- Does not apply to Local Trust Committees; applies to Bowen Island Municipality
5. **Speculation and Vacancy Tax Act**
- Came into force in on November 27, 2018
  - The *Speculation and Vacancy Tax Regulation* was last amended November 16, 2023
  - Does not apply to properties in the Islands Trust area

**The Short-Term Rental Accommodation Act and Regulations.**

Materials pertaining to [Bill 35](#) - *Short-Term Rental Accommodation Act* include:

- Order in Council [679](#) – bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions.
- A policy guidance [document](#) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.
- Properties in the Islands Trust Area are exempt from the principal residence requirement. A local trust committee or Bowen Island Municipality needs a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting-in would mean the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).
- A sample LTC resolution to opt-in may read:
  - That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.
  - Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.
  - If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.
- Order in Council [680](#) - increases possible maximum bylaw ticketing fine from \$1,000 to \$3,000 (amends BC Reg 425/2003).
  - The maximum fine that a local trust committee may set for a bylaw ticket has been increased to \$3,000 per infraction per day in accordance with the Community Charter Bylaw Enforcement Ticket Regulation. Note that this has been implemented via “Municipal Ticket Information System Bylaws” (MTI Bylaw) within the Islands Trust Area. The following local trust committees have MTI Bylaws: Gabriola, North Pender, Salt Spring, and Thetis (Table 1).
  - MTI Bylaws have been generally replaced in favour of Bylaw Enforcement Notification (BEN) Bylaws. The maximum Local Trust Committee bylaw notices penalty of \$500 under the Local Government Bylaw Notice Enforcement Act (Bylaw Enforcement Notification (BEN) Bylaws) is overseen by the Ministry of Attorney General and remains unchanged (Table 1).

Table 1 LTCs Enforcement Bylaws and Associated Maximum Permitted Penalty

Local Trust Committee	MTI Bylaw (max: \$3,000 penalty)	BEN Bylaw (max: \$500 penalty)
Ballenas-Winchelsea	N/A	✓
Denman	N/A	✓
Gabriola	✓	✓
Galiano	N/A	✓
Gambier	N/A	✓
Hornby	N/A	✓
Lasqueti	N/A	N/A
Mayne	N/A	✓
North Pender	✓	✓
Salt Spring	✓	✓
Saturna	N/A	N/A
South Pender	N/A	✓
Thetis	✓	✓

- Effective May 1, 2024, the *Short-Term Rental Accommodation Act* removes legal non-conforming protection for short-term rental accommodation uses.

Bill 35, Order in Council 679, and the policy guidance document for local governments will be forwarded to the Regional Planning Committee as per the December 7, 2023 [draft] Islands Trust Council resolution:

“THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.”

### The Housing Statutes (Residential Development) Amendment Act

Materials pertaining to [Bill 44](#) – *Housing Statutes (Residential Development) Amendment Act* include:

- A Policy [Manual](#) & Site Standards document to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with Small Scale Multi-Unit Housing (SSMUH) legislation. In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.
- Order in Council [673](#) – bringing into force specific provisions of the *Housing Statutes (Residential Development) Amendment Act* and making a Local Government Zoning Bylaw Regulation that among other things, prescribes: minimum densities, distances and parcel sizes. The regulation also provides additional details on what constitutes a bus stop, and details exemptions from small-scale multi-family housing requirements. Does not apply to local trust committees.

### ATTACHMENT(S):

- Hyperlinks provided to Orders In Council and Policy Manuals

**FOLLOW-UP:**

Staff will update as more information on regulations becomes available (ex: Housing Needs Reports). Staff may forward to Local Trust Committees for consideration of opting to the principal residence regulations.

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**Prepared By:** Stefan Cermak, Director, Planning Services

**Reviewed By/Date:**

# Islands Trust

LTC EXP SUMMARY REPORT F2024

Invoices posted to Month ending December 2023

670 Thetis	Invoices posted to Month ending December 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-670	LTC "Trustee Expenses"	107.00	0.00	107.00
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	313.00	907.55	-594.55
65210-670	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-670	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-670	LTC - Local Exp - Special Projects	270.00	0.00	270.00
TOTAL LTC Local Expense		<u>1,166.00</u>	<u>907.55</u>	<u>258.45</u>
Projects				
73001-670-4128	Thetis Unzoned Marine Area LUB Amendment	<u>2,500.00</u>	<u>0.00</u>	<u>2,500.00</u>
TOTAL Project Expenses		<u>2,500.00</u>	<u>0.00</u>	<u>2,500.00</u>

## Thetis Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	July 3, 2012	TH-2012-003	Professional Minute taker for APC meetings	<p><b>It was MOVED and SECONDED</b> that the Thetis Island Local Trust Committee authorizes the payment of funds from its local expense account to pay for a minute taker for Advisory Planning Commission meetings.</p>
2.	August 28, 2018	TH-2018-036	Suspension of enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road	<p><b>It was MOVED and SECONDED</b> that the Thetis Island Local Trust Committee adopt the following standing resolution:</p> <ol style="list-style-type: none"> <li>1. That whereas the Thetis Island Local Trust Committee intends to facilitate a community process to consider allowing Temporary Use Permits (TUP) to permit temporary non-tourist accommodation use, staff are directed to take no enforcement action against properties where temporary accommodations used for non-tourist accommodation exist. In particular, staff are directed to suspend enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road, Strata Lot B, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644; together with an interest in the Common Property shown in proportion to the unit entitlement to the Strata Lot show on Form V. PID 028-987-691.</li> <li>2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Thetis Island Land Use Bylaw No. 89 and the Thetis Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice.</li> </ol> <p>That unless the Thetis Island Local Trust Committee extends the effective period, this enforcement policy expires on July 30, 2019, or when the temporary use permit review project is complete, whichever is the sooner.</p>
3.	August 28, 2018	TH-2018-041	Non-medical cannabis retail applications	<p><b>It was MOVED and SECONDED</b> that the Thetis Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> <li>• Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.</li> <li>• The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.</li> </ul>

No.	Meeting Date	Resolution No.	Issue	Policy
				<ul style="list-style-type: none"> <li>• The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.</li> <li>• However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> <li>○ Name of the applicant and a description of the proposal in general terms</li> <li>○ The location of the proposed establishment and the subject site</li> <li>○ The place where, date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered.</li> <li>○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application</li> <li>○ How public comments may be submitted to the Local Trust Committee.</li> </ul> </li> </ul>
4.	December 12, 2018	TH-2018-053	Cannabis License Applications	<p><b>It was MOVED and SECONDED</b> that the Thetis Island Local Trust Committee adopt the following standing resolution:</p> <ul style="list-style-type: none"> <li>• that the Thetis Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.</li> </ul>
5.	February 22, 2019	TH-2019-020	Electoral Area Director	<b>See Item 9 below.</b>
6.	April 23, 2019  Updated September 28, 2021	TH-2019-026  TH-2021-033	LTC to engage in Reconciliation with local First Nations, governments and the island community	<p><b>It was MOVED and SECONDED</b> that the Thetis Island Local Trust Committee adopt the following standing resolution:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <p>a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the</p>

No.	Meeting Date	Resolution No.	Issue	Policy
				<p>upcoming year, as well as, provide an update of current projects and advocacy activities;</p> <p>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</p> <p>c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;</p> <p>d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;</p> <p>e) Establish and maintain government to government dialogue with First Nations, now and into the future, in recognition of First Nations rights and title, treaty, and territorial lands and waters within the Islands Trust Area.</p>
7.	February 11, 2020	TH-2020-001	Electoral Area Director Reports	<b>See Item 9 below.</b>
8.	September 28, 2021	TH-2021-033	Review TH-2019-026 and update wording	<p><b>**See TH-2021-033 pertaining to Item 6 above</b></p> <p>That the Thetis Island LTC request staff to review standing resolution no. TH-2019-026 with respect to current language.</p>
9.	September 28, 2021	TH-2021-034	Electoral Area Director Reports	<p><b>It was MOVED and SECONDED,</b></p> <p>that the Thetis Island Local Trust Committee request staff to consolidate Standing Resolution Nos. 5 and 7 (TH-2019-020 and TH-2020-001) as follows:</p> <ul style="list-style-type: none"> <li>• that the Thetis Island Local trust Committee request staff to circulate future meeting agendas to the Electoral Area G Saltair/Gulf Islands Director and provide an invitation to attend the Local Trust Committee meetings or provide written reports to the Local Trust Committee; and</li> <li>• that the written reports will be posted to the website.</li> </ul>
10.	July 5, 2022	TH-2022-024	First Nations Consultation re: Strategy for Antenna Systems	<p><b>It was MOVED and SECONDED</b></p> <p>that the Thetis Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the "Strategy for Antenna Systems" in the Local Trust Area:</p> <p>a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders;</p>

No.	Meeting Date	Resolution No.	Issue	Policy
				<ul style="list-style-type: none"> <li data-bbox="1035 183 1992 321">b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites;</li> <li data-bbox="1035 345 1992 516">c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the <i>Heritage Conservation Act</i>;</li> <li data-bbox="1035 540 1992 678">d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and</li> <li data-bbox="1035 703 1992 841">e. The proponent will provide written notice—including, if applicable, the Archeological Impact Assessment—sent by regular mail or hand delivered to all First Nations rights and titleholders identified during the pre-consultation phase.</li> </ul>

# Active Projects Report

## Thetis Island

### 1. *Minor Project - Un-zoned Marine Areas*

**Responsible**

**Dates**

Explore zoning the un-zoned area of water between the Thetis Associated Islands Planning Area and the Thetis Islands Planning Area (adjacent to Scott & Dayman Islands).

Rec'd: 31-Aug-2021

Target: 30-Nov-2024

### 2. *Minor Project - Shoreline and Coastal Protection Community Consultation Project*

**Responsible**

**Dates**

Advocacy, communication.

Include a community discussion and dissemination of information.

\*not yet initiated.

Rec'd: 04-Jun-2023

## Future Projects Report

### Thetis Island

1. <i>LUB</i>	Responsible	Date Received
N/A		30-Aug-2022
2. <i>Administrative</i>	Responsible	Date Received
<p>The project would develop a Soil Deposit and Removal Bylaw for Thetis Island. The bylaw would regulate the removal of soil from and the deposit of soil on lots by possibly requiring a permit under certain conditions. Include consideration of Salt Spring and North Pender islands Soil Removal and Deposit Bylaws; on-island composting facilities; reduction of invasive species from off-island soil.</p>		30-Aug-2022
3. <i>Advocacy and Communications</i>	Responsible	Date Received
<p>LOU: Letter of Understanding between the Thetis LTC and the Cowichan Valley Regional District</p>		30-Aug-2022
4. <i>OCP</i>	Responsible	Date Received
<p>Active Transportation</p>		30-Aug-2022
5. <i>Bylaw Enforcement</i>	Responsible	Date Received
N/A		30-Aug-2022

## Thetis Island

### 6. OCP & LUB

Responsible

Date Received

Possible Thetis OCP & LUB Amendments

30-Aug-2022

Rainwater:

- rainwater storage requirements

Watershed Protection:

- Island-wide watershed protection

First Nations:

- Early and meaningful engagement
- Acknowledgement language
- De-colonizing document language
- Incorporating FN recommended language

Housing:

- Affordable Housing Strategy: Housing for young families, workers and seniors;

community engagement;

- TUPs to include non-tourist accommodation;

- Support the construction of a storage building prior to construction of a principal dwelling;

- short-term vacation rentals of principle dwellings in the R-2 zone;

- strategies for alternative dwelling units;

- ferry workers workforce housing;

- the potential to rezone areas that are suitable for increased density.

Fence height and Derelict vehicles regulations

## Thetis Island

Housekeeping / Technical Amendments to include:

- 4.3(d) amend to say: In addition to s.4.3(a), (b), and (c)...

Shoreline:

- Sea Level Rise
- Wharves

Incorporation of the Regional Conservation Plan into Thetis LTA OCPs and LUBs:

- Investigate and provide recommendations on how to incorporate the plan elements into Thetis, Valdes, and Associated Islands OCPs and LUBs.

Associated Islands OCP & LUB Review:

- Develop new OCP and LUB to replace CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stzuminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.
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