

Thetis Island Local Trust Committee

Regular Meeting Revised Agenda

Date: May 3, 2022
 Time: 9:30 am
 Location: Thetis Island Community Centre (Forbes Hall)
 North Cove Road, Thetis Island, BC

Pages

1. **CALL TO ORDER** 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."
2. **APPROVAL OF AGENDA**
3. **RISE AND REPORT**
4. **REPORTS** 9:35 AM - 9:50 AM
 - 4.1. **Trustee Reports**
 - 4.2. **Chair's Report**
 - 4.3. **Electoral Area Director's Report**
5. **TOWN HALL** 9:50 AM - 10:00 AM
6. **MINUTES** 10:00 AM - 10:05 AM
 - 6.1. **Local Trust Committee Minutes dated February 22, 2022 - for Adoption** 4 - 10
 - 6.2. **Local Trust Committee Special Meeting Minutes dated March 30, 2022 - for adoption** 11 - 11
 - 6.3. **Section 26 Resolutions-Without-Meeting Report dated May 25, 2022** 12 - 12
 - 6.4. **Advisory Planning Commission Minutes - none**
7. **BUSINESS ARISING FROM MINUTES** 10:05 AM - 10:15 AM
 - 7.1. **Follow-up Action List dated April 25, 2022** 13 - 15
8. **APPLICATIONS, REFERRALS AND BYLAWS** 10:15 AM - 10:45 AM

8.1.	Salt Spring Island Local Trust Committee Referral Request for Response regarding Bylaw No. 226 - for decision	16 - 18
8.2.	TH-DVP-2021.1 (McGuiness - Lot 59 Ruxton Island) - Staff Report	19 - 53
8.3.	Thetis Island Local Trust Committee Bylaw No. 110 - for consideration of adoption	54 - 59
	<i>That Thetis Island Local Trust Committee Bylaw No. 110, cited as "Thetis Island Local Trust Committee Fees Bylaw, 2021", be adopted.</i>	
9.	LOCAL TRUST COMMITTEE PROJECTS	
9.1.	<i>Community to Community (C2C) Boat Tour Follow Up</i>	
10.	DELEGATIONS - none	
11.	CORRESPONDENCE	10:45 AM - 10:50 AM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
11.1.	Emails dated March 22, 2022 from E. Hrad and response from Abrupt Shellfish regarding Geoduck Farming	60 - 60
11.2.	Email dated March 3, 2022 - Greetings from Electoral Boundaries Commission	61 - 61
12.	NEW BUSINESS	10:50 AM - 11:05 AM
12.1.	Annual Report - Staff Report	62 - 63
12.2.	<i>Community Meeting Expenditures</i>	
13.	REPORTS	11:05 AM - 11:15 AM
13.1.	Trust Conservancy Report - none	
13.2.	Applications Report dated April 25, 2022	64 - 64
13.3.	Trustee and Local Expense Report dated February, 2022	65 - 65
13.4.	Adopted Policies and Standing Resolutions	66 - 68
13.5.	Local Trust Committee Webpage	
14.	WORK PROGRAM	11:15 AM - 11:45 AM
14.1.	Top Priorities Report dated April 25, 2022	69 - 69
14.2.	Projects List Report dated April 25, 2022	70 - 73
15.	UPCOMING MEETINGS	

15.1. Next Regular Meeting Scheduled for Tuesday, July 5, 2022 at 9:30 am at Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC

16. CLOSED MEETING 11:45 AM - 12:00 PM

16.1. Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated July 21, 2021 and February 30, 2022 and Appointment of Advisory Planning Commission Members and that the recorder and staff attend the meeting.

16.2. Recall to Order

17. ADJOURNMENT 12:00 PM - 12:00 PM



Thetis Island Local Trust Committee Minutes of Regular Meeting

Date: February 22, 2022
Location: Electronic Meeting

Members Present: Laura Patrick, Chair
 Doug Fenton, Local Trustee
 Peter Luckham, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager (RPM)
 Wil Cottingham, Administrative Assistant
 Sarah Shugar, Recorder

Others Present: Lynne Smith, Cowichan Valley Regional District Area G Saltair / Gulf Islands Electoral Area Director

These minutes follow the order of the agenda although the sequence may have varied.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:35 a.m. and welcomed everyone to an electronic meeting of the Thetis Island Local Trust Committee. Chair Patrick introduced herself, the Trustees and staff and humbly stated gratitude to live and work in Coast Salish First Nations treaty and traditional territory.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Fenton presented the following report:

- Expressed gratitude to live and work in Lyackson and Penelakut territory;
- Attended several Trust Programs Committee meetings regarding the Islands Trust Policy Statement update;
- Attended an Islands Trust Conservancy meeting;
- Attended a Regional Planning Committee meeting;
- Attended several meetings regarding community composting projects;
- Attended meetings with the Thetis Island Nature Conservancy (ThINC) regarding a nature stewardship project;
- Encouraged members of the public to sign up for the Heron newsletter and updates on the Islands Trust Website.

Trustee Luckham presented the following report:

- Spoke to the high level of public engagement regarding the 2022/23 draft budget and the Islands Trust Policy Statement update. The Islands Trust hosted a series of webinars regarding the 2022/23 draft budget;
- Attended the following committee meetings:
 - Several Executive Committee meetings in preparation for the next Trust Council to be held March 8 to 10, 2022. Trust Council will be a hybrid in-person and electronic meeting;
 - Oceans Protection Dialogue Forum;
 - Lasqueti Local Trust Committee meeting;
 - Ballenas-Winchelsea Local Trust Committee meeting;
 - Salt Spring Island Local Trust Committee meeting;
 - Financial Planning Committee meeting;
 - Regional Planning Committee meeting;
 - A meeting with the Trust Council Governance and Management Review Select Committee;
 - A meeting with the Southern Gulf Islands Forum;
- Acknowledged Director Smith for her work on Thetis Island issues including the community dock.

3.2 Chair's Report

Chair Patrick presented the following report:

- The next Trust Council will be held March 8 to 10, 2022 and there will be a public input session on March 8, 2022;
- A webinar regarding the Trust Policy update will be held on March 1, 2022;
- Encouraged members of the public to sign up for notifications on the Islands Trust Website to receive updates regarding events;
- Salt Spring Fire/Rescue and Salt Spring Island Conservancy are working together regarding the FireSmart program and wildfire resiliency.

3.3 Electoral Area Director's Report

Electoral Area Director Smith presented the following report:

- The CRD draft 2022 budget is in process;
- Director Smith reported 97% of land within Area G is designated managed forest-Class 7 and there will be a tax rate increase due to the BC Assessment of the Class 7 lands;
- The CRD wrote a letter to BC Ferries requesting funding support for the Thetis Island Warf rehabilitation project;
- The CRD has submitted a grant application for Last Mile Connectivity and is waiting for an announcement regarding the funding;
- Encouraged a group of Thetis Island residents to contact the CVRD FireSmart Program;
- There is a Smart Home Heating Options rebate program for up to a \$2,000 rebate;
- The Regional Recreation Referendum is moving ahead and data is being collected.

Trustee Luckham asked if Director Smith could provide an update regarding the Last Mile Connectivity funding. Director Smith reported it is common for Provincial and/ or Federal grant funding to be a 1.5 to 2 year process and the CRD is waiting for an announcement regarding the Last Mile Connectivity funding.

4. TOWN HALL

There were no speakers in the town hall portion of the meeting. Chair Patrick welcomed members of the public to submit comments and questions to northinfo@islandstrust.bc.ca.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes dated September 28, 2021 - for adoption

By general consent the Thetis Island Local Trust Committee meeting minutes of September 28, 2021 were adopted.

5.2 Local Trust Committee Special Meeting Minutes dated January 24, 2022 - for adoption

By general consent the Thetis Island Local Trust Committee meeting minutes of January 24, 2022 were adopted.

5.3 Section 26 Resolutions-Without-Meeting Report dated February 15, 2022

Received.

5.4 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated February 15, 2022

Received.

Regional Planning Manager Kauer presented a staff report dated January 31, 2022 regarding the Model Fees Bylaw.

In discussion, the following comments and questions were noted and answered:

- There was a question regarding “Temporary Use Permit for Community Benefit”.
 - Defining “community benefit” would be a process that would have to take place if community benefit was going to be included in the bylaw;
- There was a question regarding Section 6 - Extraordinary Service Costs.
 - Extraordinary Service Costs would be applied for OCP amendments or rezoning applications and is meant to provide capacity funding for First Nations to be involved in the process;
- There is pressure for the Islands Trust to be more fiscally responsible and the increased revenue would reduce tax requisitions. Fees bylaws are being reviewed by all Local Trust Committees within the Islands Trust Area;
- There is a mechanism in the bylaw to update the fees to be in line with the *Local Government Act*.

TH-2022-006

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 110, cited as “Thetis Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading.

CARRIED

TH-2022-007

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 110, cited as “Thetis Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading.

CARRIED

TH-2022-008

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 110 cited as “Thetis Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading.

CARRIED

TH-2022-009

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 110, cited as “Thetis Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

7. APPLICATIONS AND REFERRALS

7.1 Salt Spring Island Local Trust Committee Referral Request for Response regarding Bylaw No. 225 - for decision

A bylaw referral form dated November 16, 2021 regarding Salt Spring Island Local Trust Committee Bylaw No. 255 was presented.

TH-2022-010

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee advise the Salt Spring Island Local Trust Committee that its interests are unaffected by Salt Spring Island Local Trust Committee Bylaw No. 255.

CARRIED

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Shoreline Project Status Update – Powerpoint

Regional Planning Manager Kauer gave a PowerPoint presentation regarding an update on the Shoreline Project.

In discussion, the following comments and questions were noted:

- Acknowledged the Lyackson First Nation for their interest in being consulted during the project definition phase;
- The deliverable could be a discussion guide including education, communication and stewardship practices that are within the Islands Trust toolbox;
- There was a suggestion to distil the Islands Trust Shoreline Protection Model Bylaw Report as a communications piece to support development of a project charter;

- Highlight the “in cooperation with” language of the Islands Trust mandate;
- South Pender Island Local Trust Committee is working on a Shoreline Protection project;
- The Thetis Island Local Trust Committee is in the learning phase of the project and there was support to develop a project charter in consultation with First Nations, community and stakeholders;
- There is opportunity to have a group such as a Heritage Commission or Marine Working Group to inform the project;
- Trustees expressed interest in doing some of the work to support staff with the project;
- There was a suggestion for the Green Shores Program to inform the project;
- There was a question regarding the timeline. Regional Planning Manager Kauer advised if the budget were over \$5,000 the timeline would be to have a business case ready to forward to the Financial Planning Committee in October 2022. She advised it would be important to define the staff skills required for the project.

Trustee Fenton reported he is planning marine tours for Trustees with the Lyackson First Nation and the Penelakut First Nation that will be funded by Community 2 Community (C2C) grant funds. The time and location will be determined.

9. DELEGATIONS - none

10. CORRESPONDENCE - none

Correspondence received concerning current applications or projects is posted to the LTC webpage.

11. NEW BUSINESS

11.1 Advisory Planning Commission - Terms Expiring - Staff Report

Regional Planning Manager Kauer presented a staff report dated January 25, 2022 regarding Advisory Planning Commission Appointments.

TH-2022-011

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to:

- a. Send letters to members of the Advisory Planning Commission whose terms expired on February 11, 2022, thanking them for their participation and inviting their expressions of interest for reappointment for another two year term; and
- b. Advertise for public expressions of interest for new members.

CARRIED

The meeting recessed at 11:10 a.m. for a break and reconvened at 11:15 a.m.

11.2 Shoreline Report - Briefing - for discussion

Regional Planning Manager Kauer presented a briefing dated December 15, 2021 regarding the Islands Trust Shoreline Protection Model Bylaw Report – March 2021.

In discussion the following comments and questions were noted:

- Support for a public version such as a discussion guide to support the community in making decisions related to shoreline protection;
- There was a suggestion to ask the Regional Planning Committee whether there are regulatory tools that are available to the LTC;
- Spoke to heritage and cultural considerations;
- South Pender Island Local Trust Committee is working on a Shoreline Protection project;
- Could be a model bylaw or a suite of model bylaws.

TH-2022-012

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee respond to the Regional Planning Committee that the Thetis Island Local Trust Committee is pleased to receive the Islands Trust Shoreline Protection Model Bylaw Report and would be interested in collaborating and cooperating with the Regional Planning Committee and other Local Trust Committees and First Nations on this work.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated November 23, 2021 and January 25, 2022

Received.

12.2 Applications Report dated February 15, 2022

Received.

12.3 Trustee and Local Expense Report dated December 2021

There was a question regarding the Riparian Areas Regulations (RAR) project. Regional Planning Manager Kauer reported the Province has advised that the RAR bylaw may need to be re-referred to the Snuneymuxw First Nation.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage - None

13. WORK PROGRAM

13.1 Top Priorities Report dated February 15, 2022

By general consent, the Thetis Island Local Trust Committee requested an update regarding bylaw enforcement activities on Thetis Island.

13.2 Projects List Report dated February 15, 2022

By general consent, the Thetis Island Local Trust Committee request staff to report on the Projects List at the next meeting.

14. CLOSED MEETING - none

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, May 3, 2022 at 9:30 am - location to be determined

The next Regular Meeting is scheduled for Tuesday, May 3, 2022 at 9:30 a.m. Please see the meeting calendar on the Islands Trust website at www.islandstrust.bc.ca for current meeting information and location.

16. ADJOURNMENT

By general consent the meeting was adjourned at 11:43 a.m.

Laura Patrick, Chair

Certified Correct:

Sarah Shugar, Recorder



Thetis Island Local Trust Committee Minutes of Special Meeting

Date: March 30, 2022
Location: Electronic Meeting

Members Present: Laura Patrick, Chair
Doug Fenton, Local Trustee
Peter Luckham, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
Warren Dingman, Compliance and Enforcement Manager
Vicky Bockman, Recorder

Others Present: None

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 Patrick called the meeting to order at 10:33 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations and reported that yesterday Trustees participated in a relationship building event with Lyackson First Nation that was a wonderful experience. She introduced Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSED MEETING

3.1 Motion to Close the Meeting

TH-2022-013

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 Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 10:36 am.

4. ADJOURNMENT

By general consent the meeting was adjourned at 10:36 am.

Laura Patrick, Chair
Certified Correct:

Vicky Bockman, Recorder



Resolutions Without Meetings Log

Thetis Island

Resolution Number	Action	Date
2022-003	Carried	24-Mar-2022
"That the Thetis Island Local Trust Committee hold a Special meeting to hold an In Camera meeting regarding bylaw enforcement."		

Follow Up Action Report

Thetis Island

09-Feb-2021

Activity	Responsibility	Dates	Status
1 that the Thetis Island Local Trust Committee request staff to coordinate a meeting with BC Ferries, the Ministry of Transportation and Infrastructure, the Local Ferry Advisory Committee, the Thetis Island Residents' and Ratepayers' Association, and the Cowichan Valley Regional District to discuss outstanding issues regarding ferry access and parking, wharf entrance congestion and pedestrian and cycling safety on Thetis Island.	Marlis McCargar Wil Cottingham		In Progress
2 that the Thetis Island Local Trust Committee request Trustee Luckham and Chair Patrick to write a letter of advocacy to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development regarding the clean up of an abandoned property on Valdes Island.	Mike Richards Wil Cottingham		In Progress

03-Aug-2021

Activity	Responsibility	Dates	Status
1 Staff to prepare a discussion paper for the Shoreline and Coastal Protection project, inclusive of LTC feedback provided at Aug 3, 2021 business meeting.			In Progress

28-Sep-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Thetis Island

28-Sep-2021

Activity	Responsibility	Dates	Status
1 Advise Regional Planning Committee that the TH LTC intends to undertake policy and regulatory amendments based on the Shoreline Protection Model Bylaw report.			In Progress
2 Amend the Thetis Island Shoreline and Coastal Protection Discussion Paper project charter as follows: ·Replace second In Scope bullet to read "First Nations engagement to identify areas of interest and concern"; ·Add "information and knowledge, both local and indigenous, using an IAP2 framework" following "Early community engagement and sharing" to the third In Scope bullet; ·Add "Trustee led community engagement" as a fourth In Scope bullet.	Jaime Dubyna		Completed
3 Request staff to review Standing Resolution item 6 with respect to current language uses.	Jaime Dubyna Lisa Wilcox		Completed
4 Add to Projects list, Item 1. Amendments to the TH OCP and LUB: regulations, add "Fence height" and "Derelict vehicles" to the list.	Jaime Dubyna		Completed

22-Feb-2022

Activity	Responsibility	Dates	Status
1 Fees amendment bylaw 110 given three readings and forwarded to EC for approval.	Becky McErlean Heather Kauer		Completed

Follow Up Action Report

Thetis Island

22-Feb-2022

Activity	Responsibility	Dates	Status
2 the Thetis Island Local Trust Committee request staff to: a. Send letters to members of the Advisory Planning Commission whose terms expired on February 11, 2022, thanking them for their participation and inviting their expressions of interest for reappointment for another two year term; and b. Advertise for public expressions of interest for new members	Becky McErlean Penny Hawley Wil Cottingham		Completed
3 The LTC determined that their interests are unaffected by SSI bylaw No. 225.	Becky McErlean		Completed
4 Staff to report on the Projects List at the next meeting.	Heather Kauer		In Progress
5 Bylaw staff to provide an update regarding bylaw enforcement activities on Thetis Island.	Warren Dingman	Target: 03-May-2022	In Progress



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area Bylaw No.: 526 Date: March 3, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee

PURPOSE OF BYLAW:

Proposed Bylaw No. 526 seeks to amend land use regulations for Agricultural zoned properties to expand residential flexibility in accordance with [Order in Council No. 438](#) amending *Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019* on December 31, 2021. This includes a secondary suite as a permitted accessory dwelling and a second accessory dwelling unit for lots classified as a farm under the *Assessment Act* not exceeding 56m² in floor area for lots between 1.2-ha and 2-ha, 90m² in floor area for lots greater than 2-ha, or 186m² in floor area for lots greater than 40-ha. Also included are updates specific to campground regulations, updates to information notes and updates to accessory uses. Additionally, Proposed Bylaw No. 526 amends Section 3.17 of [Salt Spring Island Land Use Bylaw No. 355](#) to permit the use of subdivision potential for farmworker housing outside agricultural zoned properties for land classified as a farm under the *Assessment Act* and adds Subsection 3.11.5 which restricts all dwelling units on Salt Spring Island to a maximum floor area of 500m².

GENERAL LOCATION:

Various

LEGAL DESCRIPTION:

Various

SIZE OF PROPERTY AFFECTED:

Agricultural zoned lots & land classified as a farm under the Assessment Act

ALR STATUS:

Yes & No

OFFICIAL COMMUNITY PLAN DESIGNATION:

Agriculture & Various

OTHER INFORMATION:

<https://islandstrust.bc.ca/island-planning/salt-spring/projects/> Housing Action Program – Farm Housing

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


(Signature)

Name: Kristine Mayes

Title: Planner 1

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Semiahmoo First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Ts'uubaa-Asatx (Lake Cowichan) First Nation

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Economic Development Commission
CRD – SSI Building Inspection
CRD – SSI Director
CRD – SSI Transportation Commission
CRD – Housing Secretariat
CRD – SSI Liquid Waste Disposal Local Service Commission
Vancouver Island Health Authority
Islands Trust Bylaw Enforcement and Compliance
Islands Trust – Islands Trust Conservancy
SSI Advisory Planning Commission
SSI Agricultural Advisory Planning Commission
Housing Action Program Task Force

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Ministry of Municipal Affairs
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural
Development (Water Authorizations)
Front Counter BC

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
RCMP
SSI Fire-Rescue
SSI Agricultural Alliance

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

526
(Bylaw Number)

(Title)

(Agency)

DATE OF MEETING: May 3, 2022

TO: Thetis Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

COPY:

SUBJECT: Development Variance Permit
Applicant: Mike McGuinness
Location: LOT 59, SECTION 31, NANAIMO DISTRICT, PLAN 17982, Ruxton Island

RECOMMENDATION

1. That the Thetis Island Local Trust Committee approve issuance of Development Variance Permit TH-DVP-2021.1 (McGuinness)

REPORT SUMMARY

The purpose of this report is to consider development variance permit application TH-DVP-2021.1 (McGuinness) for consideration by the Thetis Island Local Trust Committee (LTC). The applicant is requesting the LTC to permit the siting of existing buildings and structures including: a dwelling, three decks, a sleeping cabin, a greenhouse, a studio, two sheds, and three water tanks within the required 5.0 metre lot line setback as well as the required 10.0 metre natural boundary of the sea setback. This application seeks to correct errors that occurred when the existing buildings and structures were built, and to bring the property into compliance (see applicant's rationale in letter – Attachment 7). The variance permit application is also a condition of the Ministry of Transportation and Infrastructure referral report for subdivision: TH-SUB-2021.1 (McGuinness and Rutherford).

The above recommendation is supported as: the applicant's rationale is sound as there is no other reasonable location to site the above-mentioned buildings and structures; the siting of the buildings and structures does not affect the views of the neighbours; notification to date has generated no concerns/objections; the variances do not impact the intent of the bylaw regulation; and the impact on sensitive ecosystems and processes appears to be minimal.

BACKGROUND

The application is a result of Bylaw Enforcement file (TH-BE-2010.2) which closed in 2013 and re-opened in 2015. The previous owner complied with enforcement on illegal use of the property and has paid ticketing fines, but there are still existing siting and lot coverage contraventions.

Ownership changed in 2016 and the new owner has agreed to address outstanding bylaw enforcement contraventions for minimum lot line setbacks and maximum lot coverage. The owner of Lot 59 purchased the adjacent property, Lot 58, in 2018, and applied to subdivide said property with the goal of splitting it roughly in half and amalgamating the two halves with Lot 57 and 59 respectively. This would increase the size of both lots and help address bylaw contraventions for maximum lot coverage on Lot 59. The submission of the DVP application

seeks to rectify outstanding siting contraventions which are considered minor in nature, as a condition of subdivision application TH-SUB-2021.1 (McGuinness and Rutherford). This submission also proposes the removal of multiple buildings and structures on both Lots 58 and 59, including parts of three separate decks and four accessory buildings (sheds) to comply with the 15% maximum lot coverage (see Attachment 8 with buildings and structures proposed for removal). All other relevant background materials are attached to this staff report (Attachments 1 through 8). Photographs in Attachment 3 were taken by bylaw enforcement staff in March 2015 during a property inspection, as well as by the current owner in December 2017 and April 2022.

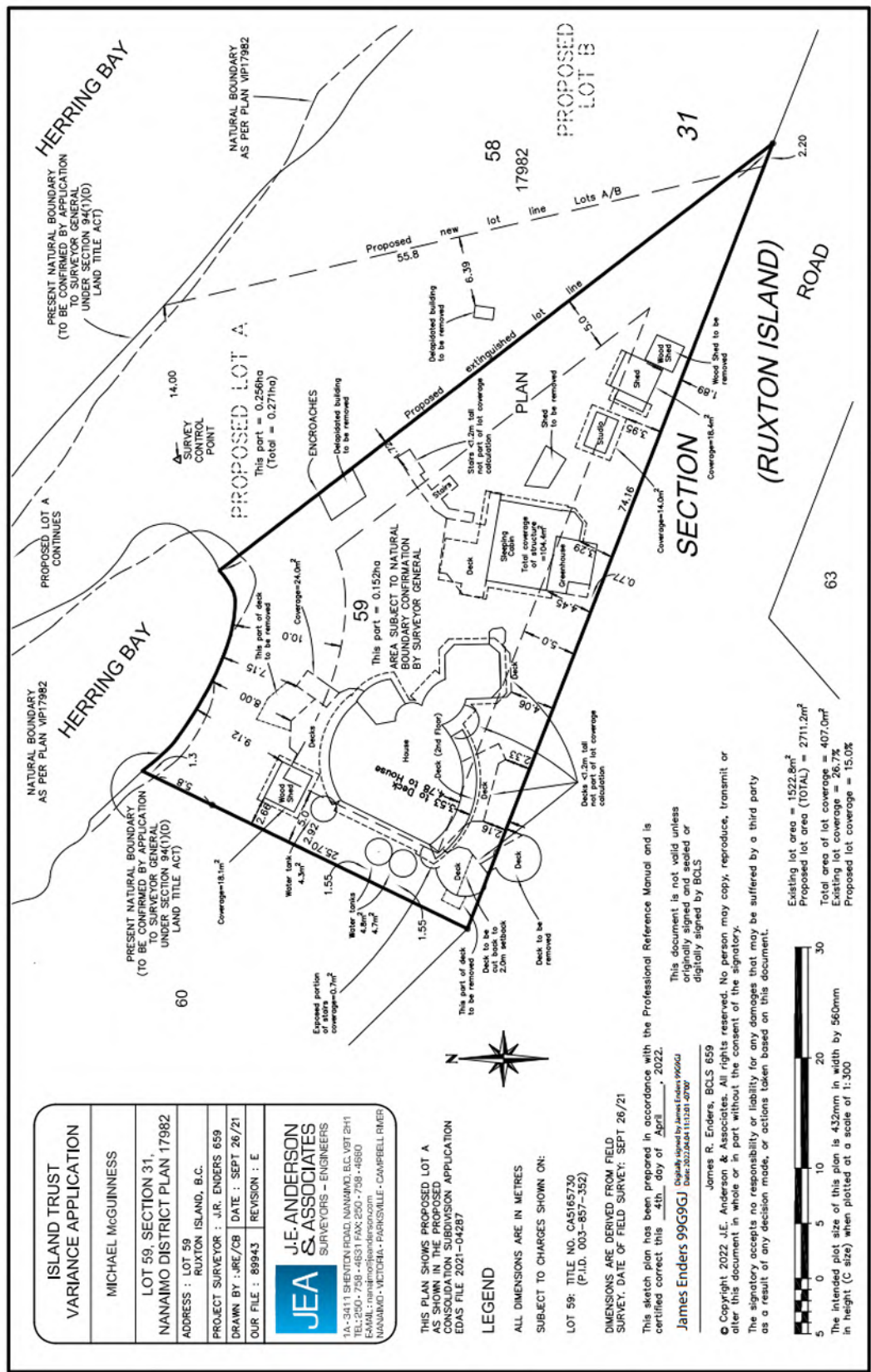
Figure 1 – Subject Property



Figure 2 – Orthophoto



Figure 3 – Site Plan



ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. The policies and regulations that pertain to this application are summarized below.

Official Community Plan

The property has a residential land use in the **Thetis Associated Islands OCP Bylaw No. 93, 2014** and is not within a Development Permit Area. The OCP contains a number of policies pertaining to residential land use objectives, shoreline protection and public access to the foreshore.

Objective 3.1 states the “Residential Land Use Objectives:

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

This application attempts to address these objectives by proposing to reduce the number and size of existing buildings and structures within the required lot line setback.

Policy 5.2.3 states, “The Local Trust Committee should use bylaw provisions to protect public access to, from, and along the marine shoreline.” Concurrent subdivision application TH-SUB-2021.1 does not propose a new public access as part of the boundary adjustment. Public access to the foreshore in this neighbourhood is currently available within 55.0 metres of the subject property via a road right of way.

Policy 5.2.10 states, “The Local Trust Committee should, through zoning, the use of building setbacks, and the use of development permit area designations and guidelines:

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

This application attempts to address this policy by proposing to reduce the size of existing structures within the setback to the natural boundary of the sea.

Land Use Bylaw:

The property is zoned **Residential One (R1)** and is subject to the provisions in the **Thetis Associated Islands Land Use Bylaw No. 94, 2014**.

The existing residential use complies with use and density provisions for the zone on the property. One structure (sleeping cabin) is legal non-conforming in height by an additional 0.75 metres as it was built before the current accessory building height regulations were adopted.

The proposal is to vary the minimum lot line setback and minimum natural boundary of the sea setback regulations. Specifically:

a) Subsection 5.1(6) which states that the minimum setback for any building or structure in the R1 zone is 5 metres from any lot line is varied to permit only those portions of:

- an existing deck (ground level) to a minimum of 2.00 metres from the south lot line and 2.00 metres from the west lot line;
- an existing deck (ground level) to a minimum of 2.16 metres from the south lot line;
- an existing covered deck (second floor) to a minimum of 3.53 metres from the south lot line (and a minimum of 3.00 metres for the roof overhang);
- an existing dwelling to a minimum of 4.78 metres from the south lot line;
- an existing greenhouse to a minimum of 0.77 metres from the south lot line;
- an existing sleeping cabin to a minimum of 3.29 metres from the south lot line (and a minimum of 2.80 metres for the roof overhang);
- an existing studio to a minimum of 3.95 metres from the south lot line (and a minimum of 3.10 metres for the roof overhang);
- an existing shed to a minimum of 1.89 metres from the south lot line (and a minimum of 1.50 metres for the roof overhang);
- two existing water tanks to a minimum of 1.55 metres from the west lot line;
- an existing water tank to a minimum of 2.92 metres from the west lot line; and
- an existing wood shed to a minimum of 2.66 metres from the west lot line (and a minimum of 2.20 metres for the roof overhang).

b) Subsection 3.3(3) which states that no building or structure except the following:

- (a) a fence
- (b) a utility shed
- (c) a boathouse located within zones R2, R3, R4, or R5;
- (d) a platform with a maximum area of 5 square metres, a set of stairs or a walkway or a combination of the two, for the purposes of accessing the foreshore; and
- (e) a boat ramp;

May be constructed, reconstructed, moved, extended or located:

- (i) within 10 metres of the natural boundary of the sea;
 - (ii) within 1.5 metres of the natural boundary of the sea as measured on the vertical plane;
 - (iii) within 30 metres of the natural boundary of any natural watercourse or source of water supply is varied
-
- To permit an existing wood shed to a minimum of 9.12 metres from the natural boundary of the sea (and a minimum of 8.50 metres for the roof overhang); and
 - To permit an existing deck (ground floor) to a minimum of 7.15 metres from the natural boundary of the sea.

A copy of the notice and draft permit (TH-DVP-2021.1) are Attachments 4 and 5.

Issues and Opportunities

Despite historic bylaw enforcement infractions, this application addresses the outstanding siting provisions in the LUB and the variances being sought are considered minor in nature.

Rationale for the Variance

The applicant's rationale for the variance:

- The subject property has ongoing encroachment issues due to limited buildable space due to the size and nature of the property.
- The original survey plan from when the lot was created contained errors in both the natural boundary to the sea, and incorrect lot line measurements.
- The flattest and most buildable parts of the subject property sit beside the road right-of-way and adjacent to the westernmost lot line.
- The remainder of the lot is close to sea level and is increasingly threatened as sea level rise.
- The existing locations of the three water tanks and the wood shed reduce the number of trees that would need to be removed. They are the most reasonable location on the property for water storage due to the terrain of the property and the slope of the roof system for collecting rainwater runoff.

Impact on Neighbouring Properties

- The closest dwelling to the proposed variance is approximately 30 metres away. No other dwellings on surrounding properties are sited close to the site of the proposed variances.
- No issues have been brought forward to date as a result of notification from surrounding property owners.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits.

Consultation

A copy of the notice and permit was sent to adjacent property owners within 100 metres of the subject property on April 14, 2022 as per Development Procedure Bylaw No. 40.

At the time of report writing there are six public submissions in support of the DVP and any additional comments received will be forwarded to the LTC prior to consideration of this application.

Regional Conservation Plan

The *Regional Conservation Plan 2018-2027* estimated the importance of habitat composition on the subject property is medium to high.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation.

Remote Access to Archaeological Data (RAAD) mapping indicates the subject property is located in proximity to a recorded archaeological site, and is on an area of archaeological potential. Staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the Heritage Act directly to the applicants along with the initial subdivision referral application. The applicant's agent reached out to the Archaeology Branch to request data, and the Archaeology Branch provided a response. If the proposed land-altering activities are planned outside of the archaeological site, a Provincial heritage permit may not be required prior to commencement of those activities. A Provincial heritage permit will be required if archaeological deposits are exposed and/or impacted during land-altering activities.

The Archaeology Branch still strongly recommended engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist would review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any unrecorded portions of the protected archaeological site, or other unidentified archaeological deposits. The applicant has indicated they are not planning to hire a consulting archaeologist prior to beginning work, but will be carefully monitoring the work.

During subdivision TH-SUB-2021.1 referral process, Islands Trust encouraged MOTI to provide information regarding the subdivision to First Nations as part of meaningful engagement to ensure preservation and protection of cultural heritage of known and unknown sites. This was requested to be considered as a condition precedent of any Preliminary Layout Review.

Rationale for Recommendation

Staff recommend the LTC approve issuance of the DVP as per the recommendation on Page 1 of the report, as:

- The existing buildings and structures are reasonably sited given the size and nature of the lot.
- MOTI has approved a setback permit to reduce building setback less than 4.5 metres from the property line fronting a provincial public highway, allowing for several existing buildings and structures to remain along the adjacent road. The siting of the buildings and structures within the road setback is considered a minor variance by planning staff.
- The existing location of the water tanks maximizes rainwater collection.
- The siting of the buildings and structures proposed for variance do not affect the views of the neighbours.
- Notification to date has generated no concerns/objections
- The variances do not impact the intent of the bylaw regulation.
- The applicant's rationale is sound.
- The impact on sensitive ecosystems and processes appears to be minimal.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are additional staff resources and time. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

2. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are that the DVP application file will be closed and transferred to Bylaw Enforcement. They will work with the applicant to ensure removal of structures and buildings located within the setbacks, and the subdivision application with MOTI will remain in abeyance until compliance with LTC bylaws is confirmed. The owner would have the option of applying to the Board of Variance

Submitted By:	Margot Thomaidis, MCP, Planner 2	April 15, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	April 20, 2022

ATTACHMENTS

1. Site Context
2. Site Plan
3. Photographs
4. Notice
5. Draft Permit
6. MOTI Setback Permit
7. Applicant Letter
8. Buildings and Structures Proposed for Removal

SITE CONTEXT

LOCATION

Legal Description	LOT 59, SECTION 31, NANAIMO DISTRICT, PLAN 17982
PID	003-857-352
Civic Address	None listed
Lot Size	0.15 ha / 0.38 acres

LAND USE

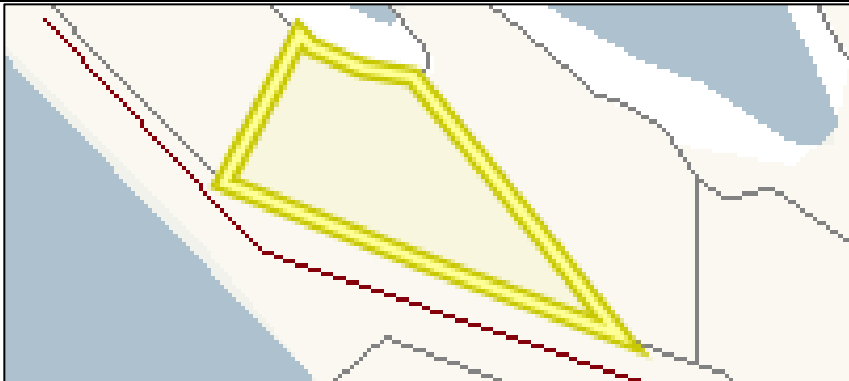
Current Land Use	Residential – Dwelling Unit, and accessory Sleeping Cabin and woodsheds
Surrounding Land Use	Residential, Marine Ruxton
	 <i>Islands Trust Zoning Map (subject property indicated in yellow).</i>  <i>Islands Trust 2014 Orthophoto (subject property indicated in yellow)</i>

HISTORICAL ACTIVITY

File No.	Purpose
TH-SUB-2021.1	Amalgamation of lots 57, 58, and 59 from three into two.

POLICY/REGULATORY

Official Community Plan Designations	The subject property is Residential in the Thetis Associated Islands Official Community Plan No. 93, 2014. Development Permit Areas: None
Land Use Bylaw	The subject property is zoned Residential One (R1) and adjacent to Marine Ruxton (W3) in the Thetis Associated Islands Land Use Bylaw No. 94, 2014. 5.1(6) The minimum setback for any building or structure in the R1 zone is 5 metres from any lot line. 3.3(3) No building or structure except the following: (a) a fence (b) a utility shed (c) a boathouse located within zones R2, R3, R4, or R5; (d) a platform with a maximum area of 5 square metres, a set of stairs or a walkway or a combination of the two, for the purposes of accessing the foreshore; and (e) a boat ramp; May be constructed, reconstructed, moved, extended or located: (i) within 10 metres of the natural boundary of the sea (ii) within 1.5 metres of the natural boundary of the sea as measured on the vertical plane; or (iii) within 30 metres of the natural boundary of any natural watercourse or source of water supply. <i>"building" means a roofed structure used or intended to be used for supporting or sheltering any use or occupancy, and includes a mobile home and a park model recreational vehicle.</i> <i>"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic fields, septic tanks, sewage absorption fields and related underground appurtenances and concrete and asphalt paving or similar surfacing of the land.</i>
Other Regulations	MOTI approved permit 2021-05887 – Setback permit to reduce building setback less than 4.5 metres from the property line fronting a provincial public highway, allowing for several existing structures to remain along Road H (RED line below)

	
Covenants	Restrictive Covenant B69531; Building Scheme (see 367611I)
Bylaw Enforcement	TH-BE-2010.2: - Structures in setback and water zone, non-compliant lot coverage, created by owner at the time. - Current owner purchased property in 2016, purchased adjacent lot (Lot 58) with neighbours on Lot 57, applied for subdivision to amalgamate Lot 58. - As a condition of subdivision, lot coverage must be 15% or less, and setback requirements must be met or varied.

SITE INFLUENCES

Islands Trust Conservancy	None
Regional Conservation Strategy	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is MED - HIGH on the subject property. See Our Priorities - Conservation Planning for more information. 
Species at Risk	SAR (Public) Species: None Currently Mapped SAR (Public) Ecological Community: Islands Trust mapping identifies Coastal Douglas-fir/Dull Oregon-grape ecological community. The Islands Trust Conservancy, "Thetis Island Local Trust Area - Coastal Douglas-fir Forests" fact sheet contains more information.
Sensitive Ecosystems	SEI: None Currently Mapped Heron Rookery/Raptor Nest/Sea Bird Colony: None Currently Mapped RAR Watercourse: None Currently Mapped SEM: Mature Forest, Woodland, and Herbaceous



Sensitive Ecosystem Mapping (SEM) (subject property indicated in yellow)

Islands Trust mapping indicates areas of the subject property within the following sensitive ecosystems:

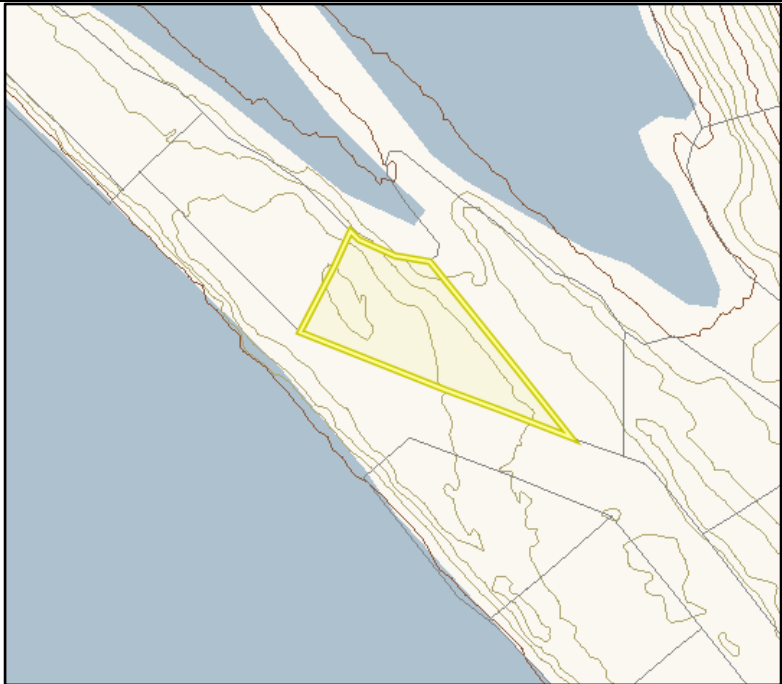
- **Herbaceous**
- **Woodland**
- **Mature Forest**

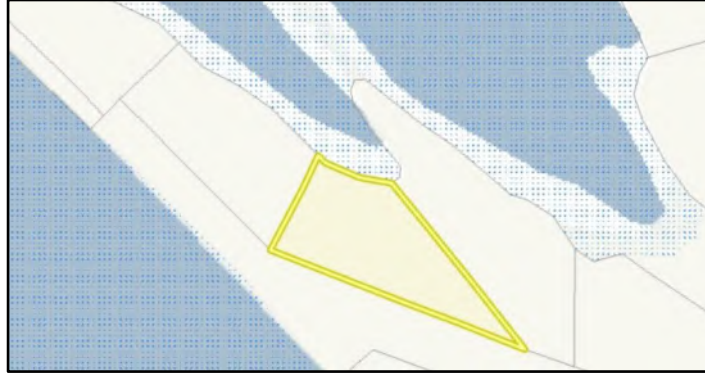
The Islands Trust Conservancy “[Sensitive Ecosystem Guide](#)” provides the following:

- **Herbaceous ecosystems** are small, fragile ecosystems that provide “specialized micro-habitats for many species of rare butterflies, wildflowers and lichens.” Recommended protection measures include limiting access and avoiding development to prevent soil and vegetation damage, creating vegetation buffers using native species, preventing disturbance of nesting or breeding areas and allowing natural seasonal moisture variations to continue by restricting human inputs (such as septic discharge and garden watering).
- **Woodland ecosystems** are among the most sensitive and biologically diverse ecosystems in the Islands Trust Area, providing habitat to a wide variety of plants, insects, reptiles and birds. Specifically, Garry Oak woodlands support the highest plant species diversity of any terrestrial ecosystem in British Columbia. To reduce impacts, recommended protection measures include limiting access and avoiding development to prevent vegetation damage, actively controlling invasive species, and preventing (livestock grazing) to avoid soil compaction and erosion. \
- **Mature Forest** ecosystems are often found in areas surrounding or bordering other sensitive ecosystems such as old forests and wetlands. Mature forests serve as buffers for these sensitive ecosystems while providing habitat for a variety of plant and animal species. If conserved, mature forest ecosystems have the potential to become the old forest ecosystems of the future. Recommended protection measures include maintaining the largest possible patches of mature forest, allowing succession, natural disturbance and decay to occur, restricting access by vehicles and livestock, and controlling invasive species

Hazard Areas

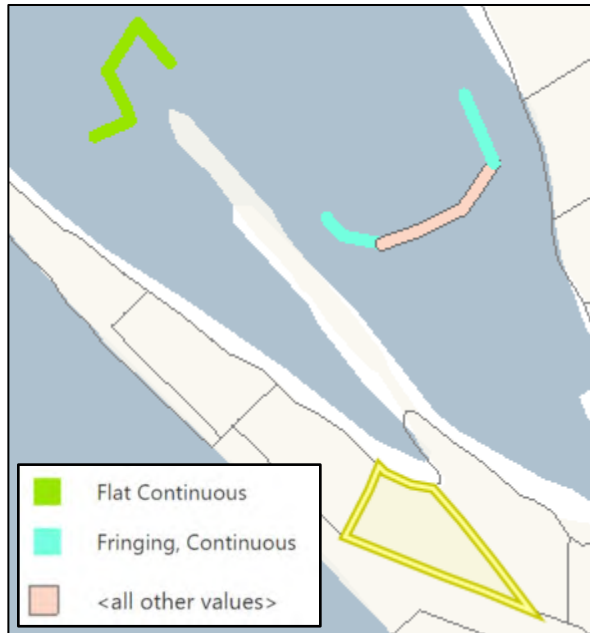
None Currently Mapped

	 <i>Islands Trust Mapping Contours 2m (subject property indicated in yellow)</i>
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping indicates the subject property is located in proximity of a known archaeological site, and is on an area of archaeological potential. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The subject property ranges in elevation from approximately 0 to 8 metres above sea level.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder Coastal Banks or Bluffs
Shoreline Data in TAPIS	Islands Trust Protected Areas mapping indicates a Government of Canada Rockfish Conservation Area adjacent to the subject property. See more information about protecting Rockfish and their habitat here: https://www.pac.dfo-mpo.gc.ca/fm-gp/maps-cartes/rca-acsc/docs/protect-rockfish-protege-sebaste-eng.pdf

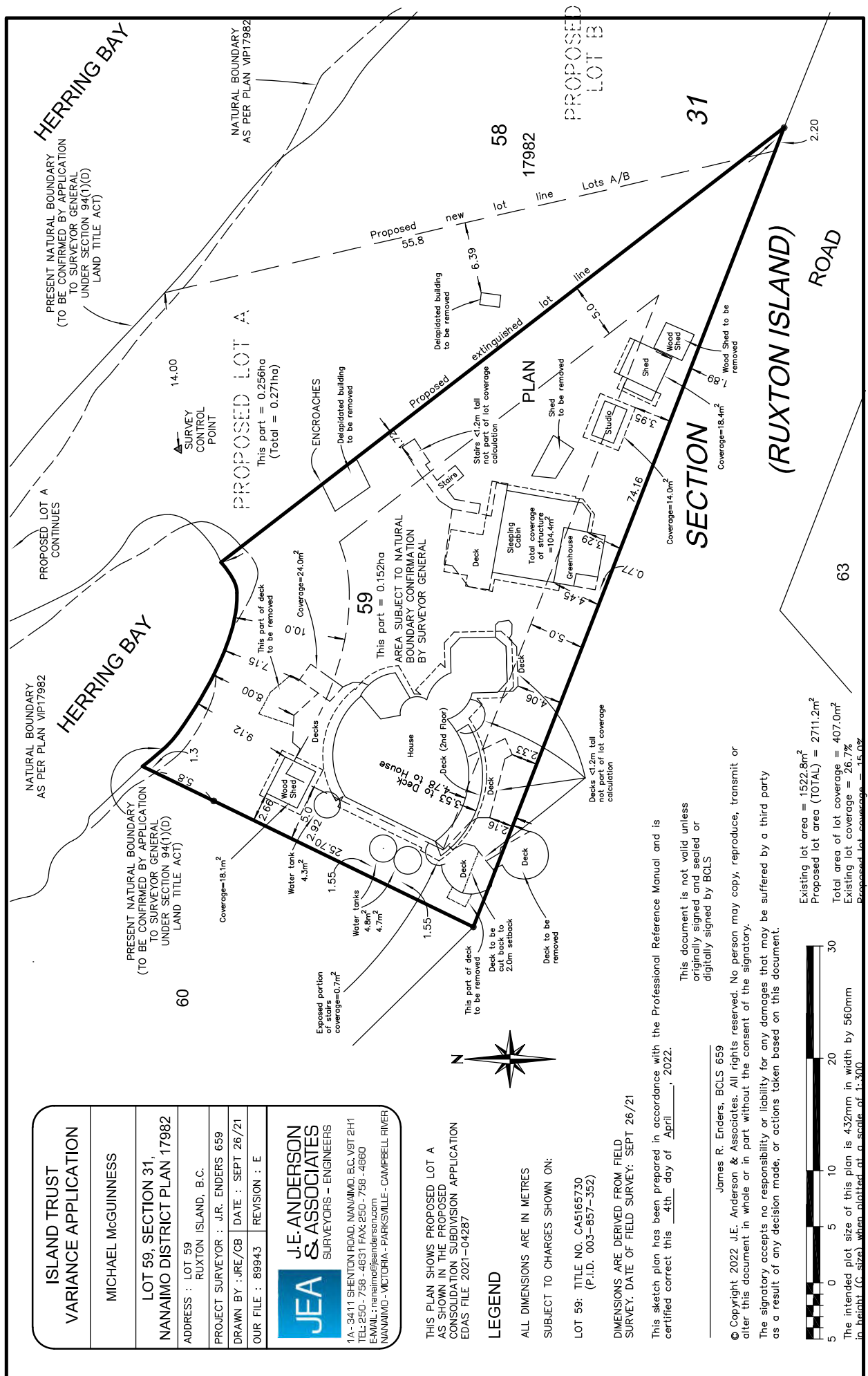


Islands Trust Protected Area: Rockfish Conservation Area (indicated with blue dots) (subject property indicated in yellow)

Islands Trust mapping indicates eelgrass within 65 metres of the proposed lots. More information can be found in the Galiano Conservation Association's, "[Map 4a: Eelgrass Presence Thetis Island Local Trust Area, excluding Valdes Island](#)".



Islands Trust eelgrass mapping (subject property indicated in yellow)



PHOTOGRAPHS

Photos taken by Bylaw Enforcement and Planner during Site Inspection on March 19, 2015.



Figure 1 (left): Greenhouse/sleeping cabin (proposed variance).

Figures 2 (above), 3 (below-right), and 4 (below-left): Decks sited along southern property line proposed for variance or to be removed.



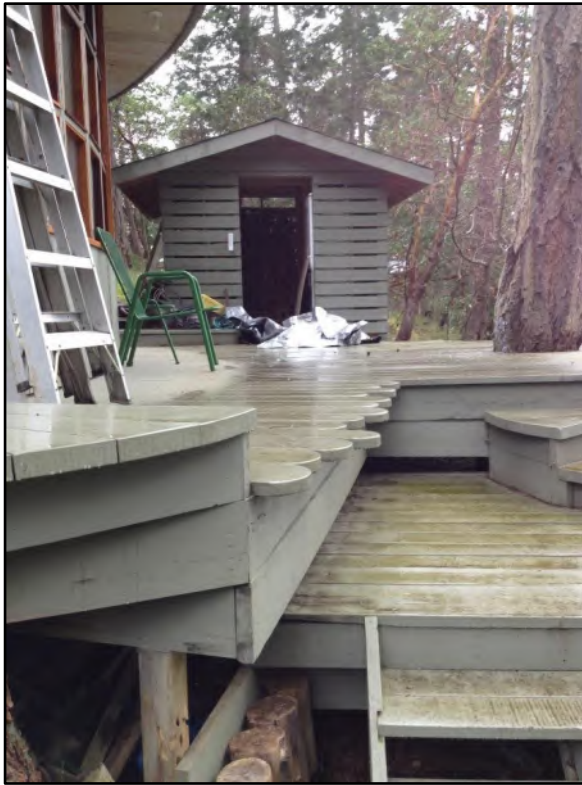


Figure 5 (above): Deck and woodshed viewed from the east.

Figure 6 (right): Decks and woodshed viewed from the north; photo taken by owner in April 2022.





Figure 7 (above): photos of the studio (left) and shed (right) proposed for variance along the southern property line.

NOTICE is hereby given that the Thetis Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Thetis Island Land Use Bylaw No. 94, 2014:

- to permit the siting of an existing shed, woodshed, decks, studio, greenhouse, sleeping cabin, dwelling, and three water tanks within the 5.0 metre lot line setback, as shown in the proposed Permit.
- to permit the siting of an existing deck and woodshed within the 10 metres setback to the natural boundary of the sea.

The property is located at **Lot 59 Ruxton Island** and is legally described as Lot 59, Section 31, Nanaimo District, Plan 17982 (PID: 003-857-352).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected on the Islands Trust Website here: <https://islandstrust.bc.ca/island-planning/thetis/current-applications/> and at the Islands Trust Office, 700 North Road, Gabriola, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 22, 2022** and continuing up to and including **May 2, 2022**.

Enquiries or comments should be directed to Margot Thomaidis, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604)-660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:00 pm, **May 2, 2022**.

The Thetis Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **9:30 am on May 3, 2022 at Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC.**

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



Islands Trust

THETIS ISLAND LOCAL TRUST COMMITTEE
DRAFT DEVELOPMENT VARIANCE PERMIT
TH-DVP-2021.1

To: Michael McGuinness

1. This Development Variance Permit applies to the land described below:

LOT 59, SECTION 31, NANAIMO DISTRICT, PLAN 17982
(PID: 003-857-352)

2. Thetis Associated Islands Land Use Bylaw 94, 2014 is varied as follows:

- a) Subsection 5.1(6) which states that the minimum setback for any building or structure in the R1 zone is 5 metres from any lot line is varied to permit only those portions of:

- an existing deck (ground level) to a minimum of 2.00 metres from the south lot line and 2.00 metres from the west lot line;
- an existing deck (ground level) to a minimum of 2.16 metres from the south lot line;
- an existing covered deck (second floor) to a minimum of 3.53 metres from the south lot line (and a minimum of 3.00 metres for the roof overhang);
- an existing dwelling to a minimum of 4.78 metres from the south lot line;
- an existing greenhouse to a minimum of 0.77 metres from the south lot line;
- an existing sleeping cabin to a minimum of 3.29 metres from the south lot line (and a minimum of 2.80 metres for the roof overhang);
- an existing studio to a minimum of 3.95 metres from the south lot line (and a minimum of 3.10 metres for the roof overhang);
- an existing shed to a minimum of 1.89 metres from the south lot line (and a minimum of 1.50 metres for the roof overhang);
- two existing water tanks to a minimum of 1.55 metres from the west lot line;
- an existing water tank to a minimum of 2.92 metres from the west lot line; and
- an existing wood shed to a minimum of 2.66 metres from the west lot line (and a minimum of 2.20 metres for the roof overhang).

- b) Subsection 3.3(3) which states that no building or structure except the following:

- (a) a fence
- (b) a utility shed
- (c) a boathouse located within zones R2, R3, R4, or R5;
- (d) a platform with a maximum area of 5 square metres, a set of stairs or a walkway or a combination of the two, for the purposes of accessing the foreshore; and
- (e) a boat ramp;

May be constructed, reconstructed, moved, extended or located:

- (i) within 10 metres of the natural boundary of the sea;
- (ii) within 1.5 metres of the natural boundary of the sea as measured on the vertical plane;

(iii) within 30 metres of the natural boundary of any natural watercourse or source of water supply is varied

- To permit an existing wood shed to a minimum of 9.12 metres from the natural boundary of the sea (and a minimum of 8.50 metres for the roof overhang); and
- To permit an existing deck (ground floor) to a minimum of 7.15 metres from the natural boundary of the sea.

c) These building and structure siting and setback variances apply only to the described parcel and buildings and structures as shown on **Schedule 'A.1' – Site Plan** and **Schedule 'A.2' – Site Plan (Excerpt)** which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Thetis Associated Islands Land Use Bylaw No. 94, 2014, including use and density, and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE THETIS ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

ISLAND TRUST
VARIANCE APPLICATION

MICHAEL MCGUINNESS

**LOT 59, SECTION 31,
NANAIMO DISTRICT PLAN 17982**

**ADDRESS : LOT 59
RUXTON ISLAND, B.C.**

PROJECT SURVEYOR : J.R. ENDERS 659

DRAWN BY : JRE/OB DATE : SEPT 26/21

OUR FILE : 89943 REVISION : E

JEA J.E. ANDERSON & ASSOCIATES
SURVEYORS - ENGINEERS

1A-3411 SHERIDAN ROAD, NANAIMO, B.C. V8T 2H1
TEL: 250-738-4831 FAX: 250-738-4860
EMAIL: nanaimo@jenderson.com
VANUATU: MICHAEL MCGUINNESS - CAMPBELL (RMR)

**THIS PLAN SHOWS PROPOSED LOT A
AS SHOWN IN THE PROPOSED
CONSOLIDATION SUBDIVISION APPLICATION
EAS FILE 2021-04287**

LEGEND

ALL DIMENSIONS ARE IN METRES

SUBJECT TO CHARGES SHOWN ON:

**LOT 59: TITLE NO. CA5165730
(P.L.D. 003-857-352)**

**DIMENSIONS ARE DERIVED FROM FIELD
SURVEY. DATE OF FIELD SURVEY: SEPT 26/21**

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 4th day of April, 2022.

James Enders 99G9GJ (P.L.D. 003-857-352)

Drawn and signed by James Enders 99G9GJ
Date: 2022-04-04 11:28:47 AM

James R. Enders, BOLS 659

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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Existing lot area = 1522.8m²
Proposed lot area (TOTAL) = 2711.2m²
Total area of lot coverage = 407.0m²
Existing lot coverage = 39.7%
Proposed lot coverage = 15.0%

The intended plot size of this plan is 432mm in width by 560mm in height (C size) when plotted at a scale of 1:300



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Vancouver Island District
Third Floor
2100 Labieux Road
Nanaimo, BC V9T 6E9

("The Minister")

AND:

Mike McGuinness
PO Box 1461 STN Main
Ladysmith, British Columbia V9G 1B1

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow for several existing structures within 4.5m setback from, Road H located at Lot 59 Plan VIP17982 Section 31 Land District 32 Ruxton Island Nanaimo District, in accordance with J.E.Anderson & Associates Drawing 89943 Rev E, dated September 26, 2021

- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. This permit is valid only for the specific purpose stated herein. Any alterations or additions must be covered by a separate permit.

Any buildings or structures marked for removal on the associated drawing are not covered by this permit and are to be removed.



5. The Ministry of Transportation and Infrastructure and/or the Maintenance Contractor shall not be held accountable for any damage(s) to the said structure, however caused.
6. No portion of the structure shall encroach upon the Highway right-of-way.
7. Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted for a new similar structure.
8. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Ministry Representative. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
9. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
10. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
11. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
12. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
13. Any damage to the Ministry of Transportation and Infrastructure's right-of-way as a direct result of the permitted works, shall be repaired and maintained by the permittee in perpetuity.
14. The Permittee shall determine the location of highway right-of-way to ensure their permitted work is within Ministry jurisdiction. The Permittee is responsible for all trespass issues.
15. The Permittee may not assign any part of this Agreement without the consent, in writing, of the Minister.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Nanaimo, British Columbia, this 20th day of December, 2021

On Behalf of the Minister



Islands Trust Northern Office,
Local Trust Committee,
Local First Nations, Ministry of Highways &
Ruxton Neighbours

Re: Lot 59 Ruxton Island Development Variance Application and Subdivision with Lot 58

Dear Trustees, Planners, Local Trust Committee, Local First Nations, Ministry of Highways, and Ruxton Neighbours,

OVERVIEW

We are seeking to subdivide Lots 57, 58 and 59 on Ruxton Island with the goal of splitting lot 58 roughly in half and merging the two halves of lot 58 with lots 57 and 59 respectively. This increases the size of the small waterfront lots (57 & 59), eliminates a buildable lot (58), prevents oceanfront population density increase, helps preserve the health and beauty of the ecosystem, and helps reduce bylaw infractions on lot 59. Concurrently with the subdivision application, I am submitting this Development Variance Application to legalize existing structures on Lot 59. No new construction will take place during either process, but several structures will be removed or reduced in size.

BACKGROUND

In 2016, I purchased my first home, a beautiful artistic house built by the former owner using local materials on Lot 59 on Ruxton island. I have lived here full time for 5 years and am grateful to be the current steward for a small corner of this beautiful island. With the exception of two water storage tanks that we added to reduce our reliance on the over-burdened and limited capacity of the community well, and for fire safety, the property was built and developed in the mid-ninety's and early 2000's by the prior owners, prior to many of the modern bylaws.

Since purchasing the property, I have worked with Islands Trust and our neighbours to remove a dock, derelict boat, and remove or reduce the size of decks, balconies, fences, bridges, gardening structures and remove junk left by the former owners. The former owner was an artist who loved working with wood, and got a little carried away.

We have removed and recycled several barges worth of “scrap”, and will need to do a few more as we continue to remove more structures and the previous owner’s contents. While the neighbours and broader local community have had no complaints about the property and frequently come to enjoy the space and the effort we have put in to clean it up, I continue to work to try to bring the property closer to compliance, and am hoping to further that work through the variance and subdivision processes, both to legalize the existing structures, and protect more wild space. It has been a larger and somewhat overwhelming amount of effort and expense, but will be worthwhile.

In 2018, I purchased lot 58 with my neighbours on Lot 57, with the express purpose of subdividing it and merging roughly half of lot 58 with lot 59, and the other half with their lot, lot 57. Before making the purchase, we contacted the local Islands Trust planners, and this was described as something that the Islands Trust would be in very strong support of as the lots on Ruxton are zoned far too small by modern standards. This proposed subdivision will almost double the size of lot 59 from .152 hectares to .271 hectares, remove lot 58 as a separate buildable lot, help preserve the nature of the island, alleviate some infractions on lot 59, and prevent increased population density.

Despite personal health issues, Covid impacts on my business and finances, and dealing with a somewhat overwhelming number of urgent and significant home repair issues (several of which remain on-going), I have made good progress, and I will complete the additional work identified below throughout this process. And while the development variance application and subdivision application are separate processes, I hope that the development variance process can recognize that the subdivision application makes significant positive impacts to help further respect the intentions of the Policy Statement, Thetis OCP and Thetis bylaws, and to make every reasonable attempt to achieve a legalized outcome that is amenable to everyone, and beneficial to the island itself and the local community.

While I was originally advised by the planners to apply for reduced 2m setbacks, then vary the remaining issues, it is now suggested that I apply for specific variances as that is considered less invasive. I am happy to do that despite it requiring significantly more survey and paperwork as I agree that it is less invasive, and it prevents further encroachments.

As you are probably aware, Ruxton Island was subdivided in the 70’s, and many lots including lot 59 are zoned in ways that would never be done today. Issues include very small lot sizes which are overly affected by Thetis’ setbacks and 15% lot coverage restrictions, hilly and uneven ground, sensitive ecological areas, low bank susceptible ocean to flooding, and road allowances that run right along the ocean front. As such, many Ruxton properties have encroachment issues as the lots are too small given the limitations in the general bylaws, and many, like ours, have limited buildable space due to the size and nature of the property.

Included in the challenges specific to lot 59, the buildable part of the lot sits at the high part of the lot, beside the road right-of-way, while much of the remainder of the lot is barely above sea level and is increasingly threatened as sea levels rise. We have already experienced tidal flooding of the lower part of the property during winter storms. Further adding to the challenges, as discovered by the surveyors, the original survey contained errors in both the natural boundary to the sea, and incorrect lot line measurements for all three lots in our subdivision application.

Living full time off-grid on Ruxton has been a difficult but rewarding experience. Everything here is significantly more challenging, manual, costly and time-consuming. Living with minimal impact on the land, air and sea is even more difficult, but we've reduced our impact every year by adding solar, more efficient heating and insulation, a food garden, and significantly reducing our reliance on on-island resources like wood and water, as well as off-island resources. Put simply, this is a place we love, and we're doing everything we can to protect it for the future.

There are no recorded archeological sites on Lot 59, or on the portion of Lot 58 that will be subdivided with Lot 59. There is a known site on the South end of Lot 58, but it is not affected by the subdivision as there are no land-altering activities taking place. Results of Provincial Archaeological Inventory Search are attached.

We appreciate your consideration of our variance application. We hope that you will take the history of Ruxton island, the issues and constraints related to the original survey and subdivision, the unique constraints of Lot 59, the issues created by the former owner, and our own efforts to minimize the property's impact into account in evaluating our application. Please also keep in mind the work being done on the subdivision application, which eliminates a buildable lot, reduces the current impact and prevents increased density and human impact, and helps to preserve and protect the unique nature of the island.

I will detail the site plan and proposed variances on the following pages. Thank you for your consideration of our application, and I look forward to working with you through this process to further protect this island that we all love.

Warm regards,

Name(s): Mike McGuinness,

Date: 2021/09/25

Ruxton Lot #: 59

Phone: 604-812-8363

Email: mmcguinness@level-up.ca

Refer to drawings:

“Proposed Lot A of Lots 59 and Part of Lot 58 Both of Section 31, Nanaimo District Plan 17982.
 (“89943-var app c 2021 09 03.pdf”)

ITEMS TO BE REMOVED OR REDUCED

Items to be Completely Removed:

In addition to the dock, decks, balcony, bridges and garden trellises we have already removed, and in addition to merging roughly half of lot 58 with lot 59 to reduce our overall lot coverage, we also plan to remove the following structures:

- Dilapidated milling shed on the Eastern property line.
- Shed on East side of sleeping cabin.
- Wood Shed on the SE end of the lot.
- Round deck on the road right-of-way, south of the lot.
- Dilapidated shed/outhouse on lot 58.
- Dilapidated funicular for lifting items from the beach to the back deck loading/unloading platform.

Additional Items to be Significantly Reduced in Size or Distance to Setback.

- Removing outdoor shower and significantly reducing the size of the Southwest deck to 2m from the property line.

PROPERTY LINE SETBACK VARIANCES

Northern Property Line (Itemized West to East):

The Northern property line delineates the natural boundary of the sea. The new survey makes corrections to the original lot plan and the natural boundary of the sea.

Woodshed (Northwest)

- 9.12m horizontally from the natural boundary of the sea.
- 2.66m horizontally from the Western property line.
- >2m vertically from the natural boundary of the sea.
- 3.5m maximum height within setback.
- Required to store and dry cords of wood required for heating for fall/winter/spring.
- Was supposed to be 10m from water, but clearly not measured correctly by previous owner, even despite original natural boundary also being wrong.
- This structure is our primary space for drying and storing wood.

Unloading Platform Deck

- We are removing the part of the deck that is closest to the natural boundary of the sea (5.2m).
- Remaining deck is 7.15m horizontally from the natural boundary of the sea.
- >2m vertically from the natural boundary of the sea.
- 1.25m maximum height within setback.
- The deck serves as a loading/unloading platform that we use for loading and unloading items to and from our boat.

- The deck used to have a motorized funicular used to bring items up the cliff from the beach to the platform. The funicular is partially removed and will be fully removed.

Western Property Line (Itemized North to South):

Our Northwest property line is shared with our neighbours on Lot 60. The 5m setback on their lot is used for storage, and is behind their shed and not generally visible from their yard.

Woodshed (Northwest)

- Detailed above under “Northern Property Line”.

Water Tanks

- 2.92m from side setback (1X 1500G tank).
- 1.5m maximum height within the side setback (1500G tank).
- 1.55m from side setback (2X 2500G tanks).
- 2.5m maximum height within the side setback (2500G tanks).
- There are 3 water tanks that provide gravity-fed rainwater storage and supply to the house and garden, and to the fire pump. These are plumbed into the front, rear and west side gutter of the house to provide water collection. Being in the rain shadow of Vancouver island, we often receive next to no rain between May and October.
- Cannot be moved closer to the house. We needed to excavate ground back along the side foundation as the original builder placed dirt and wood against the house’s support beams, causing rot. This is also the only large enough flat area for that tanks to sit and gravity feed water.
- These tanks allow us to significantly reduce our draw from the local well and water table, and they provide necessary water storage for fire safety.

Southwest Exit Deck, Exit Stairs and Outdoor Shower

- Remaining deck structure to be significantly modified so that it is 2m from property line, including complete removal of outdoor shower attached to deck.
- Stairway provides emergency exit from second floor down to deck, and then deck to ground level. This is the only exterior exit from the second floor.
- 6m maximum height for corner of house roof within setback.
- 3.75m maximum height of house front balcony railing/exit stairs railing within setback.
- 1.1m maximum height of exit stairs deck.
- 3.1m maximum height of deck railing.
- Required for safe exit from the second floor.

Southern Property Line (Itemized West to East)

Our Southern property line sits up against the road right of way, with the ocean on the other side of the road. The road is a trail and green space shared by our direct neighbours, as well as other island residents who come to whale watch and watch sunsets. The local neighbours have no desire to see this right-of-way developed as a full road as it runs right along the waterfront, and is only accessible to the main roads by foot trails over a cliff. All properties to the North West of our lot use this trail, and have primary access to their properties in the low-bank waterfront on the North-East side of their lots.

Front Round Deck

- The round deck that is on the road right-of-way will be removed.

Front Lower Deck

- 2.16m from side setback.
- At ground level.
- The front lower deck was recently modified to be over 2m from the side setbacks based on initial conversations with Islands Trust planners. This deck was originally ~0.76m from the side setback.

Front Balcony

- 3.53m from side setback.
- Required for safe exit from the second floor of the house.

Southwest Deck

- As noted above in the “Western Property Line” section, will be reduced to 2m from side setback.
- 1.1m maximum height of exit stairs deck.
- 3.1m maximum height of deck railing.
- Required for safe exit from the second floor.

House

- 4.78m from side setback.
- 5.5m maximum height within setback
- While the builder believed the house was accurately measured as 5m from the side setback, it does encroach slightly. The house is on a poured concrete foundation and is not moveable.
- I’m not sure if this resulted from the incorrect lot line measurements in the original lot survey, or previous owner’s error.

Sleeping Cabin & Greenhouse

- .77m from side setback.
- 4m maximum height within the setback
- Guest sleeping cabin.
- The greenhouse section of the sleeping cabin encroaches significantly on the side setback. Being a heavily treed area, the greenhouse is critical to starting plants early and being able to grow our own food before the sun gets too low in the sky, without having to clear cut the lot.

Potting Shed (Shown as Studio)

- 3.95m from side setback.
- 2.55m maximum height within setback.
- Required for storing pots, soil and related tools for our food garden.

Yard Shed

- 1.89m from side setback.
- 3.6m maximum height within setback.
- Required for storing yard maintenance tools, equipment and building materials.

Woodshed 2 (Southeast)

- **This structure will be removed.**

Original Eastern Property Line (Itemized North to South)

The original Eastern property line runs through the swampy, lowest part of the property just above sea level. The proposed new Eastern lot line moves the majority of the line to the east, eliminating several side setback issues, and significantly increasing the total lot size.

Milling Shed

- Encroaches slightly on lot 58.
- **This structure will be removed.**

East Stairs with Covered Seating Area

- 1.72m from side setback.
- Stairs <1.2m maximum height.
- Railing 3m maximum height within setback.
- These stairs allow us to safely access the lower party of the property from the sleeping cabin.
- With the new proposed Eastern lot line, the stairs will no longer encroach on the side setback.

CHANGES TO LOT 58

The delapidated shed/outhouse on lot 58 will be removed. There are no other structures on the part of lot 58 that is to be subdivided with lot 59.

LOT COVERAGE

The current area of lot 59 is 1522.8m².

The current area of structures on lot 59 is 407.0m² (not including structures marked as being removed).

The current lot coverage percent of lot 59 is 26.7%.

The proposed area of proposed lot A (lot 59 + ½ of 58) is 2711.2m².

The proposed lot coverage percent of proposed lot A is 15% (after removal of structures marked as being removed).

HIGHWAYS SETBACK

I am also separately submitting a variance application to the ministry of highways for the items within the road setback on the lot's Southern property line.

NEIGHBOURS SUPPORT

My local neighbours have expressed support for the subdivision and development variance projects, and I will be asking them to submit letters of support for our project, understanding that they will also be contacted by Islands Trust and will be able to provide additional feedback.



THETIS ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 110

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

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

Citation

1.1 This bylaw may be cited as the "Thetis Island Local Trust Committee Fees Bylaw, 2021".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Thetis Island Local Trust Committee Development Procedures Bylaw No. 40, 1992 to make an application in respect of a bylaw or permit under the Islands Trust Act or Part 14 or Part 15 of the Local Government Act;
- 2.1.2 an applicant for a license under the Liquor Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the Cannabis Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or OCP)	\$7,800
2. Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
Other Permits	
13. Heritage Alteration Permit	\$1,700
Combination Applications	
14. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,100
2. Application for Subdivision Review – per additional lot created	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Thetis Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “Thetis Island Local Trust Committee Fees Bylaw No. **83**” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS 22ND DAY OF FEBRUARY, 2022

READ A SECOND TIME THIS 22ND DAY OF FEBRUARY, 2022

READ A THIRD TIME THIS 22ND DAY OF FEBRUARY, 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

23RD DAY OF MARCH, 2022

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

On Mar 11, 2022, at 9:20 AM, Ellen Hrad [REDACTED] wrote:

Good morning,

I am writing today to voice my opposition to the proposed geoduck farming in Preedy Harbour. My family has lived on Thetis for over a decade and we routinely use this specific area for recreational activities.

In my view the farming will negatively impact the environment, the lifestyle of inhabitants (human and animal) and is wholly without benefit to us.

I have reviewed the materials and my mind is unchanged.

Regards,

Ellen Hrad

[REDACTED] Thetis Island BC

Sent from my iPhone

From: Abrupt Shellfish [<mailto:abruptshell@shaw.ca>]

Sent: Friday, March 11, 2022 10:56 AM

To: Ellen Hrad

Cc: Doug Fenton; Laura Patrick; Peter Luckham

Subject: Re: Geoduck farming

Hello Ellen,

Thank you for your input and your candour.

I will be sure to include your email with our application to Islands Trust.

Best Regards,

Yvonne Tomlinson

Administrator

Abrupt Shellfish Inc.

abruptshell@shaw.ca

I acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, & Lyackson Peoples have walked gently on the unceded territories where I now live and work.

From: "INFO, BCEBC BCEBC:EX" <info@bcebc.ca>
Subject: Greetings from the BC Electoral Boundaries Commission
Date: March 3, 2022 at 11:45:56 AM PST
To: "sefast@bimbc.ca" <sefast@bimbc.ca>



March 3, 2022

Councillor Sue Ellen Fast
Island Municipality of Bowen Island

Greetings from the BC Electoral Boundaries Commission.

Please accept this letter as an invitation to your organization to express your views on the province's current electoral district boundaries.

The BC Electoral Boundaries Commission is an independent, non-partisan commission with a mandate to review the area, names and boundaries of provincial electoral districts. The Commission submits two reports to the Legislative Assembly with recommendations for the next two provincial general elections.

Your voice is an important part of this process. To help prepare its preliminary report, the Commission is now seeking public input on the province's current electoral district boundaries. We will be publishing a preliminary report with initial recommendations. After, we will seek public input on those recommendations.

You can share your organization's views in the following ways:

- through the [Commission website](#),
- at an in-person or virtual [public meeting](#), or
 - by [writing the Commission](#) directly.

Visit our website to learn more about the Commission, review maps and resources, and find the electoral districts in your community.

Please feel free to share this information with others and contact us with any questions.

Sincerely,

Justice Nitya Iyer
Commission Chair

BC Electoral Boundaries Commission

100- 1112 FORT STREET, VICTORIA B.C. V8V 3PK
BCEBC.CA | INFO@BCEBC.CA | 1-800-661-8683

DATE OF MEETING: May 3, 2022
TO: Thetis Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: 2021-2022 Annual Report

RECOMMENDATION:

1. **That the Thetis Island Local Trust Committee endorse the following text for inclusion in the 2021-2022 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.**

The Thetis Island Local Trust Committee (THILTC) held five regular business meetings in the 2021/22 fiscal year, one special Meeting, and one special in-camera meeting for a total of seven meetings.

From April 1, 2021 to March 31, 2022, the THILTC received and considered an application for one development variance permit. During the same time period staff also reviewed six building permit referrals, three crown lease referrals, and one subdivision referral for proposals within the Thetis Island Local Trust Area.

This year, the THILTC gave three readings and forwarded the Riparian Area Protection Regulation Official Community Plan amendment bylaw to the Ministry of Municipal Affairs. This submission brings this 11-year amendment process to near completion.

The THILTC also gave concurrence to a Telus communications tower after receiving notification of support from Penelakut First Nation.

Relationship building with Penelakut First Nation continued when the THILTC initiated a Shoreline and Coastal Protection Strategy Project and successfully applied for a UBCM Community to Community Forum grant. The Trustees used the grant funds to organize two boat tours in the Local Trust Area that included members of both the Lyackson and Penelakut First Nations.

DISCUSSION

Local trust committees are asked to endorse their draft sections of the 2021-2022 Annual Report so that Trust Council is readily able to approve the annual report at the Trust Council meeting in June 2022.

Preparation of the Islands Trust Annual Report is outlined in Trust Council's [Annual Report Policy 6.10.i](#). Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and subsequent consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs & Housing and circulate it as indicated in Trust Council's policy.

The recommended text (above) has been reviewed by the Islands Trust Communications Specialist and approved by the Director of Local Planning Services.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	April 8, 2022
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Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
TH-DVP-2021.1	McGuinness, Michael	15-Oct-2021	PID: 003-857-352 Bring existing structures into compliance. Civic address: Lot 59 Ruxton Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 16-Feb-2022

Planner reviewing file.

Status Date: 11-Jan-2022

File reassigned.

Status Date: 20-Dec-2021

Copy of MOTI Setback Permit received.

Subdivision

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

Planner: Heather Kauer

Planning Status

Status Date: 19-Jan-2022

No change in status.

Status Date: 25-Oct-2021

File transferred from Planner Cox to Planner Eggen.

Status Date: 12-Oct-2021

No change in status.

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending February 2022

670 Thetis	Invoices posted to Month ending February 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-670	LTC "Trustee Expenses"	115.00	3.19	111.81
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	867.00	1,278.70	-411.70
65210-670	LTC - Local Exp - APC Meeting Expenses	370.00	0.00	370.00
65220-670	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-670	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>1,781.00</u>	<u>1,278.70</u>	<u>502.30</u>
Projects				
73001-670-3008	Thetis RAR	<u>2,700.00</u>	<u>0.00</u>	<u>2,700.00</u>
TOTAL Project Expenses		<u>2,700.00</u>	<u>0.00</u>	<u>2,700.00</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	It was MOVED and SECONDED 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.
2.	August 28, 2018	TH-2018-036	Suspension of enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: 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. 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. 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.
3.	August 28, 2018	TH-2018-041	Non-medical cannabis retail applications	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • 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.

No.	Meeting Date	Resolution No.	Issue	Policy
				- The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. - 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: - Name of the applicant and a description of the proposal in general terms - The location of the proposed establishment and the subject site - The place where, date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - How public comments may be submitted to the Local Trust Committee.
4.	December 12, 2018	TH-2018-053	Cannabis License Applications	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: 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.
5.	February 22, 2019	TH-2019-020	Electoral Area Director	See Item 9 below.
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	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: 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:

No.	Meeting Date	Resolution No.	Issue	Policy
				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 upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; 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; 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; 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.
7.	February 11, 2020	TH-2020-001	Electoral Area Director Reports	See Item 9 below.
8.	September 28, 2021	TH-2021-033	Review TH-2019-026 and update wording	**See TH-2021-033 pertaining to Item 6 above That the Thetis Island LTC request staff to review standing resolution no. TH-2019-026 with respect to current language.
9.	September 28, 2021	TH-2021-034	Electoral Area Director Reports	It was MOVED and SECONDED, 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: - 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 - that the written reports will be posted to the website.

Top Priorities Report

Thetis Island

1. Riparian Areas Regulation Implementation

Ensure protection of freshwater ecosystems in the Ralston Creek watershed through implementation of a development permit area.

Responsible

Marnie Eggen

Dates

Rec'd: 07-Sep-2011
Target: 15-Nov-2014

2. Shoreline and Coastal Protection Strategy

LTC to review the Coastal Douglas Fir and Associated Islands Toolkit and CVRD's Bylaw 2500, Section 20.3 Ocean Shoreline Protection Development Permit Area.

Responsible

Jaime Dubyna

Dates

Rec'd: 19-Nov-2019

3. Relationship Building with First Nations

Potential topics to explore:
Bylaw referrals; Land & marine use on & around Lyackson Island; Shared Narrative of Place; Co-governance/co-management; follow up from Associated OCP/LUB review: land use considerations for clam gardens; explore private docks as a permitted use; potential impacts of ocean geothermal loops; switchback fencing in setback to the sea.

Responsible

Dates

Rec'd: 27-Feb-2018

Projects Report

Thetis Island

1. *Amendments to the Thetis Island OCP and LUB*

Responsible

Date Received

- research short-term vacation rentals of principle dwellings in the R-2 zone
 - rainwater storage requirements
 - support the construction of a storage building prior to construction of a principal dwelling
- Update 29-Sept-2020: Added from Projects List items 7 and 9:
- consider ocean loop geothermal exchange systems
 - explore measures to address impacts of wharf related structures
 - (housekeeping) 4.3(d) amend to say: In addition to s.4.3(a), (b), and (c)...
 - (housekeeping) objectives and policies re: sea level rise (was resolution to include in draft but did not make it into adopted OCP)
 - Review TUPs to include non-tourist accommodation (to be advanced at earliest convenience
- Updated Sept. 28/21:
- "Fence Height" and "Derelict Vehicles" regulations

07-Sep-2011

2. *Island-wide watershed protection*

Responsible

Date Received

TBD

21-Nov-2012

3. *Pilkey Point/Marina Drive Slough Support for Habitat Restoration*

Responsible

Date Received

Include research potential for riparian area inclusion.

20-Nov-2013

Projects Report

Thetis Island

4. *Sensitive Ecosystems Education and Engagement*

Responsible

Date Received

Environmental education and engagement efforts, in particular with owners on the Associated Islands, to explore ways to protect sensitive ecosystems in the Area.

19-Mar-2014

5. *Associated Islands OCP and LUB*

Responsible

Date Received

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.

07-Sep-2011

6. *Letter of Understanding between the Thetis LTC and the Cowichan Valley Regional District*

Responsible

Date Received

Planning staff to begin drafting once project progresses to Priorities.

24-Nov-2015

7. *Thetis Associated Islands Land Use Bylaw Amendment, Ruxton Island Community Dock Review Project*

Responsible

Date Received

Reference Ruxton Island Private Moorage Structures project for preliminary consultation.

22-May-2018

8. *Incorporation of the Regional Conservation Plan into Thetis LTA OCPs and LUBs*

Responsible

Date Received

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

28-Aug-2018

Projects Report

Thetis Island

9. Cannabis Production and Retail Sales

Responsible

Date Received

Consideration of regulations to guide cannabis production and retail sales activities.

11-Dec-2018

10. Affordable Housing Strategy

Responsible

Date Received

Housing for young families, workers and seniors; community engagement

11-Dec-2018

11. Model Consultation Process for Antenna Systems

Responsible

Date Received

To amend the Model Consultation Process for Antenna Systems (from the "Model Strategy for Antenna Systems") to include APC recommendations from January 23, 2020 APC meeting and LTC resolutions from February 11, 2020 LTC meeting.

11-Feb-2020

12. Plan to Improve Community Engagement Policy and Practice and to include First Nations

Responsible

Date Received

Reference: "Proposal for a Thetis Island Official Community Plan Engagement Strategy" discussed at February 11, 2020 LTC meeting.

11-Feb-2020

13. Explore zoning the unzoned area of water between the Associated Islands Official Community Plan and the Thetis Island Official Community Plan adjacent to Scott Island and Dayman Island

Responsible

Date Received

21-Jul-2020

14. Development of Soil Removal and Deposit Bylaw

Responsible

Date Received

Projects Report

Thetis Island

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.

03-Aug-2021