



Islands Trust

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

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

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

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SECTION A: BACKGROUND AND GOALS

SCHEDULE A

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

1.0 BACKGROUND

1.1 THE OBJECT OF THE ISLANDS TRUST

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

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

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

1.2 OFFICIAL COMMUNITY PLAN

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

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

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

considers will be affected.

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

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

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

1.3 THETIS ASSOCIATED ISLANDS

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

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

The islands included in this Plan are as follows:

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

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

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

1.4 NATURAL FEATURES

To be completed in a later draft.

1.5 ACCESS AND SERVICES

To be completed in a later draft.

1.6 POPULATION AND SETTLEMENT PATTERNS

To be completed in a later draft.

1.7 DEVELOPMENT POTENTIAL

To be completed in a later draft.

2.0 PLAN GOALS

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

SECTION B: LAND USE DESIGNATIONS

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

3.0 RESIDENTIAL LAND USES

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

3.1 RESIDENTIAL LAND USE OBJECTIVES

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

3.2 RESIDENTIAL LAND USE POLICIES

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

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

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

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

3.2.5 supports existing residential densities.

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

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

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

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

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

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

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

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

3.3 RESIDENTIAL LAND USE ADVOCACY POLICIES

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

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

4.0 COMMERCIAL AND INDUSTRIAL LAND USES

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

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

4.1 COMMERCIAL AND INDUSTRIAL OBJECTIVES

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

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

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

4.2 COMMERCIAL AND INDUSTRIAL POLICIES

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

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

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

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

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

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

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

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

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

5.0 MARINE USES

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

5.1 MARINE USES OBJECTIVES

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

5.2 MARINE USES POLICIES

- 5.2.1 The Local Trust Committee should identify and protect ecologically sensitive marine areas.
- 5.2.2 The Local Trust Committee should recognize and support the marine dependent nature of land uses in the Plan Area.
- 5.2.3 The Local Trust Committee should use bylaw provisions to protect public access to, from, and along the marine shoreline.
- 5.2.4 The Local Trust Committee may permit individual private docks accessory to residential uses. These docks should be regulated by zoning.
- 5.2.5 Despite policy 5.2.4, individual private docks should be prohibited on Ruxton Island.
- 5.2.6 In order to limit the need for private dock development along the shoreline, community or communal docks should be encouraged where feasible.
- 5.2.7 The Local Trust Committee should use bylaw provisions to locate docks in locations with minimum environmental impact, and should encourage dock design that is sensitive to marine ecosystems and habitat.

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

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

5.2.3 addresses Islands Trust Policy Statement Policies 4.5.10 and 5.5.5.

5.2.4 recognizes the need to provide safe and secure access to the islands in the planning area, but directs the Local Trust Committee to consider regulating the impacts of private dock development.

5.2.5 reflects existing zoning and community comment on Ruxton Island.

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

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

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

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

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

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

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

5.2.12 is based on best practices.

5.3 MARINE USES ADVOCACY POLICIES

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

6.0 PARK AND CONSERVATION USES

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

6.1 CONSERVATION USE OBJECTIVE

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

6.2 CONSERVATION USE POLICIES

6.2.1 The Local Trust Committee should support the preservation of ecologically sensitive areas through land use regulation, conservation covenants, park land dedication, conveyance to conservation agencies, or, where feasible, participation in the Natural Areas Protection Tax Exemption Program (NAPTEP).

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

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

6.2.2 addresses Islands Trust Policy Statement policies 5.5.5 and 5.5.7.

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

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

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

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

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

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

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

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

6.3 ADVOCACY POLICIES

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

6.3.1 addresses Islands Trust Policy Statement policies 3.4.4 and 5.5.4.

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

6.3.2 addresses Islands Trust Policy Statement policy 5.5.6.

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

6.3.3 addresses AIOCP goals set for Ruxton Island.

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

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

7.1 NATURAL RESOURCES USE OBJECTIVE

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

7.2 NATURAL RESOURCES USE POLICIES

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

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

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

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

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

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

7.2.3 addresses Islands Trust Policy Statement policies 3.2.2 and 4.2.6.

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

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

7.3 NATURAL RESOURCES USE ADVOCACY POLICIES

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

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

8.0 COMMUNITY SERVICE AND INSTITUTIONAL USE POLICIES

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

8.1 COMMUNITY SERVICE USE OBJECTIVE

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

8.2 COMMUNITY SERVICE USE POLICIES

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

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

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

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

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

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

8.3 ADVOCACY POLICIES

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

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

8.3.2 BC Emergency Health Services should work with communities and the Coast Guard to identify suitable helicopter landing areas for use in cases of medical emergency.

8.3.2 addresses AIOCP goals to improve emergency response.

SECTION C: NATURAL ENVIRONMENT

9.0 SENSITIVE ECOSYSTEM POLICIES

9.1 SENSITIVE ECOSYSTEM OBJECTIVES

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

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

9.2 SENSITIVE ECOSYSTEM POLICIES

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

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

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

9.2.2 addresses Islands Trust Policy Statement policy 3.1.4

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

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

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

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

9.2.4 addresses Islands Trust Policy Statement policies 5.2.3, 5.2.4

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

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

10.0 GROUNDWATER POLICIES

10.1 GROUNDWATER OBJECTIVE:

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

10.2 GROUNDWATER POLICIES:

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

10.2.1 addresses Islands Trust Policy Statement policy 4.4.2.

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

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

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

10.2.3 and 10.2.4 address AIOCP goals.

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

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

10.2.5 addresses Policy Statement policy 4.4.1.

10.3 ADVOCACY POLICIES:

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

10.3.1 and 10.3.2 address AIOCP goals regarding groundwater resources.

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

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

10.3.3 addresses AIOCP goals regarding sewage disposal on Ruxton Island.

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

11.0 CLIMATE CHANGE POLICIES

11.1 CLIMATE CHANGE OBJECTIVES

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

11.1.2 To support actions to minimize greenhouse gas emissions.

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

11.2 CLIMATE CHANGE POLICIES

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

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

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

11.2.3 The Local Trust Committee should work with other government

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

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

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

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

11.3 ADVOCACY POLICIES

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

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

11.3.2 Residents are encouraged to:

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

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

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

SECTION D: COMMUNITY SERVICES

12.0 CULTURE AND HERITAGE POLICIES

12.1 CULTURE AND HERITAGE OBJECTIVES

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

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

12.2 CULTURE AND HERITAGE POLICIES

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

12.2.1 addresses Islands Trust Policy Statement policy 5.6.2 and 5.6.3

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

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

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

12.2.3: Archaeology Branch recommended policy wording.

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

12.2.4: Archaeology Branch recommended policy wording

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

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

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

12.3 ADVOCACY POLICIES

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

12.3.1 Archaeology Branch recommended policy wording.

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

13.0 SERVICES AND INFRASTRUCTURE POLICIES

13.1 SERVICES AND INFRASTRUCTURE OBJECTIVES

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

13.1.2 To promote the development of effective community safety plans.

13.2 SERVICES AND INFRASTRUCTURE POLICIES

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

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

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

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

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

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

13.2.4 is consistent with AIOCP goals to address sewage disposal.

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

13.2.5 addresses AIOCP goals concerning improved emergency response.

13.3 ADVOCACY POLICIES

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

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

14.0 TRANSPORTATION POLICIES

14.1 TRANSPORTATION OBJECTIVES

14.1 To allow appropriate transportation conveyances for residents.

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

14.2 TRANSPORTATION POLICIES

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

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

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

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

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

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

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

14.3 ADVOCACY POLICIES

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

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

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

15.0 TEMPORARY USE PERMIT GUIDELINES

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

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

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

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

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

SECTION E: ADMINISTRATION AND INTERPRETATION

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

16.1 PURPOSE

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

16.2 ISLANDS TRUST AUTHORITY

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

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

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

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

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

16.3 AREA OF JURISDICTION

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

16.4 ADVOCACY POLICIES

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

16.5 PUBLIC FACILITIES

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

16.6 IMPLEMENTATION

Section 884 of the Local Government Act specifies that:

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

and

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

16.7 INTERPRETATION

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

Part: A

Section: 1.0

Policy: 1.1

Subsection: (a)

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

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

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

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

Accessory - incidental, secondary, and exclusively devoted to a principal use, building, or structure expressly permitted on the same lot and within the same zone.

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

Ecosystem – a complete system of living organisms interacting with the soil, land, water, and nutrients that make up their environment. An ecosystem is the home of living things, including humans. An ecosystem can be any size—a log, pond, field, forest, or the earth’s biosphere—but it always functions as a whole unit. Ecosystems are commonly described according to the major type of vegetation—for example, old-growth forest or grassland ecosystem.

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

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

Home occupations - small scale business enterprises that provide a service or produce a product and are conducted by residents from within a dwelling unit or accessory building.

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

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

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

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

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

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

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

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

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

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

16.8 AMENDMENT PROCEDURE

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

16.9 SEVERABILITY

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