



Islands Trust

BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Thetis Island Local Trust Area Bylaw No.: 113 and 114 Date: December 5, 2023

You are requested to comment on the attached Bylaw for potential effect on your agency's/organization's interests. We would appreciate your response by **January 26, 2024**. If no response is received within that time, it will be assumed that your agency's/organization's interests are unaffected.

APPLICANTS NAME / ADDRESS:

THETIS ISLAND LOCAL TRUST COMMITTEE

PURPOSE OF BYLAW:

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

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

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

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

GENERAL LOCATION:

Marine area surrounding Scott, Dayman and Hudson Island

SIZE OF PROPERTY AFFECTED:

Approximately 1.32 sq km of marine area

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

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

<https://islandstrust.bc.ca/island-planning/thetis/projects/>

Please direct any communications regarding this referral to Nadine Mourao at 250-247-2206, or by email to nmourao@islandstrust.bc.ca.

Please fill out the Response Summary on the back of this form. If your Nation or 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:

Margot Thomaidis

Title:

Planner 2

This referral has been sent to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada - Pacific Region

First Nations

Semiahmoo First Nation
Tsawwassen First Nation
Snuneymuxw First Nation
Halalt First Nation
Stz'uminus First Nation
Cowichan Tribes
Lake Cowichan First Nation
Penelakut Tribe
Lyackson First Nation
Tsawout First Nation
Pauquachin First Nation
Tseycum First Nation
Tsartlip First Nation

Regional Agencies

Islands Trust – Islands Trust Conservancy
Cowichan Valley Regional District
School District 79

Adjacent Local Trust Committees and Municipalities

Salt Spring Island Local Trust Committee
Gabriola Local Trust Committee

Provincial Agencies

Ministry of Agriculture and Food
Ministry of Transportation & Infrastructure
Ministry of Forests

**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

Thetis Island Local Trust Area
(Island)

(Signature)

(Date)

113 (OCP)
(Bylaw Number)

(Name and Title)

(Agency)

**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

Thetis Island Local Trust Area
(Island)

(Signature)

(Date)

114 (LUB)
(Bylaw Number)

(Name and Title)

(Agency)

DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 113

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

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

1. Citation

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

2.

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

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

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

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

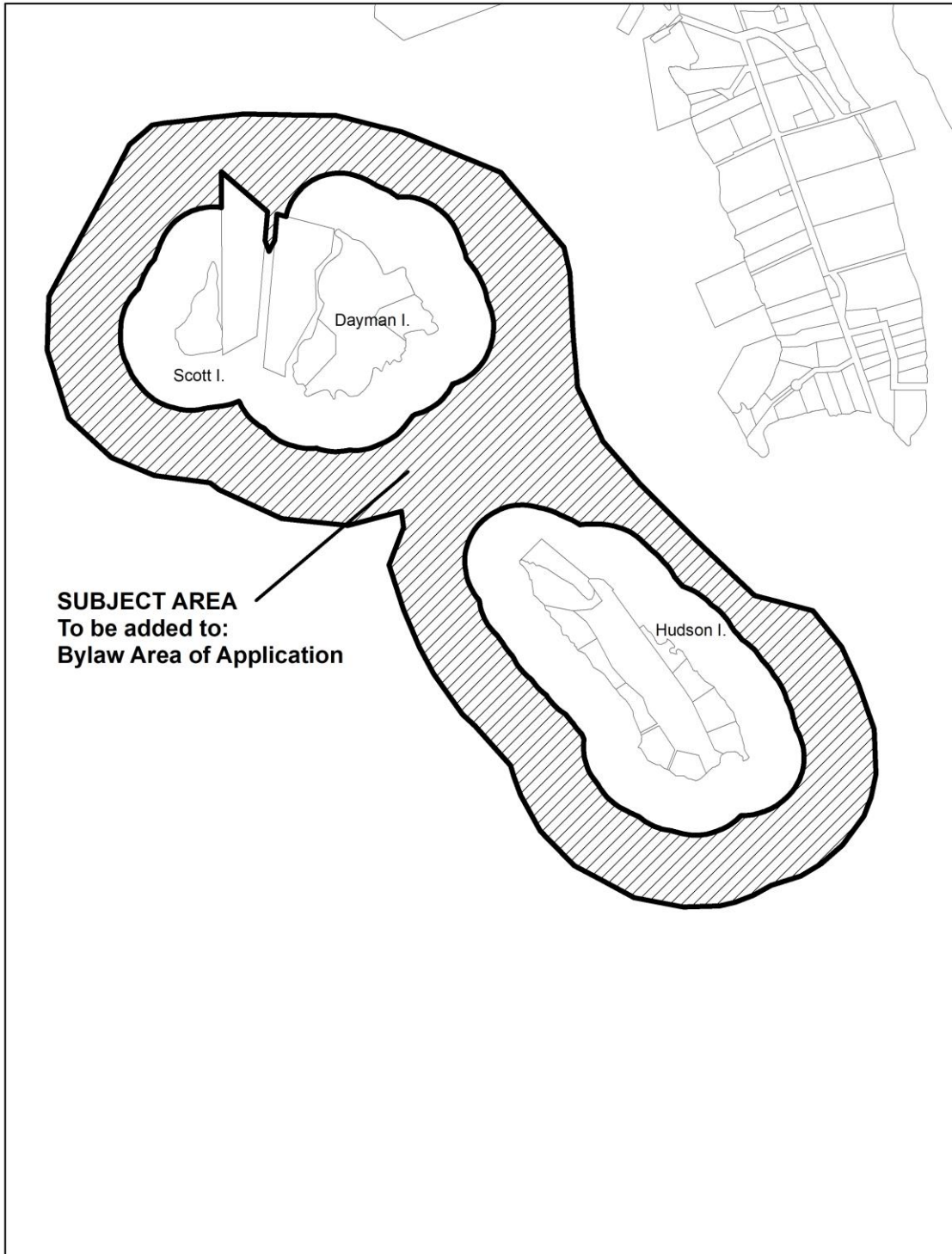
The area of application map is replaced with a new map as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 93 as are required to effect this change.

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

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

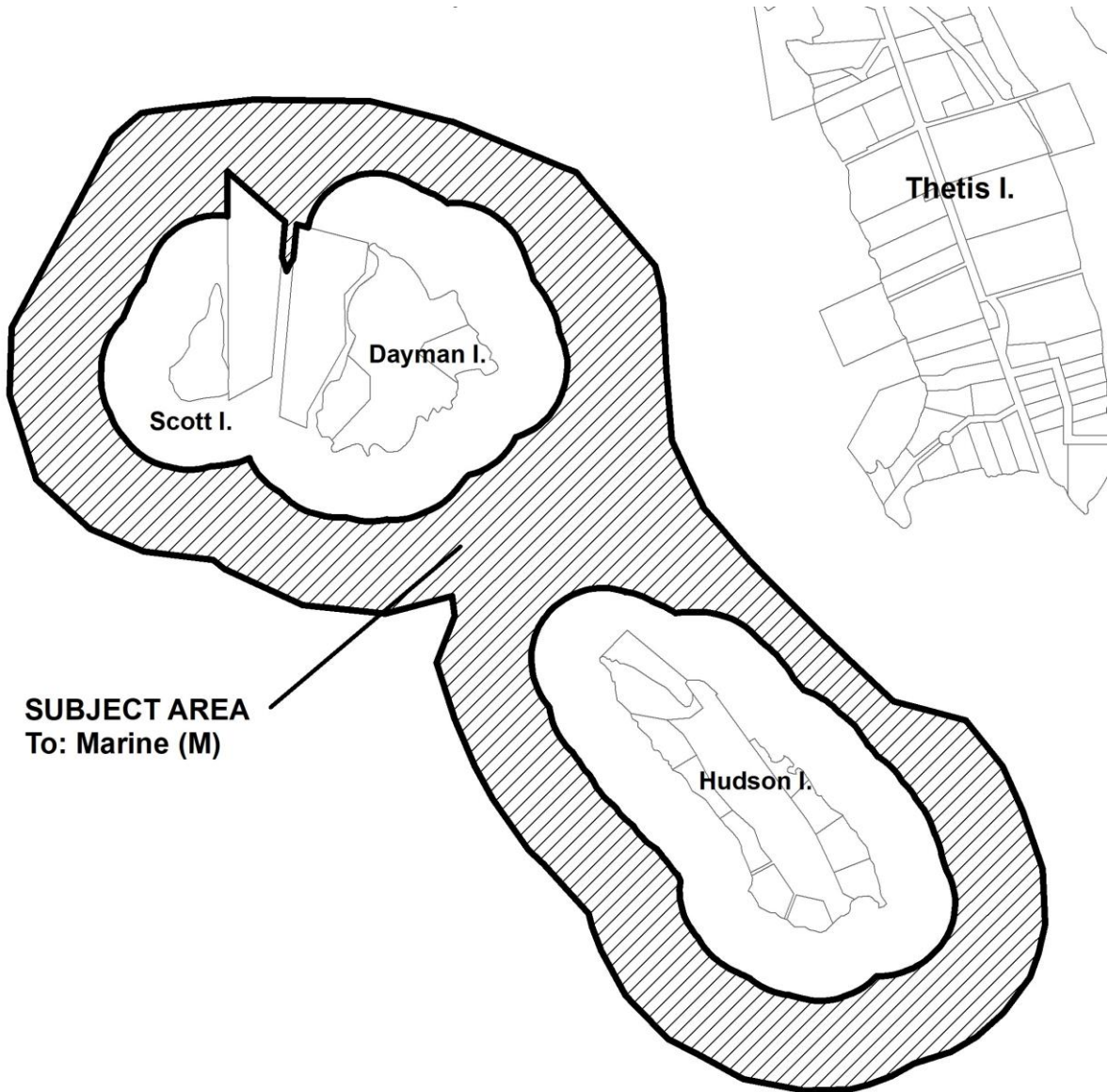
THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE
BYLAW NO. 113

Plan No. 1



THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE
BYLAW NO. 113

Plan No. 2



DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 114

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

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

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

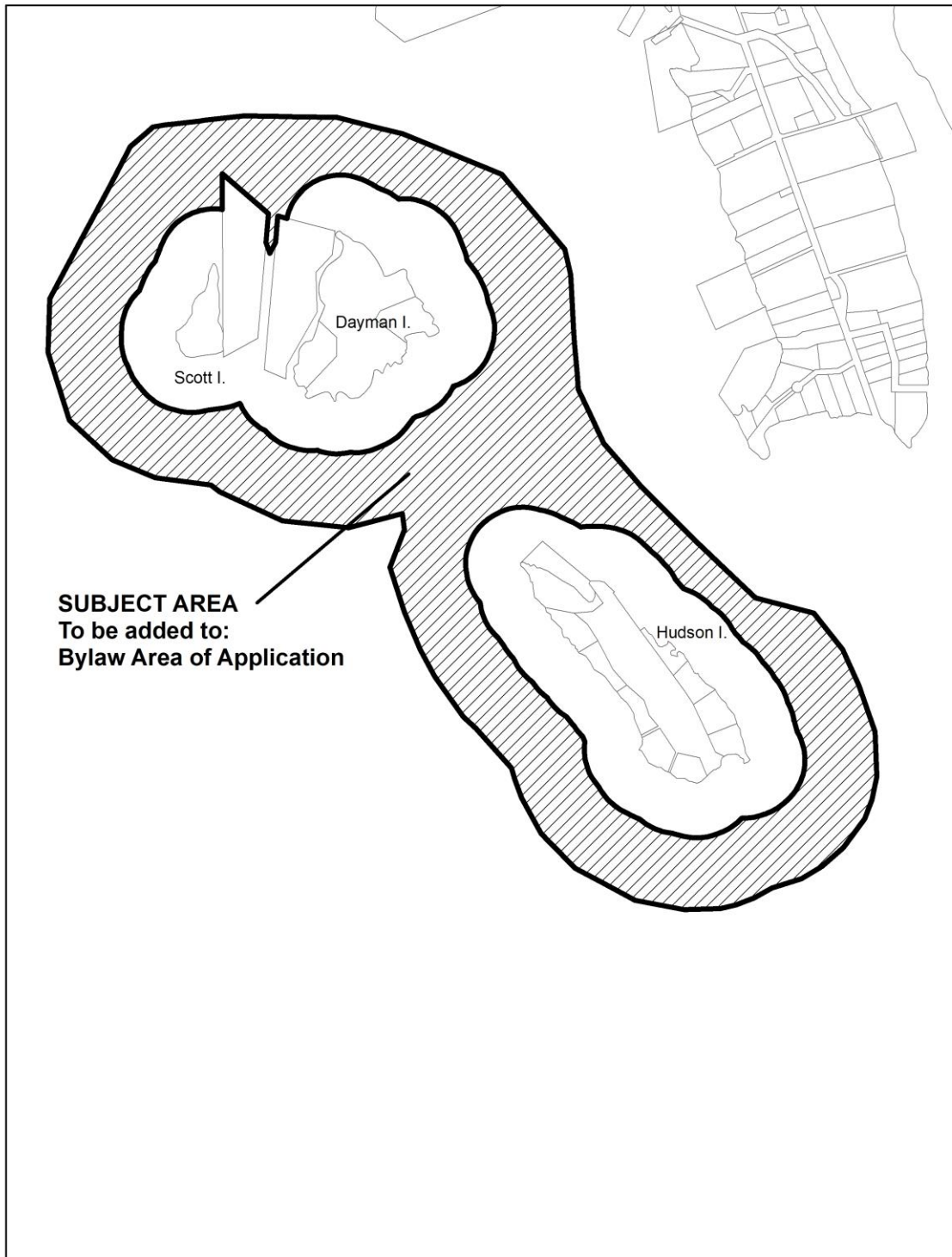
READ A FIRST TIME THIS	7 th	DAY OF	NOVEMBER	, 2023
PUBLIC HEARING HELD THIS	7 TH	DAY OF	NOVEMBER	, 2023
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS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

CHAIR

SECRETARY

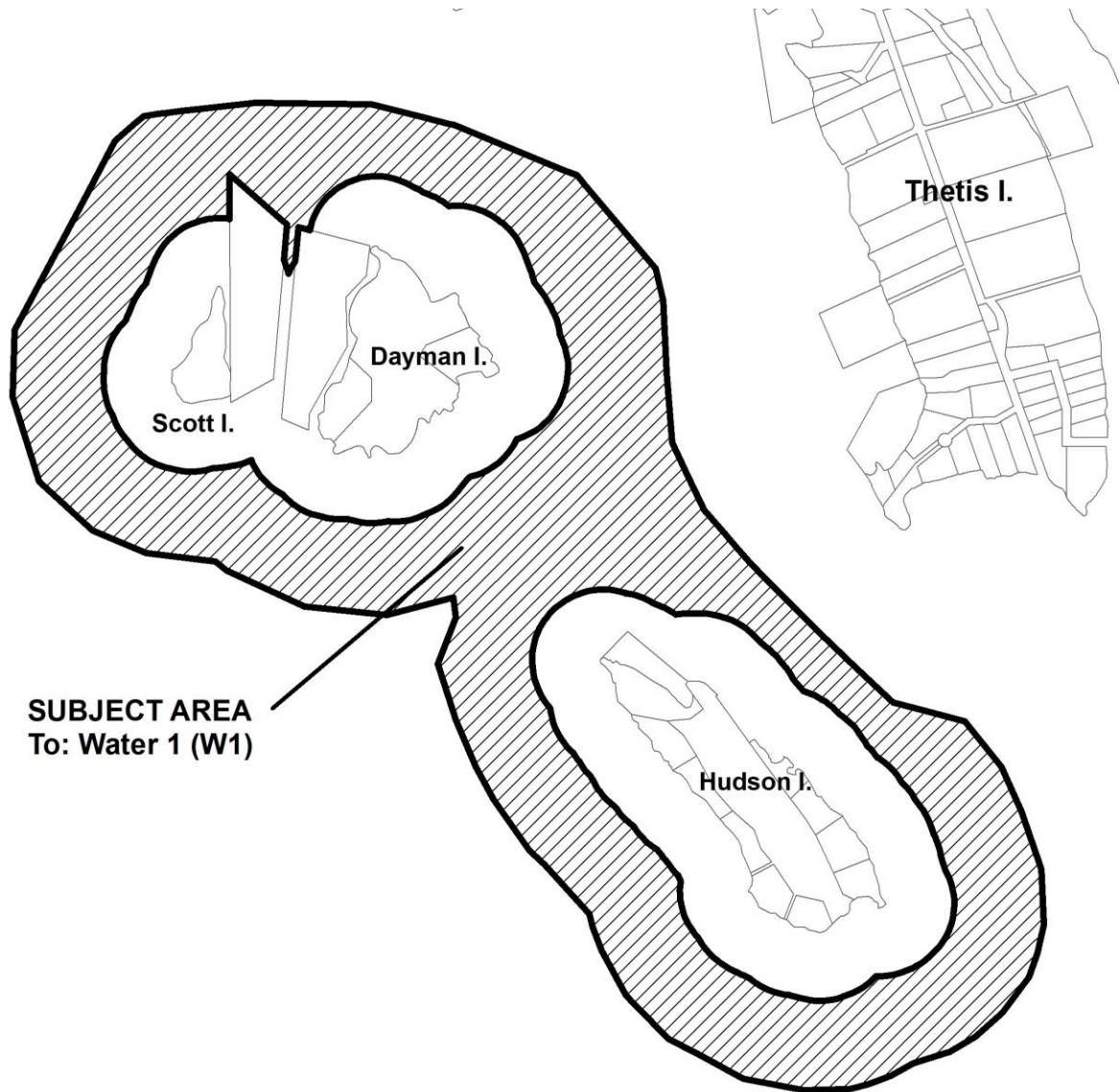
THETIS ASSOCIATED ISLANDS LOCAL TRUST COMMITTEE
BYLAW NO. 114

Plan No. 1



THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 114

Plan No. 2





DATE OF MEETING: November 7, 2023
TO: Thetis Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: OCP/LUB Marine Areas Review Project – Map Amendment, Proposed Bylaw Nos. 113 and 114

RECOMMENDATION

1. That the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023", is not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023", is not contrary to or at variance with the Islands Trust Policy Statement.
3. That the Thetis Island Local Trust Committee Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023", be read a first time.
4. That the Thetis Island Local Trust Committee Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023", be read a first time.
5. That the Thetis Island Local Trust Committee Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023", be read a second time.
6. That the Thetis Island Local Trust Committee Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023", be read a second time.
7. That the Thetis Island Local Trust Committee Proposed Bylaw Nos. 113 (OCP) and 114 (LUB) be referred to the following for comment:

First Nations:

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

Local Governments and Agencies:

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

- 8. That the Thetis Island Local Trust Committee request staff to schedule an electronic Community Information Meeting and Public Hearing for Proposed Bylaws Nos. 113 (OCP) and 114 (LUB).**

REPORT SUMMARY

The Thetis Island Local Trust Committee (LTC) is asked to consider First and Second readings and referral of Proposed Bylaw Nos. 113 and 114 (Attachment 2 and 3) to amend both Schedule Maps B and C of the Thetis Associated Islands Official Community Plan (OCP) and the Thetis Associated Islands Land Use Bylaw (LUB). Amendments are needed to add zoning and land use designations to an unzoned/undesignated marine area.

BACKGROUND

The purpose of the project is to explore zoning the un-zoned area of water between the Thetis Associated Islands Planning Area and the Thetis Islands Planning Area (see Attachment 1).

The Thetis Island LTC resolution dated April 18, 2023 set the Marine Areas Review project as a top priority for 2023/2024.

The following resolution was passed by the LTC on April 18, 2023:

TH-LTC-2023-010

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to prepare a draft Project Charter for the 2023/2024 fiscal year minor project titled "Unzoned Marine Area Review Project".

CARRIED

The LTC endorsed the Project Charter on July 4, 2023.

TH-2023-016

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee endorse the Project Charter, dated July 4, 2023 for the Official Community Plan (OCP) and Land Use Bylaw (LUB) Marine Areas Review project.

CARRIED

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The Islands Trust Policy Statement (ITPS) expresses the commitments of Trust Council and directives to local trust committees. The directive policies have been reviewed to confirm consistency with the ITPS (Attachment 4 and 5).

Official Community Plan (OCP):

The purpose of the OCP 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. The OCP provides a statement of the 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.

The LTC requested that staff review the area between the Thetis Island Official Community Plan and the Thetis Associated Islands Official Community Plan Bylaw Area of Application that remains undesignated (see Figure 1). The green in Figure 1 outlines the current boundaries and designation. The orange indicates the proposed expansion.

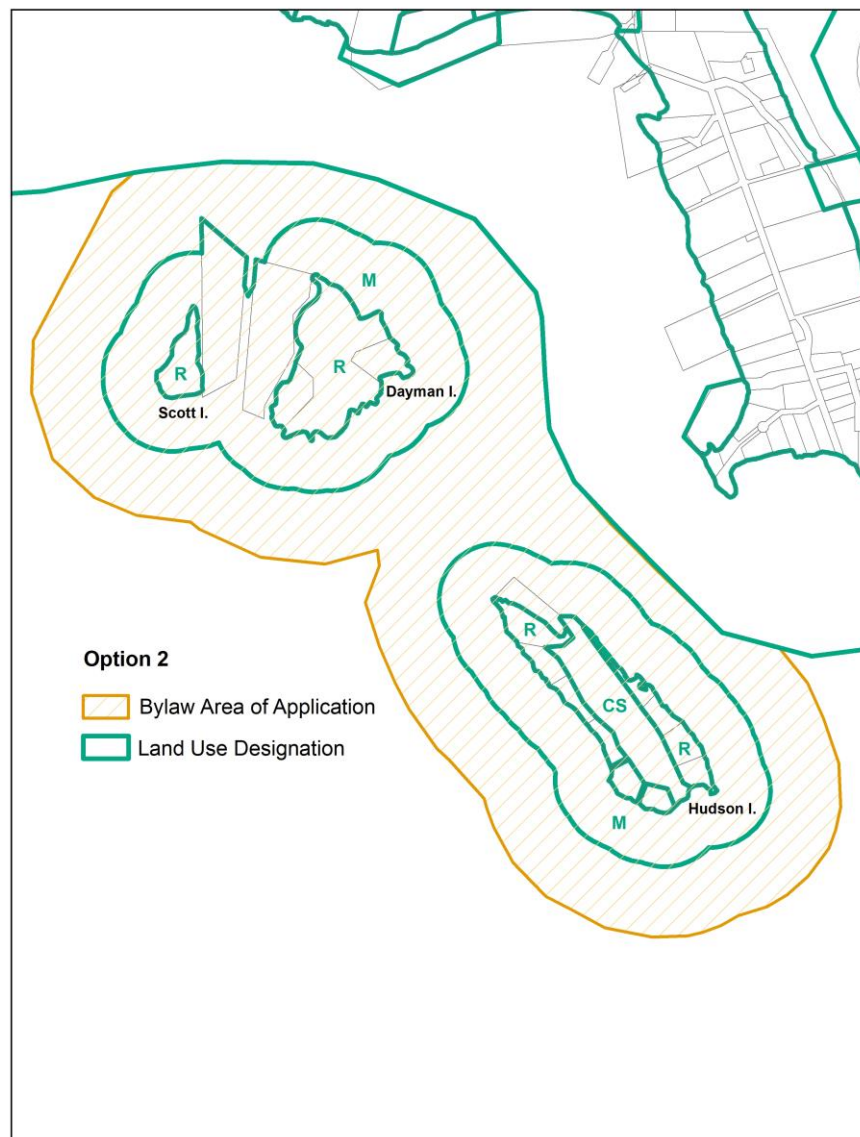


Figure 1: Current Boundaries and Land Use Designation Map.

Staff have determined that the undesignated area would be well suited to the Marine designation in the Thetis Associated Islands OCP. The Marine designation applies to all the waters in the Plan Area. Expanding the Plan Area to include the waters up to the Thetis Island OCP Plan Area allows the LTC greater control in the future uses for the area. If adopted, the following OCP policies would apply to undesignated area shown in Figure 1:

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	Regarding Ruxton Island, the Local Trust Committee should support rezoning applications for community docks that are small-scale and not intended for overnight moorage, and which address the cumulative impacts of community docks 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.
5.2.8	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	<p>The Local Trust Committee should, through zoning, the use of building setbacks, and the use of development permit area designations and guidelines:</p> <ul style="list-style-type: none"> (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 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 an 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 stabilize banks, reduce erosion and provide habitat should be retained or enhanced.

5.2.12	The Local Trust Committee may require zoning amendment applicants to provide development approval information.
5.2.13	The Local Trust Committee should encourage and facilitate education around shoreline stewardship.

The islands in the Associated Islands OCP Area are remote areas that are predominantly accessible by private boat only. The proposed subject area is a sensitive ecosystem and inclusion in the OCP bylaw application area offers greater protection and regulation. It is in the Rock Fish Conservation Area, as determined by Fisheries and Oceans Canada. A sea bird colony is mapped nearby at Preedy Rocks. Additionally, archaeological sites are noted nearby to the subject marine area.

Staff recommend removing Section 167.2(e) which states: *“The outer boundaries of the Marine designation on Schedule C are located 150 metres seaward of the natural boundary.”* The proposed extension of the Plan Area will be approximately 210 to 300 metres seaward from the natural boundary of the sea, as shown in Figure 1.

Figure 2 shows the entire Thetis Associated Islands Plan Area highlighted in orange. The Plan Area expansion increases the Marine designation area by 1.32 square kilometres (Figure 2).

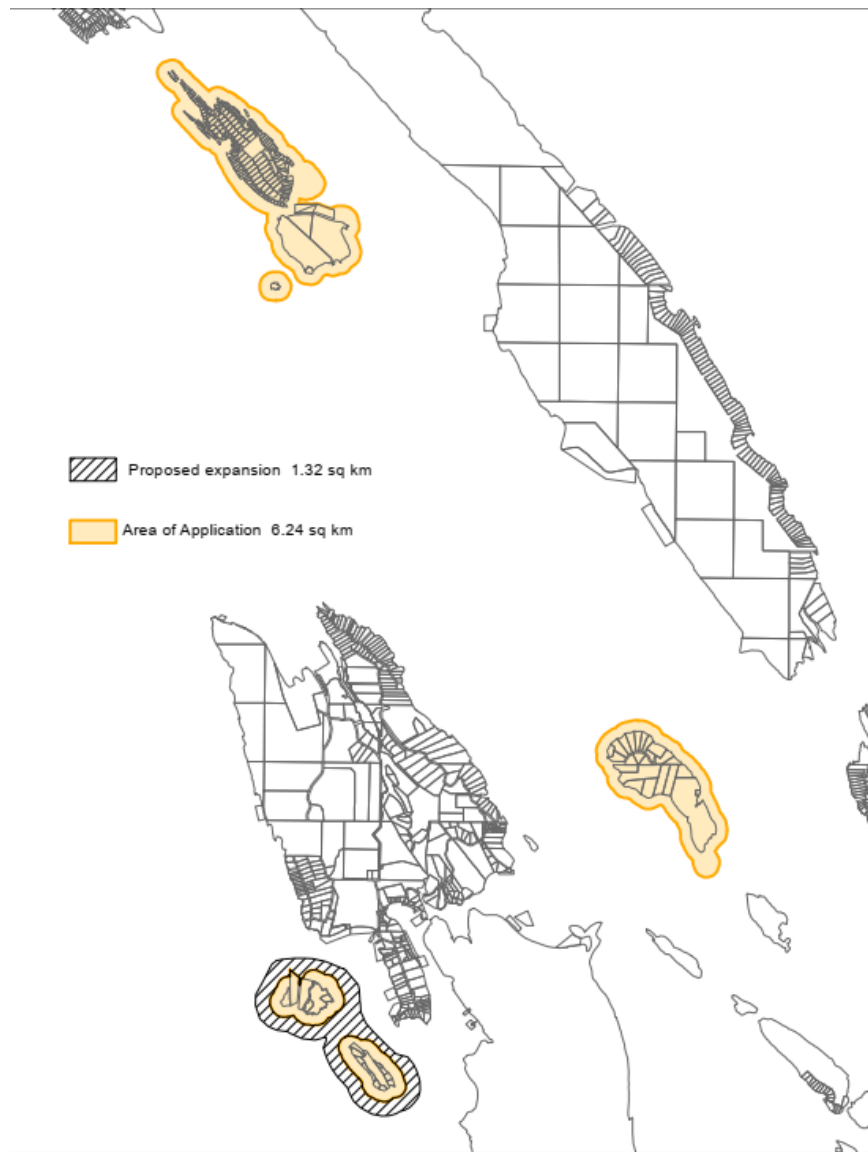


Figure 2: Plan Area and Proposed Expansion

Land Use Bylaw (LUB):

A portion of the water between the Thetis Island Land Use Bylaw and the Thetis Associated Islands Land Use Bylaw Area of Application is unzoned (see Figure 1). As such, no Thetis regulatory bylaws apply, and therefore the Thetis Local Trust Committee cannot regulate this area. Staff are recommending that the unzoned area surrounding Scott, Dayman and Hudson Island are zoned Marine General (W1) (see Figure 3).

The following uses and structures are permitted in the W1 zone subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:

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

e) Marine navigational aids.

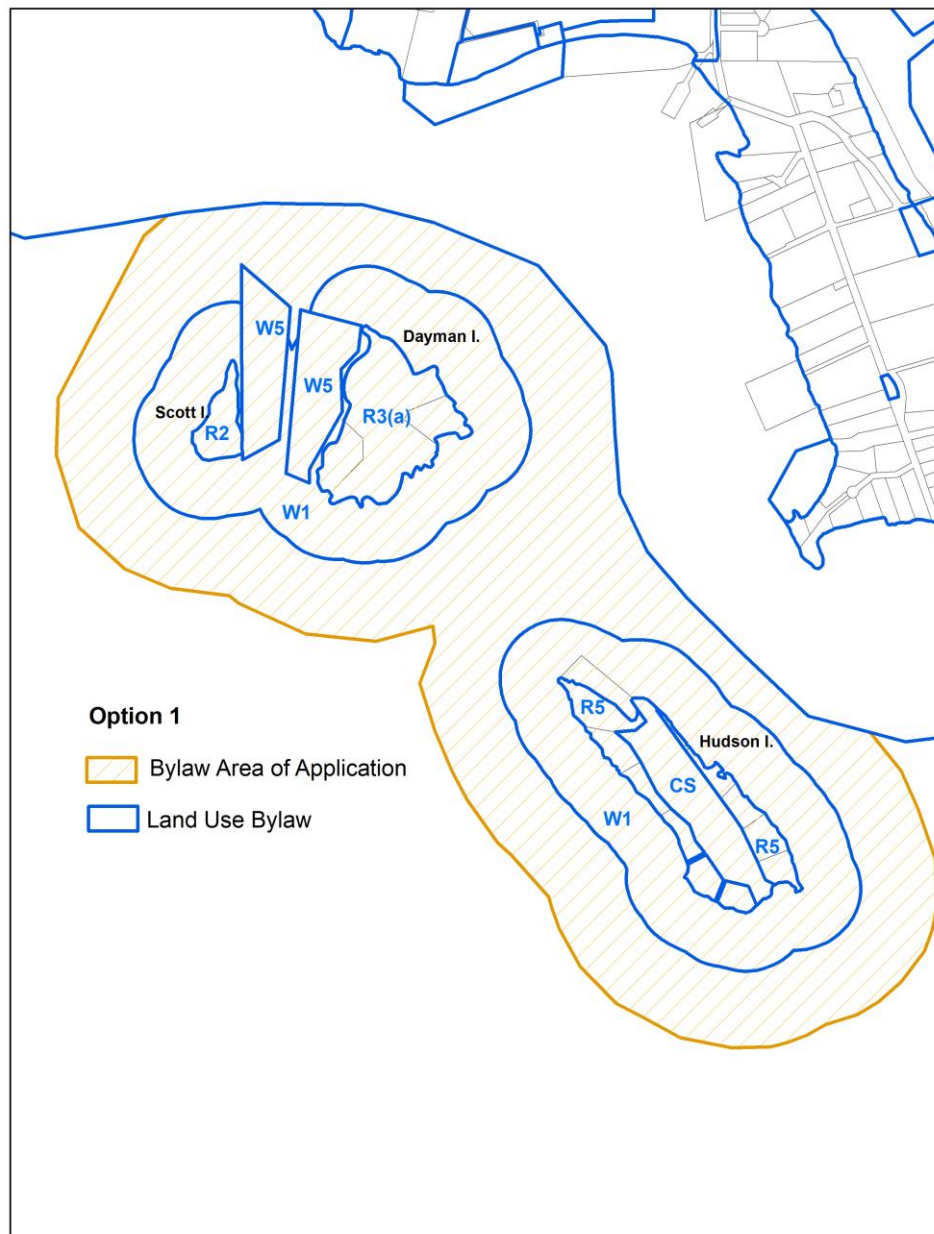


Figure 3: Current Zoning and Proposed Expansion of Bylaw Area of Application

Project Charter

Introduction of Bylaw Nos. 113 and 114 for first reading is consistent with the project charter endorsed July 4, 2023 (Attachment 1). These are proposed map amendments to the OCP and LUB bylaws.

Additional Option

The LTC may choose to limit the Plan Area of expansion to only those waters around Scott and Dayman Islands (see Figure 4). This option offers a smaller area of expansion and still leaves the outer waters surrounding

Hudson Island without zoning or a designation. As noted, an unzoned marine area means no regulatory bylaws apply and may leave the area vulnerable to uses that are incompatible with the intent of the OCP and permitted in the LUB.

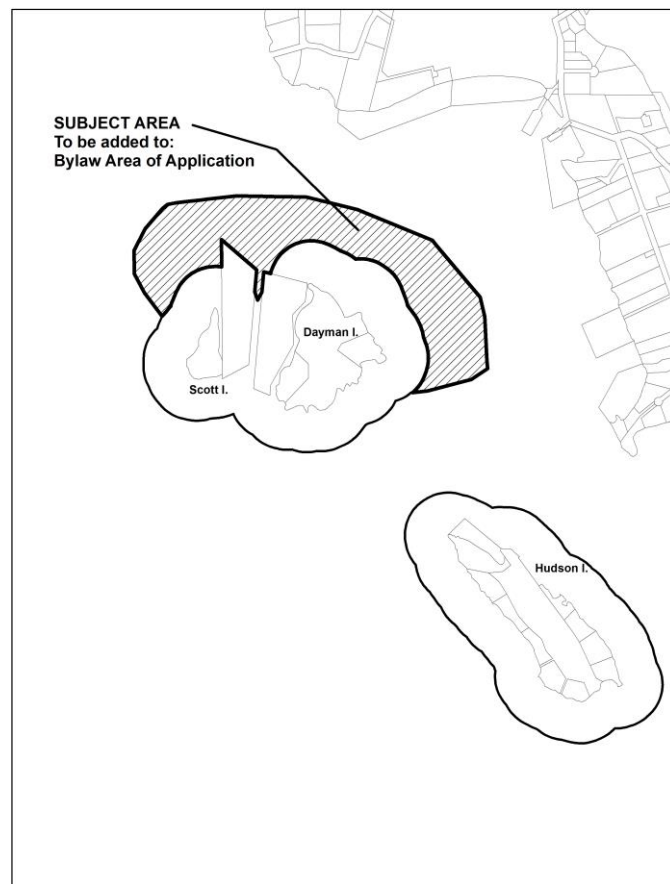


Figure 4: Alternative Expansion of the Plan Area

Consultation

Statutory Requirements:

As the application involves OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with First Nations and persons, organizations and authorities it considers will be affected. The statutory process for bylaw amendments is prescribed by the *Local Government Act* and *Island Trust Act*.

Rationale for Recommendation

Staff have presented Proposed Bylaws 113 and 114 that would establish an expanded bylaw area of application for the OCP and LUB in the marine area surrounding Scott, Dayman and Hudson Island to ensure the marine uses are consistent with the object of the Islands Trust and to ensure the Thetis Island Bylaws are applicable. Staff are recommending the LTC give first and second reading to the proposed bylaws and send off referrals.

Refer to the formal recommendations, included on Page 1 of the report.

ALTERNATIVES

1. Amend draft Bylaw Nos. 113 and 114, prior to first reading

The LTC may amend the draft bylaws prior to consideration of first reading. If this alternative is selected, then the following resolution is recommended:

That the Thetis Island Local Trust Committee amend Draft Bylaw No. XXX, cited as “...” with the following: [list amendments].

2. Request Further Information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are budget, time and staff resources. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Thetis Island Local Trust Committee request [insert requested information here].

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Subject to concurrence with the staff recommendations, the bylaw will be referred to agencies and First Nations and the Thetis Island LTC website will be updated accordingly.

Submitted By:	Marlis McCargar, Island Planner	October 25, 2023
Concurrence:	Renee Jamurat, RPP MCIP, Regional Planning Manager	October 26, 2023