



# STAFF REPORT

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**Date:** October 29, 2013

**File No.:** TH 6500-20  
(Associated Islands LUB)

**To:** Thetis Island Local Trust Committee  
For meeting of November 20, 2013

**From:** Aleksandra Brzozowski  
Island Planner  
Northern Office

**Copy:** Courtney Simpson, Regional Planning Manager, Northern Office

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**Re: Draft Land Use Bylaw for the Thetis Associated Islands**

## **THE PROPOSAL:**

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

The purpose of this report is to introduce the Draft Associated Islands Land Use Bylaw (LUB), outline items for discussion regarding draft LUB policies, outline next steps in the Land Use Bylaw Process and request direction from the LTC.

## **SITE CONTEXT:**

Please refer to the Community Profile, September 2012 for site context information.

## **CURRENT PLANNING STATUS OF SUBJECT LANDS:**

Please refer to the staff report presented at the November 21, 2012 LTC meeting for this information.

## **DRAFT LAND USE BYLAW - VERSION 1.0 OCTOBER 2013:**

Attached is a copy of the draft Land Use Bylaw (LUB) for the Thetis Associated Islands. This draft LUB contains the basic content of an LUB and synthesizes established regulations for the various islands within the Thetis Associated Islands Plan Area, stakeholder consultation undertaken to date, and current planning practice within the Trust Area and the profession. The initial draft is consistent with the Associated Islands Official Community Plan and the Project Charter. Map schedules will be labeled and inserted at a later date.

The attached draft is intended to be the starting point for further consultation and review. As a result of the on-going consultation process, additional policies may be added and draft policies may be altered.

The water zone for Ruxton Island is to be determined pending further consideration by the LTC on matters pertaining to dock regulations.

Some highlights of the draft LUB include:

- i. Four consolidated residential zones (one a comprehensive development zone) regulating use, density, siting and subdivision of the island properties;
- ii. Incorporation of existing provisions including site-specific zoning regulation where applicable;
- iii. Zoning for a variety of marine uses;
- iv. Zoning for parkland, private conservation, and community services;
- v. Site-specific regulation for an airstrip zone; and,
- vi. Provisions for home occupations on residential lots.

## **STAFF COMMENTS:**

### Residential Zones

Residential zones have been sub-categorized into three main zones and one comprehensive development zone, based predominantly on the average lot size of the island. The attached table of “Associated Islands Residential Zone Comparisons” tabulates the existing residential use and siting provisions for the subject islands, compared to the new draft provisions proposed in the LUB. It also tabulates the islands’ lots by lot size.

### Water Zones

Water zones have been drafted for a variety of uses, reflecting the variety of current uses in waters in the Plan area. Staff continues to review best practices on dock sizing requirements with an aim to balance environmental concerns with flexibility for property owners.

Future drafts of the LUB will likely feature residential and water zones regulations in a table format, similar to those found in the Thetis Land Use Bylaw.

### Unaddressed Topics

When developing the draft LUB, in consideration of the small size of the islands and limited range of land uses and development, Staff has attempted to streamline the document as much as possible and limit regulations to those required through the Islands Trust Policy Statement and those addressing concerns mentioned by the LTC and/or the community. As such, there are a number of subjects commonly addressed in land use bylaws that have not been addressed in the draft, including the following:

- Recreational vehicles as a permitted use
- Mobile homes as a permitted use
- Houseboats as a permitted use
- Campgrounds (private, institutional, and/or commercial) as a prohibited use
- Personal Watercrafts (jet skis, etc) as prohibited use
- Dog breeding and boarding as a prohibited use
- Beach aquaculture in water zones adjacent to upland residential lots
- Retaining walls, including seawalls, as a permitted or prohibited structure
- Landscape Screening

Should the LTC wish to address any of these topics in the LUB, please provide such direction to Staff.

### **PUBLIC CONSULTATION:**

Further work is required to complete the draft LUB, in consultation with property owners and residents. The Communications Plan includes a project newsletter in December, and community information meetings in early 2014 to consult with island property owners and residents.

Prior to formal agency referrals after first reading, staff recommends consultation with Lyackson and Penelakut First Nations on the draft LUB. Early notice to all First Nations with interest in the area received a response from Lyackson that they would like receive information about proposed changes to the LUB when they are ready. They noted a particular interest in docks. Although Penelakut did not indicate the same level of interest, given their geographic proximity staff recommends they are also contacted again at this stage.

Staff also recommends that the CVRD is referred the draft LUB at this stage, for review by their park and building departments.

### **NEXT STEPS:**

Staff is requesting that the LTC review the draft LUB and request any changes or additions by resolution. A copy of the revised draft LUB will be posted to the website and hard copies made available at the meetings. Staff recommends that the revised draft LUB be referred to the Ruxton APC for feedback and input pertaining to the possible W3 (Marine Ruxton) zone.

Staff anticipates that proposed amendments to the draft LUB will be presented to the LTC in the February and March 2014 LTC agendas.

### **RECOMMENDATIONS:**

**THAT** the Thetis Island Local Trust Committee:

1. Direct staff to amend the draft Associated Islands Land Use Bylaw with changes deemed appropriate by the LTC and post the October 2013 draft LUB to the Thetis LTC webpage; and,
2. Refer the draft Land Use Bylaw to the Ruxton Advisory Planning Commission for comment.
3. Refer the draft Land Use Bylaw to the Lyackson First Nation and Cowichan Valley Regional District.

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Prepared and Submitted by:

*Aleksandra Brzozowski*

October 29, 2013

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Aleksandra Brzozowski, Island Planner

Date

Concurred by:

Courtney Simpson

November 8, 2013

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Courtney Simpson, RPP, MCIP  
Regional Planning Manager

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Date

Attachments:

1. Thetis Associated Islands Zone Comparison Table

## Thetis Associated Islands Residential Zone Comparisons

<b>Existing Bylaw</b>	<b>Applies to Island(s)</b>	<b>Existing Provisions</b>	<b>Proposed Zoning</b>	<b>Proposed Provisions</b>
<b>No. 13 (Ruxton) Settlement (S)</b>	Ruxton Island	<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses not specified</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 1 dwelling per parcel</li> <li>- no max on accessory bldgs</li> <li>- 20% max lot coverage</li> <li>- 8m max height for primary building</li> <li>- 8m max height for accessory building</li> </ul> <p>Setbacks:</p> <ul style="list-style-type: none"> <li>- 5 metres of any lot line</li> <li>- 10 m from Natural Boundary of Sea</li> </ul> <p>No subdivision</p>	<b>R1</b>	<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses inc. Home occupations except visitor accommodation</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 1 dwelling per parcel</li> <li>- no max on accessory bldgs</li> <li>- 20% max lot coverage</li> <li>- 9m max height for primary building</li> <li>- 5.2m max height for accessory buildings</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- 5 metres of any lot line</li> <li>- 15 m from Natural Boundary of Sea</li> </ul> <p>No subdivision</p>
<b>Building Scheme A26604</b>	Hudson Island	<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses: storage or workshop</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 1 dwelling per parcel</li> <li>- one appurtenant bldg</li> <li>- no lot coverage specified</li> <li>- 92.9m<sup>2</sup> MIN size for dwelling</li> <li>- 47 m<sup>2</sup> MAX size for appurtenant bldg</li> <li>- no max heights specified</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- 6m from airstrip</li> <li>- 15.25m metres of any side lot line</li> <li>- 3 m from Natural Boundary of Sea</li> </ul> <p>No subdivision</p> <p>Conditions of use: rustic design</p>	<b>R2</b>	<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses inc. Home occupations except visitor accommodation</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 1 dwelling per parcel</li> <li>- no max on accessory bldgs</li> <li>- 20% max lot coverage</li> <li>- 9m max height for primary building</li> <li>- 5.2m max height for accessory buildings</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- 5 metres of any lot line</li> <li>- 15 m from Natural Boundary of Sea</li> </ul> <p>No subdivision</p>

## Thetis Associated Islands Residential Zone Comparisons

<p><b>Islands Trust Regulation 119/90</b></p>	<p>Scott and North Side of Reid Island</p>	<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses: storage or workshop</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- dwelling unit</li> <li>- a recreational cottage</li> <li>- structures accessory to a dwelling unit or recreational cottage</li> <li>- anything else requires agreement from LTC</li> </ul> <p>Sizes:</p> <ul style="list-style-type: none"> <li>- 37m<sup>2</sup> MAX size for rec cottage</li> <li>- no max heights specified</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- None specified</li> </ul> <p>4 ha min lot size for subdivision</p>	<p><b>R2</b></p>	<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 1 dwelling per parcel</li> <li>- no max on accessory bldgs</li> <li>- 20% max lot coverage</li> <li>- 9m max height for primary building</li> <li>- 5.2m max height for accessory buildings</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- 5 metres of any lot line</li> <li>- 15 m from Natural Boundary of Sea</li> </ul> <p>4 ha lot size for subdivision</p>
<p><b>Islands Trust Resolution, July 13, 1979</b></p>	<p>South Reid Estates</p>	<p>Uses:</p> <ul style="list-style-type: none"> <li>- recreational cottage</li> <li>- workshop</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 26 cottages on 36 “lots” on a 32 ha property</li> <li>- no limit on accessory cottages</li> <li>- no max lot coverage specified</li> </ul> <p>Sizes:</p> <ul style="list-style-type: none"> <li>- 81.75m<sup>2</sup> MAX size for cottage</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- None specified</li> </ul>	<p><b>R4</b></p>	<p>To be determined with the owner of South Reid Estates. Tentatively:</p> <p>Uses:</p> <ul style="list-style-type: none"> <li>- recreational cottage</li> <li>- accessory uses</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 26 cottages on 36 “lots” on a 32 ha property</li> <li>- 25% max lot coverage</li> <li>- 9m max height for primary building</li> <li>- 5.2m max height for accessory buildings</li> </ul> <p>Sizing:</p> <ul style="list-style-type: none"> <li>- 81.75m<sup>2</sup> MAX size for cottage</li> <li>- TBD with owner</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- 5 metres of any lot line</li> <li>- 15 m from Natural Boundary of Sea</li> </ul> <p>No further subdivision</p>

## Thetis Associated Islands Residential Zone Comparisons

<p><b>Islands Trust Regulation 119/90</b></p>	<p>Dayman, Pylades</p>	<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses: storage or workshop</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- dwelling unit</li> <li>- a recreational cottage</li> <li>- structures accessory to a dwelling unit or recreational cottage</li> <li>- anything else requires agreement from LTC</li> </ul> <p>Sizes:</p> <ul style="list-style-type: none"> <li>- 37m<sup>2</sup> MAX size for rec cottage</li> <li>- no max heights specified</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- None specified</li> </ul> <p>4 ha min lot size for subdivision</p>	<p><b>R3</b></p>	<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses:</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 1 dwelling if &lt; 4ha</li> <li>- 2 dwellings if &gt; 4ha</li> <li>- no max on accessory bldgs</li> <li>- 20% max lot coverage</li> <li>- 9m max height for primary building</li> <li>- 5.2m max height for accessory buildings</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- 5 metres of any lot line</li> <li>- 15 m from Natural Boundary of Sea</li> </ul> <p>4 ha lot size for subdivision</p>
<p><b>Cowichan Valley Bylaw 1020</b></p>	<p>Bute, Dunsmuir Islands</p>	<p>Uses:</p> <ul style="list-style-type: none"> <li>- Residential</li> <li>- Home occupation</li> <li>- Bed and Breakfast</li> <li>- Day care (accessory to res)</li> <li>- Stable</li> <li>- Agriculture, horticulture, silviculture</li> <li>- Fish farm</li> </ul> <p>Density, Size:</p> <ul style="list-style-type: none"> <li>- 1 dwelling under 2 ha</li> <li>- 2 dwellings over 2 ha</li> <li>- 15% lot coverage</li> </ul> <p>Setbacks:</p> <ul style="list-style-type: none"> <li>- 15 m from sea</li> <li>- 7.5 metres from road</li> <li>- 4.5m from rear</li> <li>- 3m from side</li> </ul>		<p>Uses:</p> <ul style="list-style-type: none"> <li>- residence use only</li> <li>- accessory uses:</li> </ul> <p>Structures:</p> <ul style="list-style-type: none"> <li>- 1 dwelling if &lt; 4ha</li> <li>- 2 dwellings if &gt; 4ha</li> <li>- no max on accessory bldgs</li> <li>- 20% max lot coverage</li> <li>- 9m max height for primary building</li> <li>- 5.2m max height for accessory buildings</li> </ul> <p>Setback:</p> <ul style="list-style-type: none"> <li>- 5 metres of any lot line</li> <li>- 15 m from Natural Boundary of Sea</li> </ul> <p>4 ha lot size for subdivision</p>

## Thetis Associated Islands Residential Zone Comparisons

<i>Island</i>	<i># of Lots &lt; 0.4 ha (1 acre)</i>	<i>0.4 ha – 2 ha (1 – 4.9 acres)</i>	<i>2.0 – 4.0 ha (5 – 9.9 acres)</i>	<i># of Lots &gt; 4 ha (&gt; 10 acres)</i>
<b>Bute</b>		1		
<b>Dayman</b>				1
<b>Dunsmuir</b>		1	1	
<b>Hudson</b>		10		1
<b>Pylades</b>	1			3
<b>Reid</b>		10	13	1
<b>Ruxton</b>	131	68	2	
<b>Scott</b>		1		
<b>Tree</b>			1	
<b>Whaleboat</b>	n/a	n/a	n/a	n/a