



TERMS OF REFERENCE

File No.: TH-6500-20

Project: Community Plan Review for Thetis Island Local Trust Area Associated Islands

Initiated by: Thetis Island Local Trust Committee

Endorsed on: May 23, 2012

Lead Staff: Courtney Simpson, Island Planner

BACKGROUND

The Thetis Island Local Trust Area includes eight islands without zoning and seven islands under four different regulatory bylaws. The purpose of this project is to adopt a single Official Community Plan (OCP) and Land Use Bylaw (LUB) for all of the islands in the Thetis Island Local Trust Area excepting Thetis Island, Valdes Island and Kendrick Island. The new bylaws will be designed in such a way as to add Valdes and Kendrick Islands to them at a later date, and Thetis Island will remain with a separate OCP and LUB.

Tent Island and Penelakut Island are also within the Local Trust Area but under federal government jurisdiction as they are Penelakut IR number 7 with one exception; one lot on Penelakut Island is not within Penelakut IR number 7 and is included in the scope of this project pending consultation with the Penelakut Tribe.

Thetis Island Local Trust Area islands **within** the scope of this review include:

Island	OCP	LUB / Rural LUB	Year of Adoption / Comments
Ruxton Island	No	Zoning Bylaw No. 13	1983, Amended 1987
Whaleboat Island	No	Zoning Bylaw No. 13	Added in 1987 / Provincial Marine Park
Pylades Island	No	No	Subject to ITA/LSA Regulations
Tree Island	No	No	Subject to ITA/LSA Regulations
Reid Island	No	No	Subject to ITA/LSA Regulations
Hudson Island	No	No	Subject to ITA/LSA Regulations
Dayman Islands	No	No	Subject to ITA/LSA Regulations
Scott Island	No	No	Subject to ITA/LSA Regulations
Bute Island	No	CVRD Bylaw No. 110	1973
Dunsmuir Islands	No	CVRD Bylaw No. 110	1973
Penelakut Island	No	No	One lot not within Penelakut IR No. 7, subject to ITA/LSA Regulations

ITA - Islands Trust Act - Section 32 Restrictions on Construction and BC Regulation 119/90
 LSA - Local Services Act BC Regulation 274/69 - Subdivision Regulation Requiring 10 Acre Minimum Lot Size.

The boundary of the area of bylaw application will be a maximum of 1000 metres from the shoreline of each of the islands, or mid-channel.

Thetis Island Local Trust Area Islands **outside** the scope of this review include:

Island	OCP	LUB / Rural LUB	Year of Adoption / Comments
Thetis Island	Bylaw No. 88	Bylaw No. 89	2011
Leech Island	Bylaw No. 88	Bylaw No. 89	2011
Valdes Island	No	Rural LUB No. 42	1998, Amended 2010 (GHG reduction)
Kendrick Island	No	Rural LUB No. 42	1998, Amended 2010 (GHG reduction)
Penelakut Island	No	No	Penelakut IR No. 7 lands on island outside scope
Tent Island	No	No	Penelakut IR No. 7

None of the islands within this review have public ferry access, and the majority of owners have primary residences elsewhere, using these properties recreationally and/or seasonally. Of the islands within the scope of this project, Ruxton Island has the greatest number of lots at 195, followed by Reid with 32, Hudson with 10, Pylades with 4, and the remainder with the entire island contained within one lot.

Establishing a single OCP and LUB for the associated islands of the Local Trust Area will create efficiencies in the use of staff time to administer the bylaws, will eliminate inconsistencies, and improve clarity of bylaw regulations for agencies and the general public. In the future, bylaw maintenance will be more efficient and tracking updates in a number of bylaws will no longer be required. In addition, a single bylaw will ensure that complete and updated zoning coverage is provided for all the islands of the Local Trust Area in accordance with the Islands Trust Mandate and Policy Statement.

ALIGNMENT WITH TRUST COUNCIL STRATEGIC PLAN

At the time of writing these terms of reference, Trust Council had not adopted a new Strategic Plan and the 2008-2011 Strategic Plan was still in effect. The following objectives and strategies of the Strategic Plan can be furthered through this project:

Objective	Strategies
1.2 To improve the identification and protection of biodiversity, environmentally sensitive areas and significant natural sites, features and landforms.	1.2.3 Protect sensitive and significant land through land use planning decision
2.1 To increase the sustainability and quality of freshwater resources	2.1.1 Include new policies and regulations as OCP's and LUB's are amended
2.3 To advance the stewardship of coastal areas and marine shore lands	2.3.1 Develop and implement new land use planning tools for shoreline marine protection

DESIRED OUTCOMES

- Adopt an Associated Islands Official Community Plan in accordance with Islands Trust Policy Statement and relevant legislation.
- Adopt an Associated Islands Land Use Bylaw in accordance with Islands Trust Policy Statement and relevant legislation.
- By engaging with First Nations, avoid infringement on Aboriginal title and rights.
- Address community needs that are within the scope of land use planning.
- Play an advocacy role to help the community achieve goals outside of the Local Trust Committee's authority, when appropriate.
- Adopt policies and regulations to protect sensitive ecosystems.
- Adopt policies and regulations facilitating adaptation to climate change.
- Adopt policies and regulations to advance the stewardship of coastal areas and marine shore lands.
- Adopt policies and regulations to increase the sustainability and quality of freshwater resources.

FIRST NATIONS CONSULTATION

The following nine First Nations and one treaty group are identified by the Province's Consultative Areas Database as having Aboriginal rights in the project area, and will be engaged early in the project in order to identify their Aboriginal rights in the area and avoid infringement:

- Stz'uminus First Nation
- Cowichan Tribes
- Halalt First Nation
- Hul'qumi'num Treaty Group
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Tsawwassen First Nation
- Snuneymuxw First Nation
- Semiahmoo First Nation

STAKEHOLDER CONSULTATION

Goals of communications for this project include informing and engaging property owners, the Cowichan Valley Regional District, and others identified as having an interest. This engagement is needed to ensure that relevant bylaw objectives, policies and regulations are adopted that meet the needs of property owners and other regulatory agencies both in the present and into the future.

Communications with property owners will be an important part of this project and may require unique approaches given that few people live on these islands full time. There is no local meeting location for property owners, no newspaper that would be likely to reach the majority, and no bulletin boards that would be read by most.

Communications may include a combination of direct mail-outs, the Islands Trust website, an email list, online or mailed polls or surveys, or receipt of input via mail or email. Community Information Meetings (CIM) may be held on individual islands with higher numbers of lots such as Ruxton, Reid and Hudson. At least one meeting will be scheduled on Ruxton Island, and meetings on other islands will be considered if the need and/or opportunities arise. Meetings may also be held on Vancouver Island or the lower Mainland, as the majority of property owners of all of the islands live in these locations.

Initial stakeholder consultation will be a newsletter mailed to property owners and a survey on preferred methods of engagement that will be used to develop a more detailed consultation and communications plan for the project.

BUDGET REQUIREMENTS

As the work plan below shows, and dividing the budgeted \$8,000 for professional reports between two fiscal years, the estimated budget for the three fiscal years of the project is:

Year 2012/13	\$5,000
Year 2013/14	\$11,700
Year 2014/15	\$1,500
TOTAL	\$18,200

There are a number of factors that will affect the budget such as whether or not APC members will be reimbursed for travel expenses, what type of public meeting will be held and what the cost will be, and what professional reports will be required.

TARGET DATES

The table below provides a project work plan with target dates and cost estimates.

Associated Island OCP/LUB Project Work Plan			
	Task	Target Date	Cost Est.
1.	Define the Scope		
1.1	Preliminary staff report	<i>April 18, 2012 (LTC mtg)</i>	
1.2	LTC to endorse project terms of reference	<i>May 23, 2012 (LTC mtg)</i>	
2.	Identify Goals		
2.1	Update Islands Trust website with project information	May 31, 2012	
2.2	Contact First Nations to begin engagement, with follow-up	May 31, 2012	
2.3	Mail-out to property owners including survey on preferred engagement method and community goals	May 31, 2012	\$200
2.4	Appoint Advisory Planning Commission	<i>August 1, 2012 (LTC mtg)</i>	
2.5	CIM to present results of survey and gather more info	August-September, 2012	\$750
2.6	Consult with CVRD – during annual meeting	September, 2012	
2.7	Staff report on first consultation with draft detailed list of project goals	<i>October 3, 2012 (LTC mtg)</i>	
2.8	APC meeting to review draft detailed list of project goals	October-November, 2012	\$1,000
2.9	LTC to endorse detailed list of project goals	<i>November 21, 2012 (LTC mtg)</i>	
2.10	Mail-out to update property owners on outcome of consultation and next steps	December, 2012	\$200
3.	Appraise the Facts		
3.1	Site visit to Islands	June, 2012	\$400
3.2	Staff report to identify information gaps	January, 2013	
3.3	Contract with professionals to fill gaps as necessary	February-June, 2013	\$8,000
3.4	Continued discussion with First Nations as necessary	ongoing	
3.5	Review results of any professional reports	June, 2013	
4.	Generate Options		
4.1	Draft 1 of OCP	June, 2013	
4.2	Staff report describing regulatory options, no draft of LUB yet.	June, 2013	
4.3	APC Meeting to review draft of OCP	July, 2013	\$1,000
5.	Assess the Options		
5.1	Continued discussion with First Nations as necessary	ongoing	
5.2	In-person CIM	August-September, 2013	\$750
5.3	Electronic and mail consultation with property owners	Summer, 2013	\$400
5.4	Staff report on results of community consultation to assess the options	October, 2013	
6.	Decide on Options to Adopt		
6.1	Draft 1 of LUB	November, 2013	
6.2	APC Meeting to review draft of LUB	November, 2013	\$1,000
6.3	Legal review of draft OCP and LUB	November, 2013	\$3,000
6.4	Draft 2 of OCP and LUB and first reading	January, 2014	
6.5	Agency referral	February, 2014	
6.6	Public hearing	April, 2014	\$1,500
6.7	Referral to EC	May, 2014	
6.8	Referral to Minister for OCP	June, 2014	
6.9	Adoption of OCP and LUB	September, 2014	