



File No.: 6500 20
(Ruxton Island Private Moorage Structures & Community Docks Targeted Review)

DATE OF MEETING: June 27, 2017
TO: Thetis Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Ann Kjerulf, Northern Regional Planning Manager
SUBJECT: Ruxton Island Private Moorage Structures & Community Docks Targeted Review

RECOMMENDATION

1. That the Thetis Island Local Trust Committee endorse the Thetis Associated Islands LUB Amendment - Ruxton Island Private Moorage Structures Project Charter, as amended, and the new project name – Ruxton Island Private Moorage Structures and Community Docks Targeted Review.
2. That the Thetis Island Local Trust Committee approve a budget allocation of \$2000.00 from the Thetis Associated Islands Targeted OCP/LUB Review Project to meet the needs of the Ruxton Island Private Moorage Structures and Community Docks Targeted Review project.
3. That the Thetis Island Local Trust Committee request staff to schedule a community information meeting for the Ruxton Island Private Moorage Structures and Community Docks Targeted Review project.

REPORT SUMMARY

The purpose of this report is to request endorsement of the amended Project Charter – Ruxton Island Private Moorage Structures & Community Docks Targeted Review Project Charter v. 2.0, request consideration to allocate further budget to the project for the current fiscal year, and advance the project to public consultation.

BACKGROUND

The Thetis Local Trust Committee (LTC) passed the following resolutions at the February 27, 2017 meeting:

TH-2017-011

It was MOVED and SECONDED that the Thetis Island Local Trust Committee amend the Project Charter by adding:

- Consideration of community docks on Ruxton Island, and
- Consultation with residents to be “In Scope”.

CARRIED

TH-2017-012

It was MOVED and SECONDED that the Thetis Island Local Trust Committee request Staff to bring back an amended Charter and include a phased approach, as discussed.

CARRIED

TH-2017-013

It was MOVED and SECONDED that the Thetis Island Local Trust Committee approve a budget allocation of \$1,200.00 from the Thetis Island Riparian Area Project 2016-2017 to meet the needs of the Thetis Associated Land Use Bylaw Amendment –Ruxton Island Private Moorage Structures Project.

CARRIED

TH-2017-014

It was MOVED and SECONDED that the Thetis Island Local Trust Committee approve a budget allocation of \$1,500.00 from the Thetis Targeted Official Community Plan/Land Use Bylaw Review Project 2017-2018 to meet the needs of the Thetis Associated Land Use Bylaw Amendment – Ruxton Island Private Moorage Structures Project.

CARRIED

TH-2017-015

It was MOVED and SECONDED that the Thetis Island Local Trust Committee request Staff to prepare draft amending bylaw for Local Trust Committee consideration for the Thetis Associated Land Use Bylaw Amendment – Ruxton Island Private Moorage Structures Project that will:

- a) Review Land Use Bylaw regulations relevant to Ruxton Island to remove ambiguities regarding the regulation of private moorage structures in order to effectively reflect the original intent of the Thetis Associated Land Use Bylaw to prohibit private docks or dock-like structures.

CARRIED

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

This project will be reviewed for consistency with the Islands Trust Policy Statement (ITPS) prior to the LTC review of a draft bylaw. A detailed analysis will be provided at first reading of the bylaw.

Official Community Plan:

Although the scope has increased to include another objective, staff are not anticipating any changes to the Thetis Associated Islands Official Community Plan (OCP). Several OCP policies pertain to this project with which any amendments to the LUB must be consistent (see Attachments for pertinent policies).

Land Use Bylaw:

Staff anticipate that the following sections of the bylaw will be included in the review in order to address the objectives of this project:

- Definitions
- 3.3 Siting and Setback Regulations
- 5.10 Marine Service (W2)
- 5.11 Marine Ruxton (W3), including consideration of removal of permitted uses such as “equipment installed...” and “swimfloats” that contribute to the ambiguity regarding the prohibition of docks.

Issues and Opportunities

Project Charter

The amended draft Project Charter reflects the addition of reviewing community docks and public consultation as requested by the LTC. The charter (see Attachment) reflects the following objectives, scope, timeline, budget and resources. The LTC is requested to endorse a final version of the Project Charter.

Proposed Project Objectives

The objectives are two-fold given the expanded scope:

- Review Land Use Bylaw (LUB) regulations relevant to Ruxton Island to remove ambiguities regarding the regulation of private moorage structures in order to effectively reflect the original intent of the Thetis Associated LUB to prohibit private docks or dock like structures.
- Review LUB regulations to allow community docks on Ruxton Island.

Proposed Project Scope

The scope has widened to include the review of community docks, which will necessitate the discussion of whether to allow community docks and how to regulate them. In addition, and as a part of the original Project Charter, regulatory options for private moorage related structures will also be reviewed.

Proposed Project Timeline

Staff have proposed a timeline that anticipates adoption of a bylaw amendment by summer 2018.

Resources

Subsequent to the February 27, 2017 LTC meeting, this project has an allocated budget of \$1,500.00 in the current fiscal year. The expanded scope requires further budgetary resources to cover additional costs, including a community information meeting (CIM) and a survey. Staff recommends that the LTC allocate \$2,000 from the Thetis Targeted Official Community Plan/Land Use Bylaw Review Project 2017-2018 (which was moved to the Projects List in February 2017) to meet these needs.

Phased Approach:

At the February 27, 2017 LTC meeting, the LTC requested staff to include a phased approach (see previous resolutions above) in order to quickly advance one objective before the other so as to address a “loophole” sooner rather than later; the objective being to remove ambiguities regarding the regulation of private moorage structures in order to effectively reflect the original intent of the Thetis Associated LUB to prohibit private docks or dock-like structures. Staff recommend not to approach this project in this way, but to address both objectives at the same time. Staff have developed the project charter in a way that addresses both objectives simultaneously and advances the project in a timely manner. Addressing them in separate bylaw amendment processes would likely double the resources and costs, and possibly frustrate the affected community. Reviewing the bylaw to achieve both objectives simultaneously is not anticipated to prolong the advancement of the project. As a result of this approach, staff have not prepared a draft amending bylaw at this time as requested by the LTC at the February 27, 2017 LTC meeting (see previous resolutions above).

Consultation

Public consultation with the Ruxton community would include a CIM, held in Nanaimo during the month of August, in addition to a survey (on-line and mail-out). Staff would develop preliminary regulatory options for both objectives of the project for presentation at the community information meeting. Additionally, a survey would be conducted on-line and also sent out by mail to all Ruxton property owners in order to solicit input on preliminary regulatory options. The public will continue to have an opportunity to comment throughout the anticipated bylaw amendment process.

First Nations

As mentioned in the staff report considered at the February 27, 2017 LTC meeting, staff is recommending early referral to the Lyackson First Nation in recognition of the Protocol of Cooperation between the Lyackson First Nation and Islands Trust Council. Early referral to other First Nations is also recommended.

Bylaw Enforcement

Early referral of draft bylaw amendments to Bylaw Enforcement staff review is strongly recommended.

Rationale for Recommendations

In order to advance this project, staff recommend that the LTC endorse the amended Project Charter and allocate additional funds.

ALTERNATIVES

1. Request Amendments to the Project Charter

The LTC may request further changes to the Project Charter. If significant changes are made to the charter as presented, staff will need to bring back a revised timeline, workplan overview and budget for review. Suggested wording for the resolution is as follows:

That the Thetis Island Local Trust Committee amend the Ruxton Island Private Moorage Structures and Community Docks Targeted Review Project Charter v 2.0 by [insert changes].

2. Request LTC Review of Regulatory Options and/or Survey Prior to Public Consultation

The LTC may request that staff provide an overview of regulatory options and/or survey questions prior to undertaking public consultation. Staff advise that this would delay the public consultation process. Suggested wording for the resolution is as follows:

That the Thetis Island Local Trust Committee request that staff present [preliminary regulatory options and/or survey questions] for local trust committee consideration prior to undertaking public consultation.

NEXT STEPS

Staff will develop preliminary regulatory options as per the Project Charter and a survey to be presented at a community information meeting.

Submitted By:	Marnie Eggen, MCIP RPP Island Planner	June 23, 2017
Concurrence:	Ann Kjerulf, MCIP RPP Northern Regional Planning Manager	June 23, 2017

ATTACHMENTS

1. Project Charter, amended
2. Thetis Associated Islands Official Community Plan Policies

Ruxton Island Private Moorage Structures & Community Docks Targeted Review - Draft Charter v 2.0 (June, 2017)

Purpose To address ambiguities in the Thetis Associated Islands Land Use Bylaw (LUB) regarding private moorage structures on Ruxton Island and to review regulation to allow community docks on Ruxton Island.

Background The Local Trust Committee (LTC) became aware that Thetis Associated Islands Land Use Bylaw No. 94 (LUB) unintentionally allows some private moorage related structures on Ruxton Island that were otherwise thought to be prohibited by the LUB. The LTC identified this as a top priority — to amend the Thetis Associated Islands Land Use Bylaw regarding private moorage related structures on Ruxton Island. Additionally, the LTC widened the scope to include the review of community docks on Ruxton Island.

Objectives

- Review LUB regulations relevant to Ruxton Island to remove ambiguities regarding the regulation of private moorage structures in order to effectively reflect the original intent of the Thetis Associated LUB to prohibit private docks or dock like structures.
- Review regulations to allow community docks on Ruxton Island.

In Scope

- Review options for community docks.
- Review LUB regulations pertinent to Ruxton Island and private moorage related structures including:
 - 1.1 Definitions
 - 3.3 Siting and Setback Regulations
 - 5.1 Marine Ruxton (W3), including consideration of removing problematic uses such as “equipment installed...” and “swimfloats”
- Public consultation on options to allow community docks.

Out of Scope

- Consideration of allowing private docks on Ruxton Island.
- Development of a new DP area.

Workplan Overview

Deliverable/Milestone	Date
Community Information Meeting, LTC review of regulatory options for community dock & for private moorage related structures & survey (on line and mailout)	August 2017
CIM and survey responses presented to LTC	Fall 2017
Draft bylaw presented to LTC (LUB)	December 2017
Referrals of draft bylaw (LUB)	December—January 2017
Legislative process for proposed bylaw (includes CIM and Public Hearing)	Spring 2018
Adoption of proposed bylaw	Summer 2018

Project Team

Marnie Eggen	Project Manager/ Planner
Ann Kjerulf	Project Sponsor
Becky McErlean	Legislative Clerk
Barb Dashwood	mapping

RPM Approval:
Date: June 23, 2017

LTC Endorsement:
Resolution #:
Date:

Budget

Fiscal	Item	Cost
2017-2018	CIM & survey	\$700
2017-2018	Legal review	\$1200
2017-2018	Legislative Process	\$1200
2017-2018	Contingency	\$400
	Total	3,500.00

Thetis Associated Islands Official Community Plan Policies Relevant to Bylaw Amendment - Ruxton Island Private Moorage Structures Project

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 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.

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

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