



*Islands Trust*

**THETIS ISLAND BYLAW NO. 42**

**VALDES ISLAND  
RURAL LAND USE BYLAW, 1998**

AS AMENDED BY THE THETIS ISLAND LOCAL TRUST COMMITTEE  
BYLAW: No. 87, 98

**NOTE:** This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

**Consolidated: November 27, 2017**

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CONSOLIDATED BYLAW TEXT AMENDMENTS

*This copy is consolidated for convenience only and includes the following TEXT amendments only:*

<b>Table of Amendments</b>			
<b>Bylaw No.</b>	<b>Amendment No.</b>	<b>Adoption Date</b>	<b>Date of Bylaw Consolidation</b>
87	Amendment No. 1, 2010	July 28, 2010	July 18, 2016
98	Amendment No. 1, 2016	November 6, 2016	November 27, 2016

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THETIS ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 42

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A BYLAW TO ESTABLISH A RURAL LAND USE BYLAW FOR VALDES ISLAND

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WHEREAS under Section 886(1) of Part 26 of the *Municipal Act* a board may adopt a Rural Land Use Bylaw, the content and effect of which are in accordance with Sections 887 and 889 of the statute;

AND WHEREAS Sections 4(4) and 29 of the *Islands Trust Act* confer upon the Thetis Island Trust Local Committee all the power and authority of a regional district board under Part 26, except Sections 932 to 937 and 939;

AND WHEREAS the Thetis Island Trust Local Committee has had prepared a Rural Land Use Bylaw for Valdes Island, which bylaw is attached hereto as Schedule "A", and deems it expedient to designate the said bylaw as the Valdes Island Rural Land Use Bylaw;

NOW THEREFORE the Thetis Island Trust Local Committee, in open meeting assembled, enacts that the Rural Land Use Bylaw attached hereto as Schedule "A" and forming part of this bylaw, together with any other schedules so attached, is hereby designated as the "Valdes Island Rural Land Use Bylaw, 1998" and may be so cited.

READ A FIRST TIME THIS	12th	DAY OF	January	, 1996
AMENDED THIS	8th	DAY OF	February	, 1996
AMENDED THIS	5th	DAY OF	June	, 1998
AMENDED THIS	9th	DAY OF	June	, 1998
PUBLIC HEARING HELD THIS	8th & 9th	DAY OF	July	, 1998
AMENDED THIS	28th	DAY OF	July	, 1998
READ A SECOND TIME THIS	1st	DAY OF	September	, 1998
READ A THIRD TIME THIS	1st	DAY OF	September	, 1998
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	16th	DAY OF	September	, 1998
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS	21st	DAY OF	October	, 1998
ADOPTED THIS	30th	DAY OF	October	, 1998

\_\_\_\_\_  
SECRETARY

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CHAIRPERSON

**VALDES ISLAND  
RURAL LAND USE BYLAW  
SCHEDULE "A"**

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## 1.0 INTRODUCTION

### 1.1 Purpose

The purpose of a Rural Land Use Bylaw is to provide a statement of local government general objectives, policies and regulations relating to land use and development. The Valdes Island Rural Land Use Bylaw is intended to provide guidance and regulatory information for the Thetis Island Local Trust Committee and the public regarding the existing and proposed land use and development on Valdes Island.

An overall feature of the Bylaw is that it continues to reflect the relatively unspoiled natural landscape, the low intensity of use, and the privacy of property holders.

**Part One** of the Bylaw contains the statements of community objectives and policies respecting the present and future land use and development. This portion of the Bylaw has the same effect as an Official community Plan.

**Part Two** of the Bylaw contains the land use regulations including zone area designations and parcel area requirements. This portion of the Bylaw has the same effect as a zoning bylaw and subdivision bylaw.

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### 1.2 Islands Trust - Authority (For information purposes only, not part of this Bylaw)

The Islands Trust Act gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district under the Municipal Act. Bylaws must be approved by the Islands Trust Executive Committee and by the Minister of Municipal Affairs before the Local Trust Committee can finally adopt them.

In the Islands Trust area, there are thirteen designated Islands, each of which elects two trustees. The Islands Trust Council comprises the twenty-six local elected trustees and any municipal trustees appointed from the council of any municipality in the Trust area.

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 Local Trust Committee with responsibility for land use planning and regulations for Valdes Island is the Thetis Island Local Trust Committee. 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.

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### 1.3 Public Input

Letters were sent to owners and lessees of land and water areas at Valdes Island in which a request was made to indicate any concerns or issues that could have implications to land and resource uses on and surrounding Valdes Island.

In addition to the information received from land owner's and tenure holder's responses to this letter, mailouts to property owners of draft and proposed versions of the bylaw were done, and public information meetings were held - on Valdes Island, in Duncan, in Vancouver, and in Victoria. As prescribed by the B.C. Municipal Act, rural land use bylaws are subject to the public hearing process.

As Valdes Island is mainly a seasonal marine-oriented community, the following themes emerged from Islanders' responses:

1. Importance of maintaining the natural environment.
2. Maintain the privacy and tranquillity of the Island community and continue to preserve the remoteness of the Island.
3. Apply conservation practices to the forest lands, wetlands, wildlife and foreshore and adjacent marine areas.
4. Continue management of the forest lands on a long term sustained basis and maintain the existing limited foreshore areas for log marshalling and log tow activities.
5. Protect heritage sites and scenic qualities of Valdes Island.

The above themes provided the basis for defining the general objectives and policies and the regulatory sections of the Bylaw.

## **2.0 APPLICATION**

### **2.1 Area of Jurisdiction**

### **2.2 Legal Authority and Requirements (For information purposes only, not part of this bylaw)**

#### **2.2.1 Local Government Jurisdiction**

Section 4(4) and 29 of the Islands Trust Act gives the Thetis Island Local Trust Committee essentially the same power and authority as a Regional District under Part 26 of the Municipal Act, except Sections 932 to 937 and 939.

Section 886 permits the Thetis Island Local Trust Committee to adopt a rural land use bylaw.

Sections 887 and 888 define the content and effect of the rural land use bylaw Parts 1 and 2. The two Parts are distinguished by their function. Part 1 is a statement of policy and has the effect of an official community plan. Part 2 contains regulations and has the effect of a zoning or subdivision bylaw.

Section 883 requires that the rural land use bylaw be approved by the Ministry before it can be adopted.

Section 890 requires a rural land use bylaw to go to public hearing. All the requirements of subsequent sections for notice and procedure apply.

Section 899 requires a Board of Variance be appointed for Part 2 of the bylaw.

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### **2.2.2 Matters Beyond the Jurisdiction of Local Government**

Section 887 (6) of the Municipal Act prohibits the Thetis Island Local Trust Committee from stating anything but broad objectives on matters beyond its jurisdiction unless the Minister has required or authorized it to state a policy with respect to that matter.

If there is no means by which the Trust Committee can regulate or control a matter, either through the enactment of a regulatory bylaw or by direct action of local government, then only a broad objective can be stated. The bylaw may suggest how the Committee hopes to influence senior agencies with jurisdiction to take certain actions.

## **PART ONE**

### **3.0 GENERAL OBJECTIVES AND POLICIES**

#### **3.1 Introduction**

The general objectives and policies in this section of the Bylaw were derived through the responses from interested Valdes Island landowners and lessees. A review was undertaken of the overall policies of the Islands Trust and also Provincial Agencies were consulted. Research and analysis of the physical, natural resources and settlement patterns provided the basis for the objectives and policies in the Bylaw.

The objectives identify what is to be achieved in land and resource use. The policies identify the means by which the objectives will be carried out. The policies are to be implemented by the land use regulations contained in Part Two of the Bylaw.

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### **3.2 General Objectives**

The general objectives of this Bylaw are:

- 3.2.1 To preserve the natural land forms of Valdes Island.
- 3.2.2 To encourage the conservation of natural vegetation and protect from disturbance the following resources: trees of heritage, biological and scientific interest; wetlands and other areas of sensitive or uncommon plant communities.
- 3.2.3 To preserve and protect both surface and groundwater quality and quantity.
- 3.2.4 To preserve the important marine and upland wildlife habitats and to permit the maintenance of these habitats in the appropriate locations.
- 3.2.5 To encourage the retention of Crown land for public use and enjoyment.
- 3.2.6 To encourage sustainable, selective and careful use and management of natural resources so as to minimize impacts on land, water and wildlife values.
- 3.2.7 To protect heritage resource values and sites.
- 3.2.8 To maintain rural living, both seasonal and permanent, through development which respects the lifestyle of the land holders and the natural environment.
- 3.2.9 To regulate the siting of buildings to be at a reasonable distance from lot lines in order to ensure a degree of privacy.
- 3.2.10 In the event there were commercial developments on Valdes Island, to ensure they do not detract from the preceding objectives.

### **3.3 General Policies**

The jurisdiction for resource management and regulation is with agencies of the Provincial and Federal Governments and not with the Thetis Island Local Trust Committee on matters such as sewage and waste disposal, protection of water supplies, control of pollution, provision of utilities, wildlife management, forestry, mariculture, mineral and petroleum resources, and Crown Land tenures. Thus, resource management and regulation of associated activities influence this Rural Land Use Bylaw's directional statements and affect the degree to which its objectives may be accomplished.

The Thetis Island Local Trust Committee seeks the cooperation and assistance of all the appropriate agencies of senior government. Such cooperation is necessary to ensure that resource management and regulation of associated activities will be beneficial and not detrimental to the Valdes Island community and its natural resources and landscapes.

### **3.4 Objectives and Policies For Resource And Land Use**

#### **3.4(a) Natural and Cultural Resources Objectives**

Natural and cultural resource objectives of this Bylaw are:

### **3.4(b) Foreshore and Coastal Waters**

Foreshore and coastal water objectives are:

- 3.4(b).1 To regulate the use of the foreshore and adjacent coastal water areas in order to retain an overall natural character. An important adjunct to this objective is the tenure system administered by Crown Lands for the foreshore water areas and policies of cooperation between that Agency and the Islands Trust.
- 3.4(b).2 To encourage the Ministry of Agriculture, Fisheries and Food, Aquaculture and Commercial Fisheries Branch, and the Ministry of Environment, Lands and Parks, B.C. Lands, to regulate mariculture activities so there is no negative impact on heritage sites, important marine resource habitats, existing cottage residential areas, traditional boat anchorages, areas fronting ecological reserves, recreation resources, Indian Reserve Lands, and important wildlife habitats.
- 3.4(b).3 To ensure the integrity of the foreshore and intertidal processes by preventing undue alteration of the shoreline by the construction of buildings, structures, dredging or dumping.
- 3.4(b).4 It is recognized that many parts of Valdes Island shoreline are exposed and that placement of permanent structures on the foreshore is often not feasible. It is the objective of the Trust Committee to encourage shared, community, or private communal docks, while recognizing the varied water access situations and the preferences of some landowners for individual docks.

### **3.4(c) Heritage Resources**

Heritage resource objectives are:

- 3.4(c).1 There are 78 known archeological sites on Valdes Island. These heritage sites are protected under the B.C. Heritage Conservation Act. The Trust Committee will assist the Ministry of Small Business, Tourism and Culture to protect designated sites.  
  
An important adjunct to this policy is the required approval process established by the Ministry's Archaeology Branch, from whom approval must be obtained on any proposed development of a parcel of land on Valdes Island where archaeological values

are present.

An impact assessment statement and assurance against the disturbance of heritage sites shall be provided to that Branch, if required. These requirements also include potential and actual surface land disturbances arising from agricultural activities and sand, gravel or soil removal and displacement.

### **3.4(d) Environmental Management**

Environmental management objectives are:

- 3.4(d).1 It will be the overall objective of the Trust Committee to cooperate with the agencies responsible for environmental management practices and regulatory provisions within the emphases expressed in this Bylaw.
- 3.4(d).2 The protection and maintenance of scenic and recreational values of the Valdes Island landscape.
- 3.4(d).3 The maintenance of natural drainage patterns, springs, or water catchment areas to ensure maintenance of sources of surface and ground water.
- 3.4(d).4 The retention of the native flora and fauna by protecting the natural habitats significant to Valdes Island, including foreshore and intertidal areas.
- 3.4(d).5 The support of measures to reduce environmental hazards associated with the transportation of dangerous materials, oil or fuels in the surrounding waters.

### **3.4(e) Land Use and Development Policies**

Land Use and Development policies of the Bylaw are:

### **3.4(f) Forestry**

Forestry objectives are:

- 3.4(f).1 The encouragement of forestry as a continuous land use on Valdes Island.
- 3.4(f).2 The encouragement of sustained yield forest management practices upon the land base with respect to both timber and non-timber resource values, including sensitive plant communities, wetlands, or wildlife habitats.
- 3.4(f).3 The encouragement of forest practices that minimize scenic and vegetation disturbance by utilizing selective harvesting, small openings, and silvicultural methods employing low impact

equipment and techniques. The provision of buffer strips or fringes adjacent to and on cottage residential areas should be encouraged.

3.4(f).4 The encouragement of cooperative forest management practices between the Lyacksun Indian Community lands and managed forest lands.

3.4(f).5 The encouragement of land owners to provide special management consideration to the forested lands with major bluffs along the westerly shoreline and on inland areas, a 100 metre strip along the eastern shoreline, plus the three wetland areas and adjacent 30 metre buffers. These areas may be considered as being within the Special Management Corridor because of their high wildlife habitat, recreation, and landscape values and are shown on Schedule C of this bylaw. Within these areas timber harvesting should be managed in a manner that reflects the importance of these other resource values.

### **3.4(g) Hazard Lands**

The following Hazard Lands policies shall apply.

3.4(g).1 Valdes Island consists mainly of a very shallow soil mantle over sandstone and shale bedrock. The western part of the Island consists of extensive escarpments both along the immediate shoreline and inland. Vegetation and tree cover is to be maintained and tree removal shall be discouraged in order to protect slope stability along the escarpment. The Trust Committee encourages such provisions in the forest management and operational plans of land owners.

3.4(g).2 New developments shall be floodproofed in accordance with Section 4.1.3.c) of this bylaw.

### **3.4(h) Environmentally Sensitive Areas**

The following Environmentally Sensitive Area policies shall apply.

3.4(h).1 The foreshore and adjacent water of Valdes Island are part of a marine resource area and provide for important herring spawning areas, shrimp grounds, clamming areas, and other marine values. The Trust Committee will cooperate with the appropriate Ministries of Government, the Cowichan Valley Regional District, and the upland landholders to protect the marine resources by ensuring resource uses of the foreshore and adjacent water marine waters are conducted in an environmentally sustainable manner.

3.4(h).2 There are three known wetland areas on Valdes Island. These areas are important for water retention purposes, waterfowl and beaver habitat. The wetlands and their buffer areas are to be managed to assist in the preservation of wildlife values.

- 3.4(h).3 The Valdes Shoreline and inland escarpments on the west side of Valdes Island are potential nesting sites for eagles and other avian predators. The area west of Mexicana Hill is considered a potential area for turkey vulture nesting sites. These areas are to be protected including the designation of eagle nesting trees along with adequate vegetative buffers.
- 3.4(h).4 It is recognized that there is no legal provision for the establishment of special management corridors on Valdes Island. In the harvesting of timber, undue disturbance or alteration of natural features is to be discouraged. It is the intent of the Local Trust Committee to seek voluntary compliance with the Special Management Corridor concept and it encourages private land holders to work closely with responsible government agencies towards this end.

**3.4(i) Recreational**

The undeveloped nature of the Island and the surrounding waters affords a variety of land and water-based outdoor recreation opportunities. The existing open land recreational activities are compatible with the Island's wilderness character.

The following recreational land use policies shall apply:

- 3.4(i).1 To encourage agencies responsible for programs or recreational activities to ensure compatibility with the Island's natural features.
- 3.4(i).2 To encourage the retention of the opportunity for an integrated park and hiking trail system extending from Porlier Pass to the north end of the Island.
- 3.4(i).3 There are no public parks on Valdes Island at the present time. Recreational use activities are ongoing, particularly at the Blackberry Point location. This area has a high park potential and should be reviewed in detail by the B.C. Parks Branch and acquired for public park and recreational purposes. If Blackberry Point can not be so acquired, then consideration may be given for a low environmental impact recreation use activity.
- 3.4(i).4 To continue with low impact recreational activities on Crown Land.
- 3.4(i).5 To discourage recreational activities that cause undue noise, disturbance or pollution to the vegetation and wildlife, and to residences on the Island.
- 3.4(i).6 Should recreational visitor accommodation be required in future, a "wilderness" campsite could be considered.

**3.4(j) Residential**

The following residential land use and development policies shall apply:



- 3.4(j).1 The fragile nature of the landscape and shallow soils indicate a need to minimize the impact of development on the landscape. The Trust Committee encourages the retention of the vegetation and tree cover on a building site as an important criterion in the development of a parcel of land.
- 3.4(j).2 A pattern of low density residential use shall apply in order to maintain the rural character.
- 3.4(j).3 Building materials along with building and structure design should be compatible, wherever possible, with the natural surroundings.
- 3.4(j).4 Building and structure setback shall be complementary and not obstructive to the adjacent buildings and structures, the shoreline and to the landscape of the parcel.
- 3.4(j).5 Home occupations, including "bed and breakfast", may exist on any parcel on which a residential use is permitted.
- 3.4(j).6 Given the seasonal marine-oriented nature of the Valdes Island community and its largely undeveloped nature, no particular provision shall be made in this bylaw for affordable housing.
- 3.4(j).7 Current forest management practices and those of recent decades have not involved residential use upon forestry lands. In conjunction with retaining forestry as a continuous land use and in conjunction with retaining the undeveloped or wilderness character of these lands, a very low density free-standing residential use of one dwelling unit per parcel may be permitted.

### **3.4(k) Transportation and Services**

The following Transportation and Services policies apply:

- 3.4(k).1 The Trust Committee encourages the Ministry of Transportation and Highways and the B.C. Ferry Corporation and those agencies responsible for regulating marine transportation to maintain Valdes Island free from vehicular ferry access and limited to foot passengers only service. The intent is to continue to maintain the wilderness and peaceful character of the Island.
- 3.4(k).2 An internal road system, constructed to a maximum standard of "Access-By-Water Only"\* may be created when required for the purposes of pedestrian traffic, carrying supplies, forestry purposes, and fire protection. Existing trails and roads should be considered in conjunction with any newly dedicated roads for the development of a trail network/road land transportation system.

Concurrence of private land owners and the Lyacksun Indian Community will be sought in accomplishing this transportation system by a combination of voluntary means and implementing a policy at time of subdivision of acquiring trail corridors, right-of-ways, and road dedications.

(\***Access-By Water Only** is the standard in the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways regarding road standards and classification.)

- 3.4(k). 3 Community water, sewage disposal, utilities supplying electrical power and telephone services are not to be encouraged or established on Valdes Island. The intent of this Bylaw is to maintain the natural landscape and low intensity of use for the Island.
- 3.4(k).4 Valdes landowners recognize that access to Valdes Island may present parking difficulties on adjacent islands. Potential land development proponents and the Approving Officer for subdivision on Valdes Island are encouraged to recognize and address these circumstances.

### **3.4(l) Land Use and Development Change**

#### **3.4(l).1 Evaluation of Proposed Land Use and Development Change**

In addition to consideration of the preceding objectives and policies, evaluations of applications for changes in land use designation should have regard for the following :

Preference of island residents, property owners, residents of the Trust area and residents of British Columbia as to the character of Valdes Island.

- The long term capability of the land to sustain proposed development with respect to natural resources, water supply, and sewage disposal.
- Existing land use and densities.
- Accessibility.
- Topography.
- Potential impacts on adjacent properties.
- Potential impacts on natural and cultural resources.
- Potential impacts on adjacent island communities.

#### **3.4(l).2 Temporary Commercial or Industrial Uses**

At present, for purposes of Section 921 of the Municipal Act, no areas are designated where temporary commercial or industrial uses may be allowed. Such designation, if and when required, will be considered in future amendments that would be dependent upon the circumstances and location of the proposed use, its relationship to the objectives and policies of this bylaw, and other matters that might be considered relevant by the Thetis Island Local Trust Committee.

### **3.4 (m) Climate Change Adaptation and Mitigation**

THBL87/JUL2010

Climate change refers to the increasing concentration of heat-trapping greenhouse gases in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change reveals that between 1970 and 2004, greenhouse gas emissions have increased by 70%. This dramatic rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to climate change issues, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amends the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include greenhouse gas emission reduction targets—and policies and actions to achieve those targets—in their Official Community Plans.

The Islands Trust Council identified Climate Change and the implementation of Bill 27 as the top strategic plan priority in 2009 and early 2010.

The following objectives are the first step to ensuring that the reduction of greenhouse gas emissions specifically and the impact of climate change in general become part of the planning process for Valdes Island. Future amendments will add policies and actions.

#### **Climate Change Objectives**

The objectives of this subsection are:

- 3.4(m).1 To establish climate change as a fundamental factor in land use decision-making.
- 3.4(m).2 To support efforts and policies to help our community adapt to climate change impacts.
- 3.4(m).3 To work with corporations, forest companies, other agencies and levels of government to support actions that reduce greenhouse gas emissions.
- 3.4(m).4 To work with corporations, forest companies, other agencies and levels of government to support actions that protect potential carbon sequestration capacities.

Recognizing that the measurement base and methodology is not yet established formally, to accept as an interim target: to achieve by 2020 and 2050 resident per capita emission levels of 50% or less than the Canadian per capita average for 2020 and 2050, THBL87/JUL2010

3.4(m).5 respectively. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, corporations and forest companies, the actions of other agencies and levels of government, technological changes, and changes to land use policies and regulations.

3.4(m).6 To work with regulatory bodies to establish meaningful, workable measurement methods and targets to achieve real and significant reductions.

#### **Climate Change Policies**

3.4(m).7 A number of Climate Change adaptation and mitigation actions are identified that can only be achieved through cooperation and initiatives resulting from individuals and the community, corporations and forest companies, the actions of other agencies and levels of government, technological changes, and changes to land use policies and regulations. The following activities are encouraged as possible actions that can be taken to reduce greenhouse gas emissions:

- i. The Local Trust Committee should develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. Application checklists should be revised to include climate change mitigation and adaptation criteria, such as energy efficiency, renewable energy water conservation, and carbon sequestration impacts.
- ii. Islands Trust Natural Area Protection Tax Exemption Program should be widely advertised to ensure all residents and land owners are aware of the benefits (both financial and from an environmental perspective) of protecting natural areas.
- iii. The Local Trust Committee encourages residents to calculate and record their personal and household greenhouse gas emissions, while considering conservation of water and energy.
- iv. The Local Trust Committee should work with the community, other agencies and levels of government to establish a useful inventory of greenhouse gas emissions for measurement and tracking purposes.

3.4(m).8 Other specific Policies and Actions with respect to climate change mitigation will be considered as part of a future review of this Rural Land Use Bylaw and incorporated into this Bylaw when it is amended.

## **PART TWO**

### **4.0 LAND USE DESIGNATION AND REGULATIONS**

#### **4.1 General Regulations Applicable to All Zones**

##### **4.1.1 Uses Permitted in All Zones**

In addition to the uses specifically permitted in each zone, the following uses are permitted in all zones:

- a) pedestrian, hiking, and horseback riding trails
- b) public parks

##### **4.1.2 Undersized Parcels**

Parcels of land that are shown on a plan deposited in the Land Title Office prior to the adoption of this bylaw which have less than the minimum area required, may be used for any of the uses permitted in the zone in which the parcel is situated, subject to all the other regulations for the zone. (Note: For information purposes only, not a provision of this bylaw: the foregoing does not preclude compliance with regulatory requirements of other agencies, e.g., method of sewage disposal is subject to statutes and regulations administered by the Medical Health Officer.)

##### **4.1.3 Setbacks**

- a) No sewage disposal field shall be permitted within 30 metres (98.4 feet) of the high water mark of tidal water.
- b) No building shall be located within 3 metres (9.8 feet) of any lot line or within 4.5 metres (14.8 feet) of front and exterior lot lines.
- c) For purposes of floodproofing, no building except a boathouse or sauna enclosure shall be located within 7.5 metres (24.6 feet) of and less than 1.5 metres (4.9 feet) above the natural boundary of the sea, or within 15 metres (49.2 feet) of and less than 1.5 metres (4.9 feet) above the natural boundary of any lake, water course, or wetland. Where the ocean frontage is not adequately protected from erosion by natural bedrock or works designed by a professional engineer, no building except a boathouse or sauna enclosure shall be located within 15 metres (49.2 feet) of and less than 1.5 metres (4.9 feet) above the natural boundary of the sea.

##### **4.1.4 Height**

- a) The height of a dwelling unit shall not exceed 8 metres (26.2 feet).
- b) The height of accessory buildings and structures shall not exceed 6 metres (19.6 feet).

#### **4.1.5 Height Exceptions**

Height restrictions do not apply to flag poles, antennas, water storage tanks, barns, or log dumping structures.

#### **4.1.6 Home Occupation**

Home occupations, where permitted in a zone, shall be subject to the following:

- a) The external residential appearance of the premises or any building situated upon the land shall be maintained.
- b) The home occupation use shall be conducted entirely upon the premises.

#### **4.1.7 Subdivision Regulations**

In addition to complying with the requirements of the Land Title Act and in circumstances where land being subdivided is within the Forest Land Reserve or the Agricultural Land Reserve and approval for subdivision has been obtained from the Forest Land Commission or the Agricultural Land Commission, all parcels created by subdivision must comply with the following:

a) Minimum Frontage

The minimum frontage of a parcel on a highway shall be ten (10) per cent of its perimeter, unless otherwise exempted by the Thetis Island Local Trust Committee.

b) Exemptions to Minimum Parcel Size Requirements

The minimum parcel size requirements shall not apply:

- i) To parcel consolidations; or
- ii) Where boundary adjustments between parcels are being made, provided:
  - no parcel complying with the minimum parcel size requirement is altered so as not to comply with the minimum parcel size requirements of this bylaw; and
  - no undersized parcel is further decreased in size;
- iii) Where the parcel being created is to be used solely for the unattended equipment necessary for the operation of:
  - an air or marine navigational aid; or
- iv) Where the parcel is created solely for access purposes pursuant to highway access alternatives regulations, as administered by the Approving Officer; or
- v) When the parcel being created is for public parks; or
- vi) To subdivisions for the provision of a single residence for a relative under Section 946 of the Municipal Act provided:

- the parcel being subdivided is not within the Agricultural Land Reserve;
- has not been subdivided previously under Section 946 of the Municipal Act; and
- has a minimum area of 8 hectares (19.77 acres).

c) Parcel Proportions

No parcel shall be created whose average width is less than one-fifth its average depth.

d) Split Zoned Parcels

Where parcels within two or more zones are subdivided, all parcels created in a zone, other than a remainder parcel, shall be contained entirely within that zone.

e) Road Standards

The maximum road standard shall be the "Access-By-Water Only" Standard in the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways.

## 5.0 CREATION OF ZONES

For purposes of this section, the area shown on Schedule "C" is hereby divided into the following zones.

Zone Classification	Short Form
Forest/Wilderness	FW
Rural 1	R1
Rural 2	R2
Recreational Resource	RR
Recreational Home	RH
Yacht Club Outstation	YC
Marine Conservation	W1
Yacht Club Outstation	W2
Mariculture	W3
Marine Log Storage	W4
Marine Log Dump	W5
Marine Towboat Reserve	W6

## 5.1 Definition of Zones

Except where otherwise specified:

- a) The extent of each zone is shown on Schedule "C" Land Use Regulations Map.
- b) The boundary between land and water zones shall be the surveyed lot line or where there is no survey plan the boundary shall be the natural boundary of the sea.
- c) Where a zone boundary is shown as following a road allowance, the centre line of the road allowance shall be the zone boundary.
- d) Where a zone boundary does not coincide with the boundary of a parcel or parcels or a road allowance and where distances are not specifically indicated, the Zone boundary shall be determined by scaling from the Schedule "C" Land Use Regulations Map.
- e) Marine Zone boundaries start at the boundary described in 5.1(b) and extend 1,000 metres seaward unless otherwise defined on Schedule "C".

## 5.2 Zone Specific Regulations

The following sections outline the permitted uses and regulations applicable within the specific zones. These are in addition to the "General Regulations Applicable to All Zones" contained in Section 4.1. No other uses, except those provided for in each zone and in the general regulations, are permitted.

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### 5.2.1 Forest/Wilderness (FW) Zone

The following uses and no others are permitted in the (FW) Zone; however in the circumstance where lands are in the Forest Land Reserve, only when such uses are permitted by the Forest Land Reserve Act, attendant Regulations, an order of the Forest Land Commission, or an application approved by the Forest Land Commission:

- Forestry
- forestry nurseries
- temporary accommodation for employees while conducting silviculture programs or harvesting activities
- single residence
- accessory buildings and structures



- home occupation
- open land recreation

#### Maximum Number and Size of Buildings and Structures

- one dwelling unit per parcel
- one forestry accommodation unit complex per parcel
- parcel coverage for dwelling , temporary accommodations, and accessory buildings and structures shall not exceed 1%, subject to a maximum of 2, 323 square metres (25,000 ft.<sup>2</sup>).

#### Minimum Parcel Area

- 35 hectares (86.48 acres), excepting those portions of District Lots 16 and 17 in this zone, which may be subdivided as single parcels from District Lots 16 and 17, respectively.
- 

### **5.2.2 Rural 1 (R1) Zone**

The following uses and no others are permitted in the (R1) Zone:

- single residence
- guest cottage
- forestry
- agriculture
- open land recreation
- home occupation
- accessory buildings and structures

#### Maximum Number and Size of Buildings and Structures

- one dwelling unit per parcel
- one guest cottage not exceeding 65 square metres (700 ft.<sup>2</sup>) per parcel
- parcel coverage for dwelling, guest cottage, accessory buildings and

structures shall not exceed 5%

Minimum Parcel Size

- 4 hectares (9.88 acres)
- 

**5.2.3 Rural 2 (R2) Zone**

The following uses and no others are permitted in the (R2) Zone; however in the circumstance where lands are in the Forest Land Reserve, only when such uses are permitted by the Forest Land Reserve Act, attendant Regulations, an order of the Forest Land Commission, or an application approved by the Forest Land Commission:

- single residence
- forestry
- agriculture
- open land recreation
- home occupation
- accessory buildings and structures

Maximum Number and Size of Buildings and Structures

- one dwelling unit per parcel
- parcel coverage for dwelling, accessory buildings and structures shall not exceed 5%

Minimum Parcel Size

- 2 hectares (4.94 acres)
-

#### **5.2.4 Recreational Resource (RR) Zone**

The following uses and no others are permitted in the (RR) Zone:

- open land recreation
- pedestrian, hiking, cycling, and horseback trails
- ecological reserve
- public park
- habitat protection area

Minimum Parcel Size

- 8 hectares (19.77 acres)
- 

#### **5.2.5 Recreational Home (RH) Zone**

The following uses and no others are permitted in the (RH) Zone:

- single residence
- guest cottage
- open land recreation
- home occupation
- accessory buildings and structures

Maximum Number and Size of Buildings and Structures

- one dwelling unit per parcel
- one guest cottage not exceeding 65 square metres (700 ft.<sup>2</sup>) per parcel
- parcel coverage for dwelling, guest cottage, accessory buildings and structures shall not exceed 5%

Minimum Parcel Size

- 1 hectares (2.47 acres)
-

### **5.2.6 Yacht Club Outstation (YC) Zone**

The following uses and no others are permitted in the (YC) Zone

- shore based yacht club outstation facility, including a caretaker's residence

Maximum Number and Size of Buildings and Structures

- one dwelling unit per parcel which may be included in a club house
- one yacht club outstation facility per parcel
- parcel coverage per dwelling, yacht club and outstation facility shall not exceed 5%

Minimum Parcel Size

- 4 hectares (9.88 acres)
- 

### **5.2.7 Marine Conservation (W1) Zone**

The following uses and no others are permitted in the (W1) Zone

- ecological reserve
  - marine park
  - aids to marine navigation
  - boat anchorage and moorage to buoys associated with residential use of upland parcels
  - floats, docks, stairs, ramps, launching cranes associated with residential use of upland parcels
-

### **5.2.8 Yacht Club Outstation (W2) Zone**

The following uses and no others are permitted in the (W2) Zone:

- boat anchorage and moorage to buoys associated with yacht club outstation use of adjacent upland parcels
  - wharf, dock, floats, stairs, ramps, and launching cranes associated with yacht club outstation use of adjacent upland parcels
- 

### **5.2.9 Mariculture (W3) Zone**

The following uses and no others are permitted in the (W3) Zone:

- mariculture
  - aids to marine navigation
  - boat anchorage and moorage to buoys
  - floating wharfs, sheds and cages
  - accessory structures
- 

### **5.2.10 Marine Log Storage (W4) Zone**

The following uses and no others are permitted in the (W4) Zone:

- log boom tie ups
  - log dumping, sorting, booming and storage of logs not originating from Valdes Island
  - aids to marine navigation
  - boat anchorage and moorage to buoys
-

### 5.2.11 Marine Log Dump (W5) Zone

The following uses and no others are permitted in the (W5) Zone:

- log loading, log dumping, and boom assembly for logs originating from Valdes Island
  - log and log boom storage
  - aids to marine navigation
  - boat anchorage and moorage to buoys
- 

### 5.2.12 Marine Towboat Reserve (W6) Zone

The following uses and no others are permitted in the (W6) Zone:

- emergency or temporary marine shelter for tow boats and tows
  - aids to marine navigation
- 

### 5.2.13 Marine Barge Facility (W7) Zone

The following uses and no others are permitted in the (W7) Zone:

- Barge loading and unloading
  - aids to marine navigation
  - Moorage to buoys associated with use of adjacent upland parcel
- 

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## 6.0 INTERPRETATION AND ADMINISTRATION

### 6.1 Definitions

In the Bylaw, unless the context otherwise requires:

**accessory buildings and structures** means buildings and structures which are customarily associated with and secondary in purpose to a principal permitted use of the land, buildings and structures located on the same lot, and are detached buildings not used for human habitation;

**agriculture** means a use providing for the growing, rearing, producing and harvesting of

agricultural products including the processing on an individual farm of the primary agricultural products harvested, reared or produced on that farm and the storage or repair of farm machinery and implements;

**building** means any structure which is used or intended to be used for the shelter, habitation, assembly and accommodation of people or animals, or the storage of goods and chattels;

**caretakers residence** means a residence which is intended and used for the accommodation of a person or persons engaged in custodial activities associated with the parcel upon which they are accommodated;

**dwelling unit** means a room or rooms used or intended to be used as a residence and containing not more than one kitchen;

**foreshore** means land between the highest high tide and the lowest low tide;

**forestry** means the science, art and practice of managing and using the natural resources that occur on and in association with forest lands.

**forestry accommodation unit complex** means buildings and structures, which may be of a portable nature, used for the temporary accommodation of employees continuously engaged in silviculture and harvesting activities;

**guest cottage** means a dwelling containing sleeping facilities, which may or may not contain a kitchen and sanitary facilities, that is used or intended for use exclusively for the accommodation of persons who are non paying guests of the owner of the residence or dwelling associated with the guest cottage on the parcel;

**height** means the vertical distance from the natural ground level, determined by averaging the grade level at the mid-points of each wall of the building at the foundation, to the highest point of the building;

**high water mark** means the high water mark identified on a plan of subdivision or the plan accompanying the instrument conveying Crown land in fee simple, and where there is no such plan, means the natural boundary, as defined herein;

**highway** includes a street, road allowance, road, lane and any other way open to public use, but does not include a private right-of-way on private property;

**home occupation** means an occupation, craft, or profession conducted for gain from a dwelling unit, permitted accessory building, or parcel by the resident of the parcel;

**land** means land whether or not it is covered by water;

**local trust committee** means the Thetis Island Local Trust Committee or, in respect of

each local trust area, the committee referred to in Section 23 (2) of the Islands Trust Act;

**lot line** means a legally defined line bounding any parcel, and

- a) **front lot line** means the line common to a parcel and an abutting highway, or where there is more than one such line, the shortest line shall be considered the front lot line;
- b) **rear lot line** means the line opposite to and most distant from the front lot line, or where the rear portion of the parcel is bounded by intersecting lines, it shall be the point of such intersection;
- c) **exterior lot line** means the line or lines not being the front lot line but common to a parcel and an abutting highway; and
- d) **side lot line** means any and all lines not being a front lot line, rear lot line or exterior side lot line;

**mariculture** means the cultivation, rearing and harvesting of marine organisms including oysters, clams, other mollusks and marine plants, but specifically excludes fish farms;

**natural boundary** means the visible high water mark of the sea, a lake or any watercourse where the presence and action of the water are so common and unusual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of the banks thereof, in respect of vegetation as well as the nature of the soil itself;

**open land recreation** means non-commercial and non-institutional activities consisting of: camping, picnicking, hiking, nature appreciation, hunting and fishing, with any support structures being temporary only;

**parcel** means the smallest unit in which land is designated as a separate and distinct parcel on a legally recorded plan or description or strata plan filed in the Land Title Office;

**parcel coverage** means the total of the horizontal areas of the floors at ground level of all buildings and structures, as measured from the outermost perimeter, expressed as a percentage of the area of the parcel;

**principal use** means the use of land, buildings or structures as listed under permitted uses of the applicable zone;

**public park** means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the Park Act or the Park (Regional) Act;

**residence** and **residential** mean a use providing for the home life of a person or persons



in common occupancy in a dwelling unit;

**setback** means the required minimum horizontal distance measured from the respective lot line, natural boundary or other feature specified to any building, structure or use or part thereof;

**silviculture** means all forestry activities related to the establishment, growing and management of forests, but does not include the processing of wood or wood products;

**special management corridor** means treed, forested, or wetland areas designated on Schedule "C" where undue disturbances or alterations of natural features would have adverse impacts on landscape, wildlife, or recreational values.

**structure** means any construction fixed to or embedded in land, but also includes movable buildings used for dwelling, storage or permitted accessory use; however, decks or patios not attached to buildings and not exceeding 0.7 metres in average height above the natural grade are not structures;

**subdivision** means any change in the existing size, shape, number or arrangement of lots registered in the Land Titles Office which would require issuance of a new Certificate of Indefeasible Title;

**watercourse** means any natural depression with a bed 0.6 metres (2ft.) or more below the average elevation of the surrounding land, containing water at least six months of the year.

**yacht club outstation** means the use of land or adjacent marine water area for the temporary moorage and temporary communal wharfage of yacht club member vessels or guest vessels and for the use of marine and shore-based yacht club outstation facilities by club members and guests for private recreational purposes and may include a clubhouse, accessory buildings and structures and a caretaker's residence.

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## 6.2 Administration

### 6.2(a) Requirement for Compliance

Land shall not be subdivided, land or the surface of water or the air space shall not be used, and buildings and structures on or in them shall not be located, constructed, altered, or used, except as specifically permitted by the Bylaw.

#### 6.2(b) Violation

Every person who:

1. violates any provisions of this Bylaw;
2. causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
3. neglects or omits to do anything required under the Bylaw;
4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of the Bylaw;
5. fails to comply with an order, direction or notice given under the Bylaw; or
6. prevents, obstructs, or attempts to prevent or obstruct a person authorized under the Inspection section of this bylaw to enter on the property, commits an offence.

#### 6.2(c) Inspection

A Bylaw Investigation Officer or any other officer designated by the Thetis Island Local Trust Committee is authorized to enter, at all reasonable times, on any property that is subject to the regulations under the Bylaw to ascertain whether the regulations or directions are being observed.

#### 6.2(d) Penalty

Every person who commits an offence under the Bylaw is liable upon summary conviction to a fine not exceeding \$2,000 and the costs of prosecution. Each day's continuance of an offence constitutes a new and distinct offence.

#### 6.2(e) Units of Measure

All units of measure contained within the Bylaw are metric standards. The approximate Imperial measurements are provided for convenience only.

#### 6.2(f) Severability

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision shall be severed and the decision

that it is invalid shall not affect the validity of the remaining provisions.