

**MINUTES OF THE EXECUTIVE COMMITTEE  
ACTING AS A LOCAL TRUST COMMITTEE MEETING  
HELD ON TUESDAY, MAY 8, 2012, AT 9:00 AM  
AT THE ISLANDS TRUST OFFICE, VICTORIA, B.C.**

<b><u>PRESENT:</u></b>	Sheila Malcolmson	Chair
	Ken Hancock	LTC Member
	David Graham	LTC Member
	Peter Luckham	LTC Member
	Robert Kojima	Regional Planning Manager (RPM)
	Kaitlin Kazmierowski	Island Planner
	Sharon Lloyd-deRosario	Recording Secretary

**REGRETS:**           None

There were no members of the public present.

**1.     CALL TO ORDER**

Chair Malcolmson called the meeting to order at 9:00 a.m., recognizing that the meeting was being held on Traditional Coast Salish territory.

**2.     APPROVAL OF AGENDA**

**2.1    Approval of Agenda**

Chair Malcolmson asked if any of the members had additions or changes to the agenda; no revisions were made.

The agenda as presented was approved by consent.

**3.     PREVIOUS MINUTES**

**3.1    Minutes of February 7, 2011 LTC Business Meeting**

Chair Malcolmson asked for any amendments to the minutes; one suggested revision was made as follows:

- Item 1 – add the words at the end of the sentence “and acknowledged the meeting was being held in the Coast Salish Territory”.

The Executive Committee Acting as a Local Trust Committee meeting minutes of February 7, 2012, as amended were adopted by consent.

**4.     RESOLUTIONS WITHOUT MEETING**

None

5. **FOLLOW UP ACTION LIST REPORT**

The Follow-up Action List was received for information.

6. **MOTION TO CLOSE MEETING**

Resolution EX-LTC-13-12

THAT, pursuant to Section 90(1)(i) of the Community Charter, the Executive Committee Acting as a Local Trust Committee resolves to close the meeting to the public for the purpose of adopting Executive Committee Acting as a Local Trust Committee meeting minutes of February 7, 2012 and further that Islands Trust Staff remain present.(distributed under separate cover)

**CARRIED**

The Executive Committee Acting as a Local Trust Committee moved to an In Camera session at 9:02 am.

\*Note – See separate In-Camera minutes of same date.

The business meeting re-opened to the public at 9:04 am.

7. **RECALL TO ORDER**

7.1 **Rise and Report from Closed Meeting**

The Executive Committee Acting as Local Trust Committee had nothing to report.

8. **WORK PROGRAM**

8.1 **Top Priorities**

The Top Priorities report was reviewed with two items on-going and was received for information.

8.2 **Projects**

8.2.1 **Staff Report Updates and Amendments to Draft Bylaws No. 27 & 28**

Planner Kazmierowski reviewed her Staff Report with a quick overview and some background information on Ocean – Loop Geothermal. She presented four options for regulating ocean-loop and terrestrial geothermal systems:

- Amend OCP Policy 3.15.4 to remove “land-based” so as to include all types of geothermal.
- Permit ocean-loop geothermal within the Residential (R) and W1 (Marine General) zones.
- Permit ocean-loop geothermal within the Residential (R) and Marine General (W1) zones and amend the shoreline DPA accordingly.

- Do not make any amendments to the Draft LUB and rely on site-specific rezoning applications for ocean-loop geothermal regulation.

Planner Kazmierowski reviewed the First Nations Consultation advising that staff continues to work to engage the First Nations in a joint meeting to discuss aquaculture, with very little response until recently, when staff have started working with planning staff in the Northern office and K'omoks First Nation staff to plan a joint meeting between the K'omoks First Nation, and the Denman, Hornby and Ballenas-Winchelsea Island Local Trust Committees. There was a discussion of when the meeting might occur and how many people would attend.

The committee via roundtable expressed any concerns and asked questions of the Planner. There was discussion on how to engage First Nations in discussions with the possibility of professional assistance. Tidal power was also a topic of discussion.

Trustee Hancock relayed North Pender LTC's experience with a 2009 application for a geothermal system, which the Advisory Planning Commission recommended against due to toxicity of fluids being used. He stated how much they have improved since then to have become a viable heat alternative. He added that South Pender and Saturna LTCs have this topic on their work program and are looking for draft bylaws to deal with these issues. Trustee Hancock also expressed concern with working with Local Planning Services (LPS) to move quicker to finality with these types of issues.

Chair Malcolmson suggested Trustee Hancock speak with LPS Director Marlor in the Executive meeting being held directly after this meeting today.

Trustee Luckham spoke of an aquarium in Ucluelet that is using a geothermal system that runs cold water through large septic tanks on the land, with a great deal of success. He advised that on North Pender they are calling these systems "geo-exchange" rather than geothermal.

Regional Planning Manager (RPM) Kojima added that other islands are using tools such as Rezoning and/or Development Permits Areas (DPA) to manage this issue and followed up that the onus is placed on the land owner to apply for a lease for these systems and that they are all referred to Department of Fisheries and Oceans (DFO), First Nations and Local Government.

#### Resolution EX-LTC-15-12

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to revise the Ballenas-Winchelsea Group, Shoreline Development Permit Area in order to include ocean-loop geothermal structures and uses and report back at a future meeting.

**CARRIED**

Resolution EX-LTC-16-12

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to revise Draft Ballenas-Winchelsea Group Official Community Plan Policy 3.15.4 by removing “land-based”.

**CARRIED**

Resolution EX-LTC-17-12

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to revise the Draft Ballenas-Winchelsea Group Land Use Bylaw to permit ocean-loop geothermal structures as permitted uses in the Residential and Marine General zones and report back at a future meeting.

**CARRIED**

Further discussion took place regarding First Nation consultations and how the Local Trust Committee could better approach the First Nation People on issues.

Resolution EX-LTC-18-12

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee for Ballenas-Winchelsea Local Trust Area request that additional resources and expertise be made available to facilitate and support Local Trust Committee meetings and interactions with First Nations.

**CARRIED**

Trustee Hancock commented that with the need for additional resources to help us when engaging with First Nations, he suggested it could be flagged for fundraising grants to help support the costs of hiring an expert to assist the LTCs.

Trustee Luckham suggested it would be helpful to retain more knowledge of who the Nanoose and K’omoks First Nations are i.e. Population etc.

Resolution EX-LTC-19-12

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee asks staff to provide a profile of Nanoose and K’omoks First Nations.

**CARRIED**

8.2.2 Executive Islands (Ballenas-Winchelsea Group) Draft Official Community Plan Bylaw No. 27

Chair Malcolmson stated this item was addressed in item 8.1, she asked Planner Kazmierowski if she had anything more to add.

Planner Kazmierowski had nothing more to add.

### 8.2.3 Executive Islands (Ballenas-Winchelsea Group) Draft Land Use Bylaw No. 28

Chair Malcolmson stated this item was also addressed in item 8.1, she asked Planner Kazmierowski if she had anything more to add.

Planner Kazmierowski had nothing more to add.

Chair Malcolmson asked the trustees if they had more to add to items 8.2.2 and 8.2.3.

Trustee Hancock also asked if the committee should seek legal advice as to whether an LTC could adopt a Bylaw Enforcement Policy in situations like with First Nations and aquaculture when rights and title are unsettled with senior government. He offered to draft a resolution for the committee to consider.

Chair Malcolmson stated that this topic will be revisited later on in the meeting to allow Trustee Hancock time to create the wording.

## 9. **EXPENSE/BUDGET REPORTS**

### 9.1 Trustee & Local Expenses

Trustee & Local Expenses Report received for information.

## 10. **NEW BUSINESS**

10.1 Next Business Meeting: Tuesday, October 30, 2012, Islands Trust, Victoria Office.

### 10.2 Annual Report

The committee reviewed the report and the following amendments were made:

- Add the words “the first” after “development of” in the first sentence of the third paragraph.
- Remove the word “an” before “Official” in the first sentence of the third paragraph.
- Add the words “recognition of First Nations’ concerns” after “Key issues include” in the last sentence of paragraph three.

### Resolution EX-LTC-20-12

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee approve for publication the 2011 – 2012 Annual Report Submission Executive Committee acting as Local Trust Committee Highlights and Accomplishments, as amended on May 8, 2012.

**CARRIED**

Chair Malcolmson revisiting item 8.2.1 asked Trustee Hancock to read out the motion he drafted pertaining to seeking legal advice regarding a Bylaw Enforcement Policy in situations pertaining to First Nations when rights for aquaculture are unsettled with senior governments.

Resolution EX-LTC-21-12

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee request legal advice on whether a Local Trust Committee can adopt a Bylaw Enforcement Policy that provides for enforcement being held in abeyance in situations such as First Nations and aquaculture, where rights and title are unsettled with senior government.

**CARRIED**

10.3 LTC Website Information

The LTC asked staff to remove the latest staff report from their web page and keep the webpage updated with more recent reports.

11. **ADJOURNMENT**

The Chair thanked the staff for keeping the committee on track and then declared the meeting adjourned at 10:17 am.

---

**RECORDER**

---

**CHAIR**