



Thetis Island Local Trust Committee

Regular Meeting Agenda

Date: July 26, 2016
Time: 9:30 am
Location: Thetis Island Community Centre (Forbes Hall)
North Cove Road, Thetis Island, BC

Pages

1. CALL TO ORDER 9:30 AM - 9:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. APPROVAL OF AGENDA
3. TOWN HALL AND QUESTIONS 9:35 AM - 9:50 AM
Reminder: the Public Hearing for Bylaw Nos. 96 and 97 (TH-RZ-2015.1 - Penelakut Seafoods Ltd.) closed on May 9, 2016. The Local Trust Committee must not permit a delegation to address a meeting of the committee regarding a bylaw in respect of which a Public Hearing has been held.
4. COMMUNITY INFORMATION MEETING - None
5. PUBLIC HEARING - None
6. MINUTES 9:50 AM - 10:05 AM
 - 6.1 Local Trust Committee Minutes dated May 24, 2016 for adoption 4 - 14
 - 6.2 Local Trust Committee Minutes from Special Meeting dated June 18, 2016 for adoption 15 - 17
 - 6.3 Section 26 Resolutions-Without-Meeting Report Dated July 19, 2016 18 - 18
 - 6.4 Advisory Planning Commission Minutes - None
7. BUSINESS ARISING FROM MINUTES 10:05 AM - 10:15 AM
 - 7.1 Follow-up Action List Dated July 19, 2016 19 - 20
 - 7.2 Advisory Planning Commission - Update
8. DELEGATIONS - None

9. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

10. APPLICATIONS AND REFERRALS

10:15 AM - 11:00 AM

10.1 TH-SUB-2014.2 (Reid)

10.1.1 Staff Report Dated July 18, 2016

21 - 42

10.2 TH-RZ-2015.1 (Penelakut Seafoods Ltd.)

10.2.1 Staff Report Dated July 18, 2016

43 - 47

10.3 TH-RZ-2015.2 (Hardy Granite Quarries Ltd.)

10.3.1 Staff Report Dated July 18, 2016

48 - 61

10.4 TH-RZ-2016.1 (West Vancouver Yacht Club)

10.4.1 Staff Report - To be Distributed

11. LOCAL TRUST COMMITTEE PROJECTS - None

12. REPORTS

11:00 AM - 11:20 AM

12.1 Work Program Reports

12.1.1 Top Priorities Report Dated July 19, 2016

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12.1.2 Projects List Report Dated July 19, 2016

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12.2 Applications Report Dated July 19, 2016

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12.3 Trustee and Local Expense Report Dated May, 2016

68 - 68

12.4 Adopted Policies and Standing Resolutions - None

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Reports

12.8 Electoral Area Director's Report - None

12.9 Trust Fund Board Report - None

13. NEW BUSINESS

11:20 AM - 11:40 AM

13.1 2017-18 Local Trust Committee Budget Request

13.1.1 Staff Report Dated July 12, 2016

69 - 72

14. UPCOMING MEETINGS

- 14.1** Next Regular Meeting Scheduled for Tuesday, October 11, 2016 at 9:30 am at the Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC

15. TOWN HALL 11:40 AM - 11:55 AM

16. CLOSED MEETING 11:55 AM - 12:10 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) and (d) for the purpose of considering Appointment of Board of Variance (BOV) Members and adoption of In-Camera Meeting Minutes dated May 24, 2016 and that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 12:10 PM - 12:15 PM



Thetis Island Local Trust Committee Minutes of Regular Meeting

Date: May 24, 2016

Location: Thetis Island Community Centre (Forbes Hall)
North Cove Road, Thetis Island, BC

Members Present: Susan Morrison, Chair
Peter Luckham, Local Trustee
Ken Hunter, Local Trustee

Staff Present: Marnie Eggen, Planner 2
Alexandra Brzozowski, Island Planner
Ann Kjerulf, Regional Planning Manager
Miles Drew, Bylaw Enforcement Manager
Janice Young, Recorder

Others Present: There were approximately thirty-five (35) members of the public in attendance, including special guests Kathleen Johnnie and Cory Thomas, consultants for the Lyackson First Nation, Eric Nicholls, Ministry of Community, Sport and Cultural Development, and Graeme Trigg, West Vancouver Yacht Club, Outstation Director

1. CALL TO ORDER

Chair Morrison called the meeting to order at 9:30 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations, and introduced the Local Trust Committee (LTC), Staff and Special Guests.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 11.1 To be moved to the beginning of agenda
- 7.3 Add addendum
- 11.3.1 Add addendum
- 11.3.2 Add addendum

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Veronica Shelford asked for clarity in regard to mariculture lease and licence renewals and the protocol that “the government will advise when there is change in the motion.”

Graeme Shelford, representing the Thetis Island Ratepayers and Residents Association (TIRRA) asked for a progress report on the request to develop trails on Thetis Island. Trustee Luckham reported that a Road Safety Report has been submitted as requested. Trustee Luckham added that a local highways representative visited Thetis Island and is in support of the application.

Wayne Loiselle asked for information regarding noise bylaws – land and water. Islands Trust Bylaw Enforcement Officer, Miles Drew, responded that the Cowichan Valley Regional District handles noise bylaw infractions.

Victoria Scott and Pat Hutchison of Ruxton Island spoke to the Hardy Granite Quarries re-zoning application, with concerns to noise and pollution, and overall ecosystem disruption, especially five species of concern that breed in that location.

Maureen Loiselle commented on the toxicity of our seafood and to flag and take action on that information.

4. COMMUNITY INFORMATION MEETING - None

5. PUBLIC HEARING - None

6. MINUTES

6.1 Local Trust Committee Minutes dated March 29, 2016 for adoption

By general consent the Local Trust Committee meeting minutes of March 29, 2016 were adopted.

6.2 Local Trust Committee Minutes from Special Meeting dated May 9, 2016 for adoption

By general consent the Local Trust Committee meeting minutes of May 9, 2016 were adopted.

6.3 Public Hearing Record dated May 9, 2016 - For Information

The Public Hearing Record was received with the following comments:

Page 3 - name corrections noted:

- Change Glen Anderson to Glen Andison
- Change Richard Strachan to Dixon Strachan
- Change Sandy Lotis to Sandy Lottis

6.4 Section 26 Resolutions-Without-Meeting Report dated May 13, 2016

Received.

6.5 Advisory Planning Commission Minutes - None

7. NEW BUSINESS

7.1 Lyackson First Nation Comments (Thetis Associated Islands Official Community Plan and Land Use Bylaw)

7.1.1 Staff Report dated May 6, 2016

Island Planner Brzozowski presented the Staff Report. Lyackson First Nation Consultants Kathleen Johnnie and Corey Thomas brought forward new information to consider regarding shellfish beaches and clam gardens, as well as developing a marine use plan for local First Nations with sensitivity to archaeological sites. Eric Nicholls, Ministry of Community, Sport and Cultural Development spoke to these concerns.

Discussion followed.

TH-2016-021

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee place "Land Use Considerations for Clam Gardens" on the Projects List at the earliest opportunity.

CARRIED

TH-2016-022

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee place "Limiting Private Docks as a Permitted Use on Associated Islands" on the Projects List.

CARRIED

TH-2016-023

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee place "Potential Impacts of Geothermal Loops" on the Projects List.

CARRIED

TH-2016-024

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee place "Switchback Fencing in Setback to the Sea" on the Projects List for the Thetis Associated Islands OCP and LUB.

CARRIED

TH-2016-025**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee provide staff with the following comment on the draft Community Plan newsletter – “The Local Trust Committee is very excited about the adoption of the Official Community Plan and Land Use Bylaw. We are grateful to the residents of the Associated Islands, particularly Reid, Ruxton and Hudson Islands for the level of collaboration and the quality of discussion. We would like to thank the Ruxton Island residents that volunteered for the Associated Island Advisory Planning commission, Past Trustee Sue French and Planner Brzozowski for all their support and work.”

CARRIED

7.2 Public Consultation re: Cowichan Valley Regional District (CVRD) Burning Ban

Presented by Planner Eggen regarding CVRD burning ban bylaw decisions. Trustee Luckham spoke to the issue that Thetis Islanders have not been included in the conversation and the importance for the community to have a legitimate opportunity to participate in decision as well as education for burning options. Discussion followed.

Graeme Shelford spoke on behalf of the Thetis Island Improvement District (TIID) noting that limited burning is necessary due to restriction of island living and the expense of exporting burnable refuse; also that the CVRD talk of banning woodstoves is very problematic to Thetis Islanders, especially due to the sometimes lengthy power outages in the winter.

TH-2016-026**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee ask the Cowichan Valley Regional District to formally consult with the Thetis Island Community regarding inclusion in the Burning Ban Bylaw 3716.

CARRIED

7.3 Limberis Aquaculture Lease

7.3.1 Email dated April 21, 2016 from Richard and Tess DeMarco

7.3.2 Letter dated April 25, 2016 from Kathryn Kennedy to Jim Johnson

7.3.3 Letter dated April 25, 2016 from Kathryn Kennedy to Rudy Mayser

7.3.4 Letter dated May 9, 2016 from Fisheries and Oceans to K. Kennedy

7.3.5 Letter dated May 16, 2016 from Kathryn Kennedy to Heather Wood

Above correspondence all received for information.

7.4 Bylaw Enforcement Notification Bylaw Amendment Bylaw No. 100

7.4.1 Staff Report dated May 10, 2016

Bylaw Enforcement Manager, Miles Drew, presented the Staff Report outlining proposed amendments. Discussion followed.

TH-2016-027

It was MOVED and SECONDED

that Thetis Island Local Trust Committee Bylaw No 100, cited as “Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 90, 2011 Amendment No. 1, 2016”, be read a first time.

CARRIED

TH-2016-028

It was MOVED and SECONDED

that Thetis Island Local Trust Committee Bylaw No. 100, cited as “Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 90, 2011 Amendment No. 1, 2016”, be read a second time.

CARRIED

TH-2016-029

It was MOVED and SECONDED

that Thetis Island Local Trust Committee Bylaw No. 100, cited as “Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 90, 2011 Amendment No. 1, 2016”, be read a third time.

CARRIED

TH-2016-030

It was MOVED and SECONDED

that Thetis Island Local Trust Committee Bylaw No. 100, cited as “Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 90, 2011 Amendment No. 1, 2016”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated May 13, 2016

Planner Eggen presented and updated the Follow-Up Action List. Discussion followed.

8.2 Advisory Planning Commission - None

9. DELEGATIONS - None

10. CORRESPONDENCE - None

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

11. APPLICATIONS AND REFERRALS

11.1 TH-RZ-2015.1 (Penelakut Seafoods Ltd.)

11.1.1 Email dated April 26, 2016 from Pat English

Received.

11.1.2 Public Hearing Submissions

Received.

11.1.3 Public Hearing Follow Up - Verbal Update

Power Point presentation was given by Planner Eggen, reviewing the Bylaw Amendment Process. At this point of the process – post Public Hearing - no further input can be received.

Trustee Luckham spoke to the limits of public input as the process is laid out, and that public input is collected in a Public Hearing Binder.

Planner Eggen continued her presentation with a review of the re-zoning application, followed by a summary of public submissions heard by the end of the May 9, 2016 Public Hearing.

Discussion regarding concerns about future changes to the Licence of Occupation.

TH-2016-031

It was MOVED and SECONDED

that the Local Trust Committee request that the Chair write a letter to the Province to be notified in the future of changes to the License of Occupation of the Penelakut Seafood Mariculture Licence.

CARRIED

Discussion continued, with Trustee Hunter voicing concerns regarding navigation of the cut and limits of dredging to maintain the navigation channel with the Mariculture Permit in place.

11.1.4 Bylaw No. 96

TH-2016-032

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 96 cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2015", be read a second time.

CARRIED

Trustee Hunter opposed; discussion followed.

TH-2016-033

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request the Chair to write a letter to Penelakut Seafoods Ltd. asking for a letter of support for dredging of the Cut in the future, if necessary, regardless of the mariculture uses.

CARRIED

TH-2016-034

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 96 cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2015", be read a third time.

CARRIED

TH-2016-035

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 96, cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2015", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

TH-2016-036

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee forward Bylaw No. 96, cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2015", to the Minister of Community, Sport and Cultural Development for approval.

CARRIED

11.1.5 Bylaw No. 97

TH-2016-037

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 97 cited as "Thetis Island Land Use Bylaw, 2011, Amendment 1, 2015", be read a second time.

CARRIED

11.2 TH-RZ-2015.2 (Hardy Granite Quarries Ltd.) - Verbal Update

11.2.1 Letter dated May 8, 2016 from Victoria Scott

Received.

Verbal Update by Planner Eggen. No decision from the LTC needed at this time. Referral responses received and will come forward at the next meeting. Staff have replied to any public submissions that required a response. Trustee Luckham added that more information is welcome as this issue moves forward.

By general consent the meeting was recessed at 11:45 am and reconvened at 12:00 pm.

11.3 TH-RZ-2016.1 (West Vancouver Yacht Club) - Verbal Update

11.3.1 Memorandum dated May 16, 2016

11.3.2 Letter dated May 13, 2016 from West Vancouver Yacht Club (WVYC)

Planner Eggen spoke to the Memo regarding early referral comments from Lyackson First Nation, received April 27, 2016, and the letter received from the West Vancouver Yacht Club. Discussion followed including comments from Trustee Luckham regarding marine habitat and community member Wayne Loiselle concerning location of dock. WVYC Outstation Director, Graeme Trigg provided some information and feedback.

11.4 Salt Spring Island Local Trust Area Bylaw Referral Request for Response for a Land Use Bylaw Amendment No. 492 dated April 18, 2016

11.4.1 Bylaw Referral Form

Review and discussion of Bylaw referral request.

TH-2016-038

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee advise the Salt Spring Island Local Trust Committee that its interests are unaffected by Bylaw 492.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS - None

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated May 13, 2016

Report reviewed and discussion followed.

TH-2016-039

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee remove Top Priority List Item #1, for the short time.

CARRIED

Planner Eggen reported that work with Ian Ralston regarding the Riparian Area issue continues to move forward towards a draft covenant.

TH-2016-040

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request that "Land Use consideration for clam gardens" be on the Top Priorities List.

CARRIED

13.1.2 Projects List Report dated May 13, 2016

Received and reviewed.

13.2 Applications Report dated May 13, 2016

- Planner Eggen provided a verbal update of applications.

13.3 Trustee and Local Expense Report dated March, 2016

Received and reviewed.

13.4 Adopted Policies and Standing Resolutions - None

13.5 Local Trust Committee Webpage

Suggestion to create links to maps that easily locate various islands, especially the smaller islands.

Regional Planning Manager, Ann Kjerulf, responded in the affirmative and referred to a 57 page gazette which identifies where islands are located.

13.6 Chair's Report

Chair Morrison reported on the following:

- Upcoming June Trust Council meeting; and
- Gambier Island Riparian Areas Regulation meeting.

13.7 Trustee Reports

Trustee Hunter reported on the following:

- Working on the idea of creating trails around the island;
- Working on the issue of vulnerable gas pipes; and
- Working on Riparian Areas Regulation with Ian Ralston.

Trustee Luckham reported on the following:

- Working on the issue of the Burn Ban with CVRD;
- Upcoming excursion to Kendrick Island;
- Work on the issue of Environment Canada - Kinder Morgan Pipelines, looking at accident risk, overflow risk, and vessel anchorage; and
- Attendance at a University of Victoria conference looking at clam gardens. A small film on U-Tube presentation is recommended viewing.

13.8 Electoral Area Director's Report - None

13.9 Trust Fund Board Report

Chair Morrison reported the Trust Fund Board is seeking to fill two positions, and they are working on a big conservation project on Link Island (between Mudge Island and DeCourcy Island) involving the Natural Area Protection Tax Exemption Program (NAPTEP).

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, July 26, 2016 at 9:30 am at the Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC

15. TOWN HALL

Maureen Loiselle asked about the renewal of the Limberis Oyster Lease and was told that the Province renews the lease, which would only be referred to the Thetis Island LTC if use is changed. Discussion followed.

TH-2016-041

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee suggest in the Staff Report regarding clam beds, that options for renewal of licences of occupation and leases be considered.

CARRIED

Wayne Loiselle, representing the Thetis Island Marine Association (TIMA) talked about the issue of docks and floating wharfs in Telegraph Harbour. It was suggested that bylaw enforcement could be a follow up.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

TH-2016-042

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the adoption of In-Camera Minutes dated March 29, 2016 and s.90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 12:36 pm.

16.2 Recall to Order

The meeting was reopened to the public at 12:38 pm.

16.3 Rise and Report

Chair Morrison stated that the minutes of the March 29, 2016 Closed Meeting were adopted.

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:39 pm.

Susan Morrison, Chair

Certified Correct:

Janice Young, Recorder



Thetis Island Local Trust Committee Minutes of Special Meeting

Date: June 18, 2016
Location: Frank Jameson Centre
 810 - 6th Avenue
 Ladysmith, BC

Members Present Peter Luckham, Local Trustee, Acting Chair
 Ken Hunter, Local Trustee

Staff Present Marnie Eggen, Planner 2
 Lisa Millard, Recorder

Others Present There were three (3) members of the public in attendance, including Graeme Trigg, West Vancouver Yacht Club, Outstation Director, and Patrick McAlister, Valdes Island Conservancy

1. CALL TO ORDER

Acting Chair Luckham called the meeting to order at 11:34 am. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. COMMUNITY INFORMATION MEETING

TH-RZ-2016.1 (West Vancouver Yacht Club)

3.1 Presentation by Marnie Eggen, Planner 2

Planner Eggen noted that the applicant was present. She explained that the purpose of the meeting was the following:

- to review the West Vancouver Yacht Club's Rezoning Application to allow for construction of a breakwater at the existing Yacht Club Outstation at Valdes Island;
- to review the rezoning/bylaw amendment process;
- ensure that the public has an opportunity to seek clarity and ask questions, and provide comments early in the process.

She conducted a PowerPoint presentation which summarized the following key points:

- An overview and timeline of the rezoning / bylaw amendment process was explained.
- It was noted that the Application was presently at the early consultation stage during which residents and property owners have an opportunity to ask questions and provide comments.
- Islands Trust Staff provided an early referral to the Lyackson First Nation and the response indicated concerns about potential public access from the breakwater to the shoreline as well as historical concerns regarding lack of consultation at the time the original water lease was issued in the 1970's.
- A map of the subject area was shown and Planner Eggen highlighted the area in which the Applicant holds an existing license of occupation, and a second map showed the location of the extension of the license for the purpose of allowing the construction and maintenance of a new breakwater.
- The existing breakwater was built in the 1960's and has begun to disintegrate thereby becoming less effective at protecting the outstation and moorings.
- The proposal indicates that approximately one hundred and fifty (150) tonnes of sandstone boulders will be used to build the breakwater.
- The Applicant's proposal includes a Consultant's report stating there will be a temporary impact on the immediate marine area, that the subject area was removed from the Wakes Cove Provincial Park, that the Lyackson First Nation will be consulted, and that the Department of Fisheries and Oceans have approved the proposal with conditions.
- It was noted that the proposal is not contrary to, or at variance with, Islands Trust Policy Statement or Valdes Island Rural Land Use Bylaw, however, at this stage it lacks information on the potential impact on adjacent marine areas and shorelines as well as public input.

3.2 Questions & Answers Session

Patrick McAlister, representing the Valdes Island Conservancy, asked if any boulders would be placed in the mud on the ocean floor. Graeme Trigg, representing the West Vancouver Yacht Club stated that the breakwater would be constructed on the existing reef.

Mr. McAlister stated that the proposed size of the breakwater is 1600 square feet in overall volume and that this measurement should be defined with a specific length and height as the volume could be significantly variable. Planner Eggen referred to the PowerPoint presentation map which showed the outline of the existing breakwater and the approximate footprint of the proposed new breakwater.

Trustee Luckham indicated that he visited the site of the existing Outstation and the geography of the proposed site is clearly defined.

Mr. McAlister asked how the proposed area was removed from the Wakes Cove Provincial Park boundaries. Planner Eggen indicated that the Provincial Management Plan for the Wakes Cove Provincial Park had previously excluded

areas that had non-compatible park uses including an industrial zone and the West Vancouver Yacht Club Outstation.

Mr. McAlister questioned if the Snuneymuxw First Nation also had an interest in Kendrick Island. Trustee Luckham stated that the Application would be referred to multiple First Nations including the Snuneymuxw.

Trustee Luckham requested that Islands Trust Staff include the Valdes Island Conservancy in the referral process. Planner Eggen confirmed that they could be included.

TH-2016-043

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee direct Staff to ask the Applicant, West Vancouver Yacht Club, for more precise dimensions of the completed breakwater.

CARRIED

TH-2016-044

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee direct Staff to create draft bylaws for the Kendrick Island breakwater application TH-RZ-2016.1 (West Vancouver Yacht Club).

CARRIED

Trustee Luckham asked if there were any other questions or comments from the public. There were none.

4. UPCOMING MEETINGS

Next Regular Meeting is scheduled for Tuesday, July 26, 2016 at 9:30 AM at the Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC.

5. ADJOURNMENT

By general consent the meeting was adjourned at 12:23 pm.

Peter Luckham, Acting Chair

Certified Correct:

Lisa Millard, Recorder



Islands Trust

Print Date: July 19, 2016

Resolutions Without Meeting

Thetis Island

Resolution #	Action	Resolution Description	Resolution Date
2016-07	In Favour	"THAT the Thetis Island Local Trust Committee ask staff to communicate with Transport Canada and request written confirmation that despite the issuance of a License of Occupation for the purposes of Mariculture (Clam and Oyster) in the Navigation Channel between Thetis and Penelakut Islands, the Navigation Protection Act will continue to protect the right of the public to use this channel for the purposes of navigation."	02-Jun-2016
2016-08	In Favour	"THAT the Thetis Island Local Trust Committee ask staff to communicate with the Department of Fisheries and Oceans and the Ministry of Forest Lands and Natural Resources and request written confirmation that in the future an application for dredging of the Navigation Channel between Thetis and Penelakut Islands, if applied for by local government or another agency with community support, would "not be approved" solely on the basis that the area has a License of Occupation for the purposes of Mariculture."	02-Jun-2016
2016-09	In Favour	"THAT Thetis Local Trust Committee Bylaw No.100 cited as "Thetis Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 90, 2011, Amendment No. 1, 2016", be adopted."	13-Jun-2016

Follow Up Action Report

Thetis Island

29-Mar-2016

Activity	Responsibility	Target Date	Status
Staff to request additional information from applicant - TH-RZ-2016.1 (West Van Yacht Club) with regard to potential impacts of breakwater on coastal processes, adjacent marine areas and shorelines, and request from Archaeology Branch information regarding arch sites and traditional uses.	Marnie Eggen	24-May-2016	Done
Staff to pay invoice from Thetis Island Community Association for webcam link on thetisisland.net for 2015 and 2016 in the amount of \$70.00.	Becky McErlean Mike Richards Nadia Roch	15-Apr-2016	Done
Staff to prepare a letter from the LTC (signed by the LTC chair) to MOTI requesting a road safety report.	Marnie Eggen Peter Luckham	29-Apr-2016	On Going

24-May-2016

Activity	Responsibility	Target Date	Status
Amendment Bylaw No. 96 given 2nd, 3rd readings and direction to send bylaw to Executive Committee and Ministry for approvals.	Becky McErlean Marnie Eggen	15-Jul-2016	Done
Amendment Bylaw No. 97 given 2nd reading. Staff to update bylaw, and webpages.	Becky McErlean Marnie Eggen	30-Jun-2016	Done
Staff to write letter to Penelakut Seafoods Ltd. requesting support regarding dredging/keeping the cut navigable in future.	Marnie Eggen Susan Morrison	30-Jun-2016	Done
Staff to mail out newsletter regarding Thetis Assoc. Islands new OCP and LUB.	Becky McErlean Aleksandra Brzozowski Penny Hawley Mike Richards	30-Jun-2016	Done

**Follow Up Action Report**

Thetis Island Local Trust Committee Bylaw No. 100 was read a 1st, 2nd, 3rd time and approved by the Executive Committee. Bylaw Adopted by RWM June 13, 2016.

Miles Drew
Becky McErlean
Penny Hawley

28-Jul-2016

Done

02-Jun-2016

Activity	Responsibility	Target Date	Status
Staff to communicate with the Department of Fisheries and Oceans and the Ministry of Forest Lands and Natural Resources and request written confirmation that in the future an application for dredging of the Navigation Channel between Thetis and Penelakut Islands, if applied for by local government or another agency with community support, would not be approved solely on the basis that the area has a License of Occupation for the purposes of Mariculture	Marnie Eggen	26-Jul-2016	Done
Staff to communicate with Transport Canada and request written confirmation that despite the issuance of a License of Occupation for the purposes of Mariculture (Clam and Oyster) in the Navigation Channel between Thetis and Penelakut Islands, the Navigation Protection Act will continue to protect the right of the public to use this channel for the purposes of navigation.	Marnie Eggen	26-Jul-2016	Done

18-Jun-2016

Activity	Responsibility	Target Date	Status
Staff to draft a bylaw amendment for rezoning application TH-RZ-2016.1 (West Vancouver Yacht Club).	Marnie Eggen	26-Jul-2016	Done
Staff to confirm the dimensions of the completed breakwater.	Marnie Eggen	26-Jul-2016	Done

STAFF REPORT

Date: July 18, 2016

File No.: TH-SUB-2014.2 (Reid)

To: Thetis Local Trust Committee
For meeting on July 26, 2016

From: Marnie Eggen, Planner 2, Local Planning Services

CC: Ann Kjerulf, Regional Planning Manager, Northern Team

Re: **Endorsement of finalized covenant prohibiting residential use of common property for a proposed two lot strata subdivision on 47 Harbour Road, Thetis Island**

Owner: Bryon Reid

Applicant: G.W. Lindberg Land Surveying Ltd.

Description: Lot 5, District Lot 1, Thetis Island, Cowichan District, Plan 5327 Except Part in Plan 2609 RW

PID: 004-578-961

Civic Address: 47 Harbour Road, Thetis Island

INTERIM REPORT:

After entering into a Cost Recovery Agreement with the Thetis Island Local Trust Committee (LTC), a covenant was prepared to prohibit residential use of common property pursuant to Section 2.6.11 of the Thetis Island Land Use Bylaw No. 89. Staff requests LTC consideration of the covenant for signature (Attachment 1).

BACKGROUND:

At the January 26, 2016 meeting, the LTC passed the following resolution:

TH-2016-006

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee instruct staff to enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a covenant prohibiting residential use of common property for subdivision application TH-SUB-2014.2 Reid (Lindberg).

CARRIED

The Staff Memo dated January 14, 2016 is attached for reference (Attachment 2).

RECOMMENDATIONS:

1. That the Thetis Island Local Trust Committee endorse the finalized covenant prohibiting residential use of common property for a proposed two lot strata subdivision on Lot 5, District Lot 1, Thetis Island, Cowichan District, Plan 5327 Except Part in Plan 2609 RW; and
2. That the Thetis Island Local Trust Committee appoint a trustee, that on behalf of the Local Trust Committee, be a signatory on the covenant.

Prepared and Submitted by:

M. Eggen

July 18, 2016

Marnie Eggen, Planner 2

Date

Concurred in by:

Ann Kjerulf

July 18, 2016

Ann Kjerulf, Regional Planning
Manager

Date

Attachments:

1. Covenant (copy)
2. Staff Memo, dated January 14, 2016

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

MORELLI CHERTKOW LLP
BARRISTERS & SOLICITORS
300-180 SEYMOUR STREET
KAMLOOPS

BC V2C 2E3

Telephone (250) 374-3344
LTO Client No. 10337
File No. 34787001
Covenant re. Common Property

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

Deduct LTSA Fees? Yes ☒

**NO PID NMBR THE COMMON PROPERTY DISTRICT LOT 1 THETIS ISLAND COWICHAN
DISTRICT STRATA PLAN EPS3231**

STC? YES

Related Plan Number: **EPP56814**

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

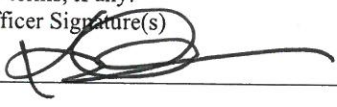
SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

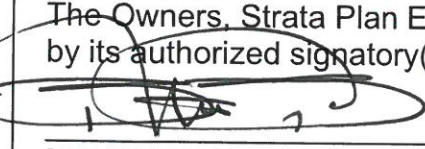

KEVIN F. CHURCH
Barrister and Solicitor
161A - 351 Hodgson Road
Williams Lake, BC V2G 1H0
(250) 398-7326

Execution Date

Y	M	D
16	05	24

Transferor(s) Signature(s)

The Owners, Strata Plan EPS3231
by its authorized signatory(ies)


BRYAN FRANK REID

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Officer Signature(s)

Execution Date

Y

M

D

Transferor / Borrower / Party Signature(s)

THETIS ISLAND LOCAL TRUST
COMMITTEE

By its authorized signatory(ies)

Name:

Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 3 OF 11 PAGES

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

SECTION 219 LAND TITLE ACT
RESTRICTS DEALINGS

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

THE OWNERS, STRATA PLAN EPS3231

a strata corporation under the BC Strata Property Act and having an address of:
351 Hodgson Road, Williams Lake, BC V2G 3P7

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THETIS ISLAND LOCAL TRUST COMMITTEE

Incorporated under the Islands Trust Act, RSBC 1996, C 239

c/o Suite 200, 1627 Fort Street

Victoria, BC V8R 1H8

TERMS OF INSTRUMENT – PART 2

COVENANT

BETWEEN:

The Owners, Strata Plan EPS3231
a strata corporation under the BC *Strata Property Act* and having an address of
351 Hodgson Road, Williams Lake, BC V2G 3P7
on behalf of the strata lot owners

(hereinafter called collectively the "Owner")

OF THE FIRST PART

AND:

Thetis Island Local Trust Committee
c/o Suite 200, 1627 Fort Street
Victoria, BC V8R 1H8
(hereinafter called the "Covenant Holder")

OF THE SECOND PART

WHEREAS:

- A. The Owner is a strata corporation and may, under the provisions of the *Strata Property Act* grant charges over:

The Common Property, Strata Plan EPS3231

(hereinafter called the "Lands");

- B. Section 219 of the *Land Title Act* (British Columbia) provides that a there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land, and the preservation of land or a specified amenity on the land;

- C. Thetis Island Land Use Bylaw No. 89, as amended (the "Bylaw") requires that:
"Where the approval of a bare land strata plan creates common property on which this Bylaw would allow a residential use if the common property was a lot, the owner must grant a covenant in respect of the common property prohibiting such use and prohibiting further subdivision of the common property and the disposition of the common property separately from the strata lots."

NOW THEREFORE in consideration of the payment of \$2.00 by the Covenant Holder to the Owner (the receipt and sufficiency of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the parties agree:

1. Interpretation

1.1 In this Agreement:

- (a) "Successor" means any person who, at any time after registration of this Agreement, becomes the registered owner of the Lands or any part thereof by any means, including a beneficial owner.

1.2 This Agreement must be interpreted in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia, and the parties agree to attorn exclusively to the jurisdiction of the courts of British Columbia (the "courts").

1.3 This Agreement is comprised of the recitation of the Parties, the recitals to the Agreement, the Schedules to the Agreement and Part 1 of the Land Title Act Form C to which this Agreement is attached.

1.4 In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context otherwise requires;
- (b) where a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (c) reference to a particular numbered section or article or to a particular lettered Schedule is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (e) the word "enactment" has the meaning given to it in the *Interpretation Act* (BC) on the reference date of this Agreement;
- (f) reference to any enactment is a reference to that enactment as consolidated, revised, amended or re-enacted or replaced, unless otherwise expressly provided;
- (g) reference to a "party" or the "parties" is a reference to a party or the parties to this Agreement and their respective successors, assigns, trustees, administrators and receivers;

- (h) reference to the "Lands" is a reference to the area shown as "Common Property" in the bare land strata plan of Lot A, District Lot 1, Thetis Island, Cowichan District Plan EPP56814.
- (i) reference to a "day", "month", or "year" is a reference to a calendar day, calendar month, or calendar year, as the case may be, unless otherwise expressly provided.

2. Representations and Warranties

- 2.1** The Owner warrants that the facts set out in Recital A are true as of the date of this Agreement.
- 2.2** The Covenant Holder warrants that the facts set out in Recital C are true as of the date of this Agreement.
- 2.3** The Parties warrant that the facts set out in Recitals B are true as of the date of this Agreement.

3. Restrictions on use of the Lands

- 3.1** The Owner covenants and agrees with the Covenant Holder that:
 - (a) the Lands may not be subdivided in any manner; and
 - (b) the Lands shall not be used for any residential purpose, and no residential dwelling unit or seasonal cottage may be constructed or built on the Lands;
 - (c) the Lands may not be disposed of separately from the strata lots in Strata Plan EPS3231
- 3.2** The owner agrees that the Covenant Holder may instruct the authority having jurisdiction over the issuance of building permits on Thetis Island to withhold any Building Permit that would authorize the construction of a building that would contravene this Agreement.

4. Owner's Obligations

- 4.1** The rights given to the Covenant Holder by this Agreement are permissive only and nothing imposes any obligation on the Covenant Holder to anyone, or obliges the Covenant Holder to perform any act or incur any expense for any purpose in respect of this Agreement.
- 4.2** The Owner releases the Covenant Holder, its directors, officers, employees, agents and contractors, from and against all liability, causes of action, actions, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner or any other

person, arising from the granting of this Agreement, or by the act or omission of the Owner in relation to the operation and maintenance of the Lands.

4.3 The Owner, as registered owner of the Lands, must pay all taxes, assessments, fees and charges of whatever description which may be levied on or assessed against the Lands.

4.4 The Owner agrees to indemnify the Covenant Holder and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, losses, suits, actions, damages, claims, demands, costs and other harm arising out of or in any way connected with this Agreement or its subject-matter, and for any fees or expenses it may occur as a result of a breach of the Covenant by the Owner.

5. Owner's Reserved Rights

5.1 The Owner reserves all of its rights as owner of the Lands, including the right to use, occupy, and maintain the Lands in any way that is not expressly restricted by this Agreement.

6. Successor in Title of the Owner

6.1 This Agreement binds the parties to it and their respective Successors, heirs, executors, permitted assigns, and administrators.

6.2 The obligations and covenants contained in this Agreement shall be covenants running with the Lands and are perpetual, and will bind Successors in title to the Lands, and will be registered in the Land Title Office in Victoria pursuant to Section 219 of the *Land Title Act*.

7. Obligation

7.1 The rights given to the Covenant Holder by this Agreement are permissive only and nothing imposes any obligation on the Covenant Holder to anyone, or obliges the Covenant Holder to perform any act or incur any expense for any purposes in respect of this Agreement.

7.2 Nothing in this Agreement renders the Covenant Holder an owner or occupier of the Lands.

8. No Tort Liability

8.1 The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind are created or exist between the parties in connection with this Agreement, it being the intent of this clause to exclude tort liability of

any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to covenants under seal.

9. Registration

- 9.1** The Owner agrees to do everything necessary at the Owner's expense to register this Agreement against title to the Lands in priority to all financial charges.

10. Severance

- 10.1** If any part of this Agreement is held to be invalid, illegal or unenforceable by the courts, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement is to remain in force unaffected by the severance.

11. No Other Agreements

- 11.1** This Agreement is the entire agreement between the parties and it terminates and supersedes all other such agreements regarding its subject.

12. Independent Advice

- 12.1** The Owner and Covenant Holder acknowledge and agree that each of them is satisfied with the legal and tax implications as to the meaning and effect of this Agreement.
- 12.2** The Owner acknowledges and agrees that no legal or tax advisor of the Covenant Holder has advised the Owner on the meaning or effect of this Agreement or in connection with this Agreement and that the Owner has not relied on any information from the Covenant Holder regarding legal or tax implications of such covenant.

13. Amendments

- 13.1** This Agreement is intended to be perpetual, and this Agreement may only be changed or cancelled by a written instrument signed by all the parties.

14. Joint and Several

- 14.1** Where the Owner of a parcel of land is comprised of more than one person, the obligations of the Owner under this Agreement shall be both joint and several.

SCHEDULE A

Related Plan EPS3231

BARE LAND STRATA PLAN OF LOT A, DISTRICT LOT 1, THETIS ISLAND, COMWCHAN DISTRICT, PLAN EPS6814

SHEET 1 OF 1 SHEET
STRATA PLAN EPS3231

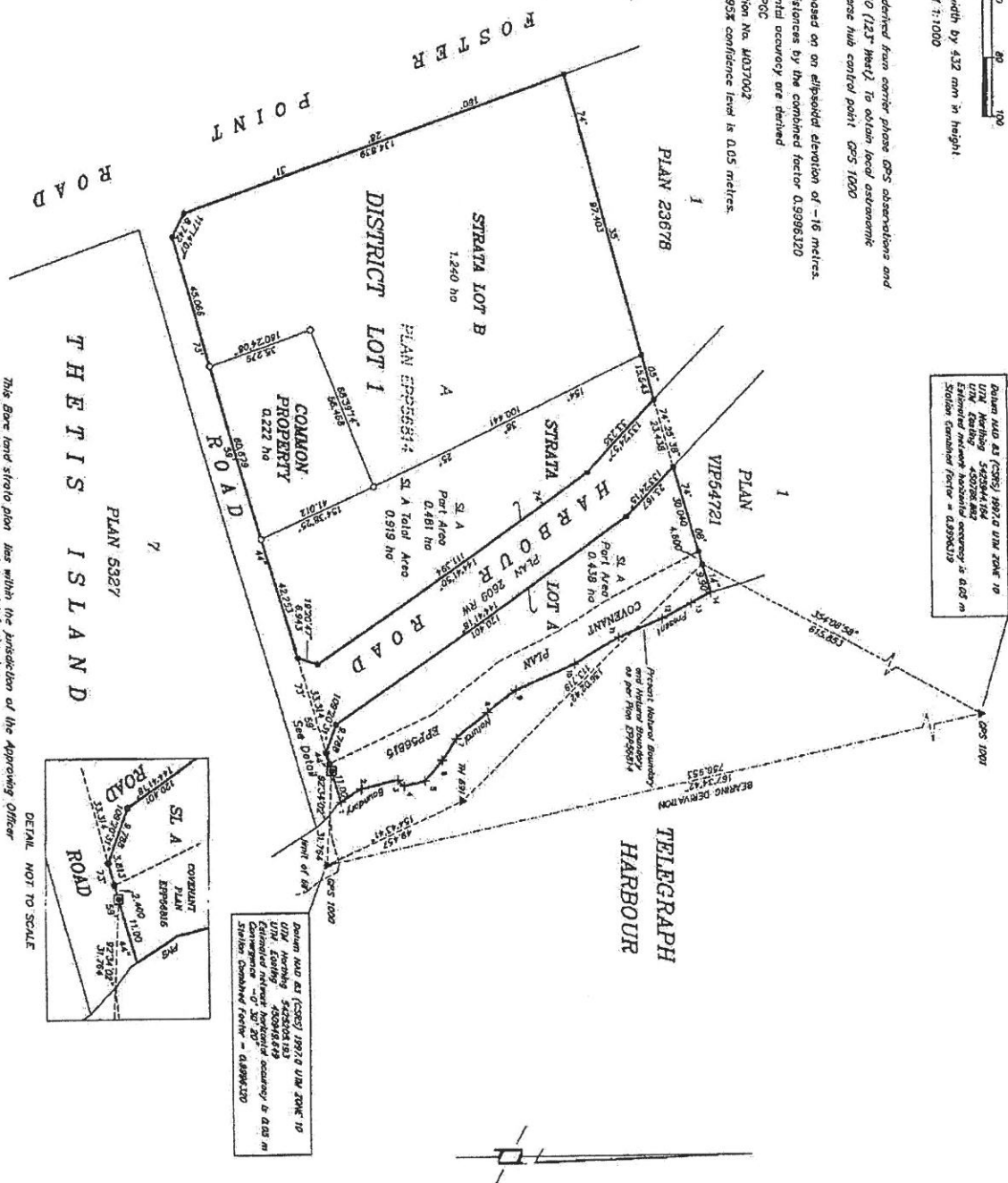
BCGS 928 092
Scale = 1:1000
The intended plot size of this plan is 550 mm in width by 432 mm in height.
(C size) when plotted at a scale of 1:1000

LEGEND

- denotes standard from post found.
 - ▲ denotes traverse hub found.
 - denotes standard iron post placed.
 - ⊗ denotes non-standard round iron post found.
 - + denotes unmarked measured point.
 - SL denotes Strata lot.
 - PUB denotes Present Natural Boundary.
 - OPBF denotes non-standard round iron post.
- Cite Address
272 Leabour Road
Theletis Island BC
V0R 2T0

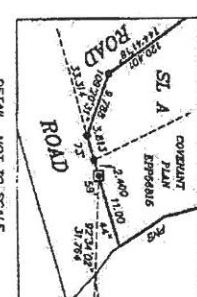
This is Present Natural Boundary of Theletis Island

POINT	TO	BEARING	DISTANCE
GPS 0000	1	280.33.28	21.623
GPS 1000	2	202.38.42	27.8
GPS 1000	3	309.75.51	33.6
GPS 1000	TH 691	334.43.41	48.457
TH 691	4	180.73.17	28.008
TH 691	5	209.72.58	14.35
TH 691	6	304.46.13	20.6
TH 691	7	288.13.18	30.75
TH 691	8	299.28.02	41.13
TH 691	9	307.12.35	58.8
TH 691	10	314.35.42	78.4
TH 691	11	313.52.85	102.07
TH 691	12	318.49.67	102.07
TH 691	13	320.17.23	102.07
TH 691	14	320.17.23	102.07



Down HUB at (CORS) 1997.0 UTM ZONE 18
UTM Northing 5500000.00
UTM Easting 4500000.00
Estimated network horizontal accuracy is 0.05 m
Station Combined Factor = 0.2396219

Down HUB at (CORS) 1997.0 UTM ZONE 18
UTM Northing 5500000.00
UTM Easting 4500000.00
Estimated network horizontal accuracy is 0.05 m
Station Combined Factor = 0.2396219



G.W. LINDBERG LAND SURVEYING INC.
Professional Land Surveyor
Surveying & Geomatics Services
8261 Cheminus Road V0R 1K5
Cheminus, B.C. Email gwlindberg@shaw.ca

This bare land strata plan has within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure. This plan lies within the Theletis/Comwchan Assessment Area, and the Theletis Island Improvement District. This plan lies within the Comwchan Valley Regional District.



Memorandum

700 North Road Gabriola Island, BC V0R 1X3

Telephone **(250) 247-2063** FAX: (250) 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date January 14, 2016

File Number TH-SUB-2014.2
(Lindberg)

To Thetis Local Trust Committee
From Marnie Eggen
A/Island Planner

Re Cost Recovery Agreement for Legal Review of a Covenant Prohibiting Residential Use of Common Property for a proposed two lot strata subdivision on PID 004-578-961; Lot 5, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except part in plan 2609 RW

The owner of the above noted property is required to enter into a covenant with the Local Trust Committee prohibiting residential use of common property pursuant to Section 2.6.11 of the Thetis Island Land Use Bylaw No. 89, 2011.

A copy of the subdivision referral report is attached for your information.

For the Islands Trust to enter into a cost recovery agreement with the applicant, a Local Trust Committee resolution is required.

RECOMMENDATION

THAT the Thetis Island Local Trust Committee instruct staff to enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a covenant prohibiting residential use of common property for subdivision application TH-SUB-2014.2 Reid (Lindberg).

pc Ann Kjerulf, Regional Planning Manager

Attachments:

1. Subdivision Referral Review Report (dated January 29, 2015)



Islands Trust

SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

Date: January 29, 2014

To: Jordan Wagner
District Development Technician

MOT File #: 2014-05330
IT File #: TH-SUB-2014.2

MOT District Office: Nanaimo

From: Karin Kronstal, Island Planner

Re: Proposed Bareland Strata Subdivision of Lot 5, District Lot 1, Thetis Island, Plan 5327, Except Part in Plan 2609RW (Civic Address 47 Harbour Road, Thetis Island)

Referral Response Summary:

Islands Trust recommends that the following be made conditions precedent of any Preliminary Layout Approval, based on Thetis Island Land Use Bylaw (LUB) No. 89 and relevant sections of the *Islands Trust Act*, the *Local Government Act*, and the *Riparian Areas Regulation*:

1. No non-conformity may be created with respect to the use, siting or density of any existing building or structure as a result of the subdivision;
2. that pursuant to section 2.6.11 of the Thetis Island Land Use Bylaw No. 89, that the applicant enter into a covenant with the Thetis Island Local Trust Committee prohibiting residential use of the common property; and
3. that upon completion of the above and review of the final plan of subdivision, that the applicant obtains written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Thetis Island Local Trust Committee bylaws.

This referral response is based upon the attached subdivision layout plan. Details of the application's compliance or non-compliance with specific bylaw regulations are provided on the attached pages.



Islands Trust

SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

1. General Information:

Applicant:	GW Lindberg Land Surveying Inc.
Land Owner:	Byron Frank Reid Sr.
Legal Description:	Lot 5, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Part in Plan 2609 RW (PID 004-578-961)
Area:	2.387 ha (5.89 acre)
Details of Proposal:	1 lot strata subdivision divided by Harbour Road (Plan 2609 RW)

2. Property Title Information: LTC Covenant/Easement/Right-of-Way/Permits

Legal Notations:	See Plan 2609 RW (Re: Road)
Comments:	No easements or restrictive covenants

3. OCP Information:

OCP Designation:	Rural Residential (R-1)
Development Permit Area:	N/A
Development Permit Required:	No
Comments:	n/a

4. Zoning Information:

Zone Classification:	Residential - R1
Average lot area:	n/a
Minimum lot area:	0.8 ha (1.98 acre)
Comments:	

5. Lot Sizes and Density:

Proposed lot areas:	Proposed Strata Lot A – 0.923 ha (2.78 acre) (divided by Harbour Road, one part is 0.483 ha and the second part is 0.440 ha) Proposed Strata Lot B – 1.242 ha (3.07 acre)
---------------------	--



Islands Trust

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	Common Property – 0.222 ha (0.55 acre)
Compliance with lot area:	Yes
Compliance with lot density:	Yes, as Section 5.3 of the Thetis Island Land Use Bylaw states there is a maximum of one single family dwelling and one guest cottage per lot in the R1 zone (Note: In the R1 zone, lots less than 1.6 hectare, the guest cottage is only used on an occasional basis, meaning that the accommodation is not used as a residence.) Currently there is no development on the property.
Covenant required:	Yes
Comments:	Restrictive covenant is required in accordance with Section 2.6.11 of the Thetis Island Land Use Bylaw No. 89, which states “Where the approval of a bare land strata plan creates common property on which this Bylaw would allow a residential use if the common property was a <i>lot</i> , the owner must grant a covenant in respect of the common property prohibiting such use and prohibiting further subdivision of the common property and the disposition of the common property separately from the strata lots.”

6. Section 946, Subdivision for a Relative:

<i>Local Government Act</i> requirements:	n/a
--	-----

7. Depth/Width Ratio:

Depth/width ratios of new lots:	No required depth/width ratio under Thetis Island Land Use Bylaw
Comments:	n/a

8. Park Dedication:

Park dedication required:	No
If Yes, Amount required:	n/a



Islands Trust

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Comments: Under section 941 of the *Local Government Act*, an owner of land being subdivided must provide (without compensation) park land when three or more additional parcels are created and at least one of the parcels is 2 ha or smaller. As only two lots are being created, there is no parkland requirement.

9. Ten Percent Waiver:

Lots Requiring Exemption: Both proposed Lot A and Lot B have meet the minimum of ten percent frontage of total lot perimeter as required under Section 2.6.8 of the Thetis Island Land Use Bylaw

Comments: n/a

10. Agricultural Land Reserve:

Proposed Lots within ALR: No

Comments: n/a

11. Servicing Requirements:

Proof of Potable Water: There are no Thetis Island Local Trust Committee bylaws requiring proof of water supply.

Sewage Disposal: Letter from applicant with supporting documentation confirms proposal shared sewage disposal field can support the waste produced by two 3-bedroom homes and two guest cottages.

Comments: Compliant with Section 13 of the Strata Property Act.

12. Road Standards:

Roads to be Constructed: n/a

Road Classification: n/a



Islands Trust

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Heritage Designated Road in
vicinity:

n/a

Comments:

Conversation with the applicant indicates that access to proposed Lot A will be via Harbour Road, and access to proposed Lot B will be via Foster Point Road. There is a road that runs along the southern edge of the property but it is not to highway standards and the applicant indicates that the owner does not intend to upgrade this road for access purposes.

13. Buildings and Structures:

Does subdivision create non-
conformity with Bylaws:

No

Existing non-conforming
buildings or structures

No

Comments:

There is no development on the property.

14. Environmental Features, Islands Trust Ecosystem Mapping:

Sensitive ecosystems
identified:

Yes, Mature Forests located on proposed Lot B (see Figure 1 in Attachment 2)

Raptor/Heron Nests identified:

None

Watercourses:

None

Riparian Areas Regulation –
applicable stream or
watershed:

The Northwest Corner of proposed Lot A falls within an identified watershed but it has not be designated as RAR applicable

Steep Slope Hazard
Classification:

n/a (overall lot slope is 14%)

Comments:

None

15. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility:

Proposed Lot B – Moderate, Proposed Lot A – Moderate to Moderately High

Comments:

None



Islands Trust

SUBDIVISION REFERRAL REPORT

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16. Cultural Features:

Archaeological Sites Identified:	None identified
Comments:	n/a

17. Boundary Adjustments Only:

Complies with regulations:	n/a
Comments:	none

18. Panhandle Lots Only:

Complies with regulations:	n/a
Comments:	Is not a panhandle lot.

19. Split (Hooked) Lots Only:

Complies with regulations:	Yes
Comments:	Section 2.6.5 of the Thetis Island Land Use Bylaw No. 89 states that "If a <i>lot</i> is divided into two or more portions by other land other than a <i>highway</i> , the minimum and average lot area requirements specified in this Bylaw apply to the portions as if they were separate <i>lots</i> and no new <i>lots</i> divided into two or more portions may be created except when the net result of the subdivision would be a reduction in the number of lots." However, as Harbour Road is considered a 'highway' under the Thetis Island Land Use Bylaw, this section does not apply.

Name: Karin Kronstal
Title: Island Planner

Signature: *Karin Kronstal*
Date: January 27, 2014

cc: Thetis Island Local Trust Committee
Courtney Simpson, Regional Planning Manager
G.W. Lindberg Land Surveying Inc. (applicant)

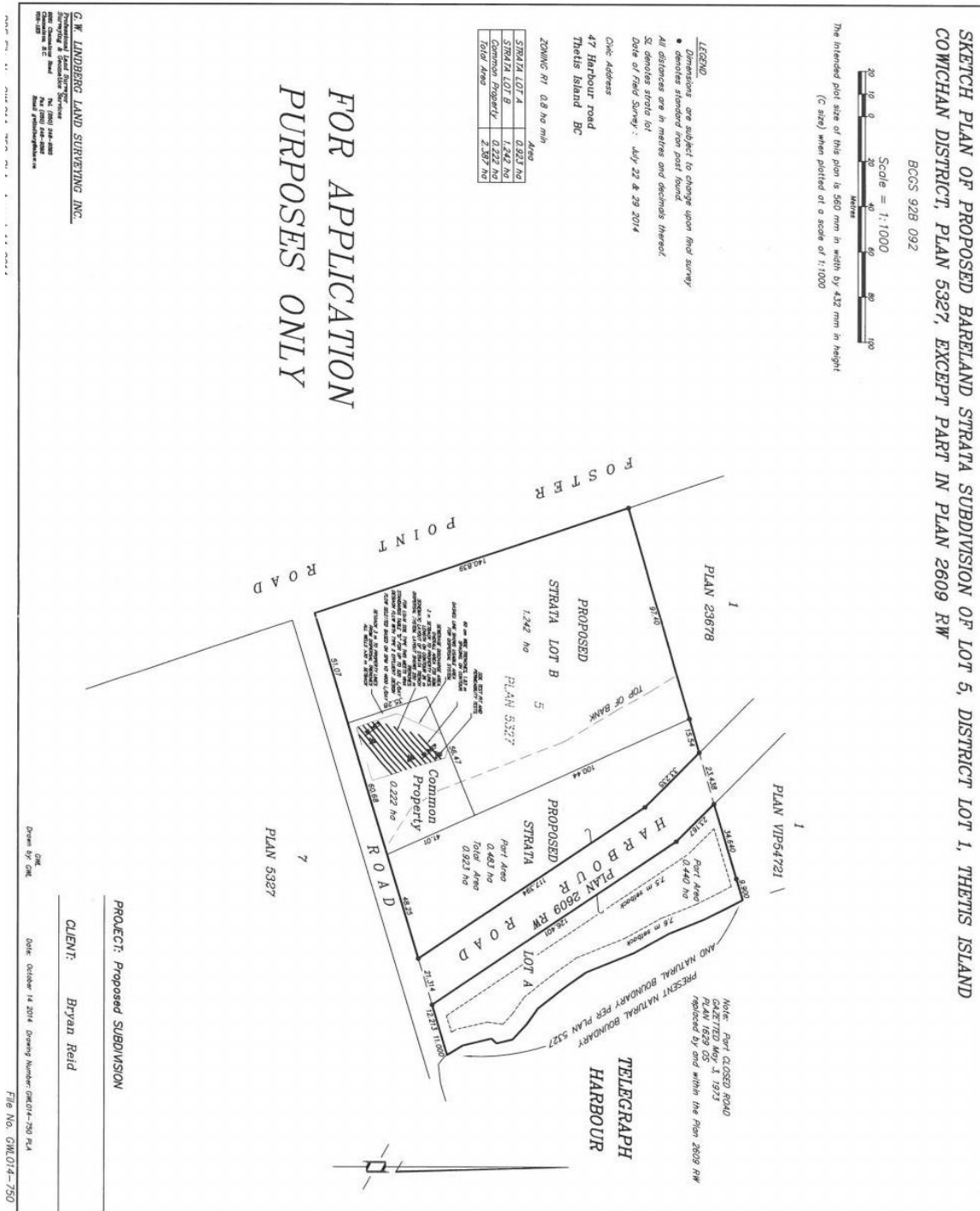


Islands Trust

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Attachment 1: Subdivision Layout Plan





Islands Trust

SUBDIVISION REFERRAL REPORT

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Attachment 2: Relevant Islands Trust Mapping



Figure 1: Sensitive Ecosystems Mapping
(Schedule F, Thetis Island Official Community Plan, Bylaw No. 88)

STAFF REPORT

Date: July 18, 2016

File No.: TH-RZ-2015.1
(Penelakut Seafoods Ltd.)

To: Thetis Local Trust Committee
For the Meeting of July 26, 2016

From: Marnie Eggen, Planner 2

CC: Ann Kjerulf, Regional Planning Manager

Re: Application to Rezone Lands to Permit Mariculture

Owner: Provincial Crown Land
Applicant: Penelakut Seafoods Ltd.
Description: Clam Bay (waters adjacent to southern Thetis Island shoreline)

INTERIM REPORT

The purpose of this report is the following:

- Report back to LTC regarding requests to Department of Fisheries and Oceans, Ministry of Forest Lands and Natural Resource Operations, Transport Canada, and Penelakut Seafoods Ltd.; and
- Request that the LTC consider third reading of Bylaw No. 97.

BACKGROUND

On May 9, 2016, the Thetis LTC held a Community Information Meeting and Public Hearing. At the May 24, 2016 LTC meeting, staff summarized the public submissions that had been received until the close of the Public Hearing on May 9th.

The LTC passed the following resolutions (draft) at the May 24, 2016 LTC meeting:

TH-2016-031

It was MOVED and SECONDED

that the Local Trust Committee request that the Chair write a letter to the Province being notified in the future of changes to the License of Occupation of the Penelakut Seafood Mariculture Licence.

CARRIED

TH-2016-032

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee Bylaw No. 96 cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2015", be read a second time.

CARRIED

TH-2016-033**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee request the Chair to write a letter to Penelakut Seafoods Ltd. asking for a letter of support for dredging of the Cut in the future, if necessary, regardless of the mariculture uses.

CARRIED**TH-2016-034****It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee Bylaw No. 96 cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2015", be read a third time.

CARRIED**TH-2016-035****It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee Bylaw No. 96, cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2015", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED**TH-2016-036****It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee forward Bylaw No. 96, cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2015", to the Minister of Community, Sport and Cultural Development for approval.

CARRIED**TH-2016-037****It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee Bylaw No. 97 cited as "Thetis Island Land Use Bylaw, 2011, Amendment 1, 2015", be read a second time.

CARRIED

On June 2, 2016, the following Resolutions without Meeting (RWM) were passed:

"THAT the Thetis Island Local Trust Committee ask staff to communicate with Transport Canada and request written confirmation that despite the issuance of a License of Occupation for the purposes of Mariculture (Clam and Oyster) in the Navigation Channel between Thetis and Penelakut Islands, the *Navigation Protection Act* will continue to protect the right of the public to use this channel for the purposes of navigation."

"THAT the Thetis Island Local Trust Committee ask staff to communicate with the Department of Fisheries and Oceans and the Ministry of Forest Lands and Natural Resources and request written confirmation that in the future an application for dredging of the Navigation Channel between Thetis and Penelakut Islands, if applied for by local government or another agency with community support, would "not be approved" solely on the basis that the area has a License of Occupation for the purposes of Mariculture."

STAFF COMMENTS:Request to Penelakut Seafoods Ltd.

The request to Penelakut Seafoods Ltd. was sent and staff are awaiting a response. Initial conversation with Penelakut staff about request was positive.

Requests to Department of Fisheries and Oceans, Transport Canada, and Ministry of Forest Lands and Natural Resource Operations

Requests to the above agencies were sent and staff is awaiting responses.

Should positive responses be received by the time of the LTC meeting and no changes to the bylaw requested, staff recommend that Bylaw No. 97 be read a third time.

RECOMMENDATIONS:

1. That the Thetis Island Local Trust Committee Bylaw No. 97 cited as "Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2015", be read a third time.
2. That the Thetis Island Local Trust Committee Bylaw No. 97 cited as "Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2015", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

Prepared and Submitted by:

M. Eggen

July 18, 2016

Marnie Eggen, Planner 2

Date

Concurred in by:

Ann Kjerulf

July 18, 2016

Ann Kjerulf, Regional Planning Manager

Date

Attachments:

1. Bylaw No. 97

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 97

A BYLAW TO AMEND THETIS ISLAND LAND USE BYLAW, 2011

The Thetis Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Thetis Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2015”.

2. Thetis Island Local Trust Committee Bylaw No. 89, cited as “Thetis Island Land Use Bylaw, 2011,” is amended as follows:

2.1 Schedule “C” – Zoning Map, is amended by changing the zoning classification of the unsurveyed Crown foreshore or land covered by water being part of the bed of Clam Bay, Cowichan District from Water 4 (W-4) to Water 5 (W-5), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “C” of Bylaw No. 89 as are required to effect this change.

READ A FIRST TIME THIS 24TH DAY OF NOVEMBER , 2015

PUBLIC HEARING HELD THIS 9TH DAY OF MAY , 2016

READ A SECOND TIME THIS 24TH DAY OF MAY , 2016

READ A THIRD TIME THIS _____ DAY OF _____ , 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20__

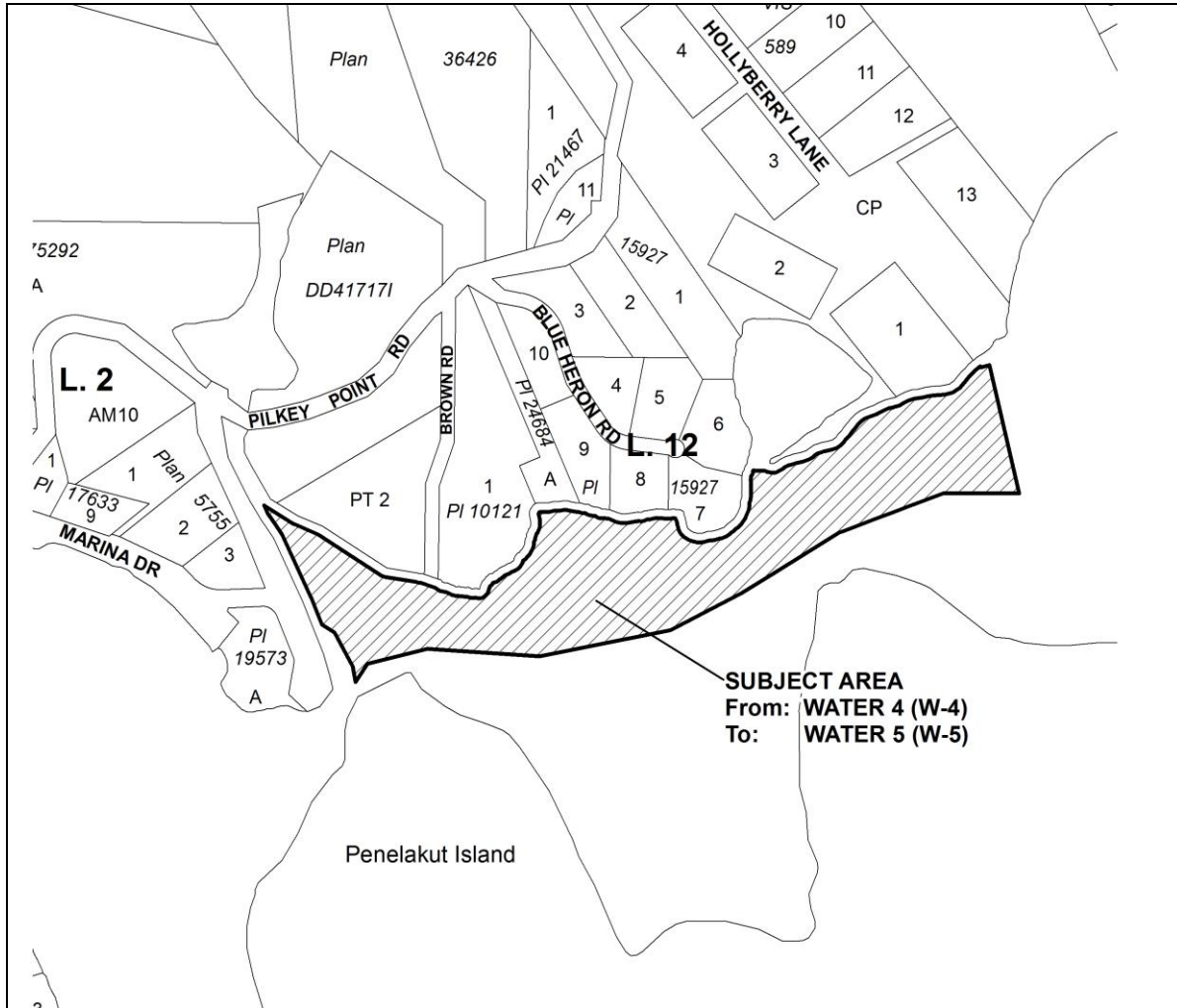
ADOPTED THIS _____ DAY OF _____ , 20__

Chair

Secretary

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 97

Plan No. 1





Memorandum

700 North Road Gabriola Island, BC V0R 1X3

Telephone **(250) 247-2063** FAX: (250) 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date July 18, 2016

File Number TH-RZ-2015.2 (Hardy Island Granite Quarries Ltd.)

To Thetis Local Trust Committee
From Marnie Eggen
Planner 2
Local Planning Services

Re Application to Rezone a Marine Area to Allow Barge Facilities

PURPOSE:

The purpose of this memo is the following:

- Summarize agency and First Nations referral responses, and public submissions received to date regarding proposed Bylaw No. 98;
- Provide new information regarding requested rezoning; and
- Provide next steps in rezoning process.

BACKGROUND:

On March 29, 2016 the Thetis LTC passed the following resolutions:

TH-2016-008

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee Bylaw No. 98 cited as "Valdes Island Rural Land Use Bylaw, 1998, Amendment No.1, 2016" be read a first time.

CARRIED

TH-2016-009

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 98 cited as "Valdes Island Rural Land Use Bylaw, 1998, Amendment No. 1, 2016" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

TH-2016-010

It was **MOVED** and **SECONDED**

that the Thetis Island Local Trust Committee request staff to refer Bylaw No. 98 cited as "Valdes Island Rural Land Use Bylaw, 1998, Amendment No. 1, 2016" to the following agencies for comment:

- Town of Ladysmith
- Cowichan Valley Regional District
- Nanaimo Regional District
- Gabriola Island Local Trust Committee
- Galiano Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Ministry of Environment
- Ministry of Community, Sport and Cultural Development
- Ministry of Forests, Lands and Natural Resources Operations – Ecosystems
- Ministry of Forests, Lands and Natural Resource Operations – Archaeology Site Inventory
- School District #68 (Nanaimo-Ladysmith)
- Transport Canada
- Environment Canada
- Parks Canada
- Semiahmoo First Nation
- Stz'uminus First Nation
- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Snuneymuxw First Nation
- Hul'qumi'num Treaty Group
- Ruxton Island Ratepayers Association

CARRIED

REFERRAL RESPONSES AND PUBLIC SUBMISSIONS:

The following are the referral responses received regarding Bylaw No. 98. Copies of referral responses received to date are attached.

Ministry of Forests, Lands & Natural Resource Operations - Archaeology Site Inventory

Archaeological sites identified on Federal lands, which are not protected under the provincial *Heritage Conservation Act* and do not require a permit from the Archaeology Branch. However, they recommend that archaeological standards and practices that are in place for private and Crown lands are also applied to Federal Lands. This information was passed on to the applicant for their information.

Transport Canada

Transport Canada found no perceived or potential conflicts with the *Navigation Protection Act*. They advise that the proponent would need to submit a Notice of Works for construction. This information was passed on to the applicant for their information.

Lyackson First Nation

Lyackson First Nation has no issue with the proposed bylaw amendment.

Cowichan Tribes

Cowichan Tribes provided a verbal response, deferring to Lyackson First Nation.

Ruxton Island Ratepayers Association

A referral was sent to the Association, and a response was not received; however, several Ruxton Island property owners have provided submissions (see below).

The following agencies responded noting “Interests Unaffected”:

- Town of Ladysmith
- Cowichan Valley Regional District
- Regional District of Nanaimo
- Gabriola Island Local Trust Committee
- Galiano Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- Ministry of Environment

As no responses were received from the following agencies and First Nations, it is assumed their interests are unaffected:

- Ministry of Forests, Lands and Natural Resource Operations – Ecosystems
- School District #68 (Nanaimo-Ladysmith)
- Environment Canada
- Parks Canada
- Semiahmoo First Nation
- Stz’uminus First Nation
- Halalt First Nation
- Lake Cowichan First Nation
- Penelakut Tribe
- Snuneymuxw First Nation

Ten submissions were received from the public since the last staff report was considered at the March 29, 2016 LTC meeting. One of the submissions was included in the agenda for the May 24, 2016 LTC meeting and the other submissions are posted on the *Thetis Current Applications* webpage of the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/thetis/current-applications/>. All future correspondence related to significant development applications for the Thetis Local Trust Area will be posted on the webpage.

All of the submissions are from Ruxton Island property owners and all but one do not support the bylaw amendment. In summary, the concerns are with regard to the following potential impacts from the change in zoning: increased industrial/commercial activity in the marine area, noise pollution, and degradation of the marine area and scenic value.

CHANGE TO REZONING APPLICATION:

The applicant has recently indicated that they may wish to modify their rezoning application to request additional uses such as moorage or a dock. Staff is awaiting confirmation of additional uses.

STAFF COMMENTS:

Given that changes to the rezoning application are anticipated, staff has not yet addressed the bylaw referral responses and public submissions received to date. Staff will work with the applicant to confirm changes to the rezoning application and will subsequently report back to the LTC with recommendations concerning corresponding changes to Bylaw No. 98. Should the LTC choose to amend Bylaw No. 98, this will likely necessitate another referral to agencies and First Nations.

Attachments:

1. Referral Responses

Marnie Eggen

From: NPP PAC - PPN PAC <NPPAC-PPNPAC@tc.gc.ca>
Sent: Monday, April 18, 2016 2:07 PM
To: Marnie Eggen
Subject: FW: Bylaw Referral - Thetis Island Local Trust Committee Bylaw No. 98 (Valdes Island) Transport Canada
Attachments: ByLaw Referral form 98.pdf; THBL 98 - 1st reading.pdf

Hi Marnie,

I've reviewed the proposed bylaw amendment on behalf of Transport Canada, and have not found any perceived or potential conflicts with the Navigation Protection Act. As before, the proponent would still need to submit a Notice of Works for any construction, and would require authorization from TC to proceed with the works should the project move forward.

Thank you for the opportunity to comment.

Roberta Dight
Navigation Protection Officer
Navigation Protection Program
Transport Canada / Government of Canada
NPPAC-PPNPAC@tc.gc.ca

Agente de protection de la navigation
Programme de protection de la navigation
Transports Canada / Gouvernement du Canada
NPPAC-PPNPAC@tc.gc.ca

<http://www.tc.gc.ca/eng/programs-621.html>

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From: Greville, Ryan
Sent: Friday, April 15, 2016 11:13 AM
To: NPP PAC - PPN PAC
Subject: FW: Bylaw Referral - Thetis Island Local Trust Committee Bylaw No. 98 (Valdes Island) Transport Canada

From: Gowe, Bob
Sent: Friday, April 15, 2016 10:58 AM
To: Greville, Ryan
Subject: FW: Bylaw Referral - Thetis Island Local Trust Committee Bylaw No. 98 (Valdes Island) Transport Canada

FYI/FYA

From: Becky McErlean [<mailto:bmcerlean@islandstrust.bc.ca>]

Sent: Thursday, April 14, 2016 5:07 PM

To: Gowe, Bob

Subject: Bylaw Referral - Thetis Island Local Trust Committee Bylaw No. 98 (Valdes Island) Transport Canada

Attention: Bob Gowe, Manager Marine Projects

Attached is a bylaw referral package from the Thetis Island Local Trust Committee of the Islands Trust.

Proposed Bylaw No. 98, if adopted, will amend the Valdes Island Rural Land Use Bylaw No. 42 by changing the zoning classification of the Crown foreshore or land covered by water being part of the bed of Pylades Channel, adjacent to Lyackson IR3, Valdes Island, from Marine Conservation (W1) to Marine Barge Facility (W7) to allow barge loading and unloading.

Please review the proposed regulations and indicate how your agency's interests in the proposed regulations are affected. A referral response form is included for your convenience and we would appreciate your comments by **May 20, 2016**.

For more information on the proposed bylaw please contact Marnie Eggen, Island Planner at meggen@islandstrust.bc.ca or 250-247-2210.

Thank you for your time and attention to this matter.

Becky McErlean
A/Legislative Clerk
Northern Office, Islands Trust
700 North Road
Gabriola, BC V0R 1X3
250-247-2206
Enquiry BC Toll-free call 1-800-663-7867
or from the lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca
Preserving Island communities, culture and environment since 1974

Marnie Eggen

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: Friday, April 15, 2016 10:55 AM
To: Marnie Eggen
Cc: Becky McErlean
Subject: RE: Bylaw Referral - Thetis Island Local Trust Committee Bylaw No. 98 (Valdes Island)
MFLNRO Archaeology Branch

Attachments: [REDACTED]

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Marnie,

Thank you for the referral to amend the Valdes Island Rural Land Use Bylaw No. 42 by changing the zoning classification of the Crown foreshore or land covered by water being part of the bed of Pylades Channel, adjacent to Lyackson IR3, Valdes Island, from Marine Conservation (W1) to Marine Barge Facility (W7) to allow barge loading and unloading.

Provincial records indicate archaeological site [REDACTED]
[REDACTED] Given the subsurface nature of archaeological deposits, boundaries of archaeological sites are often difficult to determine without extensive subsurface testing. Therefore, any mapped boundaries are considered to be approximate.

Archaeological sites recorded on Federal Land are not protected under the *Heritage Conservation Act* and a permit from the Archaeology Branch is not required to alter these sites. However, given the sensitive and non-renewable nature of archaeological sites, we recommend that archaeological standards and practices in place for private and Crown lands also be applied to Federal Lands. Prior to any land-altering activities an Eligible Consulting Archaeologist should be engaged to determine the steps in managing impacts to the archaeological site(s).

An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists (<http://www.bcapa.ca/>) or through local yellow pages and online directories.

If you have additional questions please visit the FAQ page at <http://www.for.gov.bc.ca/archaeology/faq.htm>.

I have attached a screenshot showing the project area in relation to [REDACTED]. I have also attached a copy of the site record for [REDACTED] for your reference.

Please feel free to contact me should you have any questions regarding this data request.

Kind regards,

Diana

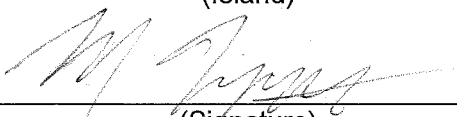
The orange line is the Lyackson IR#3 boundary.

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)



(Signature)

2016/04/15

(Date)

Amendment Bylaw No. 98
(Amending Valdes Island Rural Land Use Bylaw No. 42)

(Bylaw Number)

MIKE TIPPETT, MANAGER

(Name and Title)

CVRD

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

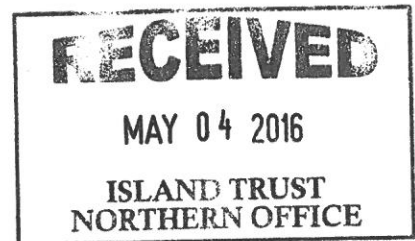
Approval Recommended Subject to Conditions Outlined Below

☒

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below



Thetis Island Local Trust Area

(Island)

S. L. deRosario

(Signature)

May 2/16

(Date)

Amendment Bylaw No. 98

(Amending Valdes Island Rural Land Use Bylaw No. 42)

(Bylaw Number)

*Sharon
Deputy Secretary Lloyd-deRosario*

(Name and Title)

Galiano Island LTC

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

S. Zupanec
(Signature)

June 15 2016
(Date)

Amendment Bylaw No. 98
(Amending Valdes Island Rural Land Use Bylaw No. 42)

(Bylaw Number)

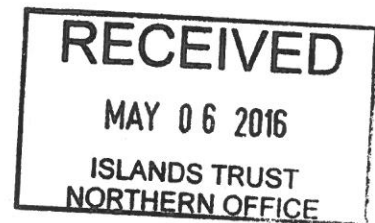
Sonja Zupanec, Island Planner
(Name and Title)

Gabriola Island LTC
(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

The subject location is not within the Town of Ladysmith jurisdiction and the Town's interests are unaffected by the Islands Trust proposed Bylaw amendment.



Thetis Island Local Trust Area

(Island)

Margaret Pandaen
(Signature)

April 28, 2016
(Date)

Amendment Bylaw No. 98
(Amending Valdes Island Rural Land Use Bylaw No. 42)
(Bylaw Number)

Margaret Pandaen, Planner
(Name and Title)

Town of Ladysmith
(Agency)

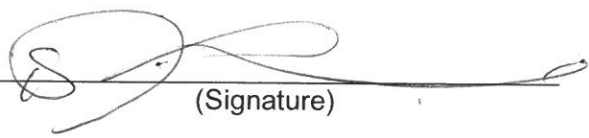
BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Lyackson has no issue with this
Bylaw change

Thetis Island Local Trust Area

(Island)


(Signature)

April 27/16
(Date)

Amendment Bylaw No. 98

(Amending Valdes Island Rural Land Use Bylaw No. 42)

(Bylaw Number)

K. Ahnne, Land & Resources
(Name and Title)

Lyackson First Nation
(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

Amendment Bylaw No. 98

(Amending Valdes Island Rural Land Use Bylaw No. 42)

(Bylaw Number)

Dr. Grant Bracher P.A., R.P.B.I.O.
(Signature)

DR. GRANT BRACHER P.A., R.P.B.I.O.
(Name and Title)

APRIL 21, 2016
(Date)

ENVIRONMENTAL STEWARDSHIP
(Agency)

MINISTRY OF FORESTS, LANDS AND
NATURAL RESOURCE OPERATIONS

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☒

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

(Signature)

(Date)

Amendment Bylaw No. 98
(Amending Valdes Island Rural Land Use Bylaw No. 42)
(Bylaw Number)

(Name and Title)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

(Signature)

(Date)

Amendment Bylaw No. 98
(Amending Valdes Island Rural Land Use Bylaw No. 42)

(Bylaw Number)

(Name and Title)

(Agency)

**Top Priorities****Thetis Island**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Riparian Areas Regulation Implementation	Ensure protection of freshwater ecosystems in the Ralston Creek watershed through review of current regulation and covenants, and possible bylaw amendment.	07-Sep-2011	Marnie Eggen	15-Nov-2014
2	Amendments to Thetis Island OCP and LUB; staff to provide staff report when time permits.	Moved from projects list: - (housekeeping)4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)... - (housekeeping) objectives and policies re sea level rise (was resolution to include in draft but did not make it in to adopted OCP). - OCP/LUB amendments to consider ocean loop geothermal exchange systems. - explore measures to address impacts of wharf related structures.	29-Mar-2016	Marnie Eggen	29-Mar-2017
3	Land Use Considerations for Clam gardens	- staff report to include consideration of options regarding renewal of Licence of Occupation and leases	24-May-2016	Aleksandra Brzozow	24-Nov-2017

**Projects****Thetis Island**

Description	Activity	R/Initiated
Potential LUB amendments:	- short-term vacation rentals of principle dwellings in the R-2 zone - rainwater storage requirements	07-Sep-2011
Island-wide watershed protection	TBD	21-Nov-2012
Pilkey Point / Marina Drive Slough: Support for habitat restoration.		20-Nov-2013
Education and engagement re: sensitive ecosystems.	Environmental education and engagement efforts, in particular with owners on the Associated Islands, to explore ways to protect sensitive ecosystems in the Area.	19-Mar-2014
Associated Islands OCP and LUB Creation	Develop new OCP and LUB to replace Ruxton Island Zoning Bylaw, 1982, CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stz'uminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.	07-Sep-2011
Letter of Understanding between the Thetis LTC and the Cowichan Valley Regional District.	Planning staff to begin drafting once project progresses to Priorities.	24-Nov-2015
Follow up on comments from Lyackson FN post adoption of Thetis Assoc. Islands OCP and LUB	Limiting private docks as a permitted use on Thetis Associated Islands Potential Impacts of Ocean Geothermal loops Switchback fencing in setback to the sea	24-May-2016



Islands Trust

Print Date: July 19, 2016

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
TH-DVP-2015.2	Trincomali Holdings Ltd.	03-Sep-2015	204 PILKEY POINT RD Obtain approval to construct a retaining wall.
Planner: Gary Richardson			
Planning Status			
Status Date: 15-Sep-2015 opened file, gave to planner, notified LTC, processed fees			

Rezoning

File Number	Applicant Name	Date Received	Purpose
TH-RZ-2015.1	PENELAKUT SEAFOODS INC	11-Mar-2015	Rezoning to allow for mariculture in the marine area, south of Thetis Island.
Planner: Marnie Eggen			
Planning Status			
Status Date: 19-Jul-2016 PH held. Staff requesting info from various agencies, First Nations re: 'the cut'			
Status Date: 04-May-2016 CIM and Public Hearing set May 9th			
Status Date: 14-Dec-2015 First Nation and Agency referrals sent out.			
File Number	Applicant Name	Date Received	Purpose
TH-RZ-2015.2	Hardy Island Granite Quarries Ltd.	05-Oct-2015	Zoning change to allow barges to be loaded and unloaded at the proposed lot.
Planner: Marnie Eggen			
Planning Status			
Status Date: 19-Jul-2016 Revised application anticipated.			

Applications

Status Date: 29-Mar-2016

First reading and bylaw referrals sent out

Status Date: 10-Nov-2015

Preliminary Staff Report.

File Number	Applicant Name	Date Received	Purpose
TH-RZ-2016.1	WEST VANCOUVER YACHT CLUB	02-Feb-2016	Proposed reconstruction and/or maintenance of breakwater on crown land north of Kendrick Island, south is Valdes Island.

Planner: Marnie Eggen

Planning Status

Status Date: 19-Jul-2016

CIM held. Draft Bylaw prepared.

Status Date: 04-May-2016

Preliminary staff report considered and CIM scheduled for June 18th.

Subdivision

File Number	Applicant Name	Date Received	Purpose
TH-SUB-1998.1	TRAX DEVELOPMENT LTD C/O WRIGHT FOCUS ENGINEERING LTD	25-Sep-1998	Phased Strata Subdivision 'Meadow Valley Properties' phased strata to create 21 strata lots from 4 parent parcels

Planner: Marnie Eggen

Planning Status

Status Date: 19-Jul-2016

MOTI issued 1 yr. extension.

Status Date: 18-Dec-2015

Staff comments provided to MOTI.

Status Date: 14-Sep-2015

Applicant seeking comments on Phase III. Planner reviewing file.

File Number	Applicant Name	Date Received	Purpose
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**Applications**

TH-SUB-2014.1 J.E. Anderson & Associates 23-Jun-2014 Ruxton Island
to create 2 parcels from 3 existing lots

Planner: Marnie Eggen

Planning Status

Status Date: 08-Jun-2016

Subdivision Referral response sent to Kirsten Fagervik MOTI and copied to applicant and LTC.

Status Date: 04-May-2016

New Thetis Associated Islands OCP and LUB adopted; applicant to confirm whether they would like to continue with application.

Status Date: 08-Jan-2016

No change

File Number	Applicant Name	Date Received	Purpose
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TH-SUB-2014.2	GW Lindberg Land Surveying	25-Nov-2014	To established strata lots
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Planner: Marnie Eggen

Planning Status

Status Date: 19-Jul-2016

Covenant ready for LTC signature.

Status Date: 08-Jan-2016

Staff reviewing covenant.

Status Date: 29-Jan-2015

Sent referral to MOTI

File Number	Applicant Name	Date Received	Purpose
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TH-SUB-2015.1	Polaris Land Surveying Inc.	19-Aug-2015	PID:007-818-459 The proposed subdivision will create 2 parcels (including remainders) and the intended use of the land and/or buildings and structure is residential.
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Planner: Marnie Eggen

Planning Status

Status Date: 11-Mar-2016

Applicant revising proposed plan. Planner reviewing.



Applications

Status Date: 02-Mar-2016

Subdivision referral report completed and sent to MOTI.

Status Date: 08-Jan-2016

Planner reviewing application, as per new TH Associated Islands OCP & LUB.

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending May 2016

670 Thetis	Invoices posted to Month ending May 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-670	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,000.00	353.88	646.12
65210-670	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-670	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-670	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,000.00</u>	<u>353.88</u>	<u>2,646.12</u>
Projects				
73001-670-3008	Thetis RAR	1,500.00	0.00	1,500.00
73001-670-4072	Thetis First Nations Relations	3,000.00	0.00	3,000.00
TOTAL Project Expenses		<u>4,500.00</u>	<u>0.00</u>	<u>4,500.00</u>



DATE OF MEETING: July 12, 2016

TO: Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Thetis Island Local Trust Committee
Executive Committee Acting as a Local Trust Committee (**Ballenas-Winchelsea Islands**)

FROM: Ann Kjerulf, Regional Planning Manager

SUBJECT: 2017-18 Local Trust Committee Budgets

RECOMMENDATION

1. That the (*insert name of local trust committee*) approve and forward the draft 2017-18 budget submission to Financial Planning Committee as presented (*or as revised, noting requested changes*).

REPORT SUMMARY

Each Local Trust Committee (LTC) is asked to consider its anticipated workplan and corresponding project budget requirements for the 2017-18 fiscal year, and to forward budget requests, via LTC resolution, to Financial Planning Committee (FPC). Proposed LTC expense budgets have been prepared by Administrative Services based on historical spending and Local Trust Area (LTA) assessed values (Attachment 1). Staff have prepared proposed project budgets for consideration of LTCs based on current and anticipated workplan priorities (Attachment 2).

BACKGROUND

Islands Trust fiscal budget preparation generally begins early in the current fiscal year. Local Planning Services (LPS) staff have been asked to forward budget request for LTCs to be considered initially by FPC in October 2016, and eventually for adoption by Islands Trust Council in March 2017.

Proposed LTC budgets are broken into two key categories: LTC expenses and LTC projects. LTC expense budgets include anticipated expenses related to meeting administration, communications, and special projects. LTC expense budgets, prepared by Corporate Administration, reflect historical (actual) spending by LTCs and are intended to be proportionate to assessed values for LTAs. Project budgets support LTC work plan priorities through the fiscal year.

Key criteria for LTC project budget consideration include the following:

- Supports work that is a provincial requirement;
- Supports an activity identified in the Islands Trust Council Strategic Plan;
- Supports work that is a continuation of a current OCP/LUB program; and
- Supports recently adopted OCP policies.

Budget Process Timeline:

The timeline for the budget process is as follows:

June 2016	LPS (Northern, Southern and Salt Spring) units develop budget estimates for LTCs;
July – Sept. 2016	LTCs review and approve project budget requests at LTC meetings;
Aug. 24, 2016	FPC reviews draft budget principles;
Oct. 7, 2016	Senior management staff finalize budget recommendations to FPC;
Oct. 19, 2016	FPC reviews draft budget and considers changes;
Nov. 16, 2016	FPC approves draft budget and budget principles to be submitted to Trust Council;
Dec. 6, 2016	Trust Council reviews and endorses draft budget; approves public consultation process;
Jan. 2017	Public consultation on draft budget; LTCs consider special tax requisition to fund additional operations;
Feb. 2017	LTCs proposing special tax requisition hold public consultation meetings; Executive Committee and FPC review proposed budget;
Mar. 2017	Trust Council considers and approves budget, and budget bylaws; Budget bylaws forwarded to the Minister;

ANALYSIS

LTC budget requests should support anticipated 2017-18 workplan priorities. Preliminary project requests have been drafted based on all Top Priority work program items which are currently anticipated to commence in or carry over to the next fiscal year. Items from the Projects List which staff anticipate commencing in the coming year and requiring dedicated funding are also included. These requests are preliminary recommendations and may subsequently be revised by LTCs. However, attention should be paid to the noted budget process timeline.

When reviewing the draft project budget requests, LTCs may wish to consider the following:

- Projects planned for the current (2016-17) fiscal year which are not completed should be considered as new projects for the 2017-18 fiscal year with resources allocated to support that work;
- For projects that would begin in 2017-18, LTCs should consider the necessary resources; for instance, a new project may involve in-house staff only or could necessitate external consultant expertise;
- LTCs should review their Projects List to identify projects that may be prioritized in 2017-18;
- LTCs may wish to review their long-term 2014-18 goals in determining priorities for completion in 2017-18, the last full fiscal year prior to the next election.
- LTCs whose bylaws are not yet compliant with the Provincial *Riparian Areas Regulation* (RAR) or those wishing to make RAR-related amendments should consider RAR budget requests for 2017-18;
- LTCs which anticipate receiving grant funding from the Union of BC Municipalities to hold Community to Community (C2C) Forums with First Nations should note that grant funding is matched dollar for dollar by the local government and, as a result, should include a First Nations project budget line item.
- LTCs are generally encouraged to include a budget line item for First Nations Relationship Building.

Staff have prepared project budget requests for Northern LTCs taking these factors into consideration.

Submitted By:	Ann Kjerulf, Regional Planning Manager	July 12, 2016
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ATTACHMENTS

1. Proposed LTC Expense Budgets for 2017-18
2. Proposed LTC Project Budgets for 2017-18

ATTACHMENT 1: PROPOSED LTC EXPENSE BUDGETS FOR 2017-18

Total 2017-18

	615-Denman	620-Gabriola	625-Galiano	630-Gambie	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pende	655-Salt Sprin	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372		22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%		
LTC EXPENSES **														
LTC Meeting Expenses	4,500	4,750	5,500	4,750	2,750	1,250	1,500	4,000	7,000	2,500	2,000	1,000		41,500
APC Meeting Expenses	600	600	500	500	500	500	500	600	1,500	500	500	500		7,300
Communications	500	1,250	500	1,000	1,000	1,000	1,000	500	1,250	300	300	1,000		9,600
Special Projects	500	1,000	500	500	500	500	500	500	1,000	500	500	500	500	7,500
SUB-TOTAL EXPENSES	6,100	7,600	7,000	6,750	4,750	3,250	3,500	5,600	10,750	3,800	3,300	3,000	500	65,900
Program	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	6,100	7,600	7,000	6,750	4,750	3,250	3,500	5,600	10,750	3,800	3,300	3,000	500	65,900
	9%	12%	11%	10%	7%	5%	5%	8%	16%	6%	5%	5%		

ATTACHMENT 2: PROPOSED LTC PROJECT BUDGETS FOR 2017-18 (DRAFT JULY 12, 2016)

LTC	Project	Cost	Notes	Provincial Requirement	Supports Strategic Plan	Continues OCP/LUB work	Supports OCP policies
Denman	First Nation Relationship building	\$1,000	Potential protocol agreement with K'omoks		x		
	Denman Farm Plan Implementation	\$3,500					
	Targeted OCP/LUB Amendments	\$1,500	Potential for RAR or housing-related amendments		x		
Gabriola	Housing Options Review	\$2,500	For discussion July 21		x		x
	Housing Needs Assessment	\$15,000	For discussion July 21		x		x
	First Nations Relationship Building	\$1,000	Potential protocol agreement implementation with Snuneymux'w		x		
Gambier	Gambier Island OCP Targeted Review	\$5,000			x		
	DAI Bylaws	\$1,500			x		
	Keats Island Foreshore Protection	\$8,000			x		
	First Nations Relationship Building	\$500	Continuation of St'a'pas working group				
Hornby	First Nation Relationship building	\$500	Potential C2C with K'omoks		x		
	Ford Family Orchard heritage protection	\$500					x
	Develop a TOR for APC review of vacation home rentals	\$1,000					x
Lasqueti	Targeted OCP/LUB Review	\$5,000			x		
	First Nations Relationship Building	\$1,000	Potential protocol agreement with Qualicum		x		
Thetis	RAR Implementation	\$1,500		x	x		
	Targeted OCP/LUB Review and Maintenance	\$3,000			x	x	
	First Nations Relationship Building	\$500			x		
Ballenas-Winchelsea	First Nations Relationship Building	\$500	Potential C2C with Nanoose		x		
	Crown Islet Advocacy	\$500			x		x