



A NOTICE OF A BUSINESS MEETING OF **THE THETIS ISLAND LOCAL TRUST COMMITTEE**
to be held at 1:30 PM on Wednesday, August 1, 2012 at Thetis Island Community Centre
(Forbes Hall) North Cove Road, Thetis Island, BC

AGENDA

		Page No.	*Approx Time*
1.	CALL TO ORDER		1:30 pm
2.	APPROVAL OF AGENDA		
3.	TOWN HALL SESSION (10 MINUTES)		
4.	MINUTES		
4.1	Local Trust Committee Meeting Minutes of May 23, 2012- <i>for adoption</i>	1-8	1:45 pm
4.2	Section 26 Resolutions Without Meeting Log dated July 23, 2012 - <i>attached</i>	9	
4.3	Advisory Planning Commission Draft Meeting Minutes dated June 29, 2012- <i>attached</i>	10-11	
5.	BUSINESS ARISING FROM MINUTES		2:00 pm
5.1	Follow-up Action List dated July 23, 2012 - <i>attached</i>	12-13	
5.2	Signs for Islets - <i>attached</i>	14	
5.3	Meeting with Lyackson First Nation – <i>for discussion</i>		
5.4	Protocol Agreement with the Cowichan Valley Regional District		
	5.4.1 Staff Report dated July 24, 2012 - <i>attached</i>	15-16	
	5.4.2 Scheduling Annual Meeting – <i>for discussion</i>		
6.	DELEGATIONS – <i>none declared</i>		
7.	CORRESPONDENCE		
	<i>Correspondence specific to an active development application and/or project will be received by the Thetis Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
8.	APPLICATIONS AND PERMITS		2:15 pm
8.1	TH-SUB-2010.2 (Lindberg for Velez – 49 Harbour Road) Memorandum dated July 23, 2012 - <i>attached</i>	17-54	
8.2	TH-DVP-2010.1 (Trincomali Holdings Ltd.- 204 Pilkey Point Road) Staff Report dated June 19, 2012 - <i>attached</i>	55-80	

9.	LOCAL TRUST COMMITTEE PROEJCTS		2:45 pm
9.1	Associated Islands Community Plan		
	9.1.1 Survey Results Summary July, 2012 - <i>attached</i>	81-98	
	9.1.2 Ruxton Island Advisory Planning Commission Terms of Reference - Memorandum dated July 23, 2012 <i>attached</i>	99-101	
9.2	Thetis Island Sustainability Guide - <i>verbal update</i>		
10.	REPORTS		3:30 pm
10.1	Work Program Reports		
	Top Priorities and Projects Report dated July 23 , 2012- <i>attached</i>	102-103	
10.2	Applications Log		
	Report dated July 23, 2012 - <i>attached</i>	104-106	
10.3	Trustee and Local Expenses		
	10.3.1 Expenses posted to May 31, 2012 – <i>attached</i>	107	
	10.3.2 Expenses posted to June 30, 2012 – <i>attached</i>	108	
10.4	Chair's Report		
10.5	Trustees' Report		
10.6	Advisory Planning Commission Report		
11.	NEW BUSINESS		3:45 pm
11.1	Referral of Galiano Island Bylaws		
	11.1.1 Official Community Plan Bylaw No. 235 - <i>referral form attached</i>	109-115	
	11.1.2 Land Use Bylaw No. 236 - <i>referral form attached</i>	116-121	
11.2	Valdes Island Woodlot Licence W2043 – <i>for discussion</i>		
	11.2.1 Background Correspondence	122-130	
	11.2.2 Plan	131-152	
	11.2.3 Map	153	
11.4	Start Times for Local Trust Committee Business Meetings – <i>for discussion</i>		
11.5	Amendments to the Liquor Control and Licensing Regulation Affecting the Licencing of Theatres from the Liquor Control and Licensing Branch dated April 11, 2012 - <i>attached</i>	154-157	
12.	BYLAWS		
13.	ISLANDS TRUST WEBSITE		
13.1	Thetis Page - <i>attached</i>	158-159	
14.	CLOSED MEETING: The Thetis Island Local Trust Committee closes the next part of the August 1, 2012 business meeting to discuss matters pursuant to Section 90(1)(a) of the Community Charter to consider appointments to the Ruxton Island Advisory Planning Commission and that staff be invited to attend this meeting.		4:00 pm
15.	RECALL TO ORDER		
	Rise and Report from Closed Meeting		
16.	TOWN HALL DISCUSSION (10 MINUTES – TIME PERMITTING)		4:10 pm

17. NEXT MEETING DATE

- 17.1 Special Business Meeting: Saturday, September 1, 2012 at 1:00 pm at Naylor Bay, Ruxton Island, BC (Outdoors on the Road Right-of-Way)
- 17.2 Regular Business Meeting: Wednesday, October 3, 2012 at 1:30 pm at Thetis Island Community Centre (Forbes Hall) North Cove Road, Thetis Island, BC

18. ADJOURNMENT

4:25 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

**MINUTES OF THE THETIS ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD AT 1:30 PM ON WEDNESDAY, MAY 23, 2012
AT THE THETIS ISLAND COMMUNITY CENTRE
FORBES HALL, MAIN ROOM,
NORTH COVE ROAD
THETIS ISLAND, BC**

PRESENT

Ken Hancock	Chair
Peter Luckham	Local Trustee
Sue French	Local Trustee
Courtney Simpson	Islands Trust Planner
Janice Young	Recorder

There were five (5) members of the public in attendance.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 1:30 pm. Opening remarks were made by Chair Hancock, who acknowledged Thetis Island as being within the traditional territory of the Coast Salish people; welcomed the members of the public; and introduced himself, Local Trustees Sue French and Peter Luckham, Islands Trust Planner Courtney Simpson, and Recorder Janice Young

2. APPROVAL OF AGENDA

The agenda was adopted by consensus, with the following amendments:

- Item 9. Local Trust Committee Projects
Add to beginning of 9.1 a video presentation by Trustee Luckham regarding Arial view of Thetis, Penelakut and Ruxton islands.
- Item 12. Bylaws
Add 12.1. Proposed Bylaw No. 91 cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012". – *for consideration of adoption.*

3. TOWN HALL

Dan Giesbrecht of Ruxton Island spoke to the draft Associated Islands Community Plan and submitted a detailed report of recommended changes.

Judy Shaw of Ruxton Island also spoke to the draft Associated Islands Community

Plan and presented recommended changes, including:

- a mudflat area that needs to be added to one of the ecosystem maps;
- additional unique shorelines to be reassessed;
- emergency response issues;
- enforcement of building codes and permits; and
- concerns regarding time and date of community meeting.

Chair Hancock spoke to this draft Associated Islands Community Plan being discussed at a community information meeting.

Dennis Gagnon of Thetis Island asked if the Riparian Areas Regulation is on today's agenda.

The Trustees responded that Riparian Areas Regulation is not on today's agenda.

4. **MINUTES**

4.1 Local Trust Committee Special Meeting Minutes of April 16, 2012

The minutes were adopted by consensus with the following amendments:

- In 4.2 change "There were no minutes to be adopted" to "There were no Resolutions Without Meeting to report."
- In 4.3 change "There were no minutes to be adopted" to "There were no minutes to be received."
- In 9.1 Resolution TH-016-2012 add "Chair Hancock opposed the vote."
- In 9.1 Resolution TH-017-2012 add "Chair Hancock opposed the vote."
- In 10.3.2 reword "Trustee French will draft a local expense budget" to read "Trustee French will draft a proposed breakdown of the local expense account budget for 2012/13."

4.2 Section 26 Resolutions Without Meeting

None.

4.3 Advisory Planning Commission Meeting Minutes

None.

5. **BUSINESS ARISING FROM MINUTES**

5.1 Follow-up Action List dated May 10, 2012

Presented by Planner Simpson; discussion followed.

5.2 *Advisory Planning Commission Appointments – Memorandum dated May 9, 2012*

Presented by Planner Simpson; discussion followed.

TH-026-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee appoint to the Thetis Island Advisory Planning Commission David Steen, Mary Forbes and Patrick Mooney to serve a one year term with Wilf Scheuer and Ann-Marie Koeppen to serve a two year term and that Laurel March and Noah Bond continue with the second year of their two year term.

CARRIED

6. DELEGATIONS

None.

7. CORRESPONDENCE

7.1 *Email dated April 5, 2012 from Steve Frankel regarding a Program called Neighborhood Mediation.*

Letter received; discussion followed.

TH-027-2012 It was **MOVED** and **SECONDED** that Bylaw Enforcement Coordinator Miles Drew report back to the Thetis Island Local Trust Committee on the application of the Neighbourhood Mediation Program to the Islands Trust area.

CARRIED

Trustee Luckham will email Steve Frankel re: this motion.

8. APPLICATIONS AND PERMITS

8.1 TH-SUB-2012 (Lindberg for Velez – 49 Harbour Road) – Memorandum dated May 2, 2012.

Presented by Planner Simpson; discussion followed.

- TH-028-2012** It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee defer endorsement of the finalized Covenant Prohibiting Residential Use of Common Property for a proposed two lot strata on Lot 1, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Part in Plan 2609RW subject to review of the proposed Geotechnical Covenant.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 *Associated Islands Community Plan*

- 9.1.1 Staff Report dated May 9, 2012
- 9.1.2 Draft Terms of Reference
- 9.1.3 Draft "Ruxton Review" Article
- 9.1.4 Draft Newsletter
- 9.1.5 Draft Survey
- 9.1.6 Draft Community Profile

Video presentation by Trustee Luckham – fight over Thetis, Penelakut and Ruxton Islands.

Planner Simpson presented the Staff Report; discussion followed.

- TH-029-2012** It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee endorse the project terms of reference dated May 23, 2012, as amended.

CARRIED

- TH-030-2012** It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee direct staff to schedule a community information meeting for Saturday, September 1, 2012 at Naylor Bay, Ruxton Island.

CARRIED

- TH-031-2012** It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee direct staff to submit the draft article to the Ruxton Island Review, as amended.

CARRIED

- TH-032-2012** It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee endorse the June 2012 newsletter, as amended, for mail-out to all property owners.

CARRIED

- TH-033-2012** It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee endorse the Thetis Associated Islands Community Plan Review survey, as amended; and direct staff to post the draft Community Profile on the website.

CARRIED

9.2 *Thetis Island Sustainability Guide – Staff Report dated May 4, 2102*

Planner Simpson presented the Staff Report; discussion followed.

- TH-034-2012** It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee endorse the Thetis Island Sustainability Guide.

CARRIED

10. REPORTS

10.1 *Work Program Reports- Top Priorities and Projects Report dated May 10, 2012*

Planner Simpson presented the report; discussion followed.

- TH-035-2012** It was **MOVED** and **SECONDED** that the Top Priorities List be amended to list the Riparian Areas Regulation Implementation as the number 2 priority.

CARRIED

10.2 *Applications Log
Report dated May 10, 2012*

Received for information.

10.3 *Trustee and Local Expenses*

10.3.1 Expenses to Fiscal yearend, March 31, 2012

10.3.2 Proposed Breakdown of the Local Expense Account Budget for 2012/13

Discussion followed.

- TH-036-2012** It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee adopt the Proposed Breakdown of the Local Expense Account Budget for 2012/13.

CARRIED

10.4 *Chair's Report*

Chair Hancock reported that preparations are underway for the Trust Council Meeting in June on Pender Island. Electric cars are the proposed shuttle transport for this meeting, as well as for general use on Pender Island.

10.5 *Trustees' Report*

Trustee Luckham reported of ongoing involvement with the National Marine Conservation Area and attendance at an oil spill exercise in Vancouver.

Trustee French also reported of attendance at an oil spill exercise in Vancouver, adding that the development of major communication strategies are important for this kind of situation and that the company holding these exercises already respond to an average of twenty oil spill a year in our area.

10.6 *Advisory Planning Commission Report*

None

11. NEW BUSINESS

11.1 *Local Trust Committee Annual Report*

Presented by Planner Simpson; discussion followed.

TH-037-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee endorse the Local Trust Committee Annual Report as amended.

CARRIED

11.2 *Geothermal Exchange Enforcement Policy*

11.2.1 *Email dated April 17, 2012 from Miles Drew*

11.2.2 *Background Information*

Received for information; discussion followed.

TH-038-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee refer the subject of Geothermal Exchange Systems to the Thetis Island Advisory Planning Commission.

CARRIED

At 4:10 pm, Planner Simpson and Chair Hancock left the meeting to catch the ferry and Trustee Luckham became Chair for the remainder of the meeting.

11.3 *Proposal to Fund Distribution of the Islands Trust Fund Publication “the Heron”*

Discussion deferred to next meeting.

12. **BYLAWS**

12.1 *Proposed Bylaw No. 91 cited as the “Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012” – for consideration of adoption.*

TH-039-2012 It was **MOVED** and **SECONDED** that Proposed Bylaw No. 91 cited as the “Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012” be adopted.

CARRIED

TH-040-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee resolve that Salt Spring Island Bylaw 460 does not affect its interests.

CARRIED

13. **ISLANDS TRUST WEBSITE**

13.1 *Thetis Page*

The Thetis Island Local Trust Committee decided the following:

- That the Bylaw Enforcement Notification System have a web presence.
- That an Associated Island section be created.

14. **CLOSED MEETING**

No closed meeting.

15. **RECALL TO ORDER**

No recall to order.

16. **TOWN HALL DISCUSSION**

No town hall discussion.

17. NEXT MEETING DATES

The next business meeting date for the Thetis Island Local Trust Committee is Wednesday, August 1, 2012 at 1:30 to be held at the Thetis Island Community Center, Forbes Hall, North Cove Road, Thetis Island.

18. ADJOURNMENT

The Thetis Island Local Trust Committee Meeting of May 23, 2012 was adjourned at 4:19 pm.

Chair

Recorder



RWM From: January 04, 2012 To: July 23, 2012

Thetis Island

Resolution #	Action	Resolution Description	Resolution Date
2012-03	In Favour	"That the Thetis Island Local Trust Committee authorizes the payment of funds from its local expense account to pay for a minute taker for Advisory Planning Commission meetings."	Jul 03, 2012

**BUSINESS MEETING OF THE
THETIS ISLAND ADVISORY PLANNING COMMISSION (APC)
FRIDAY, JUNE 29, 2012 10:00 AM
THETIS ISLAND COMMUNITY CENTER, FORBES HALL, LIBRARY
292 NORTH COVE ROAD, THETIS ISLAND**

PRESENT

David Steen - Acting Chair
Mary Forbes - Acting Recording Secretary
Anne-Marie Koeppen
Laurel March
Wilf Sheuer
Peter Luckham – Local Trustee

REGRETS

Patrick Mooney
Noah Bond

No members of the public in attendance.

1. CALL TO ORDER

Acting Chair Steen called the meeting to order at 10:00 a.m.

2. APPROVAL OF AGENDA

By consensus the agenda was set as follows:

- Call to Order
- Approval of Agenda
- Election of Officers
- Task of the Advisory Planning Commission
- Other Business
- Adjournment

3. ELECTION OF OFFICERS

By consensus the 2012 Advisory Planning Commission Officers are as follows:

- Laurel March – Chair
- Wilf Sheuer – Deputy Chair
- Patrick Mooney – Secretary to be confirmed when Patrick is present.
- Ann-Marie Koeppen – Co-secretary – (hall bookings)

4. TASK OF THE ADVISORY PLANNING COMMISSION

The Thetis Island Local Trust Committee (LTC) would like the Advisory Planning Commission (APC) to consider the options the LTC has for permitting geothermal ocean loops and provide recommendations.

In discussion it was noted that we would like to encourage Island Trust staff to ensure that policies are in alignment with current approaches in Official Community Plans (OCP's) and Land Use Bylaws (LUB's). It was also suggested staff could develop templates with respect to issues such as green technologies so that APC's (and planners and LTC's) have access to information on the best current approaches in various subject areas. The research and resulting tools would avoid each APC having to "reinvent the wheel" but would still enable each island to make whatever modifications it deemed appropriate to its particular circumstances.

It was **MOVED** and **SECONDED** that the Thetis Island Advisory Planning Commission recommend encouraging the use of green technologies, including geothermal, providing the installations and maintenance meet the standards of all relevant federal, provincial and local permitting agencies
Yes 4 / No 0 / Abstention 1 (Wilf Sheuer) - **CARRIED**

5. OTHER BUSINESS

Discussion regarding fuel tank safety and earthquake risks.

It was **MOVED** and **SECONDED** that the Thetis Island Advisory Planning Commission request that Islands Trust prepare a bylaw that would require all heating oil tanks to be fixed in such a manner that they will not tip over in an earthquake.

Yes 2 / No 2 / Abstention 1 - **NOT CARRIED**

The committee fully recognized the merit of such a bylaw but concerns were raised that the LTC had not requested input on this matter. Also, such a bylaw would be under the jurisdiction of the Cowichan Valley Regional District (CVRD), hence some felt it was outside the mandate of the APC to make such a recommendation.

6. ADJOURNMENT

Meeting was adjourned at 12.00 noon.

Chair

Recorder



Islands Trust

Follow Up Action Report w/ Target Date

Thetis Island Feb-09-2011

No.	Activity	Responsibility	Target Date	Status
1	Draft sign for Ragged Islet and possibly Esmeralda Islet, get approval from TAS for use of logo, and install signs. Trustee Luckham to arrange with staff.	Courtney Simpson	Mar-23-2011	On Going

Feb-08-2012

No.	Activity	Responsibility	Target Date	Status
1	Develop recommendations for a joint proactive enforcement strategy with the CVRD.	Miles Drew	Aug-01-2012	On Going

Apr-18-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff to report back with a bylaw amendment to remove OCP section 4.1 policy 8 regarding RAR and replace with another policy to state there are non RAR-applicable watercourses on Thetis Island.	Courtney Simpson	May-23-2012	On Going

May-23-2012

No.	Activity	Responsibility	Target Date	Status
1	Respond to the Salt Spring LTC referral of bylaw 460 that the interests of the Thetis LTC are unaffected.	Courtney Simpson	Jun-01-2012	Done
1	Add Associated Islands section to webpage	Courtney Simpson	Aug-01-2012	Done
1	Create a web presence on the Thetis webpage for the Bylaw Enforcement Notification System	Courtney Simpson	Aug-01-2012	On Going
1	Report to LTC on use of neighbourhood mediation on Thetis.	Miles Drew	Aug-01-2012	On Going

1	Refer the subject of geothermal exchange systems to the APC.	Courtney Simpson	Aug-01-2012	Done
1	Insert photos in Sustainability Guide where needed, photos to be arranged by local trustees. Get quote on price for printing 50-100 copies.	Marnie Eggen Courtney Simpson	Aug-01-2012	Done
1	Add Thetis Sustainability Guidelines to next meeting agenda with CVRD	Courtney Simpson	Oct-31-2012	On Going



Ragged Islet

Islands Trust
Preserving Island communities, culture and environment





This islet is part of the Thetis Island Local Trust Area within Coast Salish First Nations Territory.

This islet is recognized as a sensitive Marine Habitat which provides nesting habitat for birds and is home to many sensitive plant species, the shoreline is critical spawning habitat for forage fish.

Please tread softly.



Wildflower Islet

Islands Trust
Preserving Island communities, culture and environment





This islet is part of the Thetis Island Local Trust Area within the Penelakut First Nations Territory.

This islet is recognized as a sensitive Marine Habitat which provides nesting habitat for birds and is home to many sensitive plant species, the shoreline is critical spawning habitat for forage fish.

Please tread softly.



STAFF REPORT

Date: July 24, 2012

File No.: 3070-30

To: Thetis Island Local Trust Committee
For meeting of August 1, 2012

From: Chris Jackson, RPP, MCIP
Regional Planning Manager

CC: Courtney Simpson, Island Planner

Re: Protocol Agreement with Cowichan Valley Regional District

INTRODUCTION:

This report provides an update and seeks direction regarding the Thetis Island Local Trust Committee (LTC) Protocol Agreement with the Cowichan Valley Regional District (CVRD) project.

ISLANDS TRUST OPERATIONS AND POLICY MANUAL:

A number of Islands Trust policies direct how 'cooperation agreements' (i.e. Protocol Agreements and Letters of Understanding) should be developed and approved. Several policies are contradictory and confusing. At this time, staff is unable to advise on a clear process path.

In order to move forward, Islands Trust policies related to cooperation agreements should be reviewed and amendments considered. However, this does not limit the ability of the LTC to advance the CVRD Protocol Agreement project through the drafting stages. The challenge lies with determining procedures and acquiring necessary formal approvals.

Amendment to these Islands Trust policies is beyond the authority of the LTC. The Executive Committee should be requested to consider such amendments in order to enable the LTC to complete this project.

LOCAL TRUST COMMITTEE WORK PROGRAM:

As noted above, the scope of this project has expanded. In addition, cooperation agreement (i.e. Regional District, First Nation) development, implementation and maintenance work is now resourced from regional local planning services staff allocations. Given these increased demands on regional resources, staff seeks LTC

direction on the priority of this project in relation to other initiatives. This will assist in determining proper assignment of resources.

Currently, 'Ratification of protocol agreement with Cowichan Valley Regional District' is listed on the Thetis project list. To ensure staff resources are dedicated, the LTC should make this project a top priority item on the work program. The LTC could remove one of the other items or expand the top priority list to four. According to Islands Trust Policy 6.7.i, "three priorities should be identified"; so while ideally three should be listed, a fourth could be added. Adding this to the top priority list will enable staff to dedicate additional time to the project.

RECOMMENDATIONS:

Staff recommends that the Thetis Island Local Trust Committee:

- add "Develop Cooperation Agreements with the Cowichan Valley Regional District" to the Top Priority list and remove item 8 from the Projects list;
- instruct staff to provide a project overview report and continue drafting a protocol agreement and letter of understanding;
- request that the Executive Committee review and recommend Trust Council amendments to Islands Trust Policy and Operations Manuals in order to establish effective cooperation agreement procedures for Local Trust Committees.

Prepared and Submitted by:

Chris Jackson

July 24, 2012

RPP, MCIP,
Regional Planning Manager

Date



Memorandum

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Date July 23, 2012

File TH-SUB-2010.2
Number (Lindberg Velez)

To Thetis Island Local Trust Committee

From Marnie Eggen
Planner 1
Local Planning Services

Re Endorsement of finalized Covenant Prohibiting Residential Use of Common Property for a proposed two lot strata subdivision on Lot I, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Part in Plan 2609RW

This is the second memorandum regarding the endorsement of the finalized covenant prohibiting residential use of common property for the above subject property. The purpose of this memo is to provide supplemental information to the May 2, 2012 memo which was presented to the Thetis Island Local Trust Committee (LTC) at the business meeting of May 23, 2012. At that meeting the LTC passed the following resolution:

*It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee defer endorsement of the finalized Covenant Prohibiting Residential Use of Common Property for a proposed two lot strata on Lot 1, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Part in Plan 2609RW subject to review of the proposed GeoTechnical Covenant.*

The purpose of this memorandum is to provide further information about the geotechnical Covenant and request endorsement of the finalized covenant prohibiting residential use of the common property of the subject property.

Geotechnical Covenant Charged to Ministry of Transportation and Infrastructure and Cowichan Valley Regional District

The geotechnical covenant was requested by the Ministry of Transportation and Infrastructure (MOTI) as a part of that Ministry's conditions of subdivision for the subject property. As the geotechnical covenant is charged to the MOTI and the Cowichan Valley Regional District (CVRD), the LTC does not have authority over that covenant.

The LTC, however, may provide comments if they wish to MOTI during the subdivision process in regards to the covenant. Any such comments are typically provided separately from the conditions of subdivision set out in the Subdivision Referral Report as per Thetis Island subdivision regulations. The Ministry is not obligated to act on the comments.

Staff advise the LTC that in their decision to defer on the covenant prohibiting residential use of common property subject to the review of the proposed geotechnical covenant, that the review of the geotechnical covenant is undertaken as it relates to the covenant prohibiting residential use of the common property.

Conditions of Geotechnical Covenant

The geotechnical covenant prohibits the construction of any building on the land other than that set forth by the report prepared by the geotechnical engineer, who was requested to undertake an assessment of the geohazards prior to subdivision (See Appendix 1 for geotechnical covenant). The report stipulates that foundations for the building of proposed Lot A be located at a minimum distance of 10m from the crest of the slope nearest the natural boundary of the sea (see below for plan of subdivision that includes geotechnical covenanted area).

In addition, the report prescribes no building on the level bench areas east of the existing dwelling on proposed Lot B without additional assessments. Lastly, the report recommends that any fill placed at the proposed septic field be sloped at a maximum of 25 degrees and compacted. The proposed plan of subdivision shows the covenanted area and includes the building areas prescribed by the report. It does not include the septic field area that is already encompassed by the covenant to prohibit residential use of the common property.

Comparison with Neighbouring Geotechnical Covenant

A similar geotechnical covenant is registered on the adjacent property to the North, which encompasses a larger covenanted area and simply prohibits building and soil removal/fill and drainage (see Attachment 2). It is charged to the CVRD and put in place during the time of subdivision.

In comparison, the subject property geotechnical covenant encompasses a smaller portion of the whole of the sloped area and its prescriptions are more specific. Staff had a discussion with the geotechnical engineer who prepared the geotechnical report for the subject property. The engineer noted that the neighbouring geotechnical covenant is dissimilar because the site conditions of that lot are different than the subject property (see Attachment 3 for neighbouring geotechnical covenant).

For example, the engineer commented that the subject property has a number of dispersed flatter areas (benches) midway down the slope in comparison to the neighbouring property in which the whole slope is more contiguous and contours are for the most part closer together (see below for aerial photo and contours of both properties). Also, the case may be that the soil make up may be different between the two properties, where the engineer permits building outside of the covenanted area on the subject property, including the sloped portion westward of the benched areas (the septic field is sited in this area of the slope). Another reason for the differences between covenants may be due to a change in approach to managing hazardous slopes and covenants by the MOTI and CVRD since the neighbouring covenant was put in place ten years ago.

It should be noted that neither of the geotechnical covenants prohibit tree cutting.

Figure 2: Aerial Photo of Subject Property and Northern Neighbour with 2 metre contours



Staff Comments

Staff advises that the covenant prohibiting residential use of the common property is not in conflict with the geotechnical covenant. It is important to note that geotechnical expertise lies with the engineer and that ultimately the authority to manage the geotechnical hazards on this property lies with the Ministry of Transportation and Infrastructure and the Cowichan Valley Regional District. If the Local Trust Committee has further concerns about the geotechnical covenant, staff advises that they formulate their comments and direct them to the Ministry of Transportation and Infrastructure so that Staff may forward the comments on to the Ministry as supplementary information to the Subdivision Referral Report, dated December 1, 2011.

Additionally, if the Local Trust Committee recognizes this sloped area along Telegraph Harbour as an environmentally significant area that requires protection and/or has interest in protecting development from hazardous conditions, perhaps this area should be identified as a candidate for a Development Permit Area.

Recommendation:

Staff recommends that the Thetis Island Local Trust Committee:

1. *Endorse the finalized Covenant Prohibiting Residential Use of Common Property for a proposed two lot strata subdivision on Lot I, District Lot 1, Thetis Island, Cowichan District, Plan 5327, Except Part in Plan 2609RW;*
2. *appoint a trustee, that on behalf of the Local Trust Committee, be a signatory on the Covenant; and*
3. *that if desired, to formulate their comments in regard to the subject property's geotechnical covenant so that Staff may forward the comments to the Ministry of Transportation and Infrastructure as supplementary information to the Subdivision Referral Report, dated December 1, 2011.*

Attachment:

1. Geotechnical Covenant
2. Neighbouring Geotechnical Covenant
3. Covenant Prohibiting Residential Use of Common Property

Attachment 1: Geotechnical Covenant

May. 25. 2012 1:27PM	Peter English Notary Public	No. 1621 P. 2
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FORM C_V18 (Charge)

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia PAGE 1 OF 11 PAGES

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)

Peter English Notary Corporation

135 First Street
Duncan BC V9L 1R1

250-715-1575
File: 12063

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND: Deduct LTSA Fees? Yes ☒
 [PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES ☐

3. NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Covenant		S.219 LTA

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:

None

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)

PETER D. ENGLISH
Notary Public
135 First Street
Duncan, BC V9L 1R1

Execution Date

Y	M	D
12	04	09

Transferor(s) Signature(s)

RAYMONDO VELEZ

MARCO VELEZ

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.

FORM_D1_V1B

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 11 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D
12	04	

The ROYAL BANK OF CANADA 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.

FORM E_V18

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 3 OF 11 PAGES

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

**NO PID NMBR STRATA LOT 1, DISTRICT LOT 1, THETIS ISLAND, COWICHAN DISTRICT,
STRATA PLAN EPS644**

STC? YES

[Related Plan Number]

EPS644

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

**NO PID NMBR STRATA LOT 2, DISTRICT LOT 1, THETIS ISLAND, COWICHAN DISTRICT,
STRATA PLAN EPS644**

STC? YES

[Related Plan Number]

EPS644

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

STC? YES ☐

FORM_E_V18

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 4 OF 11 PAGES

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):

RAYMUNDO VELEZ AND MARCO VELEZ

THE ROYAL BANK OF CANADA (as to Priority Agreement only)

6. TRANSFEREE(S):

Her Majesty the Queen in Right of the Province of British Columbia, as Represented by the MINISTER OF TRANSPORTATION, Parliament Buildings, Victoria, BC V8V 1X5, and

COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street
Duncan, BC V9L 1N8,

TERMS OF INSTRUMENT – Part 2

(Section 219 LAND TITLE ACT)

THIS AGREEMENT made the ____ day of April, 2012

BETWEEN:

**RAYMUNDO VELEZ
MARCO VELEZ
49 Harbour Road
Thetis Island, BC V0R 2Y0**

(hereinafter called the "Owners")

OF THE FIRST PART

AND:

Her Majesty the Queen in Right of the Province of
British Columbia, as represented by the **MINISTER OF
TRANSPORTATION**, Parliament Buildings, Victoria,
BC V8V 1X5

(hereinafter called the "Crown")

OF THE SECOND PART

AND:

**COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street,
Duncan, BC, V9L 1N8.**

(hereinafter called the "Municipality")

OF THE THIRD PART

- A. **WHEREAS** the Owner is the registered owner in fee simple of the following lands in the Nanaimo/Cowichan Assessment Area, British Columbia, legally described as:

Strata Lot A, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644;
and
Strata Lot A, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644;

(hereinafter called the "Land")

- B. **AND WHEREAS** the Municipality is the COWICHAN VALLEY REGIONAL DISTRICT

- C. **AND WHEREAS** the Municipality's Building Inspector considers that construction on the land is subject to or is likely to be subject to *mud flows, debris flows, erosion, land slip, rock falls and subsidence* and may require the Owner to provide the Building Inspector with a report certified by a professional engineer, with experience in geotechnical engineering (the "Engineer") that the Land may be used safely for the use intended;
- D. **AND WHEREAS** the Owner may be required to provide the Municipality and the Crown with the report of the Engineer (the "Report"); and
- E. **WHEREAS** the Owner has agreed to enter into this Agreement and to register it against the title to the Land as a covenant and indemnity under Section 219 of the Land Title Act and Section 699 of the Local Government Act.

NOW THEREFORE in consideration of the covenants contained in this Agreement and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties covenant and agree with each other as follows:

1. The Owner shall not construct any building on the Land other than as set forth in the Report attached from RYZUK GEOTECHNICAL Engineering & Materials Testing, dated July 11, 2011 so as to ensure such building is safe from mud flows, debris flows, erosion, land slip, rock falls and subsidence.
2. The Municipality will not issue a building permit with respect to any structure to be built on the Land, unless it is to be constructed and used in the manner determined by the Municipality's Building Inspector or the Report, as the case may be.
3. The Owner shall reimburse the Municipality and the Crown for any expense that may be incurred by the Municipality or the Crown as a result of a breach of a covenant under this Agreement.
4. The Owner and the Municipality and the Crown agree that the enforcement of this Agreement shall be entirely within the discretion of the Municipality or the Crown and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Municipality or the Crown to the Owner or to any other person to enforce any provision of this Agreement.
5. The Owner releases and forever discharges the Municipality and the Crown from any claim, cause of action, suit, demand, expense, costs and legal fees which the Owner may have against the Municipality or the Crown for any loss or damage or injury that the Owner may sustain arising out of the issuance of a building permit under this Agreement or the use of the Land as a result of the issuance of a building permit to construct, alter or add to a building or structure on the Land, or as a result of any of the concerns raised by the Engineer in the Report.

6. The Owner covenants and agrees to indemnify and save harmless the Municipality and the Crown from any and all claims, causes of action, suits, demands, expenses, costs and legal fees that anyone might have as owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss of life or injury to his person or property, that arises out of the issuance of a building permit under this Agreement or the use of the Land as a result of the issuance of a building permit, to construct, alter or add to a building or structure on the Land, or as a result of the concerns raised by the Engineer in the Report.
7. Any opinion, decision, act or expression of satisfaction provided for in this Agreement is to be taken or made by the Municipality's Director of Planning or his or her delegate authorized as such in writing.
8. The Owner releases, and must indemnify and save harmless the Municipality and the Crown, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.
9. 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 exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
10. The rights given to the Municipality and the Crown by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Municipality or the Crown to anyone, or obliges the Municipality or the Crown to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement.
11. Where the Municipality is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Municipality is under no public law duty of fairness or natural justice in that regard and agrees that the Municipality may do any of those things in the same manner as if it were a private party and not a public body.
12. This Agreement does not:
 - (a) affect or limit the discretion, rights or powers of the Municipality under any enactment (as defined in the *Interpretation Act*, R.S.B.C. on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use or subdivision of the Land; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

13. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under Section 219 of the *Land Title Act* in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.
14. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against the title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.
15. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
16. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
17. This Agreement is the entire agreement between the parties regarding its subject.
18. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
19. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
20. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

PRIORITY AGREEMENT

The **ROYAL BANK OF CANADA** (the "Prior Charge holder") is the holder of a Mortgage encumbering the Lands, which Mortgage was registered in the Land Title Office on June 10, 2010 under registration number CA1601957.

The Prior Charge holder consents to and agrees that the attached Section 219 Covenant will have priority over the Prior Charge.

FOR ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed to by the Prior Charge holder, the Prior Charge holder, being the holder of the Prior Charge, by signing the Form C General Instrument attached hereto as Part 1, hereby grants priority over the interest of the Prior Charge holder in the Lands to the Subsequent Charge as if the Subsequent Charge had been registered prior to the Prior Charge notwithstanding the respective dates and times of the execution and registration of the charges or the respective dates of advancement of money under them.

IN WITNESS WHEREOF the parties acknowledge that this Agreement has been duly executed and delivered by the parties executing Part 1 of Form C attached to and forming part of this Agreement.

This is the instrument creating a Covenant in favour of Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure and the Cowichan Valley Regional District entered into under Section 219 of the Land Title Act by the registered Owner referred to herein.

Approving Officer for the Cowichan
Valley Regional District

Approving Officer for the Ministry of
Transportation and Infrastructure

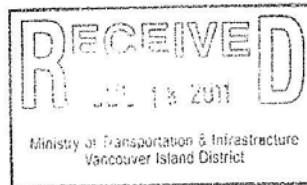
RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

July 11, 2011
File No: 8-6110-1

The Ministry of Transportation and Infrastructure
240 - 4460 Chatterton Way
Saanich, BC
V8X 5J2



Attn: Mrs. D. O'Brien, Senior District Development Technician

Dear Mrs. O'Brien,

Re: Proposed Two Lot Subdivision
49 Harbour Road - Thetis Island, BC

As requested by Mr. G. Lindberg, BSc. Eng., BCLS on behalf of Mr. Marco Velez and Raymundo Velez, we attended the referenced site on June 28, 2011 to undertake a visual geotechnical assessment of the property with regard to the proposed two lot subdivision. In your letter of June 21, 2011 (eDas File # 210-05625) to Mr. Lindberg a geotechnical assessment was requested to be undertaken at the site to determine the potential for geo-hazards prior to subdivision approval. Accordingly, we herein provide our comments and recommendations for the proposed development. The work we have undertaken and the recommendations provided herein are subject to, and are provided in accordance with, the attached Statement of Terms of Engagement.

The site is located to the northeast of Harbour and Foster Point Road intersection and is bounded by similar residential properties to the north, south and west, and to the east by the Telegraph Harbour foreshore. The site is well vegetated throughout most areas with mature trees and ground cover, with an existing residence and some cleared areas / road cuts. Refer to the site survey plan provided by G. W. Lindberg Land Surveying Inc., dated October 7, 2011, which shows the existing residence of Proposed Lot B, as well as the proposed Lot A septic field, and other preliminary features of the site.

The topography at the site is generally described by gentle to moderately sloped areas at the higher elevations and a steep slope of upwards of approximately 7 m high adjacent to the foreshore. The existing residence is situated on a level plateau area near the high point of the property. Slopes to the west and south of this location are generally less than approximately 20 degrees. The slope to the east of this plateau area is locally steeper than 45 degrees, but averages less than about 30 degrees down towards the slope adjacent to the foreshore with two noted level benches, near the existing residence and the foreshore respectively. The slope within the area of the proposed Lot A building site, which we understand will be within the southeastern portion, south and east of the common property proposed septic field, is typically less than about 20 degrees and continues down to the crest of the noted foreshore slope at the east.

Soil conditions were observed below a thin veneer of surficial organic materials within a few exposure at the site and were generally noted as either dense silty gravelly sand (inferred glacial till), weathered shale, or hard sandstone bedrock. The approximate 6 to 7 m high slope adjacent to the foreshore at the southeast displays alternating beds of sandstone and shale bedrock with bedding planes dipping into the slope at approximately 20 degrees, striking roughly north. Shale bedrock is also exposed in the road cut of the slope to the east of the

Ryzuk Geotechnical

RYZUK GEOTECHNICAL

The Ministry of Transportation and Infrastructure
Page 2

July 11, 2011

existing residence (upper benched area). It appears that fill associated with this road cut has been placed at the crest of the adjacent slope of near 30 degrees to the east of the bench.

We recommend that the proposed foundations for the building of Lot A be located a minimum distance of 10 m from the crest of the slope adjacent to the foreshore. Any foundations should bear on level / benched, dense native soil or intact / fractured in-place bedrock. Allowable / design bearing pressures for the foundations could be considered as 145 and 170 kPa for strip and pad footings respectively. All foundation subgrade conditions should be inspected by qualified geotechnical personnel prior to placement of concrete.

At some future time, we understand that the construction of a cottage or other accessory buildings may be desired. As above, we recommend that any proposed structures be located a minimum of 10 m back from the crest of the slope adjacent to the foreshore. The level bench areas of the slope east of the existing residence of Lot B would not be suitable areas to build unless the fill at the crest of this slope is removed and the locally steep shale slope is trimmed suitably. If buildings are ever proposed within these areas, a subsequent assessment would likely be required to ensure the building sites are accordingly modified. We understand that a minor amount of fill will be placed at the downslope area of the proposed septic field to reduce the risk of breakout. We would consider this zone, as detailed in the report provided by Trax Developments Ltd, dated 14 October 2010, to be suitable for fill placement. Any fill placed at the site should be sloped at a maximum of 25 degrees and reasonably compacted.

We understand that a detailed survey of the slope differentials will be undertaken within the next few months, but at this time our description of the restricted areas is comprehensive enough for the preliminary subdivision approval. We consider all other areas of both Lots A and B (in accordance with the above recommendations) to be safely used for the use intended, being single family residences / accessory buildings. Our assessment considers a seismic design event with a 2% probability of exceedance in 50 years (1 in 2,475 year return).

We hope the preceding is suitable for your current requirements. Please call us if you require additional information / clarification.

Yours very truly,
Ryzuk Geotechnical



Andrew Jackson, B.Sc.
Geoscience Associate
ARJ/brd


Bruce Dagg, P.Eng.
Review Engineer



Attachment – Statement of Terms of Engagement

cc: G.W. Lindberg Land Surveying Inc
Attn: Mr. G. Lindberg, B.Sc. Eng., BCLS (by email: gwlinberg@shaw.ca)
Marco Velez and Raymundo Velez
Attn: Mr. M. Velez (by email: marco.velez@bcferries.com)

Ryzuk Geotechnical

Attachment 2: Neighbouring Geotechnical Covenant

of Plan
Same as next

LAND TITLE ACT
FORM 11 (a)
(Section 99(1) (e), (j) and (k))

VIP54712

APPLICATION FOR DEPOSIT OF REFERENCE OR EXPLANATORY
PLAN (CHARGE)

I, [full name, address and occupation] W.R. Hutchinson B.C. Land Surveyor
194 Cliff Street, Nanaimo, B.C. V9R 5E7

owner of
a registered charge (or agent of [full name, address and occupation] Gerard Robert Smith
Retired, and Vivian Wendy Mary Smith, Retired, as joint tenants,
Ravenspark, Thetis Island, B.C. V0R 2Y0 the owner of a
registered charge) apply to deposit reference/explanatory plan of:

Covenant area in Lots A,
B & C, Thetis Island, Cowichan District, Plan

07/20/92 DB576b PLANS .00

VIP54712

I enclose:
1. The reference/explanatory plan.
2. The reproductions of the plan required by section 67 (u).
3. Fees of \$ 100.00

Dated the 17th day of July, 19 92

Sarah Jones
Signature

Signature

NOTE: (i) The following reproductions of the plan must accompany this application:
(a) one blue linen original (alternatively, white linen or original transparencies).
(b) one duplicate transparency.
(c) one whiteprint is required as a worksheet for the land title office.
(ii) The following further requirements may be necessary:
(a) If the parent property is in an Agricultural Land Reserve, a release is required unless the parent property is less than 2 acres (app. 0.8094 hectares) or where, for permitted uses, an approving officer has signed the plan under section 1 (1) (a) and (b) of the Subdivision and Land Use Regulations (B.C. Reg. 93/75) under the Agricultural Land Commission Act.
(b) Where a notice respecting a grant under the Home Purchase Assistance Act is endorsed on title, an extra white print must accompany the application, unless the Ministry of Lands, Parks and Housing agrees otherwise in writing. This extra print must contain the following endorsement:
"The eligible residence as defined by the Home Purchase Assistance Act is located on lot _____ created by this plan."

92 JUL 20 11 29 0

EF091489

RECEIVED

LAND TITLE OFFICE

VICTORIA

Land Title Act
FORM C
(Section 219.9)

(Land Title Office use only)

GENERAL DOCUMENT

page 1 of ____ pages

1. Application: (Name, address, phone number and signature of applicant)
William R. Hutchinson, B.C.L.S.
194 Cliff Street
Nanaimo, B.C. V9R 5E7
W. Hutchinson
Signature of applicant
2. Parcel Identifier(s) and Legal Description(s) of Land:
(PID) (Legal Description)
005-924-731 Lot 1, District Lot 2, Thetis Island, Cowichan
District, Plan 5745, except that part in Plan 21288.
3. Nature of Interest: Document Reference 07/20/92 D85766 CHG FREE .00
Description (page & paragraph) Person Entitled to Interest
V9S4712 Section 215 Covenant entire instrument Grantee
4. Transferor(s): (including occupation(s), address(s) & postal code(s))
Gerard Robert Smith, Retired, and Vivian Wendy Mary Smith, Retired
Ravenspark,
Thetis Island, B.C. V9R 2Y0
~~07/20/92 D85766 CHG FREE .00~~
5. Transferee(s): (including occupation(s), address(s) & postal code(s))
Cowichan Valley Regional District and Her Majesty the Queen in the right of the
137 Evans Street Province of British Columbia as represented by
Duncan, B.C. V9L 1P5 the Minister of Transportation and Highways.
6. Execution(s): By signing this document, you are affecting the land in
the manner described in item 3.

Officer Signature(s)

Execution Date

YY MM DD

92 5 14

A Commissioner for
taking affidavits for
British Columbia

E. J. (JACK) HICKS
Barrister and Solicitor
24-2720 MILL BAY ROAD
P.O. BOX 83
MILL BAY, B.C. V9R 2P0

"Witnessed as to execution only,
No advice sought or given."

Gerard Robert Smith

Vivian Wendy Mary Smith

3

Nature of Charge:
SECTION 215 COVENANT

HEREWITH FEES OF: ~~250.00~~

THIS INDENTURE made the 14th day of May, 1992.

BETWEEN:

Gerard Robert Smith, Retired, and
Vivian Wendy Mary Smith, Retired, both of
Ravenspark, Thetis Island, B.C.
VOR 2Y0

(hereinafter called the "Grantor")
OF THE FIRST PART

AND:

Cowichan Valley Regional District of 137 Evans Street in
Duncan, B.C. V9L 1P5 and Her Majesty the Queen in the right
of the Province of British Columbia as represented by the
Minister of Transportation and Highways.

(hereinafter called the "Grantee")
OF THE SECOND PART

WHEREAS, the Grantor is the registered owner in fee simple
of property legally described as follows:

Nanaimo/Cowichan Assessment Area,
Parcel Identifier: 005-924-731
Lot 1, District Lot 2, Thetis Island, Cowichan District,
Plan 5745, except that part in Plan 21288.

(hereinafter called the "Land")

and the Grantor proposes to subdivide the Land in accordance with
a Subdivision Plan prepared by William R. Hutchinson, British
Columbia Land Surveyor, from a survey completed by him on the
12th day of May, 1992, a copy of which is attached hereto and
marked "Schedule A".



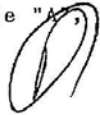
4

page ____

AND WHEREAS, the Grantee, as a condition to granting its approval to the proposed subdivision, has requested the Grantor to enter into the Covenant hereinafter contained pursuant to Section 215 of the Land Title Act.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and covenants herein contained and the sum of ONE DOLLAR (\$1.00) of lawful money of Canada now paid by the Grantee to the Grantor (the receipt whereof is hereby acknowledged), the Grantor hereby covenants and agrees with the Grantee as follows:

1. No building, no removal of soils and no placement of soils shall take place within that area labelled covenant area on the Reference Plan of Covenant Area in Lots A, B and C, District Lot 2, Thetis Island, Cowichan District, Plan V195411, a copy of which is attached hereto and marked Schedule "B".
2. No direction of drainage will take place towards the area on Schedule "B" attached hereto.
3. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and that none of the covenants herein contained shall be personal or binding upon the parties hereto save and except during the Grantor's seizen or ownership of any interest in the lots created by the said Schedule "A", but that the Land



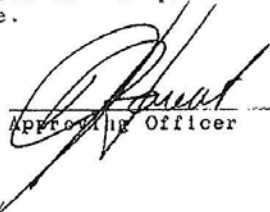
5

page ____.

shall, nevertheless, be and remain at all times charged
herewith.

4. This indenture and everything herein contained shall enure
to the benefit of and be binding upon the parties hereto and
their respective heirs, executors, administrators,
successors, and assigns.

This is the instrument creating the condition or covenant entered
into under Section 215 of the Land Title Act by the registered
owner referred to herein and shown on the print of the plan
annexed hereto and initialled by me.


Approving Officer



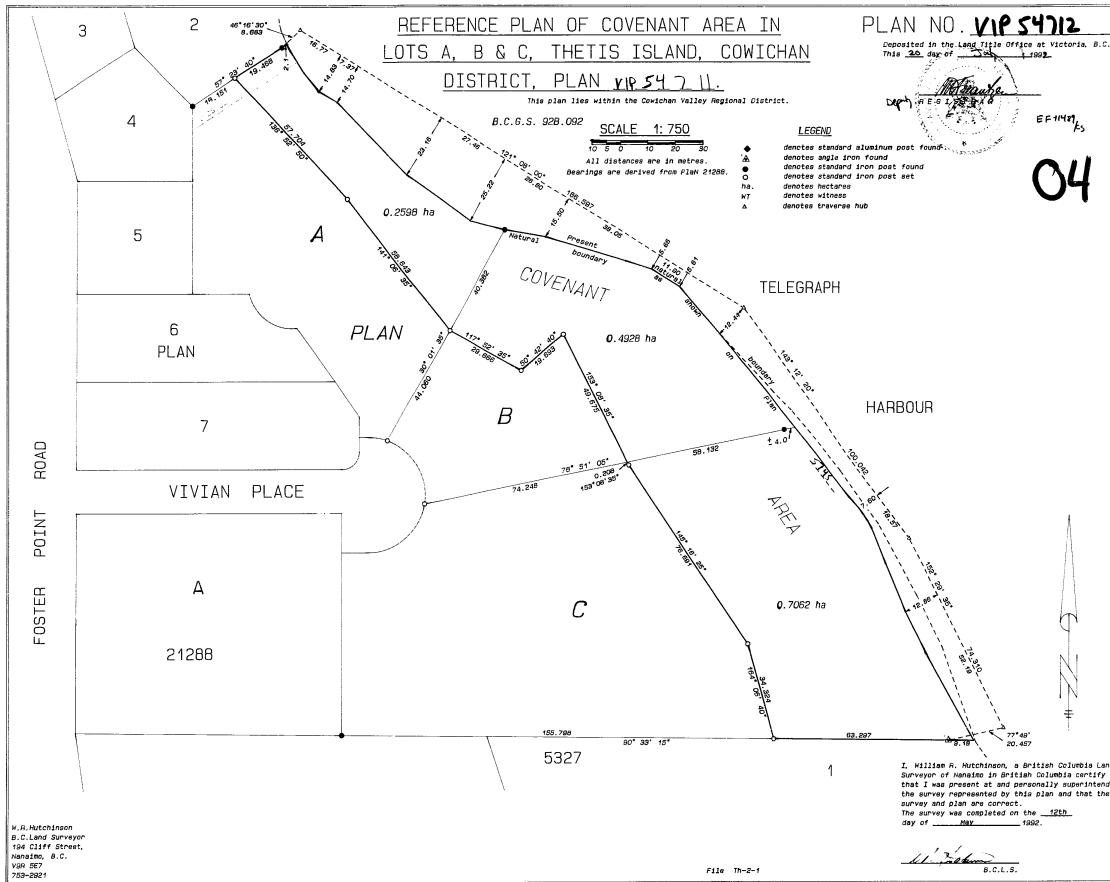
NOTE:

THE PLAN WHICH WAS REFERRED TO
IN, ^{and marked Schedule A} AND ATTACHED TO THIS
DOCUMENT WAS AN EXACT COPY OF
THE DEPOSITED PLAN WHICH IS
FILED UNDER NUMBER VIP 54711.

NOTE:

7 EF 91489

THE PLAN WHICH WAS REFERRED TO
IN, AND ^{and marked Schedule B} ATTACHED TO THIS
DOCUMENT WAS AN EXACT COPY OF
THE DEPOSITED PLAN WHICH IS
FILED UNDER NUMBER VIP54712.



Attachment 3: Covenant Prohibiting Residential Use of Common Property

FORM_C_V18 (Charge)

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 13 PAGES

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)

Peter English Notary Corporation

135 First Street
Duncan, BC V9L 1R1

250-715-1575
File: 12063

Deduct LTSA Fees? Yes ☒

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

NO PID NMBR COMMON PROPERTY, DISTRICT LOT 1, THETIS ISLAND, COWICHAN DISTRICT, STRATA PLAN EPS644

STC? YES

Related Plan Number: EPS644

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION

Covenant

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:

None

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)

Peter D. English
Notary Public
135 First Street
Duncan, BC V9L 1R1

Execution Date

Y	M	D
12		

Transferor(s) Signature(s)

The Owners, Strata Plan EPS644
by its authorized signatory(ies):

Raymundo Velez

Marco Velez

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 D**

EXECUTIONS CONTINUED

PAGE 2 of 13 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D
12		
12		

Thetis Island Local Trust Committee by
its authorized signatory(ies):

Name: _____

Name: _____

Royal Bank of Canada 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 13 PAGES

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 EPS644
a strata corporation under the BC Strata Property Act and having an address of:
49 Harbour Road, Thetis Island, BC V0R 2Y0

and

The Royal Bank of Canada (as to Priority Agreement only)

6. TRANSFEREE(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 EPS644
a strata corporation under the BC *Strata Property Act* and having an address of
49 Harbour Road, Thetis Island, BC V0R 2Y0
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:

Common Property, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644

(herein called the "Lands");

- B. Section 219 of the *Land Title Act* provides that a covenant in respect of the use of land or of a building that land is, or is not to be built on in favour of a local trust committee under the *Islands Trust Act* may be registered as a charge against the title to that 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 1, District Lot 1, Thetis Island, Cowichan District, a reduced copy of which is attached to this Agreement as Schedule A; and
- (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) no residential dwelling unit or seasonal cottage may be constructed or built on the Lands; and
 - (c) the Lands may not be disposed of separately from the strata lots in Strata Plan EPS644
- 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.

PRIORITY AGREEMENT

The **ROYAL BANK OF CANADA** (the "Prior Charge holder") is the holder of a Mortgage encumbering the Lands, which Mortgage was registered in the Land Title Office on June 10, 2010 under registration number CA1601957 (the "Prior Charge").

The Prior Charge holder consents to and agrees that the attached Section 219 Covenant will have priority over the Prior Charge (the "Subsequent Charge").

FOR ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed to by the Prior Charge holder, the Prior Charge holder, being the holder of the Prior Charge, by signing the Form C General Instrument attached hereto as Part 1, hereby grants priority over the interest of the Prior Charge holder in the Lands to the Subsequent Charge as if the Subsequent Charge had been registered prior to the Prior Charge notwithstanding the respective dates and times of the execution and registration of the charge or the respective dates of advancement of money under them.

As evidence of their agreement to be bound by the above terms, all the parties each have executed this Agreement under seal by signing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE A

Related Plan EPS644

BARE LAND STRATA PLAN OF LOT 1, DISTRICT LOT 1,
THETIS ISLAND, COWICHAN DISTRICT, PLAN EPP17750

BCGS 92B.092
Scale = 1:750

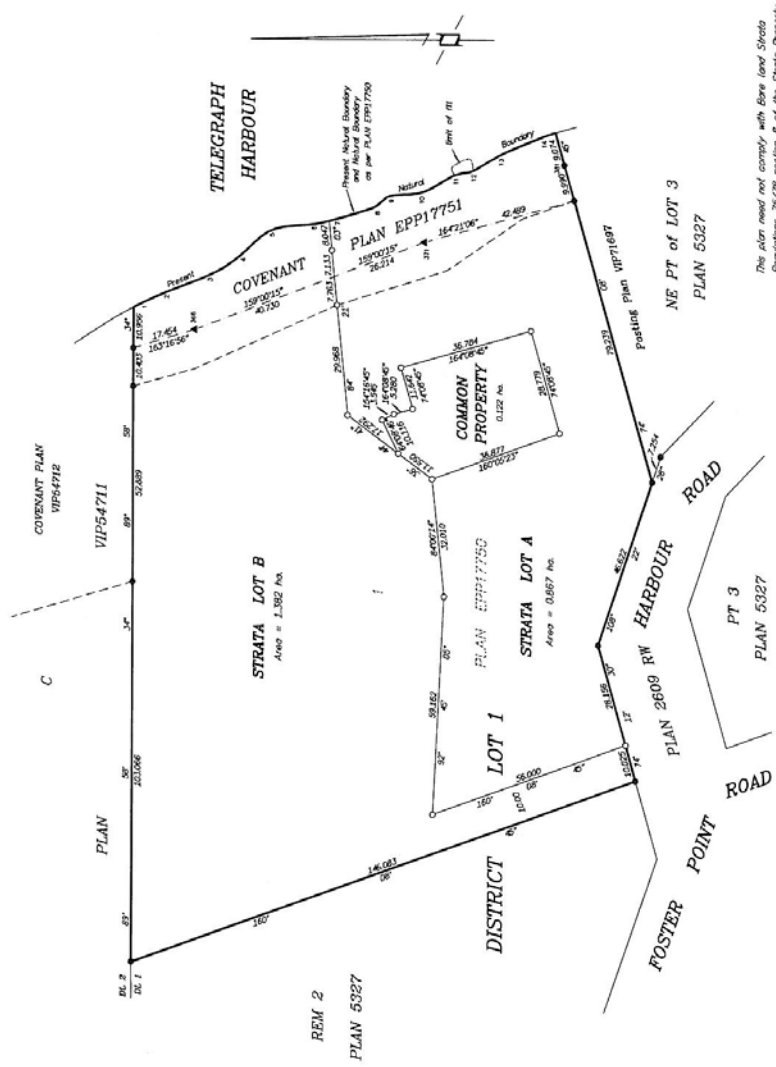
The intended plot size of this plan is 560 mm in width by 432 mm in height.
(C size) when plotted at a scale of 1:750

- LEGEND**
- Bearings are astronomic and derived from Plan EPP17750
- denotes standard iron post found.
 - denotes standard iron post placed.
 - ▲ denotes traverse hub found.
 - FM denotes present natural boundary.
- All distances are in metres and decimals thereof.

Chris Andrews
49 Harbour Road
Thetis Island, BC
V0R 2T0

Table of Bore to Present Natural Boundary

POINT	TO	DISTANCE	BEARING
70	71	12.220	53°23'44"
71	72	16.602	157°17'39"
72	73	15.130	117°12'32"
73	74	24.468	177°36'56"
74	75	29.890	92°21'41"
75	76	16.001	34°17'31"
76	77	15.748	57°18'02"
77	78	18.500	138°00'00"
78	79	20.017	147°10'39"
79	80	21.604	147°02'27"
80	81	31.817	213°07'12"
81	82	8.861	37°03'31"



GLW LINDBERG LAND SURVEYING INC.
Professional Land Surveyor
Surveying & Geomatics Services
Cowichan, BC V0R 1K5
Email: glw@lindbergland.com
Tel: (250) 246-9393
Fax: (250) 246-9393

A Covenant in the name of the Cowichan Valley Regional District and the Ministry of Transportation and Infrastructure pursuant to Section 219 is a condition of approval for subdivision.

This bore land strata plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure. This plan lies within the Municipal/Cowichan Assessment Area and the Thetis Island Improvement District.

This plan lies within the Cowichan Valley Regional District. The field survey represented by this plan was completed by Gerald M. Lindberg, B.C.L.S. on the 25th day of January, 2012.

Strata Property Act

Form E

[am. B.C. Reg. 289/2000, s. 3.]

CERTIFICATE OF STRATA CORPORATION

(Sections 78, of the Regulation)

The Owners, Strata Plan EPS644 certify that a resolution referred to in Section 78 of the *Strata Property Act* or Section 78 of the *Strata Property Regulation* was passed by a ☒ unanimous vote or ☐ 3/4 vote at an annual or special general meeting held on March , 2012, and that the attached instrument, schedule, plan or other document conforms to the resolution.

For the purposes of section 165 (4) (f) of the *Land Title Act*, execution of the attached instrument has been approved by a resolution at an annual or special general meeting in accordance with the requirements of the *Strata Property Act* or the *Strata Property Regulation*, and the instrument conforms to the resolution.

.....
Signature of Council Member

.....
Signature of Second Council Member
(not required if council consists of only one member)

STAFF REPORT

Date: June 19, 2012

File No.: TH-DVP-2010.1
(Trincomali Holdings Ltd)

To: Thetis Island Local Trust Committee
For meeting of August 1, 2012

From: Courtney Simpson, Island Planner

CC: Chris Jackson, Regional Planning Manager
Miles Drew, Bylaw Enforcement Coordinator

Re: Development Variance Permit TH-DVP-2010.1 (Trincomali Holdings Ltd)

Owner: Trincomali Holdings Ltd

Applicant: Dan A.J. Wickham, Director and Shareholder

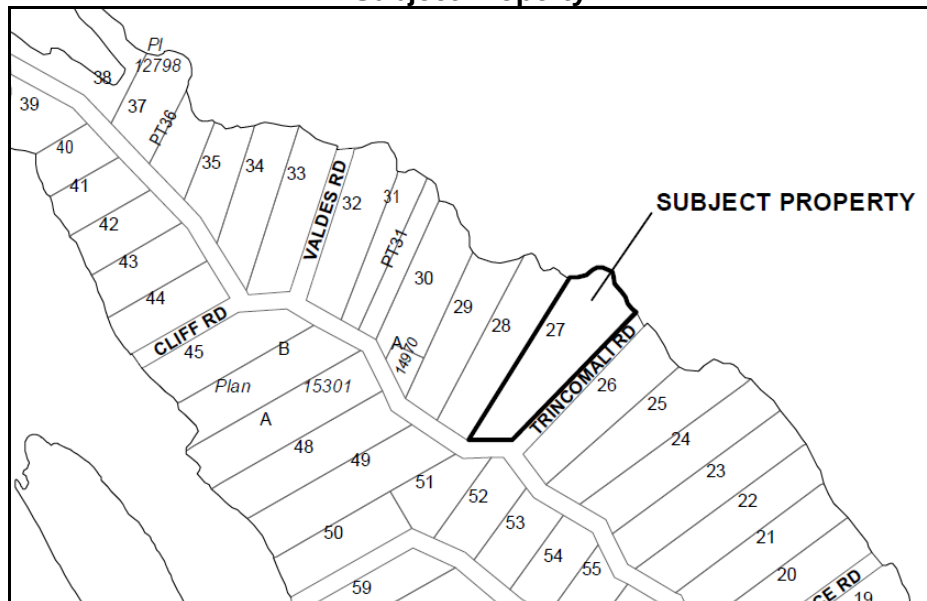
Location: 204 Pilkey Point Road
004-858-026 Lot 27, District Lot 30, Thetis Island, Cowichan District, Plan 1279

THE PROPOSAL:

This application is for a variance to section 5.4(b) of the Thetis Island Land Use Bylaw, 2011 to permit an existing seawall within the setback area from the rear lot line. The purpose of the seawall is to protect the shoreline against further erosion, protecting an existing dwelling close to the shoreline. This application was made as a result of bylaw enforcement.

SITE CONTEXT:

Subject Property



The subject property is located at the intersection of Pilkey Point Road and Trincomali Road on Trincomali Channel at the northern end of Thetis Island. It is 1.06 hectares (2.62 acres) in size. At the northern end of the property there is a pocket beach which has rocky outcroppings at each end. The applicant has explained that due to extreme tides and wave action, the bank on the northern boundary of the property was eroding; erosion exposed the roots of two arbutus trees which died and were removed. One metre from the top edge of the bank is a cabin deck, 2 metres from the top edge of the bank is the corner of the cabin itself, built in 1959. The siting of the cabin is legally non-conforming because it was constructed prior to setback regulations. A survey indicates that the seawall was constructed landward of the pocket beach on the private property and not on the Crown foreshore.

Information from the applicant indicates that the bank was sheered to a perpendicular angle and the base of the bank was excavated to hard pan, leveled and sloped. Three rows of concrete lock blocks (60"x30"x29") were installed so that the top of the wall was level with the natural grade of the property that existed prior to construction. The wall is approximately 27 m (90 feet) long and 2.3 m (90 inches) high. Owners state that it is located well above the normal high tide line.



Figure 1 Sheering and leveling of bank



Figure 2 Finished seawall



Figure 3 Finished seawall showing shell beach

The subject property and its directly adjacent neighbours are zoned Rural Residential (R1) and contain residential dwellings and several trees. Because the seawall faces northwest, it is very visible from the beachfront of the northwest neighbouring property and obscured from the view of the southeast neighbouring property. It is also highly visible from the water.

There is an archaeological site that has been identified on the pocket beach where the seawall was constructed. The owners state they were unaware of the midden at the time of construction and that it is now protected from any further erosion by the seawall.

Staff visited the site on September 7, 2011. It was notable that the seawall is highly visible from the northwest neighbouring property. Part of the dwelling is located within 2 metres of the wall

and at obvious risk should the bank erode further. Staff did not observe the Archaeological Site behind the already constructed seawall.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement

The following are excerpts from the Islands Trust Policy Statement that are relevant to the proposal. The entire document should be read for a complete understanding.

Policies related to ecosystem preservation and protection:

*3.1.1 Trust Council holds that:
...protection must be given to the natural processes, habitats and species of the Trust Area...*

Policies related to coastal areas:

3.4.5 Local trust committees... shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

4.5.10 Local trust committees... shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

Policies related to cultural heritage:

5.6.1 Trust Council holds that the natural and human heritage of the Trust Area – that is the areas and property of natural, historical, cultural, aesthetic, educational or scientific heritage value or character should be identified, preserved, protected and enhanced.

5.6.2 Local trust committees... shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.

5.6.3 Local trust committees... shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historical coastal settlement patterns and remains.

Thetis Island Official Community Plan Bylaw, 2011: Rural Residential (R1)

The following are excerpts from the Official Community Plan (OCP) that are relevant to the proposal. The entire OCP document should be read for a complete understanding.

Section 1.4 Broad Community Objectives:

Objective 3: “To foster stewardship of the environment and engage action for protection and preservation of ecological systems”.

Section 2.1 Residential Land Use:

Policy 3: “Zoning regulations should establish lot coverage, setbacks, heights, floor area regulations, screening and parking requirements to ensure maintenance of residential privacy, rural character and protection of sensitive ecosystems.”

Section 4.1 Natural Resources

Objective 5: “To protect marine life and foreshore habitat”

Objective 15: The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by:

- a) Discouraging uses that disrupt natural features and processes and encouraging owners or shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore.*

Section 4.4 Heritage and Archaeological Resources

Objective 2: “To protect archaeological sites from damage due to development, land alteration and human use”

Objective 3: “To increase public awareness of the Island’s heritage resources.”

Objective 4: “To recognize first nations past and current presence on Thetis Island, its foreshore and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with first nations.”

Thetis Island Land Use Bylaw No. 56: Rural Residential (R1).

The setback from the sea for a building is 7.6 metres from the natural boundary (section 2.2.6).

The setback from the rear lot line for buildings and structures is 6.0 metres (section 5.4).

“structure means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes vehicles, floating vessels, ground level paving for driveways and vehicle parking, ground level sidewalks, power poles, telephone poles, wells and associated pumps and pipes, and sewerage systems and their associated pumps and pipes.”
(Section 1.1).

Archaeological Sites:

Identified archaeological site DgRw-149 extends along the shoreline of the subject property and is a midden.

Sensitive Ecosystems:

Sensitive Ecosystem Mapping identifies the coastal upland area of the property as a sensitive woodland ecosystem.

The sand and cobble pocket beach that the seawall was built to protect from further erosion is a distinct shoreline type on Thetis Island making up approximately 4% of the shoreline. The eroding sediment from this type of shoreline feeds the natural sediment transport system and halting erosion can have severe impacts on downstream beaches.

Covenants:

There are no covenants registered on the property.

COMMUNITY INFORMATION MEETING(S):

A community information meeting is not required for a variance application.

RESULTS OF CIRCULATION:

The applicant submitted with the application three letters of support from neighbouring residents (attachment 4).

Staff distributed the required statutory notification for this development variance permit. The notification period was from April 5, 2012 to April 20, 2012. The notice with draft permit was mailed and hand delivered to all properties within 100 metres of the subject property (attachment 1). This notification included 14 addresses.

Two letters were received from neighbouring property owners in response to the notification and are included as attachments to this report (attachment 5). One letter does not support the variance because of its visual impact, and alteration of the natural shoreline. The other does support the variance.

First Nations:

Staff contacted the Lyackson First Nation and Penelakut Tribe in an effort to inform these First Nations of this application and seek their comments. Emails have been sent with follow up phone calls, but there has been no response.

ISSUES SUMMARY:

1. Applicants' stated rationale for the application
2. Riparian rights of waterfront property owners
3. The overall intent of the regulations being varied
4. Impact of retaining wall on the coastal environment
5. Impact of retaining wall on the archaeological site

STAFF COMMENTS:

1. Applicants' stated rationale for the application:

The applicants' stated reason for their application is "the seawall is essential to preserve and protect our property and our cabin from further erosion", where the cabin was constructed in 1959 and is currently situated 2 metres from the eroding bank. The applicant states that severe winter storms caused intense wave action to the point where trees had to be removed and erosion was threatened the cabin. The rationale for the seawall is to protect the property and its features from erosion.

2. Riparian rights of waterfront property owners:

Waterfront property owners enjoy certain rights because they live on the foreshore, including access to and from the water, and protection from erosion. These rights are recognized by common law rather than by statute, and local government retains the authority to regulate the use of land as it affects waterfront property owners, such as regulating setbacks for structures. This common law right does not override the local government authority to regulate the use of land.

3. The overall intent of the regulations being varied:

The regulation proposed to be varied is the setback of structures from the rear lot line in the R-1 zone from 6.0 metres to zero metres (5.4(b) of the LUB).

The overall intent of these setback regulations, as contemplated in the OCP, is the *"maintenance of residential privacy, rural character and protection of sensitive ecosystems"*. In the case of this application, as the rear lot line borders the sea the variance would not impact privacy but does change the rural character and sensitive pocket beach ecosystem as viewed from nearby properties and the beach.

The setback regulation is also supported by policy 4.5.10 in the Islands Trust Policy Statement that speaks to the placement of buildings and structures near the shoreline.

LUB regulation 2.2.6 sets a setback from the sea in any zone or for any lot line of 7.5 metres for buildings. This general regulation is limited to buildings and not structures. The setback regulations for structures are found in the regulations for each zone.

Seawalls or other types of shoreline stabilization structures are not allowed outright on the shoreline by virtue of being classified as structures and being required to comply with setback regulations. Property owners must apply for a development variance permit to site a structure in the setback area and have each case considered on its own merits. The overall intent of this is supported by OCP Natural Resources Policy 15 that is to maintain the *"integrity of foreshore features, shoreline features, and intertidal processes"*. This overall intent is also supported by policies 3.4.5 and 4.5.3 in the Islands Trust Policy Statement.

4. Impact of seawall on the coastal environment:

OCP Natural Resources Policy 15 speaks to maintaining the *"integrity of foreshore features, shoreline features, and intertidal processes"*. Construction of retaining walls or other

shoreline hardening structures can have significant negative physical and biological implications. The *Coastal Shore Stewardship Guide*¹, published jointly by the Canadian and British Columbian governments, says the following about hardening shorelines:

By straightening and armouring our shores, we eliminate local foreshore habitat. On another scale, the straightening and hardening of shores alters the erosion, transport and deposition patterns along the coast, leading to bigger physical and biological changes over a much larger stretch of shore. Hardening the shore has led to the loss of much of our most productive coastal habitat.

Physical

By reducing erosion in one place, there may be impacts to deposition (or supply of sediment that forms beaches) in another. Also, by creating a hard surface that reflects wave action more severely than a natural shoreline, the erosive power of waves can be more concentrated somewhere else.

Staff cannot predict the exact physical impacts of construction of the seawall; a beach somewhere else may be receiving less sediment now that the wall is built, but a detailed knowledge of longshore drift and currents that transport that sediment would be required to determine what beach this is and how significant the impact.

Ecological

Sand and gravel shores provide habitat for a number of marine organisms that depend on a supply of sediment eroding from a shoreline and being deposited on the beach. For example, forage fish require fine substrates of the intertidal zone to spawn in and are sensitive to changes in sediment processes. Many shorebirds rely on sediment dynamics for foraging.

The Island Trust Policy Statement and Thetis Island OCP policy speak to the protection of natural shoreline processes and do not support the approval of retaining walls such as the one outlined in this application.

5. Impact of retaining wall on the archaeological site:

Archaeological site Dg-Rw-149 is a prehistoric shell midden on the waterfront portion of the property, where the seawall was constructed. This site is protected under the *Heritage Conservation Act* and may not be altered, except as authorized by a permit under the *Act*. The BC Archaeology Branch received a complaint about the construction of the seawall without a heritage alteration permit, and contacted the property owner in a letter dated July 29, 2009 (attachment 8).

During the construction of the seawall, the sheering and leveling of the bank may have damaged this archaeological site. Had the applicant applied for variance prior to constructing the seawall, they would have been made aware of the existing archaeological site, a heritage alteration permit would have been required and if this permit were issued, it would have stipulated mitigation guidelines to prevent or minimize damage to the archaeological site during construction.

¹ Available online at http://dev.stewardshipcanada.ca/sc_bc/stew_series/NSCbc_stewseries.asp#grass

Correspondence with the BC Archaeology Branch in emails dated October 3 and 4, 2011 indicated that the BC Archaeology Branch does not recommend approval of the development variance permit until an assessment of the archaeological impacts that resulted from the construction of the seawall has been done (attachment 7). A post-impact assessment would provide information as to the nature, extent, integrity and significance of the surviving deposits, as well as some information as to the magnitude and severity of the impacts that have occurred.

Staff put this application on hold awaiting the post-impact assessment, and corresponded with the applicant to that effect. This was supported by OCP objectives regarding heritage and archaeological resources. However, a letter dated June 18, 2012 from the BC Archaeology Branch withdraws their October 4, 2011 recommendation that a development variance permit is not issued prior to a post-impact assessment being done (attachment 6).

RECOMMENDATION:

Based on the above considerations, Staff recommends that the Thetis Island Local Trust Committee:

- Not issue a development variance permit for application TH-DVP-2010.1.

Respectfully submitted by:

Courtney Simpson,
Courtney Simpson, MCIP
Island Planner

June 19, 2012
Date

Chris Jackson,
Chris Jackson, MCIP
Regional Planning Manager

June 19, 2012
Date

Attachments:

1. Proposed permit
2. Completed application form
3. Addendum to application form
4. Letters of support from neighbours (3)
5. Letters in response to statutory notification (2)
6. Letter dated June 18, 2012 from Jim Spafford, BC Archaeology Branch
7. Email dated October 4, 2011 from Jim Spafford, BC Archaeology Branch
8. Letter dated July 29, 2009 from Jim Spafford, BC Archaeology Branch

PROPOSED



Islands Trust

**THETIS ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
TH-DVP-2010.1**

To: Trincomali Holdings Ltd.

1. This Development Variance Permit applies to the lands described below:

Parcel Identifier: 004-858-026

Lot 27, District Lot 30, Thetis Island, Cowichan District, Plan 12796

2. "Thetis Island Land Use Bylaw No. 89, 2011" is varied as follows:

5.4 (b) which states that all buildings and structures must not be sited less than 6.0 metres from a rear lot line is varied to 0 (zero) metres to allow construction of a retaining wall substantially in accordance with the Schedule A, attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Thetis Island Land Use Bylaw No. 89, 2011" and obtain other approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE THETIS ISLAND LOCAL TRUST
COMMITTEE THIS ____ DAY OF ____, 2012.**

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE __ DAY OF
____, THIS PERMIT AUTOMATICALLY LAPSES.**

THETIS ISLAND LOCAL TRUST COMMITTEE

TH-DVP-2010.1
SCHEDULE "A"

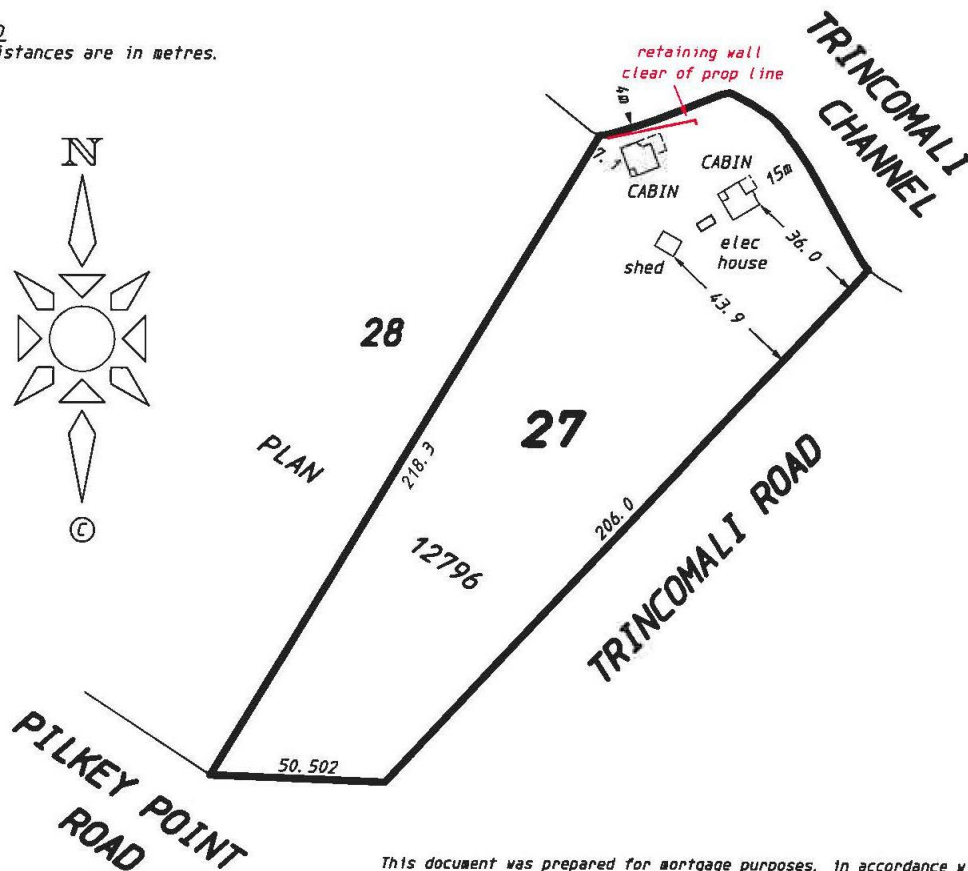
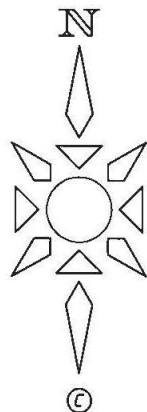
B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON
**LOT 27, DISTRICT LOT 30, THETIS
ISLAND, COWICHAN DISTRICT, PLAN 12796.**

Civic address - 204 Pilkey Point Road, Thetis Island (PID 004-858-026)

Scale = 1: 1750

LEGEND

All distances are in metres.



Field survey completed July 23, 2010.

BOWERS & ASSOCIATES

B. C. LAND SURVEYOR
2856 Caswell Street
Chemainus, B. C., V0R 1K3
phone/fax: 250-246-4928

© 2010

This document was prepared for mortgage purposes, in accordance with the Manual of Standard Practice, for the exclusive use of our client.

The surveyor accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made or actions taken based on this document.

This document shows the relative location of the surveyed structures and features with respect to the registered boundaries of that land, and is not a boundary survey.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or part without the consent of the signatory.

Certified correct this day of , 2010.

B. C. L. S.

This document is not valid unless originally signed and sealed.



Preserving island communities, culture and environment

Victoria Office
 200 - 1627 Fort Street
 Victoria, BC V8R 1H8
 Telephone: 250.405.5161
 Fax: 250.405.5155
 information@islandstrust.bc.ca
 North Pender, South Pender, Galiano,
 Mayne, Saturna, Executive

Salt Spring Office
 1 - 500 Lower Ganges Road
 Salt Spring Island, BC V8K 2N8
 Telephone: 250.537.9144
 Fax: 250.537.9118
 ssinfo@islandstrust.bc.ca
 Salt Spring

Northern Office
 700 North Road
 Gabriola Island, BC V0R 1X3
 Telephone: 250.247.2063
 Fax: 250.247.7514
 northinfo@islandstrust.bc.ca
 Denman, Gabriola, Gambier,
 Hornby, Lasqueti, Thetis

www.islandstrust.bc.ca

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

Development Variance Permit Application Form

Fee Paid: <u>\$715.00</u>	Office Use Only Receipt No.: <u>1635</u>	File No.: <u>TH-DVP-2010.1</u>
---------------------------	---	--------------------------------

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON STATE OF TITLE CERTIFICATE)

Lot/Parcel 27 Plan 12796 Block _____ District Lot/Section 30
 Range COWICHAN DISTRICT Other Description THETIS ISLAND
 Street Address or General Location 204 TRINCOMALL ROAD - PILKES POINT ROAD
 Jurisdiction and Folio Number _____ (From Property Assessment/Tax Notice)
 Parcel Identifier (PID) 004-858-026 (From State of Title Certificate)

SECTION 2: OWNER INFORMATION

(ADD ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

First Owner Information

Name TRINCOMALL HOLDINGS LTD
 Name 906 Island Hwy
 Street Address _____
 City CAMPBELL RIVER Region BC
 Postal/Zip Code V9W 2C3
 Telephone 250-287-8355
 Fax 250-287-8112
 E-mail wickham@erlawyers.ca

Second Owner Information

Name _____
 Street Address _____
 City _____ Region _____
 Postal/Zip Code _____
 Telephone _____
 Fax _____
 E-mail _____

RECEIVED

AUG 17 2010

ISLANDS TRUST
NORTHERN OFFICE

SECTION 3: APPLICANT INFORMATION

(IF DIFFERENT FROM OWNER)

Name Same as above Street Address _____
 City _____ Region _____ Postal/Zip Code _____
 Telephone _____ Fax _____ E-mail _____

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the *Local Government Act* for the purpose of responding to this application, or for purposes directly connected with this application. Information on your application form may be available to the public upon request under freedom of information legislation. Please contact a Deputy Secretary at one of the above noted offices if you have any questions

The processing of your application will be delayed if it is incomplete. Please read the guide before you complete the application form. Keep the guide for your reference during the application process. Contact a staff person for assistance.

Mail or deliver the completed application form, fee, plans and supporting material to the Islands Trust Office. The fee is payable to the Islands Trust. Contact Islands Trust staff for the current fee prior to submitting your application as fees may change annually.

SECTION 4: Provide one full-scale, and three (3) reduced (11 x 17) copies of a detailed site plan and other drawings that must include the following:

- ☐ existing and proposed uses on parcel
- ☐ existing bylaw requirements and proposed variance with accurate dimensions
- ☐ uses of existing and proposed buildings
- ☐ dimensions and/or floor areas of existing and any proposed buildings
- ☐ height of existing and proposed buildings/additions
- ☐ setbacks for all existing and proposed buildings to property lines, natural boundary of sea, watercourses and cliffs
- ☐ setback of existing and proposed septic field to natural boundary of the sea and watercourses (where applicable)
- ☐ parking areas including numbered parking stalls, aisle widths, stall dimensions (where applicable)
- ☐ all wetlands, sewage disposal field(s), septic tanks, wells, drainage areas, ponds and topography
- ☐ landscaping showing existing and proposed landscaping. Also, include an estimate of the cost of landscaping, provided by a Landscape Architect or qualified professional. This estimate will be used to determine the amount of any security required.
- ☐ elevation plan

If the space provided below for each section is not sufficient, please attach additional information using a Microsoft Word, Excel, Text or a separate PDF Document.

SECTION 5: Describe the current uses of the land and buildings on the property.

RECREATION RESIDENTIAL USE

SECTION 6: Describe the proposed uses of the land and buildings, and show on your site plans the location of any proposed buildings or structures. If required, submit an elevation plan showing side views of the proposal.

no change is proposed. The purpose of this application is to obtain approval for an existing retention wall that was installed in July 19 2009 in order to prevent further erosion of the bank on the north boundary of the property. Details of the wall construction are attached.

SECTION 7: Describe the proposed variances to the bylaw requirements that are needed for the proposed development of the property. On your site plan, show the existing bylaw requirement and your proposed variance with accurate dimensions.

A variance of section 7.1.3 of Thetis Island Land Use Bylaw No. 56 as the retaining wall, or seawall, is (and must be) constructed adjacent to the property boundary. It would serve no purpose to construct it 10 or 20 or 25 feet from the property lot boundary.

SECTION 8: Describe the reasons for the proposed variance and why the current bylaw requirements cannot be met in the proposed development.

The bank was being eroded by wave action during severe winter storms. The cabin, constructed in 1959, was within 2 metres of the top of the bank when the seawall was constructed. Arbutus trees had died and were removed. The deck, attached to the cabin was within 1 metre of the bank. Section 7.1.3 and the definition of "structure" in the bylaw do not allow for a seawall within the setback area. The wall is essential to preserve and protect our property and our cabin from further erosion.

SECTION 9: Describe how the property and the surrounding lands may be affected by the proposed variance, show any of the affected features on your site plan, and describe how you propose to mitigate.

Our property is protected from further erosion by the retaining wall. Surrounding or neighbouring properties are not affected.

SECTION 10: Describe any consultation you have undertaken with your neighbours and strata corporation (if applicable).

Neighbouring property owners on both sides of our property were advised of our plans for the wall and our reasons for building it. None had any objections. All agreed that it was necessary to protect our property and our cabin.

SECTION 11: APPLICATION COMPLETION CHECKLIST

- ☒ I have completed all sections of this application form
- ☐ I have included detailed site plans and elevation drawings as required in Section 4 of this application form
- ☒ I have included recent State of Title Certificate (not more than 30 days old)
- ☐ I have included copies of all covenants registered against this title
- ☐ All owners listed on the title have signed the application
- ☒ I have included the correct fee (Contact Islands Trust staff for current fees)

IMPORTANT: Your application will not be considered complete unless it contains all of the information above.

A Note about Obtaining State of Title Certificate and Covenants: State of Title Certificate and covenants may be obtained from the Land Title Office or through your local government agent office for a fee.

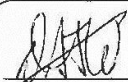
SECTION 12: OWNER'S CONSENT AND AUTHORIZATION

(Signature of all registered owners is required. For additional owners, including Strata Corporations, attach a separate sheet)

In order to assist Islands Trust Planners in the review and evaluation of my application, by signing below, I authorize the Planners assigned to this application to enter onto the land at reasonable times, after making reasonable efforts to arrange to schedule a convenient time for such a visit, to inspect the land. I acknowledge a right, ~~if a convenient time can be scheduled~~, to accompany the Planner on the site visit.

By signing below, I authorize the Applicant named in Section 3 of this application to represent this application:

First Consent and Authorization



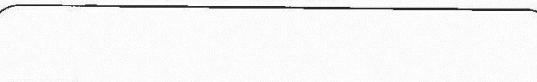
Consent and Authorization Signature

DAN A.J. WICKHAM - Director and Shareholder

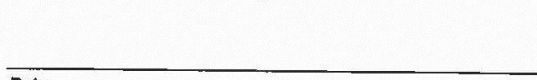
July 14, 2010

Date

Second Consent and Authorization



Consent and Authorization Signature



Date

Contaminated Sites Regulation

Please note that pursuant to Section 4(4) of the Contaminated Sites Regulation, B.C.Reg. 375/96, site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact the Islands Trust office.

Development Variance Permit Application Form – Addendum

Section 6

Details of Retaining Wall\Seawall Construction

The seawall was installed in July 2009, after extensive research and consultation. We were not aware of the broadly worded definition of "structures" in By-Law 56, so proceeded without Islands Trust approval. We did advise Fisheries and Oceans Canada of our intent to construct the seawall, as required.

The seawall is constructed adjacent to a pocket beach directly to the north of the property. At each end of the pocket beach are rocky outcroppings. Due to extreme tides and wave action, the bank on the northern boundary of our property was eroding. Near that bank is situated a cabin and attached deck. The cabin was built in 1959. In the winter of 2007\2008, nearly 12" of the top of the bank was washed away. The corner of the deck was 1 meter from the top edge of the bank. The corner of the cabin was about 2 meters away. The erosion had exposed the roots of two large arbutus trees within the set back zone. The trees died and we had to remove them. We decided, with considerable reluctance, to erect a retaining wall to prevent further erosion to our property and the loss of the deck and cabin.

Research on seawalls was undertaken. Experts were consulted. A plan was prepared and the work was done over three days in July, 2009. Every effort was made to minimize or avoid habitat degradation. The bank was sheered to a more perpendicular angle. Materials from this process were stock-piled for replacement back behind the wall. The base of the bank was excavated to hard pan, then levelled and sloped towards the bank so that the seawall would have the desired angle. Three rows of concrete lock blocks were installed. A "geo-grid" of polypropylene coated polyester fibre was installed between the 2nd and 3rd rows and tied back into the bank behind the wall to further stabilize it. All native materials from the bank were replaced behind the wall. The natural beach materials were placed back against the 1st row of blocks. The top of the wall is level with the natural grade of the property that existed prior to the wall construction.

The dimensions of each block are 60" long x 30" high x 29" thick. The bottom row is now nearly completely below the grade of the beach. The visible height is approximately 75" above grade. The wall is approximately 90' long (18 blocks) and 90" high, with approximately 6' showing above grade. See the attached pictures for a better idea of the placement and visual aspects of the wall.

The wall has remained stable over the past year. It is rarely hit by waves as it is located well above the normal high tide line. We have no reason to believe that it will not remain stable. Our cabin is now protected from further bank erosion. The wall is very similar to several other structures on Thetis Island.

We have been told that there has been some suggestion that the wall damaged a midden located on our property. We purchased the property in 1996. As you can see from the

enclosed State of Title Certificate there is no indication on the title relating to archaeological significance. It is our firm belief that whatever archaeological materials are located in the ground on our property are now protected by the wall as further erosion which could expose the midden is now prevented.

ATTACHMENT 4

RECEIVED JUL 15 2010

Lot 203
Pilkey Point Road
Thetis Island, BC
V0R 2Y0

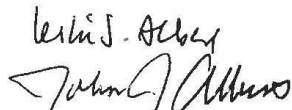
To whom it may concern:

Re: Variance application – Lot 204, Thetis Island

This letter is to support the application for the development variance permit being taken out by our neighbour, Dan Wickham. We are his adjacent neighbours, John and Leslie Albers at Lot 203. We were aware of Mr. Wickham's plans to erect the retaining wall due to severe erosion problems of the bank which threatened his cabin and deck.

If you require further information we can be reached at albers@telus.net or by phone 250.592.9451.

Yours truly,


Leslie and John Albers

Fred Peters, Wendy Brooks

205 Pilkey Point Road

Thetis Island, BC

V0R2Y0

250-246-9220

Re: Wickham beach retaining wall

This letter is to confirm that we were informed of the proposed and subsequently constructed concrete block wall on the beachfront of the Wickham property, by the owners of this property prior to construction. We are located directly next door to the northwest side of their property. We had prior to this, conversed regarding the continued and potentially destructive erosion of the shoreline and the danger of undermining their existing cottage. The previous winter storms had caused such damage that we all agreed something must be done to protect the cottage and shoreline.

Wendy and I were and are in complete agreement with the Wickhams construction of this protective wall.

It has also come to our attention that concerns have arisen due to an apparent native midden on the property. Our opinion is that the construction of the wall must surely serve to protect any historical artifacts there may be there from being washed away due to the continued erosion.

Fred Peters

RECEIVED JUL 16 2010

July 13, 2010

Re: Lot 204 Pilkey Point Road, Thetis Island BC- Application for Development
Variance Permit by Trincomali Holdings Ltd.

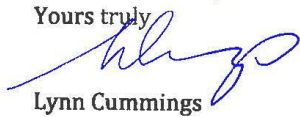
Islands Trust

To whom it may concern:

I confirm that I am one of the registered owners of Lot 206 Pilkey Point Road ,
Thetis Island. Lot 206 is two lots to the west of Lot 204 where a concrete retaining
wall has been constructed along the water side of the lot in order to protect an
existing cottage and deck from encroachment by erosion caused by wave action.

I confirm that Dan Wickham, one of the principals of Trincomali Holdings Ltd.,
consulted with me prior to construction of the retaining wall. At that time I advised
that I had no objection to the construction of the wall as it was necessary to protect
the cottage located along the beach front. I do not have any objection to the
retaining wall remaining in place as constructed.

Yours truly



Lynn Cummings

1416 Grant Street
Victoria, BC
V8R 1M5

(250) 592-4990

ATTACHMENT 5

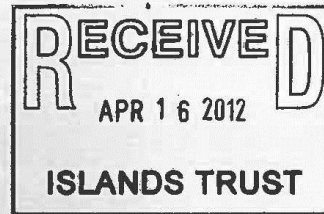
The Thetis Island Local Trust Committee

Islands Trust

700 North Road

Gabriola Island, BC V0R 1X3

April 14, 2012



Re: Application for Development Variance Permit TH-DVP-2010.1

This letter is written in response to the above noted Development Variance Permit application.

We would respectfully request The Thetis Island Local Trust Committee **not pass** a resolution to legalize the existing structure as referenced in the DVP TH-DVP-2010.1.

We believe the existing structure, as constructed, significantly alters the landscape of the general surrounding area in a negative way. As such it is not in keeping with the intent to preserve the natural foreshore area and detracts value from the surrounding properties.

It should be noted that when looking in a northward direction from the referenced property (as the property owner would naturally do) the structure is not readily visible. However, looking in a southwardly direction, from any vantage point toward the property, the structure is completely visible and conspicuous by not employing any materials that would lend to it blending in with the surrounding natural landscape.

While we respect there may be a need for some sort of soil retention system to reduce erosion in the area, any structure, so constructed, should adhere to existing development permit bylaws, be designed to use materials that minimize the aesthetic impact of the structure and blend in with the surrounding natural setting.

Various studies show that artificial structures, while partially successful in the short term can have implications for surrounding areas in the longer term. For this reason, prior to any development permit being considered, the intended project should be thoroughly investigated by qualified marine professionals to ensure there will be no causal effects on the adjacent properties and on the marine environment.

Yours sincerely,

Tracey & David Osachoff

205 Pilkey Point Road

April 11, 2012

Thetis Island Local Trust Committee
Islands Trust
700 North Road
Gabriola Island
BC V)R 1X3

Re Resolution to allow a Development Variance Permit, Lot 27, Thetis Island

To the Thetis Island Local Trust Committee

Thank you for circulating this notice and inviting comment on this application.

As a nearby resident of the applicant, I have no objection to the issuance of this development variance permit.

I believe this application raises several concerns and provides the Trust Committee with an opportunity/incentive to assist residents in tackling what are certain to become more serious issues in coming years:

1. The continuing erosion of waterfronts, exacerbated by rising sea levels and stronger storms associated with climate change. Understandably, residents facing the loss of their shoreline land are seeking permanent solutions. It's not clear that retaining walls are the best answer. They raise questions involving archaeology and heritage claims by First Nations and also about jurisdiction as erosion continuously realigns the high tide line. For instance, does the Local Trust Committee have the authority to issue a permit for a structure that is in whole or part below that line?
2. Some property owners are unaware of the requirement for permits to build various structures and others simply proceed knowing there will likely be no repercussions. It would constitute uneven treatment and be an inappropriate place to begin a comprehensive program of reversing Thetis' tradition of non-compliance to deny the issuance of a permit for a retaining wall while taking no action where major structures, including homes, are constructed without a permit.

Sincerely

David Steen
David Steen

RECEIVED

APR 17 2012

ISLANDS TRUST
NORTHERN OFFICE



June 18, 2012

File No. : 11100/20-1

Courtney Simpson
Islands Trust
700 North Rd
Gabriola Island, BC V0R 1X3

fax: (250) 247-7514

Dear Courtney Simpson:

**Re: Development Variance Permit Application – Trincomali Holdings Ltd.
PID 004-858-026**

Lot 27, District Lot 30, Thetis Island, Cowichan District, Plan 12796

On October 4, 2011 I wrote to Ellen Bird, then an Acting Planner with the Islands Trust (Northern Office), recommending that no development variance permit be issued for a seawall that was built on the captioned property without a permit in 2009, until an assessment of the archaeological impacts that resulted from construction of the seawall had been completed.

On June 14, 2012, I received the attached letter from Daniel Wickham, a Director of Trincomali Holdings Ltd. The letter acknowledges that the property contains archaeological site DgRw-149, that the full extent of that site within the property is unknown, and that an archaeological impact assessment will need to be completed prior to any further development of the property.

Sites like DgRw-149, which contain physical evidence of human habitation or use before 1846 are protected under the *Heritage Conservation Act (HCA)*, and may not be altered without the authorization of a permit issued under the *HCA*. An impact assessment would, therefore, be necessary to ensure that development of the property will not result in a contravention of the *HCA*.

Mr. Wickham's letter provides the Archaeology Branch with reasonable assurance that the necessary impact assessment will be completed, and any necessary permits obtained prior to further development. I, therefore, withdraw my earlier recommendation against issuance of a development variance permit.

Sincerely,

Jim Spafford
Archaeologist

pc: Daniel Wickham, Trincomali Holdings Ltd., by fax only to: (250) 287-8112

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st Floor – 1250 Quadra St.
Victoria, BC V8W 2K7

TRINCOMALI HOLDINGS LTD.
906 Island Highway
Campbell River, BC, V9W 2C3

Our File No. 47372
June 14, 2012

Ministry of Tourism Culture and the Arts
P.O. Box 9816
Stn Prov. Govt
Victoria, BC, V8W 9W3
Attention: Jim Spafford

Dear Mr. Spafford:

RE: 204 Pilkey Point Road, Thetis Island, BC
Your File #11100-20/1

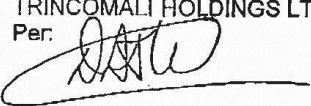
I confirm our telephone conversation of June 13, 2012, when you advised me that we will not be required to file an archeological post-impact assessment for our property at 204 Pilkey Point Road, Thetis Island, BC. Your initial request arose from our construction of a sea wall on our property to protect our cabin.

We acknowledge that the property contains an archeological site (DgRw-149) which was recorded in 1975. The full extent of the site is not known. We acknowledge that an archeological impact assessment of our property will be required before any further development of our property can be undertaken.

I trust this resolves the matter and that you will advise Courtney Simpson of Island Trust that a post-impact assessment will not be necessary.

Yours very truly,

TRINCOMALI HOLDINGS LTD.

Per: 

DAN A.J. WICKHAM
DAJW/ss
direct email: wickham@crlawyers.ca

v:\misc\47372\ to spafford.doc

906 Island Highway, Campbell River, British Columbia, V9W 2C3
Telephone: (250) 287-8355 • Fax: (250) 287-8112 • www.crlawyers.ca

ATTACHMENT 7

From: Spafford, Jim G FLNR:EX <Jim.Spafford@gov.bc.ca>
Sent: October-04-11 10:53 AM
To: Ellen Bird; 'Dan Wickham'
Cc: Glaum, Doug FLNR:EX; Batten, Justine FLNR:EX
Subject: RE: Seawall construction
Attachments: 204 Trincomali Rd. Thetis Island; Daniel Wickham letter.docx; Untitled.pdf

Dear Ms. Bird and Mr. Wickham,

The Archaeology Branch recommends that no development variance permit be issued until an assessment of the archaeological impacts that resulted from construction of the seawall has been completed.

If a permit authorizing alterations to site DgRw-149 had been obtained, prior to construction of the seawall, as required by the *Heritage Conservation Act*, the site would have been assessed. Information as to the nature, extent, integrity and significance of the impacted archaeological deposits would have been obtained, and measures to recover and record some of the archaeological information that has probably been destroyed as a result this development could have been proposed and implemented.

A post-impact assessment will provide information as to the nature, extent, integrity and significance of the surviving deposits, as well as some information as to the magnitude and severity of the impacts that have occurred.

Sincerely,

Jim Spafford
Archaeology Branch
250-953-3311

From: Ellen Bird [<mailto:ebird@islandstrust.bc.ca>]
Sent: Monday, October 3, 2011 3:15 PM
To: Spafford, Jim G FLNR:EX
Subject: Seawall construction

Re: Development Variance Permit Application – Trincomali Holdings Ltd.
PID 004-858-026
Lot 27, District Lot 30, Thetis Island, Cowichan District, Plan 12796

Hi Jim,

As you may know, it is Islands Trust protocol to ensure that the Archaeology Branch consulted when a development variance overlaps with a known archaeology site. We currently have an application (noted above) for a seawall which was built without a permit in 2009 and is overlapping a midden (Arch Site attached).

The applicant said that he had contacted you and I would to confirm whether or not the Archaeology Branch requires any further steps prior to permit approval, including some insight into whether your protocol includes contacting the First Nations associated with the midden.

Thank you,
Ellen
Ellen Bird

Acting Planner 1
Islands Trust, Northern Office
700 North Road, Gabriola Island, British Columbia, V0R 1X3

Attached to J. Spafford email



File Reference: 11100-20/1

By fax to: 250-287-8112

July 29, 2009

Daniel Wickham
 Trincomali Holdings Ltd.
 906 Island Highway
 Campbell River Bc V9

Dear Daniel Wickham:

Re: Report of impacts to archaeological site DgRw-149 resulting from construction of a seawall on the property at 204 Pilkey Point Road, Thetis Island, BC (PID: 004-858-026)

Ida Wickham, President of Trincomali Holdings Ltd., has referred me to you as the business representative of that company, of which you are also a Director. Trincomali Holdings Ltd. is the registered owner of the captioned property. Our records indicate that archaeological site DgRw-149, a prehistoric shell midden, is located on that property. The site is protected under the *Heritage Conservation Act (HCA)*, and may not be altered, except as authorized by a permit issued under the *Act*.

The Archaeology Branch has received a report that a seawall was constructed on the property between July 24 and July 26, 2009, and that this construction resulted in impacts to the recorded archaeological site.

We are seeking additional information to determine whether an impact has, in fact, occurred, and, if so, the nature and extent of the impact and the current condition of the site. We, therefore, request that you engage a qualified archaeologist to inspect the property, assess any impacts that may have occurred and provide us with a report. A list of qualified archaeologists, including several with offices on Vancouver Island, can be found at <http://www.bcapca.bc.ca/list.htm>. Others may be listed in local telephone directories or on the internet.

Site DgRw-149 was recorded in 1975, primarily on the basis of observations of existing soil exposures. The 1975 survey was confined to the shoreline, and no subsurface testing was undertaken, so the full extent of the site is not well known, and it is not unlikely that additional, unrecorded archaeological sites may be present elsewhere on the property. Archaeological sites, including human burials, cultural depressions and pictographs are known to occur in inland areas on Thetis Island. Such sites, if present, would also be protected under the *HCA*. I, therefore, recommend that, if you are considering any further development of your property, you ask your selected archaeologist to conduct an archaeological impact assessment of the entire property, in order to avoid possible contraventions of the *HCA*.

Ministry of Tourism,
 Culture and the Arts

Archaeology Branch

Mailing Address:
 PO Box 9816 Stn Prov Govt
 Victoria BC V8W 9W3

Phone: (250) 953-3334
 Fax: (250) 953-3340

Location:
 #3 - 1250 Quadra St.
 Victoria, BC V8W 2K7

Page 2

If you require further information, or if you have information that would demonstrate that the reported impact did not occur, or was authorized by *HCA* permit, please contact me at 250-953-3311, or by email at jim.spafford@gov.bc.ca.

Thank you.

Sincerely,

Jim Spafford
Permitting and Assessment Section
Archaeology Branch



Thetis Associated Islands Survey Results Summary *July, 2012*

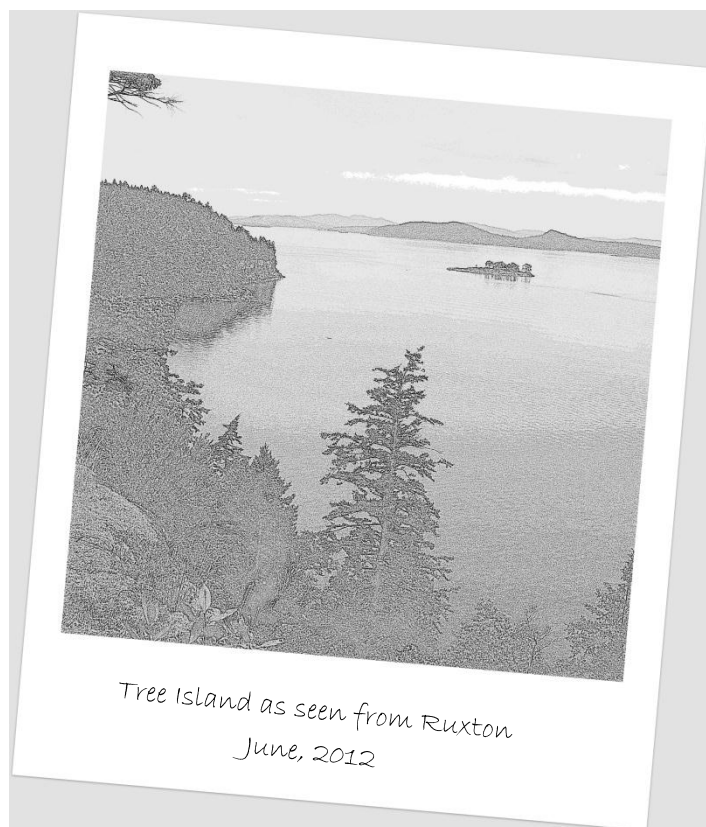


Table of Contents

1. Background	1
2. Purpose	1
3. Distribution.....	1
4. Responses Rate.....	1
5. Survey Responses.....	2
6. Goals and Objectives for the Community – open-ended responses.....	9
7. Summary	13
Appendix A: Survey	14

1. Background

The Thetis Island Local Trust Committee initiated a Community Plan Review project for the associated islands in the Local Trust Area in May, 2012. The islands included in the project are: Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Bute and Dunsmuir. A newsletter with the survey enclosed was mailed to property owners in June, 2012.

2. Purpose

The purpose of the survey is to identify the most suitable communication and engagement methods for the Community Plan Review for the Thetis Local Trust Area Associated Islands, and to gather initial comments on goals and objectives for the communities. The survey is attached as Appendix A.

3. Distribution

The survey was intended to be mailed to all property owners of Ruxton, Reid, Pylades, Tree, Hudson, Dayman, Scott, Bute and Dunsmuir Islands. Because of a computer error, the survey was not mailed to 28 property owners on Ruxton Island representing approximately 14% of owners. The survey appears to have been mailed to all property owners on the other islands. Although the survey is closed for the purpose of analyzing responses and preparing this report, these 28 addresses that were missed will be mailed the newsletter with a letter inviting their input on the Community Plan generally.

There was also a link to the survey on the Islands Trust website, and an automatic email was sent to all online subscribers of the Thetis Island Local Trust Committee webpage.

The survey could be completed in hard copy and mailed or faxed to the Islands Trust office, or completed online.

4. Responses Rate

Forty-three responses were received; twenty-six hard copies and seventeen online responses. This represents 18 percent of properties providing a response from an owner. It is possible that more than one survey was submitted for a property as owners were encouraged to submit one per “family” and if more than one family co-owned a property, each family could submit their own survey. This is considered high response rate for surveys generally and enables the Local Trust Committee to confidently make decisions on methods of communication and engagement for this project.

The response rate might be considered low for the last question that asks the respondent to list goals and objective for their community. This question is getting at the heart of the project and the basis for the Community Plan that will be developed. The responses received provide a valuable starting point at identifying the key issues, but there will be further opportunities for input.

It is noted that, while a statistical analysis is included in the report, this does not suggest that the analysis should be considered findings obtained from a scientifically rigorous random sample of Island residents.

Instead, the widely inclusive method of survey distribution (through mail, email, the website, and through an online response program) offered several means for individuals to respond to the survey.

5. Survey Responses

A summary of survey responses are provided below. These responses provide an idea of how properties are used and how property owners like to receive feedback and provide their input into this project. A picture is painted of the average property owner as someone who has owned their property for at least 20 years, has a cabin on it, and spends about 2 months of the year there. They live the rest of the year on Vancouver Island or the lower mainland, and travel to their Gulf Island property by private boat from Ladysmith or Boat Harbour. They prefer to receive information by email or mail and are not likely to use online social networking or blogs to find out more information about this project. To provide their input, they are most likely to respond to a survey and somewhat likely to write a letter or email, but not interested in using social media or a blog. They are somewhat likely to attend an in-person meeting, but much of this depends on where the meeting is held and how convenient it is for them to attend.

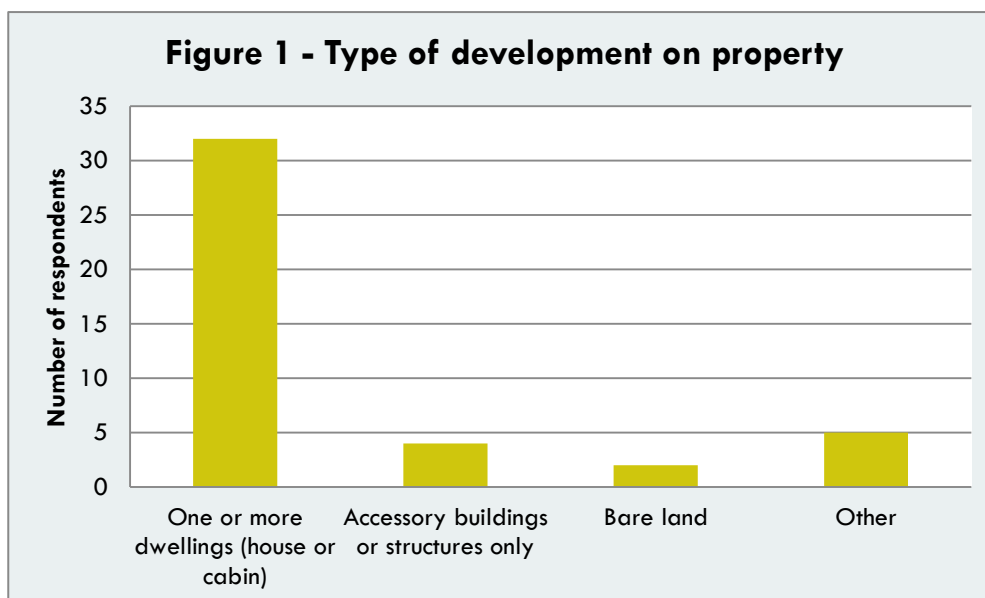
Questions about your property and how you use it

Questions 1-5 of the survey asked what island the respondent's property is on, what kind of buildings are on it, and how long they have owned the property.

Completed surveys represented the islands in this project as follows:

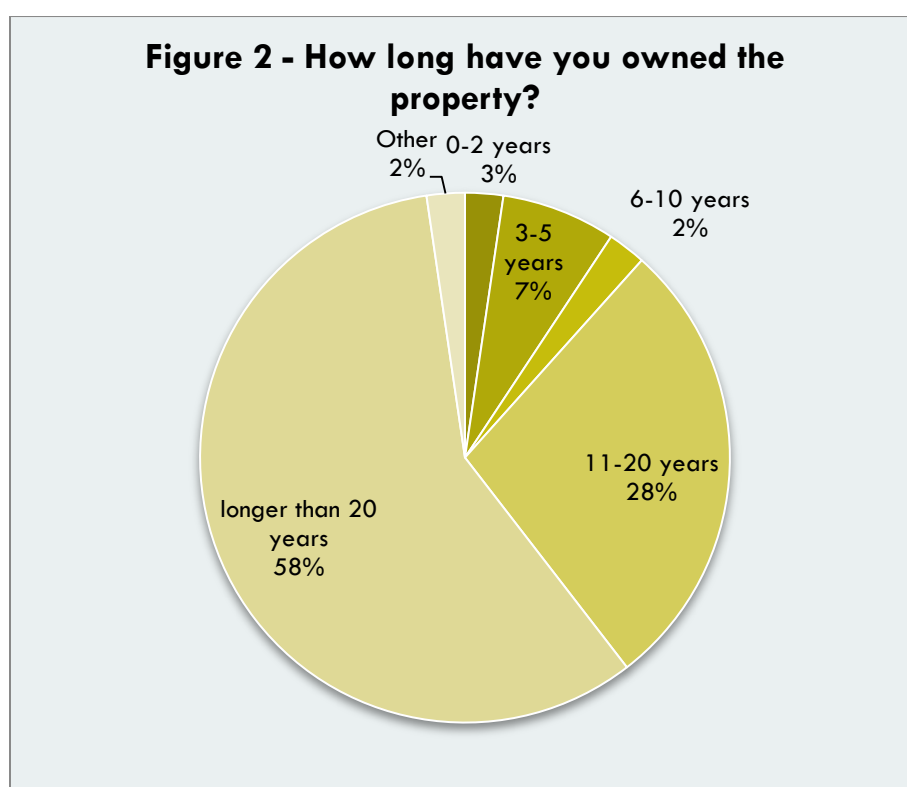
- Ruxton Island – 31
- Reid Island – 8
- Hudson Island – 3
- Pylades Island – 1

Most respondents have one or more dwellings on their property (figure 1). Those who responded “other” noted in the comment section that they own two properties and one has buildings and the other is left undeveloped.



Most respondents (85%) have owned their property for longer than 10 years, with 58% of respondents having owned their property for longer than 20 years (figure 2).

The survey also asked how long the respondent has been visiting the island they own property on. This question was asked to understand if people who have owned property for a relatively short period of time have actually been visiting the island for a longer period of time and therefore have a longer connection to the island than the previous question would have showed. Three people responded that they had been visiting the island longer than they had owned property. Another two people indicated the opposite, that they had been visiting the island for a shorter time than they had owned the property, likely indicating that they purchased the property before ever visiting it, and did not visit it for a number of years.

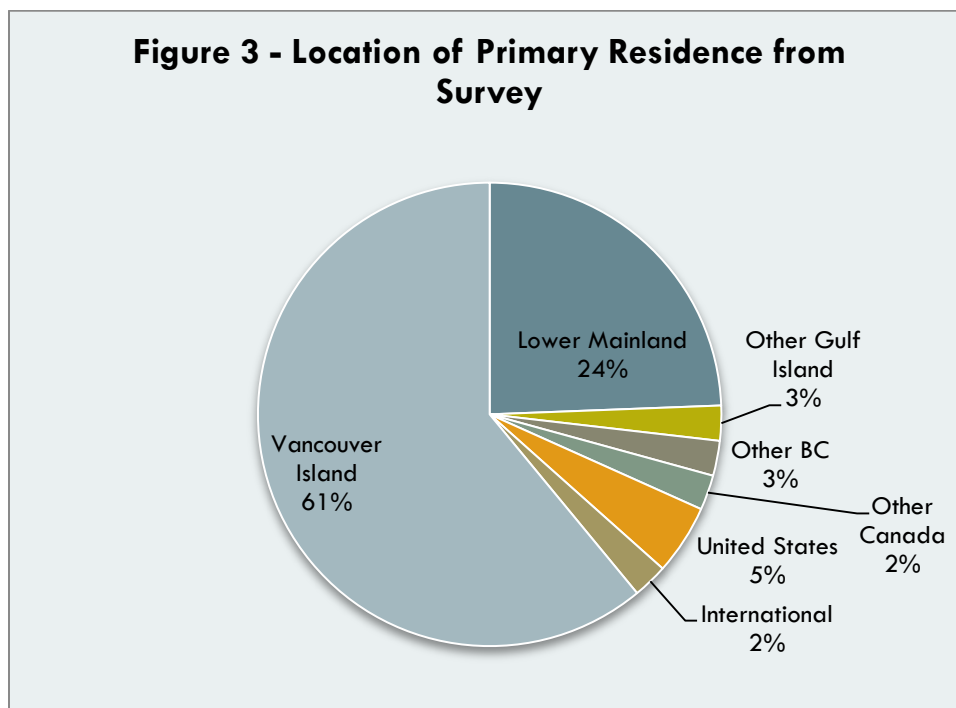


Questions about part-time use of your property

The survey asked respondents if they live on the property full time, and two people responded that they do. Another person commented that they had lived on the property full time for a number of years in the past. Those who responded that they did not live on the property full time were asked more about the part-time use of their property.

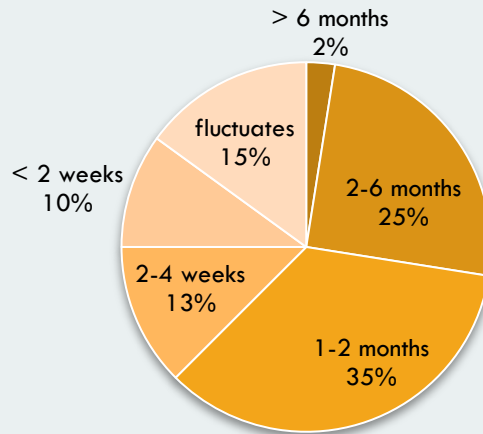
Owners who live on Vancouver Island made up 61% of respondents, with 24% of respondents from the lower mainland. The remaining 15% of respondents have a primary address in other parts of BC or Canada, the United States, or internationally (figure 3). At least one survey was received from someone in each primary address category in the survey.

We are able to compare these responses to the primary addresses of property owners kept for tax assessment purposes in order to determine if the survey responses are a good representation of the entire population of property owners based on their primary address. In general they are, but a higher proportion of property owners on Vancouver Island responded to the survey, and a lower proportion of property owners living outside the lower mainland or further away responded. Sixty-one percent of survey respondents live on Vancouver Island but only 50% of property owners, as recorded in tax assessment data, live in this region. The percentage of responses from the lower mainland is within 1% of primary addresses in the lower mainland, leaving 15% of respondents in other parts of Canada or international where the actual proportion of addresses in these regions are 20%. We can infer that perhaps those living closer to Ruxton Island visit it more often and have a greater interest in this project than those living further away.



The survey asked how much time, in a typical year, a respondent spends on their property. The most common length of time spent on the property is 1-2 months per year at 35% of respondents (figure 4). The next most common is 2-6 months per year at 25% of respondents, and only 2% of respondents spend greater than 6 months a year on the property. Those respondents who indicated in an earlier question that they live on their property full time did not answer this question. Thirteen percent of respondents spend 2-4 weeks per year on their property and 10% spend less than two weeks on the property. Some respondents felt there was no typical year (15%) and indicated that their annual usage fluctuates so that none of other categories represented their usage. One person indicated they have not visited their property for 10 years.

Figure 4 - In a typical year, how much time do you spend on your property?

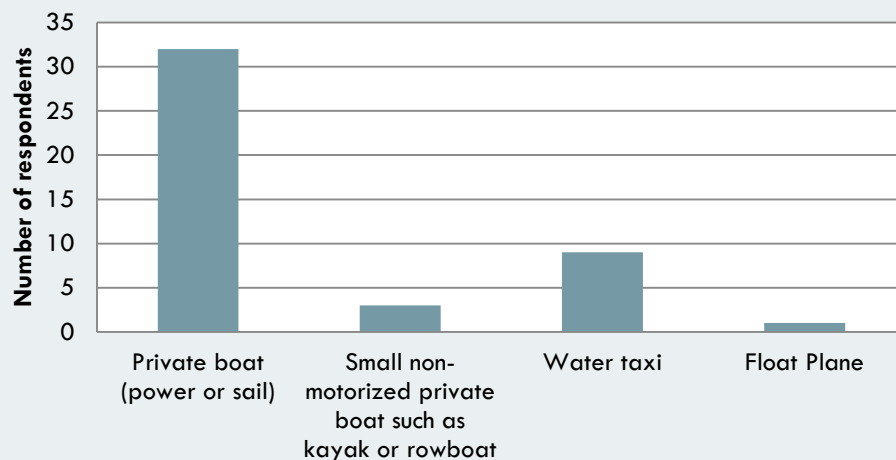


Questions about how you access your property

The survey asked how people access their property and where they access their property from.

For the question “how do you access your property” respondents were asked to select all that apply. The most common transportation mode is private boat, followed by water taxi (figure 5). Small non-motorized private boats and float planes are used by some for access to their property but are not very common. The survey did not have a land plane as an option, and three people responded that they access their Hudson Island properties by land-based airplane, using the airstrip on that island.

Figure 5 - How do you access your property?

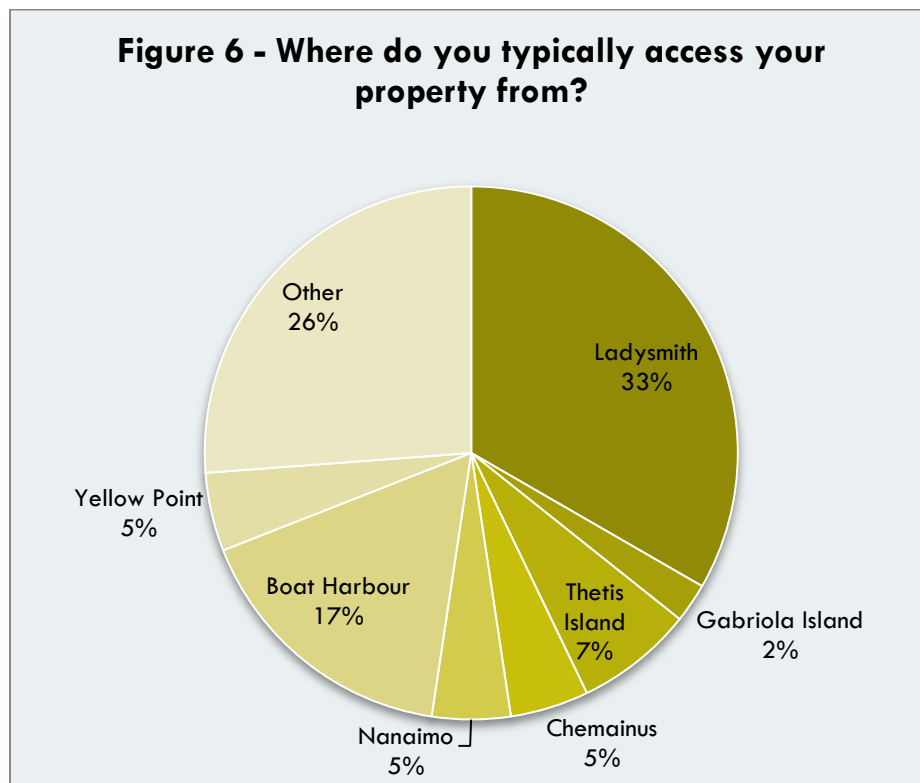


The survey asked where the respondent typically accesses their property from. Only one response was accepted for this question. The most common launching point for a trip to these islands is Ladysmith (33%)

with Boat Harbour the second most common (17%) (figure 6). Thetis Island is used by 7% of respondents, Chemainus, Yellow Point and Nanaimo both at 5%, and Gabriola Island at 3%. Many respondents selected “other” (26%), some indicating another launching point in their written response, and some indicating that they use a variety of points of access for their property. The “other” responses include 3 from Tillicum Seaside Resort, 2 from Crofton, and the rest as follows:

- Galiano Island
- Ramp near Round Island
- Cedar boat launch
- Maple Bay
- Nanaimo or Yellow Point
- DeCourcy Island
- Langley
- Galiano (Spanish Hills)
- Ladysmith, Yellow Point or Gabriola Island

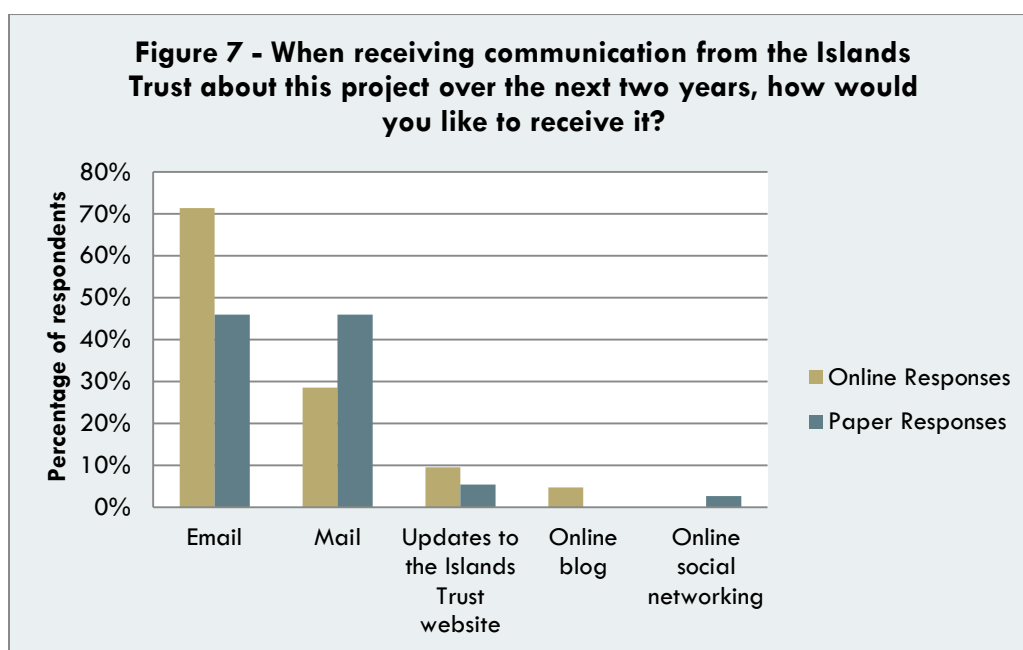
Overall, property owners access their properties from a wide variety of locations with Ladysmith and Boat Harbour being the most common.



Questions about the Community Plan Review

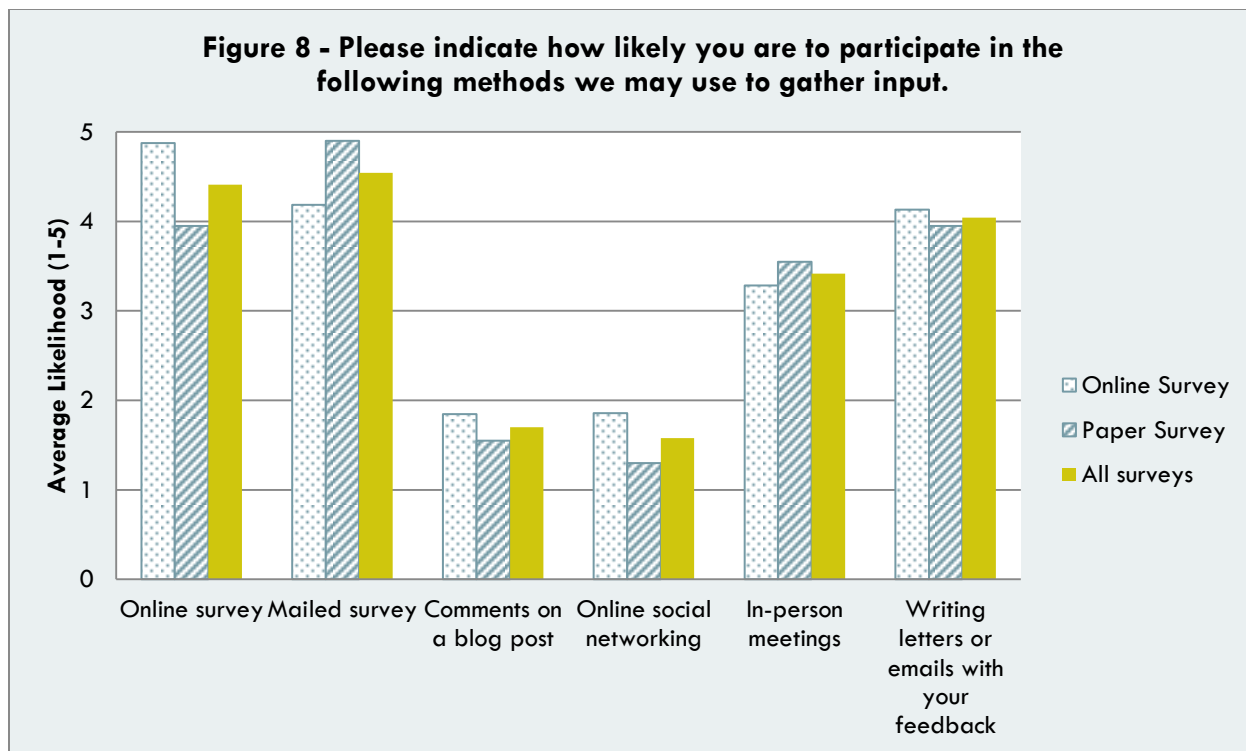
The next set of questions relate to the communication and participation in the Community Plan Review project. The survey asked how people would like to receive communication, how they would like to provide their input, and how likely they are to attend an in-person meeting on Vancouver Island.

Figure 7 shows the responses to the question asking how people would like to receive communication, comparing the online to paper responses. People were asked to select all that apply. As might be expected, email was a more popular method of communication than mail from those responding online and the opposite is true for those responding in hard copy form by mail. Less than 10% from both the online and paper responses selected “updates to the Islands Trust website” as how they would like to receive communication, and an online blog and social networking received even less interest.



Regarding methods of gathering input for the Community Plan project, respondents were asked to indicate how likely they are to use a variety of methods on a scale from very likely to very unlikely. In order to analyze the results, very likely was given a value of “5”, very unlikely was given a value of “1” and the other choices between were numbered in between.

Figure 8 again compares the responses between online and paper submissions. Responses from these two groups differ only slightly for this question. The most preferred method of providing input is a survey, which is only slightly higher than writing letters or emails with feedback, both of which respondents on average are somewhat or very likely to participate in. Whether a survey is online or on paper does not seem to affect the average response. In-person meetings was the third most preferred method with, on average, respondents being somewhat likely to participate or unsure. Responses indicate that people are unlikely to participate in online social networking or comments on a blog post.

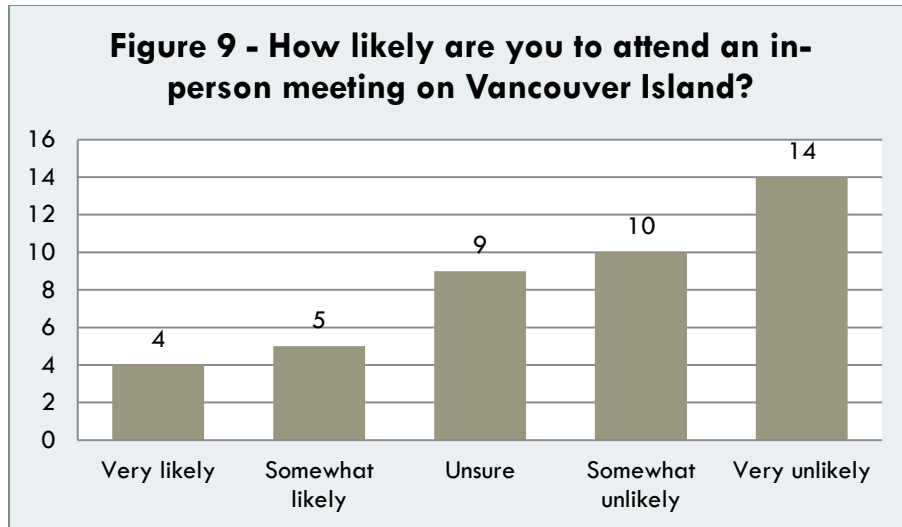


The survey explained that over 80% of owners live on Vancouver Island or the lower mainland and the Local Trust Committee is considering holding one or more in-person meetings on Vancouver Island, most likely in Nanaimo to be convenient to those travelling by ferry or float plane from Vancouver and central on Vancouver Island. Respondents were asked to indicate how likely they are to attend an in-person meeting on Vancouver Island.

Figure 8 shows that only 9 respondents, or 21%, indicated they were likely to attend, and 24, or 57% indicated they were unlikely to attend, while 9 or 21% indicated they were unsure.

The survey also asked for other suggestions for a suitable meeting location. Written responses to this question are as follows:

- Nanaimo Yacht Club
- Ladysmith-many Ruxton residents are retiring and moving here.
- On Ruxton
- Vancouver, BC
- Ladysmith or Nanaimo Airport (Flying Club)
- Vancouver
- 1. Ladysmith, 2. Duncan - Maple Bay , 3. Victoria
- Closest town to Ruxton Island - Ladysmith / Best would be on Ruxton
- Horseshoe Bay - Islanders come as "walk ons"
- Best Western Hotel Chemainus
- Vancouver - bring horse to water rather than water to horse



6. Goals and Objectives for the Community – open-ended responses

In order to begin collecting resident's views on the content of the Community Plan, the last survey question was:

In this last question, we would like to hear your views about goals and objectives for your community. Think about your island now, and how you would like to see it in 10, 20, 50 or even 100 years. If things should stay the same, we would like to hear that. If you have concerns about the current situation, let us know about them, and how you would like to see things change.

Below are the responses to this open-ended question, organized by the island the respondent owns property. Spelling errors were corrected for ease of reading, and some information that would personally identify the person who wrote the comment was removed.

In the responses some themes begin to emerge. Few concerns were raised for Reid Island. On Hudson Island, the building scheme seems to be working for some and not for others. For Ruxton Island there are a number of issues raised.

For Ruxton Island, 8 of the 26 respondents mentioned the value of the natural environment, and 7 expressed that they generally wanted the island to remain the same. Eleven respondents mentioned docks or wharves, 6 mentioned drinking water, and the desire for better enforcement of the bylaws was mentioned by 4 respondents.

Reid Island

1. Would like to hear why the Islands Trust is useful and what it does that CVRD can't do.
2. We would like to see the island (Reid) remain as it is.

3. I do not want to see lot sizes get any smaller - I like Reid the way it is - low density - off the radar for most people
4. With new technology for power and water, methods to ? *(could not read handwriting)* land to smaller lots but maintaining environmental protection of less population
5. Might be interested in seeing power lines run to Reid, but it's not a priority.
6. We are happy with the current situation on Reid Is. After 20 + years. We do not wish a bureaucracy imposing regulations that are not necessary. Leave us along please.
7. Over building too many residences, water table reduction, impact environment. People have 2-3 residences same property.

Hudson Island

1. We already have an excellent community plan on Hudson Island that is tied to the property land titles. As far as we are concerned this covers the issues of direct concern to us.
2. On Hudson Is. our building restrictions and restrictive covenants are layed out and they excellent. However they are not fully respected by all residents and they cannot be enforced. I'd like to see that change somehow.
3. Hudson Island is fine as it is now including the building scheme/dead restrictions. It seems to be working for all the residents.

Pylades Island

1. I imagine "my" island looking the same. I wonder about shoreline development (breakwaters? Docks?) I am also interested in how "The Plan" could possibly be adapted to be the same for islands with one owner to an island with 195 owners?

Ruxton Island

1. 1. Promoting self sufficiency, particularly with respect to water and green power
2. Inviting and accessible public areas. - this would apply to the "park" areas and the foreshore
3. Transportation - our goals/objectives not well formulated at this point but would like the objective to encourage transportation corridors maintaining a small foot print (e.g. trails), some goal/objective around trying to minimise vehicular use (we recognize that it is needed for some parts of the island) The current usage seems to work well.
2. Ruxton Island and the community on it I think are in a good state, little change is required, so hopefully what we are doing now can be captured by the Advisory Planning Commission as goals in the development of the Official Community Plan.
3. Firstly, we believe a central goal should be to retain the quiet, non-urbanized nature of Ruxton and to keep disturbance of the marine and terrestrial to an absolute minimum, while still permitting human use. Specific issues that need to be addressed are: - water conservation and encouragement of rainwater collection and use, including a MUCH better understanding of the limited water resources of the island(s) - fire and safety management - more cooperative use of

limited shared spaces (moorages and docks, beaches and water access points -- stairway construction and maintenance, boat storage, log and debris management, etc). Can we find workable ways to share more -- ideas, spaces, mobile equipment, volunteer work - setting reasonable limits on scale of developments - creating a stronger sense of community and shared responsibility for the island(s) and the natural environment - limits on commercial activities on the island(s)

4. We long to preserve Ruxton Island as it is today. Any further buildings should adhere to current bylaws and be sensitive to the gentle nature of the Island. Access to the land from water should not include docks. Walking pathways should continue as at present, and no further developments of paths for motorized vehicles. Our safe moorage sites are already at maximum capacity.
5. We envision the island for the future restricted to only accidental public access - that is, we don't envision a bridge to Vancouver Island, a public ferry, a developed public marina or campground. With the limited fresh water supply, small size and sensitive environment, we are concerned about the practices of non-owners. We do envision a community of owners who develop with off-the-grid technology best practices. We would envision water access lots would be able to build docks/floats for safer access (it's not safe for anyone to shuttle supplies from a rocking boat at a slick shore). We envision the future of Ruxton would be the quiet paradise that it is.
6. Our family vision for Ruxton provides a picture of how it may look, feel in the year 2032 (20 years from now).
 - Tranquil small island "place";
 - No internal road or private docks;
 - One commercial dock, maintained by regional and local governments, in one of the bays serviced by a commercial for-profit foot ferry. (Happy owners of interior lots on Ruxton as they have cost effective access. Happy waterfront owners who cannot afford private vessels or water taxis)
 - Agreement among most residents that private docks as these are not compatible with the qualities of Ruxton (tranquil, remote, peaceful and place to retreat to and to recharge).
 - A more diverse population including young families, retirees, from many places.
 - Year-round residents few in number, recognizing that Ruxton does not have the carrying capacity for all the luxuries of a modern urban environment (plumbing, sewer treatment, electricity, washer-dryers)
 - Some "group use" docks in each of the bays, maintained by the regional and local governments in cooperation with nearby residents, young and old.
 - Commercial activities such as home-based businesses permitted (e.g., professional services) but commercial-industrial use of properties not allowed.
 - Light commercial such as rustic B&Bs; Agreement among most residents that high end B&Bs and resorts is not compatible with the sense of place that makes Ruxton special.

Conclusion: That's our vision! Twenty years will soon be here. Many of the existing residents will have passed, making way for other families, both young and old. Accommodating their needs will be pivotal.

7. Both public and private lands, vegetation and water be held or protected in a sustainable natural state compatible with human and other species visitation and dwelling. A sense of island community be nourished.
8. I feel Ruxton was over subdivided in 1965 such development would not be approved today, this amount of development is not sustainable on such a small and delicate environment and will lead to problems in the future as is already becoming evident today, ie people wanting to excavate the 10 acre wetland to use it as a water source. Ruxton contains practically no public land even

the communal wells are illegally placed on road allowance, many things will have to change if and when the remaining lots are built on and more properties contain full time residences, clearly zoning will have to change to protect the islands environment, docks and floats will have to be allowed to provide better access, sewage issues to be addressed, roof water collected, The list is long...

9. No fixed wharves. We want to be able to walk the beaches without having to climb over logs and other structures. Also, we don't want wharves because we have virtually no public land on Ruxton so we do not want to encourage undesirables to come ashore. The mooring buoy and dingy method to come ashore is quite adequate. We would like things to stay the same only with the aforementioned items written in a legal manner.
10. Ruxton Island was subdivided in the early '60's, all of the lots are small: waterfront lots average 1/2 to one acre, inland lots from 1 1/2 to two acres. Most developments now mandate 5 acre minimums. As such, Ruxton is vulnerable to over development, losing its quiet charm. Having said that, everyone who owns property on Ruxton has the right to build on their land within the established by-laws of 1983. It is hoped that as people build they have consideration for their neighbours, and in the use of their properties continue to respect those around them. The number of Ruxton cabins will continue to grow, presently about 115 cabins on 210 lots. It is hoped that a framework to protect its beauty and quiet can be developed.
11. I would like it to stay the same, low key and very little noise and zero vehicle traffic. I would not like to see the roads widened, keep them as walking paths. I do not want a ferry service to the island.
12. Thank you for contacting me. Your help in protecting the natural environment on Ruxton Island is greatly appreciated by people such as myself who is very much an absent property owner and as such unable to monitor what is going on by those who might destroy the beauty of the area. Thanks for your time.
13. Unless Ruxton becomes a national park it will NOT stay the same! Even then Ruxton as all life EVOLVES with the change in the environment! Ruxton needs docks for safe access. The setbacks from the water are too great for these small lots. Permit structures to be built closer to the water!
14. We would like to see it stay the same, little clearing of trees, small cabins (low in height), pathways not gravelled or altered. Swamp left as parkland and not drained - left to collect rain, support wildlife.
15. Stay the same, with limits on development. Of concern is the appearance of a dock near Otter Bay - others will follow!
16. We like Ruxton the way it is.
17. I would like the island to stay basically as it is currently.
18. We hope to see things remain much the same which is why we are there and love the peace and quiet
19. Get rid of the wharves/docks. They are not allowed yet people put them in because no one challenges them and enforces our bylaws. Let nature take its course in the swamp.
20. 1. Access to clean drinking water - community wells aren't tested and some are being monopolized by a few properties by attaching hoses and running to their properties - totally unregulated unfair

and possible unsafe due to questionable water quality. 2. "park areas" designated by map - these locations could use maintenance, development and more clear identification between private lots. 3. Emergency response procedure in case of fire, serious accidents. 4. Discussion re: allowance of businesses on the island - there are existing unofficial businesses permitted by B&B's for example have been touted as against the bylaw (a double standard). Bylaw needs clarification.

21. We would like to see Ruxton become more accessible...perhaps then we would invest more time & money into the property & be able to use it more. Of course, our biggest priority is to RESPECT the natural surroundings so we can enjoy it for years to come. Tx.
22. New bylaws should restrict use of motor vehicles on the island and permanent floats. Regulations on buildings and shore access structures must be enforced.
23. I would like to see lots identified by Plan - giving each plan a letter designation. Also an ATM trail across pond, with heliport on island in pond (if possible) 15 knot water speed limit thru Whaleboat Passage and 100 metres off shore.
24. It would be a shame to allow pier style docks. The waterfront properties do not have large water frontages. What drew me to the island many years ago was the natural state of the waterfront. Floats/swimming floats are acceptable.
25. Generally stay the same. Increasing regulation and compliance monitoring will, unfortunately, be required as usage (part time and permanent occupancy) increases.
26. Have 1 or 2 centrally located docking facilities rather than a scattering of individual docks or docking buoys. Preserve naturalness where possible.

7. Summary

This survey provides a good starting point for the Community Plan Review project. It has helped to generally understand how people use their properties on these islands, and what issues are important to property owners. The Thetis Island Local Trust Committee has a better idea of the most preferred ways to communicate with property owners about this project, and the ways in which property owners are most likely to become engaged and offer their input. This will help to plan communications for the rest of the project.

The open-ended question asking about goals and objectives will be further analysed and will be used to frame more specific questions of property owners in order to draft some statements of objectives and policies. While there may be some goals and objectives common to all islands, there may be many that are unique to individual islands that are part of this Community Plan Review. For Ruxton Island, the advisory planning commission may be asked to further review these comments on goals and objectives and provide advice to the Local Trust Committee.

Appendix A: Survey

Thetis Associated Islands Community Plan Review

Introduction to this Survey

This is a short survey to help the Islands Trust identify the most suitable communication and engagement methods for the Community Plan review for the Thetis Local Trust Area Associated Islands. Please only fill out one survey per family. For the purposes of this survey family means a group of people living together at the same primary address. If you co-own your property with one or more other families, each family is encouraged to complete the survey.

The islands covered by this community planning project are Ruxton, Reid, Hudson, Pylades, Tree, Dayman, Scott, Bute and Dunsmuir Islands.

If you are completing this survey online, you have probably been directed to it from the newsletter from the Islands Trust mailed to your home. Please refer to this newsletter for more information on the project. It can also be viewed on our website at www.islandstrust.bc.ca.

If you are completing this survey in hard copy, please mail to: Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3 or by fax to (250) 247-7514.

Questions about your property and how you use it

We would first like to ask a few questions about your property and how you use it. The answers will help us identify types of communication and engagement that are preferred by property owners on specific islands or with particular patterns of use of their property.

1. Please indicate which island or islands you have property on. (This question is optional to protect your privacy but we encourage you to answer it.)

☐ Ruxton

☐ Reid

☐ Scott

☐ Pylades

☐ Hudson

☐ Bute

☐ Tree

☐ Dayman

☐ Dunsmuir

2. Please describe the development on your property. If you own more than one property, please comment in the "other" field.

☐ One or more dwellings (house or cabin)

☐ Accessory buildings or structures only

☐ Bare land

☐ Other (please specify)

Thetis Associated Islands Community Plan Review

3. How long have you owned the property? If you own multiple properties and have owned them for different lengths of time, please comment in the "other" field.

☐ 0-2 years

☐ 11-20 years

☐ 3-5 years

☐ longer than 20 years

☐ 6-10 years

☐ Other (please specify)

4. How long have you been visiting the island you own property on? This may be the same length of time as you have owned property, or may be different.

☐ 0-2 years

☐ 11-20 years

☐ 3-5 years

☐ longer than 20 years

☐ 6-10 years

☐ Other (please specify)

5. Do you live on the property full-time?

☐ Yes

☐ No

Questions about part-time use of your property

If you are completing this survey in hard-copy form, and you live on your property full-time, please skip to question 8.

6. Please tell us where your primary residence is.

☐ Other Gulf Island

☐ Elsewhere in Canada

☐ Vancouver Island

☐ United States

☐ Lower Mainland

☐ International

☐ Elsewhere in British Columbia

7. In a typical year, how much time do you spend on your property?

☐ More than 6 months

☐ Between 2 and 4 weeks

☐ Between 2 and 6 months

☐ Less than 2 weeks

☐ Between 1 and 2 months

☐ My use of the property fluctuates so there is no "typical" year.

Thetis Associated Islands Community Plan Review

8. If the time you spend on your property in a year fluctuates so that you feel there is no "typical" year, please describe your use of the property below.

Questions about how you access your property

9. How do you access your property? (choose all that apply)

☐ Private boat (power or sail)

☐ Water taxi

☐ Small non-motorized private boat such as kayak or rowboat

☐ Float Plane

☐ Other (please specify)

10. Where do you typically access your property from?

☐ Ladysmith

☐ Chemainus

☐ Yellow Point

☐ Gabriola Island

☐ Nanaimo

☐ Thetis Island

☐ Boat Harbour

☐ Other (please specify)

Questions about the Community Plan Review

Now we would like to ask some questions about how you would like to receive communication from the Islands Trust and how you would like to provide input for the project.

11. When receiving communication from the Islands Trust about this project over the next two years, how would you like to receive it? (Select all that apply)

☐ Email

☐ Online blog

☐ Mail

☐ Online social networking

☐ Updates to the Islands Trust website

☐ Other (please specify)

Thetis Associated Islands Community Plan Review

12. We are likely to use a variety of methods of gathering input. Please indicate how likely you are to participate in the following methods we may use to gather input.

	Very likely	Somewhat likely	Not sure	Somewhat unlikely	Very unlikely
Online survey	☐	☐	☐	☐	☐
Mailed survey	☐	☐	☐	☐	☐
Comments on a blog post	☐	☐	☐	☐	☐
Online social networking	☐	☐	☐	☐	☐
In-person meetings	☐	☐	☐	☐	☐
Writing letters or emails with your feedback	☐	☐	☐	☐	☐

13. Over 80% of property owners live on Vancouver Island or the lower mainland. We are considering holding one or more in-person meetings on Vancouver Island, most likely in Nanaimo to be convenient to those travelling by ferry or float plane from Vancouver and central on Vancouver Island.

	Very likely	Somewhat likely	Unsure	Somewhat unlikely	Very unlikely
How likely are you to attend an in-person meeting on Vancouver Island?	☐	☐	☐	☐	☐

Do you have any other suggestions for a suitable meeting location?

Question about the Community Plan for your island

14. In this last question, we would like to hear your views about goals and objectives for your community. Think about your island now, and how you would like to see it in 10, 20, 50, or even 100 years. If things should stay the same, we would like to hear that. If you have concerns about the current situation, let us know about them, and how you would like to see things change. If you are completing this survey in hard-copy please feel free to add additional pages. Additional comments can always be emailed to thetisassociatedislands@islandstrust.bc.ca.

Thank you!

Thank you for completing this survey. Responses will be tallied and presented at the August 1, 2012 Thetis Island Local Trust Committee meeting, and also posted online. Please check our website for updated information at www.islandstrust.bc.ca and by selecting the "Thetis" webpage.



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 23, 2012 File Number 3050-01

To Thetis Island Local Trust Committee
For meeting of August 1, 2012

From Courtney Simpson
Island Planner
Northern Office

Re Ruxton Island Advisory Planning Commission Terms of Reference

Pursuant to the Thetis Island Advisory Planning Commission Bylaw 91, the Local Trust Committee (LTC) must endorse a terms of reference for a Special Projects Advisory Planning Commission to “outline the number of members, the terms of the appointment and the scope and role of that Special Projects Advisory Planning Commission”. The terms of reference must be endorsed prior to appointing members.

Attached is a draft Terms of Reference for review and endorsement by the Local Trust Committee.

RUXTON ISLAND ADVISORY PLANNING COMMISSION

Endorsed by the Thetis Island Local Trust Committee on _____ 2012

Section 1(b)(i) of the Thetis Island Advisory Planning Commission Bylaw No. 91 permits the appointment of Special Advisory Planning Commissions based on a Terms of Reference endorsed by the Thetis Island Local Trust Committee. The Ruxton Island Advisory Planning Commission is an appointed Special Advisory Planning Commission pursuant to Bylaw No. 91.

This Terms of Reference outlines the number of members, terms of appointment, and the scope and role of the Ruxton Island Advisory Planning Commission and its members. The operations of the Ruxton Island Advisory Planning Commission and its members are guided by the Thetis Island Advisory Planning Commission Bylaw No. 91. Both documents should be referred to for guidance.

1. Roles and Responsibilities

- 1.1 The Commission shall recommend overall objectives for Ruxton Island based on input from the community.
- 1.2 The Commission shall review drafts of the Official Community Plan and Land Use bylaw.
- 1.3 Where the Official Community Plan and Land Use Bylaw apply to islands other than Ruxton Island, the Commission shall only be asked to comment on the Ruxton Island sections.
- 1.4 The Commission may, only if directed by the Local Trust Committee, communicate with the broader Ruxton Island community for the purpose of providing information or gathering input. Otherwise, communications will be from staff and the Local Trust Committee.
- 1.6 Staff shall be responsible for the production and copying of meeting materials, distribution of agendas, and all matters pertaining to the administration of the Commission.

2. Membership

- 2.1 The Commission shall be composed of 5 to 7 Ruxton Island property owners. Members shall be appointed by resolution of the Local Trust Committee
- 2.3 Islands Trust Staff and trustees may attend meetings of the Commission in a supportive role.
- 2.5 All members of the Commission shall serve to the completion of the Thetis Associated Islands Community Plan Review, as determined by the Local Trust Committee. For

administrative purposes, the end of the Commission's term is **November 31, 2014**, which may be extended by resolution of the Local Trust Committee.

- 2.6 Any member of the Commission who is not in attendance at regular meetings of the Commission for three consecutive meetings, without approval of the Chair, shall be deemed to have resigned.

3. Finance

- 3.1 Members of the Commission shall serve without remuneration.
- 3.2 Honorarium may be provided to members to contribute to travel costs and administration costs such as printing documents from home computers.
- 3.3 No expenditure shall be made in relationship to this Commission that is not provided for in the Financial Plan of the Islands Trust.



Islands Trust

Top Priorities

Thetis Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	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.	Sep-07-2011	Courtney Simpson	Nov-15-2014	On Going
2	Riparian Areas Regulation Implementation	Amend OCP to comply with RAR for the one watershed identified as applicable to RAR, using the stream mapping by Mimulus Biological Consultants.	Sep-07-2011	Courtney Simpson	Nov-15-2014	On Going
3	Shoreline Development Permit Area	Community outreach, education and engagement on draft DPA.	Sep-07-2011	Courtney Simpson	Nov-15-2014	On Going



Projects

Thetis Island

No.	Description	Activity	Received/Initiated	Status
1	Protocol Agreement or Memorandum of Understanding with Penelakut First Nation	Sent letter to newly elected Chief and Council to see if they are interested in continuing the work on a protocol that was started with former Cheif Lisa Shaver.	Feb-06-2009	On Going
2	Joint proactive enforcement with CVRD		Jul-28-2010	On Going
4	Revise Protocol Agreement with Lyackson First Nation	As of August, 2010 draft with Lyackson for review by their community.	Feb-06-2009	On Going
5	Development Approval Information Bylaw		May-25-2011	On Going
6	Potential LUB amendments:	- short-term vacation rentals of principle dwellings in the R-2 zone - rainwater storage requirements	Sep-07-2011	On Going
7	Sustainability Guidelines for Thetis Island	Discuss collaboration with Cowichan Valley Regional District Building Department, finalize draft, and make a plan for distribution.	Sep-07-2011	On Going
8	Ratification of protocol agreement with Cowichan Valley Regional District.	Director of Local Planning Services to move forward. Meeting to be held between CVRD board and Thetis LTC	Feb-06-2009	On Going
9	Housekeeping Amendmends to LUB	4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)...	May-24-2012	On Going

Applications w/ Status - Thetis Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
TH-ALR-2012.1	Torchbearers Capernwray Canada Society Planner: Courtney Simpson	Jun-29-2012	298 Foster Point Road, Thetis Island Non Farm Use Application For existing and new Bible Centre uses

Planning Status

Status Date: Jul-23-2012

Planner reviewing file

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
TH-DVP-2010.1	Trincomali Holdings Ltd Planner: Courtney Simpson	Aug-17-2010	Seawall Construction

Planning Status

Status Date: Jun-19-2012

Staff report prepared

Status Date: Apr-02-2012

Distributed DVP notice to property owners within 100m

Status Date: Mar-19-2012

Requested update on post-impact assessment from applicant

Subdivision

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

TH-SUB-1998.1

TRAX
DEVELOPMENT
LTD C/O WRIGHT
FOCUS
ENGINEERING
LTD

Sep-25-1998

Phased Strata Subdivision "Meadow Valley Properties" phased strata to create 21 strata lots from 4 parent parcels

Planner: Courtney Simpson

Planning Status

Status Date: Jul-08-2011

PLA extended to June 8 2012

Status Date: Jun-23-2011

Indicated RAR requirement in response to request for PLA extension

Status Date: Jun-17-2010

12-month extension to PLA

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2010.1	Williamson & Associates Professional Surveyors Planner: Linda Prowse	Feb-24-2010	Subdivide to create 2 lots

Planning Status

Status Date: Feb-07-2012

Preliminary Layout not approved notice received - There are a number of conditions the applicant has not complied with. Ministry notes if conditions are not complied with, the file will be closed in 1 year.

Status Date: Jan-10-2012

MOTI will be recommending NON PLA to the Provincial Approving Officer, as there has not been any attempt by the applicant to remedy the concerns of the Environmental Health Officer regarding sewage disposal for this subdivision proposal.

Status Date: Apr-19-2011

Referral Response sent to MOTI and applicant

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2010.2	G.W. Lindberg Land Surveying Inc. Planner: Marnie Eggen	Dec-20-2010	Create 2 parcels

Planning Status

Status Date: Jan-03-2012

LTC resolved to enter into cost recovery agreement for covenant to prohibit residential use of common property

Status Date: Dec-05-2011

LTC approved frontage waiver

Status Date: Sep-30-2011

Staff site visit

From: Nancy Roggers
Sent: May-28-12 5:37 PM
To: Courtney Simpson; Ken Hancock; Peter Luckham; Sue French; Becky McErlean
Cc: Cindy Shelest
Subject: Thetis expense report May/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to May 31, 2012

670 Thetis	Invoices posted to May 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,100.00	-	1,100.00
65200	LTC Local Exp LTC Meeting Expenses	3,000.00	-	3,000.00
65210	LTC Local Exp APC Meeting Expenses	-	-	-
65220	LTC Local Exp Communications	-	-	-
65230	LTC Local Exp Special Projects	-	-	-
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		3,000.00	0.00	3,000.00
73001	Project OCP update	5,000.00	-	5,000.00
73001	Ruxton Island Associated OCP	5,000.00	-	5,000.00

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving island communities, culture and environment

Please consider the environment before printing this email.

From: Nancy Roggers
Sent: June-28-12 5:53 PM
To: Courtney Simpson; Ken Hancock; Peter Luckham; Sue French; Becky McErlean
Subject: Thetis expense report - June/12

Islands Trust
LTC EXP SUMMARY REPORT F2013
 Invoices posted to June 30, 2012

670 Thetis	Invoices posted to June 30, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,100.00	-	1,100.00
65200	LTC Local Exp LTC Meeting Expenses	1,200.00	238.86	961.14
65210	LTC Local Exp APC Meeting Expenses	600.00	-	600.00
65220	LTC Local Exp Communications	500.00	-	500.00
65230	LTC Local Exp Special Projects	500.00	-	500.00
65240	LTC Local Exp Miscellaneous	200.00	-	200.00
TOTAL LTC Local Expense		3,000.00	238.86	2,761.14
73001	Project OCP update	5,000.00	91.37	4,908.63
73001	Ruxton Island Associated OCP	5,000.00	-	5,000.00

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.



Islands Trust

BYLAW REFERRAL FORM

200-1627 Fort Street
Victoria, BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Galiano Island Trust Area **Bylaw No.:** 235 **Date:** June 12, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Winmark Capital Inc. (Richard Dewinetz), 402-15050 Prospect Ave, White Rock, BC, V4B 2B4

PURPOSE OF BYLAW:

Official Community Plan mapping amendment to re-designate six Forestry (F) properties to Nature Protection (NP) and Rural Residential (RR), as well as re-designate the abutting Marine (M) designated area as Marine Protection (MP).

GENERAL LOCATION:

North Galiano Island

LEGAL DESCRIPTION:

Lot 20, DL 69 and 71, Galiano Island, Cowichan District, Plan VIP61020
Lot 21, DL 69, Galiano Island, Cowichan District, Plan VIP61020
Lot 24, DL 69, Galiano Island, Cowichan District, Plan VIP61020
Lot 25, DL 69, Galiano Island, Cowichan District, Plan VIP61020
Lot 32, DL 65 and 68, Galiano Island, Cowichan District, Plan VIP61030
Lot 68, Galiano Island, Cowichan District except that part in plan VIP61030

SIZE OF PROPERTY AFFECTED:

89.59 Hectares

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

F- Forestry & M- Marine

OTHER INFORMATION:

As a condition of the rezoning, the applicant will be transferring the land zoned as NP to BC Parks, thus expanding Bodega Ridge Provincial Park. The Galiano Island Official Community Plan states that a Marine Protection zone shall be designated for marine areas fronting Nature Protection areas. Please note that additional background information on this application can be found on the Islands Trust website under <http://www.islandstrust.bc.ca/lrc/gl/default.cfm>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Kaitlin Kazmierowski

Email: kkazmierowski@islandstrust.bc.ca

Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

BC Parks
Ministry of Transportation and Infrastructure
Vancouver Island Health Authority

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Thetis Island Local Trust Committee

Non-Agency Referrals

Galiano Island Advisory Planning Commission
Galiano Island Parks and Recreation Commission
Islands Trust Fund

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation

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

Galiano Island Trust Area

(Island)

235

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

GALIANO ISLAND LOCAL TRUST COMMITTEE

PROPOSED

BYLAW NO. 235

**A BYLAW TO AMEND THE GALIANO ISLAND
OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995**

WHEREAS the Galiano Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Galiano Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Galiano Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2012".

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 11th day of June , 2012.

PUBLIC HEARING HELD this day of , 20.

READ A SECOND TIME this day of , 20.

READ A THIRD TIME this day of , 20.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

ADOPTED this day of , 20.

SECRETARY

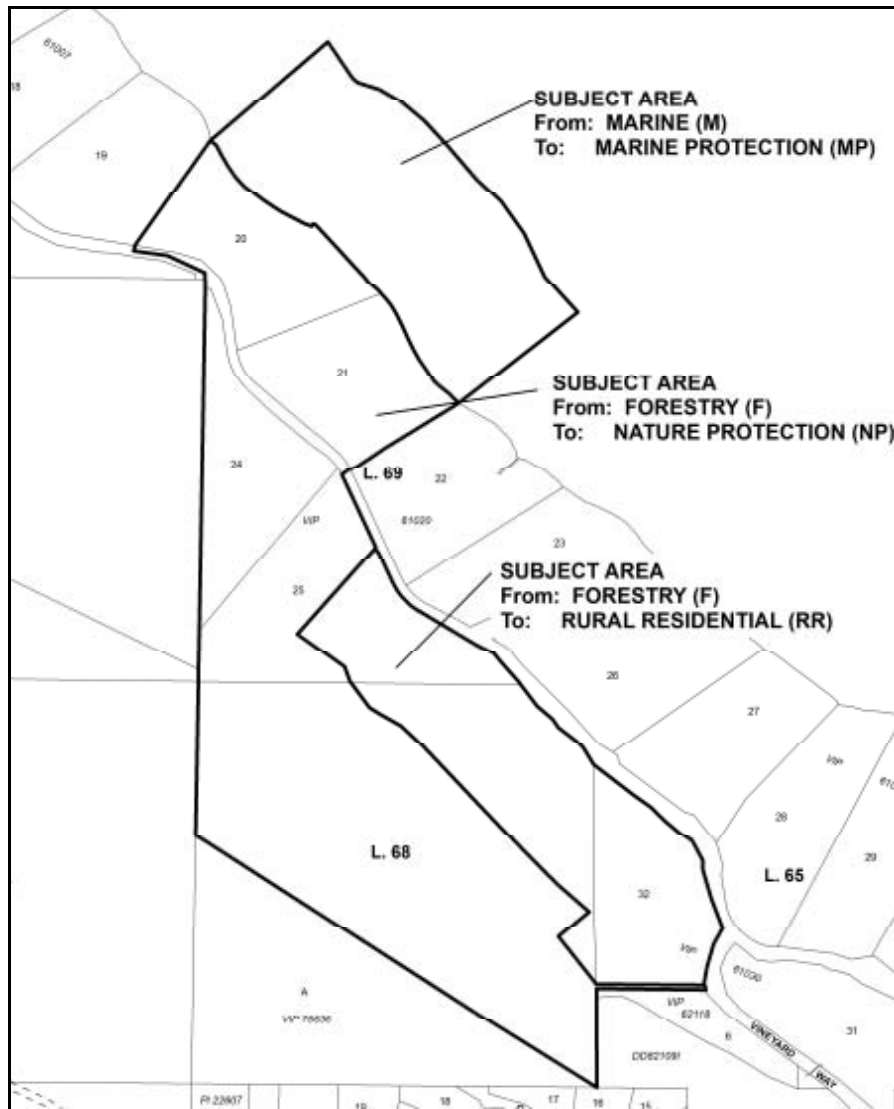
CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 235
SCHEDULE 1

1. Schedule A, Section II, 1.4 Rural Residential is amended by inserting the following as a new policy f:

“f) For the properties described as Lot 20, District Lots 69 and 71, Plan VIP61020; Lots 21, 24 and 25, District Lot 69, Plan VIP61020; Lot 32, District Lots 65 and 68, Plan VIP61030; and District Lot 68 Except Parts in Plans VIP61030 and VIP76636, Galiano Island, Cowichan District, zoning shall establish a minimum average parcel area of 89 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) on the RR designated portion of the lands, applicable only if the landowner provides land to be transferred to the Crown as represented by the Province of British Columbia, the Trust Fund Board, the Capital Regional District or other transferees designated in the Land Use Bylaw amendment, to be used for conservation, ecosystem protection, public parkland, community forest, or trails. Approval of any such rezoning shall be subject to the following conditions:

 - i) the area of land to be transferred shall represent at least 72% of the land subject to rezoning;
 - ii) incorporation of a siting plan into the Land Use Bylaw identifying the location and area of the residential home plate, including driveways, on each lot in the proposed subdivision, sited in a manner that avoids sensitive ecosystems and hazardous lands, and minimizes extension of services; and
 - iii) the registration of a s. 219 covenant granted to the LTC which restricts the layout and area of the future lots to provide for the contiguous clustering of lots in a manner that protects the integrity of forest ecosystems, surface water and groundwater supplies and minimizes the impact of residential services such as roads.”
2. Schedule B (Land Use Designation) is amended for the lands legally described as Lot 20, District Lots 69 and 71, Plan VIP61020; Lots 21, 24 and 25, District Lot 69, Plan VIP61020; Lot 32, District Lots 65 and 68, Plan VIP61030; and District Lot 68 Except Parts in Plans VIP61030 and VIP76636, Galiano Island, Cowichan District as depicted in the map below.





Islands Trust

BYLAW REFERRAL FORM

Island: Galiano Island Trust Area **Bylaw No.:** 236 **Date:** June 13, 2012

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Winmark Capital Inc. (Richard Dewinetz), 402-15050 Prospect Ave, White Rock, BC, V4B 2B4

PURPOSE OF BYLAW:

Land Use Bylaw mapping amendment to rezone six Forest 1 (F1) properties to Nature Protection (NP) and Rural Residential b) (RR(b)), as well as rezone the abutting Marine (M) designated area as Marine Protection (MP). Section 5.4 of the Land Use Bylaw would be amended to create a new zone variant RR(b), and a new Plan 4 would be added to Schedule D of the Land Use Bylaw.

GENERAL LOCATION:

North Galiano Island

LEGAL DESCRIPTION:

Lot 20, DL 69 and 71, Galiano Island, Cowichan District, Plan VIP61020
 Lot 21, DL 69, Galiano Island, Cowichan District, Plan VIP61020
 Lot 24, DL 69, Galiano Island, Cowichan District, Plan VIP61020
 Lot 25, DL 69, Galiano Island, Cowichan District, Plan VIP61020
 Lot 32, DL 65 and 68, Galiano Island, Cowichan District, Plan VIP61030
 Lot 68, Galiano Island, Cowichan District except that part in plan VIP61030

SIZE OF PROPERTY AFFECTED:

89.59 Hectares

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

F- Forestry & M- Marine

OTHER INFORMATION:

As a condition of the rezoning, the applicant will be transferring the land zoned as NP to BC Parks, thus expanding Bodega Ridge Provincial Park. The RR(b) zoned land will have the potential for a 12 Lot subdivision, with the funds from the sale of Lot 12 transferred to the Galiano Island Housing Society for Community Housing purposes. The Galiano Island Official Community Plan states that a Marine Protection zone shall be designated for marine areas fronting Nature Protection areas.
 . Please note that additional background information on this application can be found on the Islands Trust website under <http://www.islandstrust.bc.ca/lc/gl/default.cfm>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Kaitlin Kazmierowski

Email: kkazmierowski@islandstrust.bc.ca
 Title: Island Planner

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

BC Parks
 Ministry of Transportation and Infrastructure
 Vancouver Island Health Authority

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
 Salt Spring Island Local Trust Committee
 Thetis Island Local Trust Committee

Non-Agency Referrals

Galiano Island Advisory Planning Commission
Galiano Island Parks and Recreation Commission
Islands Trust Fund

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation

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

Galiano Island Trust Area

(Island)

235

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 236

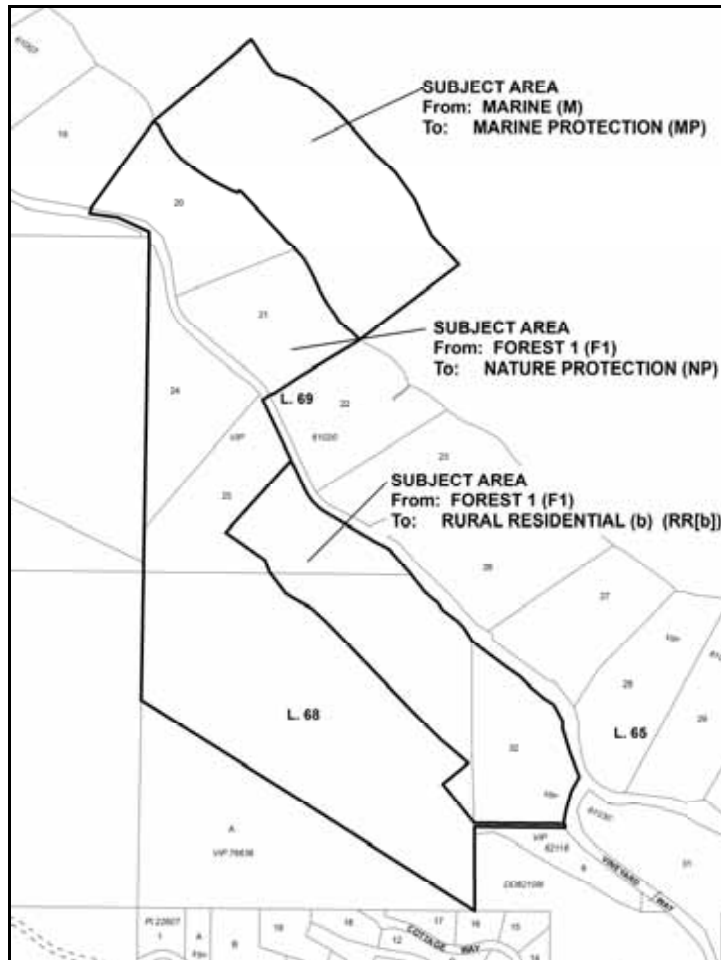
A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

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

- A. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
1. Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.12:

“5.4.12 On the lands zoned RR(b), despite 5.4.8 and 5.4.9, the minimum average parcel area is 89 hectares, with a minimum average subdivision parcel area as low as 2 hectares (5 acres) applicable once the landowner provides land representing no less than 72% of the area of the land legally described as Lot 20, District Lots 69 and 71, Plan VIP61020; Lots 21, 24 and 25, District Lot 69, Plan VIP61020; Lot 32, District Lots 65 and 68, Plan VIP61030; and District Lot 68 Except Parts in Plans VIP61030 and VIP76636, Galiano Island, Cowichan District, to be transferred to the Crown as represented by the Province of British Columbia or to the Trust Fund Board, for use for conservation, ecosystem protection, public parkland, community forest, or trails.”
2. Section 5.4 (Rural Residential Zone – RR) is amended by inserting the following as a new 5.4.13:

“5.4.13 On the lands zoned RR(b), in addition to the other regulations in 5.4, all buildings, structures and paved parking areas on each lot must be sited entirely within the area marked “Developable Area” designated on Plan 4 of Schedule D of this bylaw.”
3. Schedule B (Zoning Map) is amended for the lands legally described as Lot 20, District Lots 69 and 71, Plan VIP61020; Lots 21, 24 and 25, District Lot 69, Plan VIP61020; Lot 32, District Lots 65 and 68, Plan VIP61030; and District Lot 68 Except Parts in Plans VIP61030 and VIP76636, Galiano Island, Cowichan District, as depicted in the map below.



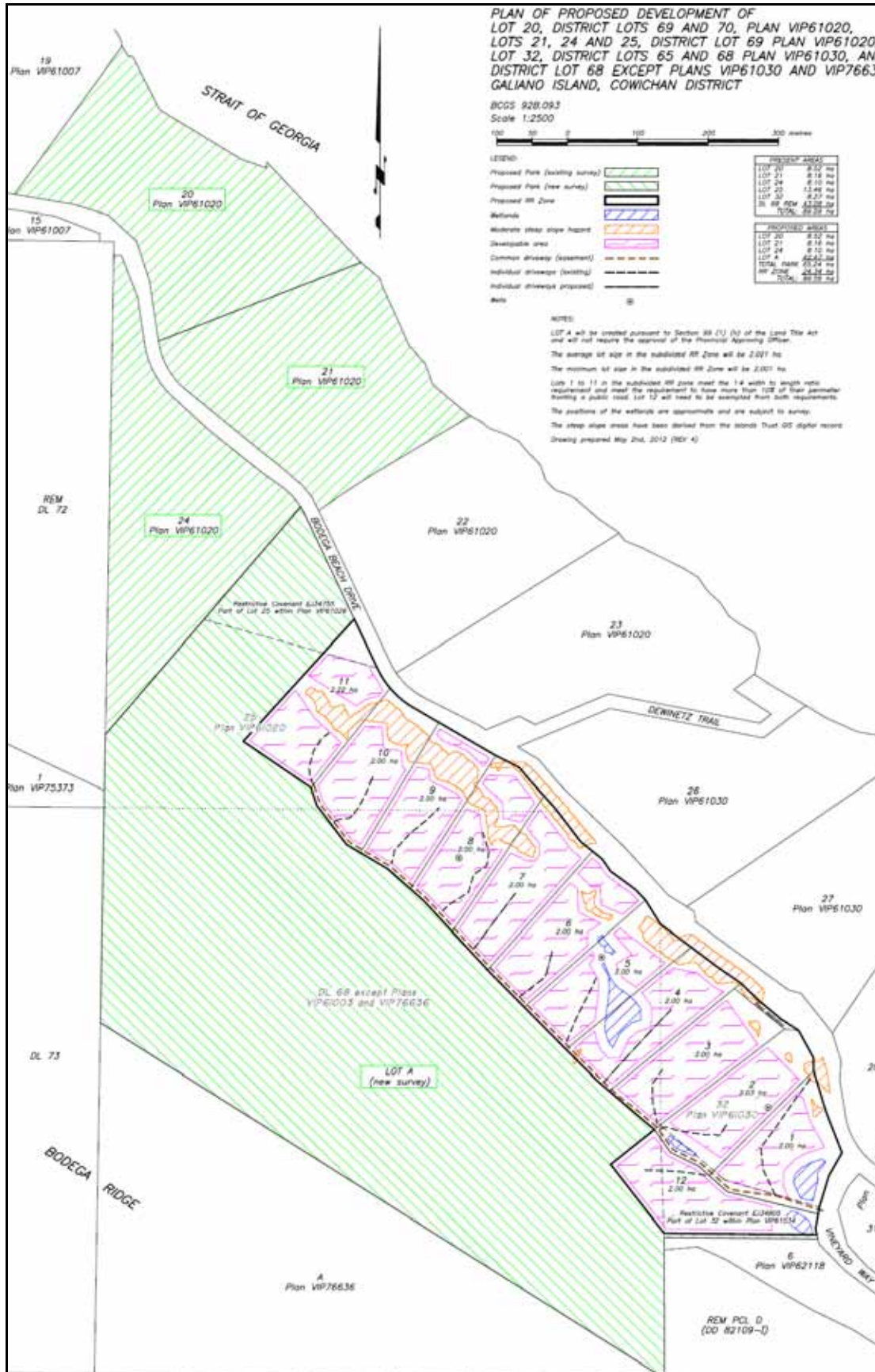
4. Schedule D is amended by inserting the plan attached to and forming part of this bylaw as Schedule 1 as a new "Plan 4".
- B. This bylaw may be cited for all purposes as the "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No.1, 2012".

READ A FIRST TIME THIS	11th	DAY OF	June	2012
PUBLIC HEARING HELD THIS		DAY OF		201_
READ A SECOND TIME THIS		DAY OF		201_
READ A THIRD TIME THIS		DAY OF		201_
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		201_
ADOPTED THIS		DAY OF		201_

DEPUTY SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 236
Schedule 1



Subject: Woodlot Licence Plan W2043 - Valdes Island

Date: Wed, 16 May 2012 19:52:27 -0700

From: Patrick <patrick.mcalister@shaw.ca>

To: Peter Luckham <pluckham@islandstrust.bc.ca>

CC: bjpearce@telus.net <bjpearce@telus.net>, 'John Hurd' <ajhurd@telus.net>

Peter,

I wanted to re-initiate correspondence with you regarding Woodlot Licence W2043 - Valdes Island. In 2008, The Valdes Island Conservancy expressed disappointment at not having an opportunity for input into the initial Woodlot Management plan. In response to these concerns, the Islands Trust initiated a memo recommending our involvement in subsequent matters. (attachment #1)

This year, after noticing new road markers and survey ribbons, the VIC ascertained that the Lyackson First Nations had hired Econ Consulting (Erik Holbek RFP - www.econ.ca) to prepare the Woodlot Licence Plan. This document, once approved, will enable logging to take place on the Crowns Lands on Valdes Island.

The surveying of roads was a surprise to us, for the VIC had expected to be consulted in any future developments - given our involvement and past submissions to the Lyackson First Nations. As a result, we initiated correspondence with Econ Consulting and have been assured that we will be given the opportunity for input. (Attachment #2).

At this juncture, I ask that each of our organizations keep the other apprised of issues or concerns that may arise, in particular, any time-lines or restrictive requirements that may limit our constructive involvement.

Regards

Patrick McAlister - on behalf of the VIC.

From: Erik Holbek [<mailto:Erik@econ.ca>]
Sent: May-14-12 9:17 AM
To: Patrick
Cc: Kathleen Johnnie; Dunn, Heather L FLNR:EX
Subject: RE: Valdes Island

Hi Patrick,

The Lyackson First Nation are the holders of Woodlot Licence W2043 and we (Econ Consulting) have prepared the draft Woodlot Licence Plan (WLP) on their behalf. As the licensee holder the Lyackson have a different role and responsibilities than other stakeholders with respect to W2043. And, as a First Nation with a long history on the island, they have a further set of interests and responsibilities. Kathleen Johnnie has expressed to me that the Band is very concerned with the management of the entire island, including some of the past logging and other activities, and that they wish to be good stewards and good neighbours. We also understand that it takes time to build this trust and recognition.

I can confirm that you/the VIC and other stakeholders will have the opportunity for review, comment and input. We're also aware of the the concerns of the VIC and island residents but rather than discuss the content of the WLP now via email I would prefer to forward a copy of the plan to you when it is ready for public review and then meet with you to discuss it. The plan will still be in draft form and open to revisions and I think that meeting in person is much more productive than through email.

Thank you for taking the time to summarize the concerns of the members of the VIC. I look forward to meeting you.

Best regards,

Erik Holbek, R.P.F.

ECON consulting
PO Box 329
Merville, BC, V0R 2M0
CANADA
office: 250-337-5588
cell: 250-897-2763
fax: 250-337-2063
erik@econ.ca
www.econ.ca

From: Patrick [<mailto:patrick.mcalister@shaw.ca>]
Sent: Thursday, May 10, 2012 6:30 PM
To: Erik Holbek
Cc: 'Dunn, Heather L FLNR:EX'; ajhurd@telus.net; bjpearce@telus.net; markerbuoy@gmail.com;
'Steveston Eco Tours Ltd.'
Subject: RE: Valdes Island

Eric, Thank-you for this information. The Valdes Island Conservancy was promised in 2008, that we would have input in the process. We stood down on commenting on an earlier document -Woodlot

Licence 2043 Management Plan (Attached), with the understanding that we would have input on the final stage documentation. (This commitment was made by Emma Neill's manger at the time). I am a little uncomfortable with the notion that draft document has been prepared as this was the point at which we were to be involved. I have just re-canvassed (today) our 80+ members for their concerns and I will summarize the issues over the two weeks..

Our community was initially quite neutral to the logging that took place about 15 years ago – reflecting the notion that harvesting was good for jobs and the economy. In hind site, we were too complacent as several issues were badly mismanaged, namely – logging to the edge of the beaver pond, large tracts of clear cut, limited replanting – never tended and large piles of debris left – both fiber and garbage. I appreciate your good words regarding proper management but our history and experience does suggest vigilance – hence our requirement for involvement.

I note that your plan is been forwarded to the Chief and council for their further input, while the Valdes Island Conservancy and Islands Trust will receive it for Review and Comment. Because of historical logging practices, our past requests for input and our role as senior stakeholders, I believe that we should receive the same opportunities for input that is being offered to the Lyackson Chief and Council and am asking that you confirm that this will take place.

Regards
Patrick McAlister on behalf of the VIC

From: Erik Holbek [<mailto:Erik@econ.ca>]
Sent: Thursday, May 10, 2012 5:07 PM
To: Dunn, Heather L FLNR:EX; Patrick
Cc: bjpearce@telus.net; Steveston Eco Tours Ltd.; John Hurd; Morris, Patricia A;
danwhitevaldes@gmail.com; Kathleen Johnnie
Subject: RE: Valdes Island

Hello all,

Thanks Heather for providing contact information. I attempted to log in to the Valdes Conservancy website (www.valdes.ca) earlier to provide an update on the status of planning for woodlot licence W2043 but for some reason I wasn't able to create a working username and password. However, that's not so important as we now have email contact.

Econ Consulting has been contracted by the Lyackson First Nation to complete their Woodlot Licence Plan (WLP) and to help them manage their woodlot.

As noted below, a draft WLP has been prepared. This draft is currently being reviewed by the Lyackson Chief and Council. After they have provided further input we will refer it to the Valdes Conservancy, Islands Trust and other stakeholders for review and comment. The plan will also be advertised in the newspaper but I'm not sure how many people actually read the legal ads so please let me know of any other groups or individuals we can refer the plan to directly.

As we are working on the WLP we are also in the process of exploring various options for managing the woodlot. The ribbon that you have seen in the woodlot was hung by myself and our junior forester but the road and block locations are by no means final. Those blocks may or may not be harvested depending on a multitude of factors, not least of which is public input. It is however necessary for us to

look at harvesting options in order to make accurate comparisons with other potential revenue streams that we're looking at (carbon or conservation credits, recreations/tourism etc.). We need the best numbers we can get in order to compare apples to apples. That said, we are very mindful of the multiple values that these forests encompass and we are looking for the best balance for all. The blocks that have been laid out in the field are designed to be small in scale (none of the blocks are over 2 ha), to maintain structural diversity and high value wildlife trees, to minimize the potential for blowdown, and to target root rot infected stands. We are also aware of the existing trail network and that some of the projected roads and blocks overlap trails. If harvesting does take place this may not be avoidable, in which case we would look at options for re-routing and/or re-establishing them.

In addition to looking for revenue streams other than harvesting we're also looking for funding opportunities that might enable the kind of harvesting that is best suited to the CDF to be more profitable. In other words we're exploring all options and we welcome your comments, suggestions and ideas. Certain options, such as large clearcuts or harvesting for minimal profit, are not being considered.

I believe that you'll find that this woodlot, as with most woodlots in BC, will be managed to a very high standard.

I look forward to working with you further and please do not hesitate to contact me.

Best regards,

Erik Holbek, R.P.F.

ECON consulting
PO Box 329
Merville, BC, V0R 2M0
CANADA
office: 250-337-5588
cell: 250-897-2763
fax: 250-337-2063
erik@econ.ca
www.econ.ca

From: Dunn, Heather L FLNR:EX [<mailto:Heather.Dunn@gov.bc.ca>]
Sent: Thursday, May 10, 2012 3:30 PM
To: 'Patrick'; Erik Holbek
Cc: bjpearce@telus.net; 'Steveston Eco Tours Ltd.'; 'John Hurd'; 'Morris, Patricia A'; danwhitevaldes@gmail.com
Subject: RE: Valdes Island

Hi Patrick,

Further to our conversation here is the contact information for Erik Holbek, RPF.

erik@econ.ca
ECON Consulting
PO Box 329

Merville BC, V0R 2M0
(250)337-5588

If you have further questions please don't hesitate to call me back.

Thank you,

Heather Dunn, RPF
Resource Forester
South Island District
(250) 731-3089
Ministry of Forests, Lands and Natural Resource Operations

From: Patrick [<mailto:patrick.mcalister@shaw.ca>]
Sent: Thursday, May 10, 2012 2:40 PM
To: Dunn, Heather L FLNR:EX; Neill, Emma FLNR:EX
Cc: bjpearce@telus.net; 'Steveston Eco Tours Ltd.'; 'John Hurd'; 'Morris, Patricia A';
danwhitevaldes@gmail.com
Subject: RE: Valdes Island

Heather, Thank-you for your note. I must disagree with you on your request to deal with Kathleen Johnnie about their plans for the woodlot. This implies that the Valdes Island Conservancy does not have input into the management plan process but rather has to deal with a finished proposal. We have raised many issues in the past

- Damage to existing water courses that feed cisterns on the Eastern Shore
- Logging too close to property lines that could induce blow downs on private properties
- Maintenance of existing and longstanding trail networks'
- Retention of wooded easements that protrude to the eastern shores.
- Skyline disrution

I can tell emphatically, that we wish input into the working documents, as they are prepared. I believe, also that our concerns should be heard by a non-partisan professional who is skilled and knowledgeable about the multi-use aspects of public lands . Kathleen Johnnie, as a member of the Lyackson nation, will not be an impartial adjustor. It is our understanding that we will have input into documents as they are being prepared.

Regards
Patrick McAlister

.cc
Bill Pearce (council)
Bruce Livingston - Valdes Island Conservancy president
John Hurd - VIC - Board
Mark Bateman - VIC Board
Dan White - Member at Large

-----Original Message-----

From: Dunn, Heather L FLNR:EX [<mailto:Heather.Dunn@gov.bc.ca>]
Sent: Thursday, May 10, 2012 2:10 PM
To: 'Patrick'
Cc: bjpearce@telus.net; 'John Hurd'; Neill, Emma FLNR:EX
Subject: RE: Valdes Island

Hi Patrick,

Yes Emma is correct that the Lyackson doesn't have an approved Woodlot Licence Plan and therefore does not have authority to commence logging. I spoke with Kathleen this morning and she indicated that Lyackson has hired a consulting company to prepare a DRAFT Woodlot Licence Plan. The consulting company has been on site recently. Kathleen also indicated that they will be sending the Valdes Island Conservancy further info. I would recommend that you contact Kathleen Johnnie if you have questions about their plans for the woodlot.

If you would like to discuss further please give me a call.

Thank you,

Heather Dunn, RPF
Resource Forester
South Island District
(250) 731-3089
Ministry of Forests, Lands and Natural Resource Operations

-----Original Message-----

From: Patrick [<mailto:patrick.mcalister@shaw.ca>]
Sent: Thursday, May 10, 2012 1:42 PM
To: Neill, Emma FLNR:EX; Dunn, Heather L FLNR:EX
Cc: bjpearce@telus.net; 'John Hurd'
Subject: RE: Valdes Island

Emma and Heather, Attached are pictures taken of the Road survey and flagging. This location is on Crown Land and located in area P16 on the attached PDF map.

By all appearances, someone has been the go-ahead to do some work here.

Appreciate your work and follow-up on this matter from your end.

Regards Patrick

-----Original Message-----

From: Neill, Emma FLNR:EX [<mailto:Emma.Neill@gov.bc.ca>]
Sent: Thursday, May 10, 2012 7:40 AM
To: Patrick; Dunn, Heather L FLNR:EX
Cc: bjpearce@telus.net; 'John Hurd'
Subject: RE: Valdes Island

Hi Patrick,

I will have to check in with Heather Dunn who is now the Woodlot Forester in South Island but to the best of my knowledge (and I am still somewhat up to speed) there is not yet an approved Woodlot Licence Plan. The last I heard was that Kathleen Johnnie was releasing a RFP to find a Forester that would be able to complete the Plan of which public consultation would be a component. Have you had any conversation with the First Nation of late? I have copied this to Heather so you will be able to follow up, cheers.

Emma Neill, RPF
Senior Tenures Forester, FTB
Ministry of Forests, Lands and Natural Resource Operations

Phone: 250.387-4371
Home Office Phone: 250.725.2245

From: Patrick [patrick.mcalister@shaw.ca]
Sent: May 10, 2012 7:34 AM
To: 'Patrick'; Neill, Emma FLNR:EX
Cc: bjpearce@telus.net; 'John Hurd'
Subject: RE: Valdes Island

Hello, Emma, I understand that you are now working in Victoria, however, I wish your help on an old issue that I think has been mishandled.

I have received word yesterday that red tagging is taking place on crown lands on Valdes that include the wording "Center of Road" "Logging Boundary" and "Road Junction"

I must assume that logging is proceeding on Valdes Island pursuant the finalization of the woodlot licence issued to the Lyackson First Nations. I had, however, assurances from you that we (the Valdes Island Conservancy) would be consulted prior to any activity taking place.

I would appreciate an update on what is happening.

Regards Patrick McAlister

-----Original Message-----

From: Patrick [<mailto:patrick.mcalister@shaw.ca>]
Sent: Monday, July 12, 2010 7:47 AM
To: 'Neill, Emma FOR:EX'
Cc: 'bjpearce@telus.net'
Subject: RE: Valdes Island

HI Emma, We have not talked for some time. I trust you are still with the forestry ministry.

I wanted to inquire as to what is happening re the Valdes Island Woodlot Management plan. As I recall, we had submitted some items for consideration via John Masai. I believe that John has been replaced by Kathleen Johnnie.

It has been a while and wondering what is happening from your perspective.

Thanks Patrick

-----Original Message-----

From: Neill, Emma FOR:EX [\[mailto:Emma.Neill@gov.bc.ca\]](mailto:Emma.Neill@gov.bc.ca)

Sent: Friday, August 14, 2009 3:11 PM

To: Patrick McAlister

Cc: bjpearce@telus.net

Subject: Valdes Island

Hi there.

I just wanted to give you an update - Lyackson First Nation has hired a new person to deal with Natural Resources, Kathleen Johnnie. She has a history working with the HTG Treaty group and is pretty well versed in forestry issues and such, right now she is catching up and gathering information on the woodlot. I think Kathleen will be in touch come September / October to try and review your concerns and move the Woodlot Licence Plan forward. I met with her yesterday.

Cheers,

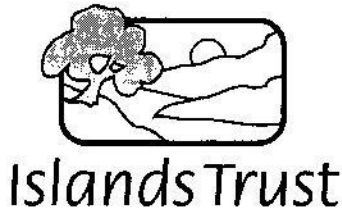
Emma Neill

Tenures Forester

South Island Forest District

Phone: (250) 731-3022

Fax: (250) 731-3010=



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

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

November 10, 2008

File Number: TH/12

Paul Knowles, District Manager
Ministry of Forests, South Island Forest District
4885 Cherry Creek Road
Port Alberni, BC, V9Y8E9

Dear Mr. Knowles:

Re: Valdes Island Forestry

The Thetis Island Local Trust Committee met with Ministry of Forest staff Laura Richardson and Emma Neill and Valdes Island Conservancy representatives Patrick McAlistar and Bill Pearce on October 15, 2008 to discuss forestry on Valdes Island. The Trust Committee found the meeting helpful and thanks Ministry staff for taking the time to get together.

Please be advised that the Local Trust Committee, residents, land owners and the Valdes Island Conservancy have interest in forestry and development on Crown land. Given the scale and intensity of recent logging on private managed forest lands, the forests on Crown land represent the few remaining forested areas on the Island, particularly the southern portion of the island.

The Local Trust Committee asks that Ministry processes and decisions include meaningful consultation with the Local Trust Committee and Valdes Island Conservancy. Such discussions require time and resources. At this time, it is understood that the Lyackson First Nation will initiate consultation over the next year. The Local Trust Committee will also send a letter to the Lyackson First Nation expressing interest in participating in these discussions.

Again, meeting with Ministry staff was helpful, and previous meetings with the Lyackson First Nation on other matters were always positive and constructive. Thank you for your time and consideration. We look forward to participating in discussions and meeting with you in the future. If you have any questions you can contact me at 250-247-2207 or by e-mail at cjackson@islandstrust.bc.ca.

Sincerely,

Chris Jackson, Planner/Acting Regional Planning Manager

cc: Thetis Island Local Trust Committee
Chief Thomas, Lyackson First Nation
Mr. Bill Pearce, Valdes Island Conservancy
Mr. Patrick McAlistar, Valdes Island Conservancy
Laura Richardson, Ministry of Forests, Operations Manager
Emma Neill, Ministry of Forests, Tenures Officer

Woodlot Licence Plan

Woodlot Licence No. W2043

Licensee: Lyackson First Nation

WOODLOT LICENCE # W2043

WOODLOT LICENCE PLAN

First Term
2009 to 2019

9137 Chemainus Road
Chemainus, BC V0R 1K5
E-mail: lyacksondofo@shawcable.com
Phone: (250) 246-5019 Fax: (250) 246-5049

Authorized Licensee Signature:

Lyackson First Nation

Chief Rick Thomas

[Signature]

2009/02/28

[Date]

DISCLAIMER

- Recognizing the special nature of management on a woodlot licence, this disclaimer forms part of the Woodlot Licence Plan (WLP) for Woodlot Licence Number 2043 (W2043) and advises that:
 - The decision to operate under one or more of the Default Performance Requirements provided in the Woodlot Licence Planning and Practices Regulation (WLPPR) is the sole responsibility of the woodlot licence holder, and involved no detailed oversight or advice from the prescribing registered professional forester. This disclaimer is signed on the explicit understanding and information provided by government that, the use and achievement of a Default Performance Requirement, meets the expectations of government with respect to the management of woodlot licences;
 - The undersigned Registered Professional Forester has been retained to provide advice on the practice of professional forestry with regard to items such as alternative performance requirements, applicable results and strategies and other required measures that do not have a default performance requirement provided in the WLPPR.

Signed _____ Seal:

Name: John R. Masai

RPF # 1760

Contact Phone Number: (250) 652-7081

Email: jrmasai@shaw.ca

TABLE OF CONTENTS

I. CONTENT FOR A WOODLOT LICENCE PLAN (WLP)	5
PLAN AREA	5
MAP AND INFORMATION	5
AREAS WHERE TIMBER HARVESTING WILL BE AVOIDED	8
AREAS WHERE TIMBER HARVESTING WILL BE MODIFIED	8
CONSERVING AND PROTECTING CULTURAL HERITAGE RESOURCES ..	10
WILDLIFE TREE RETENTION STRATEGY	10
MEASURES TO PREVENT INTRODUCTION OR SPREAD OF INVASIVE PLANTS	13
MEASURES TO MITIGATE EFFECT OF REMOVING NATURAL RANGE BARRIERS	14
STOCKING INFORMATION FOR SPECIFIED AREAS	14
PERFORMANCE REQUIREMENTS	14
SOIL DISTURBANCE LIMITS	14
PERMANENT ACCESS STRUCTURES	14
STOCKING STANDARDS	14
WIDTH OF STREAM RIPARIAN AREAS	15
WIDTH OF WETLAND RIPARIAN AREAS	15
WIDTH OF LAKE RIPARIAN AREAS	15
RESTRICTIONS IN A RIPARIAN RESERVE ZONE	15
RESTRICTIONS IN A RIPARIAN MANAGEMENT ZONE	15
WILDLIFE TREE RETENTION	15
COARSE WOODY DEBRIS	16
RESOURCE FEATURES	16
APPENDICES	16
II. SUPPLEMENTAL INFORMATION TO SUPPORT OF THE PROPOSED WOODLOT LICENCE PLAN	21
1. REVIEW AND COMMENT	21
a) <i>Advertising</i>	21
b) <i>Referrals</i>	21
c) <i>Copy of Written Comments Received</i>	22
d) <i>Revisions Made as a Result of Written Comments Received</i>	22
2. EFFORTS MADE TO MEET WITH FIRST NATIONS	22
3. EXEMPTIONS	22
4. RATIONALE IN SUPPORT OF PROPOSED ALTERNATIVE PERFORMANCE REQUIREMENTS	22

I. CONTENT FOR A WOODLOT LICENCE PLAN (WLP)

PLAN AREA

☒ This plan covers the entire Woodlot Licence area.

☐ This plan covers a portion of the Woodlot Licence area.

MAP AND INFORMATION

Information Item	Map	Text	N/A
Forest cover	x		
Topography; (unless exempted by DM)	x		
Location of streams, wetlands and lakes as shown on forest cover maps, terrain resource inventory maps and fish and fish habitat inventory maps.	x		
Riparian classification of streams, wetlands and lakes <u>if shown on maps</u>	x		
Identification of fish streams			
Biogeoclimatic zones and subzones (unless exempted by DM)		x	
Public utilities (transmission lines, gas & oil pipelines, and railways)			
Existing roads	x		
Special Situations that may not Apply to the WL area			
Resource Management Zones, Landscape Units or Sensitive Areas		x	
Wildlife Habitat Areas (unless exempted by DM)			
Scenic Areas		x	
Ungulate Winter Ranges			x
Community Watersheds			x
Fisheries Sensitive Watersheds			x
Community and domestic water supply intakes that are licensed under the Water Act and any related water supply infrastructures			x
Contiguous areas of sensitive soils		x	
Temporary or permanent barricades to restrict vehicle access			x
Private property within or adjacent to the woodlot licence area	x	x	
Resource features other than wildlife habitat features and archaeological sites (unless the location of the resource feature is not to be disclosed)			x

The Woodlot Licence Plan covers the entire wood lot licence area, comprising of the Northern and Southern blocks located on Valdes Island.

The majority of the applicable information required to be addressed under Section 8(1) of the Woodlot licence Planning and Practices Regulation (WLPPR) is identified on the map in Appendix II. Only the required information not identified on the map is included in this section.

Biogeoclimatic zones and subzones:

The Northern and Southern blocks lie within the Coastal Douglas Fir moist subzone (CDFmm).

Resource Management Zones, Landscape Units and Sensitive Areas:

There are no higher level plans covering the woodlot licence area.

Scenic Areas:

There are no Visual Quality Objectives (VQOs) covering the woodlot licence area. However, both the eastern and western parts of the woodlot are bounded by the ocean. Some of the polygons, located on ridge tops and upper slopes (polygons 3, 13, 21, 28, 41, 44, 45 & 47) maybe visible from the water.

The licensee recognizes that aesthetics must be given adequate consideration. Through careful planning, utilization of small cutblocks, some partial harvesting, maintenance of timbered screens and prompt reforestation, the licensee expects that the scenic values will be maintained.

Exceptions:

Polygon 10, located in the northern portion of the woodlot, is an immature lodge pole pine plantation. It is approximately 25 hectares in size. This species is only acceptable in site series 01, 02 and 03 in the CDFmm. The licence, as a result of field ecological assessments, may have to clearcut this stand and replace it with more acceptable species for the site series. This relatively large clearcut may present some negative visual qualities for some time until the new plantation reaches a free growing status.

The high incidence of root disease in most of the polygons, particularly in the northern portion of the woodlot, will dictate the need for small clearcuts or patch cuts. Silviculture systems such as retention or selection will not be appropriate within these root disease centres. Stumping may be considered as Douglas fir is the moist suitable ecological species. Alternatively, root disease resistance species may be planted. Large planting stock and prompt reforestation will be required to prevent salal invasion.

Community Watershed:

There are no community watersheds within the licence area.

Community and domestic water intakes that are licensed under the Water Act and any related water supply infrastructures:

There are no known licensed domestic water supply intakes or related water supply infrastructures located within or immediately adjacent to the woodlot licence area covered by this Woodlot Licence Plan.

However, a number of creeks in the southern block function as water intakes sites for a number of the cottage properties. Water quality is a value which must be considered in the management of this woodlot. 5-meter no harvest buffers will be maintained around S5 and S6 creeks that function as water supply sources for the cottages.

Contiguous areas of sensitive soils:

There are a number of areas with moderate to high likelihood of landslide initiation (terrain class IV and V) as a result of harvesting or road building activities within the woodlot licence area covered by this Woodlot Licence Plan.

Private property within or adjacent to the woodlot licence area:

There are a number of private properties and lots adjacent to the woodlot licence area, as shown on the WLP map. There are a number of private cottages on the eastern side of Valdes Island. The northern block is bounded by Wakes Cove Provincial Park to the north and Indian Reserve No. 3 to the south. The southern block is bounded by Island Timberlands private forestlands to the west and the cottages to the east. Whenever ecological sensitive areas are located adjacent to these private cottages, the licensee will endeavour to establish Wildlife Tree Patches in these areas.

The licensee will enter into an agreement with Island Timberlands to access their private roads and dumping facilities for forest management activities and coordinate log hauling and fire protection. In addition, the licensee will post signs near active logging or tree planting sites to inform the private land owners of such activities.

Resource Features other than wildlife habitat features, archaeological sites and other features where the location must not be disclosed:

At the time of preparing this Woodlot Licence Plan, no resource features have been established within the woodlot licence area under the Government Actions Regulations. There were also no resource features within the woodlot licence area that were made known by the district manager under the regulations of the Forest Practices Code of BC Act.

Use of Herbicides

The Licensee will avoid the use of herbicides in all its field operations due to the ongoing traditional use of plants by the First Nation communities.

Recreation: The eastern sides of both parcels of the woodlot have high recreational values because of the cottage properties next to the boundary. A minimum of 100 metre timberland lies between the actual cottages and the eastern boundary of the woodlot. This timberland provides sufficient buffer between the woodlot area and the cottages. In addition, the cottages are likely used during the summer months and holidays only and are mostly vacant for the rest of the year.

These are a number of old grades throughout the southern portion of the woodlot as shown on the WLP map attached. The northern portion of the woodlot has two roads leading into it from Lyackson IR 3. These are old logging roads some of which are used for recreational activities mostly by the lease holders on Valdes Island.

A recent (2002) created park, Wakes Cove Provincial Park, runs along the entire length of the northern boundary of the northern portion. Access into the park is either by sea or by land through Lyackson IR 3. The Lyackson First Nation has gated these access points through the reserve to prevent unauthorised use of reserve lands.

The licensee has met a number of times with the representatives of the Valdes Island Conservancy Society which represents the cottage owners. These meetings were to address their concerns. Recreational use of the woodlot will be considered during the management of this woodlot. Measures such as timing of harvesting operations to ensure

there is no conflict with the peak use of the area. Signs will also be posted to warn of active logging operations.

AREAS WHERE TIMBER HARVESTING WILL BE AVOIDED

Archaeological Sites: There are four known archaeological sites located within and/or adjacent to the woodlot licence area. Sites DgRw-073 and DgRv-216 are located on the northern portion of the woodlot. Sites DgRv-38 and DgRv-21 are located within the southern portion of the woodlot. These sites are shown on the WLP map and will be protected from harvesting and road building activities.

In addition, the licensee is committed to conducting archaeological impact assessments (AIAs) on any proposed cutblocks.

Ecological Sensitive Areas: There are a number of openings within the woodlot that are easily visible on air photos. The majority are areas disturbed by humans, animals and root disease infestation. Most of these openings have been invaded by salal. However, some of these openings are moss covered rocky outcrops that may be sensitive to disturbance. They may also contain unique plant species. These moss covered rocky outcrops will be protected from harvesting and road building activities.

At the time of writing this Woodlot Licence Plan, there are no other portions of the woodlot licence area where the woodlot licence holder is aware of a legal requirement to completely avoid harvesting.

AREAS WHERE TIMBER HARVESTING WILL BE MODIFIED

Modified harvesting where practice requirement in the WLPPR apply:

Scenic Areas: Harvesting will be modified on ridge tops, upper slopes and the water front to maintain the scenic values. Shelterwood or seed tree systems could be applied here to maintain the visual quality.

Riparian Reserve Zones: Riparian Reserve Zones (RRZs) and Wildlife Tree Patches (WTPs) are not planned for regular harvesting other than those specified by regulation, such as tree removal to facilitate trails or sanitation treatment. These areas include RRZs and WTPs designated to streams and wetlands.

Riparian Management Zones: Riparian Management Zones (RMZs) are not planned for regular harvesting. The table below indicates how harvesting will be modified based on the stream, wetland classification and whether they function as water intake sources. Depending on stand structure, terrain, block configuration and windthrow risk, retention will be grouped, uniform or spatially distinct. As a rule, understory and unmerchantable conifers and hardwoods of good form and vigour will be retained whenever possible.

Table: Modification of Harvesting in RMZs by Riparian Classification

Riparian Class	Management Objective	Species to Retain	Retention Level Post Harvest (stems/ha)
S2 5.0-20.0 m (Fish Bearing or Community Watershed)	❖ Maintain the integrity of the RRZ ❖ Maintain wildlife attributes within the RMA such as wildlife cover, nesting and perching habitat.	Fd, Cw, Pl, Bg, Mb, Dr and Act	25-100%
S3 1.5-5.0 m (Fish Bearing or Community Watershed)	❖ Maintain the integrity of the RRZ ❖ Maintain wildlife attributes within the RMA such as wildlife cover, nesting and perching habitat.		25-100%
S4 Up to 1.5 m (Fish Bearing or Community Watershed)	❖ Maintain stream bank integrity ❖ Provide shade cover, LWD and litter		25-100%
S5 >3m (Non-fish)	❖ Minimize debris transport to lower reaches of stream ❖ Maintain the integrity of the 5- metre RRZ if stream is a water intake source.		0-100%
S6 <3m (Non-fish)	❖ Minimize debris transport to lower reaches of stream ❖ Maintain the integrity of the 5- metre RRZ if stream is a water intake source	Fd, Cw, Pl, Bg, Mb, Dr and Act	0-100%

Lakes and Wetlands	❖ Maintain the integrity of the RRZ ❖ Maintain wildlife attributes within the RMA such as wildlife cover, nesting and perching habitat.		25-100%
--------------------	--	--	---------

Fd=Douglas Fir, Cw=Western red cedar, Pl=Lodge pole pine, Bg=Grand fir, Mb=Big leaf maple, Dr=Red alder, Act=Cottonwood

Terrain Class 4 and 5 Areas: Harvesting will be modified in terrain class 4 and 5 areas based on the stand structure, slope stability, block configuration and windthrow risk. Retention will be grouped, uniform or spatially distinct.

CONSERVING AND PROTECTING CULTURAL HERITAGE RESOURCES

The woodlot licensee will implement the following strategies to conserve and protect cultural heritage resources that are the focus of traditional use and continuing importance to the Hul'Qumi'Num and other neighbouring tribes.

- Identify available information on cultural heritage resources through discussions with the elders of the tribes and other community members;
- Examine harvest areas for cultural heritage resources and notify the District Manager and the other First Nations if anything is found;
- Carry out on-going discussions with the other First Nations about the conservation and protection of cultural heritage resources if new information becomes available during the term of the Woodlot Licence Plan.
- Notify the other First Nations mentioned above of applications for cutting permits prior to submission to the MoFR so that cultural heritage resources can be identified and included as a wildlife tree, in a wildlife tree patch or collected prior to harvest.
- The licensee will provide, on request, access to cedar bark, cedar logs for cultural purposes and traditional use plants to the aforementioned First Nations.
- The licensee will continue to plant red cedar, where it is ecologically suitable, in accordance to the stocking standards specified in the Woodlot Licence Plan.
- Should the other First Nations identify any spiritual sites; these sites will be removed from harvest provided they do not unduly impact the harvest opportunity.

The licensee will be available for field reviews with the aforementioned First Nations upon request.

WILDLIFE TREE RETENTION STRATEGY

Note: The proportion of the Woodlot Licence area that is occupied by wildlife tree retention areas is specified in the “PERFORMANCE REQUIREMENTS” section of this plan.

INDIVIDUAL WILDLIFE TREES

a) Species and Characteristics:

Trees of all species found in the woodlot licence area may be selected as individual wildlife trees. Selection will favour trees that provide valuable wildlife tree attributes including signs of internal decay, trees with forks, large rotten branches, loose or cracked bark, recent scars, active wildlife use, existing cavities, nest trees, veteran trees and other large windfirm trees with poor form for sawlogs. Trees may be left as dispersed individuals or as a group.

b) Conditions Under Which Individual Wildlife Trees May Be Removed:

Individual wildlife trees may be removed if they are considered a safety hazard or they become infested with insects which threaten the health of the adjacent trees.

c) Replacement of Individual Wildlife Trees:

If individual wildlife trees are removed, they will be replaced with trees of comparable wildlife tree value from a nearby location.

WILDLIFE TREE RETENTION AREAS

a) Forest Cover Attributes:

Preference will be given to locating wildlife tree retention areas in stands that contain or have a good likelihood of developing valuable wildlife tree attributes as described above.

To maintain biodiversity, an attempt will be made to provide representation of all tree species found in the woodlot licence area. It will focus on riparian management areas, ecological sensitive areas and other areas where harvesting constraints provide the best long-term potential for stands to develop wildlife tree attributes. Root disease centres may also be selected to provide a continuing supply of dead and dying trees, coarse woody debris and biodiversity associated with stand openings.

b) Conditions Under Which Trees May Be Removed from Wildlife Tree Retention Areas:

Trees may be removed from wildlife tree retention areas if:

- They are considered a safety hazard
- They become infested with insects and diseases which threaten the health of the adjacent trees

- They are windthrown into adjacent stands, cutblocks or regenerated areas
- Or there is a need to provide access to adjacent stands. The removal of high quality wildlife trees will be kept to a minimum in providing this access.

c) Replacement of Trees Removed from Wildlife Tree Retention Areas:

If trees are removed from wildlife tree retention areas, they will be replaced with trees of comparable wildlife tree value from a nearby location. Where all or part of a wildlife tree retention area is salvaged, the salvaged area will be replaced with another suitable wildlife habitat area in the nearest possible location.

Suitable replacement areas will have characteristics that are consistent with the wildlife tree retention strategy. If a wildlife tree retention area suffers blowdown or is otherwise killed, but is not salvaged, it will not be replaced.

MEASURES TO PREVENT INTRODUCTION OR SPREAD OF INVASIVE PLANTS

The following measures will be implemented to reduce the introduction and spread of invasive plants that may result from the woodlot licensee's forest practices:

- Minimize soil disturbance
- Establish well stocked stands of trees that will eventually suppress invasive plants
- Distribute seed along roadside areas as soon as practicable with the appropriate mix of fast growing species of grasses and legumes
- Minimize the transport of invasive plant seed by removing burrs from clothing and equipment and by checking the undercarriage of vehicles and removing invasive plants before leaving infested areas
- Learn to identify invasive plants and recognise early stages of invasive plant development
- Annually monitor invasive plants and carry out control measures before invasive plants reproduce in areas where the primary forest activities of the woodlot licensee have created favourable seedbed for the spread of invasive plants.

A number of species of invasive plants are evident in the area next to the woodlot licence area and are expected to encroach onto the woodlot over time.

MEASURES TO MITIGATE EFFECT OF REMOVING NATURAL RANGE BARRIERS

There are no range tenures within or adjacent to the woodlot licence and no measures or activities are proposed.

STOCKING INFORMATION FOR SPECIFIED AREAS

Unless exempted by the district manager, the stocking standards indicated below apply to areas where the establishment of a free growing stand is not required and harvesting is limited to commercial thinning, removal of individual trees, or a similar type of intermediate cutting and for harvesting special forest products. For the purposes of this plan, the aforementioned harvesting activities cantake place anywhere within the woodlot area, except in designated areas where harvesting is to be avoided.

☒ For the purposes of section 12 and 34(3) of the WLPPR the Uneven-aged Stocking standards for single-tree selection, as found in the MoF publication “Reference Guide for FDP Stocking Standards”, are adopted.

PERFORMANCE REQUIREMENTS

SOIL DISTURBANCE LIMITS

- ☒ Default WLPPR s.24(1)(b):
- 8% of Net Area to be Reforested.
 - Exception:
Maximum of 30% in root disease centres and/or areas dominated by salal where mechanical methods maybe prescribed to stir up the roots systems to facilitate tree planting.

PERMANENT ACCESS STRUCTURES

- ☒ Default: WLPPR s.25:
The maximum area occupied by permanent access structures is as follows:
1. For Cutblocks ≥ 5 ha – 7% of the total cutblock area
 2. For Cutblocks < 5 ha – 10% of the total cutblock area
 3. For the Total Woodlot Licence Area – 7% of the total Woodlot Licence area

STOCKING STANDARDS

- ☒ Default: WLPPR s.35(1)(b): Adopt the stocking standards, regeneration dates and free growing dates described in the MoF publication “Reference Guide for Forest Development Plan Stocking Standards”, as amended from time to time, that are in place on the commencement date for the area.

- See http://www.for.gov.bc.ca/hfp/forsite/stocking_stds.htm (a copy of which is also included in Appendix I)

WIDTH OF STREAM RIPARIAN AREAS

☒ Default WLPPR s.36(4)(b):
The minimum width of the riparian reserve zone, riparian management zone and riparian management area are as described in WLPPR s.36(4)(b).

WIDTH OF WETLAND RIPARIAN AREAS

☒ Default: WLPPR s.37(3)(b) The minimum width of the riparian reserve zone, riparian management zone and riparian management area are as described in WLPPR s.37(3)(b).

WIDTH OF LAKE RIPARIAN AREAS

☒ Default: WLPPR s.38(2)(b) The minimum width of the riparian reserve zone, riparian management zone and riparian management area are as described in WLPPR s.38(2)(b).

RESTRICTIONS IN A RIPARIAN RESERVE ZONE

☒ Default: WLPPR s.39(1) Cutting, modifying or removing trees in a riparian reserve zone is limited to the purposes described in Section 39(1) of the WLPPR.

RESTRICTIONS IN A RIPARIAN MANAGEMENT ZONE

☒ Default: WLPPR s.40(1)(b)(c) or (d) Construction of a road in a riparian management zone is limited to the conditions described in Section 40(1) of the WLPPR without additional conditions to allow road construction being provided in the woodlot licence plan.

WILDLIFE TREE RETENTION

Unless exempted by the district manager, the proportion of the Woodlot Licence area that will be occupied by wildlife tree retention is:

☒ Default WLPPR s.52(1)(c): 8 % of the woodlot licence area

COARSE WOODY DEBRIS

Unless exempted by the district manager or the WLPPR, the minimum amount of coarse woody debris to be left in areas where there is a requirement to establish a free growing stand is:

☒ Default: WLPPR s.54(1)(b)

- Area on Coast – minimum retention of 4 logs per ha ≥ 5 m in length and ≥ 30 cm in diameter at one end.

RESOURCE FEATURES

Unless exempted by the district manager, the woodlot licence holder will

☒ Default WLPPR s.56(1)(b): Ensure that forest practices do not damage or render ineffective a resource feature.

Note: Only the performance requirements in Part 3 (Practice Requirements) of the WLPPR for which an alternative can be proposed are shown in this Woodlot Licence Plan. The remaining performance requirements in Part 3 are not shown, nor are the performance requirements in Part 4 (Roads).

APPENDICES

Appendix I: Stocking Standards for Free Growing Stands that apply to this WLP

Appendix II: Woodlot Licence Plan Map

Appendix I: Stocking Standards/Regeneration Guide for W2043

Biogeoclimatic Classification Zone/Subzone is CDFmm

Site Series	Tree Species				Conifer Stocking well spaced per ha.			Late FG Date	Min Inter Tree Dist (m)	Regen Delay (Yrs)	Tree Ht>Brush (min%)	Minimum FG Height/Species			
	Conifer			Broadleaf								Species	Ht m	Species	Ht m
	Preferred (p)	Acceptable (a)	Root Rot		Target	Min pa	Min p	Yrs							
01	Fd Pl ³	Cw	Pw ⁴ Cw	Dr Mb	900	500	400	11	2.0	3	150	Fd Pl	2.0 1.25	Bg Cw	1.4 1.0
02 ⁶	Pl ³ Fd		Pw ⁴ Pl ³	-	400	200	200	11	2.0	3	150	Pl ¹ Fd	1.5 2.0	Bg Cw	1.4 1.0
03	Fd Pl ²		Pw ⁴ Cw	Dr Mb	800	400	400	14	2.0	6	150	Pl Fd	1.25 2.0	Bg Cw	1.4 1.0
04	Fd	Cw Bg	Pw ⁴ Cw	Dr Mb	900	500	400	11	2.0	3	150	Fd Bg	3.0 1.75	Cw	1.5
05	Fd	Cw	Pw ⁴ Cw	Dr Mb	900	500	400	11	2.0	3	150	Fd Bg	3.0 1.75	Cw	1.5
06	Cw Fd		Pw ⁴ Cw	Act Dr Mb	900	500	400	11	2.0	3	150	Fd Bg	4.0 2.25	Cw	2.0
07	Cw Fd	Bg	Pw ⁴ Cw	Act(Dr Mb)	900	500	400	11	2.0	3	150	Fd Bg	4.0 2.25	Cw	2.0
08	Cw ¹	Bg ¹	Pw ⁴ Cw	ActDr(Mb)	900	500	400	11	1.5	3	150	Fd Bg	4.0 2.25	Cw	2.0
09	No conifers	-	-	Act	-	-	-	-	-	-	-	-	-	-	-
10 ⁶	Pl ¹	Cw ¹	-	Dr Mb	400	200	200	11	1.5	3	150	Fd Bg	2.0 1.4	Pl Cw	1.25 1.0
11	Cw ¹		Pw ⁴ Cw	Act (Dr)	800	400	400	11	1.5	3	150	Fd Bg	2.0 1.4	Pl Cw	1.25 1.0
12	Cw ¹ Fd ¹	Bg ¹	Pw ⁴ Cw	Act	900	500	400	11	1.5	3	150	Fd Bg	4.0 2.25	Cw	2.0
13	Bg ¹ Cw ¹ Fd ¹		Pw ⁴ Cw	Act Dr	900	500	400	11	1.5	3	150	Fd Bg	4.0 2.25	Cw	2.0
14	Cw ¹	Bg ¹	Pw ⁴ Cw	Act (Dr)	800	400	400	11	1.5	3	150	Fd Bg	2.0 1.4	Cw Pl	1.0 1.25

Foot Notes

1. Elevated microsites are preferred. These sites represent areas with fluctuating water tables
2. Restricted to coarse-textured soils
3. Restricted to nutrient-very poor sites
4. Risk of white pine blister rust
5. Bg is only acceptable in the Balsam Woolley Adelgid quarantine area and will only form a maximum of 10% of the stocking
6. Avoid logging

Conifer Tree Species

“Bg” means grand fir

“Cw” means Western red cedar

“Fd” means Douglas fir

“Pl” means Lodge pole pine

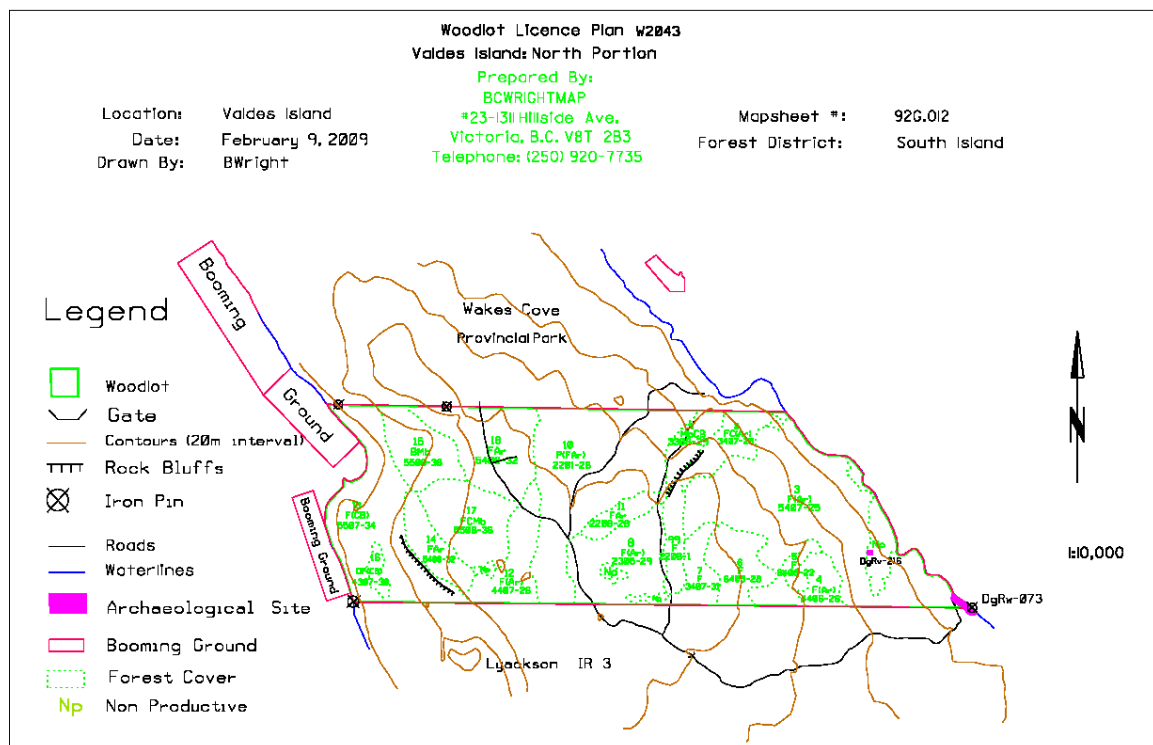
“Pw” means White pine

Broadleaf Species

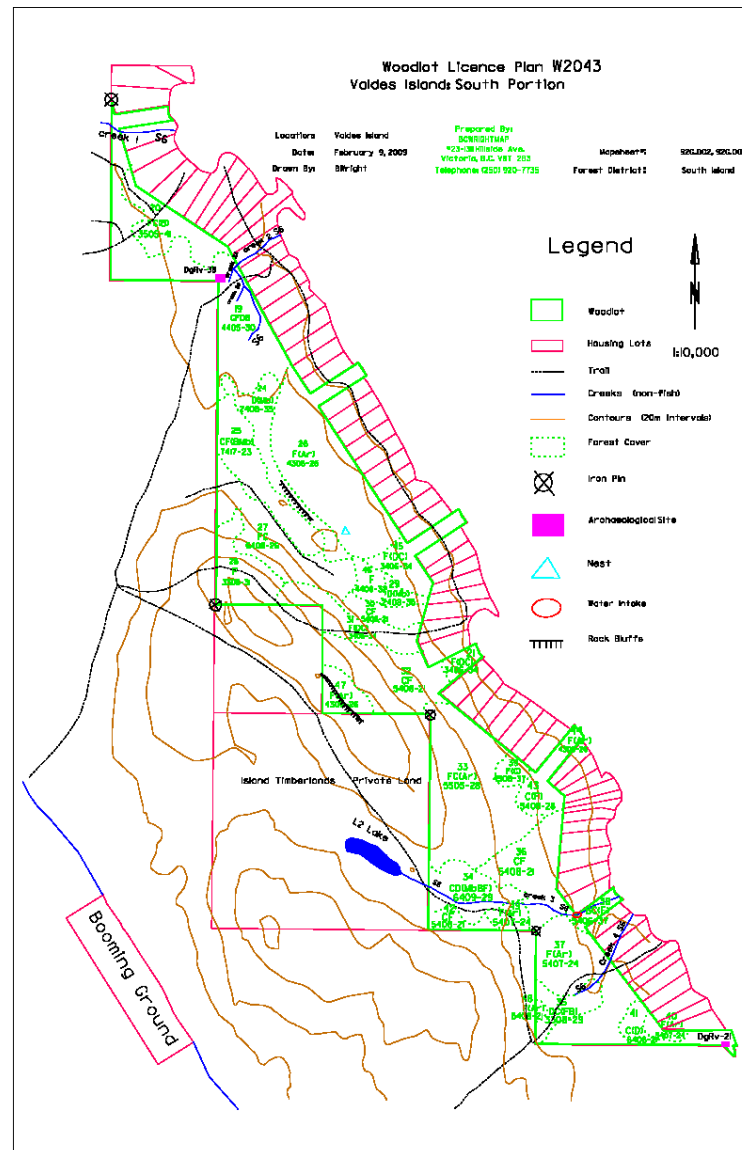
“Act” means black cotton wood

“Dr” means Red Alder

“Mb” means Bigleaf maple



Appendix III: The Woodlot Licence Plan Map- Southern Block



II. SUPPLEMENTAL INFORMATION TO SUPPORT OF THE PROPOSED WOODLOT LICENCE PLAN

Any Supplementary Information will be submitted with the WLP when the plan is submitted for approval.

1. REVIEW AND COMMENT

a) Advertising

A copy of the newspaper advertisement under which the WLP was given public notice will be included when the plan is submitted for final approval.

b) Referrals

This plan, in addition to the Ministry of Forests and Range, will be referred to the following agencies and/ or groups by either email or hard copy:

1. Ministry of Environment
Kevin.Telfer@gov.bc.ca
2. BC Parks
Scott.Benton@gov.bc.ca
3. Ministry of Tourism, Sports and Arts
Paul.Tataryn@gov.bc.ca
4. Islands Trust
mbrodrick@islandstrust.bc.ca
5. Islands Timberland Ltd
JSears@islandtimberlands.com
6. Cowichan Tribes
5760 Allenby Road
Duncan, BC V9L 5J1
7. Snuneymuxw First Nation
668 Cetre Street
Nanaimo, BC V9R 4Z4
8. Penelakut First Nation
PO Box 360
Chemainus, BC V0R 1K0
dorinae@penelakut.ca
9. Chemainus First Nation
12611A Trans Canada Highway
Ladysmith, BC V9G 1M5
krista.dennis@cfnation.com

10. Valdes Island Conservancy Society
3811 Mitlenatch Drive
Campbell River, BC V9H 1J7
Contact: Bill Pearce
Phone: (250) 595-4994

c) Copy of Written Comments Received

A copy of all written comments received during the review and comment period will be included when the plan is submitted.

d) Revisions Made as a Result of Written Comments Received

A description of the revisions that were made to the WLP as a result of any written comments received will be included in the final submission.

2. EFFORTS MADE TO MEET WITH OTHER FIRST NATIONS

A description of the efforts made to meet with other First Nations, and any written comments received from these discussions will be included in the final submission.

3. EXEMPTIONS

A copy of all exemptions granted under sections 8(2), 78 and 79 of the WLPPR in the process of preparing the WLP will be included with the final submission.

4. RATIONALE IN SUPPORT OF PROPOSED ALTERNATIVE PERFORMANCE REQUIREMENTS

No Alternative Performance Requirements are being proposed.

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DRAFT



From: LCLB LCLB:EX [<mailto:lclb.lclb@gov.bc.ca>]
Sent: April-11-12 11:55 AM
To: LCLB LCLB:EX
Subject: Theatre liquor licensing

The purpose of this policy directive is to announce amendments to the *Liquor Control and Licensing Regulation* affecting the licensing of movie theatres and the ability of live event theatre establishments with Liquor Primary licences to screen movies and other broadcasts. These changes take effect immediately, and repeal and replace policy directive 12-01.

Liquor Control and Licensing Branch
Ministry of Energy and Mines
<http://www.pssg.gov.bc.ca/lclb>

Date: April 11, 2012

To: All LCLB staff
All Industry Associations
All Local Government, First Nations, and Police Agencies
All live event theatre liquor primary licensees

Re: Amendment to the regulation respecting the liquor primary (LP) licensing of movie theatres and changes to policy for live event theatres

The purpose of this policy directive is to announce amendments to the *Liquor Control and Licensing Regulation* affecting the licensing of movie theatres and the ability of live event theatre establishments with LP licences to screen movies and other broadcasts. These changes take effect immediately, and repeal and replace policy directive 12-01.

BACKGROUND

The *Liquor Control and Licensing Regulation* amendment removes the prohibition on the liquor primary licensing of movie theatres. Movie theatres are now eligible to hold a liquor primary licence.

Licensed live event theatres may now show movies with no liquor service, or may apply for approval to serve liquor in the lobby at films and broadcasts, and to licence the theatre auditorium, if not already licensed. This will provide more options and greater flexibility for current licensees operating predominantly live event theatre venues.

POLICY

Effective Immediately:

Licensed live event theatres may show films or broadcasts and may have live all-ages events without liquor service without having to seek approval or provide notice to the Liquor Control and Licensing Branch.

Expanded Licensing Eligibility for Movie and Live Event Theatres:

- Movie theatres are now eligible to apply for a liquor primary licence to serve liquor at films and broadcasts in age controlled areas.
- Live event theatres are now eligible to apply to serve liquor at films and broadcasts, and to licence the theatre auditorium.

POLICIES APPLICABLE BY VENUE TYPE

Multiplex Theatre Licensing Policy:

- Patrons must have purchased ticket to enter theatre.
- Liquor service is permitted in a separate, age restricted (no minors permitted) LP lounge and any connected age controlled theatre auditoriums (i.e. not the entire lobby area).
- LP lounge, theatre auditorium and connecting hallways/areas may all be part of the licensed area.
- Hours of liquor service to be event-driven (i.e. from 1 hour prior to 1 hour after movie screening) within the approved liquor service hours.
- Liquor service is also permitted in a separate, all ages food primary (FP).

Single Screen Movie/Live Event Theatre Policy:

- Patrons must have purchased ticket to enter theatre.
- Liquor service permitted in the lobby and theatre auditorium, all of which may be licensed as an LP.
- Liquor service is permitted in the theatre lobby with minors present.
- No liquor service is permitted in the theatre auditorium if minors are present (an exception is made for live events at live event venues that have already obtained prior approval of the general manager).
- Hours of liquor service to be event-driven (i.e. from 1 hour prior to 1 hour after movie screening) within the approved liquor service hours.
- Licensees have discretion to determine if a given movie/event is age restricted (no minors permitted) without applying for LCLB permission or notifying LCLB:
 - Liquor service for age restricted (no minors permitted) movies/events is permitted in the auditorium and the theatre lobby (appropriate signage that no minors are permitted must be posted); and
 - Liquor service for-all ages movies/live events is permitted only in the theatre lobby area.
- Live event venues will be able to show pay-per-view or other broadcasts
- Liquor service also permitted in a separate, all ages food primary (FP).

Live and Screened Events Special Occasion Licence (SOL) Policy:

- Organizations eligible for an SOL may apply to hold screening events in a licensed or unlicensed theatre or other type of venue (note that under current policy SOL licensing is generally limited to 2 days per month, unless exempted by the general manager).
- If an SOL for screening events is held in a licensed establishment, the establishment would have to apply to temporarily suspend the licence for the event.
- Rules respecting minors and liquor service are the same as single screen movie/live event theatre policy.

FURTHER INFORMATION

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at www.pssg.gov.bc.ca/lclb. If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250-952-5787 if calling from the Victoria area.

Further information on movie theatre licensing under the *Motion Picture Act* is available on the Consumer Protection BC website at <http://www.consumerprotectionbc.ca/motion-pictures-portal>, or by calling 1-888-564-9963.

A handwritten signature in black ink, appearing to read "Karen Ayers".

Karen Ayers
General Manager



Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 340

Size:

1,129 hectares (2,789 acres)

Location:

7 kilometres north of Chemainus on Vancouver Island.

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Thetis Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Thetis Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

June 2012

- [The Local Trust Committee launches a Community Plan Review for the Associated Islands with a newsletter and survey mailed to property owners.](#)

February 2012

- [Thetis Island owners have options to provide lasting protection for properties](#)

December 2011

- The Thetis Island Local Trust Committee Adopted [Bylaw No. 88](#) (Official Community Plan) and [Bylaw No. 89](#) (Land Use Bylaw)

Local Trust Committee Projects and Resources

Thetis Island General

- [Thetis Island Community Profile](#)
- [Thetis Island Draft Development Potential Map -August 2009](#)

Community Plan Project for Associated Islands

Including Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Bute and Dunsmuir Islands

- [Project Terms of Reference](#)
- [Preliminary Staff Report for April 18, 2012 Meeting](#)
- [Staff Report for May 23, 2012 Meeting](#)
- [Online survey - click here to complete the survey.](#) (open until July 15, 2012)
- [Newsletter - June, 2012](#)
- [DRAFT Community Profile - May, 2012](#)

Riparian Areas Regulation Implementation

- [Staff Report dated May 24, 2011](#)
- [Staff Report dated July 21, 2010](#)
- [RAR Stream Identification of the Ralston Creek Watershed, March 2011](#)
- [Map showing RAR streams with property lines](#)
- [Map showing RAR streams with buffers for Streamside Protection and Enhancement Area](#)
- [Provincial Riparian Areas Regulation website](#)

Marine Shorelands

- [DRAFT Marine Shorelands Development Permit Area, April 30, 2011](#)
- [Staff Report re: Marine Shorelands Development Permit Area and Sea Level Rise - January 26, 2011](#)
- [Staff Report re: Marine Shorelands Development Permit area - January 6, 2011](#)
- [Staff Report re: Shoreline Management - November 18, 2010](#)
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[Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd.](#)

- [UBC Pilot Study on Thetis Shoreline Classification - maps and presentation boards:](#)
 - [Distribution of Coastline Types](#)
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 - [Coastal Types & Siting in Response to Systems](#)
 - [Coastal Design Strategies](#)

Advisory Planning Commission

- [Advisory Planning Commission Minutes](#)

Community Housing

- [Community Housing in the Islands Trust Area](#)

Food Security

- [Food Security in the Islands Trust Area](#)

Climate Change Action

- [Staff Report dated October 6, 2009](#)
- [Memorandum dated August 17, 2009](#)
- [Climate Wise Islands](#)
- [Newsletter - November 2009](#)
- [Fact Sheets](#)

Valdes Island

- [Brochure for Building Permit information on Valdes Island](#)

[^ top](#)