



A NOTICE OF A BUSINESS MEETING OF **THE THETIS ISLAND LOCAL TRUST COMMITTEE**
to be held at 1:30 PM on Wednesday, April 18, 2012 at Thetis Island Community Centre
(Forbes Hall) North Cove Road, Thetis Island, BC

Revised – May 3, 2012

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 Special Meeting Minutes of February 8, 2012- <i>for adoption</i>	1-8	
4.2	Section 26 Resolutions Without Meeting - <i>none</i>		
4.3	Advisory Planning Commission Meeting Minutes - <i>none</i>		
5.	BUSINESS ARISING FROM MINUTES		1:50 pm
5.1	Follow-up Action List dated April 2, 2012 - <i>attached</i>	9	
5.2	Advisory Planning Commission Appointments Memorandum dated April 2, 2012 - <i>attached</i>	10	
5.3	Thetis Island Community Profile		
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 - <i>none</i>		
9.	LOCAL TRUST COMMITTEE PROEJCTS		2:00 pm
9.1	Riparian Areas Regulation Compliance Staff Report dated April 5, 2012 - <i>attached</i>	11-29	
9.2	Official Community Plan and Land Use Bylaw for Ruxton Island Staff Report dated March 19, 2012 - <i>attached</i>	30-44	
9.3	Advisory Planning Commission Bylaw Update Staff Report dated March 29, 2012 - <i>attached</i>	45-47	

10.	REPORTS	3:30 pm
10.1	Work Program Reports	
	Top Priorities and Projects Report dated April 2, 2012- <i>attached</i>	48-49
10.2	Applications Log	
	Report dated April 2, 2012 - <i>attached</i>	50-51
10.3	Trustee and Local Expenses	
	10.3.1 Expenses report posted to February 23, 2012 - <i>attached</i>	52
	10.3.2 Expenses report posted to March 31, 2012 - <i>attached</i>	53
10.4	Chair's Report	
10.5	Trustees' Report	
10.6	Advisory Planning Commission Report	
11.	NEW BUSINESS	3:45 pm
11.1	Memorandum dated February 21, 2012 to Local Trustees from David Marlor, Director of Local Planning Services regarding A Strategic Approach to Islands Trust Communications - <i>attached</i>	54-56
11.2	Bylaw Enforcement - <i>deferred to next meeting</i>	
11.3	The Trust Fund "Heron" Publication - <i>discussion</i>	
12.	BYLAWS	
13.	ISLANDS TRUST WEBSITE	
13.1	Thetis Page - <i>attached</i>	57-58
14.	CLOSED MEETING: The Thetis Island Local Trust Committee closes the next part of the April 18, 2012 business meeting to discuss matters pursuant to Section 90(1)(a) of the Community Charter to consider appointments to the Advisory Planning Commission and that Courtney Simpson, Island Planner and Janice Young, Recorder 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)	
17.	NEXT MEETING DATE	
	Wednesday, May 23, 2012 at 1:30 pm at Thetis Island Community Centre (Forbes Hall) North Cove Road, Thetis Island, BC	
18.	ADJOURNMENT	4:30 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 P.M. ON WEDNESDAY, FEBRUARY 8, 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	Island Planner
Chris Jackson	Regional Planning Manager
Miles Drew	Bylaw Enforcement Coordinator
Janice Young	Recorder

There were two (2) members of the public in attendance.

1. CALL TO ORDER

Chair Hancock called the meeting to order at 1:34 pm, welcomed the members of the public and introduced himself, Local Trustees Sue French and Peter Luckham, Islands Trust Planner Courtney Simpson, Regional Planning Manager Chris Jackson, Bylaw Enforcement Officer Miles Drew and Recorder Janice Young

Trustee French introduced Thetis Island Residents and Ratepayer President Ernie Hunter to Chair Hancock.

2. APPROVAL OF AGENDA

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

- Item 7 Correspondence
- Add 7.3 Correspondence: email dated February 6, 2012 from John Rowlandson, Velo Village, Salt Spring Island
- Insert as Item 15– In Camera Session and renumber remaining items accordingly.

3. TOWN HALL

Ernie Hunter spoke regarding public input throughout the meeting as permitted by the previous Chair and asked if this would continue.

Chair Hancock responded that he would take his cues from the Local Trustees regarding comments from the public throughout the meeting.

4. MINUTES

4.1 *Local Trust Committee Special Meeting Minutes of December 5, 2011*

The minutes were adopted by consensus with the following amendment:

- In Item 1. Call to Order, third paragraph, second line that “support and re-election” be replaced with “support in the re-election”

4.2 *Section 26 Resolutions Without Meeting Log dated January 30, 2012*

Received for information.

4.3 *Advisory Planning Commission Meeting Minutes*

None.

5. BUSINESS ARISING FROM MINUTES

5.1 *Follow-up Action List dated January 30, 2012*

Presented by Planner Simpson; discussion followed.

5.2 *Cowichan Valley Regional District and Islands Trust Joint Enforcement Project – Staff Report dated January 26, 2012*

Presented by Bylaw Enforcement Coordinator Drew; Trustee Luckham added some background information; discussion followed.

TH-001-2012

It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee direct the Bylaw Enforcement Coordinator to work with Cowichan Valley Regional District staff to develop recommendations for a joint proactive enforcement project to ensure that the provisions of the Valdes Land Use Bylaw, the Ruxton Island Land Use Bylaw, and the Cowichan Valley Regional District Building Regulations Bylaw are complied with by property owners on Ruxton, Valdes, Reid and Pylades Island; and that the proposed enforcement plan be brought back to the Thetis Island Local Trust Committee for approval before it is implemented.

CARRIED

6. DELEGATIONS – none declared

7. CORRESPONDENCE

- 7.1 *Copy of Letter dated November 2, 2011 to Laurie Gourlay, President, Mid-Island Sustainability and Stewardship Initiative from Sheila Malcolmson, Chair, Islands Trust Council regarding Green Gateways to Vancouver Island Proposal.*

Letter received; Trustee Luckham provided some background information on the letter, which is addresses a Trust Council issue.

- 7.2 *Post Public Hearing Correspondence regarding Thetis Island Official Community Plan Bylaw No. 88, 2011 and Thetis island Land Use Bylaw No.89, 2011.*

Received for information.

- 7.3 *Email dated February 6, 2012 from John Rowlandson, Velo Village, Salt Spring Island regarding cycling infrastructure in rural communities.*

Received for information; this issue can be further considered by Trust Council.

8. APPLICATIONS AND PERMITS – none

9. LOCAL TRUST COMMITTEE PROJECTS

- 9.1 *Thetis Island Sustainability Guide*

Trustee French presented her recommended changes; discussion followed.

TH-002-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee direct staff to work with the Local Trustees on the Sustainability Guide to bring a new draft back to the Local Trust Committee at a future meeting for discussion.

CARRIED

10. REPORTS

- 10.1 *Work Program Reports*

10.1.1 Memorandum dated January 9, 2012

Presented by Planner Simpson and Regional Planning Manger Jackson. Discussion followed.

Planner Simpson will submit a report for the next meeting regarding creating an Official Community Plan and Land Use Bylaw for the Associated Islands

TH-003-2012

It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee amend the Projects List by striking Item 2. "Pamphlet on Building Permits for Mail Out" and replacing with "Joint Proactive Enforcement with the Cowichan Valley Regional District".

CARRIED

TH-004-2012

It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee amend the Projects List Item 6 to be renamed "Potential Land Use Bylaw amendments" and that "rainwater storage requirements" be added.

CARRIED

10.1.2 Top Priorities Report and Projects Report dated January 30, 2012

Received for information.

*10.2 Applications Log -
Report dated January 30, 2012*

Received for information.

10.3 Trustee and Local Expenses

10.3.1 Expenses report posted to December 21, 2011

10.3.2 Expenses report posted to January 23, 2012

Received for information.

10.4 Chair's Report

Chair Hancock reported that, at the Trust Council level, work is being done on the budget as well as review of the Trust Policy Statement. He added that he was looking forward to getting to know Thetis Island.

10.5 Trustees' Report

Trustee Luckham reported that he continues to work with the Thetis Island Marine Association.

10.6 Advisory Planning Commission Report - None

11. NEW BUSINESS

11.1 *Proposed Local Trust Committee Meeting Schedules 2012*

TH-005-2012 It was **MOVED** and **SECONDED** that the future meetings of the Thetis Island Local Trust Committee be held on April 18, 2012; May 23, 2012; August 1, 2012; October 3, 2012; and November 21, 2012.

CARRIED

11.2 *Advisory Planning Commission Vacancies*

TH-006-2012 It was **MOVED** and **SECONDED** that staff contact the Advisory Planning Commission members whose terms recently expired to see if they are interested in serving for another term; and, advertise for letters of interest from people interested in new appointments.

CARRIED

TH-007-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee ask staff to bring back an amendment to the Advisory Planning Commission Bylaws to create more than one Advisory Planning Commission.

CARRIED

11.3 *Galiano Bylaw Referral – Proposed Bylaw 233 (OCP) cited as Galiano Island Official Community Plan Bylaw No. 108, 1995.*

11.4 *Galiano Island Bylaw Referral – Proposed Bylaw No. 234 (LUB) cited as Galiano Island Land Use Bylaw NO. 127, 1999, Amendment No. 4, 2011.*

TH-008-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee advise the Galiano Local Trust Committee that in regards to Proposed Bylaws 233 and 234, their interests are unaffected.

CARRIED

11.5 *Riparian Areas Regulation- to be considered during in camera session.*

11.5.1 Email dated September 27, 2011 from Ian Ralston regarding Meadow Valley Strata

11.5.2 Letter dated September 27, 2011 to Ian Ralston from Planner Simpson regarding Riparian Areas Regulation Implementation for Ralston Watershed - CVRD

*11.6 Affordable and Special Needs Housing Documents
Memorandum dated August 8, 2011 regarding Housing Agreements on Salt Spring Island and the Island Trust Application Guide for Affordable and Special Needs Housing.*

Received for information.

11.7 Bylaw Enforcement Notice Bylaw – Appointment of Screening Officers, Adoption of Cancellation Policies and Draft Bylaw Violation Notice

11.7.1 Staff Report dated January 26, 2012

Presented by Bylaw Enforcement Coordinator Drew; discussion followed.

TH-009-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee appoints the Bylaw Enforcement Assistant, the Bylaw Enforcement Coordinator and the Regional Planning Manager as Screening Officers pursuant to Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 90, 2011.

CARRIED

TH-010-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee adopt the Bylaw Enforcement Notice Bylaw Screening Officers' Powers and Duties Policy attached to staff report dated January 26, 2012.

CARRIED

TH-011-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee stipulates that the attached Bylaw Violation Notice is the form of Violation Notice to be used pursuant to the Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 90, 2011.

CARRIED

*11.7.2 Bylaw Enforcement Investigations Reports
Briefing dated January 26, 2012*

Presented by Bylaw Enforcement Coordinator Drew.

12. BYLAWS - None

13. ISLANDS TRUST WEBSITE

13.1 *Thetis Page*

No changes noted.

14. TOWN HALL DISCUSSION

Ernie Hunter asked for clarification of the Development Approval Information Bylaw.

Steve Frankel asked how the Development Approval Information Bylaw works and how does this relate to Riparian Areas Regulation.

Staff responded.

15. CLOSED MEETING

TH-012-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee close the next part of the February 8, 2012 business meeting to discuss matters pursuant to Legal Advice Section 90 (1) (i) of the *Community Charter*, the receipt of advice that is subject to solicitor/client privilege, including communications necessary for that purpose, and that staff and the recording secretary be asked to stay.

CARRIED

Chair Hancock closed the meeting to the public at 4:20 pm.

Chair Hancock re-opened the meeting to the public at 4:40 pm.

16. RISE AND REPORT

Review of Item 11.5 *Riparian Areas Regulation* followed.

TH-013-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee ask the Executive Committee to release the legal opinion dated January 30 and January 31, 2012 at the earliest possible date.

CARRIED

TH-014-2012 It was **MOVED** and **SECONDED** that the Thetis Island Local Trust Committee direct staff to contact Ian Ralston and reassure him that the Local Trust Committee is still working on the Riparian Areas Regulation.

CARRIED

17. NEXT MEETING DATES

The next business meeting date for the Thetis Island Local Trust Committee is April 18, 2012 at 1:30 pm at the Thetis Island Community Center, Forbes Hall, North Cove Road, Thetis Island.

Chair Hancock extended thanks to Planner Simpson, Regional Planning Manager Jackson and Bylaw Enforcement Coordinator Drew for attending the meeting.

18. ADJOURNMENT

The Thetis Island Local Trust Committee Meeting of February 8, 2012 was adjourned at 5:00 pm.

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 join proactive enforcement strategy with the CVRD.	Miles Drew	Apr-02-2012	On Going
1	Review and revise Sustainability Guide.	Marnie Eggen Courtney Simpson	Apr-02-2012	On Going
1	Advertise for APC members and contact members whose terms have expired.	Courtney Simpson	Apr-02-2012	Done
1	Draft amendment to APC bylaw to allow multiple APC's.	Courtney Simpson	Apr-02-2012	Done
1	Advise EC of LTC resolution asking EC to release the legal opinions of January 30 and 31 at the earliest possible date.	Courtney Simpson	Apr-02-2012	Done
1	Contact Ian Ralston to update him on progress on RAR compliance.	Courtney Simpson	Apr-02-2012	On Going



Memorandum

5.2

700 North Road Gabriola Island BC V0R 1X3

Telephone **250. 247-2063** FAX: 250. 247-7514

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Date April 2, 2012 File Number 3050-01

To Thetis Island Local Trust Committee

From Courtney Simpson
Island Planner
Northern Office

Re Advisory Planning Commission Appointments

Pursuant to the Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2000, the Local Trust Committee (LTC) may consider appointing between three and five members to fill current vacancies.

At their February 8, 2012 meeting, the LTC passed the following resolution:

*It was **MOVED** and **SECONDED** that staff contact the Advisory Planning Commission members whose terms recently expired to see if they are interested in serving for another term; and, advertise for letters of interest from people interested for new appointments.*

Staff placed an ad in the Chemainus Chronicle, and contacted recent APC members. Only recent members whose terms had expired expressed interest in being appointed. Those who expressed interest are as follows:

- David Steen
- Mary Forbes
- Wilf Sheuer
- Patrick Mooney
- Anne-Marie Koeppen

The two current APC members whose terms are until November 19, 2012 are:

- Laurel March
- Noah Bond

Pursuant to the APC bylaw, the APC may consist of no fewer than 5 and no more than 7 members. The LTC can appoint all five of those who have expressed an interest, or can appoint as few as three of them. Two members may be appointed for a two-year term and the remaining members for a one-year term.

The LTC could also seek further expressions of interest and defer appointment. However, if there are any matters the LTC wishes to refer to the APC, there is no APC to refer to until there are at least 3 more members appointed.



STAFF REPORT

Date: April 5, 2012

File No.:

To: Denman Island Local Trust Committee
 Gabriola Island Local Trust Committee
 Gambier Island Local Trust Committee
 Hornby Island Local Trust Committee
 Lasqueti Island Local Trust Committee
 Thetis Island Local Trust Committee

From: Chris Jackson, MCIP

CC: Northern Region Planners

Re: Compliance with Provincial Riparian Areas Regulation

PURPOSE

This comprehensive report provides Northern Region Local Trust Committees with:

1. background on the Provincial *Fish Protection Act* and the *Riparian Areas Regulation*;
2. a summary of related Legislation and Policy;
3. a summary of Islands Trust RAR Implementation Progress to Date;
4. a briefing on community consultation and budget considerations;
5. options for compliance with these Provincial Laws; and
6. recommended next steps for each Local Trust Committee.

Note: this report contains information previously provided to some LTCs; for others, this is the first report on this topic. All Northern Region LTCs are receiving this report in order to provide consistent communication. As individual LTCs move forward, future reports will be tailored to each LTC.

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Acronyms used in this report:

- DPA - Development Permit Area
- FA - Fisheries Act
- FPA - Fish Protection Act
- LUB - Land Use Bylaw
- LTC - Local Trust Committee
- LTA - Local Trust Area
- MOE - Ministry of Environment
- OCP - Official Community Plan
- QEP - Qualified Environmental Professional
- RAA - Riparian Assessment Area
- RAR - Riparian Areas Regulation
- SPEA - Streamside Protection and Enhancement Area

FISH HABITAT PROTECTION IN BRITISH COLUMBIA

Please refer to the Attachment 1, which contains a detailed summary of the legal framework of fish habitat protection in British Columbia and the role of local governments. Below is a summary of that attachment.

The federal *Fisheries Act* (FA), the provincial *Fish Protection Act* (FPA) and *Riparian Areas Regulation* (RAR) are used to protect fish habitat in BC. The *Riparian Areas Regulation* (RAR) was enacted under Section 12 of the *Fish Protection Act* (FPA) in July 2004 (amended by Order-in-Council in 2006) and took effect on March 31, 2006.

The Province considers local government land use controls as an effective means to protect fish habitat and fish processes. The *Fish Protection Act* (from which RAR stems) states that a local government must provide a level of protection that is comparable to or exceeds the RAR.

The Riparian Areas Regulation:

- covers any area within 30 metres of a “stream”, referred to as the “Riparian Assessment Area” (RAA).
- defines a “stream” to include a watercourse, whether it usually contains water or not, that provides fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses.
- includes “streams” where fish could potentially be present in the event that the introduced obstructions were made passable, even if no fish are currently present.
- defines “fish” to include salmonids, game fish and regionally significant fish (these include all salmon species and trout).
- methodology is meant to provide objective Qualified Environmental Professional (QEP) assessments; as a science based approach, assessments are intended to be measureable and repeatable independent of the observer.

Provincial Expectations of Local Government

The Riparian Areas Regulation:

- requires local governments to amend bylaws to ensure that riparian areas are protected.
- requires local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a QEP.
- prohibits a local government from approving or allowing a development to proceed within a Riparian Assessment Area without the provision of a QEP report; such applications that trigger RAR include: rezoning, development variance permit, development permit, temporary use permit and subdivision.

Development within the Riparian Assessment Area (RAA)

The Province allows local governments to approve/permit development within 30 metres of the high water mark of a stream or top of a ravine bank (referred to as the Riparian Assessment Area), provided that a QEP:

- completes an Assessment Report;
- submits the Report to the Province;
- concludes that development will not result in a harmful alteration of riparian fish habitat;
- establishes, on a site-specific basis, a Streamside Protection and Enhancement Area (SPEA).

The Assessment Report may also include QEP recommendations on mitigation or enhancement measures specific to the development proposal, and identify measures to maintain the integrity of the riparian area during the development process.

CURRENT LEGISLATION AND POLICY

Islands Trust Act

Section 3. Object of trust

The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia. [Note: Underlining added for emphasis]

Trust Policy Statement:

Policies for Ecosystem Preservation and Protection

- 3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.*
- 3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.*

Policies for Stewardship of Resources

- 4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.[Note: Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and the maintenance of water quality in lakes and streams and wetlands.]*

Trust Council Strategic Plan:

The current Trust Council Strategic Plan includes “Implementation of Riparian Area Regulations” as the first focus area.

Northern Region Local Trust Committee Work Programs

All northern Local Trust Committees (LTC) have RAR compliance among their three top priorities.

Official Community Plans and Land Use Bylaws

This report is directed at all Northern Region Local Trust Committees, and as such will not list the various Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations relevant to this project.

STATUS OF ISLANDS TRUST RIPARIAN AREAS REGULATION IMPLEMENTATION

In 2006 Trust Council adopted a resolution directing staff to prepare development permit area provisions to implement the RAR. Local Trust Committees were also requested to consider amending setback provisions to correspond with RAR in their Land Use Bylaws as a first step prior to implementing development permit areas.

The implementation of RAR in the Trust Area has been delayed since 2006. Principally, the delay was attributable to issues with identifying watercourses that are subject to the RAR and in accurately mapping those watercourses.

In 2008/9, staff undertook a watershed mapping exercise, derived from 2-metre contour Digital Elevation Mapping, with the Ministry of Environment and the School of Architecture and Landscape Architecture at UBC. The UBC work identified watershed boundaries on most of the 450 islands within the Islands Trust. This mapping provided the platform for MOE staff to indicate which watersheds they believe to be applicable under RAR.

In a letter dated July 20, 2011, Ministry of Forests, Lands and Natural Resource Operations (formerly Ministry of Environment) staff confirmed those watersheds where RAR applies [Note: Hornby, Gambier, and Lasqueti lacked conclusive information]. Since receipt of this letter, mapping of Northern RAR applicable watershed streams have been completed for: Gabriola and Thetis, and partly for Hornby (two of five) and Denman (one of five) Local Trust Areas (LTA).

Two LTAs within the Islands Trust have RAR compliant bylaws: North Pender and Galiano. In 2011, Islands Trust Council endorsed the North Pender Island RAR bylaw as a reference for all Local Trust Committees. However, given that every island is unique it is imperative that each Local Trust Committee decide how best to proceed with implementing the RAR on their respective Islands.

Status of the Northern Region Local Trust Committees:

Denman: there are five MOE verified RAR watersheds; one of these watersheds is mapped. Next steps include further mapping work, LTC determination of public process and bylaw development.

Gabriola: initial review from MOE indicated one watershed was RAR applicable. Further investigation found that three watersheds are RAR applicable. These watersheds are now mapped. Next steps include LTC determination of public process and bylaw development.

Gambier: the MOE, Vancouver Island Region, does not cover those islands in the Gambier LTA, and as such were unable to provide RAR verification. Next steps include further mapping work, LTC determination of public process and bylaw development.

Hornby: the MOE determined two watersheds were RAR applicable, three lacked information to verify, and the remainder were not RAR applicable. The two verified watersheds were mapped. Next steps include further mapping work, LTC determination of public process and bylaw development.

Lasqueti: the MOE does not have the knowledge base required to determine which watersheds on Lasqueti are RAR applicable. Next steps include further mapping work, LTC determination of public process and bylaw development.

Thetis: the MOE determined that one watershed on Thetis is RAR applicable. That watershed is now mapped. Next steps include LTC determination of public process and bylaw development.

COMMUNITY CONSULTATION and EDUCATION

Typically LTCs go into community consultation processes with a mind to create bylaw provisions that match the expectations and vision of the community. A possible outcome could be that the community does not support a proposal; the LTC could then resolve to not proceed any further given the limited appeal of moving forward. This is not an option with regard to the Riparian Areas Regulation project. Provincial Law requires that local governments must determine which streams the RAR applies to, and then take measures that protect fish habitat.

With this requirement in mind, staff recommends that community consultation focus on appropriate ways to implement RAR and become compliant with Provincial Law, rather than considering whether it should be undertaken.

Community consultation is fundamental to any proposed changes to LTC policies and regulations. Here are several approaches LTCs may consider, alone or in combination:

- Establish a Northern working group made up of trustees and staff for the purposes of information sharing, developing consultation options and educational materials.
- Direct contact with land owners/residents may be a feasible option depending on the number of properties affected, for example, letters providing opportunities to individually contact trustees and staff to have questions answered.
- Information materials and links to on-line information can be provided in letters.
- An open house, where affected and interested persons can drop-in and ask questions specific to their property and their concerns.
- Town hall, where all affected and interested persons can attend and hear others questions and comments, and the answers and responses.
- Use of the new Islands Trust website where a separate RAR page can be developed and maintained, with links connected from each individual LTC.
- Advisory Planning Commission referrals.
- Trustee newsletters and other articles in local papers and community on-line webpages.
- Development of a brochure explaining RAR and DPAs.
- Retain qualified environmental professionals for on-island presentations that focus the technical aspects of RAR and protection of fish and fish habitat.
- Invite Provincial Ministry staff to assist with the process and participate with on-island presentations.

BUDGET ALLOCATION

The recently approved 2012/13 Trust Council budget allocated \$71,000 for LTC work related to RAR. Of this, \$40,000 will be used for stream mapping on Salt Spring Island, and the remaining \$31,000 is divided amongst LTCs for 'public process'.

As noted in the briefing to Trust Council "Riparian Areas Regulation – Funding to Map All Riparian Areas Regulation Streams in the Trust Area to a Consistent Standard" dated February 23, 2012: "With this funding, local trust committees should have the resources to have a discussion with the community on the Riparian Areas Regulation, options to be compliant and development of amendment bylaws to become compliant using existing mapping products available for the local trust area."

Mapping Budget

Over the last several fiscal years, mapping has started on Salt Spring Island and all RAR mapping is now complete for Southern Region LTAs. Northern mapping started last fiscal and is now complete for Gabriola and Thetis. Hornby and Denman are partially complete. Lasqueti and Gambier have not started any mapping work at this time. There is no funding this fiscal for RAR mapping of northern LTAs.

Public Process Budget

During the last previous fiscal years, Salt Spring Island has undertaken public processes related to RAR, and will continue to do so [note: there are 24 RAR applicable watersheds on Salt Spring Island]. There is \$5000 allocated this fiscal for public process on Salt Spring Island.

Mayne and Saturna Islands will undertake public processes this fiscal to become RAR compliant. Each LTA received \$4000 for public process.

Denman, Gabriola, Gambier and Lasqueti were each allocated \$4,000 for public process for RAR this fiscal. Thetis received \$2,000, and Hornby did not have funds allocated for public process.

Public process funds are intended to cover costs associated with: hiring consultants, meeting venues, advertising, mail-outs, printing of informational material, and minute takers.

RIPARIAN AREAS REGULATIONS IMPLEMENTATION OPTIONS

At March, 2010 Trust Council, the following four options on how to comply with RAR were provided in a briefing dated February 10, 2010 (provided as Attachment 2 in this report).

1. Amend the LUB to establish both a 30 metre setback and a landscape strip for all watercourses within the RAR-identified watersheds. This approach is possible but not recommended as it does not establish any certainty with respect to the actual location of streams, any development within 30 metres of a watercourse would require a variance (which could only be approved once a QEP assessment is provided), and conditions cannot be incorporated in the variance.
2. Amend the OCP to designate all RAR-identified watersheds as a Development Permit Area (DPA). This approach may be optimal where there are a limited number of larger properties in the watershed, where subdivision is anticipated, or where it is not anticipated that the watercourse(s) will be mapped. The advantages of this approach is that the flexibility of DPA provisions can be used to establish exemptions for work that is found to be further than 30 metres from a watercourse and a Development Permit (DP)

can incorporate any conditions recommended by the QEP's assessment report. The disadvantage of this approach is that all land within the watershed would be designated as a DPA, regardless of where the actual watercourse is, imposing requirements on landowners to determine if development activity actually requires an assessment and DP. However, as noted previously in this report, the RAR was established to allow the cost of this assessment to be the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. This approach is recommended for consideration by all LTCs at this time in consideration of the necessity to comply with the RAR, internal budget constraints and land developer responsibilities.

3. Amend the OCP to designate all land within 30 metres of watercourses in RAR-identified watersheds as a Development Permit Area (DPA). This approach requires the Islands Trust to map watercourses in RAR-identified watersheds and is currently being undertaken for the Southern Region islands through the use of existing and new watercourse mapping. The advantage of this approach is that it provides greater certainty with respect to actual watercourse locations and limits reviews and applications to work within 30 metres of fish-bearing or potential fish-bearing streams. The disadvantage is that a DPA would not be applied to areas more than 30 metres from a watercourse but still within a RAR-identified watershed. In addition, the quality of existing mapping may vary greatly between Local Trust Areas and contractors will need to be hired to map the watercourses within the identified RAR watersheds to an acceptable standard and confirm that the watershed is fish bearing or potentially fish bearing.
4. Exceed RAR by:
 - a. Designating a DPA within 30 metres of all watercourses, regardless of fish habitat status: this would require mapping of the location of all watercourses with an acceptable degree of certainty, but would not require any confirmation of fish habitat. The advantage of this approach is that all values associated with watercourse protection are addressed, not just fish habitat.
 - b. Designating one DPA within 30 metres of RAR watercourses and a second DPA, with different requirements, over the remainder of the land within the RAR-identified watershed. This would require mapping of watercourses, but may be preferred if there is evidence that activities permitted more than 30 metres from a watercourse could affect fish habitat and thus require regulation.
 - c. Designating all watershed areas a DPA, regardless of RAR designation. This would result in comprehensive regulation of all watershed areas and not require further mapping of watercourses, but would present a significant impact on landowners and on planning staff to administer such a DPA.

STAFF COMMENTS AND RECOMMENDATIONS

Community consultation and education are areas all LTCs need to address, as noted earlier in this report. An LTC could provide specific direction to staff on proceeding immediately to organize consultation, or direct staff to prepare options for consideration at a later meeting. Given that this project is being undertaken by all northern region LTCs, a working group (made up of trustees and staff) could be established that would assist with developing options and educational materials.

The provincial RAR requires local governments to use their existing land use planning authority to protect fish habitat. Of the four options noted previously, staff seeks direction from each LTC on how they wish to proceed.

Each LTC requires a unique approach to bringing bylaws into compliance with provincial RAR. Below is a preliminary discussion of each LTCs status and recommended next steps.

Denman

The MOE identified five RAR applicable watersheds on Denman Island. The community of Denman Island has had development permit areas in place for many years, so the concept of DPAs as a land use tool is not new. Specifically, DPA-4: streams, lakes and wetlands, in the Denman Island Official Community Plan states the following:

Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

This development permit area includes streams, lakes, and wetlands that have been identified as important fish, wildlife, and plant habitats and as water supplies for rural and residential use. Trees and shrubs shade streams, preventing high water temperatures that can be harmful to fish and other aquatic animals and providing cover that enables fish to avoid predators. Mature trees along streams provide a source of large organic debris that maintains pools and cascades used by fish. Plant roots and ground-covering vegetation stabilize stream banks and help to maintain high water quality by filtering sediments and pollutants throughout a drainage system. Riparian and aquatic habitats are unique and necessary to many species of plants and animals. Land use practices including land clearing, logging, road building, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Denman Island.

The current DPA extends out from the natural boundary of a watercourse to 10 or 30 m, depending on how the stream was categorized (i.e. major or minor). The LTC should consider establishing the DPA consistently at 30 m, within those watersheds verified as RAR applicable.

Stream mapping was recently completed for the Morrison Marsh watershed. This mapping can be used to refine the DPA boundaries. Additional mapping should be completed for the four remaining verified RAR applicable watersheds. Funding is required to complete this mapping work, which is not allocated for this fiscal year.

Staff recommends that the Denman Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***reviewing Development Permit Area 4 and prepare draft wording and mapping for compliance with RAR.***

Gabriola

The MOE identified one RAR applicable watershed on Gabriola Island. Upon further review, this was expanded to two verified watersheds and two unverified watersheds. Watercourses within the verified watersheds have now been mapped and the unverified watersheds have been assessed and, where applicable, mapped.

The community of Gabriola Island has had development permit areas in place for many years, so the concept of DPAs as a land use tool is not new. Current DPAs include DP-3 Hoggan Lake Area, which serves to protect the riparian habitat within 15m of the natural boundary of the lake. Staff recommends that the LTC consider using DPAs as the land use tool to comply with RAR. The DPA could be based on establishing a 30 m riparian assessment area extending from the recently mapped streams natural boundary.

Staff recommends that the Gabriola Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***preparing draft development permit area maps and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Gambier

The MOE, Vancouver Island Region, was not able to verify which watersheds on Gambier Island are RAR applicable. Without that information or a QEP assessment report, all streams on Gambier Island are considered RAR applicable until proven otherwise.

The Gambier Island Official Community Plan, Schedule F contains a map of watersheds and watercourses (Schedule I illustrates development permit area designations). The text of the OCP states that streamside protection and enhancement areas should be established by DPA. This provides a basis from which to consider implementing RAR.

It may be that some of these streams are not RAR applicable. This can be determined by a QEP. However, funding was not allocated for such work this fiscal year. As an interim measure, implementing DPA guidelines for the watershed and watercourse mapping already within the OCP would bring LTC bylaws into compliance with RAR.

Staff recommends that the Gambier Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation;***
- ***reviewing the current Gambier Island Official Community Plan, Schedules F and I, and drafting development permit area provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation; and,***
- ***exploring other methods that could be used to determine RAR applicability to Gambier Island Local Trust Area watersheds and watercourses.***

Hornby

The MOE confirmed that two watersheds are RAR applicable on Hornby Island, with three other watersheds lacking information needed to confirm or reject RAR applicability. Streams within the two verified watersheds were recently mapped by a QEP.

The Hornby Island OCP has development permit areas in place. Staff recommends the LTC use DPAs as a land use tool to become RAR compliant.

In terms of establishing DPA boundaries, those streams recently mapped can be incorporated into a DPA with a 30 m riparian assessment area extending out from the natural boundary of the stream. The three watersheds that have not been mapped require a different approach.

To be RAR compliant, either a setback regulation needs to be created, or a DPA boundary established that includes all properties within the entire watershed. Staff recommends that the LTC consider using DPAs for all five watersheds. Two watersheds would have 30 m DPAs extending from the natural boundary of the stream, while the other three would establish the DPA boundary along the watershed boundary. Exemptions from the DPA requirement could be further reviewed for those developments more than 30 m from the stream, but still within the watershed. A watershed level DPA could be an interim measure until mapping is conducted, and then a more refined DPA boundary can be established. Funding was not allocated for mapping work this fiscal year.

Staff recommends that the Hornby Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***preparing draft development permit area maps and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Lasqueti

The MOE was unable to verify which watersheds are subject to RAR and which are not on Lasqueti Island, due to a lack of information. The Lasqueti OCP does not have any DPAs. However, the Lasqueti LUB has 30 m setback requirements for buildings and structures from the natural boundary of a watercourse. As an interim measure, expanding on zoning setback provisions would meet RAR requirements, and provide time for QEP assessment reports to be undertaken to determine and map those streams that are RAR applicable.

The zoning provisions in the LUB should be expanded to include landscape strips and drainage requirements.

Staff recommends that the Lasqueti Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation;***
- ***preparing draft Land Use Bylaw provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Thetis

The MOE identified one RAR applicable watershed on Thetis Island. Currently, Thetis Island bylaws do not include DPAs, however Thetis Island OCP policy introduces DPAs as appropriate land use planning tools.

Staff recommends that the LTC consider using DPAs as the land use tool to comply with RAR. Recent stream mapping can be used to accurately define a DPA. As well, staff is aware that the small number of affected landowners have developed long term plans for their property, with

stewardship and conservation in mind. Staff could work with these land owners during the development of DPA guidelines.

It is understood that a QEP report was recently completed that comments on a lack of fish presence within the stream identified by MOE as RAR applicable. The argument is that this disqualifies the stream from being RAR applicable. It is important to note that RAR applies in order to protect fish habitat for watercourses that have the potential for fish presence. The RAR does not require that fish be present year round in order to apply.

Staff recommends that the Thetis Island LTC direct staff to proceed with:

- ***establishing a northern working group made up of northern trustees and staff in order to develop community consultation options and education materials for RAR implementation; and***
- ***working with the landowners of the RAR affected properties; and***
- ***preparing a draft development permit area map and provisions for LTC review that would be in accordance with the provincial Riparian Areas Regulation.***

Prepared and Submitted by:

Chris Jackson

MCIP, Regional Planning Manager

April 5, 2012

Date

Fish Protection in British Columbia:

The federal *Fisheries Act* (FA), the provincial *Fish Protection Act* (FPA) and *Riparian Areas Regulation* (RAR) are used to protect fish habitat in BC. The federal FA protects fish habitat through provisions that prohibit activities that cause damage to fish habitat. It governs the management of fisheries and the protection of fish habitat (including both physical habitat and water quality) throughout Canada. The Ministry of Environment (MOE) considers the *Riparian Areas Regulation* (RAR) as an alternate model for urban riparian management that has been developed under the provincial legislation that satisfies the statutory obligations of the federal FA.

The Department of Fisheries and Oceans (DFO) has an agreement with MOE where it accepts the RAR as legislation that protects fresh water fish habitat. If a local government complies with the RAR through its planning policies and regulations it, as a result, complies with both DFO and MOE requirements. If the RAR is not implemented then the local government and landowners may be out of compliance with both federal and provincial requirements.

What is the Riparian Areas Regulation (RAR)?

RAR Website: http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas.html

Riparian areas are the areas bordering on streams, lakes, and wetlands that link water to land. The blend of streambed, water, trees, shrubs and grasses directly influences and provides fish habitat. The *Riparian Areas Regulation* (RAR) was enacted under Section 12 of the *Fish Protection Act* (FPA) in July 2004 (amended by Order-in-Council in 2006) and took effect on March 31, 2006. The RAR is to be applied by local governments listed in the 2006 amendments using their Part 26 powers under the *Local Government Act*. The objectives of the FPA are to:

- (1) ensure sufficient water for fish;
- (2) protect and restore fish habitat;
- (3) improve riparian protection and enhancement; and
- (4) provide stronger local government powers in environmental planning.

The RAR requires local governments, including local trust committees, to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science-based assessment conducted by a Qualified Environmental Professional (QEP). According to MOE, a QEP includes agrologists, biologists, foresters, geoscientists, and technologists who are in good standing with their respective professional organizations and are working in their area of expertise (i.e. fish habitat).

The Purpose of RAR:

The Ministry of the Environment's website states that the purpose of the Regulation is to protect the features, functions and conditions that are vital in the natural maintenance of stream health and productivity. These vital features, functions and conditions are numerous and varied and include such things as:

- Sources of large organic debris, such as fallen trees and tree roots;
- Areas for stream channel migration;
- Vegetative cover to help moderate water temperature;
- Provision of food, nutrients and organic matter to the stream;
- Stream bank stabilization; and

- Buffers for streams from excessive silt and surface runoff pollution.

Section 4 of the RAR prohibits a local government from approving or allowing a development to proceed in a riparian assessment area (RAA) unless the local government is notified by the Ministry of Environment that the developer has provided an assessment report by a qualified environmental professional (QEP) which certifies that the development can be carried out without damaging fish habitat.

Where Does the RAR Apply?

The RAR applies to an area, “Riparian Assessment Area” (RAA), which is defined in the RAR to mean any area within 30 metres of a “stream”.

A “stream” is defined in RAR to include a watercourse, whether it usually contains water or not, that provides fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses.

Even if the watercourse may not currently have fish present, they are still considered a “stream” for the purposes of the RAR if fish could potentially be present in the event that the introduced obstructions were made passable.

“Fish” is defined for the purposes of the RAR to include salmonids, game fish and regionally significant fish (these include all salmon species and trout). According the Ministry of Environment, while there are no regionally significant fish on Northern Local Trust Area islands, there are still RAR designated watersheds supporting salmonids or game fish.

Under the Regulation there is no authority provided to the Ministry of Environment or a QEP to regulate development. The RAR establishes that it is the local government that must amend its bylaws to ensure that riparian areas are protected and that development does not proceed within a Riparian Assessment Area (RAA) without the provision of a QEP report.

However, local governments may allow development within 30 metres of the high water mark of a stream or top of a ravine bank provided the prescribed riparian assessment methods have been followed. The riparian assessment method requires a Qualified Environmental Professional (QEP) to provide an opinion – in an Assessment Report – that the development will not result in a harmful alteration of riparian fish habitat. In the assessment, the QEP will establish, on a site-specific basis, an area within the 30 metre RAA that cannot be developed - termed a Streamside Protection and Enhancement Area (SPEA) and those portions of the site where development may occur within the 30 metre RAA. The QEP may also provide recommendations on mitigation or enhancement measures specific to the development proposal. The Assessment Report can also identify measures to maintain the integrity of the riparian area during the development process. These conditions can become part of a development permit should Development Permit Areas be established to implement RAR.

Role of the Local Government:

Local governments have land use decision making authority under Part 26 of the *Local Government Act* (LGA). The implementation of the RAR through land use control has been seen by MOE as an effective means to protect fish habitat and fish processes. The *Fish Protection Act* (from which RAR stems) states that a local government must provide a level of protection that is comparable to or exceeds RAR.

If a development is residential, commercial or industrial in nature, local governments must either include riparian area protection in its zoning and rural land use bylaws in accordance with the RAR or ensure that its Part 26 bylaws afford protection that compares to or exceeds the RAR. Although agricultural, mining and forestry uses are not regulated by the local government act non-agricultural uses locating in the ALR are subject to the RAR. The regulation encourages

environmentally responsible development. The intent is so that activities are conducted responsibly to avoid degrading valuable riparian fish habitat.

Any application to a local government for a rezoning, development variance permit, development permit, temporary use permit or subdivision can trigger the requirement for an assessment by a qualified environmental professional (QEP).

It applies to local government regulation or approval of residential, commercial and industrial activities, or ancillary activities, as regulated by Part 26 of the LGA being:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of nonstructural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors;
- j) subdivision as defined in section 872 of the Local Government Act;

It does not apply to a development permit (DP) or development variance permit (DVP) issued for -reconstruction of a legal non-conforming use (*Local Government Act* Section 911 (8)) nor does it apply to a land use or development activity under the RAR that is sited beyond the 30m setback requirement. It also does not apply to agricultural or institutional development. Nor does it apply to mining activities or First Nations reserve lands. However, other provincial or federal legislation may still apply in these instances.

In summary, the *Riparian Areas Regulation* specifies that:

- local governments must protect riparian areas in accordance with the regulations when exercising their powers with respect to commercial, residential and industrial development; and,
- local governments must meet or better the regulations, but cannot reduce them without specific authorization from Fisheries and Oceans Canada. For example, a local government could not issue a development variance permit for a new residential, commercial or industrial building within a RAA except in accordance with the riparian area regulations.

As the RAR has been in effect for over 4 years, any Part 26 application can trigger the requirements for an assessment. For example, an unrelated variance for work that happens to be within 30 metres of a watercourse within a RAR designated watershed would trigger the requirement for a QEP assessment.

ATTACHMENT 2

ISLANDS TRUST
BRIEFING

DATE: 10 February 2010

TOPIC: RIPARIAN AREA REGULATION IMPLEMENTATION IN THE ISLANDS TRUST AREA

DIRECTED TO: Trust Council

CONFIDENTIAL: No

DESCRIPTION OF ISSUE: To inform the Islands Trust Council (through the Local Planning Committee) of the status of implementation of the provincial Riparian Area Regulation in the Islands Trust Area.

BACKGROUND: The provincial Ministry of Environment website (www.env.gov.bc.ca/habitat/fish_protection_act/riparian/riparian_areas) provides the following overview of the Riparian Area Regulation.

The Riparian Area Regulation (RAR), enacted under section 12 of the Fish protection Act in July 2004, calls on local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that proposed activities are subject to a science based assessment conducted by a Qualified Environmental Professional (QEP).

The purpose of the Regulation is to protect the features, functions and conditions that are vital in the natural maintenance of stream health and productivity. These vital features, functions and conditions are numerous and varied and include such things as:

- *Sources of large organic debris, such as fallen trees and tree roots;*
- *Areas for stream channel migration;*
- *Vegetative cover to help moderate water temperature;*
- *Provision of food, nutrients and organic matter to the stream;*
- *Stream bank stabilization; and*
- *Buffers for streams from excessive silt and surface runoff pollution.*

The RAR implementation model detailed in the Regulation uses QEPs, hired by land developers, to:

- *Assess habitat and the potential impacts to the habitat;*
- *Develop mitigation measures; and*
- *Avoid impacts from development to fish and fish habitat, particularly riparian habitat.*

The cost of this assessment is the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. By conscientiously following the assessment procedure set out in the Regulation, the QEP and the land developer will have applied due diligence in avoiding a harmful alteration, disruption or destruction (HADD) of riparian fish habitat. If a HADD cannot be avoided, an application for an authorization must be submitted to Fisheries and Oceans Canada.

The assessment methods are attached to the Regulation as a schedule and are a key component of the regulatory regime for riparian protection that is clear and measurable, but does not rely exclusively on default setbacks. The assessment is based on the best available science with respect to riparian habitats.

The assessment methodology provides clear direction to QEPs on:

- How to assess impacts;*
- How to determine setbacks based on site conditions; and*
- The measures that need to be employed to maintain the integrity of the setbacks.*

QEPs submitting RAR assessments must certify that they have the qualifications, experience and skills necessary to conduct the assessment. The assessment will form the content of notifications by development proponents to regulatory agencies. The Ministry of Environment provides local governments with confirmation that an assessment report has been received, enabling local governments to move forward in approving development without taking on the liability for reviewing and approving riparian setbacks.

To increase the accountability of the QEP and to permit compliance monitoring, the assessment methodology will yield outcomes that are measurable, repeatable, and independent of observer. The assessment methodology will also enable effectiveness monitoring to be undertaken to determine whether impacts from development on riparian habitats are being fully avoided when the assessment methodology is used correctly.

The Islands Trust and Islands Trust Fund staff identified a program in 2006 to proactively undertake watercourse mapping. Review of the potential scope of work for this mapping identified a workload that exceeded the requirements of the RAR and would provide an information base appropriate for the unique responsibilities and challenges of the Islands Trust.

To achieve this higher standard of information procurement, it was proposed to ground truth every aquatic watercourse in the Islands Trust Area through a multi-year program with a cost of \$30,000/year for an undefined number of years.

In 2007, a review of this program identified an opportunity to expedite compliance with the RAR by determining which of the approximately 450 watersheds in the Islands Trust Area fall under the RAR requirements through an interpretative watershed mapping project in conjunction with the University of British Columbia and the provincial Ministry of Environment. Watercourse mapping has been completed in some watersheds through independent work initiated by Islands Trust and other groups. The interpretative watershed mapping project has now been completed for the Islands Trust Area except for the Hornby, Lasqueti and Gambier Local Trust Areas, Mudge/Link and De Courcy Islands in the Gabriola Local Trust Area, and Valdes and Ruxton Islands within the Thetis Local Trust Area. Mapping of these remaining LTAs required the completion of the Digital Elevation Mapping acquisition program which was completed in late 2009. The work to complete the interpretative watershed mapping set for the remaining LTAs will start shortly and should be done before the March Islands Trust Council meeting.

The interpretative watershed mapping project for the entire Islands Trust Area will cost \$42,000 in total (\$37,000 in Fiscal Year 2008/2009 and \$5,000 in Fiscal Year 2009/2010) and has to date identified 48 of the 385 watersheds (or 12.5%) as falling under the requirements of the RAR. The corollary to this is that, for the areas mapped to date, 87.5% of the watersheds do not benefit from the regulatory protection of the RAR. There are, to-date, two Official Community Plans covering areas with no identified RAR watersheds: the North Pender Associated Islands OCP and Piers Island OCP. Despite the focus on RAR compliance, it is submitted that the Islands Trust (and Local Trust Committees) must seriously consider if, and how, to further preserve and protect watersheds not falling under the RAR requirements.

A meeting on January 22nd between Islands Trust planning managers and Ministry of Environment staff responsible for the RAR in their Vancouver Island Region re-confirmed the methodology and validity of this interpretative watershed mapping approach. The Ministry of Environment will provide a letter confirming that the Islands Trust will be fully compliant with the RAR following the completion of the interpretative watershed mapping and Local Trust Committee amendments to their bylaws to protect Riparian Areas. It may be of interest to know that of the 28 local governments in the Ministry of Environment Vancouver Island Region, only the Islands Trust and the newly formed Strathcona Regional District are currently non-compliant with the RAR.

In the interim, until the Ministry of Environment confirms full compliance with the RAR, the, on those islands where watershed mapping has been completed, the watershed mapping is being used by planning staff to ensure that any application made to an LTC that affects lands within an RAR-identified watershed is reviewed for the presence of a watercourse within 30 metres of any residential, commercial or industrial development activity. Until the watershed mapping is completed on the remaining islands, Staff will review all applications to the LTC for the presence of a watercourse within 30 metres of any residential, commercial or industrial development activity. The presence of a watercourse within 30 metres would trigger the requirement for a report from a qualified environmental professional (QEP) and the LTC cannot approve an application in the absence of such an assessment.

As noted above, compliance with the RAR is contingent upon LTCs amending their bylaws to include riparian area protection provisions. An LTC has options with respect to meeting this legislative requirement as follows:

1. Amend the LUB to establish both a 30 metre setback and a landscape strip for all watercourses within the RAR-identified watersheds. This approach is possible but not recommended as it does not establish any certainty with respect to the actual location of streams, any development within 30 metres of a watercourse would require a variance (which could only be approved once a QEP assessment is provided), and conditions cannot be incorporated in the variance.
2. Amend the OCP to designate all RAR-identified watersheds as a Development Permit Area (DPA). This approach may be optimal where there is a limited number of larger properties in the watershed, where subdivision is anticipated, or where it is not anticipated that the watercourse(s) will be mapped. The advantages of this approach is that the flexibility of DPA provisions can be used to establish exemptions for work that is found to be further than 30 metres from a watercourse and a Development Permit (DP) can incorporate any conditions recommended by the QEP's assessment report. The disadvantage of this approach is that all land within the watershed would be designated as a DPA, regardless of where the actual watercourse is, imposing requirements on landowners to determine if development activity actually requires an assessment and DP. However, as noted previously in this report, the RAR was established to allow the cost of this assessment to be the responsibility of the land developer, allowing governments to focus on monitoring and enforcement within their respective jurisdictions. This approach is recommended for consideration by all LTCs at this time in consideration of the necessity to comply with the RAR, internal budget constraints and land developer responsibilities.
3. Amend the OCP to designate all land within 30 metres of watercourses in RAR-identified watersheds as a Development Permit Area (DPA). This approach requires the Islands Trust to map watercourses in RAR-identified watersheds and is currently being undertaken for the Southern Region islands through the use of existing and new watercourse mapping. The advantage of this approach is that it provides greater certainty with respect to actual watercourse locations and limits reviews and applications to work within 30 metres of fish-bearing or potential fish-bearing streams. The disadvantage is that a DPA would not be applied to areas more than 30 metres from a watercourse but still within a RAR-identified watershed. In addition, the quality of existing mapping may vary greatly between Local Trust Areas and contractors will need to be hired to map the watercourses within the identified RAR watersheds to an acceptable standard and confirm that the watershed is fish bearing or potentially fish bearing.
4. Exceed RAR by:

- a. Designating a DPA within 30 metres of all watercourses, regardless of fish habitat status: this would require mapping of the location of all watercourses with an acceptable degree of certainty, but would not require any confirmation of fish habitat. The advantage of this approach is that all values associated with watercourse protection are addressed, not just fish habitat.
- b. Designating one DPA within 30 metres of RAR watercourses and a second DPA, with different requirements, over the remainder of the land within the RAR-identified watershed. This would require mapping of watercourses, but may be preferred if there is evidence that activities permitted more than 30 metres from a watercourse could affect fish habitat and thus require regulation.
- c. Designating all watershed areas a DPA, regardless of RAR designation. This would result in comprehensive regulation of all watershed areas and not require further mapping of watercourses, but would present a significant impact on landowners and on planning staff to administer such a DPA.

Planners will be reviewing these options with local trust committees during the course of developing bylaws for compliance with the Riparian Area Regulation. Planning staff recognizes that, with respect to each watershed, unique situations exist, data may not be readily available or suitable, and funding may not be available to complete required mapping; therefore, planning staff will assess each watershed and for each, outline the advantages and disadvantages of each options listed above and make a recommendation on which option the local trust committee should consider.

ATTACHMENT: No

FOLLOW-UP: DLPS will ensure the completion of the Islands Trust interpretative watershed mapping project and that all Local Trust Committees receive staff reports for amending LTC bylaws to become compliant with the Riparian Area Regulation as soon as possible.

PREPARED BY: Mac Fraser, DLPS, David
Marlor, RPM and Robert
Kojima, Island Planner

REVIEWD BY: Local Planning Committee, Feb
10, 2010
Executive Committee Feb 24,
2010

SUBMITTED BY: Mac Fraser, DLPS



STAFF REPORT

Date: March 19, 2012

File No.: 3320-25

To: Thetis Island Local Trust Committee
For meeting of April 18, 2012

From: Courtney Simpson, Island Planner

CC: Chris Jackson, Regional Planning Manager

Re: Official Community Plan and Land Use Bylaw creation for Ruxton Island and other Associated Islands

THE PROPOSAL:

The Thetis Island Local Trust Committee (LTC) has identified the creation of an Official Community Plan (OCP) and Land Use Bylaw (LUB) for Ruxton Island as their first work program priority. Ruxton Island Zoning Bylaw, 1982, is currently in effect, and there is no OCP.

This preliminary report includes information on the regulatory status of the other associated islands in the Local Trust Area and recommends that all of the associated islands are covered by the same OCP and LUB and included in this project, with the exception of Valdes Island. This staff report also suggests a plan for the process, a timeline and budget.

The inclusion of Reid, Dayman, Scott, Dunsmuir, Bute, Pylades, Tree and Coffin Islands and Miami and Rose Islets in this bylaw review will not substantially increase the cost of the project but the benefit in the coming years may be significant.

SITE CONTEXT:

Ruxton Island:

Ruxton Island is approximately 2 km long and 0.5 km wide. See Attachment 1 for a location map. The length of the island runs northwest to south east and forms part of the DeCourcy group of islands including Mudge, Link, DeCourcy and Pylades. There are 9 First Nations who have Aboriginal rights in the Ruxton Island area based on the Provincial "Consultative Areas Database". There are 15 identified archaeological sites on the island.

The island was intensively subdivided between 1965 and 1970 into 195 lots ranging from less than 0.2 ha (0.5 acres) to about 1.0 ha (2.5 acres). Access is by private boat only and there are no public docks or boat ramps. Zoning regulations do not allow docks.

Sensitive Ecosystem Mapping classifies more than half of the island as a "young forest". There is a cliff ecosystem on the southern shore, and a wetland ecosystem in the centre. There are three parks; a 4.62 ha park including the wetland, a 2.05 ha waterfront strip at the base of the cliff, and a 0.45 ha inland park at the east of the island. The Cowichan Valley Regional District has responsibility for these parks but as they have no park function on Ruxton Island they levy no taxes for it and have no budget for parks planning and management. However, CVRD parks

staff have been in discussion with the Ruxton Water Conservation Society about the wetland park and are working on a stewardship agreement with them. The CVRD has currently given permission for the Water Conservation Society to hand clip the buds of yellow iris, an invasive species in the wetland, and are discussing options for maintaining the wetland as a water source for firefighting.

There is one inland Crown provincial lot, four small islets that are Crown, as well as Whaleboat Island Marine Provincial Park that is within the Ruxton Island bylaw area.

Herring Bay at the north end of Ruxton Island is used as a temporary or overnight anchorage by recreational boaters, and several beaches are used as daytime stop-overs for kayakers. There is no area for overnight camping on Ruxton. An Internet search showed two dwellings advertised for short term vacation rentals.

There are approximately 6 km of road right-of-ways on Ruxton Island but none are constructed and maintained by the Ministry of Transportation and Infrastructure. There are walking trails throughout the island.

Other Associated Islands in Local Trust Area

The table below summarizes all of the associated islands in the Thetis Island Local Trust Area:

<i>Island</i>	<i>OCP</i>	<i>LUB/RLUB</i>	<i>Year of Adoption/Comments</i>
Valdes Island	No	Rural Land Use Bylaw No. 42	1998, Amended 2010 (GHG reduction)
Penelakut Island	No	No	First Nations IR No. 7/ one private lot subject to ITA/LSA Regulations
Ruxton Island	No	Zoning Bylaw No. 13	1983, Amended 1987
Whaleboat Island	No	Zoning Bylaw No. 13	Added in 1987 amendment / Provincial Marine Park
Pylades Island	No	No	Subject to ITA/LSA Regulations
Tree Island	No	No	Subject to ITA/LSA Regulations
Reid Island	No	No	Subject to ITA/LSA Regulations
Tent Island	No	No	First Nations IR No. 8
Hudson Islands	No	No	Subject to ITA/LSA Regulations
Dayman Islands	No	No	Subject to ITA/LSA Regulations
Scott Island	No	No	Subject to ITA/LSA Regulations
Woods Islands	No	CVRD Bylaw No. 110	Annexed by Town of Ladysmith
Bute Island	No	CVRD Bylaw No. 110	1973
Dunsmuir Islands	No	CVRD Bylaw No. 110	1973
ITA - Islands Trust Act - Section 32 Restrictions on Construction and BC Regulation 119/90 LSA - Local Services Act BC Regulation 274/69 - Subdivision Regulation Requiring 10 Acre Minimum Lot Size.			

Valdes Island:

Valdes Island is a large island, the majority of which is forest lands and Lyackson IR numbers 3, 4 and 5. There are a number of waterfront residential lots on the east side of the island, and Wakes Cove Provincial Park is at the north end. Lyackson First Nation has indicated an interest in having more involvement in land use planning for Valdes Island, and perhaps collaborating on developing a new OCP and LUB in the future.

Rural Land Use Bylaw No. 42 was adopted in 1998 and is currently in effect for Valdes Island. It was amended in 2010 to include targets, policies and actions for greenhouse gas emissions reduction as per Provincial direction in Bill 27.

Pylades and Tree Islands:

Pylades Island is a small island of approximately 56 ha located just south of Ruxton Island. Pylades Island has been subdivided into 4 lots. Air photos show several buildings on the south side of Pylades and the island is otherwise forested and undeveloped.

Tree Island is slightly under 1 ha in area and is one lot with a dwelling and dock. It is approximately 400m south-west of Pylades Island. Neither Pylades or Tree Islands are subject to an OCP or LUB.

Reid Island:

Reid Island is to the east of Thetis Island in Trincomali Channel and has 25 lots that were created by subdivision between 1959 and 1972. As an unzoned area, Reid Island is subject to the Islands Trust Act restrictions on building, where one dwelling and one cottage are permitted per lot, with any additional construction requiring approval by resolution of the Local Trust Committee.

The southern-most lot of 32 ha (79 acres) is owned by South Reid Retreats Ltd and has two relevant standing resolutions as follows:

- On July 13th, 1979, in reference to “BC Regulation 525/75 - a Reid Island Application” the following resolution was made:

It was Moved and Seconded that the legal easement requirement be relaxed and that the authorization for 26 cottages as agreed to by the previous Trust Committee be adhered to and that an application also be submitted to the Trust when a building permit is being sought.

The minutes of the 1979 meeting did not make any further reference to relaxing the “legal easement requirement” and there are no easements or other documents registered on the current statement of title for South Reid Retreats Ltd, so it is unclear what that part of the resolution refers to, but the resolution does give permission for 26 cottages.

- On March 23rd, 1984 in reference to “BC Regulation 2-83 (S. Reid Island Retreats Ltd.)” the following resolution was made:

It was Moved and Seconded that the maximum cabin size be increased to 880 square feet and that this figure represent the total floor area.

These resolutions were rediscovered in 2011 upon receiving a building permit referral for the property, and staff has not been able to find a more complete record of relevant resolutions. The building permit referral was to build a 14th cottage on the lot and staff responded to the CVRD that permission for the additional cottage had been given by the LTC and there were no height, setback or other regulations in effect.

Hudson, Dayman and Scott Islands

Hudson, Dayman and Scott Islands are to southwest of Thetis Island, roughly surrounding Preedy Harbour. Dayman and Scott Islands are one lot each and Hudson Island was subdivided into ten lots surrounding an airstrip in 1972. All three islands are unzoned and have existing residential development.

Bute and Dunsmuir Islands

Bute and Dunsmuir Islands are in Ladysmith Harbour but outside the town's limits. In the early 2000's, adjacent Woods Islands were annexed by the Town of Ladysmith.

Bute and Dunsmuir Islands are each one lot with existing residential development. They are subject to Cowichan Valley Regional District Bylaw 110 from 1973 which was repealed by the CVRD in 1987 but remains in effect for those areas that are within the Islands Trust Area. The Thetis Island Local Trust Committee has the authority to repeal and replace Bylaw 110 in the Local Trust Area.

The zoning for Dunsmuir Island has recently been an issue where the CVRD accepted a rezoning application for it, not knowing they did not have the authority to zone the land or waters around it. After a significant amount of staff time on both sides, it was determined that the proposed development did not require a rezoning application from the Islands Trust as the proposed use complied with CVRD Bylaw 110.

Penelakut Island and Tent Island

Penelakut Island is home to the Penelakut First Nation and as federal land is not within local government jurisdiction. There is one lot on the island that is not within the Reserve, however, it is within the Thetis Local Trust Area. The lot is 22 ha (54 acres) in area and remains unzoned.

Tent Island is a small island south of Penelakut Island and is also Reserve land and not subject to local government regulation.

Other small islets

Miami Islet, Coffin Island and Rose Islets are all Provincial Crown. Coffin Island is within the CVRD Bylaw 110 area and the rest are unzoned.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Trust Policy Statement:

As this project proceeds the Trust Policy Statement will be referred to in detail to ensure that the new OCP and LUB are in compliance with it. The current Ruxton Island Zoning Bylaw was adopted prior to the Islands Trust Policy Statement.

Islands Trust Fund:

The Memorandum of Agreement between the Thetis Island Local Trust Committee and the Trust Fund Board, 1996, identifies that Local Trust Committee bylaws will be referred to the Trust Fund Board when they may have an impact on the responsibilities of the Board. The Memorandum of Agreement only requires referral of draft bylaws, but staff recommends that the Trust Fund Board is notified earlier in the process to solicit input and identify any relevant goals and objectives in the Regional Conservation Plan.

Regional Conservation Plan:

The Regional Conservation Plan 2011-2015 does not specifically identify Ruxton Island or other associated islands in the Thetis Local Trust Area as having conservation priorities. A more detailed review, in consultation with Islands Trust Fund staff, will be undertaken early in this project.

Sensitive Ecosystems and Hazard Areas:

The Sensitive Ecosystem Inventory identifies areas of young forest, cliff, and wetland ecosystems on Ruxton Island, and woodland ecosystem on Whaleboat, as shown on the map below.

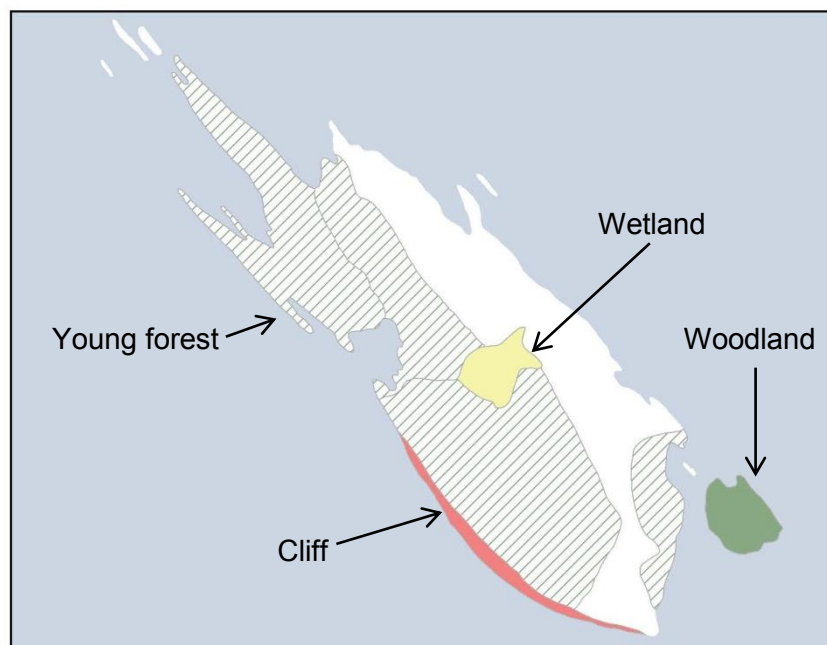


Figure 1 Ruxton and Pylades Island Sensitive Ecosystems

Lindley's Microseris (*Microseris lindleyi*), a red-listed plant species, is found on Ruxton Island. This yellow-flowered annual has a dandelion-like seed head. Ruxton Island has one of only four known populations in British Columbia, the others being found on other southern Gulf Islands. The Ruxton population is on the south-west side of the island, associated with the cliff ecosystem identified in Figure 1. The primary threats to Lindley's Microseris are housing development and invasive species.

The water area surrounding Ruxton Island is a federal Rockfish Conservation Area that limits recreational and commercial fishing activities to protect rockfish.

The provincial TRIM stream mapping does not identify any streams on Ruxton Island. However, this mapping is done at a small scale and it is likely that there is surface water that is unmapped. Local knowledge could help identify streams, and mapping may be required to determine if they are fish bearing or potentially fish bearing and subject to the Riparian Areas Regulation.

A potential hazard area exists at the south-west side of Ruxton where a cliff or steep slope is found. Staff has not visited the site, but it appears from mapping that the slope is within a park, however the residential lots at the top of the slope appear to abut the crest of the slope and may still be within a hazard area.

Archaeological Sites:

There are 15 identified archaeological sites on Ruxton Island, numerous others on the rest of the associated islands, and 9 First Nations who have Aboriginal rights in the Local Trust Area based on the provincial "Consultative Areas Database".

Covenants:

There are no known covenants on Ruxton Island however an exhaustive search has not been done.

Bylaw Enforcement:

Bylaw enforcement concerns on Ruxton Island relate to docks and construction of buildings without a permit. Construction of buildings without a permit also relate to some of the other associated islands, Reid Island in particular.

A property owner recently constructed a dock-like structure and a complaint was made to bylaw enforcement given that the zoning bylaw does not permit docks. Upon review, the dock-like structure in question was deemed to not be a dock by strict interpretation of the bylaw, and to be in compliance. However, a larger issue was brought to light during this review. It appears that access to property is a growing concern of property owners as they age, and the regulations prohibiting docks is something that some Ruxton Islanders have said that they take pride in and want to protect, but they are also looking for an easier, safer way to access their property from their private boat. There are a number of creative approaches in use to access land, which may fall in a grey area as to whether or not they comply with the current zoning bylaw. Staff anticipates that the regulations around docks or any structures on the foreshore to assist in accessing land from the water will be a key issue the bylaw review.

Regarding buildings constructed without a permit, all of the associated islands are within the Cowichan Valley Regional District (CVRD) building bylaw area and as such building permits are required for construction and have been since the 1970's. The CVRD Building Inspector has conducted two boat surveys in recent years to document buildings constructed without a permit

that are visible from the water and there are numerous infractions. Not only is this a concern for the CVRD in the enforcement of their building bylaw, but it is unknown if these buildings have been constructed in compliance with the height, setback and density requirements in the zoning bylaw. Anecdotally, staff understands that there may be a number of buildings constructed within setbacks. Buildings constructed without a permit, if they are found to not be in compliance with the current zoning bylaw, may be a significant issue for this project.

Climate Change Mitigation and Adaptation

A new OCP will require targets, policies and actions to reduce greenhouse gas emissions.

COMMUNITY CONSULTATION:

Goals of communications for this project include informing and engaging First Nations, property owners and others identified as having an interest. This engagement is needed to ensure that relevant bylaw objectives, policies and regulations are adopted that do not infringe on Aboriginal rights of First Nations, and meet the needs of property owners and others both in the present and into the future.

First Nations should be contacted at the start of the project. There are no particular techniques recommended for First Nations engagement aside from mail, email and telephone communication. It is expected that after initial discussion with each interested First Nation a plan can then be developed that may include in-person presentations or meetings.

Communications with Ruxton or other associated island property owners will be an important part of this project and may require unique approaches given that few people live on these islands full time. There is no local meeting location for property owners, no newspaper that would be likely to reach the majority, and no bulletin boards that would be read by most.

Communications could include a combination of direct mail-outs, the Islands Trust website, an email list, online or mailed polls or surveys, or receipt of input via mail or email.

In person meetings could be held on Ruxton Island at a time in the summer that many property owners are likely to be there. If the project scope is expanded to include other associated island, as Ruxton has by the far the greatest number of people owning property, Ruxton-specific meetings can still be held on Ruxton, and property owners from other islands will be engaged in different ways such as through a meeting in a more easily accessible location or by electronic means. There may be opportunities to hold meetings on Vancouver Island and the lower mainland given that 82% of Ruxton property owners live in those areas. A Vancouver Island location may be a good option for a community information meeting if it is likely that more people would be able to attend than if it was on Ruxton Island, which may depend on the time of year.

Table 2: Primary residence of Ruxton Island Property Owners*		
Primary Residence	Number of properties	Percentage of properties
Vancouver Island and Gulf Islands	115	59%
Lower Mainland	44	23%
Rest of BC and Alberta	13	7%
Rest of Canada	9	5%
International	9	5%
<i>*More than one person may be registered on Title living at the same primary residence but this is noted as one "property".</i>		

Staff recommends the following for consideration in a communications strategy related to Ruxton Island property owners, which is also relevant to the project if it was expanded to include the rest of the associated islands:

- Initial mail-out to property owners: To advise of the process, how they can find out more information and stay informed, and a short survey on their preferred method of communication and preferred meeting locations.
- Islands Trust website updates: Sometime before the summer of 2012 the new Islands Trust website should be live. This new website will have the ability for unique pages for projects such as this one. The webpage should be fully updated before an initial mail-out and should be used throughout the project. Residents will be able to sign up for email notifications when there is new content on the webpage.
- Further mail-outs to property owners: In order to ensure that those not able to easily access the website or use email are reached, further mail-outs such as one or two per year could be used to communicate with property owners.
- Notice in Ruxton Island Review: The Ruxton Island Property Owners Association distributes an annual newsletter by the July long weekend, with a deadline at the end of May.
- Community Information Meeting on Ruxton Island: There could be one or more in-person Community Information Meetings (CIM) on Ruxton Island during the process. The Ruxton Island Property Owners Association holds an annual meeting on the Sunday of the August long weekend. A CIM could be on this same weekend or another when most property owners are likely to be there. As there are no community facilities on Ruxton, the meeting would likely have to be held outdoors, either at Naylor Bay or Otter Bay where there is a flat area that has been used for meetings in the past.
- Online surveys or polls: Given that neither staff nor the local trustees live or own property on Ruxton Island or the other associated islands, it may take a unique effort to read the pulse of the community and to understand community priorities. Online surveys or polls could be a useful way of soliciting this kind of input from dispersed property owners. This type of input would most likely be used in the early stages of scoping and prioritizing.

- Advisory Planning Commission: The LTC could appoint an advisory planning commission (APC) specific to this project, having an APC made up of Ruxton Island property owners. If the scope is expanded to include other associated islands, staff recommends that the APC remains only for Ruxton Island. The cost in dollars and staff time of having an additional APC for the other associated islands would be high, and the size of population may not warrant it. Having representatives from both Ruxton and other associated islands on the same APC may not be an efficient strategy.

As APC meetings cannot be held by teleconference, appointees must live close to one another or be willing to travel. Given the primary residence location of Ruxton property owners shown in Table 2, central Vancouver Island would be the most logical meeting location. The LTC also may want to consider covering the cost of travel for APC members such as ferries, mileage and meals, and will have to include that cost in the budget. A rough budget is presented for discussion purposes. Transportation expenses are based on a \$150 per person average for ferry and/or mileage expenses. Contributing to the cost of transportation could significantly increase the project budget, but also makes the process more equitable. Staff is not sure if it is necessary to provide for the cost of transportation in order to have enough and a good range of property owners interested in being on the APC. With the budget presented below, staff does not think that more than 3 APC meeting would be possible within a realistic project budget. If the cost of APC meetings was reduced, more meetings could be held.

The cost estimates below are based on a 5-person APC, with staff, trustees and a minute-taker at the meeting, however an APC could have more members.

Hall rental (Vancouver Island)	\$115
Lunch	\$135
Transportation	\$750
Minute-taker	\$100
TOTAL	\$1,100

STAFF COMMENTS:

Below is an outline of the recommended planning process for this project divided into six steps as follows:

1. Define the Scope
2. Identify Goals
3. Appraise the Facts
4. Generate Options
5. Assess the Options
6. Decide on Options to Adopt

1. Define the Scope:

When added to the Top Priorities List, the geographic scope of this project was limited to Ruxton Island. In this report, Staff has introduced the option of extending the scope to include all of the Thetis Local Trust Area's associated islands except Valdes Island.

There are a number of benefits to the establishment of a single OCP and LUB for the associated islands of the Local Trust Area including the efficient use of staff time to administer the bylaws, elimination of inconsistencies, and improved clarity of bylaw regulations for agencies and the general public. In the future, bylaw maintenance would be more efficient and would avoid the need to track updates in a number of bylaws. In addition, a single bylaw would ensure that complete and updated zoning coverage is provided for all the associated islands of the Local Trust Area.

Although the ultimate goal of this approach is to have a single OCP and LUB for all the associated islands, it is not recommended that Valdes Island is included in the scope of the current project. A review of the Valdes Island Rural Land Use Bylaw would be a significant and unique project that staff recommends is undertaken at a later date, and at that time added to a single OCP and LUB for all associated islands. The Lyackson First Nation, whose traditional home is on Valdes Island, has indicated an interest in the project at some point in the future.

CVRD Bylaw 110 predates the Islands Trust and including the Ladysmith Harbour islands, Bute and Dunsmuir, in the current project would allow the regulations to be reviewed based on the Islands Trust Act and Policy Statements. It may also provide an opportunity to address a recurring confusion with the CVRD over whose zoning jurisdiction these islands are in.

Reid Island is unzoned and has only 25 lots, but resolutions from 1979 and 1984 permit 26 cottages on one of these lots, with 14 known to have been built. There are no setback or height restrictions on Reid Island, and no policies or regulations to protect the foreshore, or other sensitive ecosystems. While the rate of development on Reid Island has been slow to date as evidenced by few building permit applications, it is possible that there may be increased development pressures in the coming years as older cottages are replaced by larger homes, or as the 12 remaining approved densities on the southern-most lot are built-out. Issues related to bylaw enforcement and building permit application are similar for Reid and Ruxton Island so there would be an economy in including Reid in this project.

In comparison with a building permit referral for an application in a zoned area, an application for construction in an unzoned area requires more staff time and may require LTC consideration. As a result, processing time can be relatively lengthy.

2. Identify Goals:

Staff suggests the following are high-level goals of this project. This list can be amended by the LTC, and will be referred to throughout the process:

- Adopt an OCP in accordance with Islands Trust Policy Statement and relevant legislation
- Adopt an LUB in accordance with Islands Trust Policy Statement and relevant legislation
- By engaging with First Nations, avoid infringement on Aboriginal title and rights
- Address community needs that are within the scope of land use planning
- Play an advocacy role to help the community achieve goals outside of the LTC's authority, when appropriate
- Given that most property owners are non-resident, maximize community input through non-meeting methods
- Protect sensitive ecosystems
- Adopt policies and regulations facilitating adaptation to climate change

In order to accomplish these goals, one of the first steps in this project once the scope is defined will be to begin consultation with the following First Nations with Aboriginal rights in the area:

Stz'uminus First Nation
Cowichan Tribes
Halalt First Nation
Hul'qumi'num Treaty Group
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Tsawwassen First Nation
Snuneymuxw First Nation
Semiahmoo First Nation

Initial consultation with the community of property owners and residents will be needed to define more specific goals. These more specific goals will help to guide the remaining steps in the process. At the same time, consultation with stakeholders such as the CVRD should occur, and further goals maybe identified. The timeline below anticipates that after initial consultations, a list of more specific goals could be adopted by the LTC in the fall of 2012.

3. Appraise the Facts

Once Aboriginal interests and community goals are better understood, as well as legislated requirements, we can appraise the facts we currently have and identify information gaps. Information gaps can be addressed by further research, further consultation with stakeholders and First Nations, or by engaging professionals to undertake mapping or other studies.

A number of relevant facts are already known and are described in the preceding sections of this report. More in-depth research has been done for Ruxton Island than other associated islands, and if the scope of the project is expanded, further research can be done in-house. A review of what mapping we currently have and what we need will be required, which will help develop a budget request for the next fiscal year, and add more specific items to the list of goals. Assessing any surface water to determine applicability to the Riparian Areas Regulation will be a necessary expenditure.

4. Generate Options

This step involves developing options to address or meet the identified goals, based on the facts appraised in the previous step.

5. Assess the Options

Through First Nations, community, and agency consultation, the options generated in the previous step can be assessed.

6. Decide on Options to Adopt

The ultimate step in the process is deciding on which options to adopt in the OCP and LUB. However, once arriving at step 6, it might be necessary to return to step 5 before making final decisions. This may happen in the formal bylaw referral process when some agencies will be consulted for the first time.

Work Plan:

Combining the information in the community consultation section of this report with the recommended steps in the planning process, below is a concise work plan. Staff proposes to present a draft of the OCP for public review several months prior to a draft of the LUB. This will allow the discussion to be focused at a higher level of objectives and policies before looking at the regulations to implement those policies, but still make it possible for both bylaws to be adopted within the current 3-year term.

Ruxton Island OCP/LUB Project Work Plan			
	Task	Target Date	Cost Estimate
1.	Define the Scope		
1.1	Preliminary staff report	<i>April 18, 2012 (LTC meeting)</i>	
1.2	LTC to endorse project terms of reference	<i>May 23, 2012 (LTC meeting)</i>	
2.	Identify Goals		
2.1	Update Islands Trust website with project information	May 31, 2012	
2.2	Contact First Nations to begin engagement, with follow-up	May 31, 2012	
2.3	Mail-out to property owners including survey on preferred engagement method and community goals	May 31 2012	\$150
2.4	CIM for property owners in-person to present results of survey and gather more info	August-September, 2012	\$750
2.5	Consult with CVRD – during annual meeting	September, 2012	
2.6	Staff report on first consultation with draft detailed list of project goals	<i>October 3, 2012 (LTC Meeting)</i>	
2.7	APC meeting to review draft detailed list of project goals	October-November, 2012	\$1,100
2.8	LTC to endorse detailed list of project goals	<i>November 21, 2012 (LTC Meeting)</i>	
2.9	Mail-out to update property owners on outcome of consultation and next steps	December, 2012	\$150
3.	Appraise the Facts		
3.1	Site visit to Ruxton Island (and others if in scope)	June, 2012	\$400
3.2	Staff report to identify information gaps	January, 2013	
3.3	Contract with professionals to fill gaps as necessary	February-June, 2013	\$8,000
3.4	Continued discussion with First Nations as necessary	ongoing	
3.5	Review results of any professional reports	June, 2013	
4.	Generate Options		
4.1	Draft 1 of OCP	June, 2013	
4.2	Staff report describing regulatory options, no draft of LUB yet.	June, 2013	
4.3	APC Meeting to review draft of OCP	July, 2013	\$1,100
5.	Assess the Options		
5.1	Continued discussion with First Nations as necessary	ongoing	
5.2	In person meeting with property owners either Ruxton Island or Vancouver Island	August-September, 2013	\$750
5.3	Electronic or mail consultation with property owners	Summer, 2013	\$300
5.4	Staff report on results of community consultation to assess the options	October, 2013	
6.	Decide on Options to Adopt		
6.1	Draft 1 of LUB	November, 2013	
6.2	APC Meeting to review draft of LUB	November, 2013	\$1,100
6.3	Legal review of draft OCP and LUB	November, 2013	\$3,000
6.4	Draft 2 of OCP and LUB and first reading	January, 2014	
6.5	Agency referral	February, 2014	
6.6	Public hearing	April, 2014	\$1,500
6.7	Referral to EC	May, 2014	
6.8	Referral to Minister for OCP	June, 2014	
6.9	Adoption of OCP and LUB	September, 2014	

Budget:

As the work plan above shows, and dividing the budgeted \$8,000 for professional reports between two fiscal years, the estimated budget for the three fiscal years of the project is:

Year 2012/13	\$5,000
Year 2013/14	\$11,800
Year 2014/15	\$1,500
TOTAL	\$18,300

There are a number of factors that will affect the budget such as whether or not an APC will be appointed and if members will be reimbursed for travel expenses, what type of public meeting will be held and what the cost will be, and what professional reports will be required.

RECOMMENDATIONS:

That the Thetis Island Local Trust Committee:

1. direct staff to prepare a project terms of reference for endorsement, to include all of the associated islands in the Local Trust Area except Valdes;
2. direct staff to draft an article or ad regarding the bylaw review project for the Ruxton Island Review for review by the Local Trust Committee; and
3. direct staff to draft a mail-out to property owners including survey on preferred engagement method and community goals for review by the Local Trust Committee.

Prepared and Submitted by:

Courtney Simpson

March 28, 2012

Courtney Simpson, MCIP
Island Planner

Date

Concurred in by:

Chris Jackson

March 19, 2012

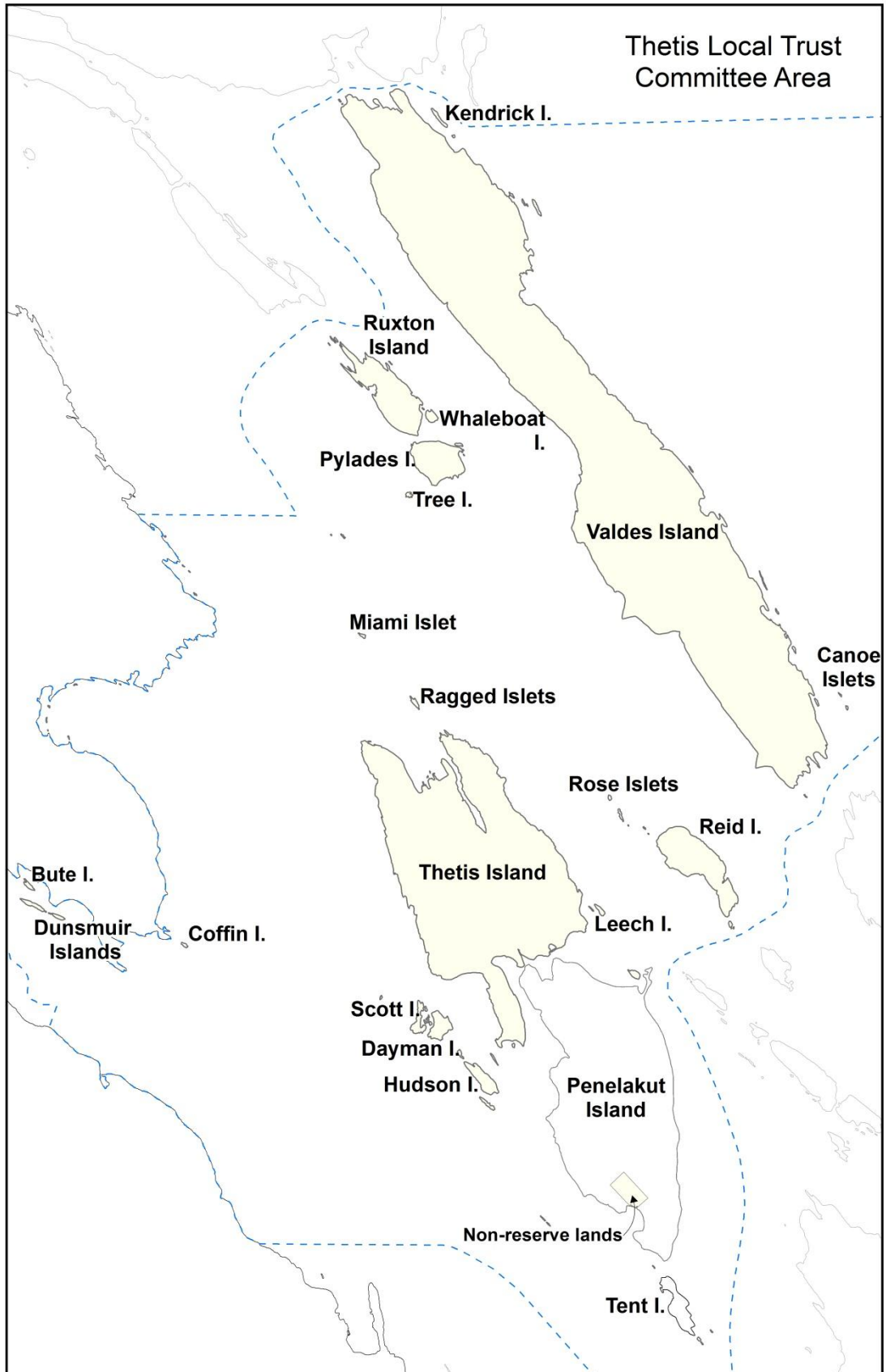
Chris Jackson, MCIP
Regional Planning Manager

Date

Appendices:

1. Map of Thetis Island Local Trust Committee Area

Appendix 1 Map of Thetis Island Local Trust Committee Area





STAFF REPORT

Date: March 29, 2012

File No.: TH-ADM-2012.1

To: Thetis Island Local Trust Committee
For meeting of April 18, 2012

From: Courtney Simpson, Island Planner

CC: Chris Jackson, Regional Planning Manager

Re: Advisory Planning Commission Bylaw Update

THE PROPOSAL:

The Local Trust Committee (LTC) has as their top work program priority a review of the Ruxton Island planning bylaws involving the creation of an Official Community Plan and Land Use Bylaw. The LTC has indicated they may wish to appoint an advisory planning commission (APC) specific to this project in addition to the current Thetis Island APC.

In order to establish this second APC for the purpose of the project, the current APC bylaw No. 62 requires amendment. The purpose of this report is to provide a draft bylaw that would enable establishing a second APC.

LEGISLATIVE CONTEXT:

Local Government Act:

The authority to establish an APC is found in section 898 of the *Local Government Act*. This section of the *Act* states that the bylaw must provide for the “composition of and the manner of appointing members to” the APC. The *Act* requires that at least 2/3 of the members are residents of the electoral area, and states that trustees, and employees or officers of the local government cannot be appointed to the APC.

The types of procedures that can be directed in the APC bylaw are such things as the length of term, how quorum is defined, the roles of Chairperson and Secretary, how matters will be referred to the APC, how the APC must keep records, how meetings will be advertised, and other similar matters.

Many local governments have ad hoc committees from time to time that may operate similar to an APC but are not technically designated under the APC bylaw. While not contrary to any legislation, it is advised that any type of committee appointed by the LTC is officially appointed under the APC bylaw in order to reduce the personal liability risk of members. Section 287 of the *Local Government Act* includes members of an APC in the list of those protected from most kinds of liability that might arise in the conduct of their duties. This protection provides a basis for an APC and its members to have a lawsuit against them dismissed at an early stage.

THETIS ISLAND ADVISORY PLANNING COMMISSION BYLAW NO 62:

The current APC bylaw was adopted in 2000 and amended in 2009 by Bylaw No. 85. The 2009 amendment increased the number of members from 5 to between 5 and 7, and provided that two members may be appointed for a two-year term and the remainder appointed for a one-year term. The current APC bylaw does not allow for any additional APC's.

COMMUNITY INFORMATION MEETING(S) / RESULTS OF CIRCULATION:

No circulation, community information meeting or referrals are required in order to amend an administrative bylaw such as the APC bylaw.

STAFF COMMENTS:

Instead of amending the current APC bylaw No. 62, staff recommends that a new bylaw is adopted using language that has recently undergone extensive staff review for another LTC's bylaw. The attached draft bylaw does not introduce any significant changes to the composition of the current APC.

The attached draft bylaw requires that a separate terms of reference is created for a special projects APC that outlines the number of members, terms of the appointment, and scope and role of that APC.

RECOMMENDATIONS:

That the Thetis Island Local Trust Committee:

1. give first reading to draft Bylaw No. 91 cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012";
2. second reading to proposed Bylaw No. 91 cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012";
3. give third reading to proposed Bylaw No. 91 cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012"; and
4. refer proposed Bylaw No. 91 cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012" to the Executive Committee.

Prepared and Submitted by:

Courtney Simpson

April 12, 2012

Courtney Simpson, MCIP
Island Planner

Date

Concurred in by:

Chris Jackson

April 12, 2012

Chris Jackson, MCIP
Regional Planning Manager

Date

Attachments:

1. Draft Bylaw No 91

**DRAFT
THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 91**

**A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE
THETIS ISLAND LOCAL TRUST AREA PURSUANT TO THE LOCAL
GOVERNMENT ACT AND THE ISLANDS TRUST ACT**

The Thetis Island Local Trust Committee, being the Local Trust Committee having jurisdiction on and in respect of the Thetis Island Local Trust Area in the Province of British Columbia, pursuant to the *Islands Trust Act*, enacts as follows:

1. Continuation and Establishment

- a) The Thetis Island Advisory Planning Commission, an advisory planning commission established to advise the Local Trust Committee on all matters respecting land use, community planning, or proposed bylaws and permits that are referred to it by the Local Trust Committee, is continued.
- b) The Thetis Island Local Trust Committee establishes:
 - i) “Thetis Island Special Projects Advisory Planning Commissions” to advise the Local Trust Committee on all matters respecting special projects referred to it by the Local Trust Committee.
- c) The provisions of parts 2 through 7 of this Bylaw apply to each of the advisory planning commissions continued and established by this Bylaw.

2. Appointment of Members

- a) Advisory Planning Commission
 - i) The Advisory Planning Commission consists of a minimum of five and a maximum of seven members.
 - ii) The Local Trust Committee may, by resolution, appoint up to two members for a two-year term, and appoint the remaining members for a one-year term.
- b) Special Projects Advisory Planning Commissions
 - i) The Local Trust Committee may, from time to time, establish advisory planning commissions to provide advice to the Local Trust Committee on specific topics or for special projects.

- ii) Special Projects Advisory Planning Commissions will be appointed based on a terms of reference endorsed by the Local Trust Committee which will outline the number of members, the terms of the appointment and the scope and role of that Special Projects Advisory Planning Commission.
- c) The Local Trust Committee may, by resolution, remove a member of an advisory planning commission at any time.
- d) Where a member resigns or an appointment is otherwise terminated, the Local Trust Committee may appoint a member to serve the balance of the term of the appointment.
- e) The members must, during the first meeting of a term, from among the members elect a Chairperson, a Deputy Chairperson, and a Secretary.
- f) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).
- g) In the event that the Chairperson resigns from the position of Chairperson but remains on the advisory planning commission, the advisory planning commission shall write the Local Trust Committee to advise them and the Local Trust Committee shall appoint an interim Chairperson who shall serve until a Chairperson is elected in accordance with Section 2(g).
- h) An individual may serve concurrently on the Advisory Planning Commission and one or more Special Projects Advisory Planning Commissions.

3. Roles

a) Secretary

- i) The Secretary is to:
 - 1. assist the Chairperson, as required, in arranging meetings;
 - 2. ensure that proper notification of meetings is given in compliance with this bylaw;
 - 3. keep legible minutes of all meetings; and
 - 4. provide copies of all minutes and recommendations to the Secretary of the Islands Trust.

b) Chairperson

- i) The Chairperson is to:
 - 1. receive referrals from the Local Trust Committee and, in response, decide when and where meetings shall be held;
 - 2. ensure proper conduct of all meetings in accordance with the requirements of this Bylaw and the principles of procedural fairness; and

3. sign the minutes certifying that they are true and correct after the members have approved them.

4. Referrals

- a) The Local Trust Committee may by resolution:
 - i) refer an application for an amendment to a bylaw, or a permit, pursuant to the *Local Government Act*, or may refer a proposed bylaw or permit to an advisory planning commission with a request for a recommendation; or
 - ii) refer a project in support of the Local Trust Committee's work program, an agency referral or other item of Local Trust Committee business to an advisory planning commission with a request for a recommendation; or
 - iii) refer a plan or bylaw amendment or permit that has been partially processed and seen at the application stage by a advisory planning commission for additional recommendations if it feels changes to the application warrant the review, and in these cases an advisory planning commission may be asked to respond in a briefer than normal time period.
- b) An advisory planning commission must meet when there is a need to consider a referral, at a duly constituted meeting as defined under this Bylaw and as called by the Chairperson.
- c) The Chairperson shall select a regular monthly meeting day to consider referrals at its first meeting.
- d) In the event that no referral is received by the Chairperson at least 7 calendar days prior to the date of the next regular meeting, then no meeting need be held.
- e) A meeting on any particular referral must be held not more than 30 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- f) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members to deal with any matter for which a quick response is requested from the Local Trust Committee.
- g) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least 3 calendar days prior to the meeting.
- b) The Secretary must confirm by telephone, email or note, the date and time of any extraordinary meetings with each member.

- c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five calendar days prior to the meeting.
- d) The Secretary must ensure the Local Trustees and the Secretary of the Islands Trust are notified of each meeting at least five days prior to the day of the meeting.

6. Conduct of Meeting

- a) All deliberations must take place in a meeting, and all meetings must be open to the public.
- b) A quorum is the lesser of four members, or 50 per cent of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn it from time to time.
- d) An applicant must be afforded opportunity to present his or her proposal and to answer any questions asked by members.
- e) If the applicant or agent fails to appear and was duly notified as required by this Bylaw, deliberations and recommendations may be made in the applicant's absence.
- f) At the request of any member, the Chairperson must invite any elected official, staff or resource person present at the meeting to comment on the matters before the Commission.
- g) Development proposals and other applications must not be received directly from applicants.
- h) An advisory planning commission must not consult directly with other government agencies.

7. Notice of Recommendation

- a) If the Local Trustees did not attend a meeting, they may require a verbal report from the Chairperson.
- b) The Secretary must ensure minutes of each meeting are recorded and approved by the members at a subsequent meeting.
- c) The Secretary must ensure that a copy of the draft minutes is submitted to the Secretary of the Islands Trust office within seven calendar days of the meeting.
- d) A recommendation may be in the form of recorded commentary, in the form of minutes or in the form of a resolution, provided that all dissenting opinions are also recorded.

8. Transition

- a) "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2000", is repealed.

9. Citation

- a) This Bylaw may be cited as the "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012".

READ A FIRST TIME 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__

ADOPTED THIS ___ DAY OF , 20__

SECRETARY

CHAIRPERSON



Islands Trust

Top Priorities

Thetis Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Ruxton Island OCP and LUB Review	Develop new OCP and LUB to replace Ruxton Island Zoning Bylaw, 1982	Sep-07-2011	Courtney Simpson	Nov-15-2014	On Going
1	Shoreline Development Permit Area	Community outreach, education and engagement on draft DPA.	Sep-07-2011	Courtney Simpson	Nov-15-2014	On Going
1	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



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



Applications w/ Status - Thetis Island Status: Open

Applications

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: Apr-02-2012

Distributed DVP notice to property owners within 100m

Status Date: Mar-19-2012

Requested update on post-impact assessment from applicant

Status Date: Dec-22-2011

Waiting for post-impact archaeological assessment from applicant

Subdivision

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

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: February-23-12 1:45 PM
To: Thetis Island Local Trust Committee; Becky McErlean
Cc: Cindy Shelest
Subject: Thetis expense report - Feb/12

		Budget	Spent	Balance
Invoices posted to FEB 23, 2012				
670 Thetis	65000 Trustee Expense	1,000.00	116.10	883.90
670 Thetis	65200 LTC Meetings	3,000.00	1,547.33	1,452.67
	65210 APC Meetings		422.92	(422.92)
	65220 Communications			-
	65230 Special Projects			-
	65240 Miscellaneous			-
	TOTAL LTC Local Expense	3,000.00	1,970.25	1,029.75
670 Thetis	72300 OCP/LUB Expense	8,000.00	7,876.19	123.81

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: Linda McClung
Sent: March-29-12 10:02 AM
To: Courtney Simpson; Ken Hancock; Peter Luckham; Sue French; Becky McErlean
Cc: Nancy Roggers; Cindy Shelest
Subject: Thetis March/12 Expense Report

Please direct any questions to Nancy.

Thanks.

670 Thetis		Invoices posted to March 31, 2012	Budget	Spent	Balance
			1,000.0	116.1	883.9
65000	LTC "Trustee Expenses"	0	0	0	
			3,000.0	1,708.2	
65200	LTC Local Exp LTC Meeting Expenses	0	3	422.9	1,291.77
65210	LTC Local Exp APC Meeting Expenses	-	2	2)	(422.9
65220	LTC Local Exp Communications	-	-	-	
65230	LTC Local Exp Special Projects	-	-	-	
65240	LTC Local Exp Miscellaneous	-	-	-	
TOTAL LTC Local Expense			3,000.00	2,131.15	868.85
			8,000.0	7,876.1	123.8
72300	Project OCP update	0	9	1	



Memorandum

Date February 21, 2012

To Local Trustees

From David Marlor
Director of Local Planning Services

Re A Strategic Approach to Islands Trust Communications

In order to assist local trust committees with enhancing communications and public engagement, Trust Area Services, with input from Local Planning Services, prepared the attached guidelines; these guidelines have been approved by the Executive Committee.

These guidelines will become part of the tool kit planners may use when generating staff report recommendations for projects that would benefit from a communications plan. Staff will include recommendations on communications using the guidelines at appropriate times, for example, at the start of a larger project or initiative that is expected to generate considerable public interest.

Regional Planning Managers will discuss this template in more detail at an upcoming Local Planning Services meeting to to determine the best approach to incorporating the guidelines into the planning process.

David Marlor
Director of Local Planning Services

pc Executive Committee
Linda Adams, CAO
Lisa Gordon, DTAS
Regional Planning Managers



GUIDELINES: A STRATEGIC APPROACH TO LOCAL TRUST COMMITTEE COMMUNICATIONS

Approved by Executive Committee August 2011

Value of a Communications Strategy for Local Trust Committees

A Communication Strategy is an essential planning tool to help coordinate communication activities by:

- Ensuring all communications focus proactively on Islands Trust's priorities, goals and objectives in a clear, timely and cost-effective way
- Ensuring roles & responsibilities are clear and consistent, ideally guided by policy
- Harnessing and focusing combined efforts to prevent duplication, avoid unintended conflicts and to make the most of existing opportunities (e.g. partnership with other agencies)
- Minimizing last-minute demands (crisis management)
- Anticipating public reaction before launching projects

Communications strategy framework - six standard questions to answer for all LTC projects

1. Goals: Define the project's communications goals and objectives.

- Goals are broad, general statements about what you need to address
- Objectives are SMART: Specific, Measurable, Achievable, Realistic, Timely
- Clearly defining these elements makes it much easier to identify key messages

Questions that help define goals:

- Why are we doing this project?
- What is the risk of not doing the project?
- How will the project promote the object/mandate?
- What do we already know and what do we need to find out to succeed?
- What is the problem and what needs to change to solve the problem?
- Is the solution a change in regulation, policy or behaviour? E.g. If the problem is erosion, is a soil bylaw the only solution or are there other ways to change the behaviour that leads to erosion?

2. Audience: Who do you want to reach?

- Target audiences
- Internal (Trustees, senior staff, front line staff)
- Other agencies affected (Regional Districts, First Nations, Provincial, Federal)
- External (e.g. voters, seniors, media, community organizations and leaders)
- What do you know about the audience? What do they think of your program or service?

3. Messages: What do you want to say to each audience?

- What motivates your audience – Benefits – what's in it for me?
- What stops your audience - Barriers?
- Frame your message to emphasize benefits and overcome barriers.

- What is your call-to action? You are trying to change the audience's current state in some way. Are you asking them to share their opinions, participate in a debate, to support something, or just to be aware of something that they have little choice about?
 - Crafting your messages
 - o Make it easy to remember in easy, simple terms
 - o Use captivating information – vivid and personal
 - o Use stories and metaphors to engage your audience
 - o Use two-sided vs. one-sided message – recognize other viewpoints
4. Methods: How will you reach people? Different audiences have different objectives and need different approaches. Consider finding a well-respected expert or community member(s) to offer testimonials in support of your project.
5. Resources: Who will do what, when and at what cost?
6. Evaluation: Did they did get it? Were there misinterpretations? Was there backlash? How can we improve next time? How can we share what we learned with other staff / trustees?

SAMPLE Communication Action Plan

Project: _____

Launch Date: _____

Methods	Person responsible	Cost	Content Focus / Key message	Audience	Due Date (e.g. for approval)	Publication Date
E-mail						
Direct mail						
News release						
Paid ad (Paper / TV / Radio)						
Letter to editor / editorial						
Web page						
Article for newsletter						
Brochure						
Social media						
Poster / bulletin board						
Annual report						
Public meeting						



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.

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)

Thetis Island Local Trust Committee Projects

General

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

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

- [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](#)
- [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](#)
 - [Coastal and Watershed Systems: Sediment Sources, Movement, Sinks and Ecosystems](#)
 - [Relative Energy Zones & Shoreline Dynamics](#)
 - [Coastal Types & Shoreline Characteristics](#)
 - [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](#)

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[Land Use Application Forms](#)

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](#)

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