



Thetis Island Local Trust Committee Regular Meeting Agenda

Date: February 22, 2019
Time: 9:15 am
Location: Thetis Island Community Centre (Forbes Hall)
North Cove Road, Thetis Island, BC

			Pages
1.	CALL TO ORDER	9:15 AM - 9:15 AM	
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."			
2.	APPROVAL OF AGENDA		
3.	MINUTES	9:15 AM - 9:20 AM	
3.1	Local Trust Committee Minutes dated December 11, 2018 - for Adoption		4 - 11
3.2	Section 26 Resolutions-Without-Meeting Report dated February 4, 2019		12 - 12
3.3	Advisory Planning Commission Minutes - none		
4.	BUSINESS ARISING FROM MINUTES	9:20 AM - 10:00 AM	
4.1	Follow-up Action List dated February 5, 2019		13 - 15
4.2	Advisory Planning Commission - Staff Report		16 - 20
4.3	Thetis Island Local Trust Committee Fees Bylaw No. 106 - for adoption		21 - 22
5.	TOWN HALL	10:00 AM - 10:10 AM	
6.	APPLICATIONS AND REFERRALS - none		
7.	LOCAL TRUST COMMITTEE PROJECTS	10:10 AM - 10:55 AM	
7.1	Ruxton Island Private Moorage Structures Project - Staff Report		23 - 40
7.2	Riparian Areas Regulation Implementation Project - Memorandum		41 - 66
8.	DELEGATIONS - none		

9. CORRESPONDENCE - none

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

10. NEW BUSINESS 10:55 AM - 11:45 AM

- 10.1 Updated Islands Trust Climate Change Webpages - Briefing 67 - 68
- 10.2 Bylaw Enforcement Notification Bylaw Amendments - Staff Report 69 - 82
- 10.3 The Indigenous People of the Thetis Island Local Trust Area Briefing Binder and Trustee Toolkit - discussion
- 10.4 First Nations Archeology Sites in the Trust Area - discussion
- 10.5 First Nations Engagement - discussion

----- BREAK ----- 11:45 AM TO 12:05 PM

11. REPORTS 12:05 PM - 12:30 PM

- 11.1 Trustee Reports
- 11.2 Chair's Report
- 11.3 Trust Conservancy Report dated November, 2018 83 - 85
- 11.4 Electoral Area Director's Report
- 11.5 Applications Report dated February 5, 2019 86 - 88
- 11.6 Trustee and Local Expense Report dated December, 2018 89 - 89
- 11.7 Adopted Policies and Standing Resolutions 90 - 91
- 11.8 Local Trust Committee Webpage

12. WORK PROGRAM 12:30 PM - 12:50 PM

- 12.1 Top Priorities Report dated February 5, 2019 92 - 92
- 12.2 Projects List Report dated February 5, 2019 93 - 95

13. CLOSED MEETING

12:50 PM - 1:00 PM

13.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) and (d) for the purpose of considering appointments to the Advisory Planning Commission and Adoption of In Camera Meeting Minutes dated February 2, 2018 and that the recorder and staff attend the meeting.

13.2 Recall to Order

13.3 Rise and Report

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, April 23, 2019 at 9:30 am at the Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC

15. ADJOURNMENT

1:00 PM - 1:00 PM



Thetis Island Local Trust Committee Minutes of Regular Meeting

Date: December 11, 2018
Location: Thetis Island Community Centre (Forbes Hall)
 North Cove Road, Thetis Island, BC

Members Present: Laura Patrick, Chair
 Doug Fenton, Local Trustee
 Peter Luckham, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
 Janice Young, Recorder

Others Present: Chad Marlatt, Manager, Cypress Land Services
 Approximately six (6) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Patrick called the meeting to order at 9:35 am. She acknowledged that the meeting was being held in the unceded territory of the Coast Salish First Nations, introduced Local Trust Committee members and staff, and reviewed rules of order for the meeting and for questions or comments from members of the public.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

8.1 Ruxton Island Private Moorage Structures Review – Staff Report

9.1 Correspondence from Keith Lawrence, Cowichan Valley Regional District (CVRD)

By general consent the agenda was adopted as amended.

3. MINUTES

3.1 Local Trust Committee Minutes for Adoption - none

3.2 Section 26 Resolutions-Without-Meeting Report dated December 3, 2018

Received.

3.3 Advisory Planning Commission Minutes – for Receipt

Received.

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated December 3, 2018

Presented and updated by Regional Planning Manager Kjerulf. Discussion followed.

TH-2018-046

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request the Executive Committee to investigate options available to Local Trust Committees with regard to being notified with respect to mariculture and aquaculture Licenses of Occupation changes, including change in species.

CARRIED

5. DELEGATIONS

None

6. TOWN HALL

Comments from members of the public included:

- Request for clarity regarding possible changes with respect to mariculture and aquaculture licences.
- Observation that species and habitat have improved through non-use of licensed areas.
- Recognition of climate change and recommending the LTC provide encouragement and incentives to assist communities to adapt to climate changes using, for example, solar panels, charging station.
 - Trustee Luckham agreed that there are strategies that we might take to protect ourselves, and more importantly protect species and habitat. Where there is opportunity, Island Trust will do everything it can.
- A Ruxton Island resident requested that the LTC refer to Ruxton Island residents for input on land use applications.

7. APPLICATIONS AND REFERRALS

7.1 Salt Spring Island Local Trust Committee Bylaw Referral regarding Proposed Bylaw No. 512

TH-2018-047

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee advise the Salt Spring Island Local Trust Committee, that with respect to Bylaw No. 512, that our interests are unaffected by the Bylaw.

CARRIED

7.2 Salt Spring Island Local Trust Committee Bylaw Referral regarding Proposed Bylaw No. 515

TH-2018-048

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee advise the Salt Spring Island Local Trust Committee, that with respect to Bylaw No. 515, that our interests are unaffected by the Bylaw.

CARRIED

7.3 TH-ALR-2018.11 (Woodman) - Staff Report

Staff Report presented by Regional Planning Manager Kjerulf; discussion followed.

TH-2018-049**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee forward application TH-ALR-2018.1 to the Agricultural Land Commission with the following recommendations:

- a) That the property owner/applicant submit a report by a qualified professional (P. Eng. or P. Ag.) to the Agricultural Land Commission describing the agricultural capability of the subject property and demonstrating that the subject property meets Agricultural Land Commission criteria for inclusion applications;
- b) That the property owner/applicant submits an application to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for a water license that authorizes the use of surface water or groundwater for the proposed agricultural uses.

CARRIED**7.4 TH-OTH-2018.1 (Telus) - Staff Report**

Staff Report presented by Regional Planning Manager Kjerulf. Discussion followed.

TH-2018-050**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee request that staff inform the Proponent for the TELUS communications tower proposal located at 61 Pilkey Point Road, Thetis Island, that:

- a) the Local Trust Committee is satisfied with the Proponent's public consultation process and that the Proponent does not need to undertake further consultation with the public;
- b) the Local Trust Committee concurs with the TELUS proposal to construct a communications tower provided it is constructed substantially in accordance with the plans submitted to the Islands Trust, subject to Telus being unable to secure an alternate location on Thetis Island.

CARRIED**8. LOCAL TRUST COMMITTEE PROJECTS****8.1 Ruxton Island Private Moorage Structure Review**

Ruxton Island Private Moorage Structure Review presented by Regional Planning Manager Kjerulf. Discussion followed. This has been a two-year process so far and the LTC asked to prioritize completion of this project in 2019 with draft bylaws to be ready for the next LTC meeting.

TH-2018-051**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee endorse the revised Thetis Associated Islands Land Use Bylaw Amendment – Ruxton Island Private Moorage Structures Project Charter (v.4.0).

CARRIED**9. CORRESPONDENCE****9.1 Correspondence from Keith Lawrence, Cowichan Valley Regional District (CVRD).**

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

Trustee Luckham read aloud the email correspondence from Keith Lawrence, CVRD asking if the local trustees might be interested in being part of a video project with an invitation to meet and discuss question of place, theme and hope. The trustees recommended to direct future enquiries to community members to be involved, such as members of the Thetis Island Nature Conservancy and Thetis Island Community Centre if this project proceeds. Trustee Luckham provided Keith Lawrence with links to three videos produced by Islands Trust which may be useful for the project.

10. NEW BUSINESS

10.1 Local Trust Committee (LTC) Meeting Schedule - 2019 – Memorandum

Memorandum reviewed by LTC and discussion followed.

TH-2018-052

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

that the Thetis Island Local Trust Committee schedules its regular business meetings on the following dates in 2019: June 25, August 27, October 8, and November 19, and to direct staff to find suitable meeting dates for February and April.

CARRIED

10.2 Notification of Federal Cannabis Licence Applications - Staff Report

Staff report on notification of Federal Cannabis Licence applications presented by Regional Planning Manager Kjerulf. Discussion followed.

TH-2018-053

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

that the Thetis Island Local Trust Committee adopt the following standing resolution:

- that the Thetis Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.

CARRIED

TH-2018-054

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

that the Thetis Island Local Trust Committee place Regulation of Cannabis Production and Retail Sales on the Projects List.

CARRIED

10.3 Fees Bylaw Amendment - Staff Report

Regional Planning Manager Kjerulf reviewed the LTC Fees Bylaw Amendment Bylaw No. 106. Discussion followed.

TH-2018-055

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

that the Thetis Island Local Trust Committee amend Bylaw No. 106 to change in Schedule No. 1, Table 4, Item 4, the amount from \$825 to \$2000.

CARRIED

TH-2018-056

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

that Thetis Island Local Trust Committee Bylaw No. 106, cited as "Thetis Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be read a first time, as amended.

CARRIED

TH-2018-057**It was MOVED and SECONDED**

that Thetis Island Local Trust Committee Bylaw No. 106, cited as "Thetis Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be read a second time.

CARRIED**TH-2018-058****It was MOVED and SECONDED**

that Thetis Island Local Trust Committee Bylaw No. 106, cited as "Thetis Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be read a third time.

CARRIED**TH-2018-059****It was MOVED and SECONDED**

that Thetis Island Local Trust Committee Bylaw No. 106, cited as "Thetis Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Regional Planning Manager Kjerulf provided background on the Trust Council model fee schedule, reported that most fees have not changed since 2007 and recommended the LTC request that the Local Planning Committee review the model fees schedule. Discussion followed.

TH-2018-060**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee request that the Local Planning Committee review the Trust Council Model Fees Schedule in relation to Islands Trust Council Policy 5.6.i and current average application processing costs, and make recommendations to the Islands Trust Council to update Policy 5.6.i and the Model Fees Schedule.

CARRIED**10.4 Advisory Planning Commission (APC) Appointments and Bylaw - Staff Report**

Regional Planning Manager Kjerulf provided background for the role and need for Advisory Planning Commission members.

Trustee Luckham spoke to the need for the APC to have a minute taker so they can focus on their meeting, and that the minute taker be a paid position.

TH-2018-061**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee request that staff advertise for expressions of interest for the Thetis Island Advisory Planning Commission.

CARRIED**TH-2018-062****It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee request that staff draft an updated Advisory Planning Commission bylaw for Local Trust Committee consideration.

CARRIED

10.5 Incorporating the Regional Conservation Plan into Land Use Planning – Briefing

Brief provided by Regional Planning Manager Kjerulf.

10.6 Coastal Douglas-fir & Associated Ecosystems Toolkit - Staff Report

Presented by Regional Planning Manager Kjerulf, for consideration of the Thetis Island LTC to add to its Top Priorities or Projects List; discussion followed.

<http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

11. REPORTS**11.1 Trustee Reports**

Trustee Fenton reported on the following:

- Thanks for being elected the new Trustee on the LTC.
- Challenging conversations with members of the public.
- Spent three days in Victoria at Trust Council for orientation.
- Positive and hopeful to work through our challenges.
- Ways in which the Trustees' role plays out and how it fits into the larger conversations.

Trustee Luckham reported on the following:

- Excited to be here to do this important work.
- The importance of leading by example.
- Thanks for Council support for his role on Islands Trust Council and the opportunity to continue the role that Islands Trust has been doing in the larger scheme of things.
- Ocean protection plan – Federal Government projects.
 - National concern such as protection of killer whales and protection of the Salish Sea, is in national interest.
 - Freighters – safe harbour - letter of support from Ministry of Transportation and Infrastructure.
 - Salish Sea transcends boundaries. Bring all the mayors of these regions together for a roundtable discussion.
- Executive Committee – excited about this new team working together.
 - Invitation to Islands Trust Executive Committee to attend the Legislature,
 - Welcomed and acknowledged at his meeting.
- Budget cycle – survey will come out to bring in public consultation for budget spending.
- The importance of respecting each other to work together in a positive environment:
 - Create a process that we are proud of our work together; and
 - Display a good model of leadership and governance.

11.2 Chair's Report

Chair Patrick reported on the following:

- Honoured to be here as Chair of this Local Trust Committee and looking forward to working together.
- As a first time Trustee on Salt Spring Island he is recognizing that many of the issues are the same on other islands and that we can work better together across islands on issues more economical and creative.
- Training and learning – lots to learn.

- Islands issues are island issues regardless of where we are.

11.3 Trust Conservancy Report September, 2018

Received for information.

Trustee Luckham congratulated Trustee Fenton on his successful position at the Islands Trust Conservancy.

Trustee Fenton presented the Trust Conservancy Report and reported on the following:

- Members met in late November.
- Developing strategies for working with LTCs to preserve more land, find more private opportunities and how the ecosystems connect, the larger picture and working with First Nations.
- Met with the Thetis Island Nature Conservancy on Penelakut Island for conversation with Penelakut First Nations regarding Burchell Hill and Moore Hill Conservancy.

11.4 Electoral Area Director's Report – None

The LTC will continue to encourage updates from the Electoral Area Director.

11.5 Applications Report dated December 3, 2018

Regional Planning Manager Kjerulf presented the Applications Report. Discussion followed.

TH-2018-063

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request Trincomali Holdings Limited, the applicant of TH-DVP-2015.2 provide the Thetis Island Local Trust Committee with the results of the recent archaeological report and that the same report be provided to the Penelakut First Nations Council.

CARRIED

TH-2018-064

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request staff to contact the West Vancouver Yacht Club, the proponent of TH-RZ-2016.1 regarding their intentions to pursue the application and if there is no response in ninety (90) days that the file will be closed.

CARRIED

11.6 Adopted Policies and Standing Resolutions

Received for information.

11.7 Trustee and Local Expense Report dated September, 2018

Received for information.

11.8 Local Trust Committee Webpage

Received for information.

12. WORK PROGRAM

12.1 List of Top Priorities

Received for information.

In depth discussion of top priorities and ways to choose – i.e. lens of focus, framing a theme, local & federation-wide focus as follows:

- Four-year process; two years of learning including public consultation and ecological surveys; two years of implementing changes.
- Look at and address affordable housing on Thetis Island. As the islands become gentrified, there is still a necessity for housing for people who are renters, as well as providing alternative housing for seniors housing and aging in place.
- Development Permit Areas can work to effect change in this area. First Nations relationship building; the history of this place.

No need to change the Top Priorities today, the Projects List will eventually impact the Top Priorities List.

12.2 List of Projects

TH-2018-065

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

that the Thetis Island Local Trust Committee request staff to add Affordable Housing Strategy to the Projects List with “Activities” to read: Affordable Housing for young families, seniors and workers; and Public Consultation.

CARRIED

TH-2018-066

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

that the that the Projects List be amended, that under the Review of Development Permit Areas, that these existing projects be moved as “Activities” to the Develop Permit Areas as follows:

- Island wide watershed protection,
- Sensitive ecosystems education and engagement,
- Incorporation of Regional Conservation Plan,
- Incorporation of the Coastal Douglas Fir and associated ecosystems,
- Riparian Area Regulation and Shoreline Protection Area.

When asked by the Chair if there is any discussion on the motion, a Trustee requested an amendment by adding “Riparian Area Regulation and Shoreline Protection Area” to the list.

CARRIED

13. CLOSED MEETING - none

14. UPCOMING MEETINGS

14.1 Next Regular Business Meeting - TO BE DETERMINED

15. ADJOURNMENT

By general consent the meeting was adjourned at 12:35pm.

Laura Patrick, Chair

Certified Correct:

Janice Young, Recorder



Islands Trust

Print Date: February 4, 2019

Resolutions Without Meeting

Thetis Island

Resolution #	Action	Resolution Description	Resolution Date
2018-07	In Favour	THAT the Thetis Island Local Trust Committee schedule regular business meetings on the following dates in 2019: February 12 and April 23.	18-Dec-2018
2018-08	In Favour	THAT the Thetis Island Local Trust Committee cancel the scheduled regular business meetings in 2019 for June 25 and August 27 and reschedule to June 11 and August 20.	27-Dec-2018

Follow Up Action Report

Thetis Island

29-Aug-2017

Activity	Responsibility	Target Date	Status
Staff to work with Ministry to facilitate and gain clarification from Aquaparian Consultants Ltd. with regard to the classification of Ralston Creek as a stream as per the provincial Riparian Areas Regulation or hire a different QEP to undertake the same. Report to LTC anticipated for February 2019.	Marnie Eggen	12-Feb-2019	Done

22-May-2018

Activity	Responsibility	Target Date	Status
Staff to amend proposed Bylaw No. 103 re: swimfloat, mooring buoys, boat ramp, staircase. Consider first reading by RWM. Add Transport Canada to referrals.	Marnie Eggen		Done

11-Dec-2018

Activity	Responsibility	Target Date	Status
Request to Executive Committee to investigate options available to local trust committees with respect to being notified of aquaculture/mariculture license changes including changes in species.	Ann Kjerulf		Done
Advise the Salt Spring Island LTC that the interests of the Thetis Island LTC are unaffected by proposed bylaws 512 and 515.	Becky McErlean		Done
Forward application TH-ALR-2018.1 (Woodman) to the ALC with recommendations as per staff report received December 11, 2018.	Penny Hawley Jaime Dubyna		Done



Follow Up Action Report

Staff to inform Proponent for TH-OTH-2018.1 (TELUS) that the LTC is satisfied with the Proponent's public consultation process and that the LTC concurs with the proposal to construct the communications tower provided its is substantially in accordance with the plans submitted to the Islands Trust and subject to Telus being unable to secure an alternate tower location on Thetis Island.	Penny Hawley Ann Kjerulf	Done
LTC confirmed meeting dates in 2019 (revised via RESOLUTION WITHOUT MEETING): February 12, April 23, June 11, August 20, October 8, November 19.	Becky McErlean Wil Cottingham	Done
LTC adopted standing resolution to request that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the LTC upon receipt by the Islands Trust.	Penny Hawley	Done
Add Regulation of Cannabis Production and Retail Sales to the Projects List.	Ann Kjerulf	Done
Bylaw No. 106 amended to change Table 4, Item 4 amount from \$825 to \$2000; Bylaw No. 106 given 1st, 2nd and 3rd readings; Forward to Executive Committee for consideration of approval.	Becky McErlean Ann Kjerulf	Done
Request to Local Planning Committee to consider review of the Trust Council Model Fee Schedule and Policy 5.6.i (Application Processing Services).	David Marlor Ann Kjerulf	Done
Staff to advertise for expressions of interest for the Thetis Island Advisory Planning Commission.	Penny Hawley Ann Kjerulf	Done
Staff to draft an updated Advisory Planning Commission bylaw for LTC consideration.	Becky McErlean Ann Kjerulf	Done
Request that the applicant for TH-DVP-2015.2 (Trincomali Holdings) provide the LTC with a copy of the archaeological assessment report prepared for 204 Pilkey Point Road, and that the same report be provided to the Penelakut Tribe Chief and Council.	Ann Kjerulf	Done

Follow Up Action Report

Request that the applicant for TH-RZ-2016.1 (West Vancouver Yacht Club) advise of their intention to proceed with their application and, if no response is received within 90 days, that the application be closed.	Marnie Eggen Penny Hawley Ann Kjerulf	Done
Amend Projects List to include Affordable Housing Strategy with activities to include housing for young families, workers and seniors, and community engagement.	Ann Kjerulf	Done
Amend Projects List to include "Development Permit Areas" with Activities to include: incorporation of the regional conservation plan, coastal douglas-fir and associated ecosystems toolkit, riparian areas regulation, and shoreline protection.	Ann Kjerulf	Done



DATE OF MEETING: February 7, 2019
TO: Thetis Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Bylaw No. 102 – Thetis Island Advisory Planning Commission Bylaw

RECOMMENDATION

1. That Thetis Island Local Trust Committee Bylaw No. 102, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a first time.
2. That Thetis Island Local Trust Committee Bylaw No. 102, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a second time.
3. That Thetis Island Local Trust Committee Bylaw No. 102, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be read a third time.
4. That Thetis Island Local Trust Committee Bylaw No. 102, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The Thetis Island Local Trust Committee (LTC) is asked to consider giving readings to Bylaw No. 102, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", and subsequently to forward the bylaw to the Executive Committee for approval, prior to consideration of adoption. Bylaw No. 102 clarifies roles and responsibilities of APC members.

BACKGROUND

At the December 11, 2018 meeting, the LTC passed the following resolution:

GB-2018-062

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request that staff draft an updated Advisory Planning Commission bylaw for Local Trust Committee consideration.

ANALYSIS

Policy/Regulatory

The authority to establish Advisory Planning Commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*. Establishment of Advisory Planning Commissions supports the Islands Trust Policy Statement guiding principle that “*open, consultative public participation is vital to effective decision making for the Trust Area*”.

Issues and Opportunities

Draft Bylaw No. 102 is updated to clarify the roles of the Chairperson, Deputy Chairperson, and Secretary. It also provides for a professional minute taker to allow APC members to actively participate in discussion of referrals from the LTC and also to ensure consistency in record-keeping for Islands Trust meetings. Staff note that the format and wording of the bylaw is consistent with APC bylaws adopted recently for other LTCs.

Statutory Requirements

LTC administrative bylaws are required to be approved by the Executive Committee prior to adoption. No public hearing is required.

Rationale for Recommendation

Staff are of the opinion that the updated bylaw language should roles and responsibilities and promote active discussion of referrals amongst APC members. The staff recommendation is outlined on page 1 of the report.

NEXT STEPS

Assuming concurrence with the recommended resolutions, Bylaw No. 102 would be forwarded to the Executive Committee for consideration.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 4, 2019
---------------	---	------------------

ATTACHMENTS

1. Draft Bylaw No. 102

THETIS ISLAND TRUST COMMITTEE

BYLAW NO. 102

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 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. Establishment

- a) The Thetis Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to seven members to an Advisory Planning Commission (APC) to serve a two-year term, and may reappoint those members for a subsequent two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.

DRAFT

- c) The Deputy Chairperson will:
 - i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has, by resolution, requested a response by an earlier specified date or authorized the referral to be considered at a later date.
- c) 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 Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) If the APC has been referred an application, the Islands Trust must ensure that the applicant is notified of the date, time and place of the meeting at which their application will be discussed, at least five (5) calendar days prior to the meeting.
- c) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- d) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.

DRAFT

- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.
- e) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- f) The APC must not receive development proposals or other applications directly from applicants.
- g) The APC must not consult directly with other government agencies or organizations.
- h) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
- b) Draft minutes will be forwarded directly to the Islands Trust Office within (7) days of an APC meeting.
- c) Upon receipt of draft minutes, Islands Trust staff will conduct a review and revise the minutes insofar as to ensure that the draft minutes can be published in accordance with the Islands Trust policies and provincial legislation.
- d) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

8. Transition

- a) "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012", is repealed.

9. Citation

- a) This Bylaw may be cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2018".

READ A FIRST TIME THIS DAY OF , 2018

READ A SECOND TIME THIS DAY OF , 2018

READ A THIRD TIME THIS DAY OF , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF _ , 201x

ADOPTED THIS DAY OF , 201x

SECRETARY

CHAIRPERSON

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 106

A BYLAW TO AMEND THE THETIS ISLAND LOCAL TRUST COMMITTEE FEES BYLAW, 2007

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

1. Citation

This bylaw may be cited for all purposes as “Thetis Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”.

2. Thetis Island Local Trust Committee Bylaw No. 83, cited as “Thetis Island Local Trust Committee Fees Bylaw, 2007” is amended as shown on Schedule No. 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 11TH DAY OF DECEMBER , 2018

READ A SECOND TIME THIS 11TH DAY OF DECEMBER , 2018

READ A THIRD TIME THIS 11TH DAY OF DECEMBER , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

15TH DAY OF JANUARY , 2019

ADOPTED THIS DAY OF , 201X

Chair

Secretary

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 106

Schedule No. 1

1. **Part 3, Application Fees, Section 3.1, TABLE 4 – Other Applications**, is deleted in its entirety and replaced with the following:

TABLE 4 – Other Applications	
Column 1	Column 2
1. Board of Variance	\$990
2. Strata Conversion	\$1100
3. Liquor & Cannabis Regulation Branch – Liquor License	\$825
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License	\$2000
5. Liquor & Cannabis Regulation Branch – Temporary License Change	\$100

2. **Part 3, Application Fees, Sections 3.3, 3.4, 3.5, and 3.6 are deleted in their entirety and replaced with the following:**
 - 3.2 An application administration fee in the amount of \$110.00 being a portion of the fee referred to in Table 1 is not refundable in any event.
 - 3.3 An application administration fee in the amount of \$55.00 being a portion of the fee referred to in Table 2, Table 3 and Table 4 is not refundable in any event.
 - 3.4 Subject to Section 3.3 and Section 3.4, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.
 - 3.5 In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,650.



File No.: 6500-20 (Ruxton Island
Private Moorage Structures
Review)

DATE OF MEETING: February 12, 2019
TO: Thetis Island Local Trust Committee
FROM: Marnie Eggen, MCIP, RPP
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
Miles Drew, Bylaw Enforcement Manager
SUBJECT: Ruxton Island Private Moorage Structures Review

RECOMMENDATION

1. That the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Thetis Island Local Trust Committee Bylaw No. 103 cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, is not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Thetis Island Local Trust Committee Bylaw No. 103 cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, be read a first time.
3. That the Thetis Island Local Trust Committee refer Thetis Island Local Trust Committee Bylaw No. 103 to the following agencies and First Nations for comment:
 - Cowichan Tribes
 - Halalt First Nation
 - Lake Cowichan First Nation
 - Lyackson First Nation
 - Penelakut Tribe
 - Snuneymuxw First Nation
 - Semiahmoo First Nation
 - Stz'uminus First Nation
 - Transport Canada
 - Ruxton Island Property Owners Association
 - Cowichan Valley Regional District
 - Gabriola Island Local Trust Committee
 - Galiano Island Local Trust Committee
 - Salt Spring Island Local Trust Committee
 - Ministry of Environment – BC Parks
 - Department of Fisheries and Oceans
 - Ministry of Forests, Lands, Natural Resources Operations and Rural Development

REPORT SUMMARY

The purpose of this report is to request that the Thetis Island Local Trust Committee (LTC):

- Consider draft Bylaw No. 103 for consistency with the Islands Trust Policy Statement (ITPS);
- Consider first reading of draft Bylaw No. 103 as revised;
- Consider referrals to First Nations and Agencies; and
- Consider adopting a standing resolution regarding bylaw enforcement for the Marine Ruxton (W3) zone at the time of adoption of Bylaw No. 103.

BACKGROUND

From the draft minutes of the December 11, 2018 LTC meeting:

Ruxton Island Private Moorage Structure Review presented by Regional Planning Manager Kjerulf. Discussion followed. This has been a two-year process so far and the LTC asked to prioritize completion of this project in 2019 with draft bylaws to be ready for the next LTC meeting.

TH-2018-051

It was MOVED and SECONDED that the Thetis Island Local Trust Committee endorse the revised Thetis Associated Islands Land Use Bylaw Amendment – Ruxton Island Private Moorage Structures Project Charter (v.4.0).

CARRIED

The following resolutions were passed by the LTC at the May 22, 2018 meeting:

TH-2018-019

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee direct staff to revise the description of “swimfloat” to exclude the word “moorage” and provide a size limitation of not more than six (6) square metres, and wording to avoid a long, narrow dock like structure and is more reflective of a “swimfloat”; and to consider using the word “swimfloat” to better portray the structure’s intent.

CARRIED

TH-2018-020

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee direct staff to investigate and add language to the description of “mooring buoys” including a placement clause that suggests that they not be placed in a fashion that impedes public access to the shore.

CARRIED

TH-2018-021

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee request staff to revise the definition of “boat ramp” regarding size and permeability; and that it cannot be used as a dock like structure, as discussed.

CARRIED

TH-2018-022

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee add the Thetis Associated Islands Land Use Bylaw Amendment – Ruxton Island Community Dock Review Project to the Projects List, with a notation in the “Activities” column that the Ruxton Island Private Moorage Structures Project be referenced.

CARRIED

TH-2018-023

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee direct staff to bring back amendment to Bylaw 103 as a Resolution Without Meeting for First Reading.

CARRIED

TH-2018-024

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee direct staff to amend the Project Charter to remove the necessity of a separate Community Information Meeting.

CARRIED

TH-2018-025**It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee endorse the revised Thetis Associated Islands Land Use Bylaw Amendment – Ruxton Island Private Moorage Structures Project Charter, as amended.

CARRIED**TH-2018-026****It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee request staff, in 1.4 Part 5 ZONES, Section 5.1, to consider staircase descriptions greater than 1.5 meter vertical rise.

CARRIED**TH-2018-027****It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee request staff, in 1.4 Part 5 ZONES, Section 5.1, regarding the maximum width of a staircase, to increase to 1.4 meters.

CARRIED

Staff have revised draft Bylaw No. 103 as per the above resolutions, and details of the changes are discussed in the Analysis section below and summarized in Attachment 1. The endorsed Project Charter v. 4.0 includes changes as per the above resolutions and is included for LTC information in Attachment 3.

For more information on the Ruxton Island Private Moorage Structures Review Project, previous staff reports and memorandums, please see the [Project website](#).

ANALYSIS**Issues and Opportunities*****Islands Trust Policy Statement:***

An Islands Trust Policy Statement (ITPS) Directives Only Checklist has been prepared for the bylaw and is found in Attachment 4. In staff's opinion, draft Bylaw No. 103 is not contrary to or at variance with the ITPS.

Revisions to Bylaw No. 103

Draft Bylaw No. 103 (Attachment 2) has been revised with the following changes as requested by the LTC and further recommendations by staff. Staff note that the Thetis Associated Islands Land Use Bylaw No. 94 (LUB) allows a relatively high density of buildings and structures along the Ruxton Island shoreline within the 10 metre setback to the sea, as Ruxton is a small island with a relatively high density of small sized lots on the waterfront. Staff has recommended further changes in an effort to reduce the environmental and visual impact of allowable structures along the shoreline, balanced with the desire of waterfront title holders to have structures that assist with accessing their property.

Draft Bylaw No. 103 has been reviewed by bylaw enforcement staff and legal counsel. Their reviews included analyses with respect to enforceability and to closing gaps that contribute to building dock like structures on Ruxton Island.

Platform

No changes were requested by the LTC; however, staff recommends a further revision:

- That the height of a platform be limited to 1 metre to ensure that these structures remain low profile and unobtrusive along the shoreline. The measurement is based on the existing “height” definition in the LUB, that measures between the average natural grade and the highest point of the structure.

Boat Ramp

The LTC requested a revised definition of “boat ramp” to include size and permeability parameters. Staff recommends a new definition addressing its use and permeability:

“boat ramp” means a water permeable ramp or a ramp constructed with a water permeable surface that is only used for the purposes of moving a boat from the natural boundary of the sea to another part of the lot.”

Additionally, with respect to regulating the size of a boat ramp, staff recommends:

- that size be limited to the size of boat that can be stored on the lot, and that the maximum length be 7 metres; and
- that no part of the boat ramp be more than 1 metre above the ground in an effort to reduce its size and visual impact on the shoreline.

Equipment

No changes were requested by the LTC. Staff understands that equipment was originally added to the W3 zone as a part of the LUB so as to formally recognise some of the small scale apparatuses that Islanders use to assist in loading and off loading people and materials from boats, given that private docks are prohibited. However, staff continues to recommend removing equipment as a permitted use within the Ruxton Marine (W3) zone because it is undefined in the LUB and difficult to define going forward due to the unlimited types of equipment used by Ruxton Islanders. Additionally, the use of the foreshore requires Provincial approval, and staff question whether these types of structures located within the foreshore area would be acceptable uses by Provincial standards. Staff advise the LTC to not formally permit a use within the foreshore area that may not be granted a Crown tenure by the Province of BC. Furthermore, enforcement staff suggest that equipment placed on the shoreline in the marine zone will likely obstruct public access.

Alternatively, staff is recommending that the LTC consider, at the time of bylaw adoption, a no enforcement standing resolution with respect to equipment as it is currently eluded to in the LUB. The intent would be to not enforce on small scale apparatuses located in the foreshore which are designed to assist in the offloading and loading of people and materials from boats and do not otherwise obstruct public access along the foreshore. At a future LTC meeting, staff would provide a draft standing resolution for LTC consideration.

Boathouse

No changes were requested by the LTC. Staff recommend a revision by removing boathouse from the list of buildings and structures that are permitted within the 10 m setback to the sea on Ruxton Island, in order to further limit environmental and visual impacts along the shoreline. Staff note that boathouses were not allowed to be sited within the 10 m setback in the previous Ruxton Island Zoning Bylaw No. 13 and no building permits for boathouses have been issued since the Thetis Associated Land Use Bylaw No. 94 was adopted. Title holders may otherwise build a boathouse on their lot outside the setback to the sea. Current amendments include provisions for a boat ramp within the 10 metre setback to the sea which would allow a boat to be moved across the 10 m setback area to where a boathouse could be sited on a lot. (See “boat ramp”).

Stairs and walkways

The LTC requested that staff consider a vertical rise greater than 1.5 metres and an increase in width to 1.4 metres for stairs. Staff recommends a max. 1.5 metre vertical rise and a max. 1.5 metre width. Staff also recommends

adding “walkways” in addition to stairs on lots within the 10 metre setback to the sea for the purposes of accessing the foreshore.

Swimfloat

The LTC requested that the term “swimfloat” be used instead of “float” and to revise the definition to exclude moorage use, limit the area to 6 square metres, and avoid allowing long, narrow dock like structures. Staff recommends:

- a new definition that excludes moorage: *“Swimfloat” means a floating non-roofed structure that is used only by swimmers for diving or respite.”;*
- adding a new subsection (to provide further clarity) prohibiting the use of swimfloats for moorage purposes and that they must not rest on the seabed;
- limiting the number of swimfloats to one per adjacent upland lot;
- limiting the size of swimfloats to 6 square metres and a minimum 2 m width; and
- limiting the siting of swimfloats to within the projecting side lot lines of the adjacent upland lot.

Mooring Buoy

The LTC requested to include wording so that mooring buoys do not impede public access to the shore. Staff recommends prohibiting the siting of mooring buoys between the projecting boundary lines of upland public road right-of-ways that provide access to the foreshore, within 35 metres of the natural boundary of the sea.

Consultation

Referrals

Despite that Official Community Plan (OCP) amendments are not proposed, the LTC is encouraged to consider opportunities for consultation with agencies and First Nations, including those listed below. The LTC may consider if it wishes to undertake additional consultation with agencies or First Nations other than those listed and direct staff accordingly.

Following first reading, staff recommends that Bylaw No. 103 be referred to the following First Nations and agencies:

- | | |
|------------------------------|---|
| • Cowichan Tribes | • Ruxton Island Property Owners Association |
| • Halalt First Nation | • Cowichan Valley Regional District |
| • Lake Cowichan First Nation | • Gabriola Island Local Trust Committee |
| • Lyackson First Nation | • Galiano Island Local Trust Committee |
| • Penelakut Tribe | • Salt Spring Island Local Trust Committee |
| • Snuneymuxw First Nation | • Ministry of Environment – BC Parks |
| • Semiahmoo First Nation | • Department of Fisheries and Oceans |
| • Stz'uminus First Nation | • Ministry of Forests, Lands, and Natural Resources |
| • Transport Canada | Operations and Rural Development |

Rationale for Recommendation

Significant resources have been allocated in the review and preparation of draft bylaw amendments. In order to advance this project, staff recommend that draft Bylaw No. 103 be given first reading as per the recommendations on Page 1 of the staff report.

ALTERNATIVES

1. Make minor amendments to the draft bylaw and then proceed to first reading.

If the LTC wishes to make minor amendments to the draft bylaw, this can occur prior to consideration of first reading via the following resolution:

“That Thetis Island Local Trust Committee Bylaw No. 103 cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2018”, be amended as follows (insert specific changes here).”

The LTC could then proceed with the resolutions noted on page 1 of the staff report.

2. Request staff prepare revised draft bylaw for consideration of first reading at a subsequent meeting.

If significant changes to the bylaw are desired by the LTC, the LTC should request that staff prepare revised draft bylaws for LTC consideration at a subsequent meeting, via the following resolution:

“That the Thetis Island Local Trust Committee request that staff revise draft Bylaw No. 103, prior to Local Trust Committee consideration of first reading, as follows: (insert requested changes).”

Staff would provide the LTC with revised draft bylaws at a subsequent LTC meeting. Any such changes would necessitate a revision to the timelines in the Project Charter.

3. Request staff refer the bylaw to additional recipients.

The LTC can request additional bylaw referral recipients to those recommended by staff. The LTC should specify the additional recipients as a part of the recommended referral resolution on page 1 of the staff report.

4. Request Amendments to the Project Charter.

The LTC may request further changes to the Project Charter. If significant changes are made to the charter as presented, staff will need to bring back a revised timeline, workplan overview and budget for review. Recommended wording for the resolution is as follows:

That the Thetis Island Local Trust Committee amend the Ruxton Island Private Moorage Structures Review Project Charter v. 4.0 by [insert changes] and endorse the Project Charter as amended.

NEXT STEPS

Subject to LTC concurrence with the staff recommendations, referrals would be sent to First Nations and agencies.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	February 4, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 4, 2019

ATTACHMENTS

1. Summary of Revisions to Draft Bylaw No. 103
2. Draft Bylaw No. 103
3. Ruxton Island Private Moorage Structures Project Charter v 4.0
4. Islands Trust Policy Statement Directive Only Checklist

ATTACHMENT #1 – SUMMARY OF REVISIONS TO DRAFT BYLAW NO. 103 FEBRUARY 2019

PRIVATE MOORAGE STRUCTURES FOR CONSIDERATION AND CURRENT STATUS IN THETIS ASSOCIATION LAND USE BYLAW NO. 94	PREVIOUSLY RECOMMENDED AMENDMENTS	LTC REQUESTED CHANGES	STAFF RECOMMENDATIONS/ COMMENTS	DRAFT BYLAW 103 SECTION REFERENCE
1. Platform Platform is defined: "means a flat surface raised from the ground, abutting the shoreline to serve for the loading and offloading of materials and supplies." A platform with a max. area of 5 m ² is allowed on upland lots within the 10 m setback to the sea.	Limit the number permitted to one per upland lot within the setback on Ruxton Island; no change to the max. area of 5 square metres.	No changes requested.	Staff continues to recommend the limit of one per lot within the setback to the sea and recommends a further change that limits its visual impact at the shoreline: - the max. height of the platform be limited to 1 m.	1.4, 1.6, 1.7
2. Boat ramp Boat ramp is allowed on upland lots within the 10 m setback to the sea.	Add a definition: "boat ramp means a ramp for the purpose of moving a boat," and limit the number to one per upland lot within the setback on Ruxton Island.	Revise definition of "boat ramp" to include size and permeability parameters.	Staff continues to recommend the limit of one per lot within the setback to the sea and recommends a new definition: "“boat ramp” means a water permeable ramp or a ramp constructed with a water permeable surface that is only used for the purposes of moving a boat from the natural boundary of the sea to another part of the lot." Staff also recommends: - that no part of the ramp be more than 1 m above the ground in order to reduce its visual impact at the shoreline; - that size be limited to the size of boat that can be stored on the lot, and that the maximum length be 7 metres.	1.1, 1.4, 1.5, 1.6, 1.7, 1.8

PRIVATE MOORAGE STRUCTURES FOR CONSIDERATION AND CURRENT STATUS IN THETIS ASSOCIATION LAND USE BYLAW NO. 94	PREVIOUSLY RECOMMENDED AMENDMENTS	LTC REQUESTED CHANGES	STAFF RECOMMENDATIONS/ COMMENTS	DRAFT BYLAW 103 SECTION REFERENCE
3. Equipment Allowed in the Ruxton Marine zone (W3): "Equipment installed on land to assist in the offloading and loading of people and materials from boats but not obstructing public access along the foreshore"	Remove from bylaw. In addition, staff recommends that the LTC consider a no enforcement policy on equipment at the time of bylaw adoption. For details, see Staff Report dated May 22, 2018.	No changes requested.	Staff continues to recommend the same as previous.	1.9
4. Boathouse Boathouse is defined: "means a building or structure that is located on a waterfront residential lot, and that is used to house a boat and equipment or items associated with sports, moorage and boating activities." Boathouses are allowed on upland lots within the 10 m setback to the sea.	Limit dimensions to 20m ² and limit the number to one per upland lot within the setback on Ruxton Island.	No changes requested.	Staff recommends removing boathouse from the list of buildings and structures that are permitted within the 10 m setback to the sea on Ruxton Island, in order to further limit environmental and visual impacts along the shoreline.	1.4
5. Stairs Stairs are allowed on upland lots within the 10 m setback to the sea.	Limit stair dimensions to a max. 1 m height and 1.2 m width.	Consider a vertical rise greater than 1.5 m and increase width to 1.4 m.	Staff recommends adding "walkways" in addition to stairs on lots within the 10 m setback to the sea for the purposes of accessing the foreshore. Staff recommends both these structures have a max. 1.5 m vertical rise and max. 1.5 m width.	1.4, 1.7

PRIVATE MOORAGE STRUCTURES FOR CONSIDERATION AND CURRENT STATUS IN THETIS ASSOCIATION LAND USE BYLAW NO. 94	PREVIOUSLY RECOMMENDED AMENDMENTS	LTC REQUESTED CHANGES	STAFF RECOMMENDATIONS/ COMMENTS	DRAFT BYLAW 103 SECTION REFERENCE
6. Swimfloat “swimfloat.” The definition currently includes the phrase ‘used as a landing or moorage place for marine transport.’ However, the LTC resolution TH-2014-103 confirms that “swimfloat” is not to be used as a landing or moorage place for marine transport.” Swimfloats are allowed in the Ruxton Marine zone (W3) and limited to a max. area of 9.3 m². “Float” is defined: “means a floating non-roofed structure that is used as a landing or moorage place for marine transport and which is free to rise and fall with sea level change, as for all conditions of tidal change, does not rest on sea floor.”	Remove “swimfloats” on Ruxton Island. Instead, allow one “float” with a maximum area of 9.3 m² per adjacent upland lot on Ruxton Island as per the current definition in the LUB, which would allow the float to be used for a landing or moorage place for marine transport.	Use “swimfloat,” and revise definition to exclude moorage, limit size to 6 square metres maximum, and avoid long, narrow dock like structures.	Staff recommends the following: - a new definition that excludes moorage: “Swimfloat” means a floating non-roofed structure that is used only by swimmers for diving or respite.”; - adding a new subsection to provide further clarity prohibiting the use of swimfloats for moorage purposes and that it must not rest on the seabed; - limiting the number of swimfloats to one per adjacent upland lot; - limiting the size of swimfloats to 6 square metres, and a 2 m width min.; and - limiting the siting of swimfloats to within the projecting side lot lines of the adjacent upland lot.	1.2, 1.5, 1.10, 1.11, 1.12
7. Mooring Buoy Allowed in the Ruxton Marine zone (W3) and are for mooring private vessels accessory to residential use of an upland lot on Ruxton Island.	No change, staff suggest that further research be undertaken if interest in limiting the number of mooring buoys.	Investigate and add language so that the siting of mooring buoys does not impeded public access to the shore.	Staff recommends prohibiting the siting of mooring buoys between the projecting boundary lines of upland public road right-of-ways that provide access to the foreshore, within 35 metres of the natural boundary.	1.11

DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 103

A BYLAW TO AMEND THETIS ASSOCIATED ISLANDS LAND USE BYLAW, 2014

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

1. Citation

This bylaw may be cited for all purposes as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”.

2. Thetis Associated Islands Land Use Bylaw, 2014 is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD 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____

Chair

Secretary

**THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 103**

Schedule 1

1. Schedule “A” of Thetis Associated Islands Land Use Bylaw, 2014 is amended as follows:

1.1 **PART 1 INTERPRETATION**, Section **1.1 Definitions** is amended by adding the following definition in alphabetical order:

“boat ramp” means a water permeable ramp or a ramp constructed with a water permeable surface that is only used for the purposes of moving a boat from the natural boundary of the sea to another part of the lot.

1.2 **PART 1 INTERPRETATION**, Section **1.1 Definitions** is amended by deleting the definition of “swimfloat” in its entirety and replacing it with:

“Swimfloat” means a floating non-roofed structure that is used only by swimmers for diving or respite.

1.3 **PART 3 GENERAL REGULATIONS**, Section **3.3 Siting and Setback Regulations**, subsection 3.3(1) is amended by adding the words: “Unless specified otherwise” immediately before the words “All siting measurements” and changing the capitalization accordingly.

1.4 **PART 3 GENERAL REGULATIONS**, Section **3.3 Siting and Setback Regulations**, subsection 3.3(3) is amended by deleting the words:

“No building or structure except a fence, utility shed, boathouse, platform with a maximum area of 5 square metres, stairs and boat ramps may be constructed, reconstructed, moved, extended or located:

- (a) within a 10 metre horizontal setback, and within 1.5 metres vertically, from the natural boundary of the sea; or
- (b) within 30 metres of the natural boundary of any natural watercourse or source of water supply.

Septic tanks, sewage absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.

Ocean loop geoexchange systems are not considered a structure for the purposes of this subsection.”

in their entirety and replacing them with the following:

“No building or structure except the following:

- (a) a fence;
- (b) a utility shed;
- (c) a boathouse located within zones R2, R3, R4, or R5;

- (d) a platform with a maximum area of 5 square metres, a set of stairs or a walkway or a combination of the two, for the purposes of accessing the foreshore; and
- (e) a boat ramp;

may be constructed, reconstructed, moved, extended or located:

- (i) within 10 metres of the natural boundary of the sea;
- (ii) within 1.5 metres of the natural boundary of the sea as measured on the vertical plane; or
- (iii) within 30 metres of the natural boundary of any natural watercourse or source of water supply.

Septic tanks, sewage absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.

Ocean loop geoexchange systems are not considered a structure for the purposes of this Subsection.”

- 1.5 **PART 3 GENERAL REGULATIONS, Section 3.5 Accessory Uses, Buildings and Structures** is amended by adding the following as subsection 3.5(5):

- (5) A swimfloat must not:
 - (a) be used to moor boats or other watercraft; or
 - (b) be placed in a location such that the swimfloat rests on the seabed at low tide.

- 1.6 **PART 5 ZONES, Section 5.1 Residential One – (R1), Density**, is amended by inserting the following as subsections 5.1(4) and 5.1(5) and renumbering the existing subsections accordingly:

- (4) The maximum number of platforms permitted on a lot within the R1 zone is one.
- (5) The maximum number of boat ramps permitted on a lot within the R1 zone is one.

- 1.7 **PART 5 ZONES, Section 5.1 Residential One – (R1), Siting and Size**, is amended by inserting the following as subsections 5.1(10), 5.1(11) and 5.1(12):

- (10) For a platform within the R1 zone, the maximum permitted height under subsection (8) is reduced to 1 metre.
- (11) Within the R1 zone, walkways and stairs sited within 10 metres of the natural boundary of the sea or sited within 1.5 metres of the natural boundary of the sea as measured on the vertical plane must be no wider than 1.5 metres and must not have any steps or portion of walkway floor more than 1.5 metres above the ground.
- (12) Within the R1 zone, no part of a boat ramp sited within 10 metres of the natural boundary of the sea or within 1.5 metres of the natural boundary of the sea as measured on the vertical plane may be more than 1 meter above the ground.

- 1.8 **PART 5 ZONES, Section 5.1 Residential One – (R1)** is amended by inserting the following subsection:

Accessory Uses

- (15) A lot within the R1 zone may not be used to keep or store a boat that is longer than 7 metres.

- 1.9 **PART 5 ZONES, Section 5.11 Marine Ruxton (W3), Permitted Uses and Structures** is amended by deleting Article 5.11(1)(c):

“Equipment installed on land to assist in the offloading and loading of people and materials from boats but not obstructing public access along the foreshore;”

in its entirety; and renumbering Article 5.11(1)(d) to (c) to effect this change.

- 1.10 **PART 5 ZONES, Section 5.11 Marine Ruxton (W3), Siting and Size**, Subsection 5.11(2) is amended by replacing “9.3m²” with “6 square metres”.

- 1.11 **PART 5 ZONES, Section 5.11 Marine Ruxton (W3)**, is amended by inserting the following subsection and making such consequential numbering alterations to effect this change:

Density

- (2) The maximum number of swimfloats that may be used accessory to an adjacent upland lot within the W3 zone is one.

- 1.12 **PART 5 ZONES, Section 5.11 Marine Ruxton (W3), Siting and Size**, is amended by inserting the following as subsections (5), (6) and (7):

- (5) Mooring buoys within the W3 zone must not be sited in the area that is between the projecting boundary lines of an upland public road right-of-way that provides access to the foreshore and is within 35 metres of the natural boundary that intersects with the boundary lines.

- (6) A swimfloat within the W3 zone must not be less than 2 metres in width.

- (7) A swimfloat within the W3 zone:

- (a) must not be connected in any way to the foreshore or to an adjacent upland lot; and
- (b) must be sited within the projecting lot lines of the adjacent upland lot for which the swimfloat provides an accessory use.

Ruxton Island Private Moorage Structures Project Charter v 4.0

Thetis Island Local Trust Committee

Date: Dec 2018

Purpose To address ambiguities in the Thetis Associated Islands Land Use Bylaw (LUB) regarding private moorage structures on Ruxton Island.

Background The Local Trust Committee (LTC) became aware that Thetis Associated Islands Land Use Bylaw No. 94 (LUB) unintentionally allows some private moorage related structures on Ruxton Island that were otherwise thought to be prohibited by the LUB. The LTC identified this as a top priority — to amend the Thetis Associated Islands Land Use Bylaw regarding private moorage related structures on Ruxton Island.

Objectives

- Review LUB regulations relevant to Ruxton Island to remove ambiguities regarding the regulation of private moorage structures in order to effectively reflect the original intent of the Thetis Associated LUB to prohibit private docks or dock like structures.

In Scope

- Review LUB regulations pertinent to Ruxton Island and private moorage related structures including:
 - 1.1 Definitions
 - 3.3 Siting and Setback Regulations
 - 5.1 Marine Ruxton (W3), including consideration of removing problematic uses such as “equipment installed...” and “swimfloats”

Out of Scope

- Consideration of allowing private docks on Ruxton Island.
- Development of a new DP area.

Workplan Overview

Deliverable/Milestone	Date
Community Information Meeting, LTC review of regulatory options for community dock & for private moorage related structures & survey (on line and mailout)	August 2017
CIM and survey responses presented to LTC (removed community docks from project)	Fall 2017
LTC consideration of draft bylaw (LUB)	May 2018
Bylaw revisions, legal review, 1st Reading	May— February 2019
Consideration of further revisions and readings/legislative process for proposed bylaw (includes Public Hearing)	February — Spring 2019
Adoption of proposed bylaw	Spring 2019

Project Team

Marnie Eggen	Project Manager/ Planner
Ann Kjerulf	Project Sponsor
Becky McErlean	Legislative Clerk
Mapping staff	mapping

RPM Approval:

Date: 2018-12-10

**LTC Endorsement:
Resolution#:**

TH-2018-051

Date: 2018-12-11

Budget

Fiscal	Item	Cost
2018-2019	Legal review	\$1900
2019-2020	Legislative Process	\$1200
	Total	3,100.00

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500 20

File Name: Ruxton Island Private
Moorage Structures
Bylaw No. 103

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	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.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	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.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.

CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	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
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>



MEMORANDUM

File No.: 6500-20
Riparian Areas Regulation
Implementation

DATE OF MEETING: February 12, 2019
TO: Thetis Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Riparian Areas Regulation Implementation

PURPOSE

The purpose of this memorandum is to provide the Thetis Island Local Trust Committee (LTC) with the results of the third party assessment of Ralston Creek (Attachment 1) and seek LTC direction on next steps for the *Riparian Areas Regulation* (RAR) Implementation top priority project.

Staff will provide a presentation at the LTC meeting, reviewing the options available to the LTC to implement RAR on Thetis Island. For background on RAR, previous staff reports, and presentations on the topic of implementing RAR, please see the [Project website](#).

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	February 4, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 4, 2019

ATTACHMENTS

1. Review of Riparian Area Regulation Requirements for Ralston Creek, Madrone Environmental Services Ltd, dated January 8, 2019

Review of Riparian Area Regulation Requirements for Ralston Creek, Thetis Island

PREPARED FOR:

**Marnie Eggen – Thetis Island Planner
Islands Trust, Northern Office
700 North Road
Gabriola Island, BC, V0R 1X3**

PREPARED BY:

**Justin Lange, B.Sc., R.P. Bio.
and
Trystan Willmott, B.Sc. A.Sc.T.
MADRONE ENVIRONMENTAL SERVICES LTD.**

January 8, 2019

MADRONE ENVIRONMENTAL SERVICES LTD.
1081 CANADA AVENUE • DUNCAN • BC • V9L 1V2
TEL 250.746.5545 • FAX 250.746.5850 • WWW.MADRONE.CA

DOSSIER: 18.0140

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	BACKGROUND AND OBJECTIVES.....	1
1.2	RAR LEGISLATION OVERVIEW	1
1.3	ADDITIONAL APPLICABLE LEGISLATION	3
1.4	DEFINITION OF A STREAM UNDER RAR	4
2	METHODOLOGY.....	6
2.1	BACKGROUND RESEARCH	6
2.2	ASSESSMENT AREA.....	6
2.3	LANDOWNER CONTACT	6
2.4	FIELD ASSESSMENT PROCEDURES	7
3	RESULTS	9
3.1	DOCUMENTED FISH DISTRIBUTION DATA AND PREVIOUS FISH SAMPLING WORK.....	9
3.2	RALSTON CREEK ASSESSMENT SUMMARY	9
4	DISCUSSION.....	13
APPENDIX 1		PHOTOS

LIST OF FIGURES

FIGURE 1. GENERAL LOCATION PLAN	8
FIGURE 2. RALSTON CREEK.....	12

Review of Riparian Area Regulation Requirements for Ralston Creek, Thetis Island

1 Introduction

1.1 Background and Objectives

In 2011, Islands Trust (IT) began implementation of the provincial Riparian Areas Regulation (RAR) process for Thetis Island. To become compliant with the RAR, IT retained the services of a Qualified Environmental Professional (QEP) to conduct an assessment of the Ralston Creek watershed to determine applicability to the RAR. It is our understanding that in March of 2011, Mimulus Biological Consultants (Mimulus) produced a report using methodology that was consistent with that of the RAR. It was concluded by Mimulus that Ralston Creek is a RAR applicable stream. Furthermore, it is our understanding that based on these findings, the Meadow Valley Properties Strata proceeded by obtaining a second opinion. In the fall of 2011, Aquaparian Environmental Consulting Ltd. (Aquaparian) was retained to conduct a fish presence/absence survey. Due to the fact no fish were captured or observed, Aquaparian concluded that Ralston Creek is not subject to the RAR.

As the assessments that were conducted by Mimulus and Aquaparian appeared to result in different opinions as to whether the RAR should apply to Ralston Creek, IT concluded that a third-party review was required. In the spring of 2018, IT requested that Madrone Environmental Services Ltd. (Madrone) complete an assessment of Ralston Creek to determine whether it meets the definition of a stream under the RAR.

1.2 RAR Legislation Overview

The RAR is the basis of streamside protection in British Columbia. The RAR was enacted in 2004 under Section 12 of the *Fish Protection Act*. The RAR is a joint initiative with Fisheries and Oceans Canada (DFO), the Ministry of Environment (MoE) and local government. The RAR uses a science-based approach to help ensure land development activities do not result in a harmful alteration, disruption or destruction of natural

features, functions and conditions that support fish life processes. In BC, the definition of fish habitat includes all aquatic and terrestrial areas that affect fish life processes. Fish habitat, therefore, includes the area directly adjacent to a stream (i.e. the riparian area) because it provides food, nutrients, and other functions vital to fish survival.

Since the inception of the RAR, local governments throughout BC have enacted bylaws associated with RAR implementation, usually through the establishment of Development Permit Areas (DPAs). The default standard, as per the RAR, is that development activities within the “Riparian Assessment Area” (RAA), which extends for a distance of 30 m back from the High Water Mark (HWM) of a “stream” (as defined under the RAR) trigger the completion of an assessment using RAR assessment methodology. The “Detailed Assessment” methodology establishes a site-specific Streamside Protection and Enhancement Area (SPEA), which is generally based on the average bankfull width of a stream, or default setbacks associated with wetlands, ponds and lakes.

Under the Detailed Assessment, the SPEA ranges from a minimum of 10 m to a maximum of 30 m for lotic systems (streams) and a minimum of 15 m to a maximum of 30 m for lentic systems (wetlands, ponds and lakes). Ditches are associated with narrower SPEAs, usually between 2 m – 5 m, depending on fish-bearing status.

The “Simple Assessment” methodology is another process used to determine the width of the SPEA, and is based on potential riparian vegetation width, stream periodicity and fish presence or absence. The wider SPEAs that generally result from applying the Simple Assessment methodology in part reflect the fact that there are no specific SPEA protection measures associated with the Simple Assessment.

“Development” activities, which would trigger an assessment under RAR, include the following (as regulated under Part 26 of the *Local Government Act* for residential, commercial and industrial activities):

- removal, alteration, disruption or destruction of vegetation;
- disturbance of soils;
- construction or erection of buildings and structures;
- creation of non-structural impervious or semi-impervious surfaces;
- flood protection works;
- construction of roads, trails, docks, wharves and bridges;
- provision and maintenance of sewer and water services;

- development of drainage systems;
- development of utility corridors; and
- subdivision as defined in section 872 of the *Local Government Act*.

The regulation does not apply to a development permit or development variance permit issued only for the purpose of enabling reconstruction or repair of a permanent structure described in section 911 (8) of the *Local Government Act* if the structure remains on its existing foundation. It is also important to note that the regulation does not apply to farming-related activities consistent with the *Right to Farm Act*, institutional development proposals or forestry activities on private land governed by the *Private Managed Forest Land Act* or on woodlot or tree farm licences managed under the *Forest Act*.

Existing land-uses and structures that are located inside a RAA or SPEA are considered legally non-conforming; land within the RAA or SPEA can be used as it has been historically, but one of the goals of the RAR is to enhance degraded habitat. If any new development activities are proposed within a RAA, that is when the RAR would apply. Similarly, if a non-farming-related activity were proposed on agricultural land, the RAR would apply.

The RAR only considers development activities adjacent to freshwater habitat and does not apply to saltwater. The upper limit of tidal influence is relevant, therefore, in the implementation of the RAR, as per the RAR assessment methods:

“The Riparian Areas Regulation does not apply to marine or estuarine shorelines; these waters are still considered fish habitat under the Fisheries Act and DFO should be contacted regarding appropriate setback widths to ensure that development activities do not result in a harmful alteration, disruption or destruction of fish habitat. The boundary between freshwater habitats and estuarine habitats is considered the upstream extent of tidal influence.”

1.3 Additional Applicable Legislation

Fish and fish habitat are also protected by the *Federal Fisheries Act*. Where the RAR does not apply in freshwater habitat (e.g. on farm land) the *Fisheries Act* is applicable. Specifically, the *Fisheries Act* affords protection to fish that form part of a commercial, recreational or Aboriginal fishery, which includes fish that support such a fishery. It is unlawful to cause “Serious Harm” to fish (unless Authorized under specific circumstances), which is defined under the *Fisheries Act* as “...the death of fish or any permanent alteration to, or destruction

of, fish habitat.” Upland activities adjacent to freshwater areas (even if a stream were to be non-fish-bearing) that cause the introduction of deleterious substances (which includes sediment) into the marine environment would be subject to the *Fisheries Act*.

The *Water Sustainability Act* regulates instream works, such as (but not limited to): culvert placement; construction of irrigation ponds; bank armouring; channel maintenance; and water withdrawal. Any instream works are required to obtain either Approvals or Notifications under Section 11 of the *Water Sustainability Act*. In addition to considering potential ecological impacts from instream works (including the maintenance of fish passage), the Section 11 process also considers potential downstream effects to landowners (e.g. impacts that may be related to increased erosion or flooding from dam breaches etc.). The Section 11 process also applies to related works in the riparian area. For example, a driveway being placed across a stream requiring the placement of a crossing structure (e.g. culvert) would necessitate the unavoidable disturbance of riparian vegetation within a SPEA. In this particular example, the disturbance would be considered and permitted as part of a Section 11 application.

1.4 Definition of a Stream under RAR

In order to determine the applicability of Ralston Creek to the RAR, the definition of a “stream” as listed under the RAR was used as a standard. As per Section 1.4.2 of the RAR Assessment Methodology:

(http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_assessment_methods.pdf), a “stream” is defined as follows:

“...any watercourse – natural or human made – that provides fish habitat that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, or has a continuous channel bed including a watercourse that is obscured by overhanging or bridging vegetation or soil mats. A watercourse may not itself be inhabited by fish, but may provide water, food and nutrients to streams that do support fish.”

The RAR further identifies a stream as:

“...any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;*
- (b) a pond, lake, river, creek, brook;*
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).*

It is important to note that a “stream” under the RAR is not necessarily fish bearing. If a watercourse connects by surface flow to potential fish habitat, it is considered a “stream” under the RAR. If a barrier (either definitive or non-permanent) to the migration of fish is identified, a watercourse is classified as a stream above the barrier if there is potential fish habitat downstream of the barrier. Any part of a watercourse that is not inhabited by fish (e.g. above a barrier) that connects by surface flow to fish habitat is considered a stream under the RAR process.

If potential fish habitat occurs on a stream at tidewater (even if the stream only exhibits seasonal flow), it would be expected to provide potential habitat for anadromous fish capable of completing their life cycle in seasonal streams (e.g. chum – *Oncorhynchus keta* – and pink – *Oncorhynchus gorbuscha* salmon). Sexually immature anadromous life-phase coastal cutthroat trout (*Oncorhynchus clarkii clarkii*) could also potentially use any seasonal streams that connect directly to the ocean (assuming access is possible from the ocean). Sexually immature coastal cutthroat trout can exhibit “wandering” tendencies and overwinter in streams that may not necessarily be their natal systems prior to showing fidelity to their natal streams during spawning runs once sexually mature (Johnston 1982; cited in Slaney and Roberts 2005). Other salmonids also exhibit “wandering” tendencies, which can result in occasional occurrences of fish in streams, and can also lead to the colonization of previously unused habitat (as long as potential habitat exists).

Where a definitive natural barrier occurs at tidewater, which precludes the entry of any anadromous fish, either due to excessive gradient or a singular feature, a stream would not be expected to provide fish habitat, unless suitable potential habitat for resident fish occurred above the tidewater barrier. In the absence of perennial habitat and resident fish upstream of a definitive tidewater barrier, therefore, a stream would not be subject to RAR (as there would be no potential habitat). If there is no definitive barrier at tidewater, then a stream would qualify under RAR, based on the fact that potentially-accessible and useable fish habitat occurs.

When determining whether a drainage meets the definition of a “stream” under RAR, it is important to note the applicability of **potential fish habitat**. Conducting a fish presence/absence survey in a watercourse that offers potential habitat is irrelevant to whether a watercourse qualifies as a “stream” or not under RAR. Fish presence or absence does apply under RAR in the determination of the SPEA width under the Simple Assessment methodology, but fish absence does not disqualify a watercourse as a “stream” under the Simple Assessment. This is described as part of a letter that was distributed by the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) on November 21, 2016, in response to the Ralston Creek scenario. It is impossible to

permanently discount potential fish habitat and it is also extremely difficult to discount the occasional use of streams by species such as immature coastal cutthroat trout or other “wandering” anadromous salmonids by any sampling strategy. A fish presence/absence survey would be more relevant in perennial habitat upstream of a tidewater barrier to check for the occurrence of resident fish. But, only after the implementation of an adequate sampling strategy would such a stream be disqualified under RAR.

2 Methodology

2.1 Background Research

Prior to conducting the field visit, it was necessary to gain an understanding of the history of the RAR-implementation process on Thetis Island and the work that has been completed to date by Aquaparian and Mimulus. Therefore, the following reports were reviewed: *RAR Stream Identification of the Ralston Creek Watershed – Prepared by Mimulus Biological Consultants, March 2011* and *Fish Presence/Absence Survey 2011, Ralston Creek, Thetis Island - Prepared by Aquaparian Environmental Consulting Ltd., December 2011*. Background research was also carried out using the Habitat Wizard database (<http://maps.gov.bc.ca/ess/sv/habwiz/>) to determine whether any documented fish distribution data exist for Ralston Creek.

2.2 Assessment Area

The assessment area included the existing stream network provided by Islands Trust for the Ralston Creek Watershed. An overview of the assessment area is shown in Figure 1.

2.3 Landowner Contact

Prior to the field assessment, a database containing landowner information was provided by IT for the properties located adjacent to Ralston Creek. This was necessary because in order to access the stream, private lands had to be accessed. Affected landowners were contacted by telephone, advised of the objectives of the assessment and asked for access permission. Attempts were made to contact all of the property owners; however, there were instances where landowners were absent during the landowner contact phase, or contact information could not be found.

2.4 Field Assessment Procedures

The field assessment took place on November 28th 2018 and was completed by Trystan Willmott, B.Sc., A.Sc.T., and Justin Lange, B.Sc., R.P.Bio. Both crew members have completed the provincial RAR-implementation training course and are QEPs under the RAR.

The field assessment was carried out immediately after the onset of fall rains, during a period of relatively high stream flow. Higher than average flows can often assist fish in ascending obstacles that may be impassable at lower flows. In addition, potential obstacles can generally be more fully assessed for fish passage during higher flows, as parameters such as plunge pool depth and the presence of potential bypass channels can be more easily detected.

The outlet of Ralston Creek was assessed to determine whether access for anadromous fish was possible. Based on the review of the previous QEP reports and the afore-mentioned important role of tidewater barriers in the determination of a “stream” under RAR, beginning the assessment at the mouth of Ralston Creek was of the utmost importance. While there was no mention of a physical barrier to upstream fish movement in the previous QEP reports, a bedrock cascade and short “waterfall” were described.

At the time of the assessment, the Madrone crew traversed Ralston Creek from its outlet at Cufra Inlet, up to Meadow Valley Lake. Particular focus was given to the bedrock cascade that leads up from tidewater and the short waterfall feature that were described in the previous QEP reports. Information related to the gradient, width and length of the cascade and waterfall was collected. Upstream of the cascade and waterfall, a similar process was followed for the section of Ralston Creek that leads up to Meadow Valley Lake, with bankfull width and gradient measurements being obtained. Throughout the assessment area, general observations related to the overall quality of the habitat were conducted, with representative photographs also being taken.

	PROJECT: Review of Riparian Area Regulation Requirements for Ralston Creek			LOCATION: Thetis Island, BC		
	ASSESSED BY: Justin Lange, B.Sc., R.P. Bio. & Trystan Willmott, B.Sc. A.Sc.T.	CLIENT: Islands Trust	MAP DATE: December 21, 2018	DRAWN BY: Anna Jeffries	DOSSIER: 18.0140	

FIGURE1: General Location Plan



 Project Site  Contour (20m)  Road	 Drainage  Waterbody	0 1,000 2,000 3,000  m 1:80,000 51
---	---	---

All feature positions as shown are approximate

3 Results

3.1 Documented Fish Distribution Data and Previous Fish Sampling Work

Research using Habitat Wizard (2018) indicated that Ralston Creek is un-gazetted (does not contain a Watershed Code). In addition, there are no occurrences of fish listed in the fisheries database.

Mimulus did not conduct fish sampling exercises; rather, a physical assessment of Ralston Creek was completed as part of the original RAR-implementation project. However, fish sampling work was completed by Aquaparian in September and November 2011. The September Aquaparian sampling event focused on determining the presence of resident fish in perennial habitat, whereas the November site visit dealt with assessing for the occurrence of anadromous fish species by looking for spawning adults. These sampling exercises did not return any fish in Ralston Creek, or the chain of wetlands that comprise Meadow Valley Lake. Sampling involved minnow trapping and electrofishing. During the Aquaparian assessment completed in September, a total of five minnow traps were deployed along the edge of Meadow Valley Lake and fished for 24 hours. Also, 1150 seconds of electrofishing effort occurred along 600 m of shoreline within Meadow Valley Lake.

During the November Aquaparian survey, no minnow traps were set, but 262 seconds of electrofishing effort was conducted in Ralston Creek. As discussed, despite the results of the Aquaparian fish sampling assessments, in the absence of a definitive barrier at tidewater, use of potential habitat in Ralston Creek by fish at any point in the future cannot be discounted.

3.2 Ralston Creek Assessment Summary

From its entry point into Cufra Inlet to a point that is 45 m upstream, Ralston Creek flows over a discontinuous bedrock cascade. Immediately from tidewater to a point that is 15 m upstream, the cascade is continuous with a gradient of 15%. The gradient breaks above this cascade, and the stream flows at 9% for 15 m. Above this lower gradient segment, the stream flows over a cascade again (15% gradient) for a distance of 15 m. The upper limit of the cascade sequence is defined by a drop over bedrock that is 1.05 m high with a slope of 50%. Throughout this relatively steep stream segment, the flow of water is mainly over bedrock; however, pockets of gravel were also noted.

It is important to note that the sequence of cascade features that occur immediately at tidewater and throughout the lower 45 m of the stream (including the “waterfall” at the top of the high gradient stream segment) do not represent permanent barriers that will prevent fish from moving upstream from the marine environment. Based on the swimming capabilities of anadromous salmonids, the high gradient features would be expected to create obstacles during certain flow regimes, but not barriers.

Upstream of the “waterfall” at the head of the cascade sequence to Lakeview Road, Ralston Creek is consistent with a low energy riffle-pool stream system. The gradient is 2-3% and the bankfull width ranges between 1.50-2.50 m. Throughout this section, the stream bed is composed mainly of fines, but pockets of cobbles and gravel also make up a proportion of the substrate. At Lakeview Road, Ralston Creek flows through a pair of closed metal pipes (CMPs) that have a diameter of 900 mm. These crossing structures are fully embedded and do not represent obstacles to the potential upstream movement of fish.

Above the twin culverts, Ralston Creek maintains a riffle-pool stream morphology, as the average bankfull width is 2.50 m and the gradient is 3-4%. This section of stream is composed mainly of small cobbles and gravel. The diversity of habitat (glide, pool, undercut bank habitat units and spawning gravel) indicates that the section of stream above Lakeview Road has the potential to support fish, at least on a seasonal basis for certain life stages such as overwintering, spawning and early rearing (e.g. for species that do not rely on perennial habitat such as chum salmon and pink salmon).

Approximately 60-70 m upstream of Lakeview Road, Ralston Creek flows out of a constructed (but naturalised) pond that is about 8 m wide and 20 m long. At the time of the assessment it was estimated that the pond was between 1.0 m and 1.50 m deep. Throughout the pond, aquatic vegetation is abundant and the substrate composed entirely of organic materials (i.e. decomposing leaf litter and woody debris).

During the assessment, an adult salmonid was observed within the pond (refer to photos). Based on the strong counter-shading on the fish, the size of the fish (estimated fork length of 30 – 35 cm), silver/blue colouration of the dorsal surface and the time of year, it was concluded that it was a coho salmon (*Oncorhynchus kisutch*) jack. Due to the condition of the fish (silver colouration), it appeared to have entered the system very recently, likely during the high water that had occurred during storm events in the days leading up to the assessment. Coho salmon jacks are small male fish that are sexually mature (capable of spawning), but return “early” to freshwater habitat (the fish return during the same year in which they entered the ocean).

From the constructed pond to Meadow Valley Lake, a shallow channel connects the two waterbodies. From the pond to a point approximately 20 m upstream, the channel is 2.50-3.0 m wide and the gradient is 3-4%. The bed is composed of organics and the flow of water is over sedges (*Carex spp.*) and grasses. A short waterfall over a boulder (about 0.5 m high) with a relatively deep plunge pool (approximately 0.4 m deep) marks the 20 m point upstream of the pond. This feature does not represent a barrier to the upstream movement of fish, meaning that there is seasonal access for fish between Ralston Creek and Meadow Valley Lake. From the waterfall to Meadow Valley Lake, the stream channel widens to approximately 4.0 m and the flow of water is mainly over grasses and sedges.

Meadow Valley Lake is best classified as a wetland that is made up of open water units with cat-tail (*Typha latifolia*) margins. This network of wetlands has the potential to support a population of salmonid fish as it contains ample water on a perennial basis, and there are no barriers to fish passage between the lake's outlet and the stream.

From tidewater up to the constructed pond, the riparian zone of Ralston Creek is intact and is composed of mature coniferous forest. Riparian habitat around the Meadow Valley Lake wetland complex is mainly intact, with mature coniferous forest occurring around the edges. Table 1 represents the dominant species of vegetation observed in the riparian zone at the time of the assessment.

Table 1. Ralston Creek Riparian Area Vegetation Species List

Common Name	Scientific Name
Trees	
Douglas-fir	<i>Pseudotsuga menziesii</i>
Western redcedar	<i>Thuja plicata</i>
Red alder	<i>Alnus rubra</i>
Shrubs	
Salal	<i>Gaultheria shallon</i>
Dull Oregon grape	<i>Mahonia nervosa</i>
Salmonberry	<i>Rubus spectabilis</i>
Red-osier dogwood	<i>Cornus stolonifera</i>
Herbs	
Sedges	<i>Carex spp.</i>
Sword fern	<i>Polystichum munitum</i>
Horsetails	<i>Equisetum spp.</i>

Figure 2 shows the locations of the physical stream features that were observed during the field assessment and also indicates the location of the fish observation.

FIGURE 2: Ralston Creek



4 Discussion

This assessment was conducted as part of a third party review, to determine the applicability of the provincial RAR process to Ralston Creek. For the purposes of this assessment, particular attention was given to the point where Ralston Creek enters Cufra Inlet and assessing for the presence of a barrier at tidewater (based mainly on the seasonal flow regime and lack of perennial habitat in the stream itself). Based on the assessment, it was determined (and confirmed) that there is no definitive barrier to prevent fish from migrating upstream and exploiting the habitat. The occurrence of a coho salmon jack in the stream confirms that Ralston Creek provides habitat for fish. Even if this fish was not observed, the stream would still have qualified as a stream under the RAR, as it would have been noted to offer potential habitat (there is no barrier at tidewater that would prevent at least seasonal fish use).

The confirmed presence of a coho salmon jack in Ralston Creek introduces an interesting discussion point with regard to the use of “potential” habitat. Had the assessment been conducted on a different day, a different time of day, a different year, or a different flow regime, we may not have observed the fish. This helps to clarify the reasoning behind not permanently discounting seasonal streams with no tidewater barriers as fish habitat, as fish use may be so occasional as to remain undetected by sampling activities. While it is possible that the coho salmon represented part of a Ralston Creek population, the lack of juvenile coho salmon captured in previous assessments (e.g. by Aquaparian) and the fact that only one fish was observed seem to indicate that the fish was a “stray”. The occurrence of the fish, therefore, also indicates the potential for colonization of previously unused habitat (or historically used habitat), based on the “straying” of salmonids from other systems.

In a study by Labelle (1992) between 1985 and 1988, fourteen coho salmon stocks of hatchery and wild origin were tagged. It was found that on average, strays accounted for approximately 4.7% of escapement. However, it is important to note that in some cases >40% of escapements were found to be strays. The work by Labelle also documented that adults strayed anywhere from 2-159 km from their natal stream, with the average distance being 15.7 km. Knowing that there is the potential for coho salmon to stray, and knowing that there are many streams (i.e. Chemainus River, Stocking Creek and Holland Creek) in relatively close proximity having populations of coho salmon, there is potential for future colonization of Ralston Creek.

While the flow regime is seasonal in Ralston Creek itself, there is significant perennial habitat availability in the open water wetlands upstream of Lakeview Road. If coho

salmon, or any other species of anadromous salmonid that rely on perennial habitat, were to successfully spawn in Ralston Creek (i.e. in the available spawning habitat upstream of Lakeview Road), fry could rear successfully in the perennial open water wetlands. This is due to the fact that fry will move upstream from the spawning location and exploit all available habitat.

Even if there was no perennial habitat connected to Ralston Creek, there is no reason why at any point in the future species such as pink salmon and/or chum salmon could not make use of the available freshwater habitat, as these species migrate almost immediately to the ocean after hatching from the gravel (there is no appreciable freshwater rearing period). As noted, occasional forays into seasonal, low magnitude streams by immature coastal cutthroat trout over the winter months would be very difficult to detect and cannot be ruled out. This is based on the facts that the numbers of fish over the course of a winter would be very low and the time scale would be very protracted. The open water wetlands would likely provide immature coastal cutthroat trout that may not be native to the Ralston Creek system with good quality overwintering, or periodic winter habitat.

In closing, Ralston Creek provides confirmed habitat for fish. As a result, Ralston Creek meets the definition of a stream under the RAR and is applicable to the regulations.

If you have any questions or comments about the project, please do not hesitate in contacting the undersigned.

Prepared by:



Justin Lange, B. Sc., R.P.Bio.



Trystan Willmott, B.Sc., A.Sc.T.



Madrone Environmental Services Ltd.

References

Slaney, P and J.Roberts. 2005. Coastal Cutthroat Trout as Sentinels of Lower Mainland Watershed Health. Strategies for Coastal Cutthroat Trout Conservation, Restoration and Recovery.

Labelle, M. 1992. Straying Patterns of Coho Salmon (*Oncorhynchus kisutch*) Stocks from Southeast Vancouver Island, British Columbia.

APPENDIX 1

Photos

Taken in sequence from tidewater to Meadow Valley Lake



Photo 1. Looking north at the estuary of Ralston Creek, which is located at the head of Cufra Inlet.

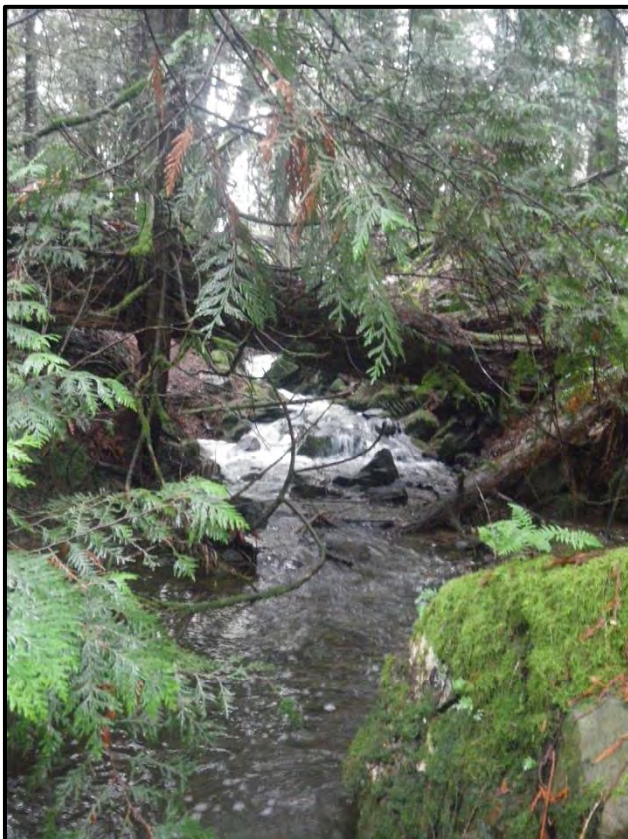


Photo 2. Looking upstream at Ralston Creek from the tidal boundary of Cufra Inlet. Note the bedrock cascade sequence that begins immediately upstream of tidewater.



Photo 3. An overall representative photo of the cascade sequence that leads to Cufra Inlet. This feature does not prevent the upstream movement of anadromous fish.



Photo 4. A photo of the “waterfall” that is positioned at the top of the sequence of cascades. Fish can ascend past this point and enter the upper reaches of Ralston Creek.



Photo 5. A photo depicting the morphology of Ralston Creek immediately above the cascade and waterfall features. Note the gradient of the stream lessens significantly in this portion of the creek.



Photo 6. The outlets of the CMPs that convey Ralston Creek under Lakeview Road. These two CMPs are embedded and passable by fish.



Photo 7. Looking upstream at Ralston Creek from the inlet of the two CMPs that are positioned under Lakeview Road.



Photo 8. Example of a pool habitat unit located on Ralston Creek upstream of Lakeview Road.



Photo 9. Looking east at the constructed pond.



Photos 10 (above) and 11 (below). Coho salmon jack observed in the constructed pond at the time of the assessment (highlighted).



Photo 11.



Photo 12. Looking upstream at the section of Ralston Creek that is located immediately below Meadow Valley Lake.



Photo 13. Looking southeast at Meadow Valley Lake. This waterbody contains perennial habitat that could support salmonids.

BRIEFING

To: Local Trust Committees/Bowen Island Municipality **For the Meeting of:** Various

From: Clare Frater, Director, Trust Area Services **Date Prepared:** December 20, 2018

SUBJECT: Updated Islands Trust climate change webpages

PURPOSE: To advise local trust committees and Bowen Island Municipality that the Islands Trust climate change webpages have been updated and to encourage dissemination of the climate change resources contained on the page.

BACKGROUND:

On June 20, 2018, the Islands Trust Council passed the following resolution:

That Trust Council request staff to update and improve climate change information on the Islands Trust website and that Local Trust Committees and Bowen Island Municipality be encouraged to disseminate this information to their communities.

Trust Area Services staff have reviewed and updated the information on the Islands Trust climate change webpages:

- <http://www.islandstrust.bc.ca/trust-council/projects/climate-change/> and
- <http://www.islandstrust.bc.ca/trust-council/projects/climate-change/carbon-neutral-operations/>

The Climate Change webpage provides information about the effects of climate change, the role of Islands Trust Area forests in sequestering carbon (equivalent to emissions from 40,000+ cars annually), local and global carbon projections, adaptation information and fact sheets.

Each official community plan in the Islands Trust Area, with the exception of the Piers Island OCP, contains Greenhouse Gas (GHG) reduction targets and associated policies. Local trust committees and Bowen Island Municipality may wish to review these targets as this new term of office gets underway.

The Carbon Neutral Operations webpage provides information about the Islands Trust climate actions since 2012 (via links to the Climate Action Revenue Incentive Program reports).

ATTACHMENT(S):

1. [Islands Trust Fact Sheet: Planning Tools to Reduce Green House Gases](#)

FOLLOW-UP: If local trust committees or Bowen Island Municipality wish to suggest resources or improvements to the climate change webpages, please send them to Andrew Templeton, Communications Specialist at atempleton@islandstrust.bc.ca

Staff will continue to maintain climate change information on the website, and update resources as needed/suggested.

Prepared By: Lisa Wilcox, Acting Senior Policy Advisor

Reviewed By/Date: Clare Frater, Director, Trust Area Services, December 11, 2018



DATE OF MEETING: February 12, 2019
TO: Thetis Island Local Trust Committee
FROM: Miles Drew, Bylaw Enforcement Manager, Local Planning Services
SUBJECT: Bylaw Enforcement Notification Bylaw Amendments

RECOMMENDATIONS

That the Thetis Island Local Trust Committee update the “Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw No.90, 2011”, by giving the attached draft bylaw three readings and referring the Bylaw to the Executive Committee for approval by making the following resolutions:

- 1) That Thetis Island Local Trust Committee Bylaw No. 107 cited as “Thetis Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 90, 2011, Amendment No. 1, 2019.”, be read a first time.
- 2) That Thetis Island Local Trust Committee Bylaw No. 107 cited as “Thetis Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 90, 2011, Amendment No. 1, 2019.”, be read a second time.
- 3) That Thetis Island Local Trust Committee Bylaw No. 107 cited as “Thetis Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 90, 2011, Amendment No. 1, 2019.”, be read a third time.
- 4) That Thetis Island Local Trust Committee Bylaw No. 107 cited as “Thetis Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 90, 2011, Amendment No. 1, 2019.”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

This report recommends that the Thetis Island Local Trust Committee amend Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 90, 2011 (BEN) so that the changes in Thetis Island; Valdes Island; and Thetis Associated Islands Land Use Bylaws (LUBs) are included; and so that various housekeeping amendments can be made.

Background:

The BEN Bylaw has not been updated since June of 2016. Since that time various amendments have been made to the LUBs causing the BEN Bylaw to be out of sync with LUBs. This amendment bylaw updates the schedules to reflect changes in the LUBs.

Various housekeeping amendments are proposed such as changing the name and address of the Adjudication Registry from the North Shore to the Islands Trust. Fine amounts have also been adjusted so that there are now only three amounts. This is to simplify the fee structure and to accentuate the benefits of seeking a compliance agreement and thereby obtaining the 100% reduction in fine amount.

Next Steps:

As this is an administrative bylaw no approval from the Province is necessary. Thus it will be sent directly to the Executive Committee for approval and then returned to the Thetis Island LTC for final adoption.

Submitted By:	Miles Drew, Bylaw Enforcement Manager	January 31, 2019
---------------	---------------------------------------	------------------

ATTACHMENT

1. Draft/Proposed Bylaw

DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 107

A BYLAW TO AMEND THE THETIS ISLAND LOCAL TRUST AREA BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 90, 2011

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

1. Thetis Island Local Trust Committee Bylaw cited as “Thetis Island Local Trust Area Bylaw Enforcement Notification Bylaw, No. 90, 2011” is hereby amended as follows:
 - i. By deleting the words “A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE THETIS ISLAND LOCAL TRUST AREA” and substituting the words “A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE THETIS ISLAND LOCAL TRUST AREA”;
 - ii. By deleting the word “Area” within section 1 and substituting the word “Committee”;
 - iii. By deleting the words “North Shore Bylaw Notice Adjudication Registry” within section 1.2 and substituting the words “Islands Trust”;
 - iv. By deleting the words within section 4.0(2) and substituting the following: “if received by the Islands Trust within 14 days of the person having received or is presumed to have received the bylaw violation notice, is the Discounted Penalty Amount set out in column A2 of Schedules “A”, “B” and “C” as attached to this bylaw;”
 - v. By deleting the words within section 4.0(3) and substituting the following: “if received by the Islands Trust more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedules “A”, “B” and “C” as attached to this bylaw;”
 - vi. By deleting the words within section 6.2 and substituting the following: “The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8.”;
 - vii. By removing Schedule A – Thetis Island Land Use Bylaw No. 89 Contraventions and Penalties and substituting the attached: Schedule A – Thetis Island Land Use Bylaw No. 89, 2011 Contraventions and Penalties;
 - viii. By removing Schedule B – Valdes Island Land Use Bylaw No. 42 Contraventions and Penalties and substituting the attached: Schedule B – Valdes Island Rural Land Use Bylaw No. 42, 1998 Contraventions and Penalties;
 - ix. By removing Schedule C – Thetis Associated Islands Land Use Bylaw No. 94 Contraventions and Penalties and substituting the attached: Schedule C – Thetis Associated Islands Land Use Bylaw No. 94, 2014 Contraventions and Penalties;
2. This Bylaw may be cited as “Thetis Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 90, 2011, Amendment No. 1, 2019.”

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

CHAIR

Schedule A
THETIS ISLAND LAND USE BYLAW NO. 89, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1	Non-Permitted Use Of Land/Buildings/Structures	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.3(a)	Non-Permitted Campground	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.3(b)	Disposal Of Waste Not Originating On Thetis Island	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.3(c)	Wrecking/Storage Of Derelict Vehicles	\$200.00	\$150.00	\$300.00	Yes	100%
2.1.3(d)	Moorage/Wharfage Of Float Homes	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.3(e)	Sale Or Rental of Motorized Personal Watercraft	\$200.00	\$150.00	\$300.00	Yes	100%
2.2.1	Chimney/Sill/Bay-Window/Ornamental Architectural Feature Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
2.2.2	Step/Eave/Awning/Canopy/Balcony/Deck/Porch Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
2.2.3	Cistern/Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
2.2.6(a)	Non-Permitted Building Encroaching Setback From The Sea	\$350.00	\$262.50	\$525.00	Yes	100%
2.2.6(b)	Non-Permitted Building Encroaching Setback From Water Body	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.1(a)	Home Occupation Not Operated By Resident	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.1(a)	More Than Three (3) Additional Persons Employed In Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.1(b)	Home Occupation Conducted Outdoors	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.1(c)	Fail To Screen Outdoor Uses	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.1(d)	Fail To Provide Off-Street Employee Parking Stall(s)	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.1(e)	Fail To Accommodate Home Occupation Parking Needs	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.2(a)	Home Occupation Not Operated By Resident	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.2(a)	More Than Four (4) Additional Persons Employed In Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.2(c)	Fail to Screen Outdoor Uses	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.2(d)	Fail To Provide Off-Street Employee Parking Stall(s)	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.2(f)	Fail To Accommodate Home Occupation Parking Needs	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.3(a)	Storage Of Non-Permitted Materials Or Products	\$200.00	\$150.00	\$300.00	Yes	100%

Schedule A
THETIS ISLAND LAND USE BYLAW NO. 89, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.3.3(b)	Non-Permitted Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.4(a)	Bed & Breakfast Serving Meals Other Than Breakfast	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.4(a)	Bed and Breakfast Serving Breakfast To Persons Not Registered For Overnight Accommodation	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.4(b)	Bed And Breakfast Not Within Dwelling Unit	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.4(b)	Bed And Breakfast Guest Accommodation Exceeds Three Bedrooms	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.4(c)	Fail To Provide Minimum Parking Spaces	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.4(d)	Non-Permitted Sign Or Advertisement	\$200.00	\$150.00	\$300.00	Yes	100%
2.3.5(a)	Short Term Vacation Rental In Non-Permitted Zone	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.5(b)	Short Term Vacation Rental Without A Dwelling And A Guest Cottage	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.5(c)	Non-Permitted Operator Of Short Term Vacation Rental	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.1	Exceed Maximum Sign Area or Number Of Signs	\$200.00	\$150.00	\$300.00	Yes	100%
2.4.3	Non-Permitted Sign Containing Moving Parts/Flashing Or Neon Lights	\$200.00	\$150.00	\$300.00	Yes	100%
2.4.4	Unlawful Location Of Illuminated Sign	\$200.00	\$150.00	\$300.00	Yes	100%
2.5.2	Fail To Provide Minimum Parking Spaces	\$200.00	\$150.00	\$300.00	Yes	100%
2.5.3	Fail To Provide Minimum Bicycle Parking Spaces	\$200.00	\$150.00	\$300.00	Yes	100%
2.5.4	Fail To Provide Minimum Disabled Parking Spaces	\$200.00	\$150.00	\$300.00	Yes	100%
2.5.4	Unlawful Location Of Disabled Parking Space	\$200.00	\$150.00	\$300.00	Yes	100%
2.5.5	Fail To Provide Minimum Size Parking Space	\$200.00	\$150.00	\$300.00	Yes	100%
2.5.6	Fail To Provide Parking Space On Lot	\$200.00	\$150.00	\$300.00	Yes	100%
2.5.7	Unlawful Location Of Parking Space	\$200.00	\$150.00	\$300.00	Yes	100%
4.1	Non-Permitted Use In Agriculture Zone	\$500.00	\$375.00	\$750.00	Yes	100%
4.2	Non-Permitted Building Or Structure	\$350.00	\$262.50	\$525.00	Yes	100%
4.3(a)	More Than One (1) Dwelling Unit Per Lot	\$350.00	\$262.50	\$525.00	Yes	100%
4.3(b)	More Than One (1) Guest Cottage Per Lot	\$350.00	\$262.50	\$525.00	Yes	100%
4.3(c)	More Than One (1) Additional Dwelling Unit For Caretaker Or Employee On Lot	\$350.00	\$262.50	\$525.00	Yes	100%
4.3(d)	Exceeds Maximum Permitted Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
4.3(e)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
4.4(a)	Building/Structure For Intensive Agricultural	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
THETIS ISLAND LAND USE BYLAW NO. 89, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Use/Mushroom Cultivation Encroaching Setback					
4.4(b)	Building/Structure Exceeds Maximum Permitted Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
4.4(c)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
4.4(d)	Building Or Structure Encroaches Setback In Agriculture Zone	\$350.00	\$262.50	\$525.00	Yes	100%
4.4(e)	Building/Structure Exceeding Maximum Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.1	Non-Permitted Use In Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2	Non-Permitted Building/Structure In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(a)	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(b)	More Than One (1) Guest Cottage	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(c)	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(d)	Exceed Maximum Permitted Dwelling Units	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(e)	More Than One (1) Guest Cottage	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(f)	Exceed Maximum Number Of Guest Cottages	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(g)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(a)	Building/Structure Exceeds Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(b)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(c)	Non-Permitted Solid Waste Disposal Or Garbage Dump or Livestock Grazing	\$350.00	\$262.50	\$525.00	Yes	100%
6.1	Non-Permitted Use In Commercial Zone	\$500.00	\$375.00	\$750.00	Yes	100%
6.2	Non-Permitted Building/Structure In Commercial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
6.3(a)	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
6.3(b)	More Than One (1) Dwelling Unit For Resort Employees	\$350.00	\$262.50	\$525.00	Yes	100%
6.3(c)	More Than One (1) Dwelling Unit For Marina Employees	\$350.00	\$262.50	\$525.00	Yes	100%
6.3(d)	Guest Cottage On Non-Permitted Lot	\$350.00	\$262.50	\$525.00	Yes	100%
6.3(e)	Exceed Maximum Permitted Guest Cottages	\$350.00	\$262.50	\$525.00	Yes	100%
6.3(f)	Exceed Maximum Permitted Lodge Buildings	\$350.00	\$262.50	\$525.00	Yes	100%
6.3(g)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
6.4(a)	Exceed Maximum Permitted Floor Area Of Guest Cottages	\$350.00	\$262.50	\$525.00	Yes	100%
6.4(b)	Exceed Maximum Permitted Guest Bedrooms	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
THETIS ISLAND LAND USE BYLAW NO. 89, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
6.4(c)	Building/Structure Exceeds Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
6.4(d)	Lodge Building Exceeds Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
6.4(e)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
7.1	Non-Permitted Use In Institutional Zone	\$500.00	\$375.00	\$750.00	Yes	100%
7.2	Non-Permitted Building/Structure In Institutional Zone	\$350.00	\$262.50	\$525.00	Yes	100%
7.3(a)	Exceed Maximum Permitted Colleges	\$350.00	\$262.50	\$525.00	Yes	100%
7.3(b)	Exceed Maximum Permitted Camp Facilities	\$350.00	\$262.50	\$525.00	Yes	100%
7.3(c)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
7.4(a)	Exceed Maximum Combined Floor Area For Overnight Accommodation	\$350.00	\$262.50	\$525.00	Yes	100%
7.4(b)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
7.4(c)	Building/Structure Exceeds Maximum Height	\$350.00	\$262.50	\$525.00	Yes	100%
8.1	Non-Permitted Use In Community Services Zone	\$500.00	\$375.00	\$750.00	Yes	100%
8.2	Non-Permitted Building/Structure In Community Services Zone	\$350.00	\$262.50	\$525.00	Yes	100%
8.3	Exceed Maximum Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(a)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
8.4(b)	Building/Structure Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
9.1	Non-Permitted Use/Building/Structure In Marine Conservation Zone	\$500.00	\$375.00	\$750.00	Yes	100%
10.1	Non-Permitted Use In Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
10.2	Non-Permitted Building/Structure In Water Zone	\$350.00	\$262.50	\$525.00	Yes	100%
10.3	Exceed Permitted Wharfage Of Boats/Vessels Used As Residences	\$350.00	\$262.50	\$525.00	Yes	100%
10.4(a)	Building/Structure Exceeding Maximum Height	\$350.00	\$262.50	\$525.00	Yes	100%
10.4(b)	Floating Dock Structure Exceeding Maximum Seaward Extension	\$350.00	\$262.50	\$525.00	Yes	100%
10.4(c)	Stairway Or Walkway Exceeds Maximum Seaward Extension	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule B
VALDES ISLAND RURAL LAND USE BYLAW NO. 42, 1998
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
4.1.3(a)	Sewage Disposal Field Within 30 Metres Of High Water Mark Of Tidal Water	\$500.00	\$375.00	\$750.00	Yes	100%
4.1.3(b)	Building Encroaching Setback From Lot Lines	\$350.00	\$262.50	\$525.00	Yes	100%
4.1.3(c)	Buildings Encroaching Setback From The Natural Boundary Of The Sea/Lake/Water Course/Wetland	\$350.00	\$262.50	\$525.00	Yes	100%
4.1.4(a)	Dwelling Unit Exceeds Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
4.1.4(b)	Accessory Building/Structure Exceeds Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
4.1.6(a)	Exterior Indication Of Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
4.1.6(b)	Home Occupation Conducted On Non-Permitted Lot	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.1	Non-Permitted Use In Forest/Wilderness Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.1	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.1	More Than One (1) Forestry Accommodation Unit Complex	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.1	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.2	Non-Permitted Use In Rural 1 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.2	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.2	More Than One (1) Guest Cottages	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.2	Exceed Maximum Permitted Area Of Guest Cottage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.2	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.3	Non-Permitted Use In Rural 2 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.3	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.3	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.4	Non-Permitted Use In Recreational Resource Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.5	Non-Permitted Use In Recreational Home Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.5	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule B
VALDES ISLAND RURAL LAND USE BYLAW NO. 42, 1998
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.2.5	More Than One (1) Guest Cottages	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.5	Exceed Maximum Permitted Area Of Guest Cottage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.5	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.6	Non-Permitted Use In Yacht Club Outstation (YC) Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.6	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.6	More Than One (1) Yacht Club Outstation Facility	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.6	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2.7	Non-Permitted Use In Marine Conservation Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.8	Non-Permitted Use In Yacht Club Outstation (W2) Zone	\$500.00	\$375.00	\$750.0	Yes	100%
5.2.9	Non-Permitted Use In Mariculture Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.10	Non-Permitted Use In Marine Log Storage Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.11	Non-Permitted Use In Marine Log Dump Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.12	Non-Permitted Use In Marine Towboat Reserve Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2.13	Non-Permitted Use In Marine Barge Facility Zone	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule C
THETIS ASSOCIATED ISLANDS LAND USE BYLAW NO. 94, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.1	Non Permitted Use/Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(1)	Disposal Of Waste Matter On Land/Marine Areas	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(2)	Disposal/Storage Of Hazardous Or Toxic Waste	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(3)	Non Permitted Breakwater	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(4)	Non Permitted Residential Use Of Vessel	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(5)	Non Permitted Finfish Aquaculture	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(6)	Non Permitted Structure Connecting Island	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(7)	Non Permitted Wind Turbine	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(3)(a)	Non Permitted Building/Structure Encroaching Setback From The Sea	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(3)(b)	Non Permitted Building/Structure Encroaching Setback From Natural Watercourse/Source Of Water Supply	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(4)	Building/Structure Encroaching Setback From Wetland	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(6)	Non Permitted Siting Of Wind Turbines	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(2)	Exceed Maximum Permitted Height Of Wind Turbines	\$350.00	\$262.50	\$525.00	Yes	100%
3.5(1)	Non Permitted Residential Use Of Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
3.5(3)	Non Permitted Accessory Building/Structure On Lot Prior To Construction Of Principal Building	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(1)	Non Permitted Home Occupation	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(2)	Fail To Operate Home Occupation Within Permitted Building	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(3)	Fail To Employ Resident Of Dwelling	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(4)	Fail To Store Home Occupation Materials/Commodities/Finished Products Within Permitted Building	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(5)	Excessive Noise From Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%

Schedule C
THETIS ASSOCIATED ISLANDS LAND USE BYLAW NO. 94, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.7(1)	Exceed Maximum Permitted Fence Height	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)	Non Permitted Storage Of Derelict Vehicles	\$200.00	\$150.00	\$300.00	Yes	100%
5.1(1)	Non Permitted Use In Residential One Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.1(2)	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(3)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(4)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(5)	Dwelling Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(6)	Accessory Building/Structure Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(7)	Exceed Maximum Size For Structure Storing Emergency Service Equipment	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(1)	Non Permitted Use In Residential Two Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2(2)	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(3)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(4)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(5)	Dwelling Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(6)	Accessory Building/Structure Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.2 Site Specific Regulations	Fail to Meet Site Specific Regulations in Residential Two Zone	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(1)	Non Permitted Use In Residential Three Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.3(2)	Exceed Maximum Permitted Dwelling Units	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(3)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule C
THETIS ASSOCIATED ISLANDS LAND USE BYLAW NO. 94, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.3(4)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(5)	Dwelling Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(6)	Accessory Building/Structure Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.3 Site Specific Regulations	Fail to Meet Site Specific Regulations in Residential Three Zone	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(1)	Non Permitted Use In Residential Four Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.4(2)	Exceed Maximum Permitted Dwelling Units	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(3)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(4)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(5)	Dwelling Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(6)	Accessory Building/Structure Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(7)	Exceed Maximum Permitted Dwelling Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(1)	Non Permitted Use In Residential Five Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.5(2)	More Than One (1) Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(3)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(4)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(5)	Dwelling Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(6)	Accessory Building/Structure Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(1)	Non Permitted Use In Community Services Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(2)	Exceed Maximum Permitted Lot	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule C
THETIS ASSOCIATED ISLANDS LAND USE BYLAW NO. 94, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Coverage					
5.6(3)	More Than One (1) Community Hall	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(4)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(5)	Building/Structure Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(1)	Non Permitted Use in Park Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.7(2)	Non Permitted Structure	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(3)	Building Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.8(1)	Non Permitted Use In Private Conservation Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.8(2)	Non Permitted Structure	\$350.00	\$262.50	\$525.00	Yes	100%
5.8(3)	Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(1)	Non Permitted Use In Marine General Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.9(2)	More Than One (1) Dock	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(3)	Dock Exceeding Maximum Permitted Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(4)	Ramp/Walkway Exceeding Maximum Permitted Length	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(5)	Float/Swimfloat Exceeding Maximum Permitted Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(6)	Non Permitted Dock	\$500.00	\$375.00	\$750.00	Yes	100%
5.9(7)	Non Permitted Building On Float/Wharf	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(8)	Non Permitted Mooring/Docking/Storage Of Derelict/Abandoned Float/Ramp/Walkway	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(1)	Non Permitted Use In Marine Service Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.10(2)	Exceed Maximum Permitted Dock/Wharf	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(3)	Float/Swimfloat Exceeding Maximum Size	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(4)	Non Permitted Dock	\$500.00	\$375.00	\$750.00	Yes	100%
5.10(5)	Non Permitted Building On Dock	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(6)	Non Permitted Mooring/Docking/Storage Of Derelict/Abandoned	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule C
THETIS ASSOCIATED ISLANDS LAND USE BYLAW NO. 94, 2014
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Float/Ramp/Walkway					
5.11(1)	Non Permitted Use In Marine Ruxton Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.11(2)	Swimfloat Exceeding Maximum Permitted Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.11(3)	Non Permitted Mooring/Docking/Storage Of Derelict/Abandoned Equipment	\$350.00	\$262.50	\$525.00	Yes	100%
5.12(1)	Non Permitted Use In Marine Protection Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.12(2)	Non Permitted Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
5.13(1)	Non Permitted Use In Marine Aquaculture Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.13(2)	Non Permitted Structure	\$350.00	\$262.50	\$525.00	Yes	100%
6.1	Non Permitted Sign	\$200.00	\$150.00	\$300.00	Yes	100%
6.2(1)	Exceed Maximum Permitted Sign Height	\$200.00	\$150.00	\$300.00	Yes	100%
6.2(2)	Exceed Maximum Permitted Sign Size	\$200.00	\$150.00	\$300.00	Yes	100%
6.3(1)	Fail To Remove Obsolete Sign	\$200.00	\$150.00	\$300.00	Yes	100%



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality November 2018

New Islands Trust Conservancy Board Members and Chair

The Islands Trust Conservancy board has two new members from the new 2019-2023 Islands Trust Council. Doug Fenton, a first-time trustee from Thetis, was elected to sit on ITC and the Board also welcomes Trustee Sue Ellen Fast as the appointed representative of the Islands Trust's Executive Committee. The Conservancy also re-welcomes returning trustee Kate-Louise Stamford, who was elected to the Board for a second term by the Islands Trust Council.

The Islands Trust Conservancy Board is comprised of two islands trustees elected to their positions by the Trust Council; one appointed Islands Trustee from the Trust Council executive and three provincially appointed board members from the islands at large.

The Islands Trust Conservancy Board

Richard “Hoops” Harrison – Saturna Island
Robin Williams – Salt Spring Island
Linda Adams – Salt Spring Island
Doug Fenton – Thetis Island
Sue Ellen Fast – Bowen Island
Kate-Louise Stamford – Gambier Island

At the November 27th meeting, Trustee Stamford was elected by acclamation by the ITC Board as their chair. This position is reviewed on an annual basis.

Islands Trust Conservancy Budget Submission

The Islands Trust Conservancy board received the Islands Trust Conservancy budget for information.

2019 Islands Trust Conservancy Board Meeting Dates

The Islands Trust Conservancy board approved the 2019 meeting schedule.

Regional Conservation Plan Reporting

The Islands Trust Conservancy board discussed ways to communicate the Regional Conservation Plan to local trust committees, the Bowen Island Municipality, Executive Committee and Trust Council.

Incorporation of Regional Conservation Plan into Land Use Planning

The Islands Trust Conservancy board discussed ways to communicate incorporating the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data into Official Community Plans, Land Use Bylaws and local planning initiatives and projects and agreed to discuss further strategies for work with local trust committees and the Bowen Island Municipality at its January meeting.

Bylaw Amendment

The Islands Trust Conservancy board directed staff to provide recommendations for revision of Islands Trust Conservancy Bylaw 1 to add options for an alternate chair as there can be extra travel challenges when crossing from the mainland to the Victoria office.

New Name: Islands Trust Conservancy

ITC staff provided a briefing note about the status of the Islands Trust Conservancy name change and budget.

Summary of Current Island-by-Island Activities

Bowen

Trustee Fast reported that New Zealand MP Eugenie Sage came to Bowen Island and requested Islands Trust Conservancy covenant program information.

Denman

The Islands Trust Conservancy board received correspondence from the Cowichan Valley Regional District regarding the Denman Cross Island Trail. Invasive species removal and trail clearing, sign installation, and tree protection for forest restoration continue at three ITC nature reserves on Denman.

Gambier

Public consultation for the updated management plans of three Gambier Island Nature Reserves (Brigade Bluffs, Long Bay Wetland, Mount Artaban) is underway with a public survey and a public, open-house webinar on December 12, 2018.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC).

Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca

Link Island (Gabriola Island Local Trust Area)

The Islands Trust Conservancy and the Nanaimo Area Land Trust registered a NAPTEP covenant over 19.3 ha of Link Island. The Natural Area Exemption Certificate providing the property tax exemption was registered in October. The covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

North Pender Island

The Islands Trust Conservancy board received correspondence sent to North Pender LTC from Islands Trust Conservancy staff regarding Medicine Beach Nature Reserve.

Thetis

The Islands Trust Conservancy is negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is being collected for the covenant baseline report and the management plan and a public open house was held on Thetis Island on October 13, 2018. Islands Trust Conservancy staff and Trustee Fenton met with representatives from the Penelakut Tribe, the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to discuss property management on Thetis Island.

Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.

*Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca*



Islands Trust

Print Date: February 5, 2019

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
TH-ALR-2018.1	James / Sara Woodman Planner: Jaime Dubyna	05-Sep-2018	PID: 000-049-905 Civic Address: Lot 39 Ruxton Island Inclusion application - Provide local produce to Ruxton residents
Planning Status			
Status Date: 02-Jan-2019 Application forwarded to ALC.			
Status Date: 11-Dec-2018 Staff report to LTC for consideration.			
Status Date: 11-Dec-2018 LTC resolution TH-2018-049: \nIt was MOVED and SECONDED that the Thetis Island Local Trust Committee forward application TH-ALR-2018.1 to the Agricultural Land Commission with the following recommendations:\na) that the property owner/applicant submit a report by a qualified professional (P. Eng. or P. Ag.) to the Agricultural Land Commission describing the agricultural capability of the subject property and demonstrating that the subject property meets Agricultural Land Commission criteria for inclusion applications;\nb) that the property owner/applicant submits an application to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for a water license that authorizes the use of surface water or groundwater for the proposed agricultural uses.\nCARRIED\n\n			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
TH-DVP-2015.2	Trincomali Holdings Ltd. Planner: Ann Kjerulf	03-Sep-2015	204 PILKEY POINT RD \request for variance to authorize a previously constructed seawall
Planning Status			
Status Date: 11-Dec-2018 LTC request applicant provide recent Arch report & that it is provided to Penelakut Tribe.			
Status Date: 31-Jan-2018 Letter received from Penelakut Tribe.			

Applications

Status Date: 11-Dec-2017

Referral responses from Arch Branch, Land Tenures Branch, and LTSA Surveyor General received.

Rezoning

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

Status Date: 11-Dec-2018

Letter sent to applicant to advise their intention to proceed with their application, requesting a response in 90 days.

Status Date: 02-Jul-2018

No change

Status Date: 03-Nov-2017

No change

Subdivision

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

Status Date: 05-Feb-2019

No change.

Status Date: 19-Jul-2016

MOTI issued 1 yr. extension.

Applications

Status Date: 18-Dec-2015
Staff comments provided to MOTI.

File Number	Applicant Name	Date Received	Purpose
TH-SUB-2014.1	J.E. Anderson & Associates	23-Jun-2014	Ruxton Island to create 2 parcels from 3 existing lots

Planner:

Planning Status

Status Date: 24-Oct-2018
Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 02-Oct-2017
Require final subdivision plans before IT can issue final letter.

Status Date: 13-Jun-2017
MOTI letter stating they are willing to accept a 10 metre setback, as in the LUB, instead of 15 metres as in the original PLA.

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

Planner: Marnie Eggen

Planning Status

Status Date: 19-Sep-2017
Final letter of approval sent to MOTI

Status Date: 25-May-2017
Covenant approved by RWM

Status Date: 25-May-2017
Awaiting final plan of subdivision before giving final approval.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending December 2018

670 Thetis	Invoices posted to Month ending December 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-670	LTC "Trustee Expenses"	750.00	15.62	734.38
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,000.00	979.55	20.45
65210-670	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-670	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-670	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>2,250.00</u>	<u>979.55</u>	<u>1,270.45</u>
Projects				
73001-670-3008	Thetis RAR	11,235.00	3,870.00	7,365.00
73001-670-4072	Thetis First Nations Relations	1,800.00	0.00	1,800.00
73001-670-4090	Thetis Ruxton Island Private Moorage	3,100.00	0.00	3,100.00
TOTAL Project Expenses		<u>16,135.00</u>	<u>3,870.00</u>	<u>12,265.00</u>

Thetis Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy
1.	July 3, 2012	TH-03-2012	Professional Minute taker for APC meetings	that the Thetis Island Local Trust Committee authorizes the payment of funds from its local expense account to pay for a minute taker for Advisory Planning Commission meetings.
2.	August 28, 2018	TH-2018-036	Suspension of enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road	that the Thetis Island Local Trust Committee adopt the following standing resolution: 1. That whereas the Thetis Island Local Trust Committee intends to facilitate a community process to consider allowing Temporary Use Permits (TUP) to permit temporary non-tourist accommodation use, staff are directed to take no enforcement action against properties where temporary accommodations used for non-tourist accommodation exist. In particular, staff are directed to suspend enforcement action regarding unlawful non-tourist accommodation at 49 Harbour Road, Strata Lot B, District Lot 1, Thetis Island, Cowichan District, Strata Plan EPS644; together with an interest in the Common Property shown in proportion to the unit entitlement to the Strata Lot show on Form V. PID 028-987-691. 2. That nothing in this enforcement policy should be interpreted as giving permission to any party to violate Thetis Island Land Use Bylaw No. 89 and the Thetis Island Local Trust Committee may change this policy at any time and may give direction to commence enforcement activities with respect to the identified properties at any time without notice. That unless the Thetis Island Local Trust Committee extends the effective period, this enforcement policy expires on July 30, 2019, or when the temporary use permit review project is complete, whichever is the sooner.
3.	August 28, 2018	TH-2018-041	Non-medical cannabis retail applications	that the Thetis Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500

				metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site ○ The place where, date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application ○ How public comments may be submitted to the Local Trust Committee.
4.	December 12, 2018	TH-2018-053	Cannabis License Applications	that the Thetis Island Local Trust Committee adopt the following standing resolution: • that the Thetis Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.



Top Priorities

Thetis Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Riparian Areas Regulation Implementation	Ensure protection of freshwater ecosystems in the Ralston Creek watershed through review of current regulation and covenants, and possible bylaw amendment.	07-Sep-2011	Marnie Eggen	15-Nov-2014
2	Ruxton Island Private Moorage Review	Review regulation regarding private moorage related structures and community docks. Project Charter v.4 endorsed by LTC on Dec. 11, 2018.	11-Jan-2017	Marnie Eggen	
3	Relationship Building with Local First Nations	Potential topics to explore: Bylaw referrals; Land & marine use on & around Lyackson Island; Shared Narrative of Place; Co-governance/co-management; follow up from Associated OCP/LUB review:land use considerations for clam gardens; explore private docks as a permitted use; potential impacts of ocean geothermal loops; switchback fencing in setback to the sea	27-Feb-2018	Marnie Eggen	

**Projects****Thetis Island**

Description	Activity	R/Initiated
LUB Amendments	·short-term vacation rentals of principle dwellings in the R-2 zone ·rainwater storage requirements ·construction of a storage building prior to construction of a principal dwelling.	07-Sep-2011
Island-wide watershed protection	TBD	21-Nov-2012
Pilkey Point / Marina Drive Slough Support for Habitat Restoration		20-Nov-2013
Sensitive ecosystems education and engagement	Environmental education and engagement efforts, in particular with owners on the Associated Islands, to explore ways to protect sensitive ecosystems in the Area.	19-Mar-2014
Associated Islands OCP and LUB	Develop new OCP and LUB to replace Ruxton Island Zoning Bylaw, 1982, CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island, but includes establishing a Memo of Understanding with the Stzuminus Nation for a stakeholder process regarding Bute and Dunsmuir Islands.	07-Sep-2011
Letter of Understanding between the Thetis LTC and the Cowichan Valley Regional District.	Planning staff to begin drafting once project progresses to Priorities.	24-Nov-2015

**Projects****Thetis Island**

Description	Activity	R/Initiated
Amendments to Thetis Island OCP and LUB; staff to provide staff report when time permits.	Moved back to Projects List: - (housekeeping)4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)... - (housekeeping) objectives and policies re sea level rise (was resolution to include in draft but did not make it in to adopted OCP). - OCP/LUB amendments to consider ocean loop geothermal exchange systems. - explore measures to address impacts of wharf related structures.	12-Jan-2017
Review of Development Permit Areas and development of a Development Approval Information Bylaw on Thetis Island	Dec. 11, 2018: Incorporation of the Regional Conservation Plan, Coastal Douglas-fir and Associated Ecosystems Toolkit, Riparian Areas Regulation (RAR) Implementation, and Shoreline Protection.	21-Feb-2017
Consolidating lots for community benefit of Ruxton Island.		17-Oct-2017
Review Thetis Island TUPs to include non-tourist accommodation.	To be advanced to top priorities at earliest convenience.	17-Apr-2018
Thetis Associated Islands Land Use Bylaw Amendment, Ruxton Island Community Dock Review Project	Reference Ruxton Island Private Moorage Structures project for prelim consultation.	22-May-2018

Projects

Thetis Island

Description	Activity	R/Initiated
Incorporation of the Regional Conservation Plan into Thetis LTA OCPs and LUBs	Investigate and provide recommendations on how to incorporate the plan elements into Thetis, Valdes, and Associated Islands OCPs and LUBs.	28-Aug-2018
Cannabis Production and Retail Sales	Consideration of regulations to guide cannabis production and retail sales activities.	11-Dec-2018
Affordable Housing Strategy	Housing for young families, workers and seniors; community engagement	11-Dec-2018