



Thetis Island Local Trust Committee

Regular Meeting Agenda

Date: October 17, 2017
Time: 9:30 am
Location: Thetis Island Community Centre (Forbes Hall)
North Cove Road, Thetis Island, BC

Pages

1. CALL TO ORDER 9:30 AM - 9:35 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. APPROVAL OF AGENDA
3. TOWN HALL AND QUESTIONS 9:35 AM - 9:50 AM
4. COMMUNITY INFORMATION MEETING - None
5. PUBLIC HEARING - None
6. MINUTES 9:50 AM - 10:00 AM
 - 6.1 Local Trust Committee Special Meeting Minutes dated August 27, 2017 - for adoption 3 - 7
 - 6.2 Local Trust Committee Minutes dated August 29, 2017 - for adoption 8 - 13
 - 6.3 Local Trust Committee Special Meeting Minutes dated August 29, 2017 - for adoption 14 - 17
 - 6.4 Section 26 Resolutions-Without-Meeting Report dated October 10, 2017 18 - 18
 - 6.5 Advisory Planning Commission Minutes - None
7. BUSINESS ARISING FROM MINUTES 10:00 AM - 10:10 AM
 - 7.1 Follow-up Action List dated October 10, 2017 19 - 19
8. DELEGATIONS - none
9. CORRESPONDENCE
(Correspondence received concerning current applications or projects is posted to the LTC webpage)
 - 9.1 Letter received October 2, 2017 from Anchorages Concern Thetis 20 - 23
10. APPLICATIONS AND REFERRALS - none

- | | | |
|--------|--|---------------------|
| 11. | LOCAL TRUST COMMITTEE PROJECTS | 10:10 AM - 10:55 AM |
| 11.1 | Ruxton Private Moorage & Community Docks Review - Planner Presentation on Survey Results | |
| 11.2 | Riparian Areas Regulation Project - Verbal Update | |
| | BREAK 10:55 - 11:10 | |
| 12. | REPORTS | 11:10 AM - 11:40 AM |
| 12.1 | Work Program Reports | |
| 12.1.1 | <u>Top Priorities Report dated October 10, 2017</u> | 24 - 24 |
| 12.1.2 | <u>Projects List Report dated October 10, 2017</u> | 25 - 26 |
| 12.2 | Applications Report dated October 10, 2017 | 27 - 30 |
| 12.3 | Trustee and Local Expense Report dated August, 2017 | 31 - 31 |
| 12.4 | Adopted Policies and Standing Resolutions - none | |
| 12.5 | Local Trust Committee Webpage | |
| 12.6 | Chair's Report | |
| 12.7 | Trustee Reports | |
| 12.8 | Electoral Area Director's Report - None | |
| 12.9 | Trust Fund Board Report - None | |
| 13. | NEW BUSINESS | 11:40 AM - 11:55 AM |
| 13.1 | Advisory Planning Commission - Staff Report | 32 - 40 |
| 14. | UPCOMING MEETINGS | |
| 14.1 | Next Regular Meeting Scheduled for Tuesday, December 12, 2017 at 9:30 am at the Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC | |
| 15. | TOWN HALL | 11:55 AM - 12:10 PM |
| 16. | CLOSED MEETING - None | |
| 17. | ADJOURNMENT | 12:10 PM - 12:10 PM |



Thetis Island Local Trust Committee Minutes of Special Meeting

Date: August 27, 2017
Location: Beban Park Recreation Centre
 Room 1, 2300 Bowen Rd, Nanaimo, BC

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

Staff Present Marnie Eggen, Island Planner
 Ann Kjerulf, Regional Planning Manager
 Vicky Bockman, Recorder

Others Present Approximately thirty-five (35) members of the public in attendance

1. CALL TO ORDER

Chair Morrison called the meeting to order at 1:06 pm. She welcomed the public, acknowledged that the meeting was being held in territory of the Coast Salish First Nations, and introduced Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. COMMUNITY INFORMATION MEETING Ruxton Island Private Moorage Structures and Community Docks Review

3.1 Planner Presentation

Planner Eggen reported that the purpose of this Community Information Meeting is to explain the project, introduce preliminary options for regulating private moorage structures and allowing community docks on Ruxton Island, present a draft community survey, answer questions and gather information for the Local Trust Committee's (LTC) consideration.

She conducted a presentation that included the following information:

- The objective and scope of the project is focused on removing ambiguities in the Thetis Associated Islands Land Use Bylaw (LUB) regarding private moorage structures on Ruxton Island and reviewing LUB regulation to allow community docks on Ruxton Island;
- The purpose, background and potential timeline for the community survey that is being developed to solicit public input;

- A range of options that are outlined in the draft survey to regulate private moorage structures and community docks, with associated advantages and disadvantages;
- The anticipated timeline for the Review project; and
- Relevant documents developed during the Official Community Plan (OCP) and LUB review were noted to include “Community and Shared Docks: Case Studies from BC” and “Ruxton Island Community Dock Options Study”.

Trustees commented with the following key points noted:

- A Trustee expressed concern regarding the inadvertent creation of the “loophole” ambiguity in the bylaw regarding private moorage related structures and the potential length of time that might be required to resolve the issue, noting that an interim solution might be warranted.

He recognized the need for a safe way to access the island as well as the potential visual and security issues that docks may present; and indicated his desire to respect the intent of the bylaws that were created in a fair and open process.

- A Trustee expressed general support for private docks on waterfront properties in the Gulf Islands. He encouraged the public to complete the survey so that the input from the community can inform the LTC’s decision making process.

3.2 Public Input, Questions and Answers

Chair Morrison opened the floor for public input and comments were noted on the following issues:

Removing the ambiguities in the bylaw regarding private moorage structures

- Support was expressed that this be addressed separately in order to eliminate the possibility of additional unintended consequences while continuing the dialogue on the community docks project which might take significant time to complete.
- If public response in the survey is different than the position to fix the LUB “loophole” issue would it be fixed regardless?
 - A Trustee responded that the present language in the current LUB lacks certainty. He added that it is important for the community to have an opportunity to provide input to ensure that what is being created is still meeting the needs of the community, providing certainty and closing “loopholes”.

Community Docks

- How would a community dock be funded?
 - Possible funding sources would depend on the approach determined by the community and may include Regional District tax requisitions, community funding, Federal infrastructure grants, or through creation of a harbour society that might acquire funding.
- Would all property owners bear some financial responsibility even if there are some docks that are only advantageous to a few?

- A Trustee provided an example of a scenario which involves the creation of a Port Commission to manage the dock with a fixed per-parcel tax for that community dock.
- Differentiation between “community” and “communal” docks might be important in the discussion.
- Creation of a single community dock for the island could increase vehicular traffic and congestion.
- Restrictions on use of community docks would need to be defined.
- Location of these docks would be important in terms of safety and protected anchorage; and consideration should be given to the vulnerability of neighbours to the potential for increased crime.
- It is important that consideration be given to a clear definition of community docks that addresses issues such as use, how will residents then get to their property, who does or does not benefit, vehicle access, and a location that makes geographical sense.
- Community docks might not be useful to everyone given location and limited trails. Shared docks could present a compromise, be small scale and useable.
- Support was expressed for the need of community discussion regarding community docks.
- The increase in population on Ruxton Island with the related increase in mooring buoys would make a single dock problematic.
- Consideration should be given to the possibility of a few low impact, possibly seasonal communal-serving docks which might be on private property, helping to alleviate mooring buoys in anchoring areas, with zoning, location and number regulated.
- The development of community docks would solve problems for some, however, would create problems for others. The solution was suggested to be a combination of community docks, if necessary, and private docks. The viewpoint was expressed that those with waterfront property that can support a dock should not be denied the right to have access to provide for themselves through a small private dock which the Islands Trust can regulate through the Development Permit process.

Survey

- What is the deadline for input on the draft survey?
 - Staff explained the process that might include a change in the proposed launch date based on LTC consideration later in this meeting.
- The survey should include two sides to every question, including the pros, cons, and possible costs.
- The addition of a question regarding shared docks was requested.
- Support was expressed for the survey in the review process.
- Objection was raised to survey question Part B: Community Docks 1.a as being misleading given that the OCP provides clear direction that the Islands Trust should support rezoning applications for community docks.
- It was requested that a question be added to the survey relating to safe access.
- The survey should include questions regarding private docks which are a part of the solution to safe access.

- A suggestion was made to provide a place in the survey for the lot and plan number of the property in which the respondent has an interest to ensure validity of the survey.

Safe Access

- The public accesses identified as safe in the 1950's and 1960's may no longer be safe as not only have accesses changed over time but the population is aging. Elderly visitors should be considered.
- The study that was prepared to identify and access potential dock locations was recognized as a beginning point and should be considered in this process, possibly included with the survey.
- Community docks were considered a solution for safe access in a previous LTC meeting, however, they would require drop off of goods, return to mooring buoy and then returning logistics which are problematic.
- Safe access language might be interpreted to mean wheelchair accessible.
- Property owners know best where the safe accesses are.
- Portable equipment that can be utilized to put on a slippery shore to access property is available and information can be obtained on this.
- Safe access is a human right.

Other

- The map being used for reference in the project review of community docks presentation has errors.

By general consent the meeting was recessed at 2:32 pm and reconvened at 2:39 pm.

3.3 Local Trust Committee Consideration of Next Steps

Trustees expressed support for amending the draft survey to include additional questions to ensure community concerns are addressed. They proposed the survey amendments might be reviewed in an LTC meeting with an opportunity for open discussion.

A Trustee suggested that amendments might include questions on the topic of safety, an indication of support for shared docks and an articulation of the difference between development permit and rezoning options.

Staff noted that consideration of Development Permit Areas (DPA) in this review would involve an OCP change and advised that allowing private docks on Ruxton Island and development of a new DPA are identified as out of scope in the Project Charter at this time.

TH-2017-030

It was MOVED and SECONDED,

that the draft survey regarding the Ruxton Island Private Moorage & Community Docks Review add a part to ask residents and property owners if their safe access is presently being met under the current regulation, with a comment box.

CARRIED

Discussion followed on the possibility of including a place in the survey for recipients to provide their lot and plan number in order to confirm that duplicate responses have not been received and ensure validity of the survey.

TH-2017-031

It was MOVED and SECONDED,
that the draft survey regarding the Ruxton Island Private Moorage & Community Docks Review include a question for a recipient to add their lot and plan number.

Discussion followed and staff confirmed that a statement could be provided on the survey indicating that this information will not be made publically available.

The Chair then called the vote.

CARRIED

Trustees thanked everyone for participating in today's meeting.

4. ADJOURNMENT

By general consent the meeting was adjourned at 2:59 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder



Thetis Island Local Trust Committee Minutes of Regular Meeting

Date: August 29, 2017
Location: Thetis Island Community Centre (Forbes Hall)
 North Cove Road, Thetis Island, BC

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

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

Others Present: There were approximately seven (7) members of the public in attendance.

1. CALL TO ORDER

Chair Morrison called the meeting to order at 9:28 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, then introduced Staff and Trustees and welcomed members of the public.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

Add 10.3 TH-DVP-2015.2 (Trincomali Holdings) – Staff Report
Add 10.4 Salt Spring Island Local Trust Area Referral Request for Response for Bylaw Nos. 500 and 501.
Add 11.1 Ruxton Island Private Moorage Review – verbal update

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS – None

4. COMMUNITY INFORMATION MEETING – None

5. PUBLIC HEARING – None

6. MINUTES

6.1 Local Trust Committee Minutes dated June 27, 2017 for adoption

The following amendments to the minutes were presented for consideration:

Page 1, Item 1: Call to Order, second line, delete “traditional”.

Page 9, Item 16: Recall to Order, first line, delete “was”.

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report - None

6.3 Advisory Planning Commission Minutes – None

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 22, 2017

The Follow-up Action List Report dated August 22, 2017 was received. Update was provided by the Planner.

Discussion regarding Lot 49; current activities, status and continued violations.

8. DELEGATIONS – None

9. CORRESPONDENCE - None

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Area Referral Request for Response for Bylaw Nos. 502 and 503

Background for this item was provided by Trustee Luckham.

TH-2016-032

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee advise the Salt Spring Island Local Trust Committee that regarding Bylaws 502 and 503, its interests are not affected.

CARRIED

10.2 TH-RZ-2016.1 (West Vancouver Yacht Club) Staff Report

Planner reported that late correspondence regarding this item had been received yesterday and not shared with the West Vancouver Yacht Club (the Yacht Club). This item was deferred until after the break to allow more thorough reading of the late submission.

After the break (10:37am) this item was presented Planner Eggen, including the letter dated August 28, 2017 from the Lyackson First Nation. . David Jones, representing the applicant was present and spoke to concerns of new issues being brought up throughout this process, delaying the ability of the Yacht Club

to move forward. Discussion included the importance of administrative fairness in the application process with respect to the Lyackson First Nation's continued concerns regarding geomorphic and, cumulative impacts, clean marine initiatives, and human impact on Kendrick Island, and in recognition of the reconciliation process.

TH-2016-033

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee put the application into a thirty (30) day abeyance to provide opportunity for the West Vancouver Yacht Club to meet with the Lyackson First Nation, and for receipt of comment from the Lyackson First Nation on the McLay Archaeological Report.

CARRIED

10.3 TH-DVP-2015.2 (Trincomali Holding) – Staff Report

Regional Planning Manager Kjerulf presented the Staff Report dated August 29, 2017, which was received by the Local Trust Committee.

Extensive discussion followed revisiting the eight (8) years that this application has been in progress. Applicant Dan Wickham, who was in attendance along with other shareholders to this property, contributed to this conversation.

TH-2016-034

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee refer Variance Permit TH-DVP-2015.2 (Trincomali Holdings) to the Crown with respect to the natural boundary of the sea, to First Nations and to the British Columbia Archaeological Branch to see if their interests are affected.

CARRIED

Trustee Hunter stood opposed.

10.4 Salt Spring Island Local Trust Area Referral Request for Response for Bylaw Nos. 500 and 501

Referral request presented by Trustee Luckham.

TH-2016-035

It was MOVED and SECONDED

that the Thetis Island Local Trust Committee advise the Salt Spring Island Local Trust Committee that regarding Bylaw Nos. 500 and 501, its interests are not affected.

CARRIED

Chair Morrison adjourned the meeting for a break from 10:25 am until 10:37 am after which the meeting revisited Item 10.2.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Ruxton Island Private Moorage Review – Verbal Update

Verbal update by Planner Eggen who reported that Staff are moving forward with revising the survey; discussion followed.

The Local Trust Committee discussed scheduling a Special Meeting to approve the final survey and that a Resolution Without Meeting (RWM) is an alternative.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated August 22, 2017

Received.

12.1.2 Projects List Report dated August 22, 2017

Received.

12.2 Applications Report dated August 22, 2017

Received.

Planner Eggen provided an update regarding the Temporary Use application for lot 49 on Thetis Island. A letter was sent to the owner detailing the requirement to come into compliance or apply for re-zoning by September 15, 2017, bylaw enforcement will be activated after the September deadline.

12.3 Trustee and Local Expense Report dated June, 2017

Received.

12.4 Adopted Policies and Standing Resolutions - None

12.5 Local Trust Committee Webpage – None

12.6 Chair's Report

Chair Morrison reported on the following:

- Executive Council meeting – preparing agenda for the upcoming Trust Council meeting.
- Salt Spring Island – September 9th incorporation referendum.
- Union of British Columbia Municipalities conference and administrative law.

12.7 Trustee Reports

Trustee Hunter had no report at this time.

Trustee Luckham reported on the following:

- Preparing for the upcoming Trust Council Meeting.
- Vessel anchorage in Trincomali Channel – ecological concerns and courses of action.
- Salt Spring Island referendum – upcoming debate will be pivotal in the outcome of the vote.

12.8 Electoral Area Director's Report - None

12.9 Trust Fund Board Report

Chair Morrison spoke to the Trust Fund Board working towards doing a retreat and provided an update for current activities.

13. NEW BUSINESS – None

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, October 17, 2017 at 9:30 am at the Thetis Island Community Centre (Forbes Hall), North Cove Road, Thetis Island, BC

15. TOWN HALL- None

16. CLOSED MEETING

16.1 Motion to Close the Meeting

TH-2016-036

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d), (f) and (g) for the purpose of considering adoption of In-Camera Minutes dated June 27, 2017; Bylaw Enforcement and potential litigation AND that the recorder and staff attend the meeting.

CARRIED

Chair Morrison closed the meeting to the public at 11:40am.

16.2 Recall to Order

Chair Morrison recalled the meeting to the order at 11:50am

16.3 Rise and Report

Chair Morrison stated the minutes of the June 27, 2017 Closed Meeting were adopted.

17. ADJOURNMENT

By general consent the meeting was adjourned at 11:51am.

Susan Morrison, Chair

Certified Correct:

Janice Young, Recorder



Thetis Island Local Trust Committee Minutes of Special Meeting

Date: August 29, 2017
Location: Thetis Island Community Centre (Forbes Hall)
 North Cove Road, Thetis Island, BC

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

Staff Present Ann Kjerulf, Regional Planning Manager
 Marnie Eggen, Island Planner
 Janice Young, Recorder
 Andrew Appleton, Riparian Areas Regulation Resource
 Specialist, Ministry of Forests, Lands and Natural Resource
 Management

Others Present: There were approximately eleven (11) members of the public in attendance.

1. CALL TO ORDER

Chair Morrison called the meeting to order at 1:10pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, then introduced Staff and Trustees and welcomed the community members in attendance.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

Item 3.5 Meeting with Lyackson First Nations

By general consent the agenda was adopted as amended.

Due to ferry (bringing speaker Andrew Appleton to the meeting) being late, the Chair moved Item 3.5 to first on the agenda, and followed with a break from 1:15pm to 1:30pm at which time Mr. Appleton and Planner Eggen joined the meeting.

3. COMMUNITY INFORMATION MEETING

Riparian Areas Regulation (RAR) Implementation on Thetis Island

Chair Morrison introduced Andrew Appleton, Riparian Areas Regulation Resource Specialist, Ministry of Forests, Lands and Natural Resource Management.

Planner Eggen welcomed Mr. Appleton and thanked him for attending the meeting, adding that the Planner's presentation would follow that of the Ministry.

3.1 Presentation from Ministry of Forests, Lands, Natural Resources and Rural Development

Resource Specialist Appleton introduced himself and outlined that his role for the Ministry is Outreach Liaison on this issue and helping local government.

He then gave a PowerPoint presentation highlighting the following information:

- RAR is enacted through the *Riparian Areas Protection Act* in 2006.
- Requires local governments to enact the regulation.
- RAR is triggered by the issuance of a local government permit.
- Protects fish habitat during development.
- The Islands Trust jurisdiction as a local government subject to RAR.
- RAR is based on the Professional Reliance model – setbacks determined by *Qualified Environmental Professionals* (QEPs) using a standard methodology.
- Described how RAR is applied on the land and which development is subject to RAR.
- How it has been applied on other Islands in the Islands Trust
- That Fish presence is not required for the RAR to apply.
- “The key question in determining if a watercourse is a stream is whether it connected by surface flow to a stream that provides fish habitat. If so, then it is a stream under the Riparian Areas Regulation.”
- Aquaparian report does not constitute an assessment under the RAR methods (it is a fish presence survey).
- Under RAR, uses are grand parented, not streams or watersheds:
“Existing permanent structures, roads and other development within riparian protection areas are “grand parented.” Landowners can continue to use their property as they always have even if a streamside protection and enhancement area is designated on it.”
- Following RAR assessment methods, Ralston Creek has been identified as a RAR stream by a QEP. The Local Trust Committee is required to implement RAR standards as per the RAR and *Riparian Areas Protection Act*. All existing development and land uses are grand parented; RAR standards would apply to new development only. Implementation options presented by staff are consistent with RAR standards.

3.2 Planner Presentation

Planner Eggen gave a PowerPoint presentation highlighting the following information:

- The work that has been accomplished up until now on the RAR
- Implementation Project Options for Implementing RAR on Thetis

In conclusion, Planner Eggen stated that this is a top priority of the Local Trust Committee, that information is posted on the Islands Trust website and that printed materials for community distribution are on the table by the entrance door.

3.3 Public Input, Questions and Answers

Trustee Luckham thanked the speakers and also the multiple generations of Staff that have worked towards a solution to this situation. He continued, stating that this legislation is required by the Province, and must be implemented by the Islands Trust – it is about protecting the habitat, and it is time to find a solution to this situation.

Ian Rolston, owner/developer of TRAX Development and Meadow Valley Strata spoke to the RAR Implementation on Ralston Creek and gave thanks for the efforts to find a solution and that the overarching dilemma seems to be the two conflicting studies on Ralston Creek – one by Mimulus and one by Aquaparian.

Lengthy discussion followed and frustration was expressed by several members of the Meadow Valley Strata for having paid for two studies and the seemingly arbitrary assessment to designate Ralston Creek as RAR. Further, that the two reports do not agree and now looking at financing a third QEP assessment to clarify.

There were also concerns for non-clarity of instructions and of the requirements for the RAR assessment.

Trustee Luckham stated that the LTC cannot assess the reports because that is in the jurisdiction of the Ministry, however, a solution can be found. Thanks were extended to the members of the strata, as well as other community members for attending the meeting and sharing their thoughts and ideas.

3.4 Local Trust Committee Consideration of Next Steps

The Local Trust Committee then discussed possible next steps.

TH-2016-037

It was MOVED and SECONDED

that the Local Trust Committee request Staff to work with the Ministry to facilitate clarification of the existing Aquaparian report speaking specifically to the classification of Ralston Creek as a stream under the Riparian Areas Regulation and/or facilitate hiring a Qualified Environmental Professional for a new report under consultation with the Ministry Staff.

CARRIED

3.5 Meeting with Lyackson First Nations

Trustees and Staff discussed arranging a meeting with the Lyackson First Nations to talk about the Kendrick Island dock/breakwater application.

TH-2016-038

It was MOVED and SECONDED

that the Local Trust Committee to ask Staff to attempt to arrange a lunch with the Lyackson Chief and Council and the Thetis Island Local Trust Committee, and that Staff of both parties attend.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:35pm.

Susan Morrison, Chair

Certified Correct:

Janice Young, Recorder

Resolutions Without Meeting

Thetis Island

Resolution #	Action	Resolution Description	Resolution Date
2017-10	In Favour	"That the Thetis Island Local Trust Committee direct staff to proceed with the revised community survey for the Ruxton Private Moorage and Dock Review Project."	06-Sep-2017

Follow Up Action Report

Thetis Island

11-Oct-2016

Activity	Responsibility	Target Date	Status
Staff to contact MFLNRO and provide a Staff Memo regarding options for the LTC with regard to issues that arise in changes in mariculture/aquaculture operations under licences of occupation, including changes in species.	Marnie Eggen	18-Nov-2016	On Going

27-Aug-2017

Activity	Responsibility	Target Date	Status
Revise Ruxton private moorage structures and community docks survey as per resolutions from CIM.	Marnie Eggen	05-Sep-2017	Done
Staff to inform Salt Spring LTC that the Thetis LTCs interests are unaffected by Bylaws 500, 501, 502, and 503.	Marnie Eggen	30-Aug-2017	Done
Staff to arrange a lunch with Thetis LTC and Lyackson First Nation Chief and Council, and that staff of Islands Trust and Lyackson be invited to attend.	Marnie Eggen Fiona MacRaid		On Going
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.	Marnie Eggen	29-Sep-2017	On Going



Thetis Island, BC V0R 2Y0

September 26, 2017

To: Chair Susan Morrison and the Thetis Island Local Trust Committee
Islands Trust Northern Office
700 North Road
Gabriola Island, BC, V0R 1X3

Re: Bylaw infractions (large vessel anchoring) in Trincomali Channel

Dear Trustees

ACT (Anchorage Concern Thetis) was formed by a group of concerned citizens and property owners who live on Thetis Island.

ACT believes that deep-sea freighters that anchor almost continuously at one or more of the nine anchorage sites in Trincomali Channel (the Practice) contravene one of two relevant Bylaws and harm environments, in contravention of the Islands Trust 'preserve and protect' mandate, upon which the Bylaws are based.

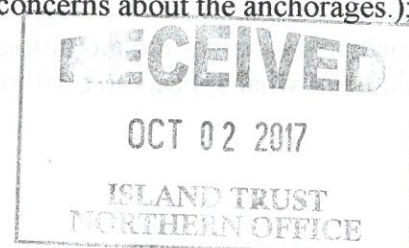
ACT has reported the Practice to the Islands Trust Bylaw Enforcement Office. While evidence of negative environmental impacts are not required to enforce the Bylaws, their extent demonstrates the urgency for immediate correction.

Because Thetis trustees were previously provided ACT's draft report to Thetis property owners on environmental impacts, only an updated summary, and not the full report follows here. Information on shipping vessel 'harms' is available from the United Nations' International Marine Organization. What isn't available -- because, to our knowledge, it has never been professionally assessed -- is the level of 'risks' those harms represent in Trincomali Channel.

Impacts on the social environment include:

-- brilliant lights at night many shining into bedroom windows, maintenance and 24-hour engine noise, economic losses related to recreation and tourism, and cultural/aesthetic loss related to industrial use in a specially-dedicated pristine environment. (You may wish to consult with the Lyackson Nation and Penelakut band to hear their concerns about the anchorages.);

Impacts on the natural world include:





-- Anchor chains are giant indiscriminate sea-bed scrapers scouring the ocean floor and kicking up sedimentation that destroys fish and other marine species habitat. An ongoing Australian chain-dragging study concludes that anchoring in previously undisturbed areas "causes greater sea-floor damage than it does to long-used commercial ports." It suggests keeping anchorages near major ports "and avoid areas of high conservation value;"

-- Anchor loss and anchor dragging can result in ships running aground, colliding with other ships, spilling oil and cargo, polluting shorelines and protected areas. Eight years ago, an ocean vessel dragged its anchor and ran aground on a reef in the southern Gulf Islands. Another ship earlier this year was caught in a chain dragging incident in Cowichan Bay. We believe Trincomali's sea bed will be found to be rocky and sloped, qualifying it as a poor anchoring ground where the anchor may be stuck;

-- Noise. Gabriolans Against Freighter Anchorages (GAFA) research notes that "underwater sound generated by ships has the potential to alter the behaviour and threaten the livelihood of marine animals." Deplorably, noise contributes to the feared ecocide of southern resident killer whales, frequently seen in Trincomali;

-- Emissions. With too many ships, spotty regulations, longer anchorage stays and some controversial cargo, the shipping industry is often on the wrong side of the fight against climate catastrophe. The industry directly contributes about 3 percent of the total climate-change emissions. The Paris Accord puts no cap on it so it's expected to increase to almost 6 percent by 2050. Indirectly, the industry contributes even more. Many vessels anchored in Trincomali are waiting to load U.S. thermal coal at Roberts Bank to ship to Asia for use in generating electricity. The burning of coal is the largest single contributor to global warming, accounting for 46 percent of CO2 emissions worldwide. Earlier this year BC premier Christy Clark appealed to Prime Minister Justin Trudeau to ban exporting U.S. "filthy thermal coal" through BC ports. She said thermal coal "fouls the air. It fouls the oceans. It's terrible for the environment." It could be argued that moving anchorages out of Trincomali will only transfer and not reduce their impact on global warming. The counter-argument is that the proliferation of citizen groups such as ours worldwide, backed by enlightened governments, will pressure polluters to shrink the total volume of carbon emissions. The International Transport Forum reports that nitrogen and sulphuric oxides (NOx and SOx) emissions from ships are linked to serious health outcomes and deaths. While the Port of Los Angeles is aggressively reducing these emissions, there's no similar enforcement on Canada's west coast.

-- Discharges: ACT has been unable to gain full information about the nature of vessel discharges in Trincomali. Although we've been assured of public safety, we don't know if, when and how the discharges are monitored. We obtained photos of a freighter in Plumper Sound in the middle of what appears to be film on the water washing out from the ship in a large circle.



We also have a photo of a ship at a Trincomali anchorage spraying liquid from her bow. The International Maritime Organization explains that ballast water "may pose serious ecological, economic and health problems due to the multitude of marine species carried in ships' ballast water. These include bacteria, microbes, small invertebrates, eggs, cysts and larvae of various species. The transferred species may survive to establish a reproductive population in the host environment, becoming invasive, out-competing native species and multiplying into pest proportions. The effects of invasive species in many areas of the world has been devastating... (and) continues to increase. (And it's) recognized as one of the greatest threats to the ecological and economic well-being of the planet. Health effects are increasingly serious and damage to the environment is often irreversible." Even if new international rules imposed this fall apply to Trincomali anchorages, there's no sign of monitoring and enforcement;

-- Spills. The threat of oil spills and fuel leaks from ship mismanagement, collisions, or running aground is well documented. Two years ago, in English Bay the anchored MV Marathassa leaked 2,700 litres of bunker fuel. If it happened in Trincomali, the environmental damage would have been far greater, given the lower level of scrutiny and emergency response forces here. GAFA noted that an accidental leak from a freighter at a proposed anchorage northeast of their island, carrying 4.5 million litres of bunker fuel, "would rapidly drift onto the coastline and destroy shore and marine ecosystems."

Action

In July, 2017 ACT asked key people and agencies to provide us with their knowledge of the impacts of freighters on Trincomali's environment. Our purpose was to gain an understanding of the problem to help us find a solution. Among others, letters were sent to Yvette Myers, Transport Canada Pacific Region; Marc Garneau, Minister of Transport Canada; Minister Le Blanc of the Department of Fisheries and Oceans and Canadian Coast Guard; Catherine McKenna, Minister of the Environment and Climate Change; Clare Frater staff and Peter Luckham and Ken Hunter trustees with Islands Trust; Pacific Pilotage Association; Vancouver Fraser Port Authority; Nanaimo Port Authority; Chamber of Shipping; MP Alistair MacGregor; MLA Doug Routley;

To date we have received no response from any agency or department of the Federal Government, Province of BC or Islands Trust with information about specific environmental risks from large vessels anchoring in Trincomali Channel.

It is our understanding that the Province owns the waters and the submerged lands of the Strait of Georgia which includes Trincomali Channel. The Practice is therefore occurring and causing the significant harm noted above within an area which is the subject of Provincial and Thetis Island Local Trust jurisdiction.



It is our understanding that the Thetis Island Local Trust Committee has enacted two relevant Bylaws namely:

1. Thetis Island Land Use Bylaw No. 89, 2011 -- (see Part 10.1 Water Zones)
2. Valdez Island Rural Land Use Bylaw No. 42 -- (see Part 2 5.2.7 Marine Conservation W1 Zone)

Both By-laws prohibit the anchoring of commercial vessels in the Trincomali Channel and (in particular), within the areas where these commercial vessels are currently anchoring.

We therefore assert that Thetis Island Local Trust Committee has a duty to act (the Legal Obligation), without delay, in relation to the Practice. We assert the Thetis Island Local Trust Committee has a duty to:

-- inquire into and confirm its legislative authority to act to regulate the Practice. There may be questions of overlapping authority with the Federal Government;

-- act immediately to enforce its bylaws and prevent the continuation of the Practice and to seek such assistance from the Province of British Columbia as may be necessary;

-- provide timely reports to ACT, and other interested parties, setting out the information it has learned and the steps it has taken to fulfill its Legal Obligation.

May we please have your response within 14 days of the date of the correspondence addressed to the following. Please advise on you wish to communicate with us.

Respectfully submitted,

Doug Fenton, ACT
dfenton12@gmail.com

Angela McDiarmid, ACT
angela.mcdiarmid@gmail.com

Cc: Honourable George Heyman, BC Minister of Environment and Climate Change Strategy;
Honourable Selina Robinson, BC Minister of Municipal Affairs and Housing;
MP Alistair MacGregor;
MLA Doug Routley.



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.	11-Jan-2017	Marnie Eggen	
3	Follow up on Lyackson FN comments post adoption of Thetis Assoc. Islands OCP and LUB	- 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	11-Oct-2016	Marnie Eggen	24-Nov-2017

**Projects****Thetis Island**

Description	Activity	R/Initiated
LUB Amendments	- short-term vacation rentals of principle dwellings in the R-2 zone - rainwater storage requirements	07-Sep-2011
Island-wide watershed protection	TBD	21-Nov-2012
Pilkey Point / Marina Drive Slough Support for Habitat Restoration		20-Nov-2013
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		21-Feb-2017



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: 29-Aug-2017 Staff requested to refer the new survey to the Crown, First Nations and the Arch Branch with respect to the location of the natural boundary of the sea, asking if interests are unaffected.			
Status Date: 26-May-2017 Letter sent to applicant requesting valid survey be submitted by July 15, 2017			
Status Date: 29-Nov-2016 LTC considered application; will reconsider pending completion of mitigation measures, confirmation that First Nations concerns have been addressed, and provision of a valid survey			

Rezoning

File Number	Applicant Name	Date Received	Purpose
TH-RZ-2015.2	Hardy Island Granite Quarries Ltd. Planner: Marnie Eggen	05-Oct-2015	Zoning change to allow barges to be loaded and unloaded at the proposed lot.
Planning Status			
Status Date: 19-Jul-2017 EC approved Bylaw.			
Status Date: 19-Jul-2017 Bylaw approved by EC and sent on to the Ministry for approval.			
Status Date: 27-Jun-2017 LTC gave 2nd and 3rd reading of bylaw.			

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

TH-RZ-2016.1 WEST VANCOUVER 02-Feb-2016 Proposed reconstruction and/or maintenance of breakwater on crown land north of Kendrick Island, south is Valdes Island.

Planner: Marnie Eggen

Planning Status

Status Date: 29-Aug-2017

LTC passed resolution to hold in abeyance to allow for 30 first nation review period of Arch Report and receipt of comments from Lyackson FN, and request applicant to meet with Lyackson FN.

Status Date: 29-Aug-2017

LTC passed resolution to hold in abeyance to allow for 30 first nation review period of Arch Report and receipt of comments from Lyackson FN, and request applicant to meet with Lyackson FN.

Status Date: 24-Apr-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 Propreties' phased strata to create 21 strata lots from 4 parent parcels
Planning Status			
	Status Date: 19-Jul-2016		MOTI issued 1 yr. extension.
	Status Date: 18-Dec-2015		Staff comments provided to MOTI.
	Status Date: 14-Sep-2015		Applicant seeking comments on Phase III. Planner reviewing file.
File Number	Applicant Name	Date Received	Purpose
TH-SUB-2014.1	J.E. Anderson & Associates Planner: Teresa Ritemann	23-Jun-2014	Ruxton Island to create 2 parcels from 3 existing lots

Applications

Planning Status

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.

Status Date: 11-May-2017

Waiting for additional information from MOTI.

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.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
TH-TUP-2017.1	Velez, RAYMUNDO	30-Mar-2017	PID: 028-987-691 Temporary affordable accommodation in travel trailers under roofs. Civic: 49 Harbour Road, Thetis Island, BC.

Planner: Teresa Ritemann

Planning Status

Status Date: 15-Aug-2017

No change in status.

Applications

Status Date: 02-Aug-2017

Review concluded that a TUP may not be used to address the proposed uses. Letter sent to applicant requesting completed rezoning application or contact Bylaw Enforcement to come into compliance - by September 15, 2017.

Status Date: 15-Jun-2017

No change in status.

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending August 2017

670 Thetis	Invoices posted to Month ending August 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-670	LTC "Trustee Expenses"	750.00	256.18	493.82
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,000.00	779.66	220.34
65210-670	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-670	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-670	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,000.00</u>	<u>779.66</u>	<u>2,220.34</u>
Projects				
73001-670-2009	Thetis OCP/LUB	1,500.00	0.00	1,500.00
73001-670-3008	Thetis RAR	1,500.00	174.87	1,325.13
73001-670-4072	Thetis First Nations Relations	500.00	0.00	500.00
73001-670-4090	Thetis Ruxton Island Private Moorage	3,500.00	401.62	3,098.38
TOTAL Project Expenses		<u>7,000.00</u>	<u>576.49</u>	<u>6,423.51</u>



DATE OF MEETING: September 29, 2017
TO: Thetis Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
SUBJECT: Advisory Planning Commission Appointments

RECOMMENDATION

1. That the Thetis Island Local Trust Committee request that staff advertise for expressions of interest for the Thetis Island Advisory Planning Commission.
2. That the Thetis Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission whose terms will expire on January 26, 2018, inviting their expressions of interest for reappointment to the Advisory Planning Commission.

REPORT SUMMARY

The Thetis Island Local Trust Committee (LTC) is asked to consider recruitment for the Thetis Island Advisory Planning Commission (APC). The APC currently has four members with terms expiring January 26, 2018.

ANALYSIS

Islands Trust Policy Statement:

A guiding principle of the Islands Trust Policy Statement is that “*open, consultative public participation is vital to effective decision making for the Trust Area.*” Moreover, Commitments of Trust Council include:

- 5.8.1 Trust Council holds that public participation should be part of the decision-making processes of all levels of government.
- 5.8.2 It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.
- 5.8.3 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.

LTCs have a responsibility to ensure that members of the public can participate in planning processes, yet they have the freedom to determine the framework best suited to a particular Local Trust Area.

LTC Bylaw No. 91

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*. (LGA).

Advisory planning commission

461 (2) A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a regional district director representing the electoral area, on all matters referred to the commission by the board or by that director 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 this Part.

Notably, such advisory planning commissions are intended to advise LTCs specifically on land use matters including Official Community Plans, and proposed bylaws or permits that may be issued under Part 14 of the LGA (e.g. zoning bylaw or development permit). Formal citizen representation on advisory planning commissions adds value and transparency to planning processes. Although the LTC doesn't have a particular project or application at the moment requiring a referral to the APC, it is important that an APC remains in place should a referral be recommended in the future.

Pursuant to Section 461, the Thetis Island LTC has adopted Bylaw No. 91 cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012", which identifies the planning commission, member composition, terms and roles, and rules for arranging, advertising and conducting commission meetings (Attachment 1). Pursuant to Bylaw No. 91, the LTC must, by resolution, appoint the members to two year terms prior to January 26 of the year during which the term of appointment commences.

Consultation

Openings for the APC membership should be advertised in the local paper, on the LTC website, and through trustee networks. The LTC would consider expressions of interest at their December 12, 2017 business meeting.

NEXT STEPS

Should the LTC pass the recommended resolutions (page 1), staff will proceed with advertising and bring forward expressions of interest to the December 12, 2017 LTC business meeting.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	October 17, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 10, 2017

ATTACHMENTS

1. Bylaw No. 91



THETIS ISLAND

ADVISORY PLANNING COMMISSION BYLAW

BYLAW NO. 91, 2012

AS AMENDED BY THE THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW: No. 95, 99

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Consolidated: April, 2016

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CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following TEXT amendments only:

Table of Amendments		
Bylaw No.	Date of Adoption	Date of Bylaw Consolidation
95 Amendment No. 1, 2014	November 25, 2014	December 17, 2014
Amendment No. 1, 2016	March 29, 2016	April 6, 2016

[Back of table of revisions]
THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 91

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

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

1. Continuation and Establishment

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

2. Appointment of Members

- a) Advisory Planning Commission
 - BL 99, (04/16) i) The Advisory Planning Commission consists of a minimum of three and a maximum of seven members.
 - BL 95, (11/14) ii) The Local Trust Committee shall, by resolution, appoint members to serve up to a two-year term.
- b) Special Projects Advisory Planning Commissions
 - i) The Local Trust Committee may, from time to time, establish advisory planning commissions to provide advice to the Local Trust Committee on specific topics or for special projects.
 - ii) Special Projects Advisory Planning Commissions will be appointed based on a terms of reference endorsed by the Local Trust Committee which will outline the number of members, the terms of the appointment and the scope and role of that Special Projects Advisory Planning Commission.

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

3. Roles

a) Secretary

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

b) Chairperson

- i) The Chairperson is to:
 1. receive referrals from the Local Trust Committee and, in response, decide when and where meetings shall be held;
 2. ensure proper conduct of all meetings in accordance with the requirements of this Bylaw and the principles of procedural fairness; and
 3. sign the minutes certifying that they are true and correct after the members have approved them.

4. Referrals

- a) The Local Trust Committee may by resolution:
 - i) refer an application for an amendment to a bylaw, or a permit, pursuant to the *Local Government Act*, or may refer a proposed bylaw or permit to an advisory planning commission with a request for a recommendation; or
 - ii) refer a project in support of the Local Trust Committee's work program, an agency referral or other item of Local Trust Committee business to an advisory planning commission with a request for a recommendation; or

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

5. Notice of Meeting

- a) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least 3 calendar days prior to the meeting.
- b) The Secretary must confirm by telephone, email or note, the date and time of any extraordinary meetings with each member.
- c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five calendar days prior to the meeting.
- d) The Secretary must ensure the Local Trustees and the Secretary of the Islands Trust are notified of each meeting at least five days prior to the day of the meeting.

6. Conduct of Meeting

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

BL 99, (04/16)

7. Notice of Recommendation

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

8. Transition

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

9. Citation

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

READ A FIRST TIME THIS 18th DAY OF April, 2012

READ A SECOND TIME THIS 18th DAY OF April, 2012

READ A THIRD TIME THIS 18th DAY OF April, 2012

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
8th DAY OF May, 2012

ADOPTED THIS 23rd DAY OF May, 2012

SECRETARY

CHAIRPERSON