



Thetis Island Local Trust Committee

Regular Meeting Revised Agenda

Date: June 11, 2019
Time: 9:00 am
Location: Royal Canadian Legion
9775 Chemainus Road
Chemainus, BC

	Pages
1. CALL TO ORDER	9:00 AM - 9:05 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	9:05 AM - 9:15 AM
4. MINUTES	9:15 AM - 9:20 AM
4.1 Local Trust Committee Minutes dated April 23, 2019 - for adoption	3 - 9
4.2 Section 26 Resolutions-Without-Meeting - none	
4.3 Advisory Planning Commission Minutes - none	
4.4 <i>Local Trust Committee Special Meeting Minutes dated May 31, 2019 - for adoption</i>	10 - 13
4.5 <i>Local Trust Committee Public Hearing Record dated May 31, 2019 - Bylaw No. 103 (Ruxton Island Private Moorage Structures Project) - for receipt</i>	14 - 17
5. BUSINESS ARISING FROM MINUTES	9:20 AM - 9:40 AM
5.1 Follow-up Action List dated June 3, 2019	18 - 19
6. APPLICATIONS AND REFERRALS	9:40 AM - 10:40 AM
6.1 TH-OTH-2019.1 (TELUS) - Staff Report	20 - 68
6.2 TH-DVP-2015.2 Trincomali Holdings Ltd. - Staff Report	69 - 77
7. LOCAL TRUST COMMITTEE PROJECTS	10:40 AM - 10:50 AM
7.1 Ruxton Island Private Moorage Structures Project - Bylaw No. 103 - Staff Report	78 - 83

8. DELEGATIONS - none
9. CORRESPONDENCE
(Correspondence received concerning current applications or projects is posted to the LTC webpage)
10. NEW BUSINESS 10:50 AM - 11:05 AM
 - 10.1 Public Engagement on Thetis Island for Visions 2099 - The Future of the islands in the Salish Sea -Staff Report - for decision 84 - 125
 - 10.2 Board of Variance Appointments - Memorandum 126 - 126

----- BREAK 11:05 AM TO 11:25 AM -----
11. REPORTS 11:25 AM - 11:55 AM
 - 11.1 Trustee Reports
 - 11.2 Chair's Report
 - 11.3 Trust Conservancy Report - none
 - 11.4 Electoral Area Director's Report
 - 11.5 Applications Report dated June 3, 2019 127 - 129
 - 11.6 Trustee and Local Expense Report dated March, 2019 130 - 130
 - 11.7 Adopted Policies and Standing Resolutions 131 - 133
 - 11.8 Local Trust Committee Webpage
12. WORK PROGRAM 11:55 AM - 12:30 PM
 - 12.1 Top Priorities Report dated June 3, 2019 134 - 134
 - 12.2 Projects List Report dated June 3, 2019 135 - 137
13. CLOSED MEETING - none
14. UPCOMING MEETINGS 12:30 PM - 12:35 PM
 - 14.1 Next Regular Meeting Scheduled for Tuesday, August 20, 2019 at 9:00 am, Royal Canadian Legion, Chemainus Branch 191, 9775 Chemainus Road, Chemainus, BC
15. ADJOURNMENT 12:35 PM - 12:35 PM



Thetis Island Local Trust Committee Minutes of Regular Meeting

Date: April 23, 2019
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
 Marnie Eggen, Island Planner
 Janice Young, Recorder

Others Present Approximately five (5) 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 9:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations and introduced trustees and staff.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL

A member of the public spoke regarding the bylaws for Ruxton Island with focus on dimensions of mooring buoys, stairs and walkways, and boat ramps. Electronic transmission of photos will be forwarded to the Local Trust Committee (LTC).

A member of the public commented on the long process for a variance permit with a request this issue be concluded.

4. MINUTES

4.1 Local Trust Committee Minutes dated February 22, 2019 - for Adoption

The following amendments to the minutes were presented for consideration:

Item 10.5: Sixth bullet down, change: "event with Lyackson, Penelakut and Chemainus First Nations" to "event with Hul'qumi'num First Nations".

Item 11.1: Second bullet under Trustee Fenton, change to read, "He was grateful to be included in the Penelakut archaeological event at the Preedy Harbour shoreline held on December 21, 2018."

By general consent the minutes were adopted as amended.

4.2 Section 26 Resolutions-Without-Meeting Report dated April 16, 2019

Received.

4.3 Advisory Planning Commission Minutes - none

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated April 16, 2019

Regional Planning Manager Ann Kjerulf presented an update on the Follow-up Action List.

5.2 Bylaw No. 102 - for adoption

Presented by Regional Planning Manager Kjerulf.

TH-2019-024

It was MOVED and SECONDED

that Thetis Island Local Trust Committee Bylaw No. 102, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2018", be adopted.

CARRIED

5.3 Bylaw No. 107 - for adoption

Presented by Regional Planning Manager Kjerulf.

TH-2019-025

It was MOVED and SECONDED

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 adopted.

CARRIED

5.4 First Nations Engagement - Staff Report

Presented by Regional Planning Manager Kjerulf, who also shared email correspondence from Lisa Wilcox, Kwakwemtenaat, Senior Intergovernmental Policy Advisor, to remind the LTC that there is no rush and that it takes time to create relationships.

Discussion followed.

TH-2019-026

It was MOVED and SECONDED

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

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

CARRIED

6. APPLICATIONS AND REFERRALS – none

7. LOCAL TRUST COMMITTEE PROJECTS

7.1 Ruxton Island Private Moorage Structures Project - Staff Report

Staff report presented by Island Planner Eggen.

Discussion ensued, addressing the following points:

- Size and definition of "swim floats".
- "Swim floats" are remove from the proposed bylaw.
- Review of boat ramp regulations.

TH-2019-027

It was MOVED and SECONDED

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:

- Adding a new section after section 1.8 that "Part 5 Zones, Section 5.11 Marine Ruxton (W3), Permitted Uses and structures is amended by deleting "swim floats";
- Deleting sections 1.10 and 1.11;
- Amending section 1.12 by deleting subsections (6) and (7); and
- Renumbering the bylaw accordingly.

CARRIED

TH-2019-028**It was MOVED and SECONDED**

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 second time, as amended.

CARRIED**TH-2019-029****It was MOVED and SECONDED**

that the Thetis Island Local Trust Committee request staff to schedule a Public Hearing for Thetis Island Local Trust Committee Bylaw No. 103, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018", and hold a Community Information Meeting prior to the Public Hearing.

CARRIED

Trustee Luckham extended thanks to Linda Aidnell, Lands and Resources Coordinator, Lyackson First Nation, and to the Cowichan Tribes for responding to the bylaw referral.

Chair Patrick recessed the meeting at 10:45 am and reconvened the meeting at 11:00 am.

8. DELEGATIONS**8.1 Chris Fordham, Solar Project, "Green Power to the Grid"**

Chris Fordham from Capernwray Harbour Bible Centre presented a proposal to develop a solar energy grid at the Capernwray location, outlined the options and benefits to the larger community of this project, and requested direction from the LTC as well as support.

Trustees discussed the role of BC Hydro in this project.

Chair Patrick extended thanks to Chris Fordham for his presentation.

9. CORRESPONDENCE - None

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

10. CLOSED MEETING**10.1 Motion to Close the Meeting****TH-2019-030****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) and (i) for the purpose of considering Adoption of In-Camera Meeting Minutes dated February 22, 2019 and Legal Advice and that the recorder and staff attend the meeting.

CARRIED

The LTC closed the meeting at 11:10 am.

10.2 Recall to Order

By general consent the LTC convened in open meeting at 11:30 am to rise and report.

10.3 Rise and Report

Chair Patrick reported that in the Closed Meeting the LTC adopted Minutes from the *in-camera* meeting of February 22, 2019.

11. NEW BUSINESS

11.1 Islands Trust - 2019 Annual Report – Memorandum

Presented by Planner Kjerulf; reviewed and discussed by LTC.

TH-2019-031

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

that the Thetis Island Local Trust Committee endorse the following text for inclusion in the 2018-2019 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing:

The Thetis Island Local Trust Committee held five regular business meetings in the 2018/19 fiscal year.

Work for this period focused on advancing the Local Trust Committee priorities to address private moorage regulations for Ruxton Island, implementation of the Riparian Areas Regulation on Thetis Island, and advancement of reconciliation and relationship building with local First Nations.

In order to provide backup transmission for the existing Telus network, the Local Trust Committee also considered and provided its concurrence to Industry Canada for a telecommunications tower proposal on Thetis Island.

CARRIED

12. REPORTS

12.1 Trustee Reports

Trustee Fenton reported on the following:

- Attended the Oceans Protection Plan (OPP) roundtable meeting.
- Islands Trust Fund covenant arranged for Moorehill and that signage will be placed later in the year.
- Penelakut trail opening on April 24
- Galiano Marine and Conservation roundtable.

Trustee Luckham reported on the following:

- Attended the Oceans Protection Plan session; expressed disappointment that Transport Canada did not offer any insights or assistance and wished to ensure that the LTC is a participant in future planning sessions.
- Roberts Bank Terminal 2 meeting in Victoria.
- Involved in the Galiano Marine and Conservation roundtable discussion in a scuba diving related capacity.
- The opening of the Penelakut Island Health and Wellness Trail is an inter-island event.
- Good conversations with Penelakut elders who are open to meeting with the LTC.

12.2 Chair's Report

Chair Patrick reported on the following:

- Attended Trust Council meeting in March where important resolutions were passed including the climate change emergency declaration.
- Islands Trust staff will be developing a vision [plan].

12.3 Trust Conservancy Report dated March, 2019

Presented by Trustee Fenton; exploring additional fundraising opportunities.

12.4 Electoral Area Director's Report – none

Trustee Luckham recently spoke with Electoral Area Director Lynne Smith and encouraged her to attend or send update reports to LTC meetings.

12.5 Applications Report dated April 16, 2019

Received. Discussion followed regarding item TH-DVP-2015.2.

LTC will await staff report for consideration at next meeting.

12.6 Trustee and Local Expense Report dated February, 2019

Received.

12.7 Adopted Policies and Standing Resolutions

Received.

12.8 Local Trust Committee Webpage

No changes at this time.

13. WORK PROGRAM**13.1 Top Priorities Report dated April 16, 2019**

Received.

13.2 Projects List Report dated April 16, 2019

Received.

14. UPCOMING MEETINGS**14.1 Next Regular Meeting Scheduled for Tuesday, June 11, 2019 at 9:30 am at (to be determined), Thetis Island, BC**

15. ADJOURNMENT

By general consent the meeting was adjourned at 12:10 pm.

Laura Patrick, Chair

Certified Correct:

Janice Young, Recorder



Thetis Island Local Trust Committee Minutes of Special Meeting

Date: May 31, 2019
Location: Beban Park Social Centre
2300 Bowen Road
Rooms 7 and 8
Nanaimo, BC

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

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

Others Present: Approximately fourteen (14) members of the public

1. CALL TO ORDER and APPROVAL OF AGENDA

Chair Patrick called the special meeting to order at 1:04 pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced herself, local trustees and staff.

By general consent the agenda was approved as presented.

2. COMMUNITY INFORMATION MEETING: RUXTON ISLAND MOORAGE STRUCTURES REVIEW PROJECT

2.1 Presentation on the Project and Proposed Bylaw Amendment No. 103

Planner Eggen summarized the “Ruxton Island Private Moorage Structures Review” staff report, noting that the impetus for proposed Bylaw No. 103 was to amend the current bylaw: ‘Thetis Associated Islands Land Use Bylaw No.94, 2014 (Land Use Bylaw),’ so as to prevent the unintentional allowing of marine and foreshore structures with negative visual and environmental impacts; and to provide clarity that private docks and dock-like structures are prohibited.

Planner Eggen described how platforms, boat ramps, equipment, boathouses, stairs, walkways, swim floats and mooring buoys were currently defined and how they would be regulated following adoption of Bylaw No. 103.

2.2 Public Questions and Answer Session

Chair Patrick directed that this portion of the meeting be limited to questions and answers and that comments by members of the public be saved for the Public Hearing portion of the meeting.

Members of the public asked the following questions and were answered by staff:

- Was it possible for a property owner to seek rezoning of an adjacent foreshore to construct a private dock under the new bylaw?
 - Planner Eggen responded yes.
- Do property owners have historical riparian foreshore rights to develop access that supersede Islands Trust Bylaws?
 - Manager Drew responded that common law only stands in the absence of bylaws.
- Was it allowable for large barges or boats connected to large metal ramps to be utilized in place of proper rafts and ramps?
 - Manager Drew responded that if used as a boat it would be allowable, as a float it would not be.
 - Planner Eggen noted that such combinations of structures were allowable under existing bylaws. Under the new bylaw, such structures could be maintained in place as legal non-conforming structures that could not be replaced or moved. Under the new bylaw, such combinations of structures would not be permitted.
- Was the new bylaw pertinent to stairs on private or public property?
 - Planner Eggen responded that it referred to stairs on private property within the 10 metre setback to the sea.
- What if stairs at public access points are too high or wide than what is permitted in the new bylaw?
 - Planner Eggen responded that road rights of way were the property and jurisdiction of the Ministry of Transportation.
- Is there a distinction between permanent and temporary structures in the new bylaw?
 - Planner Eggen responded that there was no distinction between permanent and temporary or seasonal structures in the new bylaw and that swim floats would not be allowed.
- If swim floats were removed from the bylaw would they come under Provincial jurisdiction?
 - Planner Eggen explained the Province won't authorize swim floats so any would technically be in trespass.
- Is there a map available that would visually indicate how site lines and mooring buoys would be permitted?
 - Planner Eggen responded no, acknowledging that it could be difficult to locate public access survey pins and hard to properly situate mooring buoys.
- How can mooring buoys be enforced, given the difficulty of siting them properly?
 - Manager Drew responded that there were no plans by Bylaw Compliance and Enforcement to check on mooring buoys unless a problem developed with impeding of public access. The bylaw was more specifically addressing the possible future problem of public access points being blocked by boats.

- Where is the mooring buoy concern coming from, considering that it didn't seem to be a significant part of earlier discussions?
 - Planner Eggen noted that it was expressed at a Local Trust Committee meeting.

Chair Patrick thanked staff for their information and recessed the meeting at 1:59 pm.

3. PUBLIC HEARING - BYLAW NO. 103

Chair Patrick declared the Public Hearing for Proposed Bylaw No. 103 open at 2:00pm.

Chair Patrick thanked everyone for their input and declared the Public Hearing closed and the Thetis Island Local Trust Committee Special meeting resumed at 2:35 pm

4. BYLAW NO. 103 - for consideration of Third Reading

Chair Patrick called a 12-minute recess at 2:38 pm to allow trustee review of the most recent attendee written submissions. The meeting was recalled to order at 2:50 pm.

Trustees thanked staff for their extensive work and spoke on the following:

- Provincial regulations overriding local attempts to manage swim floats.
- Forward-thinking anchorage systems allowing sustainable boating activities in ecologically sensitive environments.
- Mooring buoy issues being too complex for existing and proposed bylaws.
- Photographs of structures being helpful for determining compliance.

TH-2019-032

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

that Thetis Island Local Trust Committee Bylaw No. 103, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018", be amended by deleting subsection 5 of part 5 Zone Section 5.11 Marine Ruxton W3 Siting and Size in its entirety.

CARRIED

TH-2019-033

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

that 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 third time as amended.

CARRIED

TH-2019-034

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

that Thetis Island Local Trust Committee Bylaw No. 103 cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

5. **ADJOURNMENT**

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

Laura Patrick, Chair

Certified Correct:

Katherine Vogt, Recorder



**Thetis Island
Local Trust Committee
Public Hearing Record**

**REGARDING PROPOSED BYLAW NO. 103 (RUXTON ISLAND PRIVATE MOORAGE STRUCTURES PROJECT)
CITED AS – “THETIS ASSOCIATED ISLANDS LAND USE BYLAW, 2014, AMENDMENT BYLAW NO. 1, 2018”**

Date: May 31, 2019
Time: 2:00 pm
Location: Beban Park Social Centre
2300 Bowen Road, Rooms 7 and 8
Nanaimo, BC

Members Present: Laura Patrick, Chair
Doug Fenton, Local Trustee
Peter Luckham, Local Trustee
Staff Present: Ann Kjerulf, Regional Planning Manager
Marnie Eggen, Island Planner
Miles Drew, Bylaw Compliance and Enforcement Manager
Katherine Vogt, Recorder

Others Present: There were approximately fourteen (14) members of the public

1. CALL TO ORDER

Chair Patrick declared the Public Hearing for Proposed Bylaw No. 103 open at 2:00pm. She welcomed everyone in attendance and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She introduced herself, staff, trustees, and recorder.

Chair Patrick read the Public Hearing Opening Statement and read from the Public Hearing Procedures Script, noting that members of the public were not obligated to provide their names and addresses before speaking.

2. PROPOSED BYLAW NO. 103 (Ruxton Island Private Moorage Structures Project) cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”.

Planner Eggen summarized that the proposed bylaw was to amend the current ‘Thetis Associated Islands Land Use Bylaw No.94, 2014 (Land Use Bylaw),’ so as to prevent the unintentional allowing of marine and foreshore structures with negative visual and environmental impacts; and to provide clarity that private docks and dock-like structures are prohibited.

Planner Eggen read the Notice of Public Hearing; spoke on key points of the bylaw; summarized all agency referrals and responses; noted how the statutory requirements for notification had been met; and indicated the location of the complete public hearing binder for members of the public to peruse. It contained eight public submissions received up to May 30, 2019.

Chair Patrick asked that members of the public limit their comments to 3 minutes until everyone had had a chance to speak, after which people could speak again if they chose to; and, that any written submissions be forwarded before the end of the meeting.

3. PUBLIC COMMENTS

Members of the public made the following comments:

- Russ Irish, Ruxton property owner, Lot 11, expressed concern that the proposed bylaw did not presently allow for safe access to a moorage structure and that applications for rezoning might be blocked by the new bylaw.
 - Chair Patrick asked Planner Eggen for clarification on rezoning possibilities.
 - Planner Eggen noted that the new bylaw would not prevent a property owner from applying for rezoning.
 - Manager Drew noted that a rezoned property would have its own set of regulations.
- Bud Cohen, Ruxton property owner, Lot 25 at Whalebone Channel, expressed concern that the geographical differences of all the various Ruxton bays seemed to be ignored by the new bylaws and that most of the time, public access was not impeded by boats.
- Bill of Ruxton Island, Lot 3, suggested that the current Bylaw was unworkable due to geographical differences and that the various anchorages and maritime setups should be left up to the Ruxton Island community to come up with a consensus around appropriate access to landing sites. Also, temporary swim docks should be allowed.
- Wendy, Ruxton property owner, Sand Dollar Bay, agreed with the last two speakers as to the complexities of each bay around Ruxton, noting that Sand Dollar Bay was very narrow and that if the floating dock adjacent to her property which serviced six cabins and six boats for three months of the year was unpermitted, then it would create too many boats haphazardly anchored in a very narrow area. Also, the 30-foot setback proposal would be unworkable. Also, floats that sink into the muck are not as environmentally impactful as many other activities; rather, they create safe havens for plants and other marine life.
- Dennis Rutherford, Ruxton property owner, Lot 57 Herring bay, and also a representative for the Ruxton Island Property Owners Association, commented on the 35 meter buffer for mooring buoys seeming to be a new addition to the bylaw that was not part of the original Advisory Planning Commission (APC) process and should be considered out of scope for the new proposed bylaw. Also, the bylaw seemed more ideologically driven than practical, given that there were no maps to accompany it. Also, pushing mooring buoys further out into rougher waters could be a significant safety issue. This mooring buoy issue should be rethought and struck out of the present proposed bylaw. Other aspects of the proposed bylaw were supportable.
- Ruxton property owner, Lot 69, commented that 35 metre setbacks in the very narrow bays could eliminate three quarters of the mooring buoys, such that access would be made impossible, and safety would be a significant factor. Thus, he was not in support of the proposed bylaw due to this issue. Also, he pointed out that Ruxton Island was different from the other islands in that there were no roads, only easements or pathways; so, there were

no cars or trucks to haul supplies; and, there were no government docks, so everyone had to have their own boats for access and supplies.

- Ruxton property owner, Lot 12, Otter Bay, expressed that there was no way that any of the mooring buoys in Otter Bay would be legal under the new bylaw. Also, he did not recollect this mooring buoy issue being brought up in the past or ever being considered a problem.
- Ab Barrie, Ruxton property owner, Lot 15, Southwest Cliff, noted that he had attended all of the Islands Trust meetings and had very casually brought up the issue of maintaining a clear channel from the landing beaches to open water, because in Otter Bay there was only one level landing beach. However, the mooring buoy issue has developed into an unworkable plan given the 35 metres from low tide and the difficulty in locating roadway pins, so it should be removed from the new bylaw. Overcrowding can be dealt with internally. Also, using the length of a boat to determine the size of a ramp does not make sense. Also, water permeable and ramp is not defined.
- David Scott, North End of Ruxton Island, asked about bylaw enforcement.
 - Manager Drew responded that it would be by complaint.
- Wendy of Sand Dollar Bay who had previously spoken asked about grandfathering of structures.
 - Chair Patrick invited staff to explain grandfathering.
 - Planner Eggen explained that the proposed bylaw, if adopted, would be in effect from that time forward. Anything built before, if it was allowed under the bylaw at the time, would be considered 'legal non-conforming,' a term which was the formal equivalent to the informal term 'grandfathered'. While swim floats are currently permitted under Bylaw No.94, they will be disallowed in the marine zone in the new bylaw, so existing swim floats would be considered legal non-conforming structures if the new bylaw passed.
- Vicky Scott, Ruxton property owner, Lots 40 and 41, expressed confusion around the swim float issue given that it had been previously mentioned that docks were under Provincial jurisdiction. Also, would existing docks that didn't have crown tenure permits have to be dismantled under the new bylaw?
 - Planner Eggen responded that any structure or use in the foreshore area is subject to Provincial Regulations as well as local Land Use Bylaws. It was up to the Provincial Government to enforce regulations around structures built on crown lands.
 - Chair Patrick clarified that you could not go to the Crown to get an existing dock Crown Tenure permitted without first getting rezoning approval from the Islands Trust, under the new bylaw.
 - Manager Drew responded that the Crown does not issue tenure for swim floats, so they are considered in trespass.
 - Chair Patrick clarified that the Crown does issue permissions for docks.

Chair Patrick called three times for any further oral or written submissions. Five written submissions were received from the following attendees: Victory Scott, Ab Barrie, Bud Koch, Dennis Rutherford, and Wendy Stevenson. She thanked all attendees for their input.

4. ADJOURNMENT

Chair Patrick adjourned the Public Hearing at 2:35 pm and announced that the Thetis Island Local Trust Committee special meeting would reconvene to consider options regarding the Bylaws.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

Katherine Vogt, Recorder

Follow Up Action Report

Thetis Island

22-Feb-2019

Activity	Responsibility	Dates	Status
1 Request staff to forward the letter and trustee toolkit included in the Indigenous People of the Thetis Island Local Trust Area binder to local First Nations.	Marnie Eggen Penny Hawley		In Progress
2 Respectfully request that the CVRD include the document Archaeological Chance Find Procedures with building permits and that this document be made available on the Islands Trust website. Posted to website May 9/19.	Ann Kjerulf Wil Cottingham		In Progress
3 Request staff to report back to the local trust committee on options to advance First Nations engagement and community reconciliation.	Ann Kjerulf		Completed
4 Staff to send communication to e-spokes when the Archaeological Chance Find Procedures document is available on the website.	Penny Hawley		In Progress

Follow Up Action Report

Thetis Island

23-Apr-2019

Activity	Responsibility	Dates	Status
1 LTC passed standing resolution as recommended by staff in April 23 2019 Staff Report, First Nations Engagement and Community Reconciliation. Staff to add to LTC Policies and Standing Resolutions.	Becky McErlean Marnie Eggen Penny Hawley		Completed
2 Bylaw No. 102 to establish Advisory Planning Commission is adopted.	Becky McErlean Penny Hawley		Completed
3 Bylaw No. 107, to amend Bylaw Enforcement Notification Bylaw is adopted.	Becky McErlean		Completed
4 Bylaw No. 103, Thetis Associated Islands Land Use Bylaw 2014, Amendment No. 1, 2018 was read a second time as amended. Staff to make amendments and give second reading.	Becky McErlean Marnie Eggen		Completed
5 Staff to schedule a Public Hearing and Community Information Meeting in Nanaimo for Bylaw No. 103.	Becky McErlean Marnie Eggen Wil Cottingham		Completed
6 LTC endorsed text for inclusion in the 2018-2019 Annual Report.			Completed

31-May-2019

Activity	Responsibility	Dates	Status
1 Staff to amend Bylaw No. 103 by removing Section 1.10, give 3rd reading as amended and forward to Executive Committee for approval.	Becky McErlean Marnie Eggen		In Progress



File No.: 3400 – 20 / TH-OTH-2019.1
(TELUS/Cypress Land
Services Inc.)

DATE OF MEETING: June 11, 2019

TO: Thetis Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Ann Kjerulf, Regional Planning Manager
Kate Emmings, A/Manager Islands Trust Conservancy

SUBJECT: TELUS Communication Inc. Telecommunications Facility Proposal
Applicant: Cypress Land Services Inc.
Location: 155 Pilkey Point Road, Thetis Island, BC

RECOMMENDATION

1. That the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) follow the Ministry of Innovation, Science and Economic Development Canada Default Public Consultation Process for a proposed Telecommunications Facility at 155 Pilkey Point Road, Thetis Island.
2. That the Thetis Island Local Trust Committee request staff to advise the proponent of application TH-OTH-2019.1 (TELUS) of applicable Thetis Island Official Community Plan policies and Land Use Bylaw regulations as per Attachments 1 & 2 of the staff report dated June 11, 2019.
3. That the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) confirm:
 - a) whether the proposal is only for the servicing of Thetis Island residents and property owners and those of nearby adjacent islands; and
 - b) whether the proposal considers minimizing the degree of visual disruption and controls the invasion of non-native species.

REPORT SUMMARY

TELUS has recently submitted a proposal to construct a new 50 metre steel, triangular, self-support tower structure (plus lightning rod) to the federal Ministry of Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, the licencing authority responsible for telecommunication uses such as broadcast towers and cellular telephone towers. The tower proposal intends to improve wireless service, support existing TELUS wireline services to ensure internet and home telephone services during outages, and provide emergency communications services.

The purpose of this report is to inform the Thetis Island Local Trust Committee (LTC) of the proposal, the public consultation process that is being undertaken by the proponent, and the role of the LTC in the federal process. Staff recommends that the LTC confirm the public consultation process being undertaken by the proponent and advise the proponent of pertinent land use planning policies and land use bylaw regulations applicable to the proposed tower.

BACKGROUND

The Proposal

Cypress Land Services Inc. has submitted, on behalf of TELUS, an application to ISED to locate a 50 metre steel triangular self-support tower structure intending to:

- improve wireless services to Thetis Island residents;
- support existing TELUS wireline services with a backup communications link off the Island, ensuring continuity of TELUS' internet and home telephone services during outages; and
- provide emergency communications services operated by the Cowichan Valley Regional District.

TELUS recently completed a consultation process for the installation of a 22 metre tower structure at their existing site property at 61 Pilkey Point Road to provide a backup microwave connection for the existing submarine cable connection TELUS wireline services to Vancouver Island. The LTC concurred with the tower proposal in December 2018. In response to the community interest expressed during the consultation process to improve TELUS services and improved access to emergency services, TELUS pursued a new 50 metre tower proposal.

The 50 metre tower is proposed to be located at 155 Pilkey Point Road, near the entrance to the property. The site was selected because it is a higher elevation site which helps TELUS to maintain and improve high quality, dependable services to areas of the island that have poor TELUS and emergency services. See Figures 1, 2, 3 and 4 below for the subject property map, tower location, and site plans. A detailed analysis of the Site Context is attached to this report (Attachment 1). An analysis of relevant Islands Trust Council and LTC policies is also attached (Attachment 2).

Figure 1: Subject Property

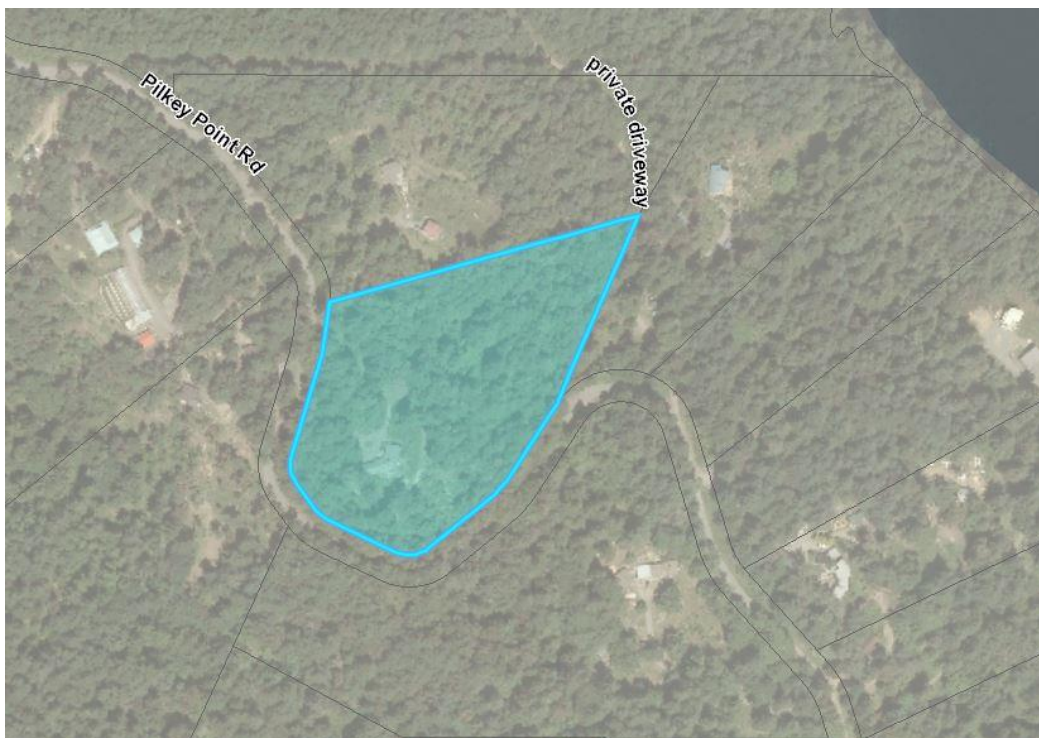


Figure 2: Tower Location



Figure 3: Site Plan 1 of 2

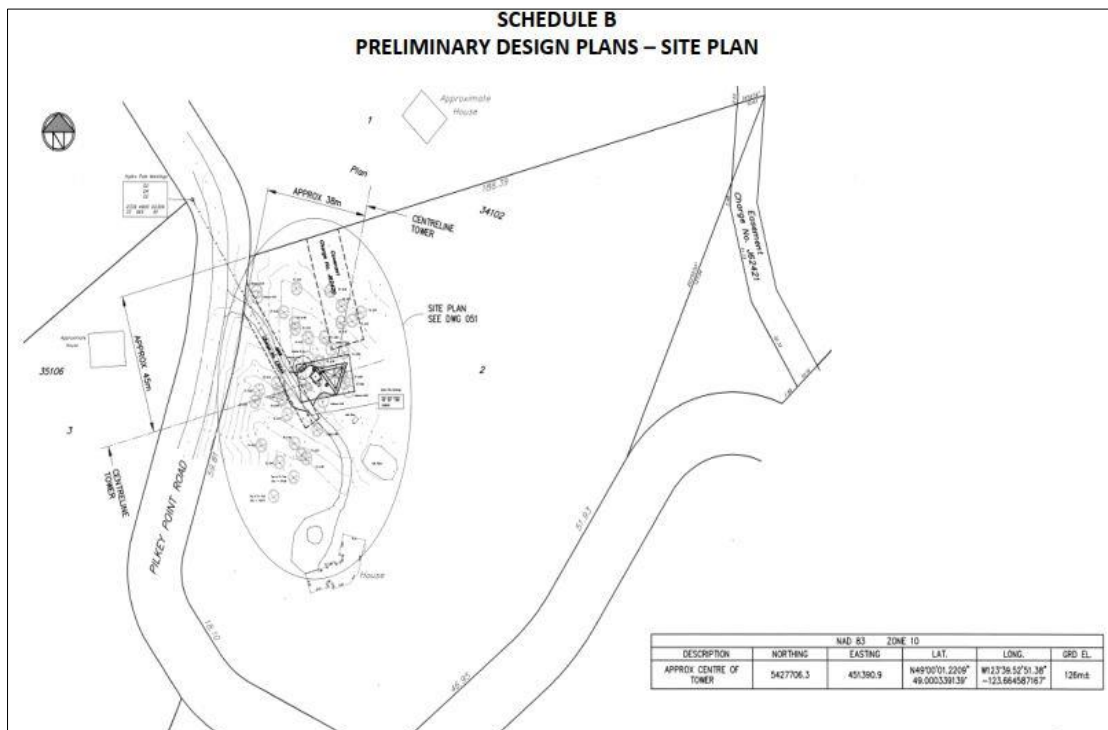
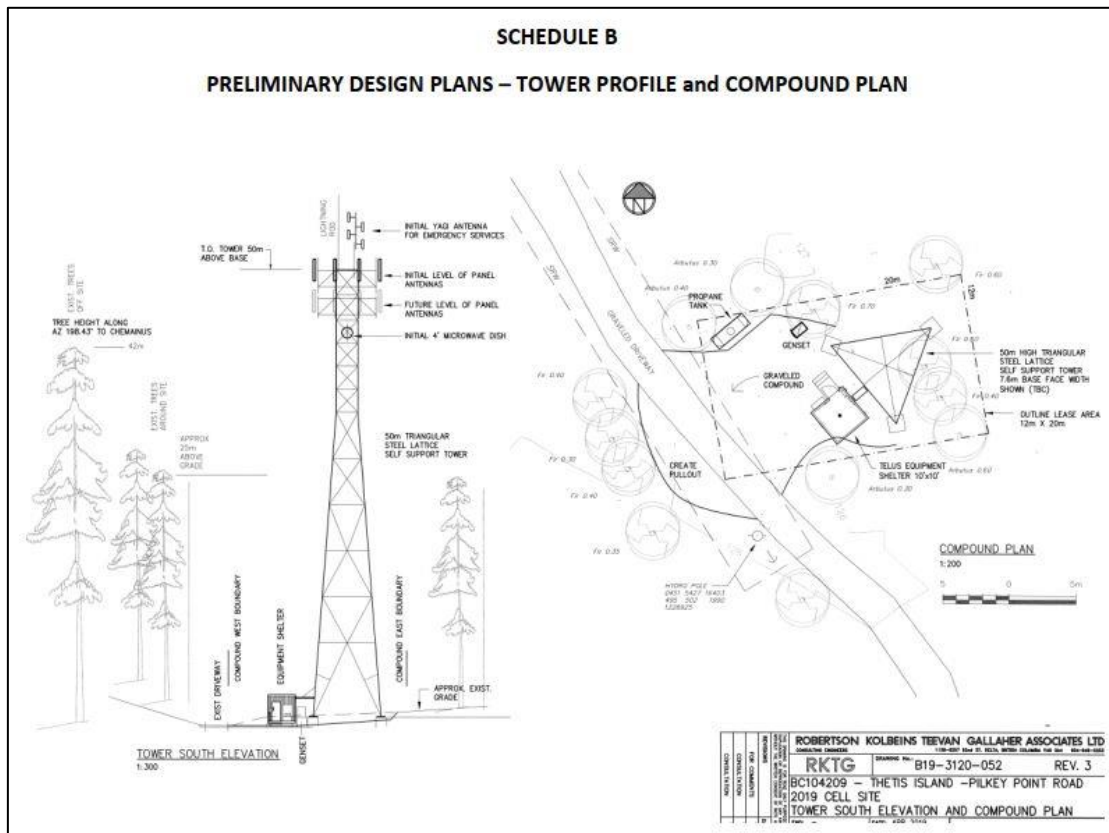


Figure 4: Site Plan 2 of 2



See Attachments for the Communications Inc. ("TELUS") Telecommunications Facility Proposal Information Package (Attachment 3).

The Federal Licencing Process for Radiocommunication and Broadcasting Antenna Systems

ISED has jurisdiction over telecommunication facilities licensed under the federal Telecommunications Act. ISED looks to the land use authority to issue a letter of concurrence or non-concurrence with a proposal put forward by a telecommunications proponent.

ISED recommends land use authorities establish a documented public consultation process to guide cell/radio tower proponents. When a land use authority, like the Thetis Island LTC, does not have an established or documented public consultation process, proponents of radio towers must use the ISED Default Public Consultation Process outlined in the CPC-2-0-03 (Attachment 4).

The CPC-2-00-03 outlines the process that must be followed by proponents seeking to install or modify antenna systems, including the steps that proponents must follow for the Default Public Consultation Process:

1. Provide written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification. The notification period must be at least 30 days in length.
2. Engage the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal, addressing in writing all reasonable and relevant concerns within 60 days; and

3. Provide an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns. The federal agency considers examples of 'reasonable and relevant' concerns to include:
 - Why is the use of an existing antenna system or structure not possible?
 - Why is an alternate site not possible?
 - What is the proponent doing to ensure that the antenna system is not accessible to the general public?
 - How is the proponent trying to integrate the antenna into the local surroundings?
 - What options are available to satisfy aeronautical obstruction marking requirements at this site?
 - What are the steps the proponent took to ensure compliance with *Canadian Environmental Assessment Act (CEAA)*, Safety Code 6, etc.?

Concerns that may not be addressed through the public consultation include:

- Concerns relating to the proponent's service, but unrelated to antenna installations;
- Potential effects that a proposed antenna system will have on property values or municipal taxes;
- Potential effects that a proposed antenna system will have on public health;
- Whether the *Radiocommunication Act*, the summary document to be submitted at the end of the consultation period, Safety Code 6, locally established bylaws, or other legislation, procedures or processes are valid or should be reformed in some manner.

ISED expects that whole consultation processes will be completed within 120 days from the proponent's initial formal contact with the local land-use authority. At the end of the period, it is expected that the land use authority provides written indication of concurrence or non-concurrence with the proposal.

Islands Trust Model Radio Antenna Strategy

At the June 2018 Trust Council meeting, the Council passed a resolution to refer to Local Trust Committees the final report on the *Model Strategy for Antenna Systems* for implementation. The report provides a model consultation program, land use siting criteria, and model official community plan policies, which may be adopted by the LTC. Staff understand that a staff report will be forthcoming for LTC consideration in the future.

Additionally, Trust Council also passed a resolution to request the ability to charge fees for telecommunication applications as part of suggested amendments to provincial legislation.

The TELUS Proposed Default Public Consultation Process

The proponent commenced the public notification during the week of May 6th, ahead of the proposal being considered by the Thetis LTC at a regular business meeting. The proponent also indicated they intended to follow the ISED Default Public Consultation Process as outlined in the *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03). Staff understand that the proponent provided notification to landowners within a radius equal to three times the height of the proposed tower (150.0 metres) and that the notice was posted on www.thetisland.net (Attachment 5). In addition to requirements prescribed in CPC-2-0-03, the proponent held a public meeting on Wednesday, May 29, 2019. The proponent indicates in the notice that the closing period for comments to be received by TELUS is June 7th, 2019, the minimum requirement as per CPC-2-0-03.

During the consultation process, along with the public, the LTC and staff may ask questions, and express comments or concerns about the proposal in writing to the proponent. Staff have made the proponent aware that the first time the LTC will be able to consider the new 50 metre tower proposal is at their June 11th LTC meeting, subsequent

to the end of the comment period. At the end of the public consultation process, the proponent will provide a summary of the correspondence received during the consultation period to the LTC. The LTC will be asked to provide a written indication of concurrence or non-concurrence with the proposal. Staff have advised the proponent that this will likely occur no earlier than August 2019.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement and Thetis Official Community Plan (OCP):

Pertinent policies from the Islands Trust Policy Statement and Thetis Island Official Community Plan (OCP) can be found in the Attachments along with staff comments (Attachment 2). The proposal is consistent with policies related to cooperation and consultation with respect to public utilities, and improvement of emergency communications services. Whether or not the proposal is consistent with other pertinent policies is yet to be determined and should be confirmed with the proponent through the public consultation process.

Land Use Bylaw:

The subject property is zoned Rural Residential (R2), and the zone does not specifically allow for the proposed radiocommunications antenna/tower use. Staff note that general siting regulations permit antennas to be located on any portion of a lot; however, this would only apply to a structure/use allowed by zoning. Staff note that the tower is proposed to be sited a minimum of 35 – 45 metres from property lines, meeting setback requirements for the zone. Additionally, staff note that antennas are exempt from the height regulations for structures.

Issues and Opportunities

ISED Authority Over Radiocommunication and Broadcasting Antenna Systems and Local Land Use Policies and Regulations

ISED has ultimate jurisdiction over telecommunication uses such as radio broadcast towers and cellular telephone towers licensed under the federal *Telecommunications Act*, and, as such, local land use regulations do not apply in these cases. However, land use policies and regulations, like the Thetis OCP policies and LUB regulations are a reflection of land use values held by the Thetis community. As such, it is staff's opinion that, while these policies and regulations have no governing effect on the proposal, during the consultation process pertinent policies and regulations should be communicated to the proponent as important land use values that should be adhered to as much as possible. In addition, based on the policy review as mentioned above and what the federal agency considers examples of 'reasonable and relevant' concerns to include, staff recommend that the LTC should:

- confirm with proponent whether the proposal is only for the servicing of Thetis Island residents and property owners and those of nearby adjacent islands;
- confirm with the proponent whether the proposal considers minimizing the degree of visual disruption and controls the invasion of non-native species; and
- at the time the LTC considers concurrence on the proposal, consider whether the proposal would have minimal impact on the rural character of the Island based on the information provided by the proponent.

Moore Hill Nature Reserve:

The subject property is located within 700 metres of Moore Hill Nature Reserve, owned and managed by the Islands Trust Conservancy. The reserve protects maturing Coastal Douglas-fir forest and provides habitat for several species of bats. It is unknown whether the proposal may have a detrimental impact on bats. The proponent indicates that the proposal does not require an environmental assessment under the *Canadian Environmental*

Assessment Act, but that local government environmental regulations would be followed. There are no applicable LTC environmental regulations (i.e. development permit guidelines). The LTC could request the proponent provide an environmental assessment conducted by a qualified environmental professional that identifies the impacts of the proposed tower on the bat species that inhabit Moore Hill Nature Reserve.

Consultation Process

As a part of the proposed consultation process, the proponent held a public meeting on May 29, 2019 on Thetis Island to provide an opportunity to the public to receive information, ask questions, and give feedback on the proposal. Staff understand that local trustees attended the public meeting. Should the LTC deem it necessary, the LTC could ask the proponent to consult further with the community (e.g. hold a second public meeting). The decision to hold another public meeting would be up to the proponent and is not a requirement under CPC-2-0-03. Staff does not recommend that the LTC conduct a separate public consultation because it is not the LTC's application process and there is no opportunity for cost recovery to taxpayers. The public may want to provide their comments to the LTC and the LTC may receive them; however, staff recommends directing the public to provide comments to the proponent under the ISED Default Public Consultation Process. As a part of that consultation process, the proponent must provide the LTC a summary of the consultation process and comments received.

Staff have informed the proponent that the first time the LTC will be able to consider the new 50 metre tower proposal, is at the June 11th LTC meeting, subsequent to the end of the comment period. As such, staff anticipate that the proponent will receive comments and any questions from the LTC that result from the June 11, 2019 LTC meeting, even if it is after June 7, 2019.

Staff anticipate receipt of a summary of the consultation from the proponent in the future. A staff report will be forthcoming that will include the summary and also request consideration of concurrence with the proposal.

Rationale for Recommendation

Staff recommend that the LTC request confirmation that the proponent will follow the ISED Default Public Consultation, advise the proponent of pertinent Thetis Island Official Community Plan policies and Land Use Bylaw regulations as per Attachments 1 & 2 of the staff report, and seek confirmation that the proposal is consistent with local land use policies. See staff recommendations on Page 1 of the report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information from the proponent. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Thetis Island Local Trust Committee request that the proponent for application TH-OTH-2019.1 (TELUS), submit to the Islands Trust [insert requested information and rationale].

2. Request further public consultation

The LTC may request that the proponent undertake further public consultation with the Thetis community. If selecting this alternative, the LTC should describe the type of consultation and the rationale for the request. Recommended wording for the resolution is as follows:

That the Thetis Island Local Trust Committee request the proponent of application TH-OTH-2019.1 (TELUS) [insert requested public consultation, e.g. hold a second public meeting] as part of the ISED Default Public Consultation Process, and rationale, e.g. to provide the public a further opportunity to receive information, ask questions, to be heard by others, and provide feedback to the proponent].

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Staff will inform the proponent of the LTC's resolutions.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	June 3, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 4, 2019

ATTACHMENTS

1. Site Context
2. ITPS/OCP Policies
3. Communications Inc. ("TELUS") Telecommunications Facility Proposal Information Package
4. Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)
5. TELUS Notice

ATTACHMENT # 1 – SITE CONTEXT (TH-OTH-2019.1 (TELUS))

LOCATION

Legal Description	Lot 2, District Lot 15, Thetis Island, Cowichan District, Plan 34102
PID	000-275-654
Civic Address	155 Pilkey Point Road, Thetis Island, BC

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	n/a

POLICY/REGULATORY

Official Community Plan Designations	Water Resources - W
Land Use Bylaw	Rural – R2
Other Regulations	<i>2.2.4. Fences, free-standing lighting poles, warning devices, antennas, masts, utility poles, wires, flagpoles, signs and sign structures may be sited on any portion of a lot.</i> <i>2.2.5. The height regulations for buildings and structures specified in this Bylaw do not apply to radio and television antennas; fire hose towers; 9-1-1 system repeater towers, flag poles, and lighting poles.</i> <i>2.2.7. All distances pertaining to the siting of buildings and structures shall be determined by measurements on a horizontal plane, excepting those pertaining to elevation which shall be on a vertical plane.</i>
Covenants	Staff have requested a State of Title Certificate and any registered instruments to check for any relevant registered documents.
Bylaw Enforcement	Not applicable.

SITE INFLUENCES

Islands Trust Conservancy	Subject property is within approximately 700 metres from Moore Hill Nature Reserve. The reserve is known to provide habitat for several species of bats. It is unknown whether the proposal may have a detrimental impact on bats.
Regional Conservation Strategy	Thetis Island is classified as high priority for conservation.

Species at Risk	Islands Trust mapping indicates an At Risk Ecological Community - Douglas-fir / dull Oregon-grape over the subject property. Applicant has received relevant information regarding this ecosystem at risk.
Sensitive Ecosystems	Islands Trust mapping indicates no sensitive ecosystems on the subject property.
Hazard Areas	None.
Archaeological Sites	Mapping indicates a potential archaeological site within 50 metres of subject property. Applicant has received relevant information regarding potential archaeology sites and the <i>Heritage Conservation Act</i> .
Climate Change Adaptation and Mitigation	Staff is not aware of any potential GHG emission changes resulting from proposal. Staff do not anticipate possible climate change induced hazards.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2 – POLICIES (TH-OTH-2019.1 (TELUS))

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
5.3.1 <i>Trust Council holds that local trust committees and island municipalities should be consulted and involved in the decision-making process regarding provision of utilities, transportation services or facilities that might affect land use in their local planning areas.</i>	yes	Yes, the proposal complies because the proponent is following the ISED's Public Consultation Process which involves the concurrence of the land use authority, the Thetis Local Trust Committee.

THETIS ISLAND OFFICIAL COMMUNITY PLAN

OCP Objective/Policy	Complies	Planner Comments
2.12 PUBLIC UTILITIES <i>Background</i> <i>Electricity, telephone, radio, television, water, sewers, solid waste disposal, and natural gas are examples of services that can be provided by public utility organizations that may be owned and operated by the Province, the Cowichan Valley Regional District, an Improvement District, or by a corporation under agreement with an Improvement District, Regional District, or the Province under Provincial or Federal Statute. Thetis Island is provided with electricity services by BC Hydro - a Crown Corporation; with telephone by Telus - a private corporation.</i> <i>Current public utilities are located within the Community Services land use designation, with the exception of Telus transfer station that is in the Agricultural Land Use designation and the highways works yard in the Residential land use designation. The principal and auxiliary fire halls are also within the Community Services land use designation.</i>	Choose an item.	For Information.
PUBLIC UTILITIES OBJECTIVES 1. <i>To ensure public utility land use and development is only for the servicing of Thetis Island residents and property owners and those of nearby adjacent islands.</i>	Choose an item.	Yet to be confirmed by proponent during ISED's Default Public Consultation Process.

<i>2. To support cooperation with public utility organizations engaged in providing services on Thetis Island and with their regulatory authorities.</i>	yes	The Thetis Local Trust Committee will be considering the TELUS proposal as per the ISED's Default Public Consultation Process.
PUBLIC UTILITIES POLICIES <i>1. Public utility land use and development proposals will only be supported if they are for the provision of services to Thetis Island or adjacent islands, and if they would have minimal impact on the rural character of Thetis Island.</i>		Yet to be confirmed by proponent during ISED's Default Public Consultation Process.
<i>2. Locations for future public utility service sites shall be considered on a site specific basis, upon application.</i>	yes	The Thetis Local Trust Committee will be considering the TELUS proposal as per the ISED's Default Public Consultation Process.
Advocacy Policies <i>4. Public utilities or their agents engaged in vegetation management along transmission routes or corridors are to be encouraged to minimize the degree of visual disruption and to control the invasion of non-native species.</i>	Choose an item.	Yet to be confirmed by proponent during ISED's Default Public Consultation Process.
3.7 PROTECTIVE AND EMERGENCY SERVICES PROTECTIVE AND EMERGENCY RESPONSE OBJECTIVES <i>1. To support the provision of effective protective and emergency response services. 2. To ensure adequate fire protection services for Thetis Island. 3. To encourage fire safety. 4. To ensure availability of appropriate emergency response services for Thetis Island. 5. To encourage awareness of emergency response services for Thetis Island.</i>	yes	TELUS proposal includes improvement of emergency communications services.
4.1 NATURAL RESOURCES NATURAL RESOURCE OBJECTIVES <i>6. To protect the natural diversity of flora and fauna.</i>		To be considered by proponent during the ISED's Default Public Consultation Process.
4.4 HERITAGE AND ARCHAEOLOGICAL RESOURCES HERITAGE AND ARCHAEOLOGICAL RESOURCES OBJECTIVES <i>1. To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features. 2. To protect archaeological sites from damage due to development, land alteration or human use.</i>	yes	Mapping indicates a potential archaeological site within 50 metres of subject property. Applicant has received relevant information regarding potential archaeology sites and the Heritage Conservation Act.

<i>HERITAGE AND ARCHAEOLOGICAL RESOURCES POLICIES</i> <i>1. Applicants for development proposals should be notified if the subject property overlaps with a recorded protected archaeological site.</i>		
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Attachment 3

Cypress Land Services Inc.

Suite 1051 – 409 Granville Street

Vancouver, BC V6C 1T2

Telephone: 604.620.0877

Facsimile: 604.620.0876

Website : www.cypresslandservices.com

April 24, 2019

Via Email: meggen@islandstrust.bc.ca

Dear Marnie Eggen,

Subject: TELUS Communication Inc. Telecommunications Facility Proposal
Information Package
PID: 000-275-654
Legal: LOT 2, DISTRICT LOT 15, THETIS ISLAND, COWICHAN DISTRICT, PLAN 34102
Address: 155 Pilkey Point Road, Thetis Island, BC
Coordinates: 49.0003391°, -123.664587°
TELUS Site: BC104209 - Thetis Island

Overview

Cypress Land Services Inc., in our capacity as agents to TELUS, is submitting this information package to formalize the consultation process related to the installation and operation of a telecommunications facility at 155 Pilkey Point Road, Thetis Island.

Proposed Site

The subject property is located at 155 Pilkey Point Road, Thetis Island, BC. This is a five (5) acre property with a single family residence. TELUS proposes to construct a 50 metre steel triangular self-support tower structure to improve telecommunications services to island residents. The facility will also support a microwave dish to provide backup transmission for TELUS wireline services and provide emergency communications services operated by the Cowichan Valley Regional District. The facility is proposed near the entrance to the property within a mature trees area. Please see **Schedule A: Tower Site Location**.

Rationale for Site Selection

TELUS seeks to maintain and improve high quality, dependable services to areas of the island that have poor TELUS and emergency services. The site was chosen because it is at a high elevation.

Tower Proposal Details

TELUS is proposing to install a 50.0 metres self-support tower with a 4 foot microwave dish, panel antennas and antennas to support CVRD emergency services. The facility is located near the

entrance to the property about 35m from the front property line and 45m from the northern property line. The 50m height is required to provide a clear line of site for antenna equipment. TELUS has completed preliminary design plans (**Schedule B: Preliminary Plans**).

Consultation Process with the Islands Trust

It is our understanding that Islands Trust does not have an adopted Telecommunications policy. Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, requires all proponents to consult with the local land use authority and public, notwithstanding that ISED has exclusive jurisdiction in the licensing of telecommunication sites, such as the proposed tower. Following ISED's requirements, TELUS would like to initiate Default Public Consultation Process (as described in the Industry Canada circular, CPC-2-0-03, issue 5, commonly referred to as the "CPC"). Information on the "CPC" consultation process may be found on-line at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>.

In order to obtain comments, concerns or questions in regard to the proposed tower site, the CPC requires TELUS to send out notification packages to all properties located within three times the height of the proposed tower (150 metres). A notice will also be placed in the local paper. Notices will be placed online and TELUS will host a public information meeting. This comment period is a minimum of 30 days. We expect the public consultation process to commence in May 2019.

At the conclusion of the consultation process, TELUS will prepare a summary of comments received from the community as well as the replies provided by TELUS. TELUS is requesting that, subsequent to the completed consultation process a letter or resolution of concurrence will be issued by Islands Trust.

Health and Safety

Health Canada's Safety Code 6 regulations are applicable to this, and all, telecommunications sites. Safety Code 6 seeks to limit the public's exposure to radiofrequency electromagnetic fields and ensures public safety. Additional information on health and safety may be found on-line at:

Health Canada:

http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php

Concurrence Requirements

In order to complete the consultation process, TELUS will be requesting concurrence from Islands Trust in a form acceptable by ISED.

Conclusion

Please consider this information package as the official commencement of consultation with the Islands Trust. TELUS is committed to working with Islands Trust and the community throughout the consultation process.

We look forward to working together during this process. Please do not hesitate to contact us by phone at 604-620-0877 or by email at chad@cypresslandservices.com.

Thank you in advance for your assistance and consideration.

Sincerely,
CYPRESS LAND SERVICES
Agents for TELUS



Chad Marlatt
Manager, Government Affairs

cc: Doug Anastos, TELUS

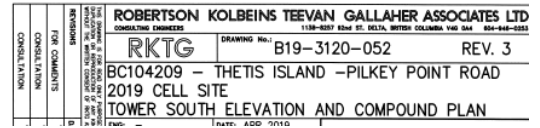
**SCHEDULE A
TELUS TOWER LOCATION**



[illegible]

NAD 83 ZONE 10					
DESCRIPTION	NORTHING	EASTING	LAT.	LONG.	GRD EL.
APPROX CENTRE OF TOWER	5427706.3	451390.9	N49°00'01.2209" 49.000339139°	W123°39.52'51.38" -123.664587167°	126m±

PRELIMINARY DESIGN PLANS – TOWER PROFILE and COMPOUND PLAN





Industry
Canada

Attachment 4
Industry
Canada

CPC-2-0-03

Issue 5

Released: June 26, 2014

Effective: July 15, 2014

Spectrum Management and Telecommunications

Client Procedures Circular

Radiocommunication and Broadcasting Antenna Systems

Comments and suggestions may be directed to the following address:

Industry Canada
Spectrum Management Operations Branch
235 Queen Street
Ottawa, Ontario
K1A 0H5

Attention: DOSP

Via e-mail: spectrum_pubs@ic.gc.ca

All [Spectrum Management and Telecommunications](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home) publications are available on the following website at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home>.

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1. Introduction

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. Antenna systems are normally composed of an antenna and some type of supporting structure, often called an antenna tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

1.1 Mandate

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*.

1.2 Application

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system,¹ regardless of the type. This includes telecommunications carriers,² businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception). Anyone who proposes, uses or owns an antenna system must follow these procedures. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes (“third party tower owners”). As well, parts of this process contain obligations that apply to existing antenna system owners and operators.

1.3 Process Overview

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

¹ For the purposes of this document, an “antenna system” is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. Thus, where this document refers to an “antenna,” the term includes the integral mast.

² For the purpose of this document, a “telecommunications carrier” means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.
2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.
3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.
4. Satisfying Industry Canada's general and technical requirements.
5. Completing the construction.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within **120 days**. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document. If the requirements of this document are satisfied and the proposal proceeds then, under step (5), construction of the antenna system must be completed within three years of conclusion of consultation.

2. Industry Canada Engagement

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office³ for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

3. Use of Existing Infrastructure (Sharing)⁴

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

Before building a new antenna-supporting structure, Industry Canada requires that proponents first explore the following options:

- consider sharing an existing antenna system, modifying or replacing a structure if necessary;

³ Please refer to Radiocommunication Information Circular RIC-66 for a list of addresses and telephone numbers for Industry Canada's regional and district offices. [RIC-66](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html) is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html.

⁴ See also Client Procedures Circular CPC-2-0-17, *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*. CPC-2-0-17 is available via the Internet at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html>.

- locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers etc.

A proponent is not normally expected to build a new antenna-supporting structure where it is feasible to locate an antenna on an existing structure, unless a new structure is preferred by the land-use authority.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system owners/operators to reply to a request by a proponent in writing with either:

- a proposed set of reasonable terms to govern the sharing of the antenna system; or
- a detailed explanation of why sharing is not possible.

4. Land-use Authority and Public Consultation

Contacting the Land-use Authority

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements and to discuss local preferences regarding antenna system siting and/or design, unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives.

Proponents should note that there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation,⁵ they must contact Industry Canada in order to ensure that the requirements for consultation are met.

Following the Land-use Authority Process

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of

⁵ Proponents are encouraged to refer to local community and online resources (for example, the Aboriginal and Treaty Rights Information System (ATRIS) (http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx) as applicable.

proposal from consultation or it is excluded by Industry Canada's criteria.⁶ Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

Broadcasting Undertakings

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would have result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this approach are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. Refer to Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

4.1 Land-use Authority Consultation

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction. The aim of this consultation is to:

- discuss site options;
- ensure that local processes related to antenna systems are respected;
- address reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtain land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes⁷ specific to antenna systems that consider such things as:

⁶ In all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower either by following Industry Canada's Default Public Consultation Process or, where one exists, the land-use authority's public consultation process..

⁷ Industry Canada is available to assist land-use authorities in the development of local processes. In addition, land-use authorities may wish to consult Industry Canada's guide for the development of local consultation processes.

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within **120 days**.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas such as personal antenna systems (e.g. used for over the air and satellite television reception or amateur radio operation).

4.2 Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. public notification);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. responding to the public); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. public reply comment).

Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 1) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc.

Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the [FCM's website](http://www.fcm.ca) www.fcm.ca.

located within a radius of three times the tower height.⁸ The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

2. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.⁹ Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

⁸ Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols.

⁹ The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within **30 days** of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

Concluding Land-use Authority Consultation

Industry Canada expects that land-use consultation will be completed within **120 days** from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

Concluding Industry Canada's Default Public Consultation Process

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

4.4 Post-Consultation

Whether the proponent followed a land-use authority's consultation process or Industry Canada's default public consultation process, construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant Land-Use Authority to an extension for a specified time period in writing. A copy of the agreement must be provided to the local Industry Canada office.

5. Dispute Resolution Process

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

6. Exclusions

All proponents must satisfy the General Requirements outlined in Section 7 regardless of whether an exclusion applies to their proposal. All proponents must also consult the land-use authority and the public unless a proposal is specifically excluded. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;

- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

The following proposals are excluded from land-use authority and public consultation requirements:

- **New Antenna Systems:** where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Existing Antenna Systems:** where modifications are made, antennas added or the tower replaced¹⁰, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation¹¹. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- **Non-Tower Structure:** antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;¹² and
- **Temporary Antenna Systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing antenna system.

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

7. General Requirements

In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including: compliance with Health Canada's

¹⁰ The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

¹¹ Initial antenna system installation refers to the system as it was first consulted on, or installed.

¹² Telecommunication carriers, operators of broadcasting undertakings and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.

Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and Transport Canada/NAV CANADA aeronautical safety responsibilities.

7.1 Radio Frequency Exposure Limits

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication, entitled: *Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*.¹³ While the responsibility for developing Safety Code 6 rests with Health Canada, Industry Canada has adopted this guideline for the purpose of protecting the general public. Current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of installations to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment.

Telecommunications common carriers and operators of broadcasting undertakings are to carry out an exposure evaluation on all new installations and following any increases in radiated power. Either measurement surveys or mathematical or numerical computations can be used for this evaluation. Where the radio frequency emission of any installation, whether telecommunications carrier or broadcasting operator, is greater than, or is equal to, 50%, of the Safety Code 6 limits for uncontrolled environments at locations accessible to the general public (i.e. not solely available for access by workers), the operator(s) of radio frequency emitters must notify Industry Canada and demonstrate compliance with Safety Code 6. This determination of 50% of Safety Code 6 must be in consideration of the local radio environment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the general public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.

Compliance with Safety Code 6 is an ongoing obligation. At any time, antenna system operators may be required, as directed by Industry Canada, to demonstrate compliance with Safety Code 6 by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures.¹⁴ At the request of Industry Canada, telecommunications carriers and operators of broadcasting undertakings must provide detailed compliance information for individual installations within five days of the request. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

¹³ To obtain an electronic copy of Safety Code 6, contact: publications@hc-sc.gc.ca.

¹⁴ See Client Procedures Circular [CPC-2-0-20](#), *Radio Frequency (RF) Fields – Signs and Access Control*.

7.2 Radio Frequency Immunity

All radiocommunication and broadcasting proponents and existing spectrum users are to ensure that their installations are designed and operated in accordance with Industry Canada's immunity criteria as outlined in EMCAB-2¹⁵ in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements¹⁶ on this matter.

Proponents are advised to consider the potential effect that their proposal may have on nearby electronic equipment. In this way, they will be better prepared to respond to any questions that may arise during the public and land-use consultation processes, or after the system has been installed.

Land-use authorities should be prepared to advise proponents and owners of broadcasting undertakings of plans for the expansion or development of nearby residential and/or industrial areas. Such expansion or development generally results in the introduction of more electronic equipment in the area and therefore an increased potential for electronic equipment to malfunction. By keeping broadcasters aware of planned developments and changes to adjacent land-use, they will be better able to work with the community. Equally, land-use authorities have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers.

7.3 Proximity of Proposed Structure to Broadcasting Undertakings

Where the proposal would result in a structure that exceeds 30 metres above ground level, the proponent is to notify operators of AM, FM and TV undertakings within 2 kilometres, due to the potential impact the physical structure may have on these broadcasting undertakings. Metallic structures close to an AM directional antenna array may change the antenna pattern of the AM broadcasting undertaking. These proposed structures can also reflect nearby FM and TV signals, causing "ghosting" interference to FM/TV receivers used by the general public.

7.4 Canadian Environmental Assessment Act

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.

An antenna system may not proceed where it is incidental to a designated project (as described in the *Regulations Designating Physical Activities*), or is otherwise expressly designated by the Minister of the

¹⁵ For more information see [EMCAB-2](#), entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01005.html>.

¹⁶ [BPR-1 - Part I: General Rules](#) can be found on the Spectrum Management and Telecommunications website at: <http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html>.

Environment without satisfying certain requirements applicable to designated projects. Therefore, a proponent of this type of project must contact Industry Canada for direction on how to proceed.

Any proposed antenna system on federal land may not proceed without a determination of environmental effects by Industry Canada. In order to assist the Department in making such a determination, proponents must submit a project description to Industry Canada, considering and addressing those elements of the environment described in CEAA 2012, as well as any determination of environmental effects that may have been made by the authority responsible for managing the federal land. Industry Canada may also require further information before it can complete its assessment. Industry Canada will inform the proponent of the results of its determination and may impose conditions related to mitigating any adverse effects after making its determination and/or may need to refer the matter to the Governor-in-Council under CEAA 2012.

In addition, notices under Industry Canada's default public consultation process require written confirmation of the project's status under CEAA 2012 (e.g., whether it is incidental to a designated project or, if not, whether it is on federal lands).

In addition to CEAA requirements, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements, such as those under the *Canadian Environmental Protection Act, 1999*, the *Migratory Birds Convention Act, 1994*, and the *Species at Risk Act*, as applicable.

For projects north of the 60th parallel, environmental assessment requirements may arise from federal statutes other than the aforementioned Acts or from Comprehensive Land Claim Agreements. Industry Canada requires that installation or modification of antennas or antenna supporting structures be done in accordance with these requirements, as appropriate.

7.5 Aeronautical Safety

Proponents must ensure their proposals for any antenna system are first reviewed by Transport Canada and NAV CANADA.

Transport Canada will perform an assessment of the proposal with respect to the potential hazard to air navigation and will notify proponents of any painting and/or lighting requirements for the antenna system. NAV CANADA will comment on whether the proposal has an impact on the provision of their national air navigation system, facilities and other services located off-airport.

As required, the proponent must:

1. submit an Aeronautical Obstruction Clearance form to Transport Canada;
2. submit a Land-use Proposal Submission form to NAV CANADA;
3. include Transport Canada marking requirements in the public notification package;
4. install and maintain the antenna system in a manner that is not a hazard to aeronautical safety; and

5. retain all correspondence.

For those antenna systems subject to Industry Canada's Default Public Consultation Process, the proponent will inform the community of any marking requirements. Where options are possible, proponents are expected to work with the local community and Transport Canada to implement the best and safest marking options. Proponents should be aware that Transport Canada does not advise Industry Canada of marking requirements for proposed structures. Proponents are reminded that the addition of, or modification to, obstruction markings may result in community concern and so any change is to be done in consultation with the local public, land-use authority and/or Transport Canada, as appropriate.

References and Details

Aeronautical Obstruction Clearance forms are available from any Transport Canada Aviation Group Office. Both the Aeronautical Obstruction Clearance form (#26-0427) and a list of Transport Canada Aviation Group regional offices are available on the Transport Canada website.¹⁷ Completed forms are to be submitted directly to the nearest Transport Canada Aviation Group office. (Refer to Canadian Aviation Regulations, Standard 621.19, Standards Obstruction Markings).

Land-use Proposal Submission forms are available from NAV CANADA¹⁸ and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

¹⁷ The [Transport Canada website](http://www.tc.gc.ca) can be found at: <http://www.tc.gc.ca>.

¹⁸ Search keywords "Land-use Proposal" on the [NAV CANADA website](http://www.navcanada.ca) at: <http://www.navcanada.ca>.

Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least **30 days** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

- 1) the proposed antenna system’s purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- 2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;
- 3) an attestation¹⁹ that the general public will be protected in compliance with Health Canada’s Safety Code 6 including combined effects within the local radio environment at all times;
- 4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- 5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- 7) Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- 8) an attestation that the installation will respect good engineering practices including structural adequacy;
- 9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

¹⁹ Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada’s Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

- 10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- 11) contact information for the proponent, land-use authorities and the local Industry Canada office; and
- 12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).

Dear Owner/Occupant,

May 6, 2019

Please accept this notification regarding proposed TELUS wireless service improvements in your community and an upcoming PUBLIC INFORMATION MEETING.

Subject: TELUS Telecommunications Facility Proposal
Address: 155 Pilkey Point Road, Thetis Island, BC
PID: 000-275-654
Coordinates: 49.000339139°, -123.664587167°
TELUS Site: BC104209 - Thetis Island

What is TELUS Proposing?

TELUS seeks to continue to provide high quality wireless services throughout British Columbia, including the Gulf Islands. Portions of Thetis Island requires improved wireless services to meet the community's personal, business and emergency needs. As such, TELUS proposes to construct a 50.0 metre self-support tower (plus lightning rod) at 155 Pilkey Point Road, Thetis Island. The facility will improve access to wireless services, emergency communications services operated by the Cowichan Valley Regional District and support existing TELUS wireline services with a backup communications link off the Island, ensuring continuity of TELUS' internet and home telephone services during an outage. The facility is proposed near the entrance to the property within a mature treed area. Please see **Schedule A: Tower Site Location**.

Background

In 2018 TELUS completed a consultation for the installation of a 22.0 metre tower structure at their existing property at 61 Pilkey Point Road, Thetis Island. The tower was proposed to provide a backup microwave connection for the existing submarine cable connecting TELUS wireline services to Vancouver Island. The microwave connection is required in the event the submarine cable is damaged to ensure TELUS services are maintained to island residents. During the consultation process, some of the community expressed interest for improved TELUS services as well as improved access to emergency services. While the 22.0 metre tower was approved it was determined that TELUS would explore constructing a larger tower, at a higher elevation, to enable the site to broadcast wireless services, emergency services as well as provide the backup microwave connection for wireline services. As such, TELUS is proposing to install a 50.0 metre tower at 155 Pilkey Point Road, Thetis Island.

PLEASE NOTE THAT TELUS WILL BE HOLDING A PUBLIC INFORMATION MEETING:

WHEN: WEDNESDAY, MAY 29, 5:30-7:00 PM (DROP IN FORMAT)

WHERE: THETIS ISLAND PUB MARINA - 46 HARBOUR RD, THETIS ISLAND, BC V0R 2Y0

Regulatory Authority

Telecommunication providers are required by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, to consult with the local municipality and the general public regarding new wireless installations. ISED does have exclusive jurisdiction over the approval and placement of telecommunications installations.

The consultation process will provide an opportunity for residents, stakeholders and landowners to obtain detailed information regarding the proposal and to provide comments for consideration. Any inquiries that are



received as a result of this notification will be logged and submitted to the Islands Trust and ISED as part of our application for land use concurrence.

Local Municipality

Thetis Island Local Trust Area does not have a telecommunications consultation process to guide the consultation process. As such, ISED's Client Procedures Circular 2-0-03 (CPC) consultation process will be followed. This process requires all properties within three times the structure height be notified (in this instance those within 150.0 metres) and advertisement of the proposal. TELUS has also placed advertisement of the project at www.thetisisland.net and will be holding a public information meeting. This notification is to provide the opportunity to obtain information regarding the proposal, ask questions and provide comments. The closing period for comments to be received by TELUS is **June 7, 2019**.

Location

The subject property is located at 155 Pilkey Point Road, Thetis Island, BC. The property is a large, well treed five (5) acres parcel zoned as Rural Residential and consists of a single family home. The new facility is proposed to be located at the coordinates N **49.000339139°**, W **-123.664587167°** on north side of the property approximately 35 metres from the entrance to the property and 45 metres from the north property line.

Safety Code 6

ISED requires all wireless carriers to operate in accordance with Health Canada's safety standards. TELUS attests that the installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time.

Site Access

Access will be obtained through the existing access to the property. Construction is expected to take approximately eight weeks.

Environment

TELUS confirms that the installation is excluded from environmental assessment under the Canadian Environmental Assessment Act. Any municipal environmental regulations will be followed.

Transport Canada

The tower will be constructed to include any aeronautical markings or lighting required by Transport Canada. Comments are pending.

Structural Considerations

TELUS confirms that the antenna structure described in this notification package will apply good engineering practices including, structural adequacy during construction.

General Information

General information relating to antenna systems is available on ISED's Spectrum Management and Telecommunications website: <http://www.ic.gc.ca/eic/site/ic-gc.nsf/eng/07422.html>



Contacts:

TELUS c/o Chad Marlatt of Cypress Land Services
Agents for TELUS
Suite 1051, 409 Granville Street
Vancouver, BC V6C 1T2
Phone: 1-855-301-1520
Fax: 604-620-0876
Email: publicconsultation@cypresslandservices.com

ISED

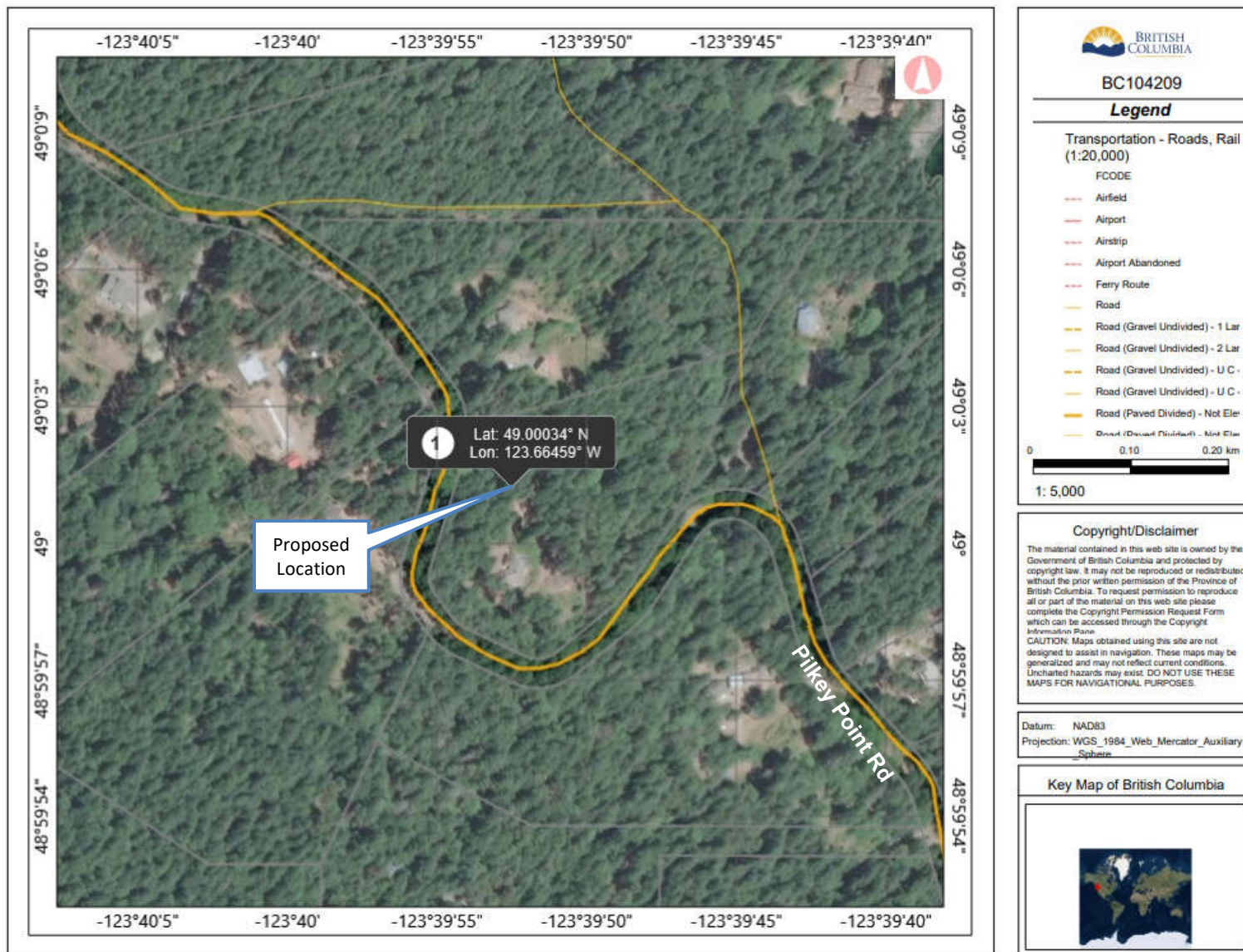
Vancouver Island Office
1230 Government Street, Room 430
Victoria BC V8W 3M4
Tel: 250-363-3803
Fax: 250-363-0208
Email: ic.spectrumvictoria-victoriaspectre.ic@canada.ca
(By appointment only)

Islands Trust, Northern Office

Marnie Eggen, MCIP, RPP
Island Planner
700 North Road
Gabriola Island, BC, V0R 1X3
Phone: 250-247-2210
Email: meggen@islandstrust.bc.ca

If you have any specific questions regarding the proposal, please feel welcome to contact the above.

AERIAL MAP



PRELIMINARY DESIGN PLANS – KEY PLAN

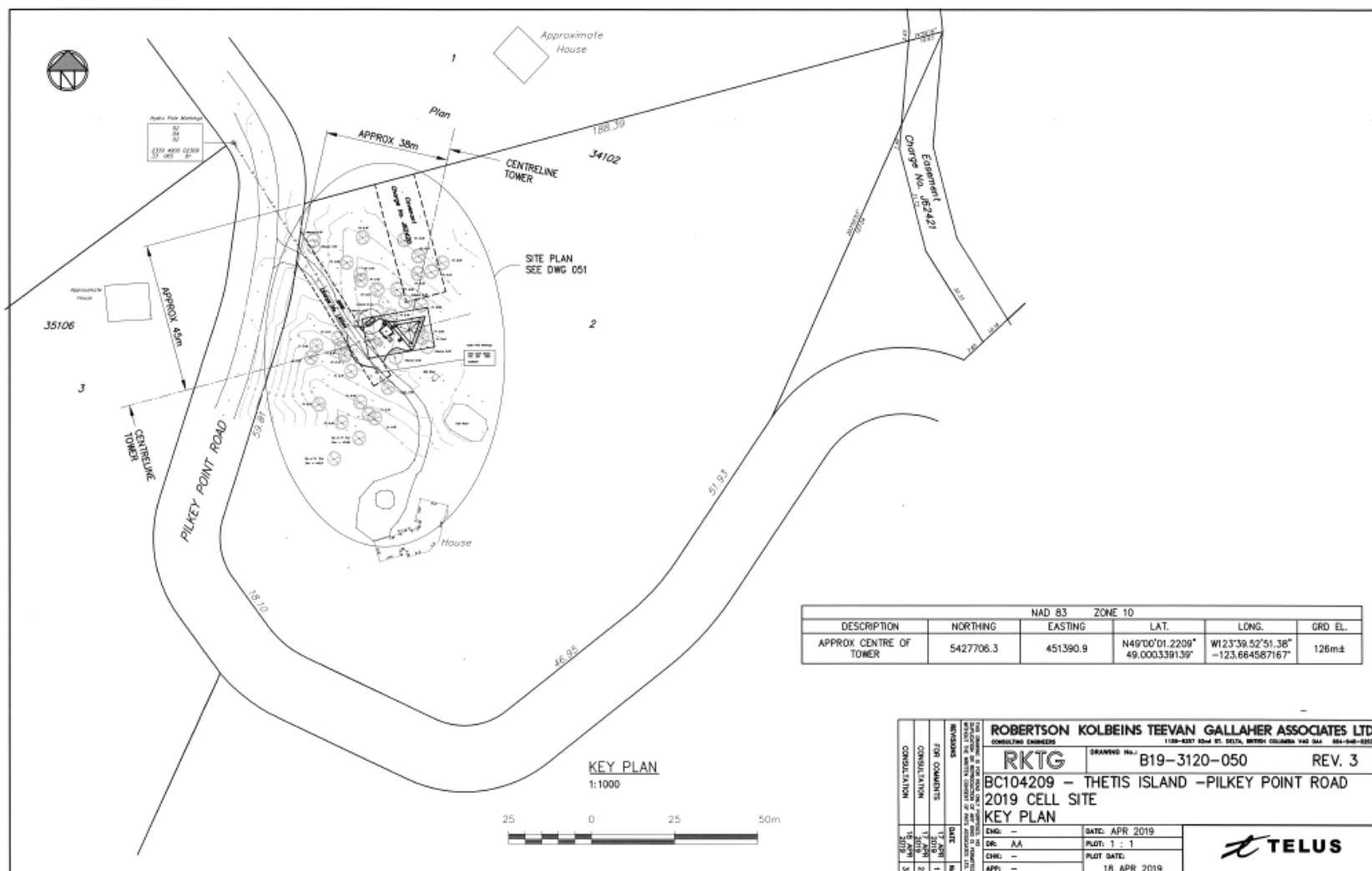






PHOTO-SIMULATIONS

BEFORE



AFTER



Photo-rendering of proposed facility looking SW from the north end of North Cove Road.

Note: Photo-simulation is for conceptual purposes only. Proposed design is subject to change based on final engineer plans.

PHOTO-SIMULATIONS

BEFORE



AFTER



Photo-rendering of proposed facility looking SW from Pilkey Road near the entrance of 155 Pilkey Point Road.

Note: Photo-simulation is for conceptual purposes only. Proposed design is subject to change based on final engineer plans.

PHOTO-SIMULATIONS

BEFORE



AFTER



Photo-rendering of proposed facility looking east from Lakeview Road.

Note: Photo-simulation is for conceptual purposes only. Proposed design is subject to change based on final engineer plans.



COMMENT SHEET
TELECOMMUNICATIONS FACILITY PROPOSAL
ADDRESS: 155 Pilkey Point Road, Thetis Island, BC
COORDINATES: N 49.000339139°, W -123.664587167°
TELUS SITE: BC104209 - THETIS ISLAND

1. Do you feel this is an appropriate location for the proposed facility?

- ☐ Yes
☐ No

Comments _____

2. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

- ☐ Yes
☐ No

Comments _____

3. Additional Comments _____

Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes; however, your comments will only be used by TELUS in satisfying ISED's consultation requirements. The closing period for comments to be received by TELUS is **June 7, 2019**.

Name _____
(Please print clearly)
Email Address _____
Mailing Address _____

TELUS c/o Cypress Land Services Inc.
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
Attention: Tawny Verigin, Municipal Affairs Specialist
Thank you for your input.

File No.: TH-DVP-2015.2
(Trincomali Holdings)

DATE OF MEETING: June 11, 2019

TO: Thetis Island Local Trust Committee

FROM: Ann Kjerulf, Regional Planning Manager
Northern Team

SUBJECT: TH-DVP-2015.2 (Setback Variance Request)
Applicant: D. Wickham, Trincomali Holdings
Location: 204 Pilkey Point Road, Thetis Island
Parcel Identifier: 004-858-026
Lot 27, District Lot 30, Thetis Island, Cowichan District, Plan 12796

RECOMMENDATION

1. That the Thetis Island Local Trust Committee deny issuance of TH-DVP-2015.2.
2. That the Thetis Island Local Trust Committee adopt the following standing resolution:

The Thetis Island Local Trust Committee directs Bylaw Compliance and Enforcement Staff to suspend enforcement of Thetis Island Land Use Bylaw, 2011 in relation to the unlawful retaining wall located at 204 Pilkey Point Road, Thetis Island until such time as the owner does any work on the property that alters or affects the wall and requires a permit, or does any work that requires a permit to the northernmost cabin on the property, or makes an application to the relevant authority for building inspection to demolish, relocate or alter the northernmost cabin on the property;

Nothing in this enforcement policy should be interpreted as giving permission to violate the Thetis Island Land Use Bylaw, 2011, and the Thetis Island Local Trust Committee may change this policy at any time and may give direction to take enforcement action at any time.

REPORT SUMMARY

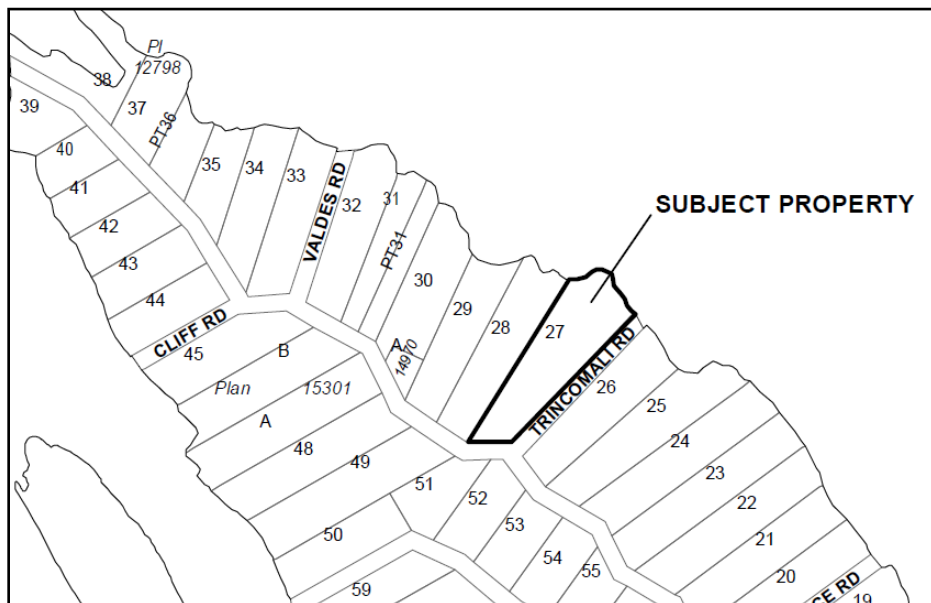
The Thetis Island Local Trust Committee (LTC) is asked to consider development variance permit (DVP) application TH-DVP-2015.2 to authorize a retaining wall within the required 6.0 metre rear setback of the subject property located at 204 Pilkey Point Road. Staff recommends that the LTC deny the permit and adopt a standing resolution to suspend bylaw enforcement in relation to the retaining wall structure.

BACKGROUND

The application, submitted in 2015, seeks to vary section 5.4(b) of the LUB to reduce the required setback from 6.0 metres to 0.0 metres for an existing retaining wall structure. The application is the result of complaint-driven bylaw enforcement action following construction of the wall without a DVP in 2009. According to the applicant, the wall was constructed to protect the subject property, including a non-conforming cottage located close to the shoreline, from erosion and storm impacts.

The subject property is 1.06 hectares (2.62 acres) in size and located at the intersection of Pilkey Point Road and Trincomali Road on Trincomali Channel at the northern end of Thetis Island (see Figure 1).

Figure 1. Subject Property



In 2016, the applicant hired JPH Consultants to undertake a biophysical impact assessment of the wall. The report, provided to the LTC on November 29, 2016, noted that while “visual and riparian values have been compromised, ... weathering, growth of salal above the wall, and ... planting efforts ... point to successful mitigation of both impacts,” and “the wall does not appear to be causing any adverse conditions at the shoreline (barring perceptual/aesthetic matters).” The report recommended:

- i. That the wall not be removed because it “would gain no habitat or shore protection advantage” and because “there is little space between the cabin and the top-of-bank – removing the wall, then experiencing a northerly 100 year storm could be catastrophic.”
- ii. That the toe of the wall be planted with beach rye and other salt-tolerant, sediment-anchoring, native plants and removal of grass along a 2.5-3 m strip above the wall with extensive of existing native plants, to the entire length of the wall.

Previous LTC consideration for application TH-DVP-2015.2 includes the following:

LTC Meeting Date	Discussion / Resolution (if applicable)
November 29, 2016	The LTC received the first staff report for application TH-DVP-2015.2, along with a professional report from Pat Harrison, BCSLA of JPH Consultants. TH-2016-070 It was MOVED and SECONDED that the Thetis Island Local Trust Committee consider issuance of TH-DVP-2015.2 when: a) mitigation measures recommended in the Impact Assessment Report dated July 15, 2016 prepared by JPH Consultants are carried out to the satisfaction of the Planner; b) First Nations concerns are addressed to the satisfaction of the Local Trust Committee; c) a signed survey prepared by a Registered BC Land Surveyor is provided showing the location of the seawall structure. <u>CARRIED</u>

August 29, 2017	The LTC considered the second staff report for application TH-DVP-2015.2, along with a survey prepared by Brent Taylor, BCLS of Polaris Land Surveying. TH-2017-034 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. <u>CARRIED</u>
December 12, 2017	The LTC received a staff memorandum advising of referral responses from provincial agencies including the Land Titles and Survey Authority (LTSA); Forests, Lands, Natural Resource Operations and Rural Development (FLNROLD) Crown Tenures; and Archaeology Branch.
February 27, 2018	The LTC received a staff memorandum and attached letter from Penelakut Chief Joan Brown requesting an assessment to ensure there were no impacts to any artifacts, contamination to the foreshore, and/or long term effects to the environment. TH-2018-001 It was MOVED and SECONDED that the Thetis Island Local Trust Committee request staff to ensure that the Penelakut Tribe has received the Harrison report with regard to the Trincomali Holdings Development permit. <u>CARRIED</u>
December 11, 2018	The LTC passed the following resolution upon receipt of the Applications Report: 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. <u>CARRIED</u>
April 23, 2019	The status of resolution TH-2018-063 was discussed. The applicant provided staff a copy of the preliminary field reconnaissance (PFR) report prepared by Chris Engisch, Archaeologist on November 2, 2018.

Staff reports and information related to TH-DVP-2015.2 are available on the Islands Trust website: www.islandstrust.bc.ca/islands/local-trust-areas/thetis/current-applications/current-application-documents/.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The Islands Trust Policy Statement (ITPS) contains policies, which are relevant to consideration of the application:

- 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.*

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

Official Community Plan:

The Thetis Island Official Community Plan (OCP) more specifically informs land use decisions in the local trust area. A guiding principle of the OCP is, *“That development and growth is guided in a manner that protects sensitive ecosystems, encourages sustainability, and anticipates the potential effects of climate change.”*

The OCP calls for consideration of *“The protection of sensitive ecosystems and the preservation of the landscape from visual degradation” in the review and revision of land use regulatory bylaws.”*

Furthermore, the OCP includes specific policies for marine and coastal resources:

- Foreshore and adjacent coastal water area land use regulations should place emphasis on retaining natural characteristics.
- The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by:
 - a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore.
 - b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, excepting maintenance of navigational channels and existing wharfage areas.
 - c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures.

Land Use Bylaw:

Section 5.4(b) of the Thetis Island Land Use Bylaw (LUB) requires that buildings and structures be located at least 6.0 m from the rear property line. The requested variance would reduce the required setback for the retaining wall to 0.0 m, within the R1 zone. The adjacent W4 (water) zone does not permit the retaining wall structure and the LUB contains the following information note:

“INFORMATION NOTE: Any structure or on the foreshore (i.e. below the high water mark which is the line between private property and Crown land), mariculture use requires a lease from the Integrated Land Management Bureau.”

Issues and Opportunities

ITPS/OCP

The placement of a concrete block wall by the foreshore does not appear to be in keeping with ITPS policies regarding protection of sensitive coastal areas, natural coastal processes or the overall visual quality and scenic value of the Trust Area. Furthermore, the proposal does not appear to be consistent with OCP policies to protect sensitive ecosystems, natural erosion and accretion processes, or to preserve the landscape from visual degradation.

Staff note that, if the application for the wall had been received prior to its construction, staff would have endeavoured to work with the applicant to explore alternative options to the existing concrete block wall, such as a green shores approach to shoreline protection or relocation of the existing cottage. These alternative approaches may have eliminated the need for the applicant to seek a DVP and would also have been more consistent with existing ITPS and OCP policies, and current understanding of climate change and First Nations interests in the local trust area.

Referral Responses

In August 2017, the LTC requested that the application be referred to the Crown, Archaeology Branch and First Nations.

Crown Lands

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) is responsible for the administration of Crown Lands through the *Land Act*. Use of Crown Lands for residential purposes or placement of structures requires prior authorization from the Province. The survey completed in 2018 by Polaris Land Surveying raised concern that the retaining wall is partially located on Crown land (foreshore).

The referral response from FLNRORD indicated interests unaffected but noted, *“As the adjacent land owner may apply, through provisions of the Land Title Act, to the Surveyor General for the accreted lands, we recommend that issues regarding accretion and erosion are forwarded to the Surveyor General for clarification regarding ownership of the land. The applicant should be advised to apply for a Crown land tenure for those improvements that are located below the High Water Mark.”*

Surveyor General

The Surveyor General declined to comment on the location of the present natural boundary (PNB) of the subject property apart from highlighting the discrepancy between the location of the PNB and natural boundary from Plan 12796 (registered on title in 1958) and offering steps to update the land title to recognize the current location of the natural boundary.

First Nations

As noted in the December 2017 memorandum, both the Halalt and Lyackson First Nations indicated that they would defer to Penelakut Tribe on this matter, and that key concerns expressed by Penelakut (Chief, Councillors, and staff) included: *construction of a seawall on a recorded prehistoric midden, the lack of consultation with Penelakut prior to construction of the wall, the lack of prior archaeological assessment and failure to obtain a provincial heritage alteration permit, and potential environmental impacts to the beach and fisheries. Penelakut expressed their intent to issue a formal referral response following a meeting of Chief and Council on December 14, 2017.*

Penelakut Chief Joan Brown provided a letter to Islands Trust in February 2018 requesting that a post-assessment report be completed to determine any potential archaeological or environmental impacts of the wall.

A preliminary field reconnaissance (PFR) report was completed by the applicant’s archaeologist in November 2018 and subsequently provided to the Archaeology Branch and Penelakut Tribe. Penelakut Tribe has not provided the Islands Trust with any further comments on the application or PFR report.

Archaeology Branch

Construction of the retaining wall disturbed a recorded archaeological site, and thereby contravened the *Heritage Conservation Act*. Archaeology Branch staff communicated on May 2, 2019 that *“the branch has reviewed and*

accepted the PFR, as a non-permitted post-impact assessment measure (without ground disturbance), and that in the event of development and/or ground alterations, a HCA Section 12 Site Alteration Permit will be required.”

Staff note that a recent DVP application on Salt Spring Island, involving the siting of structures in the natural boundary setback and disturbance of a known archaeological site, resulted in a request from the Salt Spring LTC for the owner to work with the Archaeology Branch to place a Notice of Heritage Status, under Section 32 of the *Heritage Conservation Act*, on the title of the subject property (see SS-DVP-2018.9 – 161 Fulford-Ganges Road).

Staff have presented the alternative (below) that the LTC may make the same request for application TH-DVP-2015.2. A Notice of Heritage Status on title would alert potential purchasers, land use planners or building inspectors in the future that there is a recorded archaeological site on the subject property, thereby flagging the requirement to comply with the *Heritage Conservation Act* prior to and during development of the property.

Erosion Protection

The applicant has expressed that the wall is intended to protect the subject property, including the existing non-conforming cabin, from erosion. The report from JPH (Landscape) Consultants suggested removal of the wall “could be catastrophic” in the event of a 100 year storm due to the proximity of the cabin to the wall. Notably, certification that the wall is needed to protect the subject property from hazardous conditions (such as erosion, flooding or storm surge) may only be relied upon if made by a suitably qualified professional engineer.

Staff have presented the alternative (below) that the LTC may request the applicant to provide a supporting report, from a qualified professional engineer with relevant expertise, certifying that the retaining wall is necessary to protect the subject property from hazardous conditions.

Islands Trust Council’s Declaration on Climate Change

Islands Trust Council has very recently declared a climate change emergency and is expected to consider a staff report at the June 2019 Council meeting on measures and land-use planning actions that the Islands Trust can take to advance progress toward Local Trust Committee climate reduction targets. Opportunities at the LTC level, consistent with the *Local Government Act*, including amended zoning regulations, designation of development permit areas and establishment of floodplain management bylaws.

Future redevelopment of the subject property could theoretically be subject to any or all of these legislative measures, and presents an opportunity for climate change adaptation, restoration of natural shoreline function and demonstration of respect for the interests and cultural heritage of local First Nations.

Enforcement Policy

Staff note that none of the agencies or First Nations who commented on the application requested that the wall be removed. There is also a concern that removal of the wall may further disturb the existing archaeological site. Staff are inclined to recommend, as a result, that the LTC adopt an interim enforcement policy – to suspend enforcement action on the wall (i.e. to not require the wall’s removal) until such time as the owner seeks to redevelop the existing non-conforming cabin, which is arguably protected by the retaining wall.

Statutory Requirements

Notification of this variance permit application was distributed to neighbouring property owners and tenants (within 100 metres) on November 18, 2016 in accordance with statutory requirements. No submissions were received.

Rationale for Recommendation

Staff acknowledge the efforts of the applicant to respond to the LTC's requests for further information about the impacts of the retaining wall on the foreshore environment and recorded archaeological site. However, staff are unable to reconcile the placement of the wall with the intent of the Islands Trust Policy Statement, Thetis Island Official Community Plan, and recent declaration by the Islands Trust Council in regards to climate change, and are, therefore, unable to recommend that the variance be granted.

Staff are also of the opinion that there is no urgent need to remove the wall. The responses from FLNRORD and LTSA do not express concerns with the presence of the wall, but provide a path forward should the owner wish to update the land title to reflect the wall's current location pursuant to the *Land Title Act* and *Land Act*. This issue may be revisited at such time as the owner wishes to redevelop the subject property in a manner that would involve alteration of the existing non-conforming cabin, which appears to be the only reason for the wall's existence. Accordingly, staff recommend that the LTC adopt a standing resolution to suspend bylaw enforcement in relation to the retaining wall structure.

The staff recommendation is noted on page 1 of the report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request Notice of Heritage Status (prior to further consideration of TH-DVP-2015.2)

That the Thetis Island Local Trust Committee request the applicant for TH-DVP-2015.2 (Trincomali Holdings) work with the BC Archaeology Branch to place a Notice of Heritage Status, under Section 32 of the Heritage Conservation Act on the title of the subject property (204 Pilkey Point Road - PID 004 858 026).

2. Request Qualified Professional Engineer Report (prior to further consideration of TH-DVP-2015.2)

That the Thetis Island Local Trust Committee request the applicant for TH-DVP-2015.2 (Trincomali Holdings) provide a report from a qualified professional engineer with relevant expertise, certifying that the retaining wall is necessary to protect the subject property from hazardous conditions.

3. Issue TH-DVP-2015.2

The LTC may issue the DVP (draft permit attached).

That the Thetis Island Local Trust Committee approve issuance of application TH-DVP-2015.2 (Trincomali Holdings) subject to:

- i. Written confirmation being provided to the Islands Trust from a qualified landscape architect that beach rye and other salt-tolerant, sediment-anchoring, native plants have been established at the toe of the wall and existing native plants have been extended along the 2.5 -3 m strip above the wall on the subject property, in accordance with the recommendations of the JPH Consultants Report, dated July 15, 2016.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 4, 2019
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ATTACHMENTS

1. Draft Permit

PROPOSED



THETIS ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
TH-DVP-2015.2 – TRINCOMALI HOLDINGS LTD.

TO: Trincomali Holdings Ltd.

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

Parcel Identifier: 004-858-026

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

2. Pursuant to Section 498 of the *Local Government Act*, the *Thetis Island Land Use Bylaw, 2011* is varied as follows:

- a) Part 5. Residential Zones, Section 5.4 Height, Setbacks, and Siting of Buildings, Structures and Uses, Article (b) is varied:

- To reduce the rear setback from 6.0 metres to 0.0 metres for an existing retaining wall structure.

Subsection 5.4 (b) is varied to permit a retaining wall to be sited 0.0 metres from the rear lot line in accordance with Schedule A, attached to and forming part of this permit.

3. The proposed development shall be consistent with Schedule A, attached to and forming part of this permit.
4. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Thetis Island Land Use Bylaw, 2011*, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE THETIS ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2019.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF 2021, THIS PERMIT AUTOMATICALLY LAPSES.

THETIS ISLAND LOCAL TRUST COMMITTEE
TH-DVP-2015.2 – TRINCOMALI HOLDINGS LTD.
Schedule "A"

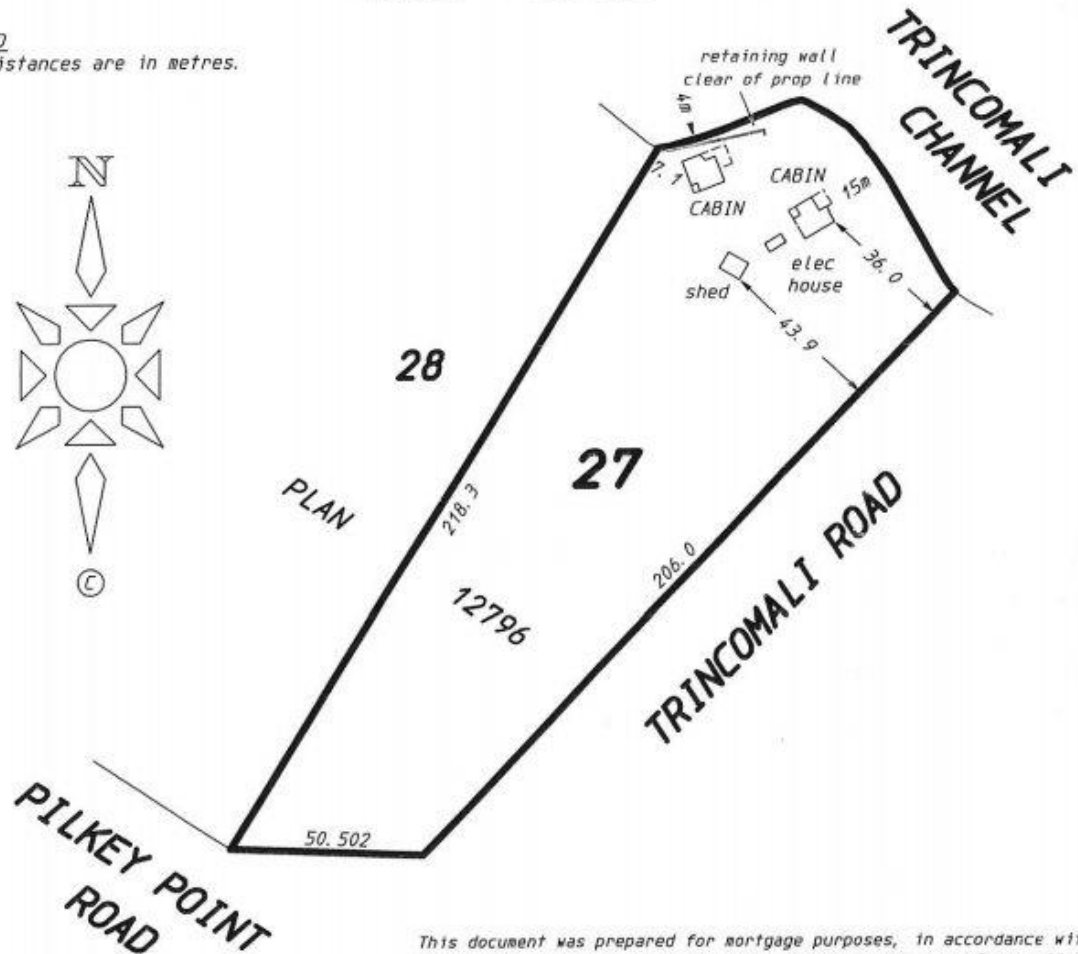
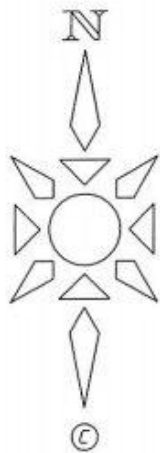
B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON
**LOT 27, DISTRICT LOT 30, THETIS
ISLAND, COWICHAN DISTRICT, PLAN 12796.**

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

Scale = 1: 1750

LEGEND

All distances are in metres.



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

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

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

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

Certified correct this 26th day of July, 2010.

B. C. L. S.

This document is not valid unless originally signed and sealed

Field survey completed July 23, 2010.

BOWERS & ASSOCIATES

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

© 2010



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

DATE OF MEETING: June 11, 2019
TO: Thetis Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
Miles Drew, Bylaw Enforcement Manager
SUBJECT: Ruxton Island Private Moorage Structures Review Project – Bylaw No. 103

RECOMMENDATION

1. That third reading of Bylaw No. 103, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, be rescinded.
2. That Thetis Island Local Trust Committee Bylaw No. 103, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, be amended by adding a new section after section 1.9 that states:

“PART 5 ZONES, Section 5.11 Marine Ruxton (W3), Subsection Siting and Size 5.11(2) is deleted in its entirety and the bylaw is renumbered accordingly.”
3. That 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 third time, as amended.
4. That Thetis Island Local Trust Committee Bylaw No. 103, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment Bylaw No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

Staff recommend that the Thetis Local Trust Committee (LTC) consider a minor amendment to Bylaw No. 103 post public hearing in order to remove one subsection in the Thetis Associated Islands Land Use Bylaw No. 94 where a reference to swimfloats remains in the Marine Ruxton (W3). This should have been included in the amendments to Bylaw No. 103 at second reading at the LTC meeting held on April 23, 2019, when the LTC decided to remove swimfloats as a permitted use from the Ruxton Marine (W3) zone. However, it was missed in the drafting of the resolution. Staff recommend that because it is a minor amendment, third reading be rescinded now, the Bylaw amended, and third reading be given as amended without the need for a second public hearing.

NEXT STEPS

Should the LTC pass the recommended resolutions, staff will forward Bylaw No. 103 to the Executive Committee for approval.

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Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	June 5, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 5, 2019

ATTACHMENTS

1. Proposed Bylaw No. 103 (third reading)

PROPOSED

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 22ND DAY OF FEBRUARY , 2019

READ A SECOND TIME THIS 23RD DAY OF APRIL , 2019

PUBLIC HEARING HELD THIS 31ST DAY OF MAY , 2019

READ A THIRD TIME THIS 31ST DAY OF MAY , 2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

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 .5 meters 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 Articles 5.11(1)(b) and 5.11(1)(c):

- “(b) Swimfloats;
(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 their entirety; and renumbering Article 5.11(1)(d) to (b) to effect this change.



File No.: 4800-25

DATE OF MEETING: June 11, 2019

TO: Thetis Island Local Trust Committee

FROM: Gillian Nicol,
Project Lead, Visions 2099: The Future of the islands in the Salish Sea
Program Coordinator, Trust Area Services

Andrew Templeton,
Communication Lead, Visions 2099– The Future of the islands in the Salish Sea
Communication Specialist, Trust Area Services
Southern Team

COPY: Russ Hotsenpiller
Project Sponsor, Visions 2099–The Future of the islands in the Salish Sea
Chief Administrator Officer, Islands Trust

SUBJECT: Public Engagement in the Thetis Island Local Trust Area for Visions 2099: The Future of the islands in the Salish Sea (Working Title)

RECOMMENDATION

That the Thetis Island Local Trust Committee endorse the recommended public engagement activities to take place in the Thetis Island Local Trust Area in support of the Trust Council's Visions 2099: The Future of the islands in the Salish Sea, as outlined in the June 11th, 2019 staff report.

REPORT SUMMARY

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

- background information on Trust Council's Visions 2099: The Future of the islands in the Salish Sea (working title);
- an outline and description of the in-person and online engagement activities that are proposed for the Thetis Island Local Trust Area, which will take place at some point between July and November 2019.

BACKGROUND

On June 21, 2017, the Islands Trust Council voted to assign the Executive Committee (EC) co-ordination of a review of the following sections of the Islands Trust Policy Statement: Introduction, Part I, Part II and Schedule 1 - Definitions.

The Executive Committee established the objectives for this review as follows:

1. To receive final adoption by Trust Council of a bylaw amending Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement that includes up-to-date information, improved history section

and appropriate acknowledgment of First Nations, and a recognition of the increasing impacts of climate change

2. To improve understanding of the content and function of the Policy Statement
3. To increase awareness and knowledge about Islands Trust and its mandate
4. To promote understanding of Reconciliation and history
5. To develop stronger relationships with First Nations
6. To seek input on long term visions for the Trust Area
7. To gain experience with the Policy Statement amendment process to inform future processes and budget processes
8. To increase awareness about the potential impacts of climate change on the Trust Area, as well as opportunities for mitigation, resilience, and adaptation policies to prepare for this threat

At its March 2019 meeting, EC approved an engagement plan to support this review process. With the working title *Visions 2099: The Future of the islands in the Salish Sea*, the plan features a twin-track approach with strategies designed to engage First Nations alongside residents of the island communities and the general public. It is with the latter engagement work that this current report is concerned.

An individual engagement plan will be developed for each local trust area, making use of different engagement options, which are outlined in the appendix.

Both online and in-person, the approach will be one of openhearted engagement, a genuine opportunity to take the temperature and better understand the visions that different communities/people have for themselves, the islands individually, and for the region as a whole, in order to better understand present hopes and fears and to effectively prepare for the future.

This discussion will be framed through the Object of the Islands Trust with acknowledgement that the world has changed in the intervening years, and the Islands Trust needs to remain effective in preserving and protecting for the long-term and be prepared to meet new and unexpected challenges.

Recommended Engagement Activities

The recommended course of action for the Thetis Island Local Trust Area in support of *Visions 2099* is as follows:

1. We would hold a community drop-in and world café event (Appendix 1, Page 14 for more information) during the engagement period of September and October 2019.

During the community drop-in portion of the event, information boards with the following content will be posted:

- The history of First Nations in the Salish Sea region, with specific reference to the Thetis Island LTA;
- Reconciliation and rights and title;
- A very brief history and purpose of the Islands Trust and our areas of responsibility;
- An overview of how the Policy Statement impacts decision-making in the Islands Trust Area;
- A snapshot of environmental health and demographics of the Thetis Island LTA, how things might change in the future if trends continue as they are;

- A snapshot of the environmental and social health of the Salish Sea region as a whole;
- Identify some of the issues that unite island communities, how things might change in the future if trends continue as they are.

The world café is a technique that brings people together in simultaneous rounds of conversation about questions that matter. We will provide members of the public an opportunity to foster meaningful discussion on questions pertaining to the topics from the information boards and others identified. This method provides the opportunity for members of the public to collaborate with others and empower one another.

2. We will offer an online engagement (Appendix 1, Page 15 for more information) would offer a robust online campaign using a range of social media tools and our website to disseminate information about the engagement process. It will contain the same information about the Thetis Island LTA provided during the in-person engagement and encourage online participation on the issues.
3. We will provide an educational and fun opportunity to connect with youth during their school classroom time, and/or after school activities by getting them involved in the process (Appendix 1, Page 15 for more information).

Promotion of the project will happen at both the regional and local level. This will include advertising in local papers, subscription notice, and promotion through social media. A few weeks in advance of the proposed in-person engagement, individuals with an interest in the Thetis Island LTA will be invited to submit their suggestions and ideas for topics that could fit within the broad themes of the project for the in person engagement.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

2. Suggest alternative engagement methods

The LTC suggest an alternative option for how engagement could take place in the Thetis Island LTA, supported by the materials contained in the attached Visions 2099 document. The LTC should be aware that the engagement processes—involving as it does, 13 different local trust areas and Bowen Island Municipality—is complex and requires a certain level of consistency across the entire Islands Trust Area to support appropriate data-collection.

RECOMMENDATION

That the **Thetis Island Local Trust Committee** endorse the recommended public engagement to take place in the Thetis Island Local Trust Area in support of the Trust Council's Policy Statement amendment project.

Submitted By:	Gillian Nicol, Project Lead, Visions 2099: The Future of the islands in the Salish Sea Program Coordinator, Trust Area Services Andrew Templeton Project Communication, Visions 2099: The Future of the islands in the Salish Sea Communications Specialist, Trust Area Services Southern Team	May 21, 2019
Concurrence:	Russ Hotsenpiller Project Sponsor, Visions 2099: The Future of the islands in the Salish Sea Chief Administrator Officer, Islands Trust	May 21, 2019

ATTACHMENTS

Appendix 1: Engagement plan for the Visions 2099: The Future of the islands in the Salish Sea, working title.



**Visions 2099:
The future of the islands in the Salish Sea
(Working Title)
Engagement Plan**

**(to inform amendments to Introduction, Part I, Part II and
Schedule 1 - Definitions sections
of the Islands Trust Policy Statement and the Islands Trust Act)**

May 16th, 2019

Introduction

On June 21, 2017, the Islands Trust Council voted to assign the Executive Committee, with involvement from Trust Programs Committee as appropriate, co-ordination of a review of the Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement; herein called Phase 1. By limiting the review/ amendment process to the preamble and definitions sections, Trust Council provides an opportunity to update sections of the document while promoting better understanding of the Islands Trust and an opportunity for all parties in the amendment process (Islands Trust staff, provincial staff, First Nations, referral agencies and the public) to familiarize themselves with the Policy Statement and amendment processes.

Thereafter, information and insight gained from Phase 1 will be applied to the more complex engagement required to amend the commitment, recommendation and directive policies of Trust Council in Part Three, Four and Five of the Policy Statement; herein called Phase 2. Trust Council's Policy Statement Amendment Policy outlines the required steps for Trust Council to review and amend the Policy Statement Bylaw. Key considerations for the amendment process are that the Policy Statement Bylaw may be amended by Trust Council only with the approval of the Minister responsible for local government, and such Ministerial approval will be based on ensuring no conflicts with Provincial interests and adequate engagement with First Nations.

The Policy Statement Amendment Policy defines the required sections and audiences for a plan for engaging First Nations and stakeholders on the Policy Statement. These are addressed below.

In November 2017, the Islands Trust Chair sent letters to First Nations inviting them to be involved in this project. This plan will support re-initiation of that invitation.

In December 2018, Trust Council requested that the Minister consider 10 changes to the Islands Trust Act that address the themes of enforcement and administration, modernization and advancing the mission.

In March 2019, Trust Council adopted a Reconciliation Declaration that will underpin this project. The First Nations Engagement Principles Policy sets out that Trust Council is committed to proving sincere desire for reconciliation with First Nations. Phase 1 engagement will endeavor to ensure First Nations define how they want to comment and which areas of the Policy Statement they would like to review. Phase 1 should ensure that we do not define the process and limit it to how we would like to engage. We want to ensure that engagement is allowing for collaborative decision-making and relationship building. This may include First Nations providing extensive comments on the document as a whole, while others may only focus on certain areas.

In March 2019, Trust Council added climate change mitigation, resilience, and adaptation policies to the Islands Trust Policy Statement amendment project.

Reconciliation with First Nations and the impact of climate change are changing how we think of our communities and how we plan for the future. With these major forces in play, impacting our lives on both the individual and collective levels, we need to ensure that the policy foundations set in place today preserve and protect the islands in ways that will ensure their health into the long-term future. What are our Island Visions for 2099? Do our current policy frameworks guide us to that desired future?

Objectives

1. To receive final adoption by Trust Council of a bylaw amending Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement that includes up-to-date information, improved history section and appropriate acknowledgment of First Nations, and a recognition of the increasing impacts of climate change.
2. To improve understanding of the content and function of the Policy Statement
3. To increase awareness and knowledge about Islands Trust and its mandate
4. To promote understanding of Reconciliation and history
5. To develop stronger relationships with First Nations
6. To seek input on long term visions for the Trust Area.
7. To gain experience with the Policy Statement amendment process to inform future processes and budget processes.
8. To increase awareness about the potential impacts of climate change on the Trust Area, as well as opportunities for mitigation, resilience, and adaptation policies to prepare for this threat

Context

The Policy Statement was developed over a period of two years from 1991 to 1993, through a comprehensive public consultation process that generated a high level of public participation and interest. However, at that time the consultation process did not focus or include engagement with First Nations who had historical and present day treaty, rights and title, and reserves within the Trust Area. Trust Council considered input from individuals, groups and other government agencies through presentations and more than 400 written submissions that outlined values, hopes and concerns. The Islands Trust Council adopted the Policy Statement bylaw in June 1994, following approval by the Minister of Municipal Affairs. Trust Council made updates to the Policy Statement in 1996, 1998, and 2002, following further consultation and ministerial approval.

In March 2010, Trust Council established a Policy Statement Assessment Task Force to conduct a preliminary assessment of the Trust Policy Statement and make recommendations regarding further actions. The task force produced a final report in May 2011. In March 2012, Trust Council decided not to undertake a three year comprehensive Policy Statement review process with funding from Canada's Gas Tax Fund.

Since that time there has been many changes in case law such as the Tsilhqot'in decision, signing of the United Nations Declaration on the Rights of Indigenous Peoples, the Trust and Reconciliation

Commission Calls to Action, as well as the Islands Trust First Nations Engagement Policy, and Islands Trust Reconciliation Declaration. There have also been changes in the region that include population growth, property value increases, demographics changes, climate change concerns, and increased concern with marine shipping and other marine uses. In preparation for this engagement initiative, staff have prepared an interim State of the Islands report that will inform conversations. There is an opportunity to engage on these societal and environmental changes through an inclusive process that creates positive opportunities to educate about the present state and the role of Islands Trust, and to envision a desired future.

Approach

Island Vision 2099

The project will be overseen by the Executive Committee with involvement from Trust Programs Committee as appropriate. In addition, the Ministry of Municipal Affairs and Housing has requested that the project have an inter-municipal advisory group comprised of, at minimum, representatives of the Ministry of Municipal Affairs and Housing, the Ministry of Indigenous Relations and Reconciliation, and Forests, Lands and Natural Resource Operations and Rural Development. There is also a need to keep the Minister of Municipal Affairs and Housing informed about the project on a regular basis. The first update to the Minister is proposed for mid-May 2019.

The project will feature a twin-track approach with strategies designed to engage with First Nations alongside engagement work designed for general island communities. It will also include regular updates to Trust Council and some engagement with Trust Council itself. As an agency that works on behalf of all British Columbians, the project will accept feedback from individuals who have an interest in the Trust Area but may not currently be a resident or landowner.

Both online and in-person, the approach will be one of openhearted engagement, a genuine opportunity to take the temperature and better understand the visions that different communities/people have for themselves, the islands individually and for the region as a whole, in order to better understand present hopes and fears and to effectively prepare for the future.

This discussion will be framed through the Object of the Islands Trust with acknowledgement that the world has changed and the Islands Trust needs to remain effective in preserving and protecting for the long-term and be prepared to meet new and unexpected challenges.

To support the conversation, we will provide background information in the following topic areas:

- The history of First Nations in the region and the LTA in question;
- Reconciliation and rights and title;
- A very brief history and purpose of the Islands Trust and our areas of responsibility;
- A snapshot of environmental health and demographics of the LTA in question, how things might change in the future if trends continue as they are;
- A snapshot of the environmental and social health of the region as a whole;

- Identify some of the issues that unite island communities; how things might change in the future if trends continue as they are.

The first three bullet points—dealing with First Nations, Reconciliation, and the Islands Trust—are communication exercises that will help establish context and baseline knowledge among those who are participating in the process. If people want to discuss these issues, we will note their points of view but will try to gently keep the conversation focused on the primary topics.

It will be under the following bullet points—local and regional environmental health—that the engagement activities will be organized (at least for the general communities). Feedback and ideas generated under these two headings will help us reshape how the Policy Statement could / should be reframed.

Both online and in-person, the process for engagement will be similar: layout the background information, as described above, and then invite feedback on the core issues that communities are facing on the local and larger regional levels and what could/should be doing to preserve and protect.

Key messages

In keeping with Islands Trust Public Engagement Principles (Appendix C) and the [December 2016 First Nations and Public Engagement project charter](#) this engagement strategy aims to be inclusive, respectful of Reconciliation principles, accessible, transparent, and adaptable. Initial key messages will be those below, recognising that these messages will evolve as staff develop the engagement materials, hear from the Ministry about how to proceed with engaging on the Islands Trust Act changes, and receive feedback:

- The Islands Trust Policy Statement is fundamental to the operations of the Islands Trust, guiding decisions about land use planning and advocacy.
- The 20-year-old Policy Statement continues to offer a positive vision for the Trust Area but is overdue for some updates.
- The Policy Statement Amendment Project will offer diverse opportunities for community members and First Nations to raise issues they are passionate about;
 - Trust Council's current Policy Statement Amendment Project is focused on the introduction and definition sections.
- The Policy Statement will play a role in reconciliation creating policies and principles that uphold the Islands Trust Reconciliation Declaration, and other guiding principles at this time.

Staff will work with the Executive Committee on any major deviations from this messaging.

Interested parties

- Trust Council
- Executive Committee
- Trust Programs Committee
- Interagency advisory group
- Trust Area community members
- Islands Trust trustees
- Islands Trust staff
- Honourable Selina Robinson, Minister of Municipal Affairs and Housing
- Ministry of Municipal Affairs and Housing staff
- Media
- First Nation Chiefs and Councils
- Referral agencies: (listed below)

Islands Trust bodies

1. Ballenas-Winchelsea Islands LTC
2. Bowen Island Municipality
3. Denman Island LTC
4. Gabriola Island LTC
5. Galiano Island LTC
6. Gambier Island LTC
7. Hornby Island LTC
8. Lasqueti Island LTC
9. Mayne Island LTC
10. North Pender Island LTC
11. Salt Spring Island LTC
12. Saturna Island LTC
13. South Pender Island LTC
14. Thetis Island LTC
15. Trust Fund Board

First Nations

16. Cowichan Tribes
17. SXIMEŁEŁ (Esquimalt) Nation
18. Halalt First Nation
19. Homalco First Nation
20. K'ómoks (Comox) First Nation
21. Klahoose First Nation
22. Lake Cowichan First Nation
23. Lyackson First Nation

24. MÁLEXEL (Malahat) Nation
25. xʷməθkʷəy̓əm Musqueam Indian Band
26. BOKÉCEN (Pauquachin) First Nation
27. Penelakut Tribe
28. Qualicum First Nation
29. Scia'new (Beecher Bay) First Nation
30. SEMYOME (Semiahmoo) First Nation
31. Shíshálh (Sechelt) Nation
32. Snaw-naw-as (Nanoose) First Nation
33. Snuneymuxw (Nanaimo) First Nation
34. Lekwungen (Songhees) Nation
35. Sk̓wx̓wú7mesh (Squamish) Nation
36. Stz'uminus (Chemainus) First Nation
37. Tla'amin (Sliammon) First Nation
38. T'Sou-ke (Sooke) Nation
39. W̱JOŁŁP (Tsartlip) First Nation
40. S̱ÁUTW̱ (Tsawout) First Nation
41. Tsawwassen First Nation
42. Tsleil-Waututh/
Səlílwətaʔ/Selilwitulh (Burrard Inlet)
Nation
43. W̱SIKEM (Tseycum) First Nation
44. We Wai Kai (Cape Mudge) First
Nation
45. Wei Wai Kum (Campbell River) First
Nation

46. Treaties and Treaty Groups

47. Douglas Treaty
48. Nanwakolas Council
49. Hul'qumi'num Treaty Group
50. Laich-kwil-tach Treaty Society
51. Naut'sa mawt Tribal
52. Te'mexw Treaty Association

Regional Districts

53. Capital Regional District
54. Comox Valley Regional District
55. Cowichan Valley Regional District
56. Metro Vancouver Regional District

- 57. Nanaimo Regional District
- 58. qathet Regional District
- 59. Sunshine Coast Regional District

School District Boards

- 60. School District No. 45 (West Vancouver) (Gambier)
- 61. School District No. 46 (Gambier)
- 62. School District No. 79 (Thetis)
- 63. School District No. 68 (Gabriola/Ballenas-Winchelsea)
- 64. School District No. 69 (Lasqueti/Ballenas-Winchelsea)
- 65. School District No. 71 (Denman/Hornby)
- 66. School District No. 64 (Gulf Islands – Galiano/Mayne/North Pender/Salt Spring/Saturna/South Pender)

Improvement District Boards

- 67. Gabriola (Fire Protection District)
- 68. Graham Lake (Improvement District)
- 69. Schmidt (Improvement District)
- 70. Galiano Estates (Improvement District)
- 71. Gossip Island (Improvement District)
- 72. Montague (Improvement District)
- 73. Spanish Hills (Improvement District)
- 74. Wise Island (Improvement District)
- 75. Bennett Bay (Waterworks District)
- 76. Campbell-Bennett Bay (Improvement District)
- 77. Lighthouse Point (Waterworks District)
- 78. Mayne Island (Improvement District)
- 79. Village Point (Improvement District)
- 80. Georgina (Improvement District)
- 81. Razor Point (Improvement District)
- 82. Trincomali (Improvement District)
- 83. Harbour View (Improvement District)
- 84. Mount Belcher (Improvement District)
- 85. North Salt Spring (Waterworks District)
- 86. Piers Island (Improvement District)
- 87. Salt Spring Island (Fire Protection District)
- 88. Scott Point (Waterworks District)
- 89. Secret Island (Waterworks District)
- 90. Saturna Shores (Improvement District)
- 91. Thetis Island (Improvement District)
- 92. Vaucroft (Improvement District)

Provincial Government

- 93. Ministry of Agriculture

94. Ministry of Municipal Affairs and Housing (Intergovernmental Relations and Planning Branch)
95. Ministry of Municipal Affairs and Housing (Housing Policy Branch)
96. Ministry of Energy, Mines and Petroleum Resources
97. Ministry of Environment and Climate Change Strategy
98. Ministry of Environment and Climate Change (BC Parks and Conservation Officer Service Division)
99. Ministry of Forests, Lands, Natural Resource Operations and Rural Development – South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
100. Ministry of Forests, Lands, Natural Resource Operations and Rural Development – West Coast Office– South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
101. Ministry of Transportation and Infrastructure on Vancouver Island and South Coast
102. Ministry of Indigenous Relations and Reconciliation (West Coast Office)
103. Ministry of Indigenous Relations and Reconciliation (South Coast Office)
104. Ministry of Health
105. BC Ferries
106. Agricultural Land Commission

Federal government

107. Environment Canada
108. Transport Canada
109. Fisheries and Oceans Canada – Fish Protection and Aquaculture
110. Parks Canada

Resources

The project will be supported by the following elected officials:

Position	Role
Chair	Spokesperson and participant in First Nations meetings
Vice Chairs	Participant in First Nations meetings, as required, as spokespeople as required.
Trustees	Participants in public engagement processes on their islands.

This project will be supported by the following staff positions:

Position	Role
Chief Administrative Officer	General project oversight and participant at meetings with First Nations, project sponsor
Director, Trust Area Services	Project manager, note taker at First Nations meetings as required, project reporting
Senior Intergovernmental Policy Advisor	Delivery of First Nations engagement, support to public engagement, note taker at First Nations meetings as required, project reporting
Senior Policy Advisor	Support for public engagement and support to First Nations engagement, note taker at First Nations meetings as required, project reporting
Communications Specialist	Communications planning and implementation
Program Coordinator	Project coordination, delivery of public engagement, delivery of first nations engagement, correspondence mgm't, meeting logistics, referral mgm't, tracking of project milestones/ costs/reporting, comms support
Finance Officer	Processing of service contracts
Finance Clerk	Processing of invoices
Director, Local Planning Services	Advisor on public engagement processes

Regional Planning Officers	Support and advisor on public engagement processes and events
Island Planners and Planners 1 and 2	Provide support when leading up to engagements and during engagements
Legislative Clerks	Support report writing and event/engagement planning
Administration Assistant	Support event/engagement planning

Promotion

To support the engagement processes in-person and online, staff will be creating a variety of print and digital materials that will explore the key themes of the review process from both a regional and local perspective for each local trust area.

Launch: On Monday June 24th, 2019, after presenting to Trust Council, staff will launch the Island Visions 2100 engagement. This will include sending out a media release and follow up with key media, an all island subscriber notice, a dedicated page on our website with a pop-up from the home page, and through our social media platforms for both the Islands Trust and the Islands Trust Conservancy (Twitter, YouTube, and a planned new Facebook page). This campaign will be supported by advertising in local print media and strategic boosts to social media posts.

Throughout the engagement process, these social media platforms will lead individuals to information about the upcoming in-person engagements, as well as the online survey-based engagement process.

Video: During the launch period, the Trust will release two videos: **What is the Islands Trust?** and **What is your Vision for the islands in the Salish Sea** (which will act as an introduction to goals of the Policy Statement process). In addition to supporting dialogue, the videos will help build awareness about the Islands Trust and the work that we do.

Print: Brochures on both subjects – What is the Islands Trust and the Policy Statement review—will be made available to trustees and staff, along with posters of detailing upcoming island engagements and links to the Islands Trust website where they can connect to the online survey.

Social media: Staff will provide trustees with the appropriate information and tools to help spread the word on our social media platforms, which will help boost our new Facebook page.

Partnerships: Staff will reach out and collaborate with regional governments, local governments, community organizations, and educational intuitions to help spread the word.

Prizes: The Islands Trust will offer a range of prizes during the engagement process. We will provide some prizes during our online survey, in-person engagement events, and/or for youth who participate in

our art engagement at the markets/fairs. We will also offer door prizes at every in-person engagement to help spread the word. The prizes would range from \$5.00 to \$250.00. Some examples are ferry passes, local artwork and other local products from islands, and short trips depending on the engagement method.

Engagement Method

This plan includes multiple channels for engagement with the public, First Nations, referral agencies, and Trust Council. It includes a suite of tools that will be selected and applied as appropriate for each community/Nation.

First Nations and Organizations Engagement

First Nations engagement begins with Trust Council's Declaration on Reconciliation and making that visible and distributed out to community. The Declaration affirms the organization's commitment to Reconciliation and how the Trust will be moving forward. From that platform we will then begin re-engaging with First Nations within the consultation boundary of the Islands Trust Area. The engagement will consider the commitments within existing and planned protocol agreements with First Nations. Results from this re-engagement will determine which Nations we will develop more meaningful engagement with in the process of a dialogue about and reviewing the Policy Statement. Meaningful engagement will include the following suite of engagement option to be applied as appropriate and as desired by the individual Nations:

- Leadership government to government meetings to discuss core concerns;
- Community meetings with membership and leadership to talk about the Policy Statement and the vision for the future;
- Online interaction including surveys, newsletter notices, Facebook, letters to Chiefs and Councils;
- Meetings with alliances and First Nation associations such as First Nations Summit, BC Treaty Commission and Tribal Councils;
- Collaborate with schools and youth organizations.

There will be follow-up and building of relations. Staff will ensure that meetings held for purposes of relationship building are not classified as consultation on the Policy Statement. Staff will keep a record of each meeting and compile into an engagement record to provide to Ministry with the final bylaw after third reading.

Staff will collaboratively develop storyboard as an education component of Reconciliation for use at engagement events. Acknowledgement of place will be included as a central theme.

General Public and Island Resident Engagement

The engagement strategies for the general public and island residents will include educational materials and will be supported by prepared questions and a strongly facilitated process. All in-person events will be supported by companion online engagement opportunities (survey and e-mail).

Creating opportunities for meaningful engagement means building new communities and sparking people's imagination. Our goal is to create content that resonates enough that people personalize it and push it onto the other audiences. We want social media users to own the message we are trying to confirm with them. We will do this by encouraging them to personally consider: What are their Island Vision 2099?

There will be a suite of five different engagement options developed to be applied locally as appropriate, with decisions to be made in consultation with local trustees and in consideration of different island populations.

- Large-scale community drop-in and open space / world café events, featuring educational information boards;
- Vision Booth, featuring information boards set up at community events, markets, or other community driven event; this could also include making online content available through laptops or tablets;
- Online survey/e-mail feedback;
- Collaborating with schools/ youth organizations.

Each engagement channel will feature a data collection method, all of which will feed into a final report on the findings from the engagement process. During in person, large-scale community engagements, we will provide educational information boards and brochures that address the key themes and help explain the work of the Islands Trust. Each of these themes will also be supported by a short explainer video that provides the context and background, which will also be a part of our online education campaign. The online component will feature a survey and potential live-streaming of key meeting(s).

Our goal is to have in-person engagements within each of the thirteen island communities. Because each island community is different, our expectation is that the Island Vision 2099 process will have a different look in each local trust area, drawing on the different engagement options available. Working with trustees, we will identify which combination of engagements will work best in a particular local context. It is also expected that local trust areas with larger populations will receive a higher number of in-person engagements.

This process is also an opportunity for Islands Trust to pilot the use of different forms of engagement tools and methods and measure their effectiveness.

Below are identified 'options' streams which will run parallel to one another. First Nation and Alliances engagement will commence at the same time as the process designed to reach out to the general public and island residents

Engagement methods: the suite of options

The IAP2's Spectrum of Public Participation (see Appendix D) was designed to assist with the selection of the level of participation that defines the public's role in any public participation process as much as possible, within resources, we will strive to follow these guidelines for public engagement

In defining the different First Nations engagement options, it is acknowledged that some Nations might rather have Islands Trust build relationships with designated individuals and/or committees instead of with the wider community. This form of engagement, which is outlined below as option C, could be something that happens in its own right or as a precursor to a large-scale event that involves the rest of the community. In these instances, individuals and/or committees could support the implementation of a large-scale event hosted by both governments

General Public and Island Residents	Options	Description	Objectives	Timeframe	Who is involved?	Estimated Budget
	Option A: Community drop-in and open space, featuring information boards that explore each of the major Visions 2099 themes.	Following IAP2 guidance on how to conduct healthy engagement processes, we host an open house first to featuring information boards that explore each of the major Visions 2099 themes, and then we would use world café forms of engagement. The goal through open house engagement is to help improve public understanding about a complex project to receive public input and provide information through information boards covering major themes. World Café engagement style would help foster meaningful discussion on questions pertaining to	To provide opportunities for members of the public and island residents a chance to participate in an interactive and dynamic way where we inform, consult, involve, collaborate and empower with them.	July – December 2019, Jan – March 2020	Trust Area Services staff, local trustees, Information Systems Coordinator, and Computer Applications Support Technician,	Upfront Cost - \$5,000.00, Individual Event - \$500.00 – \$2000.00

		these topic(s) among participants who otherwise would not listen, talk or share with one another.				
	Option B: Vision Booth	We will set up information booths, featuring local and regional information boards and access to the online survey during existing community events, markets, and/or other community driven events.	To target the general public as well as residents of the islands at existing events	July – December 2019	Trust Area Services staff, local trustees	\$300.00 - \$500.00 per event
	Option C: On-line survey & dedicated email address	The main form of the online engagement will be survey-based. We would offer a robust online campaign using a range of social media tools and our website to disseminate information about the engagement process. The online information campaign will replicate the information that will be produced for the in-person engagements, so individuals can learn about the situation in their local context as well as the regional context. Because some individuals are more comfortable with emails than surveys, we will also provide a dedicated	To provide an inclusive opportunity for the general public and island residents to participate in the process, if they cannot attend in person participation. It is also an opportunity to gain input from wider communities outside of the Islands Trust Area.	July – December 2019, January – March 2020	Trust Area Services Staff, Information Systems Coordinator, and Computer Applications Support Technician	\$4000.00

		"Visions2099@" email address where people can send in their idea. They can also send them through traditional mail as well				
	Option D: Collaborate with Schools/ Youth Organizations	We will provide opportunities to connect with students and youth with school classrooms and youth organizations. We would use a creative writing and/or art opportunities for youth to describe their vision of the islands. We would offer a prize.	To connect with youth, to be able to provide them with opportunities to engage in the issues that Visions 2099 is concerned with	July – December 2019	Trust Area Services Staff,	\$500 - \$1000.00

First Nations and Alliances	Options	Description	Objectives	Timeframe	Who is involved?	Estimated Budget
	Option E: Leadership government-to-government meetings	Leadership from Trust Council and leadership from a First Nation(s) meet to discuss core concerns. Each meeting takes place at a location convenient for First Nation leaders to attend.	To build relationship and discuss core concerns. If appropriate, support the provision of other 'options' for engagement to their membership	July 2019 — June 2021 and ongoing (Squamish mtg April 8)	CAO, Chair, Executive Committee, Trust Area Services Director and some Staff, possibly Trust Council	\$300.00 - \$500.00
	Option F: Community meetings with membership and leadership	A small-large scale lunch/dinner event where Islands Trust, in partnership with the Nation, provides opportunities for community members to share their core concerns of their territory, and their vision for the future.	For Islands Trust to build relationships with staff, leadership, and members of the community, Visions 2099 process and create opportunity to discuss their vision for the future and, if	July – December 2019	Trust Area Services Staff and local trustees	\$500.00 - \$2000.00

			appropriate, contribute to the Visions 2099 process.			
	Option G: Face-to-face with staff	Meetings with staff, and/or committees to work on various topics: educational materials, visioning work as part of the Visions 2099 process as well as other core concerns and/or items of interest to the First Nation.	To communicate and engage with Nations in an accessible manner that is appropriate to the situation.	July – December 2019	CAO, Trust Area Services Director and staff, Local Planning Services Director	\$200 - \$1000
	Option H: Survey engagement	A social media campaign targeted at a variety of community members from different Nations across the Salish Sea. Using a variety of tools, including targeted advertising and prizes, the campaign would encourage participants to view our background materials and fill in a special survey. May also include printed material distributed through newsletters and on reserve.	To engage a range of First Nations members through online survey.	July – December 2019	Trust Area Services Staff	\$750.00 - \$1000.00
	Option I: Meetings with alliances and First Nation associations	Islands Trust co-host an event with First Nation associations/alliances such as First Nations Summit, BC Treaty Commission, and Tribal Councils.	To connect with a range of First Nations all at once and build relationships with them. If appropriate, engage them with the issues of Visions 2099 and how they imagine the future.	July – December 2019	CAO, Trust Area Services Director and staff, Local Planning Services Director	\$250.00 - \$5000.00

	Option J: Collaborate with Schools/ Youth Organizations	We connect with schools in community along with organizations that support youth to offer some opportunities for them to be heard and to be able to take action through various means (e.g. art work, writing, etc).	To connect with youth, to be able to provide them with opportunities to engage in the issues that Visions 2099 is concerned with	July – December 2019, January to March 2020	Trust Area Services staff	\$500.00 - \$1000.00
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Referral agencies	N/A	As required by provincial statutes: LTCs; First Nations; local, regional, provincial and federal government agencies will be sent referral letters inviting input on the draft amendments to the Policy Statement	To solicit feedback on the proposed amendments.	June – September 2021	Trust Area Services staff, Chair	\$1,000
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Risks and mitigation

There are risks with any project. Due to the nature of this project and the number of First Nations and stakeholders involved, there is substantial risk that the project plan will need to be amended to respond to emerging issues, communication/engagement requests or other developments. Staff will try to be nimble and responsive and will maintain a focus on the big-picture (e.g. Reconciliation as an overarching priority) and will bring forward recommendations to Executive Committee for project amendments as needed.

At this time the Islands Trust has established a level of engagement and relationship with First Nations within the Trust Area. However, when looking at the relationship over time, many Nations may view processes and engagement with the Trust with hesitation. Not only is there a level of jurisdictional scepticism but there is also a level of distrust that the mandate of the Trust applies to First Nations concerns. First Nations view government bodies such as municipal, district, regional, and city as not having their interests at the forefront of their policies and processes. They may feel the jurisdictional authority lies with the Province and that providing education on Reconciliation, rights and title, and treaty is not a valuable process to engage in.

It is staff's understanding that many Nations within the Island Trust Area continue to see a lack of consideration by the Islands Trust and other levels of government in relation to their cultural heritage, archaeological sites, land use and marine use planning, and use of cultural and spiritual areas for recreational use without engagement on impacts or accommodation. This raises questions for Nations about the willingness of the Island Trust to truly engage and create meaningful policy processes that are inclusive of their core concerns. At this time, it could be seen that the Islands Trust preserves and protects only the values of post-colonial interests.

Given this situation, it maybe difficult to create an effective engagement process that allows for meaningful understanding of core concerns and impacts. It may be difficult to receive responses that recognize the cumulative effects and policy infinitives that will impact Nations rights and title. Therefore, it will require that the Islands Trust continues to engage and sets out the processes in which it will regain the trust of First Nations and First Nations community without defined timelines. Interagency meetings may allow for more valuable interactions that provide informed recommendations for engagement, but processes will be highly dependent on walking the talk: to build trust all Islands Trust bodies need to make decisions and undertake reconciliation actions that result in tangible sustained changes that demonstrate sustained commitment over time.

There is also risk that referral agencies will not understand the Policy Statement or purpose of referral. It has been many years since Islands Trust referral agencies have had to consider changes to the Policy Statement. In addition, they may question why their input is being sought on the introduction and definition sections only, rather than the policies that they may be more familiar with. They may wish to request significant amendments that are outside the scope of the project. To mitigate these risks, staff will undertake an assessment and, as necessary, contact referral staff before the referral is sent to explain the project. Should there be requests for significant changes that are outside the scope of this

project, staff will explain that these requests will be considered in future phases and will work with Ministry of Municipal Affairs staff and the interagency working group to coordinate responses.. Staff will also draft a clear, easy-to understand, referral letter.

Appendices

Appendix A – Draft timeline (subject to change based on feedback and First Nation engagement processes)

Appendix B – Budget

Appendix C – Islands Trust Public Engagement Principles and Communication Objectives

Appendix D - IAP2 Spectrum

Appendix E –Reconciliation Declaration

Appendix F – December 2018 Chair letter to Honourable Selina Robinson re Legislative change to the *Islands Trust Act*.

Appendix G – Visions 2099 Project charter



Appendix A: Visions 2099 Engagement Strategy – Work Plan

Deliverables Detail

Phase 1 of the Islands Trust Policy Statement involves amending Part 1, Part II and definitions.

Deliverable / Milestone	Target Completion Date	Responsible
Approval of revised Project Charter	March 27, 2019	Executive Committee
Endorsement of Policy Statement Engagement Plan	March 27, 2019	Executive Committee
Review of Policy Statement Engagement Plan	May ?, 2019	Trust Programs Committee
Approval of Policy Statement Engagement Plan	June 5, 2019	Executive Committee
Launch Policy Statement Engagement Process	June 24, 2019	Trust Council/Chair
Launch on-line engagement	June 24, 2019	TAS Staff
Undertake in-community meetings in each local trust area	July to December 2019	TAS Staff
Bowen Island Municipality	July to October 2019 - TBA	TAS Staff
Denman LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Gabriola LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Galiano LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Gambier LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Hornby LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Lasqueti LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Mayne LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
North Pender/South Pender LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Salt Spring LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Saturna LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Thetis LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Undertake First Nations engagement	July to December 2019 and ongoing throughout	SIPA, CAO, Chair, Executive Committee, TAS Staff
Interim Report to Trust Council	December 2019	TAS Staff
Compilation of community and First Nations input report	December 2019	TAS Staff
Draft RFD with engagement analysis based on community and First Nations input, and recommendations to request staff draft bylaw	December to March 2020	TAS Staff
RFD to Trust Council with recommended ITPS amendments and request staff to draft bylaw	March 2020	
Trust Council – 1 st Reading of ITPS Amendment Bylaw	June 2020	
Referral of proposed bylaw to agencies and First Nations	June to September 2020	

Deliverable / Milestone	Target Completion Date	Responsible
Public Meeting (or on-line public review of the draft bylaw amendments)	June to September 2020	
RFD to Trust Council with summary of referrals and recommended amendments – if any	September 2020	
Trust Council consideration of 2 nd and Third Reading Reading	December 2020	
Submission to Minister for Approval	December 2020	
Final adoption by Trust Council (can be by RWM if not back in time for council meeting)	June 2021	

Appendix B: Budget

Preliminary estimates per activity are included above in the engagement methods section. A detailed budget will be developed prior to the launch of Visions 2099.

Item	Cost
Communication Materials	\$11,000
Legal review	\$4,000
FN engagement	\$20,000
Public engagement	\$25,000
Total activity costs:	\$60,000

Appendix C: Islands Trust Public Engagement Principles and Communications Objectives

(adopted by the Executive Committee, August 17, 2016)

“Good public participation results in better decisions” – [International Association for Public Participation](#).

Local trust committees and Trust Council make decisions about the islands in the Salish Sea that affect First Nations, the public and other stakeholders.

Effectively and consistently engaging with people affected by those decisions leads to good governance, better policies, durable decisions, reduced conflict and enhanced civic participation.

Successful public engagement is guided by well-defined and formalized principles that represent a promise to the public and stakeholder groups, help establish shared expectations and a shared vocabulary and improve the working relationship between elected officials, senior managers and staff.

The principles that follow are adapted from the Islands Trust Policy Statement, the Communications Policy 6.10.ii, in the Executive Committee Terms of Reference, observations from Trust Council roundtable discussions, staff survey and conversations, as well as the International Association of Public participation and best practices research in local government public engagement.

The principles will guide the communications and engagement initiatives and activities sponsored by Trust Council, local trust committees and within the organization.

Guiding Principles for public engagement at Islands Trust

Inclusive:

Those who are affected by an issue or decision should have an opportunity to influence outcomes and choices. Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of local knowledge in this regard (Policy Statement)

Open and authentic:

Input of the public should play a role in the decision-making process. Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area (Policy Statement)

Respectful of First Nations:

To strengthen relationships with over 30 tribes and nations in the Trust Area, Trust Council will root all its engagement practices in the spirit of reconciliation. (In a separate RFD, staff are seeking direction from EC to develop a Project Charter and set of principles to inform a new organizational approach to First Nations' relationship-building. Once approved by EC and possibly TC, these principles would be incorporated into all correspondence and communication.)

Diverse:

Decisions are more durable when all participants are aware of the range of interests and needs of everyone involved, including decision makers, surrounding an issue or decision.

Accessible:

Everyone potentially affected by the process has an opportunity to become involved.

Appropriate:

The public engagement process uses one or more discussion formats to reach the identified participants and, where feasible, invites input into the design of the process.

Informed:

Those involved in engagement exercises have the information required to meaningfully participate in the process.

Transparent:

Participants are informed about how their contributions were considered, used and/or not used.

Adaptable:

Each public engagement process, along with the collected feedback, is evaluated so that lessons can be shared broadly and applied to future engagement efforts.

Communications Objectives

The following communications objectives will be realized using different strategies and will be updated regularly as appropriate.

1. Improve community and agency understanding and support of the Islands Trust (2014-2018 Strategic Plan – priority #9)
2. Improve community engagement and participation in Islands Trust work (2014-2018 Strategic Plan – priority #10)
3. Increase profile (visibility) of the Islands Trust within the Trust Area (e.g. increased presence at community events and going where the public is)
4. Create and maintain a positive (modern, consistent, uniform) image of the Islands Trust (e.g. graphic design standards, issues management and processes, revisit tag line – on EC agenda)
5. Prepare trustees and staff (planning and bylaw enforcement) – the face of the organization – to deliver consistent and co-ordinated messages to the public and stakeholders in a way that reflects the unique character and needs of each island and project.
6. Create ongoing opportunities to listen to public and stakeholder opinions and concerns and report back when appropriate (e.g. web comments handling, feedback line/channel, comment cards at offices, rotating weekly/monthly FAQs on web, at LTC meetings, etc.)

Appendix D: IAP2 Spectrum

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Appendix E: Reconciliation Declaration

The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.

The Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.

The Islands Trust Council will strive to create opportunities for knowledge sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea.

Adopted: March 14, 2019 Trust Council on Gabriola Island

Appendix F: December 2018 Chair letter to Honourable Selina Robinson re Legislative change to the Islands Trust Act



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Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

December 18, 2018

File No.: 0110-20

via email: MAH.minister@gov.bc.ca

The Honourable Selina Robinson
Minister of Municipal Affairs and Housing
Parliament Buildings
Victoria BC V8V 1X4

Dear Minister Robinson:

Re: Request for legislative change

This request follows our January 23, 2018 meeting to discuss matters of importance to the Islands Trust Executive Committee, including potential legislative changes to the *Islands Trust Act* and other relevant legislation. At that time you requested a prioritized list of *Act* amendments that could form the basis for a review by Ministry and Islands Trust staff. I also understood from that discussion that it would be important that the Islands Trust ensure that it was fully utilizing its current authorities to achieve its preserve and protect mandate and that any proposed amendments to the *Act* would need to be demonstrably necessary.

We have taken that advice to heart and believe that we have identified realistic and achievable amendments to our primary legislation that will support the efforts of the Trust on behalf of all British Columbians. At their September 18, 2018 meeting Trust Council requested that I write to you asking for legislative change along three broad themes, as follows:

ENFORCEMENT AND ADMINISTRATION: Improvements to the Islands Trust's ability to enforce its current regulatory and legislative powers in support of the preserve and protect mandate of the Trust and its land use planning function. The Islands Trust does not have the same enforcements tools as other land use jurisdictions in British Columbia but is expected to provide a similar service. The recommended amendments are:

1. Allowance for entry warrants;
2. Development permit area enforcement via municipal ticketing;
3. Adoption of development approval information bylaws by local trust committees;
4. To enable the ability to charge fees for telecommunication applications.

MODERNIZATION: The *Islands Trust Act* has not been substantially amended in a number of years and there are areas that require updating in order for the organization to remain relevant. Recommended amendments are:

5. Amending the *Act* to add "First Nations" to the list of those with whom we work "in co-operation;"
6. The ability to delegate development permit and temporary use permits to staff;
7. Clarification of foreshore zoning authority and jurisdiction throughout the Trust Area;
8. In keeping with broader powers afforded regional districts, relative to S. 294 of the *Local Government Act*, to allow the Islands Trust entities, "incidental or conducive powers;"
9. To include reference to the ecosystem in section 8.2 of the *Islands Trust Act*.

ADVANCING THE MISSION OF THE ISLANDS TRUST: Diverse communities are a key element of Trust Council's vision for the Trust Area and relates to its current land use authority. Recommended amendments are:

10. Affordable Housing: to be able to enter into agreements with third parties to administer affordable housing, to be able to operate a housing service, and for local trust committees to be able to acquire and dispose of land.

(Appendix A attached provides a brief rationale and implementation requirement for each of the above amendments)

These amendments vary in terms of the difficulty or complexity of implementation with, in our minds, the foreshore jurisdiction and affordable housing service amendments being the most complicated and in need of a cooperative approach.

We would sincerely appreciate your Ministry's feedback on this proposal and how it could be achieved. We are hopeful that you will be able to dedicate some Ministry staff time in order to work with us on developing a defensible and modern update to the *Islands Trust Act*. Of course, we also wish to understand your priorities and if they can be realized through this work. Trust Council considers that this is an important opportunity for the Islands Trust, and the region, and we wish to work with you to implement reasonable change.

A topic as important as legislative change to the *Islands Trust Act* will require public engagement and I would appreciate collaboration with the Ministry on how it would foresee an appropriate process. Undoubtedly full and authentic public engagement will generate additional suggestions for legislative changes from the community itself. We are mindful that Island communities are participatory, feel their future is vested in the Trust and want to contribute to that future.

In closing, I note that Bill 52, : *Agricultural Land Commission Act* 2018 has passed into legislation and I am struck by the symmetry of how the Islands Trust and the Agricultural Land Reserve, born of a certain era in BC politics, have stood the test of time. We believe it is time that the *Islands Trust Act* is given appropriate and similar attention.

Of course, if it would be convenient to you or beneficial to this request, we are happy to meet with you at your convenience.

With appreciation,



Peter Luckham, Chair
Islands Trust Council

cc: Islands Trust Area MPs
Islands Trust MLAs
Islands Trust Electoral Area Directors
Assistant Deputy Minister Faganello
BOKEĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation

Snuneymuxw First Nation
Skwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SṪÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMEŁEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁEŁP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
xʷməθkʷəŋəm Musqueam
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website

Appendix A

Summary of potential amendments to the

Islands Trust Act, 2018

ENFORCEMENT AND ADMINISTRATION AMENDMENTS

1. Allowance for Entry Warrants	S. 28(1.1) of the <i>Local Government Act</i> is applicable to Regional Districts but not the Islands Trust. This authority should not be excluded from Islands Trust/local trust committees and the lack of authority impacts delivery of enforcement of land use planning decisions.
Implementation i. Amend Section 28 (1.1) of the <i>Local Government Act</i> to add “Islands Trust”. ii. Staff training and administrative training would be required. Actual bylaw enforcement procedures would require some change management process to ensure appropriate use. iii. There does not seem to be any cogent policy reason for excluding s. 424 of the <i>Local Government Act</i> (entry warrants) from the bundle of enforcement powers conferred on local trust committees. With this amendment of s. 28(1.1) of the <i>Islands Trust Act</i>, Division 1 of Part 12 of the <i>Local Government Act</i> including s. 424 would apply to the local trust committees and s. 424 in turn applies s. 275 of the Community Charter. Section 275 enables a justice to issue an entry warrant if satisfied that access to property is necessary for the purposes of the <i>Local Government Act</i>, which is the source of the enforcement powers that are conferred on local trust committees by s. 28(1.1) of the <i>Islands Trust Act</i>, in connection with which an entry warrant would be sought.	
2. Development Permit Area Enforcement Using Tickets	The use of ticketing to support the administration and delivery of a robust development permit authority would be the preferred outcome. The Trust has made this request of the Ministry in the past, most recently in 2016.
Implementation i. Pilot project in the Islands Trust Area – by conferring additional enforcement powers by regulation under Section 54(2) of the <i>Islands Trust Act</i>. ii. Add to s. 28 a section to the effect that under s. 264 of the Community Charter, applicable to local trust committees under s. 414 of the <i>Local Government Act</i> and s. 28(1.1) of the <i>Islands Trust Act</i>, a local trust committee may also designate ss. 489 and 501(2) of the <i>Local Government Act</i> for the purposes of s. 264. Section 489 is the section of the <i>Local Government Act</i> that prohibits subdivision, etc. in a development permit area if a development permit hasn’t been obtained. Section 501(2) is the section that requires land to be developed strictly in accordance with the permit. There are currently no jurisdictions that have the authority to issue tickets for development permit	

violations, so the Islands Trust would be joining municipalities and Regional Districts in requesting this change. While this authority would be useful to all local governments, it is particularly relevant for an entity with a statutory mandate to “preserve and protect” an area of the province that is environmentally sensitive, since the key land use management tools in relation to environmental protection are development permit area designations and development permit conditions. However, allowing local governments to ticket for an offence against a provincial statute is a novel idea.

The Ministry may want to consider proposing this amendment as a “pilot project” for the Islands Trust only, following the evaluation of which the Province might consider extending the authority to municipalities and regional districts, and offering to partner with the Province in monitoring and evaluating the enforcement approach. This additional authority could be conferred on the local trust committees by Cabinet order under s. 54(2) of the *Islands Trust Act* on a pilot project basis.

3. Adoption of Development Approval Information Bylaws by local trust committees (LTC)	Mainly an administrative improvement, this amendment would increase the efficiency and independent ability of LTCs to administer their areas. This should reduce wait times for applicants.
Implementation i. Amend <i>Islands Trust Act</i> by repealing s.29(3.1) Amendment of s. 29(3.1) of the <i>Local Government Act</i> is required. Implementation by the Islands Trust would be relatively easy, would simplify the process and would reduce staff/administrative time.	

4. For the Islands Trust to obtain the authority to charge a fee for telecommunications applications	A fee structure and process is needed to allow thorough review of antenna and telecom infrastructure applications.
Implementation (to be determined) The Ministry of Innovation, Science and Economic Development Canada (ISED) has jurisdiction over telecommunications. ISED looks for the relevant land use authority to issue a letter of concurrence, the production of which requires a public process. Section 462 of the <i>Local Government Act</i> restricts the ability for local trust committees to charge fees. The <i>Islands Trust Act</i> limits the Islands Trust to only proscribe fees associated with its land use authority. We would request assistance from the Ministry to find a means for the Islands Trust to charge a fee for such an occurrence as is described.	

MODERNIZATION

5. Support in principle for amending the <i>Islands Trust Act</i> to add "First Nations" to the list of those with whom we work "in co-operation"	This amendment is both timely and appropriate with the focus of Trust Council on principles of reconciliation and the adoption of a First Nations Engagement Plan.
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Implementation

- i. amendment to the *Islands Trust Act*, Part 2, Section 9 to add First Nations.
- ii. amendment to *Islands Trust Act*, Part 3 to add “First Nations”

This request was made to the Ministry in 2015. It would not be a significant challenge for the Islands Trust to implement. An amendment to Part 2 section 9 ‘Coordination agreements with other government bodies’ would enable the Trust Council and its delegates to enter into coordination agreements with First Nations and this seems uncontroversial.

6. Development Permit and Temporary Use Permit delegation to Staff

Unlike other jurisdictions in BC with land use authority, the Islands Trust does not have the ability to delegate via bylaw the authority to staff to issue development permits.

Implementation

- i. Amend Section 29 of the *Islands Trust Act* to enable local trust committees to delegate, by bylaw, the issuance of development permits and development variance permits, subject to the right of the applicant to have the local trust committee reconsider the matter without charge and to the local trust committee, in its procedures bylaw enacted under s. 460 of the LGA, establishing reconsideration procedures.

Each LTC would decide on whether or not to delegate issuance of development permits. This would reduce wait times, simplify the application process and reduce administrative costs. As development permits are issued based upon guidelines in the OCP or LUB, which are approved by LTCs, there is relatively little discretion afforded staff in issuing a permit. Implementation from an operating perspective would be straight forward once the delegation bylaws were adopted.

7. Clarification of foreshore zoning authority

There are jurisdictional inconsistencies with how foreshore zoning is administered with regard Regional Districts throughout the Trust Area. This matter is long standing and is a function of language and mapping in the *Islands Trust Act* and the Islands Trust Regulation.

Implementation (to be determined)

Clarification on this matter would support consistency in interpretation and aid in working with other jurisdictions that have foreshore zoning powers. Implications of implementation of any potential changes are undetermined. Engaging in discussions with the Ministry on this issue would require dedicated staff time and legal analysis.

The matter is sensitive since it potentially affects the enforcement of Islands Trust and regional district bylaws throughout the water areas within the trust area, where some of the most controversial land use issues tend to arise. Jurisdiction should not be controversial in relation to either the foreshore areas immediately adjacent to the various Gulf Islands or the estuary areas immediately adjacent to the upland areas of the regional districts, because effective land use management in either case has to include jurisdiction over immediately adjacent water area. However, a dividing line between jurisdictions has to be established somewhere, and there may be legitimate differences of opinion on where it should be.

8. Add language to *Islands Trust Act* similar to *Local Government Act*, s. 294, allowing for “incidental or conducive powers.”

A minor broadening of corporate power, similar to what Regional Districts have, would allow the Trust to undertake some supportive actions in support of the mandate of Trust.

Implementation

- i. Amend Section 4 of the *Islands Trust Act* by adding “The Trust Council, the executive committee, and the local trust committees have all the necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred by this or any other enactment.”

This power is not a full ‘corporate person power;’ rather it would provide a backstop to a given jurisdictional issue or challenge. Some recommended language would be something like:

“the Local Trust Committee and, the Executive Committee, have all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty, or function conferred on them by this or any other enactment.”

There is no logical reason that Islands Trust entities exercising exactly the same type of regulatory authority as other land use regulators should not have access to the same complementary authority to do things that are “incidental and conducive” to the exercise of their land use management authority. The wording of s. 294 makes the scope of these complementary powers exactly coterminous with the scope of the basic powers that have otherwise been conferred, so there is no substantive expansion of jurisdiction or authority and this should not be controversial.

9. Include reference to the ecosystem in section 8.2 of the *Islands Trust Act*

8.2 (f) and (h) of the ITA allows for ‘support and give financial assistance to activities referenced to in paragraphs (f) and (g) that are undertaken by others. This section seems to all LTCs to fund heritage and history related activities but does not include “environment or ecosystem.”

Implementation

- i. Amend s. 8(2)(f) of the *Islands Trust Act* to “amenities, environment, history and heritage”

Clarity is sought as to whether LTCs can allocate funds for environmental activities undertaken by others, in a similar fashion to history and heritage conservation. We recommend amending “history and heritage” in

two places in 8(2)(f) to “amenities, environment, history and heritage”. Amenities and environment are the terms used in the object statement in s. 3 of the Act.

ADVANCING THE MISSION OF THE ISLANDS TRUST

10. Affordable Housing and Housing service amendments	The Islands Trust has limited ability to provide affordable housing initiatives to communities and is reliant on Regional Districts to establish and deliver affordable housing services, in cooperation with the Trust. Increased authority in this area would be in keeping with both a key vision element of Trust Council and its strategic plan.
Implementation i. Amendments to confer the powers of a regional district board that would be required to establish and operate a non-profit housing service, including the authority to acquire and dispose of land and interests in land The Islands Trust would seek to be able to hold land for the purposes of affordable housing. We would seek to cooperate with relevant Regional Districts but also provide this service if a given Regional District does not provide a satisfactory service. Desired changes: a) To be able to enter into agreements with third parties to administer affordable housing. b) To be able to operate a housing service. c) Local Trust Committees be able to acquire and dispose of land.	



MEMORANDUM

File No.: 3025-02 (BOV)

DATE OF MEETING: June 11, 2019
TO: Thetis Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Board of Variance Appointments

RECOMMENDATION:

1. That the Thetis Island Local Trust Committee appoint Jack Woodward, Laurie Jackson and Sheila Ray to the Thetis Island Board of Variance for a three-year term effective July 27, 2019.

BACKGROUND

The Board of Variance is established pursuant to Section 536 of the *Local Government Act* and enables persons suffering personal hardship through zoning bylaw provisions to seek a minor variance. Members are appointed to a three-year term. The term of the current Board members, Jack Woodward, Laurie Jackson and Sheila Ray, will expire on July 26, 2019. During the current term, no applications have been received for consideration by the Board.

Staff has contacted the current Board members and they are willing to be reappointed to the Thetis Island Board of Variance for a three year term, effective July 27, 2019.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 5, 2019
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Islands Trust

Print Date: June 3, 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: 14-Feb-2019 Applicant informed Islands Trust staff that he has provided a copy of the archaeological assessment report to the Penelakut Tribe.			

Applications

Status Date: 11-Dec-2018

LTC requested applicant provide recent Archaeological assessment report to the LTC and to the Penelakut Tribe.

Status Date: 31-Jan-2018

Letter received from Penelakut Tribe.

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: 04-Mar-2019			
Application advised of intention not to proceed with application. Refund cheque issued in the amount of \$1,650.00			
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			

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.			

Applications

Status Date: 19-Jul-2016

MOTI issued 1 yr. extension.

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 March 2019

670 Thetis	Invoices posted to Month ending March 2019	<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	1,196.27	-196.27
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>1,196.27</u>	<u>1,053.73</u>
Projects				
73001-670-3008	Thetis RAR	11,235.00	7,231.85	4,003.15
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	2,868.94	231.06
TOTAL Project Expenses		<u>16,135.00</u>	<u>10,100.79</u>	<u>6,034.21</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.
5.	February 22, 2019	TH-2019-020	Electoral Area Director	It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: that the Thetis Island Local Trust Committee request staff to circulate future meeting agendas to the Electoral Area Director and provide an invitation to attend or provide reports to the Local Trust Committee.
6.	April 23, 2019	TH-2019-026	LTC to engage in Reconciliation with local First Nations, governments and the island community	TH-2019-026 It was MOVED and SECONDED that the Thetis Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;

				b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
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Top Priorities Report

Thetis Island

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.

Responsible

Marnie Eggen

Dates

Rec'd: 07-Sep-2011
Target: 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.

Responsible

Marnie Eggen

Dates

Rec'd: 11-Jan-2017

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

Responsible

Marnie Eggen

Dates

Rec'd: 27-Feb-2018

Projects Report

Thetis Island

1. <i>LUB Amendments</i>	Responsible	Date Received
·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
2. <i>Island-wide watershed protection</i>	Responsible	Date Received
TBD		21-Nov-2012
3. <i>Pilkey Point / Marina Drive Slough Support for Habitat Restoration</i>	Responsible	Date Received
		20-Nov-2013
4. <i>Sensitive ecosystems education and engagement</i>	Responsible	Date Received
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
5. <i>Associated Islands OCP and LUB</i>	Responsible	Date Received
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



Projects Report

Thetis Island

	Responsible	Date Received
6. 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

	Responsible	Date Received
7. Amendments to Thetis Island OCP and LUB; staff to provide staff report when time permits.		

Moved back to Projects List:

12-Jan-2017

- (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.

	Responsible	Date Received
8. Review of Development Permit Areas and development of a Development Approval Information		

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

	Responsible	Date Received
9. Consolidating lots for community benefit of Ruxton Island.		

17-Oct-2017



Projects Report

Thetis Island

	Responsible	Date Received
10. Review Thetis Island TUPs to include non-tourist accommodation.		

To be advanced to top priorities at earliest convenience.

17-Apr-2018

11. ">Thetis Associated Islands Land Use Bylaw Amendment, Ruxton Island Community Dock		
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Reference Ruxton Island Private Moorage Structures project for prelim consultation.

22-May-2018

12. Incorporation of the Regional Conservation Plan into Thetis LTA OCPs and LUBs		
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Investigate and provide recommendations on how to incorporate the plan elements into Thetis, Valdes, and Associated Islands OCPs and LUBs.

28-Aug-2018

13. Cannabis Production and Retail Sales		
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Consideration of regulations to guide cannabis production and retail sales activities.

11-Dec-2018

14. Affordable Housing Strategy		
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Housing for young families, workers and seniors; community engagement

11-Dec-2018