



Thetis Island Local Trust Committee

Minutes of Regular Meeting

Date: November 7, 2023

Location: Electronic Meeting

Members Present: Tobie Elliott, Chair
Peter Luckham, Local Trustee
Ken Hunter, Local Trustee

Staff Present: Marlis McCargar, Island Planner
Warren Dingman, Bylaw Compliance & Enforcement Manager
Vicky Bockman, Recorder

Others Present: There were approximately nine (9) members of the public and no members of the media in attendance.

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 Elliott called the electronic meeting to order at 9:33 a.m. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations. She welcomed the public and introduced herself, Local Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Hunter reported on the following:

- He has received many letters from community members expressing concern regarding the Abrupt Shellfish rezoning application.
- The replacement vessel currently operating during the MV Kuper refit is causing some public concern; completion of the refit is anticipated in a month.
- An increase in theft on the island is causing concern; a plan to address the issue is currently being considered.

Trustee Luckham reported on the following:

- He acknowledged the many emails, letters and phone calls he has received regarding the Abrupt Shellfish rezoning application.

- He attended the Oceans Protections Plan Conference electronically where topics of interest included coastal marine ecosystem protection strategies, impacts of marine shipping, derelict vessels and more.
- He has been busy with his work as Chair of Islands Trust Council.

3.2 Chair's Report

Chair Elliott commented on the following:

- She has been closely following the legislation regarding potential changes to housing regulations across BC; and staff are researching how these changes might be applicable in the Islands Trust area.
- She reported that the second draft of the 2024/25 budget is scheduled to be reviewed at tomorrow's Executive Committee meeting.

3.3 Electoral Area Director's Report - none

4. PUBLIC COMMENTS

- Paul Duncan asked if there will be any discussion of the 2022/23 Annual Report where the public can ask questions or comment.
 - Trustees explained the process, responding that the Annual Report was submitted and approved at the Trust Council meeting with discussion in September; and will be presented to the legislature in the future. Trustee Luckham suggested he may be contacted with any further questions about the Annual Report.

5. MINUTES

5.1 Local Trust Committee Minutes dated September 5, 2023 - for Adoption

By general consent the Local Trust Committee meeting minutes of September 5, 2023 were adopted.

5.2 Section 26 Resolutions-Without-Meeting Report - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated October 31, 2023

- Trustee Luckham acknowledged that he is responsible for following up on September 5, 2023 Activity No. 2, inviting Ken Thomas or another Elder to open a future LTC meeting; he anticipates providing an update for the next Local Trust Committee (LTC) meeting.
- The draft Letter of Understanding or Protocol Agreement between the Thetis LTC and the Cowichan Valley Regional District is in process; an update is anticipated for the next LTC meeting.

TH-2023-027

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee forward the draft Protocol Agreement Letter documents from the previous term to Cowichan Valley Regional District Director Jessie McClinton for information.

CARRIED

Bylaw Compliance & Enforcement Manager Dingman responded to a request for an update on the Lot 88 enforcement issue for the community's information. He reported that Mr. Pegg was found in contempt of court in September and was assigned fines. Serving Mr. Pegg with the sentencing order has been unsuccessful as he does not appear to be on island and his location is unknown. This may lead to delays; options provided by legal counsel have been provided and can be discussed *In Camera*.

Trustees supported adding an *In Camera* meeting to the agenda at this time, given the importance of this issue to the community.

By general consent item 15 Closed Meeting was added to the agenda.

7. APPLICATIONS AND REFERRALS

7.1 TH-RZ-2022.1 Abrupt Shellfish Inc - Preedy Harbour near Crescent Point - Staff Report

Planner McCargar summarized the Staff Report that asks the LTC to consider proceeding no further with application TH-RZ-2022.2, provides supporting reasons, and background. She reported that at least 29 letters have been received in opposition to this application request. The correspondence may be viewed on the Islands Trust website with the main concerns outlined in the Staff Report.

The applicant was in attendance at this meeting, and was given opportunity to speak to the application, however, declined.

TH-2023-028

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee proceed no further with application TH-RZ-2022.1 for the following reasons:

- a) Inconsistent with the Thetis Island Official Community Plan No. 88;
- b) Inconsistent with the Islands Trust Policy Statement;
- c) Incompatible with adjacent land and recreational uses; and
- d) Potential risk to sensitive ecosystem.

CARRIED

TH-2023-029

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff and Chair to forward a letter and the supporting material received by the Local Trust Committee today to the Ministry responsible for issuance of the lease.

CARRIED

During discussion of the motion, Trustee Luckham read a draft letter to be signed by the LTC Chair, which he proposed might be sent to the Ministry responsible for the issuance of the lease to ask that the LTC decision to reject the application be respected and that the permit that has been issued to the applicant be cancelled. The letter includes the LTC's resolution to proceed no further, summarizes background, observes the community's opposition to the application, notes the lack of consultation with Penelakut Tribes, and expands on the reasons for denial.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Minor Project: OCP/LUB Marine Areas Review Project - Staff Report

Planner McCargar presented the Staff Report that asks the LTC to consider First and Second readings and referral of Proposed Bylaw Nos. 113 and 114 which amends both the Thetis Associated Islands Official Community Plan (OCP) and the Thetis Associated Islands Land Use Bylaw (LUB) to add zoning and land use designations to an unzoned/undesignated marine area.

Comments included the following:

- Planner McCargar confirmed that the W5 area, Burial Islet, is not affected by these amendments.
- A Public Hearing will be necessary as it is a requirement for OCP amendments.
- Staff was asked to ensure that the referrals include a notation that this action is resolving an outstanding oversight from a previous OCP review and is not a more specific, comprehensive amendment process.

TH-2023-030

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 113, cited as "Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023," is not contrary to or at variance with the Island Trust Policy Statement.

CARRIED

TH-2023-031

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 114, cited as "Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023," is not contrary to or at variance with the Island Trust Policy Statement.

CARRIED

TH-2023-032

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 113, cited as “Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023,” be read a first time.

CARRIED

TH-2023-033

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 114, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023,” be read a first time.

CARRIED

TH-2023-034

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 113, cited as “Thetis Associated Islands Official Community Plan, 2014, Amendment No. 1, 2023,” be read a second time.

CARRIED

TH-2023-035

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee Bylaw No. 114, cited as “Thetis Associated Islands Land Use Bylaw, 2014, Amendment No. 1, 2023,” be read a second time.

CARRIED

TH-2023-036

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee proposed Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaw) be referred to the following for comment:

First Nations:

Semiahmoo First Nation, Tsawwassen First Nation, Snuneymuxw First Nation, Halalt First Nation, Stz’uminus First Nation, Cowichan Tribes, Lake Cowichan First Nation, Penelakut Tribe, Lyackson First Nation, Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation and Tsartlip First Nation;

Local Government and Agencies:

Islands Trust Conservancy, Salt Spring Island Local Trust Committee, Gabriola Local Trust Committee, Cowichan Valley Regional District, School District 79, Ministry of Forests, Ministry of Agriculture and Food, Ministry of Transportation and Infrastructure, and Fisheries and Oceans Canada.

CARRIED

TH-2023-037

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee request staff to schedule an electronic Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 113 (Official Community Plan) and 114 (Land Use Bylaw).

CARRIED

9. DELEGATIONS - none

10. CORRESPONDENCE - none

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

11. NEW BUSINESS - none

12. REPORTS

12.1 Trust Conservancy Report

- A positive meeting between Executive Committee and the Trust Conservancy Board occurred and more frequent meetings of this nature with more collaboration and sharing of processes is being encouraged.
- Penelakut Tribe Council Member Ken Thomas has been appointed by the province to be a sitting board member of the Trust Conservancy, bringing welcomed perspective and contributions.

12.2 Trustee and Local Expense Report dated August, 2023

- LTC meeting expenses are not related to the frequency of meetings; and the LTC Meeting Facilitator position has not yet been filled, affecting budget numbers.
- Trustee Hunter requested that hard copies of agendas be sent to him prior to electronic meetings; staff supported this request and will implement this procedure.
- Trustees affirmed the value of in-person meetings; however, also considered that electronic meetings might be desirable when agendas are light and public interest is minimal.

12.3 Adopted Policies and Standing Resolutions

Received for information.

12.4 Local Trust Committee Webpage

There were no changes or additions requested.

13. WORK PROGRAM

13.1 Active Projects Report dated October 31, 2023

Received for information.

13.2 Future Projects Report dated October 31, 2023

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled - To Be Determined

15. CLOSED MEETING

15.1 Motion to Close the Meeting

TH-2023-038

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)(f) for the purpose of considering:

- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment

and that the Recorder and Staff attend the meeting.

CARRIED

The meeting closed to the public at 10:53 a.m.

15.2 Recall to Order

The meeting reconvened at 11:26 a.m.

15.3 Rise and Report

The LTC reported that in the closed meeting the LTC directed further work to serve Mr. Pegg and seek recovery of legal costs.

16. ADJOURNMENT

By general consent the meeting was adjourned at 11:27 a.m.

Tobi Elliott, Chair

Certified Correct:

Vicky Bockman, Recorder