



## Thetis Island Local Trust Committee

### Minutes of Regular Meeting

<b>Date:</b>	<b>April 18, 2023</b>
<b>Location:</b>	<b>Forbes Hall Community Centre North Cove Road, Thetis Island, BC</b>
<b>Members Present:</b>	<b>Tobi Elliott, Chair Peter Luckham, Local Trustee Ken Hunter, Local Trustee</b>
<b>Staff Present:</b>	<b>Warren Dingman, Bylaw Enforcement Manager Marlis McCargar, Island Planner Katherine Vogt, Recorder by Zoom</b>
<b>Others Present:</b>	<b>There were approximately 3 members of the public and no members of the media in attendance.</b>

#### 1. CALL TO ORDER

The Chair called the meeting to order at 9:41 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced herself, Trustees, Staff, and Recorder and welcomed members of the public. She noted that the meeting was being livestreamed and recorded.

#### 2. APPROVAL OF AGENDA

Trustee Luckham noted that he had just recently received five pieces of correspondence from Thetis residents regarding the weekend fire on Lot 88 on Kobe Point Road; and, that he had requested Bylaw Enforcement Manager Warren Dingman to attend the meeting today to address the ongoing compliance issues for the property at which this recent fire occurred. The following additions to the agenda were presented for consideration:

- add item 3.4: Bylaw Enforcement Manager Warren Dingman Report Regarding Lot 88

**By general consent** the agenda was adopted as amended.

#### 3. REPORTS

##### 3.1 Trustee Reports

Trustee Luckham reported on the following:

- At March Trust Council, the adoption of the budget involved very vigorous discussion regarding limiting tax increases to a minimum of 1.4 to 2 % which is quite low compared to other local governments.
- Sitting on the Trust Executive Committee, the Financial Planning Committee, the Regional Planning Committee and Trust Area Services; the issues that have arisen include housing and Trust policy initiatives.
- Attendance with Chair Elliot at a recent meeting of the Association of Vancouver Island Coastal Communities (AVICC) where the issues of local ocean waters, housing, and reconciliation were discussed.

Trustee Hunter reported on the following:

- Attendance at a recent Ferry Advisory Committee meeting where it was learned that B.C. Ferries is doing all they can to increase staff levels so that there are not missed runs; including adjusting work schedules and paying for accommodations for workers..

### **3.2 Chair's Report**

Chair Elliot reported on the following:

- Taxation and cost of living issues are at the forefront of public concerns.
- Attendance at the April 2023 Union of BC Municipalities (UBCM) Housing Summit which followed a recent Provincial Government indication, not yet legislated, that they will be getting back into social and affordable housing, an area that they had withdrawn from in the 1990s.
- At the Housing Summit it was acknowledged that municipalities are not coping with population increases.
- The Housing Working Group of the Regional Planning Committee is looking at a recent white paper called "Salt Spring Solutions: Homes for Islanders."
- The effort to address housing is becoming more collective rather than each Local Trust Committee (LTC) dealing with it on their own.
- Attendance at the recent AVICC conference, which had an informative session on reconciliation for local governments.

### **3.3 Electoral Area Director's Report**

Trustee Luckham noted that he had recently met with Jesse McClinton, Electoral Area Director for Cowichan Valley Regional District Area G Saltair/Gulf Islands at the AVICC meeting where Director McClinton had expressed regret at not been able to attend Thetis meetings due to other work commitments; but that he is very interested in Thetis activities and is engaged and involved with the community dock; and with internet connectivity which the Cowichan Valley Regional District (CVRD) has taken over.

### **3.4 Bylaw Enforcement Manager Warren Dingman Report Regarding Lot 88**

The Bylaw Enforcement Manager provided a status update on Lot 88 where a fire had just recently occurred, noting the following:

- Four years ago, a bylaw enforcement file was initiated for Lot 88; and a court order to cease unlawful activity and conduct site cleanup on the parcel was served in November of 2021, for which there was no compliance; another court order was served in August 2022 after which there was an attempt by Islands Trust legal counsel to initiate contempt proceedings for non-compliance.
- The contempt proceedings process was halted after an error in the court procedures.
- Trust legal counsel obtained a new 90-days compliance order dated February 24, 2023, to end on May 26, 2023; after which a new inspection and affidavit will be required.
- It is probable that a new court date could be set for two to three months after May 26, 2023; and, if the judge then agrees that the owner is in contempt, the judge will set another date which will act as a penalty phase date.
- The judge may then give an order which allows the Islands Trust to clean up the site and charge the costs to the property owner.

Trustee Luckham conveyed the following information contained in the recent five late pieces of correspondence received from the following concerned residents: 1. Ron and Kelly Bannister; 2. Peter and Anne Barr; 3. Tracey and Mark Keans; 4. Helen and Ron Vandergaag; and 5. Pat English:

- The recent fire on Lot 88 was a very dangerous situation and it is fortunate that the forests were not tinder dry.
- The unsightliness of Lot 88 is one thing, but the recent fire threatens all Thetis islanders.
- The extreme fire risk and mess on Lot 88 would not be tolerated in a city setting, but this has gone on for years on Thetis Island.
- The community is afraid of what might happen next for example, loss of life, loss of property value and property enjoyment.
- Lot 88 houses an incredibly dangerous collection of flammable chemicals that poses a serious threat to First Responders and neighbours.

Trustee Luckham encouraged residents to write letters to the LTC and other pertinent groups about the extremely serious situation on Lot 88.

The Bylaw Enforcement Manager advised Trustees regarding Lot 88, noting the following:

- A Trustee could not represent Thetis Island in an upcoming court hearing; community members could attend but not speak at the hearing.
- The judge will hear from Islands Trust legal counsel Young Anderson.
- The Bylaw Enforcement Manager will be writing the affidavit which could include the concerns conveyed by recent correspondence from Thetis residents.

- An in-camera meeting with Young Anderson may be required to determine if proceedings may be expedited due to the escalating fire safety risk.
- Legal opinion could be sought to determine if the Regional District, through their Fire Department or other agency, has any means to suspend dangerous activities on the property site.
  - Trustee Luckham offered that he would investigate what ability the Thetis Island Fire Department, which is under the jurisdiction of the Thetis Island Improvement District and not the Regional District, has to suspend dangerous activities.
- The court can order the sale of a property to recover Islands Trust costs; the estimated cost to clean up Lot 88 is over \$100,000.

The Bylaw Enforcement Manager provided Trustees with a status update for the property at 71 Marina Drive, noting that he was waiting for a legal property survey.

#### 4. PUBLIC COMMENTS

Members of the public asked or noted the following:

- Existing provincial fire and emergency regulations for various government agencies should be investigated for information in parallel to the legal approach to Lot 88.
- The Islands Trust should action a response to the Vancouver Port Authority to obtain jurisdiction over anchorages in the Salish Sea because Transport Canada is supporting that the Vancouver Port Authority take over this jurisdiction.
  - A Trustee responded that the freighter anchorages issue is complex and that the Trust is presently seeking a moratorium on such anchorages but is frustrated by an unresponsive Federal Government.
  - Trustee Luckham directed to his recent letter response as Chair of Trust Council to Minister Cullen on the provincial Coastal Marine Strategy Intentions Paper: <https://islandstrust.bc.ca/document/feedback-on-coastal-marine-strategy-intentions-paper/>
  - The Bylaw Enforcement Manager noted that the courts have consistently ruled that local governments do not have jurisdiction over federally regulated activities or industries such as airports and anchorages. Also, there are numerous marine areas that have legal non-compliant anchorage status from the 1940s.
- The neighbours of Lot 88 are frightened by gunshots in the night. The community has a very serious problem. Many neighbouring properties have completely lost value. The fire on Sunday, April 16<sup>th</sup> at around 2:00 am involved very high flames very close to trees and was a clear and present danger to the neighbours and greater community.
  - The Bylaw Enforcement Manager offered to send the complainants pertinent information about the ongoing enforcement process.
  - A Trustee noted the millions of dollars of property value lost by the neighbours of Lot 88.

**TH-LTC-2023-007**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee ask staff to seek a legal opinion regarding other options for remediating the community emergency threat on Lot 88.

**CARRIED**

**By general consent**, the meeting was recessed at 10:51 am and reconvened at 10:54 am.

**5. MINUTES**

**5.1 Local Trust Committee Minutes dated February 28, 2023 - for Adoption**

**By general consent** the Local Trust Committee meeting minutes of February 28, 2023 were adopted.

**5.2 Section 26 Resolutions-Without-Meeting Report dated March 31, 2023**

Received.

**5.3 Advisory Planning Commission Minutes – none**

The Island Planner noted that the Thetis Advisory Planning Commission (APC) had recently completed an orientation session with other island APC groups.

**6. BUSINESS ARISING FROM MINUTES**

**6.1 Follow-up Action List dated April 6, 2023**

The Island Planner noted that everything on the list was completed.

**7. APPLICATIONS AND REFERRALS**

**7.1 Thetis Island Local Trust Committee Official Plan Bylaw No. 108 (OCP) and Land Use Bylaw No. 109 (LUB) - Staff Report - for adoption**

The Island Planner presented the Staff Report regarding Thetis Island Riparian Areas Protection Regulation (RAPR) Implementation that has been in process since 2010. Proposed Bylaws Nos. 108 and 109 bring the Thetis Island OCP and LUB into compliance with provincial riparian regulations.

Trustees discussed the farming and forestry exemptions to RAPR regulations; and the redundancy of including regulations of outside agencies into the OCP and LUB.

A Trustee questioned how fish-bearing streams were determined to be fish-bearing.

**TH-LTC-2023-008**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 108, cited as “Thetis Island Official Community Plan, 2011, Amendment No. 1, 2020”, be adopted.

**CARRIED**

Trustee Hunter opposed.

**TH-LTC-2023-009**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee Bylaw No. 109, cited as “Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2020”, be adopted.

**CARRIED**

Trustee Hunter opposed.

**8. LOCAL TRUST COMMITTEE PROJECTS**

**8.1 Local Trust Committee Project Prioritization - Staff Report**

The Island Planner presented the staff report that asks Trustees to consider their minor and major projects for the current and next fiscal year. Staff recommended the “Thetis Island Shoreline and Coastal Protection Review project” as the major project; “Unzoned Marine Areas Review Project” as the first minor project; and “Soil Removal and Deposit Bylaw” as the second minor project, in accordance with Trustee priorities determined at the last LTC meeting.

A Trustee noted that the “Soil Removal and Deposit Bylaw” could be crafted for local needs.

A Trustee suggested that where proposed OCP bylaws were administrative and not controversial, such as “Unzoned Marine Area Review Project,” that Public Hearing requirements could be waived; and that this could be indicated in the Project Charter.

**TH-LTC-2023-010**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to prepare a draft Project Charter for the 2023/2024 fiscal year minor project titled “Unzoned Marine Area Review Project”.

**CARRIED**

**TH-LTC-2023-011**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to prepare a draft business case for a 2024/2025 fiscal year major project titled “Thetis Island Shoreline and Coastal Protection Review Project”.

**CARRIED**

**9. DELEGATIONS - none**

**10. CORRESPONDENCE**

Trustee Luckham offered to provide to the Chair electronic copies of the five letters he had very recently received from residents; and reminded that in the discussion of anchorages during Item 4.

There was reference to the letter to Minister Cullen dated April 13, 2023, from Peter Luckham, Chair of the Islands Trust Council, which provides feedback on the Coastal Marine Strategy Intentions Paper: <https://islandstrust.bc.ca/document/feedback-on-coastal-marine-strategy-intentions-paper/>

**11. NEW BUSINESS**

**11.1 Draft Freedom of Information and Protection of Privacy Bylaw - Request for Decision**

Trustees were provided in their current agenda package the March 2023 report from David Marlor, Director of Legislative Services, which requests that Trustees adopt the new bylaw to update the older bylaw with current legislation and schedule of fees.

**TH-LTC-2023-012**

**It was MOVED and SECONDED,**

that Thetis Island Local Trust Committee Bylaw No. 112, cited as “Thetis Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 112, 2023” be given first reading.

**CARRIED**

**TH-LTC-2023-013**

**It was MOVED and SECONDED,**

that Thetis Island Local Trust Committee Bylaw No. 112, cited as “Thetis Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 112, 2023” be given second reading.

**CARRIED**

**TH-LTC-2023-014**

**It was MOVED and SECONDED,**

that Thetis Island Local Trust Committee Bylaw No. 112, cited as “Thetis Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 112, 2023” be given third reading.

**CARRIED**

**TH-LTC-2023-015**

**It was MOVED and SECONDED,**

that Thetis Island Local Trust Committee Bylaw No. 112, cited as “Thetis Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 112, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**12. REPORTS**

**12.1 Trust Conservancy Report-none**

Chair Elliot provided a verbal update noting the following:

- A work plan was approved at the last Conservancy Board meeting in March.
- Considerable attention has been given to the BC Coastal Marine Strategy Intentions paper.
- Conservancy Vice-Chair Dr. Risa Smith attended a session of the BC Coastal Marine Strategy and was impressed by the Water Security Strategy and the 6 outcomes for the strategy that have been developed with First Nations.
- The Conservancy Reconciliation Action Plan is waiting on the filling of a new Senior Intergovernmental Policy Advisor.
- Obtaining new Conservancy land is still a priority.
- Greater administrative capacity is needed to create management plans for Conservancy lands.

A Trustee noted that a local resident had asked if recent Trust Conservancy purchases or acquisitions had been filed with the Landowner Transparency Register.

- Chair Elliot requested a copy of the email so that it could be forwarded to Conservancy Manager Kate Emmings, who could then respond to the resident directly.

**12.2 Applications Report dated April 6, 2023**

Received.

**12.3 Trustee and Local Expense Report February 2023**

Received.

**12.4 Adopted Policies and Standing Resolutions**

Trustees discussed recent reconciliation activities; and the local standing resolution of 2018 that suspends enforcement action regarding unlawful non-tourist accommodation.

**12.5 Local Trust Committee Webpage**

**13. WORK PROGRAM**

**13.1 Active Projects Report dated April 6, 2023**

Received.

**13.2 Future Projects Report dated April 6, 2023**

Received.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Tuesday, July 4, 2023 at 9:30 am and will be Electronic**

**15. ADJOURNMENT**

**By general consent** the meeting was adjourned at 11:36 am.

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Tobi Elliott, Chair

Certified Correct:

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Katherine Vogt, Recorder