

ISLANDS TRUST COUNCIL
BYLAW NO. 100

A bylaw to adopt a Protocol with the Agricultural Land Commission

WHEREAS pursuant to Section 9(1) of the *Islands Trust Act*, the Trust Council, for the purpose of carrying out the object of the Trust, may enter into agreements with the government of British Columbia; respecting the coordination of activities within the Trust Area;

NOW THEREFORE the Islands Trust Council, in open meeting assembled, enacts as follows:

Citation

1. This bylaw may be cited for all purposes as "Islands Trust Council/Agricultural Land Commission, Protocol Bylaw No. 100, 2004".

Protocol

2. The protocol agreement attached as Schedule "A" and entitled "Protocol Agreement Concerning Agricultural Land Reserve in the Islands Trust Area" is approved pursuant to Section 9(1) of the *Islands Trust Act*.

Severability

3. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

READ A FIRST TIME THIS 11TH DAY OF MARCH , 2004

READ A SECOND TIME THIS 11TH DAY OF MARCH , 2004

READ A THIRD TIME THIS 11TH DAY OF MARCH , 2004

APPROVED BY THE MINISTER OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES
THIS 26TH DAY OF APRIL , 2004

ADOPTED THIS 11TH DAY OF JUNE , 2004

CHAIR

SECRETARY

SCHEDULE A
PROTOCOL AGREEMENT
CONCERNING
AGRICULTURAL LAND RESERVE IN THE ISLANDS TRUST AREA

BETWEEN:

AGRICULTURAL LAND COMMISSION (the Commission)

AND:

ISLANDS TRUST COUNCIL (the Islands Trust)

WHEREAS:

Pursuant to Section 3 of the *Islands Trust Act*, the legislated object of the Islands Trust, is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations, and the government of the Province;

Pursuant to Section 9(1) of the *Islands Trust Act*, for the purpose of carrying out the object of the Trust, the Islands Trust Council may, subject to the approval by the Minister of Community, Aboriginal and Women's Services, enter into agreements with the Province and agents of the Province respecting the coordination of administrative activities within the Trust Area.

The **ISLANDS TRUST**, through the following corporate entities is responsible for:

Trust Council - making recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the Crown in right of the Province of land situated within the Trust Area, establishing general policies to carry out the object of the Trust, ensuring proposed local planning activities comply with the Trust object and Policy Statement;

Trust Fund Board - protecting significant environmental and cultural sites and features in perpetuity, by acquiring, holding, and managing land and interests in land, including conservation covenants, and by encouraging and assisting landowners to undertake private land stewardship measures; and

Local Trust Committees - providing local land use planning and regulation in accordance with the object of the Trust and responding to the concerns of island residents and property owners.

The **COMMISSION**, pursuant to the *Agricultural Land Commission Act*, is an independent Provincial agency dedicated to administering the *Agricultural Land Commission Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. The Commission is responsible for protecting the scarce supply of agricultural land that is important to the current

and future needs of British Columbia through the administration of applications for exclusion, inclusion, subdivision and use of land within the Agricultural Land Reserve. It encourages the establishment and maintenance of farms to provide a basis for a sustainable economy and a secure source of food, becomes involved in land use planning that supports this objective and provides advisory services to governments, the public and the farming community.

Both the Commission and the Islands Trust share responsibility for the protection of the agricultural land base and the continuance of agricultural activities in the Trust Area.

Both the Commission and the Islands Trust recognize that land use planning issues related to agricultural uses are complex, often transcending political boundaries, and thus require coordinated responses from the parties.

Both the Commission and the Islands Trust recognize that within the Agricultural Land Reserve there may be environmental or cultural features and values that require protection, and thus a coordinated effort to ensure protection of agricultural, forest, environmental and cultural features is warranted.

AND WHEREAS:

Both parties recognize the need to clarify:

1. the Commission's responsibility for land within or proposed for the Agricultural Land Reserve in the Trust Area;
2. local trust committee responsibility for land use planning and regulations in the Trust Area;
3. the Trust Fund Board's and Commission's responsibilities around conservation covenants within Agricultural Land Reserve areas in the Trust Area; and
4. the Islands Trust's responsibility to preserve and protect unique amenities and the environment of the Islands Trust Area.

THEREFORE:

In order to enhance their respective abilities to achieve their mandates within the Trust Area in a manner which is respectful of each agency's jurisdiction, the Commission and the Islands Trust are committed to enter into an administrative Letter of Understanding between the Chief Executive Officer of the Agricultural Land Commission and the Chief Administrative Officer of the Islands Trust that will:

1. develop procedures to promote a consultative process on issues of common interest;
2. set out a process by which consultation will take place; and
3. identify those issues that should be the subject of consultation.

ADMINISTRATION OF PROTOCOL

The key contacts for administering this Protocol are the:

Chief Administrative Officer - Islands Trust
Chief Executive Officer - Agricultural Land Commission

TERMS OF PROTOCOL

The parties may agree to amend or terminate this Protocol at any time.

1. ASSENTED TO THIS _____ DAY OF _____ 2004 BY:

Kirk Miller, Chair and Chief Executive Officer
Agricultural Land Commission

David Essig
Chair, Islands Trust Council

2. APPROVED, PURSUANT TO SECTION 9(1) OF THE *ISLANDS TRUST ACT*,
THIS _____ DAY OF _____ 2004 BY:

The Honourable Murray Coell
Minister of Community, Aboriginal and Women's Services