



<b>Policy:</b>	5.7.1
<b>Approved By:</b>	Trust Council
<b>Approval Date:</b>	March 12, 1994
<b>Amendment Date(s):</b>	March 11, 1995; December 7, 1996 June 16, 2005, June 20, 2017
<b>Policy Holder:</b>	Director of Local Planning Services

## LOCAL TRUST COMMITTEE BYLAWS CHECKLIST

### Purpose

1. To ensure that local trust committee bylaw processing is carried out in accordance with statutory requirements as outlined in the *Islands Trust Act* and the *Local Government Act*.
2. To ensure proper completion and procedural certainty of the finished bylaw document.

### A. Definitions of Terms

1. The Bylaw Checklist for local trust committee bylaws is generated from the Bylaw Management Database. The Bylaw Checklist used as a tool by planning staff to ensure that statutory requirements, public accountability, and proper completion of the bylaw are addressed.
2. The Policy Statement Directives Checklist (Attachment 1) is based on the directive only policies from the Islands Trust Policy Statement. It is a tool used by planners and local trust committee to ensure that proposed bylaws are not contrary to or at variance with the Islands Trust Policy Statement.

### B. Procedure

#### 1. Use of Bylaw Management Database Checklists

- 1.1 Authority is provided to the Islands Trust Corporate Secretary (and/or designate) to ensure the use of the Bylaw Checklist as follows:
  - i. No public hearing shall be booked until the Corporate Secretary (or designate) provides authorization.
  - ii. Staff is responsible to ensure that local trust committees receive an updated Bylaw Checklist upon their consideration of a bylaw at the public hearing stage.
  - iii. Staff is responsible for ensuring that the Executive Committee receives an updated Bylaw Checklist upon its consideration of Section 22 approval.
- 1.2 The Policy Statement Directives Checklist is to be included with a bylaw referred to the Executive Committee for approval.

## **2. Bylaw Referrals**

- 2.1 Planning staff may forward bylaws to referral agencies either before, or after, the bylaw has received first reading.
- 2.2 Planning staff will use the Policy Statement Directives Checklist as a reference when examining proposed bylaws for compatibility with the Policy Statement prior to first reading.
- 2.3 Planning staff may refer bylaws to Trust Area staff if they need to seek clarification relative to the Policy Statement.
- 2.4 The Executive Committee is not considered a referral agency for local trust committee bylaws.
- 2.5 Correspondence sent to the Executive Committee regarding local trust committee bylaws should be forwarded to the Director of Local Planning Services who may prepare a report for consideration by the Executive Committee.

## **3. Public Hearing**

- 3.1 Final booking arrangements and notification for a public hearing may only occur after ALL of the following events have occurred in the order as presented below:
  - i) either after 30 days from sending bylaw referrals to agencies, or when the agency referral responses are complete to the satisfaction of planning staff; and
  - ii) when the application file (public hearing binder) is ready for public viewing; and
  - iii) when the Corporate Secretary (or designate) has signed the Bylaw Checklist to authorize a bylaw to be booked for public hearing; and
  - iv) upon resolution of a local trust committee authorizing a bylaw to be forwarded to public hearing.
- 3.2 Each member of the local trust committee will receive a public hearing information binder which will include a copy of the Bylaw Checklist and any additional relevant information and material.

## **4. Executive Committee Approval**

- 4.1 Under Section 22 of the *Islands Trust Act*, the Executive Committee must consider approval of all local trust committee bylaws after third reading.
- 4.2 Planning staff will forward to the Executive Committee after third reading, a copy of the proposed bylaw, the signed Bylaw Checklist and the Policy Statement Directives Checklist.

## **5. Ministerial Approval**

- 5.1 If Ministerial approval is required, the following documentation is sent to the Ministry of Community, Sport and Cultural Development:
- i. two copies of the bylaw submission form; and
  - ii. three copies of the proposed bylaw, certified at third reading; and
  - iii. the completed Bylaw Management Database Checklist (includes Executive approval and the date); and
  - iv. Any additional staff planner reports to accompany agency comments and public hearing notes if necessary.

## **6. Bylaw Adoption**

- 6.1 Once the Bylaw has been adopted by the local trust committee, certified copies of the bylaw are sent to appropriate agencies and staff.

## **7. Bylaw Filing**

- 7.1 Once the original bylaw has been sealed and filed in the fire-proof filing cabinet, the Corporate Secretary (or designate) of the Islands Trust signs and dates the Bylaw Checklist, which will be kept in the bylaw file along with a certified copy of the bylaw.

## **C. Legislated References**

1. *Islands Trust Act:*
  - 1.1 Part 2, Trust Council, Trust Policy Statement Section 15 (4) and Approval of Bylaws Section 16.
  - 1.2 Part 3, Executive Committee, Section 22 Approval of Bylaws.
  - 1.3 Part 4, Approval requirement for Local Trust Committees, Section 27.
2. *Local Government Act*
3. The Islands Trust Council Bylaw No. 17, a Bylaw to Adopt a Policy Statement for the Trust Area cited as “The Islands Trust Policy Statement Bylaw, 1993”.
4. The Islands Trust Policy and Procedures Manual:
  - 4.1 Policy Statement, Implementation Policies 1.3.1, Policy Statement Implementation.
  - 4.2 Trust Council Executive Committee 2.4.4, Executive Committee Legislative Role.

## **D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures**

ATTACHMENT 1 - Policy Statement Directives Checklist



Islands Trust

## POLICY STATEMENT DIRECTIVES CHECK LIST

**Bylaw and File No:**

### **PURPOSE**

To provide staff with the Directives Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

### **POLICY STATEMENT**

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

### **DIRECTIVES CHECK LIST**

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Directives Checklist to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✘ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

**Part III Policies for Ecosystem Preservation and Protection**

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>3.1</b>	<b>Ecosystems</b>
	<b>3.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
	<b>3.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
	<b>3.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	<b>3.2</b>	<b>Forest Ecosystems</b>
	<b>3.2.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
	<b>3.3.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
	<b>3.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
	<b>3.4.5</b>	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.

**PART IV: Policies for the Stewardship of Resources**

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>4.1</b>	<b>Agricultural Land</b>
	<b>4.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
	<b>4.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
	<b>4.1.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of

CONSISTENT	NO.	DIRECTIVE POLICY
		adjacent properties to minimize any adverse affects on agricultural land.
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	<b>Forests</b>
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	<b>Wildlife and Vegetation</b>
	4.4	<b>Freshwater Resources</b>
	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	<b>Coastal Areas and Marine Shorelands</b>
	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
	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.
	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	<b>Soils and Other Resources</b>
	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

### **PART V: Policies for Sustainable Communities**

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
	<b>5.1</b>	<b>Aesthetic Qualities</b>
	<b>5.1.3</b>	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.
	<b>5.2</b>	<b>Growth and Development</b>
	<b>5.2.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
	<b>5.2.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
	<b>5.2.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
	<b>5.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	<b>5.3</b>	<b>Transportation and Utilities</b>
	<b>5.3.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
	<b>5.3.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
	<b>5.3.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
	<b>5.3.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	<b>5.4</b>	<b>Disposal of Waste</b>
	<b>5.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>5.5</b>	<b>Recreation</b>
	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
	<b>COMPLIANCE WITH TRUST POLICY</b>
	<b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b>