

**Amending Agreement
to the
Letter of Agreement**

between

The Ministry of Transportation and Highways

and

The Islands Trust

Subject:

**Road Standards, Classification and
The Consultative Process in the Islands Trust Area**

Dated July 18, 1996

WHEREAS, the Ministry of Transportation and Highways and the Islands Trust Council (the Parties) signed a Letter of Understanding on November 12, 1992, respecting road standards in the Islands Trust Area; and

WHEREAS, the Parties wish to amend this agreement in the following areas only:

- Principles;
- Gravel Road Classification;
- Access-By-Water Only Classification;
- Variance Referral Process within the Subdivision Approval Process; and
- Road System Planning

NOW THEREFORE, the parties agree as follows:

PRINCIPLES *(addition to Section A - Purpose)*

The authorities of MOTH and the Islands Trust involve the planning and development of road systems in the Trust Area as provided for through:

- the 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 of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province". (*Islands Trust Act, Section 3*);
- the mandate of the Ministry of Transportation and Highways is: "To facilitate the safe and efficient movement of people and goods, and the realization of government objectives by planning, delivering and operating British Columbia's highways infrastructure, and, by licensing and regulating its users."
- the Islands Trust is comprised of the following corporate entities:
 - **Trust Council** is responsible for managing the resources of the Islands Trust and providing general policies to guide land use planning throughout the Trust Area [Islands Trust Act Section 5];
 - **Local Trust Committees** are responsible for regulating the development and use of land within each local trust area [Islands Trust Act Section 22]; and

- **Islands Trust Fund Board** is responsible for acquiring, holding and managing lands and assets to preserve and protect significant sites and features of the environment within the Trust Area [Islands Trust Act Section 37]; and

- the parties agree that the following principles shall form the basis for cooperation and consultation among the Parties.

- **SAFETY**

Safety for road system users and the public safety shall be given significant importance in the evaluation of road location, design and construction proposals and activities.

- **ENVIRONMENTAL PROTECTION**

The parties are committed to respond to environmental matters arising from road system design and construction activities within their exclusive areas of jurisdiction, while respecting the jurisdiction of the other, to protect, and conserve the environment for use by present and future generations.

- **AFFORDABILITY**

Either party proposing a significant change in road location, design or construction practices that affects the other party, the developer and the community will ensure that overall road costs, including capital, rehabilitation and maintenance will be taken into consideration.

- **PUBLIC/APPLICANT INPUT**

To ensure that a broad range of views regarding the community's future is heard, MOTM and the Islands Trust will provide the applicant and the public with appropriate opportunities to provide input to decisions which have significant road system impact.

- **SUSTAINABILITY**

Both parties are committed to integrating the environmental, economic and social values of an island community in evaluating road system proposals.

- **COMMUNITY ASSET**

Effective evaluation of road design and construction proposals will consistently consider:

- the rural character of an Island;
- impact on the environment;
- maintaining roads as a safe and affordable asset; and
- provision of equitable levels of mobility and accessibility for Island residents and visitors.

- **COOPERATION**

Effective cooperation between MOTH and the Islands Trust will lead to certainty in road system planning and development, coordinated responses from the parties, and the harmonization of relevant legislation, bylaws, policies and programs.

ROAD CLASSIFICATIONS

(Addition to Section E - Road Standards for Island Roads)

E.3 GRAVEL ROADS

1. The intent of allowing gravel road standards is to balance road safety and development/maintenance costs with preservation of the rural atmosphere of Trust Area islands.
2. To deal equitably with minor developments where the cost of utilizing the usual pavement standard would be disproportionate, the Ministry of Transportation and Highways allows the developer the option of using a crushed gravel surface for construction of local (residential) road class, rather than the usual provision of pavement when the number of lots to be created is fewer than four and when all lot sizes are more than two hectares and there is no potential for the future connection to a further subdivision. This will be applicable for the local road class on all islands in the Trust Area.
3. As well, on islands not served by car ferries, the lower level of car usage and the presence of gravel roads makes the use of gravel roads possible. For clarity these include islands such as Lasqueti, Gambier, Keats, Coal, DeCourcy, Moresby, Mudge, Piers, Valdes, Portland, Reid, Ruxton, Sidney, Thormanby, Wallace, and other lesser islands.

4. The Ministry of Transportation and Highways will consult with the appropriate local trust committee prior to the change of any gravel road to a pavement surface, preferably through the annual consultation process.

E.4 ACCESS-BY-WATER ONLY

The required minimum standard for a water access only road with ditches is a road having a 3.6 metre top width, and gravel or crushed granular surfacing acceptable to the District Highways Manager.

This standard for access-by-water only will be applicable only where a limited number of lots are to be served, and there is no potential for the future connection to an existing public road in the foreseeable future. The normal road standards established by the Memorandum of Understanding will be applicable otherwise.

VARIANCE REFERRAL PROCESS

(New Section G)

G. VARIANCE REFERRAL PROCESS

The variance referral process within the subdivision approval process provides for Islands Trust input on road system proposals, road designs and road construction within MOTH's approval and monitoring process to enable both agencies to achieve the stated principles for road standards in the Trust Area.

1.0 REFERRAL PROCESS

- 1.1 Within the MOTH's Road System Proposal Review process, variances will be noted and referred to the Islands Trust prior to: 1) Preliminary Layout Conditions being established; 2) Road Design Approval; and 3) during the monitoring of construction (See Display G.1).
- 1.2 The Islands Trust and MOTH will prepare and distribute applicant guidelines for road construction in the Trust Area.
- 1.3 MOTH will encourage applicants to consult with the Islands Trust to deal with variances prior to submitting their application.

2.0 VARIANCES

2.1 Road standards within the agreement are to be considered as providing the maximum right of way width for the following road classifications:

- 20 meters for Residential Rural/Local, Minor Rural and Main Rural Classifications; and
- 25 meters for the Major Rural Classification.

2.2 Right of way widths which exceed those in the road standards for a distance greater than 20% of the total proposed road length; and/or a continuous road length greater than 75 meters will be considered as a variance, unless otherwise mutually agreed to by way of an agreed addendum to this agreement.

3.0 PLA CONDITIONS

3.1 MOTH will note any anticipated variances to the Islands Trust in its referral of the Subdivision Application.

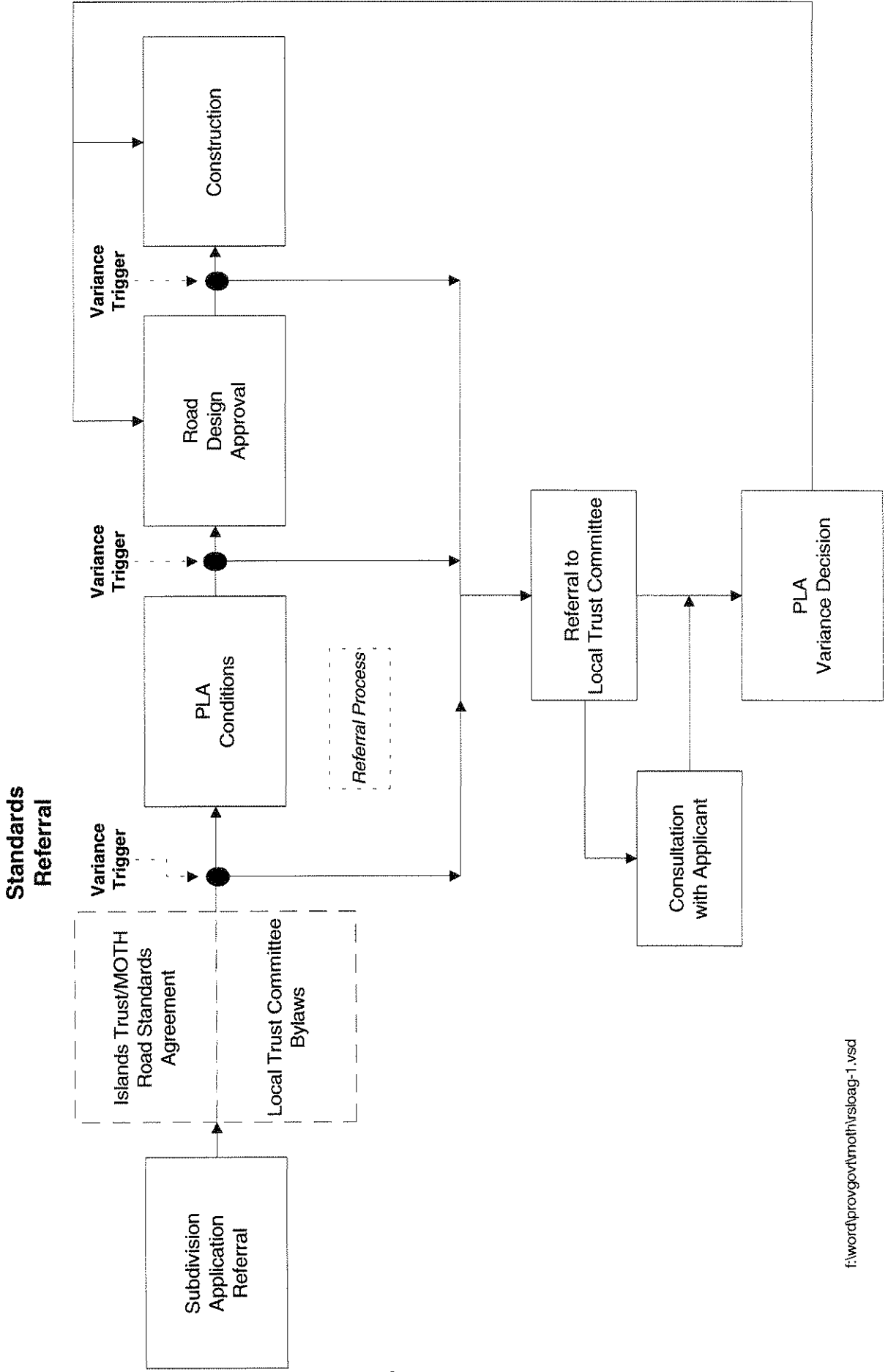
3.2 MOTH will request the applicant to meet with the Islands Trust to discuss the anticipated variances.

3.3 The Islands Trust and/or the applicant may put forth options to MOTH to deal with variances such as:

- accept the variance and ensure the public is aware of the proposal and reasons for the variance;
- utilize landscaping techniques to repair the impact of road clearing activities;
- employ different construction techniques which do not compromise safety;
- relocate the proposed road which may require modification of subdivision layout requirements; and
- request MOTH to modify the road standards.

3.4 MOTH, unless otherwise mutually agreed to by the applicant and Islands Trust, will provide 30 working days for the applicant/Islands Trust to meet and prepare a joint submission to deal with variances.

Display G.1
ISLANDS TRUST AND MINISTRY OF TRANSPORTATION AND HIGHWAYS
ROAD STANDARDS VARIANCE REFERRAL PROCESS



- 3.5 Within 5 working days following the above deadline, the applicant and/or Islands Trust may submit their own proposals in writing and request a meeting with MOTH to present their views.
- 3.6 Both parties acknowledge that MOTH retains the authority to make all final road construction decisions and that the Ministry's role in any applicant/Islands Trust consultations will be to provide access to information.

4.0 ROAD DESIGN APPROVAL

- 4.1 MOTH will require the applicant to notify MOTH of any variances to the standards or variances stated in the Preliminary Layout Approval (PLA) which arise during the road design approval stage.
- 4.2 MOTH will refer any variances to the Islands Trust which arise during the road design approval stage.
- 4.3 The parameters outlined in Section 2.0 will apply to applicant/Islands Trust consultations within 10 working days for a joint applicant/Islands Trust submission or 15 working days for individual submissions by the applicant and/or the Islands Trust.

5.0 ROAD CONSTRUCTION MONITORING

- 5.1 MOTH will require the applicant to notify MOTH of any variances which arise during the construction stage to standards and/or variances stated in the Road Design Approval.
- 5.2 MOTH will refer any variances to the Islands Trust which arise during the road construction stage.
- 5.3 MOTH may request the applicant to halt construction and it may conduct a meeting of the applicant/Islands Trust to deal with unresolved variances.

H. ROAD SYSTEM PLANNING

(New Section H)

1. MOTH will assist, subject to the availability of resources, local trust committees in developing Road System Plans as a component of the Official Community Plan.
2. The Road System work program will be established at the annual interagency meeting.

C. INTERAGENCY LIAISON

(addition to section C - Consultative Process)


The parties agree to maintain an Interagency Task Force for the purposes of:

- dealing with arising issues;
- establishing an annual work program to: ensure staff liaison; develop further the road standards agreement; and review agency initiatives - legislation, bylaws, and programs of mutual interest; and
- meet at least twice annually for the above purposes.

THEREFORE, both parties commit to respect the above terms of the Amending Agreement,
dated 18 day of July, 1996.

1. Approved by the Islands Trust Council on this 7 day of June, 1996.

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2. Assented to this 4 day of October, 1996.

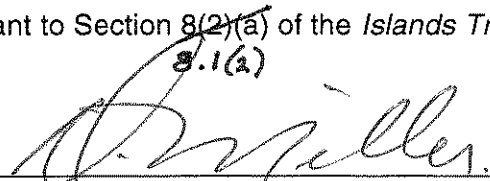


Honourable Lois Boone
Minister of Transportation and Highways



Graeme Dinsdale
Chairperson, Islands Trust Council

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3. Approved, pursuant to Section 8(2)(a) of the *Islands Trust Act*, this 9 ^{Dec.} day of 1996.



Honourable Dan Miller
Minister of Municipal Affairs and Housing