



# Executive Committee Agenda

Date: Tuesday, December 5, 2017  
Time: 11:30 am  
Location: Victoria Marriott Inner Harbour  
728 Humboldt St, Victoria, BC

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|                                                                          | Pages   |
|--------------------------------------------------------------------------|---------|
| 1. CALL TO ORDER                                                         |         |
| 2. APPROVAL OF AGENDA                                                    |         |
| 2.1 Introduction of New Items                                            |         |
| 2.2 Approval of Agenda                                                   |         |
| 2.2.1 Agenda Context Notes                                               |         |
| 3. ADOPTION OF MINUTES                                                   |         |
| 3.1 November 22, 2017                                                    | 3 - 11  |
| 4. FOLLOW UP ACTION LIST AND UPDATES                                     |         |
| 4.1 Follow Up Action List                                                |         |
| 4.2 Director/CAO Updates                                                 |         |
| 4.3 Local Trust Committee Chair Updates                                  |         |
| 5. BYLAWS FOR APPROVAL CONSIDERATION                                     |         |
| 5.1 Saturna Island Local Trust Committee – Bylaw 117 (OCP) and 118 (LUB) | 12 - 39 |
| 5.2 SS-BL-474-475- EC Committee Briefing                                 | 40 - 70 |
| 5.3 SS-BL-506 - Request for Decision                                     | 71 - 92 |
| 6. TRUST COUNCIL MEETING PREPARATION                                     |         |
| 6.1 Trust Area Services                                                  |         |
| 6.2 Local Planning Services                                              |         |
| 6.3 Administrative Services                                              |         |
| 6.4 Executive                                                            |         |
| 7. EXECUTIVE COMMITTEE PROJECTS                                          |         |
| 7.1 Trust Council Initiated                                              |         |
| 7.2 Executive Committee Initiated                                        |         |
| 8. NEW BUSINESS                                                          |         |
| 8.1 Trust Area Services                                                  |         |
| 8.1.1 LTC Chairs Report on Local Advocacy Topics                         |         |

## **8.2 Local Planning Services**

### **8.2.1 Advocacy Options for the Protection of Crown Islets in the Ballenas Winchelsea Local Trust Area - Briefing**

93 - 95

## **8.3 Administrative Services**

## **8.4 Executive/Trust Council**

## **9. CLOSED MEETING (if applicable)**

That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

## **10. RISE AND REPORT DECISIONS FROM CLOSED MEETING (if applicable)**

## **11. CORRESPONDENCE (for information unless raised for action)**

### **11.1 Coastal Douglas Fir projects summary email**

96 - 98

### **11.2 Environment Standards Branch re Agricultural Waste Control Regulation**

99 - 99

## **12. WORK PROGRAM**

### **12.1 Review and amendment of current work program**

## **13. NEXT MEETING**

## **14. ADJOURNMENT**

## Executive Committee Minutes of Regular Meeting

**Date:** November 22, 2017

**Location:** Victoria Boardroom

**Members Present:** Peter Luckham, Chair  
Susan Morrison, Vice Chair (teleconference)  
George Grams, Vice Chair  
Laura Busheikin, Vice Chair

**Regrets:**

**Staff Present:** Russ Hotsenpiller, Chief Administrative Officer  
David Marlor, Director, Local Planning Services  
Clare Frater, Director, Trust Area Services  
Emma Restall, Executive Coordinator (Recorder)

**1. CALL TO ORDER**

The meeting was called to order at 8:47 a.m. Chair Luckham acknowledged that the meeting was being held in Coast Salish First Nations territory.

**2. APPROVAL OF AGENDA**

**2.1 Introduction of New Items**

**2.2 Approval of Agenda**

**By General Consent**, the agenda was approved as presented.

**2.2.1 Agenda Context Notes**

Provided for information.

**3. ADOPTION OF MINUTES**

**3.1 November 1, 2017 Executive Committee Meeting**

**By General Consent**, the Minutes of the November 1, 2017 Executive Committee Meeting were adopted as presented.

**4. FOLLOW UP ACTION LIST AND UPDATES**

**4.1 Follow Up Action List**

Staff provided updates on outstanding items in the Follow Up Action List.

**4.2 Director/CAO Updates**

Directors provided updates on their follow up action list items and current activities.

**4.3 Local Trust Committee Chair Updates**

Executive Committee members provided verbal updates on recent activities in their roles as local trust committee chairs.

5. **BYLAWS FOR APPROVAL CONSIDERATION**

6. **TRUST COUNCIL MEETING PREPARATION**

6.1 **Executive**

6.1.1 **December Trust Council Draft Schedule**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

6.1.2 **December Trust Council Regular Agenda**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

6.1.3 **Chief Administrative Officer's Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

6.1.4 **Trust Council Follow Up Action List**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

6.1.5 **Continuous Learning Plan**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

6.1.6 **Draft March 2018 Trust Council Schedule**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

6.1.7 **Priorities Chart**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

6.1.8 **Strategic Plan Quarterly Updates**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

6.1.9 **Delegation Requests**

6.1.9.1 Michael Sketch of Pender Island re Significance of the joint Confederation and Federation governance model in preserving and protecting Trust Area agricultural soil ecosystems

6.1.9.2 Peter Lamb of Salt Spring Island re Islands Trust Act Amendments

**By General Consent**, the Executive Committee approved all delegation requests.

Michael Sketch and Peter Lamb were each allotted 10 minutes.

Carmen Thiel joined the meeting at 10:30 a.m.

**6.1.10 Islands Trust Act Session Outline**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

**6.1.11 Revised Trust Council 2018 Meeting Dates  
EC-2017-142**

**It was MOVED and SECONDED,**

That the item 6.1.11 be amended to include a Trust Council special meeting in January.

**CARRIED**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

**6.1.12 Amendment to Trust Council Meeting Procedure Bylaw - RFD**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.1.13 Appointment of Deputy Secretary for the Salt Spring Office EC-2017-143**

**It was MOVED and SECONDED,**

That the Executive Committee appoint Daniela Murphy to the office of Deputy Secretary for the Salt Spring Office, effective November 27, 2017.

**CARRIED**

Carmen Thiel left the meeting at 10:50 a.m.

**6.1.14 Islands Trust Act Amendments – Briefing**

**EC-2017-144**

**It was MOVED and SECONDED,**

That the Executive Committee request staff to place the Trust Fund Board name change and corporate status to the top of “Appendix A - SUMMARY: Proposed amendments to the *Islands Trust Act*.”

**DEFEATED**

Chair Luckham and Vice-Chair Grams opposed

There was discussion over how to properly reflect the presence and importance of the Trust Fund Board name and corporate status change.

**EC-2017-145**

**It was MOVED and SECONDED,**

That the Executive Committee request staff to place “Appendix A - SUMMARY: Proposed amendments to the *Islands Trust Act*” be amended to include an information note at the top regarding the Trust Fund name and corporate structure change and explain the numbering does not represent prioritization.

**DEFEATED**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended as discussed.

**6.1.15 Islands Trust Vision Statement – RFD**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

**6.2 Local Planning Services**

**6.2.1 Director of Local Planning Services Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.2.2 Local Planning Committee Work Program Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.2.3 Bylaw Enforcement Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.3 Trust Area Services**

**6.3.1 Director of Trust Area Services Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.3.2 Trust Programs Committee Work Program Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.3.3 Trust Fund Board Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.3.4 Legislative Monitoring Report – Briefing**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

**6.3.5 Islands Trust Fund 2018-2022 Plan – RFD**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.3.6 San Juan County Joint Meeting Session Outline**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.3.7 National Marine Conservation Area for Southern Strait of Georgia**

#### **Session Outline**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.3.8 Ocean Protection Plan Session Outline**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.3.9 Policy Statement Amendment Project Update – Briefing**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.3.10 Geoduck Advocacy Strategies – Briefing**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

### **6.4 Administrative Services**

#### **6.4.1 Administrative Services Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.4.2 Financial Planning Committee Work Program Report**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.4.3 2017/18 Forecast - Briefing**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.4.4 Revisions to Policy 6.5.3 Procurement Policy - RFD**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.4.5 2016/17 Allocated Financial Statements - Briefing**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.4.6 Quarterly Financial Report - RFD**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

#### **6.4.7 Revisions to Policy 7.2.vi Municipal Tax Requisition Calculation - RFD**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

### **6.5 Budget Session**

#### **6.5.1 Budget Session Outline**

**By General Consent**, this item was referred to the December 2017 Trust

Council meeting as presented.

**6.5.2 Budget Overview**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.5.3 Budget Assumptions and Principles**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.5.4 Budget Detail**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.5.5 Analysis of Surplus Funds**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.5.6 Summary of Budget Requests**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

**6.5.7 Support for Budget Requests**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as presented.

Vice-Chair Morrison left the meeting at 11:34 a.m.

**6.6 New Business**

**6.6.1 Islands Trust Standards of Conduct Policy 2.7 - RFD**

**By General Consent**, this item was referred to the December 2017 Trust Council meeting as amended.

**7 EXECUTIVE COMMITTEE PROJECTS**

**7.1 Trust Council Initiated**

**7.2 Executive Committee Initiated**

**8 NEW BUSINESS**

**8.1 Trust Area Services**

**8.1.1 LTC Chairs Report on Local Advocacy Topics**

The Executive Committee members provided verbal updates on local advocacy topics arising from local trust committee meetings.

**8.1.2 Industrial Logging on Bowen Island**

Received for information

**8.1.3 Funding and resources for Policy Statement engagement process – Briefing**

Received for information

**8.1.4 Annual email to First Nations for Trust Council meetings – RFD  
EC-2017-146**

**It was MOVED and SECONDED,**

that the Executive Committee direct staff to send an annual e-mail to Trust Area First Nations advising them of options for staying informed on Trust activities and methods for communicating with Trust Council.

**CARRIED**

**8.1.5 Geoduck Potential Strategies - RFD  
EC-2017-147**

**It was MOVED and SECONDED,**

that Executive Committee request:

1. That the Chair write to Minister of Fisheries and Oceans requesting that, as a priority, the department undertake an ecosystem-based study of potential and cumulative impacts of the Integrated Geoduck Management Framework 2017 on the health of the Salish Sea.
2. That Local Planning Services and Trust Area Services staff collaborate on the preparation of a briefing for local trust committees about the land-use planning implications of the DFO 2017 Integrated Geoduck Management Framework.
3. That Trust Area Services staff continue to monitor policy developments related to geoduck aquaculture in the Salish Sea.

**CARRIED**

The meeting recessed at 12:05 p.m. and resumed at 12:40 p.m.

**8.1.6 Policy Statement Engagement– RFD  
EC-2017-148**

**It was MOVED and SECONDED,**

that the Executive Committee adopt the Policy Statement Amendment Engagement Plan, dated November 6, 2017.

**CARRIED**

**8.1.7 Recent Request for Meaningful Engagement from Snuneymuxw First Nation – Briefing**

Received for information

**8.2 Local Planning Services**

**8.2.1 Fee Increase to Cover First Nations Referrals  
EC-2017-149**

**It was MOVED and SECONDED,**

that the Executive Committee request staff to report back on options for First Nations referral costs applied to applications.

**CARRIED**

**8.3 Administrative Services**

**8.4 Executive/Trust Council**

**8.4.1 Request to Invite the BC Farm Industry Review Board to Trust Council**  
Received for Information

It was agreed that Section 11 and 12 be considered ahead of Section 9 and 10.

**11 CORRESPONDENCE (for information unless raised for action)**

**11.1 Saanich Inlet Oct 2017 Roundtable Minutes**  
Received for Information

**11.2 Coastal Douglas Fir Referral letter  
EC-2017-150**  
**It was MOVED and SECONDED,**  
that the Executive Committee request staff to write a letter in response to the  
Costal Douglas Fir Referral letter.

**CARRIED**

**11.3 Ellen Burack of Transport Canada re Stakeholder Engagement Sessions on the  
National Strategy to Address Abandoned and Wrecked Vessels  
EC-2017-151**  
**It was MOVED and SECONDED,**  
that the Executive Committee support Vice-Chair George Grams' attendance at the  
Transport Canada Stakeholder Engagement Session on behalf of the Executive  
Committee.

**CARRIED**

**11.4 Fisheries and Oceans Canada Stakeholder Letter re New Unprotected Sponge Reef  
Aggregations in Howe Sound**  
Received for Information

**11.5 Invitation for Submissions - Cannabis Regulation in British Columbia**  
Received for Information

**11.6 Email from Yvette Myers re Draft Interim Anchorages Protocol  
EC-2017-152**  
**It was MOVED and SECONDED,**  
that the Executive Committee request staff to forward the email from Yvette Myers  
regarding the Draft Interim Anchorages Protocol to all trustees seeking comments  
back to the chair to support a response.

**CARRIED**

**11.7 2018 AVICC Convention Resolutions and NominationsEC-2017-153**  
**It was MOVED and SECONDED,**  
that the Executive Committee request staff to solicit 2018 AVICC/UBCM resolution  
ideas from trustees and staff and return with advice in January.

**CARRIED**

**12 WORK PROGRAM**

**12.1 Review and amendment of current work program**

Received for information

**9 CLOSED MEETING**

**EC-2017-154**

**It was MOVED and SECONDED,**

that the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

**CARRIED**

The meeting closed to the public at 1:26 p.m.

**10 RISE AND REPORT DECISIONS FROM CLOSED MEETING (if applicable)**

**13 NEXT MEETING – December 5<sup>th</sup> in Victoria**

**14 ADJOURNMENT**

The meeting adjourned at 2:16 p.m.

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Peter Luckham, Chair

Certified Correct

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Emma Restall, Recorder



Islands Trust

# REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SA-RZ-2012.1  
Nepenthe Holdings Ltd.  
Money Family Projects Ltd.

DATE OF MEETING: December 5, 2017  
TO: Islands Trust Executive Committee  
FROM: Gary Richardson, Island Planner  
SUBJECT: Saturna Island Local Trust Committee – Bylaw 117 (OCP) and 118 (LUB)

## RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 117, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2017”, in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 118, cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No. 1, 2017”, in accordance with Section 27 of the *Islands Trust Act*.**

## DIRECTORS COMMENTS

Saturna Island Local Trust Committee has referred Bylaws No. 117 and 118 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

## IMPLICATIONS OF RECOMMENDATION

### Organizational

None

### Financial

None

### Policy

None

### Implementation/Communications

Staff will advise Saturna Island Local Trust Committee regarding the Executive Committee decision by December 7, 2017 .

## **Other**

None

## **PURPOSE**

Saturna Island Local Trust Committee Bylaw No. 117, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2017” (attachment 6) is intended to amend the Saturna OCP by adding wording to the Rural Policies regarding subdivision capacity to allow for lots to be created below the minimum parcel size stipulated in the OCP. This can only be done in circumstances where there is a simultaneous transfer of density to a lot from another lot within the Saturna Island Local Trust Area (density transfer).

Saturna Island Local Trust Committee Bylaw No. 118, cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No. 1, 2017” (attachment 7) is intended to allow for a transfer of subdivision density from one lot (donor lot) to another lot (receiver lot). This is being done in order to allow the receiving lot, which presently has three dwellings sited on it, to be subdivided into three lots. There is only one receiver lot and one donor lot that is subject to this bylaw amendment.

## **BACKGROUND**

### **Saturna Island Local Trust Committee Bylaws No. 117 and 118**

On October 19, 2017, the Saturna Island Local Trust Committee gave Proposed Bylaws 117 and 118 third reading. This application has been discussed in the community for several years and transferring subdivision density was deemed the preferred option. This option allows for the receiver lot to obtain subdivision potential without conflicting with the density cap in the OCP.

The Saturna Island Local Trust Committee considered the Islands Trust Policy Statement Directive Policies Checklist for proposed bylaws 117 and 118 and passed the following resolutions:

#### **SA-2017-10**

That the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 117, cited as, “Saturna Island Official Community Plan Bylaw No.70, 2000, Amendment No.1, 2017”, is not contrary or at variance with the Islands Trust Policy Statement.

#### **SA-2017-11**

That the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 118, cited as, "Saturna Island Land Use Bylaw No. 78, 2002, Amendment No. 1, 2017", is not contrary or at variance with the Islands Trust Policy Statement.

### **Issues Relating To Provincial Interest**

None

### **Issues Relating To First Nation Interest**

None

### **Issues Relating To Resources and Enforcement**

None

### Public Comments

To date no public comments to the Executive Committee for these Bylaws have been received.

### Staff Comments

The Bylaws are not contrary to or at variance with the Islands Trust Policy Statement; therefore, Staff recommends that the Executive Committee approve Saturna Island Local Trust Committee Bylaws 117 and 118.

### RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

### ALTERNATIVE

1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:

|               |                                                                |                   |
|---------------|----------------------------------------------------------------|-------------------|
| Submitted By: | Gary Richardson<br>Island Planner                              | November 22, 2017 |
| Concurrence:  | David Marlor, MCIP, RRP<br>Director of Local Planning Services | Select Date.      |

### ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaws No. 117 & 118
7. First Nations follow-up Tracking



Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Saturna Island Local Trust Committee

Bylaw No.: SA-117

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 19-Oct-2017

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached\*  
\* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act\*): \_\_\_\_\_

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

**Distribution:** Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

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Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Saturna Island Local Trust Committee

Bylaw No.: SA-118

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 19-Oct-2017

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached\*  
\* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act\*): \_\_\_\_\_

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

**Distribution:** Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

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Bylaw: SA-117

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Trust Area: Saturna Island Local Trust Committee  
Type: Official Community Plan Bylaw  
Bylaw No.: SA-117  
Application No.: SA-RZ-2012.1  
Trust Initiated: No

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**Proofread By:**

Clerk: No  
Planner: Yes

Technical Staff: No

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First Reading Date: 15-Jun-2017

Bylaw Sent to Referrals: Yes  
Date Proposed Bylaw to Web: 19-Jun-2017

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**Resolutions:**

Resolution Waiving Public Hearing: No  
Resolution Authorizing Public Hearing: Yes  
Resolution to Proceed no Further Date:

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**Secretary Signature Block:**

Secretary's Signature: Lloyd-deRosario, Sharon

Date: 05-Oct-2017

File complete and ready for Public review: Yes

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**Public Hearings:**

Location: Saturna Island Rec Centre  
Proofread By: Lloyd-deRosario, Sharon

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Legal Paper: Gulf Island Driftwood  
First Publish Date: 04-Oct-2017

Second Publish Date: 11-Oct-2017

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Alternate Paper:  
First Publish Date:

Second Publish Date:

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Mailout Date: 28-Sep-2017

Delivery Notices: 29-Sep-2017

Second Reading Date: 19-Oct-2017

Date Public Hearing Held: 19-Oct-2017

Third Reading Date: 19-Oct-2017

Bylaw: SA-118

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Trust Area: Saturna Island Local Trust Committee  
Type: Land Use Bylaw  
Bylaw No.: SA-118  
Application No.: SA-RZ-2012.1  
Trust Initiated: No

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**Proofread By:**

Clerk: No  
Planner: Yes

Technical Staff: No

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First Reading Date: 15-Jun-2017

Bylaw Sent to Referrals: Yes  
Date Proposed Bylaw to Web: 19-Jun-2017

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**Resolutions:**

Resolution Waiving Public Hearing: No  
Resolution Authorizing Public Hearing: Yes  
Resolution to Proceed no Further Date:

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**Secretary Signature Block:**

Secretary's Signature: Lloyd-deRosario, Sharon

Date: 05-Oct-2017

File complete and ready for Public review: Yes

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**Public Hearings:**

Location: Saturna Island Rec Centre  
Proofread By: Lloyd-deRosario, Sharon

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Legal Paper: Gulf Island Driftwood  
First Publish Date: 04-Oct-2017

Second Publish Date: 11-Oct-2017

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Alternate Paper:  
First Publish Date:

Second Publish Date:

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Mailout Date: 28-Sep-2017

Delivery Notices: 29-Sep-2017

Date Public Hearing Held: 19-Oct-2017

Second Reading Date: 19-Oct-2017

Third Reading Date: 19-Oct-2017



**Referrals: Bylaw SA-117**

| Agency                                                                                                                               | Sent        | Received    |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| Capital Regional District Planning & Protective Services<br>Building Inspection Division Headquarters: Gutierrez, Robert<br>Comment: | 10-Jul-2017 |             |
| Pauquachin First Nation<br>9010 West Saanich Road: Henry, Danny<br>Comment:                                                          | 10-Jul-2017 |             |
| Tsartlip First Nation<br>PO Box 70: Harry, Karen<br>Comment:                                                                         | 10-Jul-2017 |             |
| Tsawwassen First Nation<br>1926 Tsawwassen Drive: McCarthy, Tom<br>Comment:                                                          | 10-Jul-2017 |             |
| Tseycum First Nation<br>1210 Totem Lane: Jones, Tanya<br>Comment:                                                                    | 10-Jul-2017 |             |
| Tsawout First Nation<br>PO Box 121, 7725 Tetayut Road: Hermesen, Elizabeth<br>Comment:                                               | 10-Jul-2017 |             |
| South Pender Island Local Trust Committee<br>200 - 1627 Fort Street: Luckham, Peter<br>Comment: Interests unaffected by bylaw        | 10-Jul-2017 | 19-Sep-2017 |
| Malahat First Nation - Te'mexw Treaty Association<br>110 Thunder Road: Adams, Heather<br>Comment:                                    | 10-Jul-2017 |             |
| Lake Cowichan First Nation<br>313B Deer Road: Chief, & Council<br>Comment:                                                           | 10-Jul-2017 |             |
| Lyackson First Nation<br>7973A Chemainus Road: Aidnell, Linda<br>Comment:                                                            | 10-Jul-2017 |             |
| Penelakut Tribe<br>Box 360: James, Denise<br>Comment:                                                                                | 10-Jul-2017 |             |
| Mayne Island Local Trust Committee<br>Islands Trust: Grams, George<br>Comment: Interests unaffected by bylaw                         | 10-Jul-2017 | 24-Jul-2017 |
| North Pender Island Local Trust Committee<br>Islands Trust: Grams, George<br>Comment: Interests unaffected by bylaw                  | 10-Jul-2017 | 27-Jul-2017 |



**Referrals: Bylaw SA-117**

| Agency                                                                                                                      | Sent        | Received    |
|-----------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| Stz'uminus First Nation<br>12611A Trans Canada Hwy: Akey, Chenoa<br>Comment:                                                | 10-Jul-2017 |             |
| Semiahmoo First Nation<br>16049 Beach Rd: Coordinator, Referrals<br>Comment:                                                | 10-Jul-2017 |             |
| Lyall Harbour/Boot Cove Water Services Area<br>Capital Regional District: Sparanese, Peter<br>Comment:                      | 10-Jul-2017 |             |
| Cowichan Tribes<br>Chief and Council: Flemming, Tracey<br>Comment:                                                          | 10-Jul-2017 |             |
| Halalt First Nation<br>Chief and Council: Gladstone, Caroline<br>Comment:                                                   | 10-Jul-2017 |             |
| Capital Regional District - All Referrals J. Arnet<br>625 Fisgard Street: Coordinator, Referrals<br>Comment:                | 10-Jul-2017 |             |
| Ministry of Transportation and Infrastructure<br>Saanich Area Office: Koch, David<br>Comment: Interests unaffected by bylaw | 10-Jul-2017 | 16-Aug-2017 |



**Referrals: Bylaw SA-118**

| Agency                                                                                                                               | Sent        | Received    |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| Capital Regional District Planning & Protective Services<br>Building Inspection Division Headquarters: Gutierrez, Robert<br>Comment: | 10-Jul-2017 |             |
| Pauquachin First Nation<br>9010 West Saanich Road: Henry, Danny<br>Comment:                                                          | 10-Jul-2017 |             |
| Tsartlip First Nation<br>PO Box 70: Harry, Karen<br>Comment:                                                                         | 10-Jul-2017 |             |
| Tsawwassen First Nation<br>1926 Tsawwassen Drive: McCarthy, Tom<br>Comment:                                                          | 10-Jul-2017 |             |
| Tseycum First Nation<br>1210 Totem Lane: Jones, Tanya<br>Comment:                                                                    | 10-Jul-2017 |             |
| Tsawout First Nation<br>PO Box 121, 7725 Tetayut Road: Hermesen, Elizabeth<br>Comment:                                               | 10-Jul-2017 |             |
| South Pender Island Local Trust Committee<br>200 - 1627 Fort Street: Luckham, Peter<br>Comment: Interests unaffected by bylaw        | 10-Jul-2017 | 19-Sep-2017 |
| Malahat First Nation - Te'mexw Treaty Association<br>110 Thunder Road: Adams, Heather<br>Comment:                                    | 10-Jul-2017 |             |
| Lake Cowichan First Nation<br>313B Deer Road: Chief, & Council<br>Comment:                                                           | 10-Jul-2017 |             |
| Lyackson First Nation<br>7973A Chemainus Road: Aidnell, Linda<br>Comment:                                                            | 10-Jul-2017 |             |
| Penelakut Tribe<br>Box 360: James, Denise<br>Comment:                                                                                | 10-Jul-2017 |             |
| Mayne Island Local Trust Committee<br>Islands Trust: Grams, George<br>Comment: Interests unaffected by bylaw                         | 10-Jul-2017 | 24-Jul-2017 |
| North Pender Island Local Trust Committee<br>Islands Trust: Grams, George<br>Comment: Interests unaffected by bylaw                  | 10-Jul-2017 | 27-Jul-2017 |



## Referrals: Bylaw SA-118

| Agency                                                                                                                      | Sent        | Received    |
|-----------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| Stz'uminus First Nation<br>12611A Trans Canada Hwy: Akey, Chenoa<br>Comment:                                                | 10-Jul-2017 |             |
| Semiahmoo First Nation<br>16049 Beach Rd: Coordinator, Referrals<br>Comment:                                                | 10-Jul-2017 |             |
| Lyall Harbour/Boot Cove Water Services Area<br>Capital Regional District: Sparanese, Peter<br>Comment:                      | 10-Jul-2017 |             |
| Cowichan Tribes<br>Chief and Council: Flemming, Tracey<br>Comment:                                                          | 10-Jul-2017 |             |
| Halalt First Nation<br>Chief and Council: Gladstone, Caroline<br>Comment:                                                   | 10-Jul-2017 |             |
| Capital Regional District - All Referrals J. Arnet<br>625 Fisgard Street: Coordinator, Referrals<br>Comment:                | 10-Jul-2017 |             |
| Ministry of Transportation and Infrastructure<br>Saanich Area Office: Koch, David<br>Comment: Interests unaffected by bylaw | 10-Jul-2017 | 16-Aug-2017 |



Islands Trust

## **POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

**Bylaws No. 117 & 118 and File No: SA-RZ-2012.1**

### **PURPOSE**

To provide staff with the Directives Only 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 ONLY 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 a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) 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>                                                                                                                                                                                                                                                                                                 |
| n/a        | <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.                                   |
| n/a        | <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. |
| n/a        | <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>                                                                                                                                                                                                                                                                                          |
| n/a        | <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>                                                                                                                                                                                                                                                       |
| n/a        | <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>                                                                                                                                                                                                                                                                              |
| n/a        | <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.                                                                                                                                               |
| n/a        | <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>                                                                                                                                                                                                                                                |
| n/a        | <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.                                                           |
| n/a        | <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. |
| n/a        | <b>4.1.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.                                                           |

| CONSISTENT | NO.    | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| n/a        | 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                                                     |
| n/a        | 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.                                                                                                                                                                |
| n/a        | 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>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| n/a        | 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.                                                                                                                                                                                                                   |
| n/a        | 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.                                                                                          |
| n/a        | 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>                                                                                                                                                                                                                                                                                                                                                                                                         |
| n/a        | 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. |
| n/a        | 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>                                                                                                                                                                                                                                                                                                                                                                                          |
| n/a        | 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.                                                                                                                                                                                                                                                    |
| n/a        | 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.                                                                                                                                                                             |
| n/a        | 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.                                                                                                                                    |
| n/a        | 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>                                                                                                                                                                                                                                                                                                                                                                                                    |
| n/a        | 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**

| CONSISTENT | NO.          | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| n/a        | <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>                                                                                                                                                                                                                                                                                                              |
| n/a        | <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.                                                                                                                               |
| n/a        | <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>                                                                                                                                                                                                                                                                                                        |
| n/a        | <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.                                                  |
| n/a        | <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.                                                                                                                                                   |
| n/a        | <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.                                                                                                                                                |
| n/a        | <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>                                                                                                                                                                                                                                                                                                                   |
| n/a        | <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>n/a</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>n/a</b> | <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>n/a</b> | <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>n/a</b> | <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>n/a</b> | <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>n/a</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>n/a</b> | <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>n/a</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>n/a</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.     |

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

## Executive Committee

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### Policy Checklist

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**Checklist Key:**

|                |                                                                                                                              |
|----------------|------------------------------------------------------------------------------------------------------------------------------|
| Consistent     | The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv                             |
| Contrary       | The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv |
| Not-Applicable | The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .                      |

### Executive Committee Legislative Role Policy (2.4)

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|            |     |                                                                                                                     |
|------------|-----|---------------------------------------------------------------------------------------------------------------------|
| Consistent | i   | Bylaw is consistent with the object of the Trust                                                                    |
| Consistent | ii  | Bylaw is not contrary to or at variance to the Islands Trust Policy Statement                                       |
| Consistent | iii | Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw   |
| Consistent | iv  | Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice) |

**Checklist Key:**

|                       |                                                         |
|-----------------------|---------------------------------------------------------|
| Requires Resources    | Staff resources required to assist with administration. |
| No Resources Required | No staff resources required.                            |

### The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

---

|                       |     |                                                                               |
|-----------------------|-----|-------------------------------------------------------------------------------|
| No Resources Required | B.5 | Bylaw is consistent with the object of the Trust                              |
| No Resources Required | B10 | Bylaw is not contrary to or at variance to the Islands Trust Policy Statement |

**Comments**

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NA

Completed By:

**Status**

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Date Resolution Referred to Exective Committee: 19-Oct-2017

Reading:

## Executive Committee

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### Policy Checklist

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**Checklist Key:**

|                |                                                                                                                              |
|----------------|------------------------------------------------------------------------------------------------------------------------------|
| Consistent     | The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv                             |
| Contrary       | The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv |
| Not-Applicable | The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .                      |

### Executive Committee Legislative Role Policy (2.4)

---

|            |     |                                                                                                                     |
|------------|-----|---------------------------------------------------------------------------------------------------------------------|
| Consistent | i   | Bylaw is consistent with the object of the Trust                                                                    |
| Consistent | ii  | Bylaw is not contrary to or at variance to the Islands Trust Policy Statement                                       |
| Consistent | iii | Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw   |
| Consistent | iv  | Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice) |

**Checklist Key:**

|                       |                                                         |
|-----------------------|---------------------------------------------------------|
| Requires Resources    | Staff resources required to assist with administration. |
| No Resources Required | No staff resources required.                            |

### The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

---

|                       |     |                                                                               |
|-----------------------|-----|-------------------------------------------------------------------------------|
| No Resources Required | B.5 | Bylaw is consistent with the object of the Trust                              |
| No Resources Required | B10 | Bylaw is not contrary to or at variance to the Islands Trust Policy Statement |

## Comments

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Completed By:

## Status

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Date Resolution Referred to Exective Committee: 19-Oct-2017

Reading:

# PROPOSED

## SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 117

---

### A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

---

The Saturna Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2017”.

2. SCHEDULES

Saturna Island Official Community Plan No. 70, 2000 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

|                                                                         |                  |        |         |        |
|-------------------------------------------------------------------------|------------------|--------|---------|--------|
| READ A FIRST TIME THIS                                                  | 15 <sup>TH</sup> | DAY OF | JUNE    | 2017   |
| PUBLIC HEARING HELD THIS                                                | 19 <sup>TH</sup> | DAY OF | OCTOBER | 2017   |
| READ A SECOND TIME THIS                                                 | 19 <sup>TH</sup> | DAY OF | OCTOBER | 2017   |
| READ A THIRD TIME THIS                                                  | 19 <sup>TH</sup> | DAY OF | OCTOBER | 2017   |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS           | _____            | DAY OF | _____   | 20____ |
| APPROVED BY THE MINISTER COMMUNITY, SPORT AND CULTURAL DEVELOPMENT THIS | _____            | DAY OF | _____   | 20____ |
| ADOPTED THIS                                                            | _____            | DAY OF | _____   | 20____ |

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Chair

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Secretary

**SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 117**

**SCHEDULE 1**

The Saturna Island Official Community Plan No. 70, 2000, is amended as follows:

Subsection D.1.4 (Rural Subdivision Capacity) is amended by inserting the following immediately after “divided by five (5) except where:” and renumbering the remaining articles accordingly:

“a) a transfer of subdivision density occurs and the transfer from the donor lot to the receiver lot occurs simultaneously;”

# PROPOSED

## SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 118

---

### A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 78, 2002

---

The Saturna Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Saturna Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No. 1, 2017”.

2. Saturna Island Local Trust Committee Bylaw No. 78, cited as “Saturna Island Land Use Bylaw No. 78, 2002,” is amended as follows:

2.1 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Lot 1, Section 8, Saturna Island, Cowichan District, Plan EPP34444 from Rural General- RG to Rural General (a) - RG (a), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 78, as are required to effect this change.

2.2 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Lot 3, Section 18, Saturna Island, Cowichan District, Plan 11979, except part in Plan 17076 from Rural General - RG to Rural General (b) - RG (b), as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 78 as are required to effect this change.

2.3 Section 4.2 (Rural General Zone) is amended by adding the following immediately after subsection 4.2.12:

**“4.2.13 Site Specific Regulations**

4.2.13 (1) The regulations listed in Column 3 of the following table only apply to the land listed in Column 2 of the same row. These lands are identified on the zoning map by the site-specific zoning reference listed in Column 1.

| Column 1                     | Column 2                                                                                     | Column 3                                                                                                                                                                                                                                                                            |
|------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site-Specific Zone Reference | Legal Description                                                                            | Site Specific Regulations                                                                                                                                                                                                                                                           |
| RG(a)                        | Lot 1, Section 8, Saturna Island, Cowichan District, Plan EPP34444.                          | (1) Despite 4.2.12 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 3.3 hectares (8.15 acres).                                                                                                                       |
| RG(b)                        | Lot 3, Section 18, Saturna Island, Cowichan District, Plan 11979, except part in Plan 17076. | (2) Despite 4.2.11 no lot having an area of less than 0.60 hectares (1.48 acres) may be created by subdivision.<br><br>(3) Despite 4.2.12 no subdivision plan may be approved unless the lots created by the subdivision have an average area of at least 1.1 hectares (2.7 acres). |

### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 15<sup>TH</sup> DAY OF JUNE 2017

PUBLIC HEARING HELD THIS 19<sup>TH</sup> DAY OF OCTOBER 2017

READ A SECOND TIME THIS 19<sup>TH</sup> DAY OF OCTOBER 2017

READ A THIRD TIME THIS 19<sup>TH</sup> DAY OF OCTOBER 2017

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

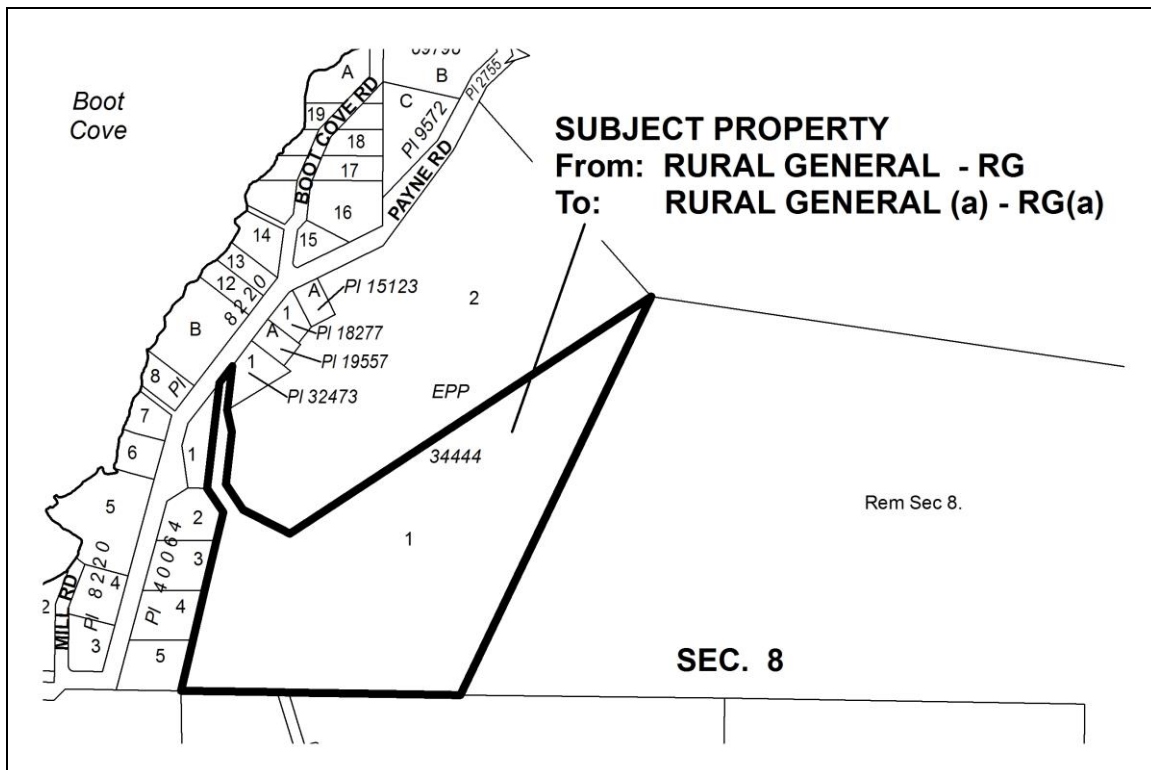
ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

SATURNA ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 118

Plan No. 1





## First Nation Engagement

**Referral of: Saturna Island Bylaw No. 117 & 118 (SA-RZ-2012.1)**

**First Nation: Cowichan Tribes**

| Date          | Comment/Action                                                                                                                 | Initial |
|---------------|--------------------------------------------------------------------------------------------------------------------------------|---------|
| July 10, 2017 | Referral package sent                                                                                                          | SLD     |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call left msg. re: date of Public Hearing & asked for comments & call back | SLD     |

**First Nation: Halalt**

| Date          | Comment/Action                                                                                                                       | Initial |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|---------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD     |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD     |

**First Nation: Lake Cowichan**

| Date          | Comment/Action                                                                                                                       | Initial |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|---------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD     |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD     |

**First Nation: Lyackson**

| Date          | Comment/Action                                                                                                                       | Initial |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|---------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD     |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD     |

**First Nation: Malahat First Nation – TE'Mexw Treaty Association**

| Date          | Comment/Action                                                                                                                       | Initial |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|---------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD     |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD     |

**First Nation: Pauquachin**

| Date          | Comment/Action                                                                                                                       | Initial |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|---------|
| July 10, 2017 | Referral package sent to date                                                                                                        | SLD     |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD     |

**First Nation: Penelakut**

| Date          | Comment/Action                                                                                                                       | Initial |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|---------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD     |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD     |

**First Nation: Semiahmoo**

| <b>Date</b>   | <b>Comment/Action</b>                                                                                                                | <b>Initial</b> |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD            |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD            |

**First Nation: Stz'uminus**

| <b>Date</b>   | <b>Comment/Action</b>                                                                                                                | <b>Initial</b> |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD            |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD            |

**First Nation: Tsartlip**

| <b>Date</b>   | <b>Comment/Action</b>                                                                                                                | <b>Initial</b> |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD            |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD            |

**First Nation: Tsawout**

| <b>Date</b>   | <b>Comment/Action</b>                                                                                                                | <b>Initial</b> |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD            |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD            |

**First Nation: Tsawwassen**

| <b>Date</b>   | <b>Comment/Action</b>                                                                                                                | <b>Initial</b> |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD            |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD            |

**First Nation: Tseycum**

| <b>Date</b>   | <b>Comment/Action</b>                                                                                                                | <b>Initial</b> |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------|
| July 10, 2017 | Referral package sent                                                                                                                | SLD            |
| Oct. 5 , 2017 | - No response received to date<br>- Follow up phone call .made left msg. re: date of Public Hearing & asked for comments & call back | SLD            |

U:\LOCAL TRUST COMMITTEES\Saturna\Bylaws\Referrals\Bylaws No. 117 & 118\Agency Responses\FN\First Nation Followup tracking.docx



Islands Trust

# REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SS-RZ-2013.6

X-Ref: SS-DP-2014.3

DATE OF MEETING: December 5, 2017

TO: Islands Trust Executive Committee

FROM: Jason Youmans, Island Planner

SUBJECT: Salt Spring Island Local Trust Committee – Bylaws No. 474 and 475

## RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 474, cited as “Salt Spring Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2013,” in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 475, cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2013”, in accordance with Section 27 of the *Islands Trust Act*.**

## DIRECTORS COMMENTS

Salt Spring Island Local Trust Committee has referred Bylaw Nos. 474 and 475 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommend that the Executive Committee approve the bylaws, as the Local Trust Committee has resolved that they are not contrary to or at variance to the Islands Trust Policy Statement.

## IMPLICATIONS OF RECOMMENDATION

### Organizational

N/A

### Financial

N/A

### Policy

Absence of LTC action to address concerns raised following First Nations site visits may be inconsistent with the Islands Trust Council [Principles and Policies of First Nations Engagement](#) approved December 7, 2016.

See “Issues Relating to First Nations Interest” below.

## Implementation/Communications

N/A

## Other

N/A

## PURPOSE

### **Salt Spring Island Local Trust Committee Bylaw Nos. 474 and 475.**

The purpose of this application is to amend Salt Spring Island Official Community Plan Bylaw No. 434 and Salt Spring Island Land Use Bylaw No. 355 the Land Use Bylaw No. 355 to permit the expansion of an existing marina in Fulford Harbour. The proposed OCP amendment (Bylaw 474, see Appendix 1) will re-designate a portion of the water from “Marine Other” to “Shoreline Development,” and will include that portion of the water in Development Permit Area 1. The proposed Land Use Bylaw amendment (Bylaw 475, see Appendix 2) will rezone the water area to Shoreline 2(a). These amendments will allow the Fulford Landing Marina to add moorage space, 87 metres of which must be for resident vessels, and the remainder for transient boats.

## BACKGROUND

LTC consideration of Bylaws 474 and 475 is as follows:

*November 2, 2017:* Public hearing, third reading, and direction to forward Bylaws 474 and 475 to Islands Trust Executive Committee and Ministry of Municipal Affairs and Housing for approval. See staff report [here](#).

*October 5, 2017:* Direction to schedule community information session and public hearing. See staff report [here](#).

*May 4, 2017:* Third reading of Bylaws 474 and 475 rescinded in order to receive new information concerning First Nations interest in the file. See staff report of [May 4, 2017](#) for further explanation of this matter.

*June 2, 2016:* The LTC determined that the concerns of the Harbour Authority of Salt Spring Island (HASSI) had been allayed. It gave third reading to Bylaw 475 and directed staff that the bylaw be forwarded to Islands Trust Executive Committee for approval. Additionally, LTC accepted a covenant from the applicant requiring membership in Clean Marine B.C., installation and operation of a marine pump-out facility, and any required septic upgrades. The LTC resolved it would not adopt Bylaw No. 474 and 475 until the covenant was registered. See staff report [here](#).

*June 24, 2014:* The LTC gave third reading to OCP amendment Bylaw No. 474, and forwarded it to Islands Trust Executive Committee and the Minister of Municipal Affairs and Housing for approval. LTC resolved to forego third reading of Bylaw 475 until such time as the concerns of the Harbour Authority of Salt Spring Island (HASSI) were addressed. Additionally, it directed staff to draft a covenant requiring installation of a marine pump-out facility. LTC resolved that Bylaws 474 and 475 would not be approved until the Capital Regional District confirms that it has accepted a statutory right-of-way from the applicant in order to facilitate pathway construction. Staff report is available [here](#).

*April 10, 2014:* The LTC gave second reading to Bylaws 474 and 475 and determined that the proposed bylaws are consistent with the Islands Trust Policy Statement. See staff report [here](#).

*December 12, 2013:* The LTC gave first reading to proposed Bylaws No. 474 and 475 and directed that they be referred to agencies for consideration. See staff report [here](#).

September 6, 2013: The LTC directed staff to draft bylaw amendments that would achieve the applicant's objectives. Staff report is available [here](#).

The staff reports linked above contain agency, First Nations, and public comment.

### **Issues Relating To Provincial Interest**

**Ministry of Transportation and Infrastructure**, October 17, 2013: Approval recommended for reasons outlined below. "The Ministry of Transportation will not require an archaeological impact assessment as a part of the amendment to the land-use bylaw. The Ministry of Transportation is only typically involved in archaeology if a subdivision is taking place. To address the concerns regarding the identified archaeological site on property, the Islands Trust should contact the Ministry of Tourism, Sport and the Arts and affected First Nations. Fulford-Ganges Road is not ideal for on-street parking, the Ministry of Transportation is supportive that all parking and loading requirements should be contained on site."

**Staff Comment:** No comment. On-site parking appears adequate to meet projected demand.

**Archaeology Branch, Ministry of Forest Lands and Natural Resource Operations**, March 11, 2014: "Prior to any land-altering activities (e.g. shoreline development, property redevelopment, extensive landscaping, service installation), an eligible (able to hold Provincial heritage permits through the Archaeology Branch) consulting archaeologist should be engaged to determine the steps in managing impacts to the archaeological site. If the archaeologist determines that development activities will not impact any archaeological deposits, then a site alteration permit is not required. Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting."

**Staff Comment:** The applicant is aware of his obligations under provincial heritage protection laws.

### **Issues of Regional and Agency Interest**

**Island Health**, June 13, 2014: Approval recommended subject to "An authorized person to assess the onsite sewage disposal system servicing the washroom facility for potential upgrade due to the proposed marina capacity increase."

**Staff Comment:** LTC has made bylaw adoption conditional upon registration of a covenant that commits the applicant to sewage disposal system upgrades.

**Capital Regional District Salt Spring Transportation Commission**, April 25, 2014: Approval recommended subject to support for "the Island's Trust Official Community Plan objective [B.5.3.2. 16] by constructing a multi-use pathway along Fulford-Ganges Road to service adjacent residential and commercial properties and a more extensive networks of pathways, including a link to Drummond Park; and further that the Transportation Commission request that the applicant work with the Capital Regional District on the pathway specifications, subject to coordinating with the proposed Fulford ferry terminal expansion."

**Staff Comment:** LTC has made bylaw adoption conditional upon confirmation from the CRD that a statutory right-of-way for pathway construction has been granted to the CRD.

**Capital Regional District Fulford Water Commission**, February 2, 2014: "Approval Recommended Subject to Conditions: "that appropriate separate domestic water connections are in place for the private home and the suite and that a metered water connection is in place for the commercial component. All such connections to be at the applicant's cost if necessary."

**Staff Comment:** Applicant has provided verbal confirmation that appropriate connections are in place. Applicant and CRD building inspection have previously confirmed that the former suite has been converted to an office.

**SSI Harbour Authority,** October 19, 2013: “Insufficient room between the Harbour Authority water lot and proposed expansion area and concerns about consequences of building so close to BC Ferries’ lease.”

**Staff Comment:** Following HASSI referral response, the LTC requested that the applicant and HASSI work together on a mutually acceptable moorage configuration. LTC confirmed that this issue had been addressed to its satisfaction at its June 2, 2016 meeting. HASSI re-confirmed at the November 2, 2017 hearing that it has no problem with the proposed rezoning so long as the dock is constructed in accordance with Development Permit SS-DP-2014.3.

### **Issues Relating To First Nation Interest**

Initial First Nations referrals were undertaken between September 2013 and February 2014.

A subsequent round of First Nations referrals was undertaken in the Fall of 2016 on the advice of staff from the Ministry of Municipal Affairs and Housing.

Following site visits in the Fall of 2016, First Nations responded with concerns about the marina expansion’s potential impact on the shoreline archaeological site, as well as slope stability, marine ecosystem protection, derelict vessels and shoreline development on Salt Spring Island more generally.

Staff reported that certain concerns raised by First Nations, including shoreline vegetation retention and marine ecosystem impacts seemed satisfactorily addressed in proposed Development Permit SS-DP-2014.3. Other issues, however, had not been captured in the Local Trust Committee approvals process, particularly potential archaeological impacts, as these were seen to fall under the British Columbia *Heritage Conservation Act*.

At the May 4, 2017 LTC meeting, the applicant made a verbal commitment that he would not expand the upland parking lot as initially proposed, and stated that marina expansion would create additional shoreline protections with the dock serving as a breakwater.

The LTC did not resolve to request the applicant to address the concerns raised by First Nations in their referral responses.

Absence of LTC action to directly address the concerns raised following First Nations site visits may be inconsistent with the Islands Trust Council [Principles and Policies of First Nations Engagement](#) approved December 7, 2016.

Assessment by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), which is considering a Crown Lease for the expanded marina, has indicated that the proposed marina will not unduly impact the shoreline archaeological site and the Ministry is satisfied that First Nations’ concerns have been satisfactorily considered. It is staff’s understanding that FLNRORD is prepared to issue the Crown Lease.

See staff report of [May 4, 2017](#) and [October 5, 2017](#) for full discussion of First Nations interest in the file.

### **Issues Relating To Resources and Enforcement**

Staff time will be required to ensure that the marina is in compliance with the terms of the required restrictive covenant concerning marine pump-out facility and other issues.

**Public Comments**

As of publication of this memo, no comments to Executive Committee have been received.

**Staff Comments**

The Salt Spring Island Local Trust Committee resolved in April 2014 that proposed Bylaws 474 and 475 are consistent with the Islands Trust Policy Statement.

On this basis, Executive Committee is being asked to approve Bylaws 474 and 475 in accordance with Section 27 of the *Islands Trust Act*.

**KEY ISSUES/CONCEPTS**

- Official Community Plan and Land Use Bylaw amendments to authorize expanded commercial marina in Fulford Harbour
- 87 linear metres of wharfage dedicated to transient vessels
- Bylaw approval conditional upon registration of restrictive covenant to install and operate marine pump-out facility
- Bylaw approval conditional upon registration of statutory right-of-way to CRD to construct roadside trail
- First Nations concern about archaeological site, slope stability, derelict vessels and shoreline development more generally

**RELEVANT POLICY**

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

**ALTERNATIVE**

**1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:**

*THAT the Executive Committee request that staff advise Salt Spring Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 474, cited as “Salt Spring Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2013” is contrary to or at variance with the Islands Trust Policy Statement because Directive Policy 5.6.3, concerning the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains, has not been adequately addressed, and advise the Salt Spring Island Local Trust Committee on steps needed to address the specified issues.*

|               |                               |                   |
|---------------|-------------------------------|-------------------|
| Submitted By: | Jason Youmans, Island Planner | November 16, 2017 |
|---------------|-------------------------------|-------------------|

|              |                                          |                   |
|--------------|------------------------------------------|-------------------|
| Concurrence: | Stefan Cermak, Regional Planning Manager | November 16, 2017 |
|--------------|------------------------------------------|-------------------|

#### **ATTACHMENTS**

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 474 and Bylaw No. 475
7. First Nations follow-up Tracking



Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Salt Spring Island Local Trust Committee

Bylaw No.: SS-474

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 02-Nov-2017

- ☒ Bylaw Submission Checklist attached
- ☒ Policy Statement Checklist attached\*  
\* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act\*): \_\_\_\_\_

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

**Distribution:** Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

|       |
|-------|
| _____ |
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## Referrals: Bylaw SS-474

| Agency                                                                                                                                                                                                                                                                                               | Sent                       | Received                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------|
| Te'Mexw Treaty Association<br>13D Cooper Road: ,<br>Comment:                                                                                                                                                                                                                                         | 23-Sep-2016                |                            |
| Tsawout First Nation<br>PO Box 121, 7725 Tetayut Road: Hermesen, Elizabeth<br>Comment: 19 Dec/16 - See extensive response summarized by Planner Jason Youmans                                                                                                                                        | 14-Feb-2014<br>23-Sep-2016 | 19-Dec-2016                |
| Cowichan Tribes<br>Chief and Council: and Council, Chief<br>Comment: Nov 16/16 - See extensive response letter with concerns for disturbance of land.                                                                                                                                                | 14-Feb-2014<br>23-Sep-2016 | 16-Nov-2016                |
| Tsawwassen First Nation<br>1926 Tsawwassen Drive: McCarthy, Tom<br>Comment:                                                                                                                                                                                                                          | 14-Feb-2014<br>23-Sep-2016 |                            |
| Tseycum First Nation<br>1210 Totem Lane: Jimmy, Tanya<br>Comment:                                                                                                                                                                                                                                    | 14-Feb-2014<br>23-Sep-2016 |                            |
| Pauquachin First Nation<br>9010 West Saanich Road: Administration, Referrals<br>Comment:                                                                                                                                                                                                             | 14-Feb-2014<br>23-Sep-2016 |                            |
| Tsartlip First Nation<br>PO Box 70: Harry, Karen<br>Comment:                                                                                                                                                                                                                                         | 14-Feb-2014<br>23-Sep-2016 |                            |
| Hulquminum Treaty Group<br>200-200 Cowichan Way: Anderson, Al<br>Comment:                                                                                                                                                                                                                            | 14-Feb-2014<br>23-Sep-2016 |                            |
| Malahat First Nation - Te'mexw Treaty Association<br>110 Thunder Road: Adams, Heather<br>Comment:                                                                                                                                                                                                    | 14-Feb-2014<br>23-Sep-2016 |                            |
| Halalt First Nation<br>7973 Chemainus Rd: Chief, & Council<br>Comment: Nov 15/16 - See extensive response with several conditions including engagement in resolving marine and archaeological concerns.<br>May 25/17 - See extensive response with assertion of use of Fulford Harbour specifically. | 14-Feb-2014<br>23-Sep-2016 | 15-Nov-2016<br>25-May-2016 |
| Penelakut Tribe<br>Chief and Council: James, Denise<br>Comment:                                                                                                                                                                                                                                      | 14-Feb-2014<br>23-Sep-2016 |                            |
| Lake Cowichan First Nation<br>313B Deer Road: Chief, & Council                                                                                                                                                                                                                                       | 14-Feb-2014<br>23-Sep-2016 |                            |



## Referrals: Bylaw SS-474

| Agency                                                                                                                                                                                                                                                                                                                                                                              | Sent                       | Received                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------|
| Comment:                                                                                                                                                                                                                                                                                                                                                                            |                            |                            |
| Lyackson First Nation<br>7973A Chemainus Road: Aidnell, Linda<br>Comment: Oct 26/16 - See response - extensive issues raised                                                                                                                                                                                                                                                        | 14-Feb-2014<br>23-Sep-2016 | 26-Oct-2016                |
| Stz'uminus First Nation<br>12611 A Trans Canada Hwy: Akey, Chenoa<br>Comment:                                                                                                                                                                                                                                                                                                       | 14-Feb-2014<br>23-Sep-2016 |                            |
| Ministry of Natural Resource Operations - Archaeology Branch<br>PO Box 9816: Glaum, Doug<br>Comment: 29 Sept/16 - Restricted publication referral responses including that a Consulting Archaeologist should be engaged.                                                                                                                                                            | 14-Feb-2014<br>23-Sep-2016 | 11-Mar-2014<br>29-Sep-2016 |
| Galiano Island Local Trust Committee<br>200 - 1627 Fort Street: Nichols, Kris<br>Comment: Interests unaffected.                                                                                                                                                                                                                                                                     | 09-Jan-2014                | 12-Feb-2014                |
| North Pender Island Local Trust Committee<br>Islands Trust: Starke, Justine<br>Comment: Interests unaffected.                                                                                                                                                                                                                                                                       | 09-Jan-2014                | 12-Feb-2014                |
| Mayne Island Local Trust Committee<br>Islands Trust: Richardson, Gary<br>Comment: interests unaffected                                                                                                                                                                                                                                                                              | 09-Jan-2014                | 26-Feb-2014                |
| Thetis Island Local Trust Committee<br>Northern Office: Brzozowski, Aleksandra                                                                                                                                                                                                                                                                                                      | 09-Jan-2014                |                            |
| SSI Transportation Commission<br>145 Vesuvius Bay Road: Campbell, Karla<br>Comment: 2 Jun/16 - Memorandum and referral response supporting consideration of a Statutory Right of Way.                                                                                                                                                                                               | 09-Jan-2014                | 02-Jun-2016                |
| Ministry of Forests, Lands, Natural Resource Operations & Rur-Sunshine<br>Coast Natural Resources Dist.<br>South Island Forest District: Officer, Referrals                                                                                                                                                                                                                         | 09-Jan-2014                |                            |
| Salt Spring Harbour Authority<br>127 Fulford-Ganges Road: , ,<br>Comment: 19 Oct/13/ Initial response with concerns, resubmitted February 19, 2014.<br>Sept/14 Approach and Fairway Recommendation Report from Harbour Authority<br>30 Jul/15 Letter including seeking clarification on compliance mechanisms.<br>31 Oct/17 Extensive additional response received noting concerns. | 09-Jan-2014                | 19-Feb-2014<br>01-Sep-2014 |
| SSI Parks & Recreation Commission<br>145 Vesuvius Bay Road: Campbell, Karla                                                                                                                                                                                                                                                                                                         | 09-Jan-2014                |                            |



**Referrals: Bylaw SS-474**

| Agency                                                                                                                                      | Sent                       | Received                   |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------|
| Transport Canada Programs<br>Property Services: Vonriedemann, Mario                                                                         | 09-Jan-2014                |                            |
| Island Health<br>Health Protection and Environmental Services: Laughlin, Christopher<br>Comment: Approval Recommended Subject to Conditions | 09-Jan-2014                | 13-Jun-2014                |
| Capital Regional District - Electoral Area Director<br>Building Inspection: ,<br>Comment: Interests Unaffected                              | 20-Sep-2013                | 17-Oct-2013                |
| Ministry of Transportation and Infrastructure<br>Saanich Area Office: O'Brien, Debbie<br>Comment: approved with reasons                     | 20-Sep-2013                | 17-Oct-2014                |
| BC Ferry Services Inc.<br>Properties and Planning: Fontaine, Jocelyne<br>Comment: 28 Oct/16 interests unaffected                            | 20-Sep-2013<br>27-Sep-2016 | 29-Oct-2013<br>28-Oct-2016 |



Islands Trust

## **POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

**Bylaw and File No: SS-RZ-2013.6**

### **PURPOSE**

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees 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 ONLY 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 Checklist (Directives Only) 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.                                   |
| N/A        | <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. |
| N/A        | <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>                                                                                                                                                                                                                                                                                          |
| N/A        | <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>                                                                                                                                                                                                                                                       |
| N/A        | <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>                                                                                                                                                                                                                                                |
| N/A        | <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.                                                           |
| N/A        | <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. |
| N/A        | <b>4.1.6</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.                                                           |

| CONSISTENT | NO.    | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A        | 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                                                     |
| N/A        | 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.                                                                                                                                                                |
| N/A        | 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>                                                                                                                                                                                                                                                                                                                                                                                                                      |
| N/A        | 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.                                                                                                                                                                                                                   |
| N/A        | 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.                                                                                          |
| N/A        | 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>                                                                                                                                                                                                                                                                                                                                                                                                         |
| N/A        | 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. |
| N/A        | 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>                                                                                                                                                                                                                                                                                                                                                                                                    |
| N/A        | 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**

| CONSISTENT | NO.          | DIRECTIVE POLICY                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| N/A        | <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.                                                                                                                               |
| N/A        | <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. |
| N/A        | <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.                                                                                |
| N/A        | <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>                                                                                                                                                                                                                                                                                                        |
| N/A        | <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.                                                  |
| N/A        | <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.                                                                                                                                                   |
| N/A        | <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.                                                                                                                                                |
| N/A        | <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>                                                                                                                                                                                                                                                                                                                   |
| N/A        | <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>                                                                                                                                                                                                                                                                                                                                                         |
| N/A        | <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.    |
| N/A        | <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.                                                                          |
| N/A        | <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>                                                                                                                                                                                                                                                                                                                                      |
| N/A        | <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>                                                                                                                                                                                                                                                                                                                                              |
| N/A        | <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 |                                                                |
|-----------------------------|----------------------------------------------------------------|
| ✓                           | COMPLIANCE WITH TRUST POLICY                                   |
|                             | NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons: |

## Executive Committee

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### Policy Checklist

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**Checklist Key:**

|                |                                                                                                                              |
|----------------|------------------------------------------------------------------------------------------------------------------------------|
| Consistent     | The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv                             |
| Contrary       | The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv |
| Not-Applicable | The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .                      |

### Executive Committee Legislative Role Policy (2.4)

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|            |     |                                                                                                                     |
|------------|-----|---------------------------------------------------------------------------------------------------------------------|
| Consistent | i   | Bylaw is consistent with the object of the Trust                                                                    |
| Consistent | ii  | Bylaw is not contrary to or at variance to the Islands Trust Policy Statement                                       |
| Consistent | iii | Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw   |
| Consistent | iv  | Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice) |

**Checklist Key:**

|                       |                                                         |
|-----------------------|---------------------------------------------------------|
| Requires Resources    | Staff resources required to assist with administration. |
| No Resources Required | No staff resources required.                            |

### The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

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|                       |     |                                                                               |
|-----------------------|-----|-------------------------------------------------------------------------------|
| No Resources Required | B.5 | Bylaw is consistent with the object of the Trust                              |
| No Resources Required | B10 | Bylaw is not contrary to or at variance to the Islands Trust Policy Statement |

## Comments

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Completed By: Claire Olivier

## Status

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Date Resolution Referred to Exective Committee: 02-Nov-2017

Reading:

# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 474

\*\*\*\*\*

### A BYLAW TO AMEND “SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW 434, 2008”

\*\*\*\*\*

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Salt Spring Island Local Trust Committee Bylaw No. 434, cited as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008”, is amended as follows:
  - 1.1 By amending Schedule ‘A’ – Map 1 (Plan Area with Land and Shoreline Use Designation) of Volume 1, as shown on Plan 1 of this amending bylaw.
  - 1.2 By amending Schedule ‘A’ – Map 16 (Development Permit Area 1 – Island Villages) of Volume 2, as shown on Plan 2 of this amending bylaw.
2. This Bylaw may be cited as “Salt Spring Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2013.”

|                                                                |                  |        |          |        |
|----------------------------------------------------------------|------------------|--------|----------|--------|
| READ A FIRST TIME THIS                                         | 12 <sup>th</sup> | DAY OF | December | , 2013 |
| PUBLIC HEARING HELD THIS                                       | 2 <sup>nd</sup>  | DAY OF | November | , 2017 |
| READ A SECOND TIME THIS                                        | 10 <sup>th</sup> | DAY OF | April    | , 2014 |
| READ A THIRD TIME THIS                                         | 2 <sup>nd</sup>  | DAY OF | November | , 2017 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  |                  | DAY OF |          | , 20__ |
| APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS |                  | DAY OF |          | , 20__ |
| ADOPTED THIS                                                   |                  | DAY OF |          | , 20__ |

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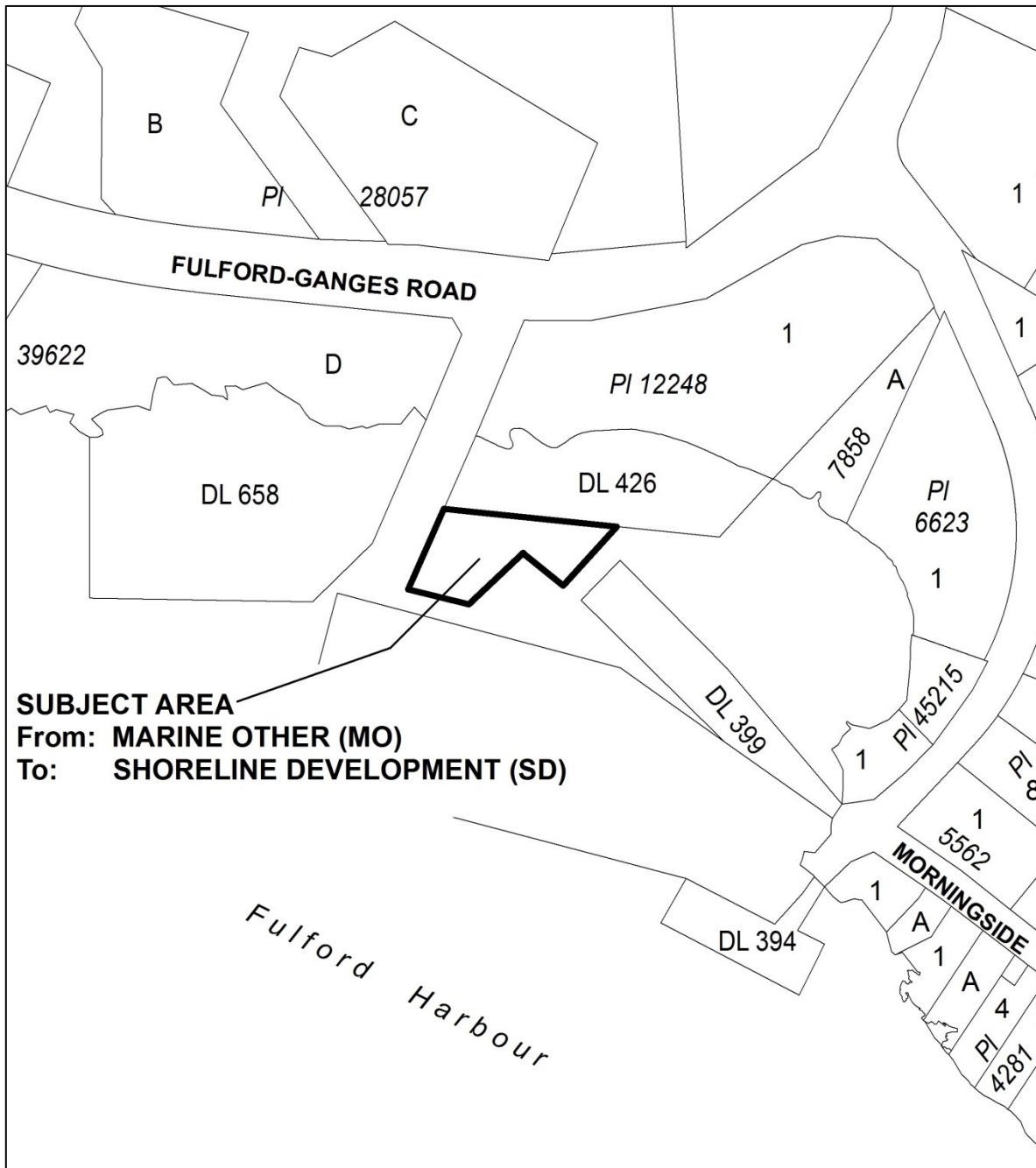
SECRETARY

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CHAIRPERSON

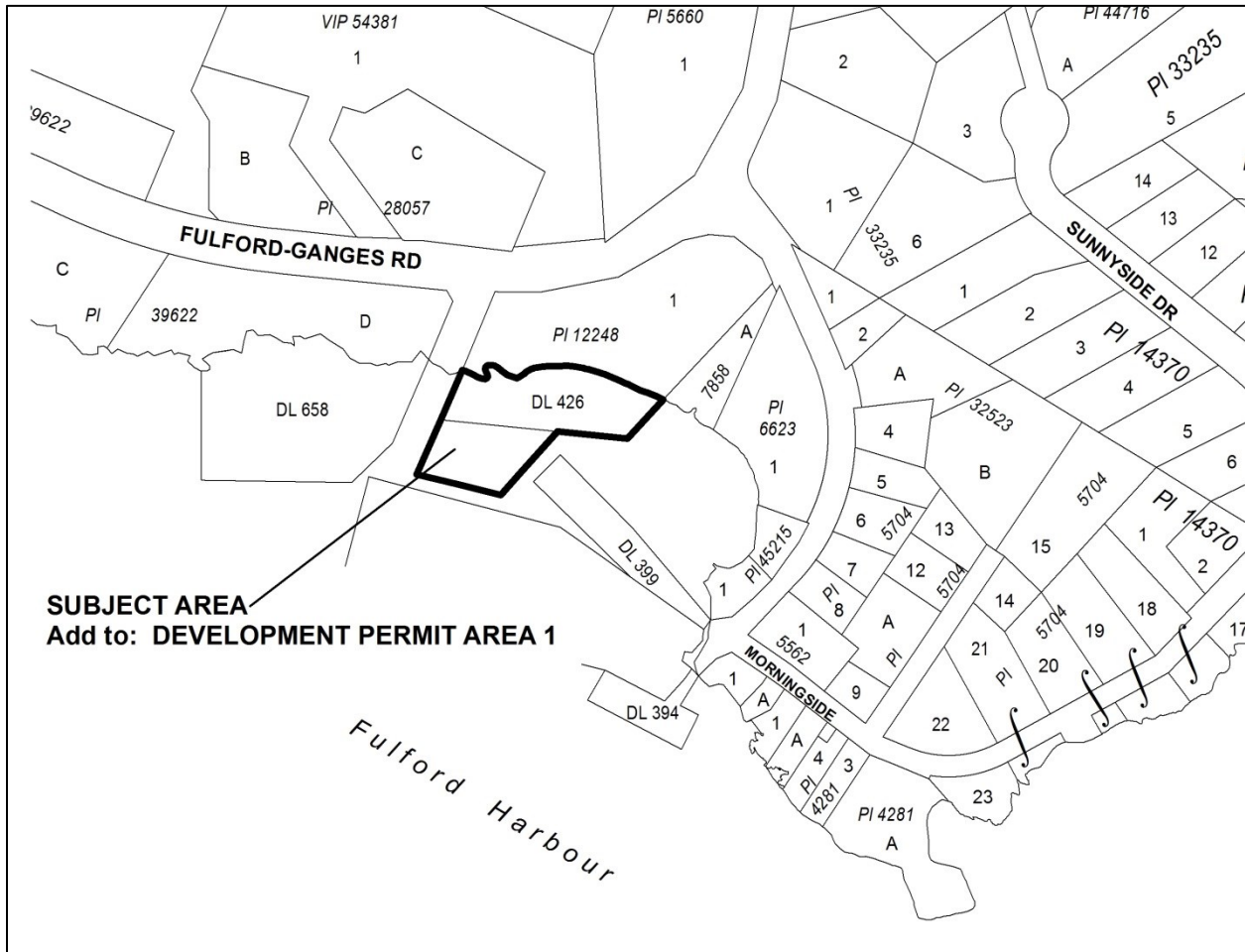
**SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 474**

**Plan No. 1**



**SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 474**

**Plan No. 2**



# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 475

\*\*\*\*\*  
**A BYLAW TO AMEND “SALT SPRING ISLAND LAND USE BYLAW, 1999,” BEING  
BYLAW NO. 355**  
\*\*\*\*\*

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999”, is amended as follows:
  1. By inserting in subsection 9.11.3 – Exceptions in Particular Locations - the following new Shoreline 2 Zone Variation (a) – S2(a) after Zone Variation S1(a):

**“Zone Variation – S2(a)**

The following special provision applies:

(a) A minimum of 87 linear metres of *wharfage* will be designated as temporary *wharfage* for transient boats.”

And by making such consequential numbering alterations to effect this change.
  2. By changing the zoning classification of the water area to the south of District Lot 426, adjacent to Lot 1, Section 15, Ranges 1 and 2, South Salt Spring Island, Cowichan District, Plan 12248, from Shoreline 3 – S3 and Shoreline 6 – S6 to Shoreline Zone Variation 2(a) – S2(a), as shown on Plan No. 1, attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 355 as are required to effect this change.
2. This Bylaw may be cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2013”.

|                                                               |                  |        |          |        |
|---------------------------------------------------------------|------------------|--------|----------|--------|
| READ A FIRST TIME THIS                                        | 12 <sup>th</sup> | DAY OF | December | , 2013 |
| READ A SECOND TIME THIS                                       | 10 <sup>TH</sup> | DAY OF | April    | , 2014 |
| PUBLIC HEARING HELD THIS                                      | 2 <sup>nd</sup>  | DAY OF | November | , 2017 |
| READ A THIRD TIME THIS                                        | 2 <sup>nd</sup>  | DAY OF | November | , 2017 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS |                  | DAY OF |          | , 20__ |
| ADOPTED THIS                                                  |                  | DAY OF |          | , 20__ |

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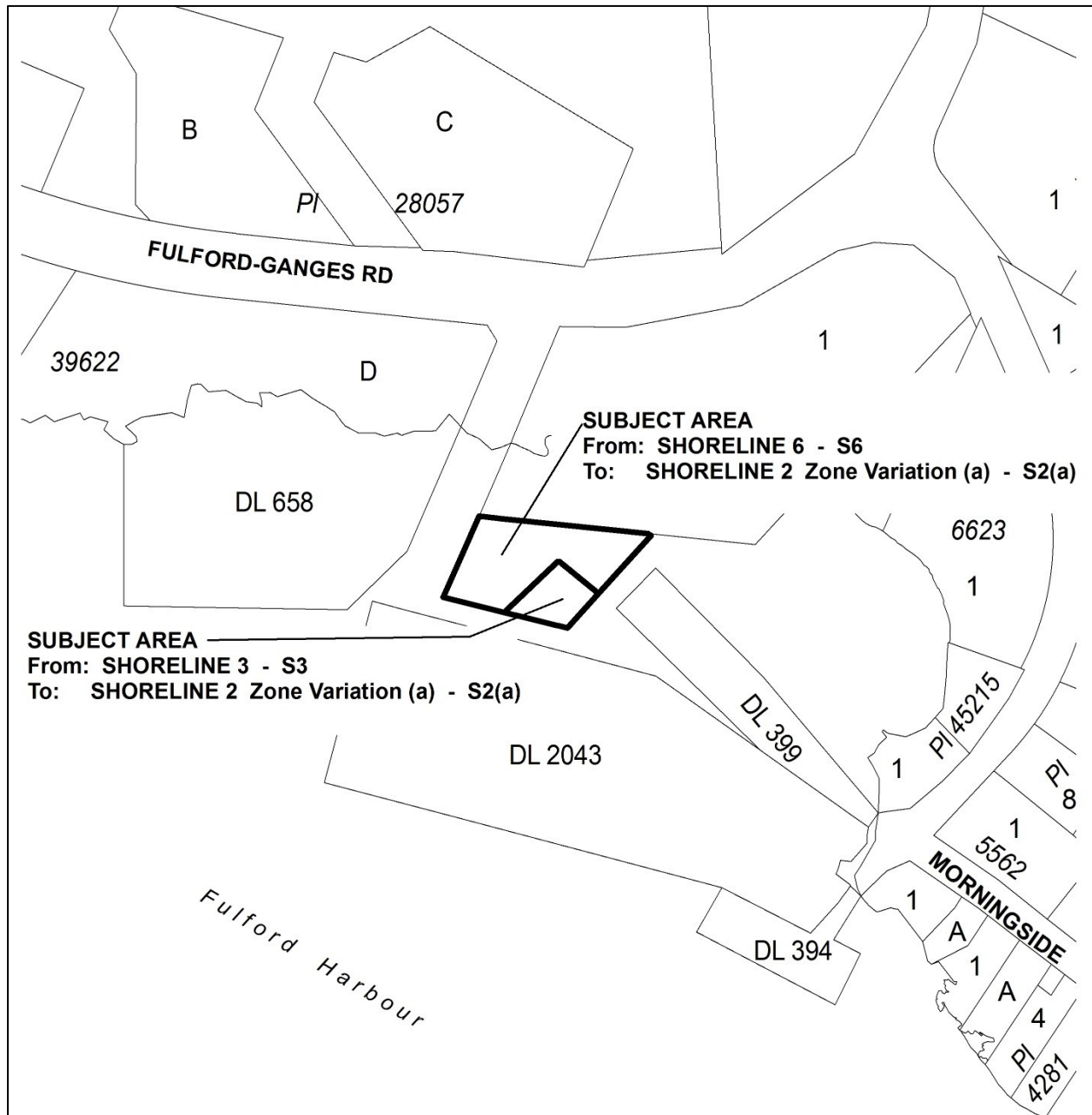
SECRETARY

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CHAIRPERSON

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 475**

**Plan No. 1**



| Engagement Topic/Proposal: Expansion of Fulford Harbour Marina, Salt Spring Island, Proposed Bylaws No. 474 & 475 |           |                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Step 1                                                                                                            | Sept 2016 | Review of existing and pending treaty processes, title and rights; the first covering the Saanich area including the Tsawout FN, a second to the Hul'quminum Treaty Group and a third to Semiahmoo and Tsawwassen FN to take into account their possible areas of interest. |
| Step 2                                                                                                            | Sept 2016 | Review of previous correspondence and material communicated by affected FN before referral process begins (may be in the form of an email to other planning offices)                                                                                                        |
| Step 3                                                                                                            | Sept 2016 | Inclusion of invitations to those FN identified as mostly affected by the proposals to walk the land and or meet with Planning Staff                                                                                                                                        |
| Step 4                                                                                                            | Sept 2016 | Approval of an engagement budget which could include modest travel cost expenses for FN targeted to visit the site and scribe/minute taker contract                                                                                                                         |
| Step 5                                                                                                            | Sept 2016 | Completion and send off of 3 referral emails which should include acknowledgement of previous correspondence, specifics to pending treaty processes, titles and rights.                                                                                                     |
| Step 6                                                                                                            | Oct 2016  | Follow up phone call shortly after Step 5 to confirm receipt, discuss referral and schedule visit if and how required.                                                                                                                                                      |
| Step 7                                                                                                            | Oct 2016  | Visits completed, scribe or minute taker response received                                                                                                                                                                                                                  |
| Step 8                                                                                                            | Oct 2016  | FN responses reviewed by Planning Staff including updates to E. Nicholls at CSCD as needed.                                                                                                                                                                                 |
| Step 9                                                                                                            | N/A       | LC FU email to all FN advising that Public Hearing to proceed on November 2, 2017                                                                                                                                                                                           |
| Step 10                                                                                                           |           | Planning staff presents staff report and bylaw to Salt Spring Island Local Trust Committee (SSI LTC) for consideration of further bylaw readings and Public Hearing request.                                                                                                |
| Step 11                                                                                                           |           | Planning staff may recommend a resolution to initiate a subsequent referral to FN and Tribes if considerable changes were made to the bylaw after referral.                                                                                                                 |
| Step 12                                                                                                           |           | Steps 1 to 11 are repeated if a further referral is necessary                                                                                                                                                                                                               |
| Step 13                                                                                                           |           | If the bylaw advances to Public Hearing without further referral, LC advises FN and Tribes that did not respond or that may require feedback that a Public Hearing has been scheduled and that no further info may be received on its conclusion.                           |
| Step 14                                                                                                           |           | Planning Staff present a post-public hearing staff report for consideration of third reading to the SSI LTC.                                                                                                                                                                |
| Step 15                                                                                                           |           | LC forwards Bylaw at 3 <sup>rd</sup> Reading to the Islands Trust Executive Committee for their consideration.                                                                                                                                                              |
| Step 16                                                                                                           |           | Once Executive Committee approval received, LC forwards bylaw referral to E. Nicholls at CSCD.                                                                                                                                                                              |
| Step 17                                                                                                           |           | Once CSCD approves, and bylaw is subsequently adopted, LC sends file closure correspondence to FN and                                                                                                                                                                       |

|  |  |         |
|--|--|---------|
|  |  | Tribes. |
|--|--|---------|

|                                                                                           |                                            |                              |                                                                            |
|-------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------|----------------------------------------------------------------------------|
| First Nation: <b>Cowichan Tribes</b>                                                      |                                            |                              |                                                                            |
| First Nation Contact Name(s) and Position/Title(s): Candace Charlie, Referral Coordinator |                                            |                              |                                                                            |
| Phone: 250-748-3196                                                                       |                                            | Fax:                         | Email: Candace.charlie@cowichantribes.com                                  |
|                                                                                           |                                            |                              |                                                                            |
| Date                                                                                      | Notification Package sent                  | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures)     |
| Sept 23, 2016                                                                             | Bylaw referral package sent                | email                        |                                                                            |
| Oct 18, 2016                                                                              | Acknowledgement of interest for site visit | Email                        | To Candace Charlie, site visit tentatively set up for Oct 26 <sup>th</sup> |
| Oct 20, 2016                                                                              | Site visit being confirmed                 | email                        |                                                                            |
| Oct 12, 2017                                                                              | Follow up                                  | Email                        | Advising that Public Hearing is scheduled for November 2, 2017             |

|                                                               |                                                                                                                                                                         |                              |                                                                                                                 |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------------------------|
| First Nation: <b>Halalt First Nation</b>                      |                                                                                                                                                                         |                              |                                                                                                                 |
| First Nation Contact Name(s) and Position/Title(s): Elie Enns |                                                                                                                                                                         |                              |                                                                                                                 |
| Phone: 250-246-4736                                           |                                                                                                                                                                         | Fax:                         | Email: manager@halalt.org                                                                                       |
|                                                               |                                                                                                                                                                         |                              |                                                                                                                 |
| Date                                                          | Notification Package sent                                                                                                                                               | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures)                                          |
| Sept 23, 2016                                                 | Bylaw referral package sent                                                                                                                                             | email                        |                                                                                                                 |
| Oct 19, 2016                                                  | Spoke to Raven August and extended site visit invitation. Very interested in attending with Cowichan Tribes a site visit tentatively scheduled for Oct 26 <sup>th</sup> | phone                        | Very interested in attending with Cowichan Tribes a site visit tentatively scheduled for Oct 26 <sup>th</sup> . |
| Oct 20, 2016                                                  | Site visit details being firmed up.                                                                                                                                     |                              | Halalt to send 2 representatives                                                                                |
| Oct 12, 2017                                                  | Follow up                                                                                                                                                               | Email                        | Advising that Public Hearing is scheduled for November 2, 2017                                                  |

|                                                 |
|-------------------------------------------------|
| First Nation: <b>Lake Cowichan First Nation</b> |
|-------------------------------------------------|

|                                                                       |                                                                                                                                                                                                       |                              |                                                                        |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------|
| First Nation Contact Name(s) and Position/Title(s): Carol Livingstone |                                                                                                                                                                                                       |                              |                                                                        |
| Phone: 250-749-3301                                                   |                                                                                                                                                                                                       | Fax:                         | Email: adminlkcow@shaw.ca                                              |
| Date                                                                  | Notification Package sent                                                                                                                                                                             | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures) |
| Sept 23, 2016                                                         | Bylaw referral package sent                                                                                                                                                                           | email                        |                                                                        |
| Oct 19, 2016                                                          | Left detailed message concerning invitation for site visit accepted by Cowichan Tribes and inviting them to attend or invitation to schedule another and also following up on referral documentation. | Phone                        | Spoke to a staff person who was taking messages for Carol.             |
| Oct 12, 2017                                                          | Follow up                                                                                                                                                                                             | Email                        | Advising that Public Hearing is scheduled for November 2, 2017         |

|                                                                                         |                                                                                                                                                                                                                                                                                         |                              |                                                                        |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------|
| First Nation: <b>Lyackson First Nation</b>                                              |                                                                                                                                                                                                                                                                                         |                              |                                                                        |
| First Nation Contact Name(s) and Position/Title(s): Chris Thompson Executive Assistant? |                                                                                                                                                                                                                                                                                         |                              |                                                                        |
| Phone: 250-246-5019                                                                     |                                                                                                                                                                                                                                                                                         | Fax:                         | Email:                                                                 |
| Date                                                                                    | Notification Package sent                                                                                                                                                                                                                                                               | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures) |
| Sept 23, 2016                                                                           | Bylaw Referral Package Sent                                                                                                                                                                                                                                                             | email                        |                                                                        |
| Oct 19, 2016                                                                            | Follow up call, left phone message and mentioned pending site visit with Cowichan Tribes on Oct 26                                                                                                                                                                                      | Phone message                |                                                                        |
| Oct 20, 2016                                                                            | Follow up phone call, spoke to administrative person and advised of pending site visit on Oct 26 <sup>th</sup> , inviting them to consider or consider another date we could organize. They advised that still no specific referral person but would relay to Chris Thompson on Monday. | Phone                        |                                                                        |

|              |                                                                                                                                            |       |                                                                |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------|----------------------------------------------------------------|
| Oct 26, 2016 | Chris Thompson at Lyackson advised that Lynda Aidnell is new bylaw referral person. She will be attending the site Oct 26, 2016 site visit | Phone |                                                                |
| Oct 26, 2016 | Rcvd phone message from Lynda at Lyackson, returned call and left message                                                                  | Phone |                                                                |
| Oct 12, 2017 | Follow up                                                                                                                                  | Email | Advising that Public Hearing is scheduled for November 2, 2017 |

| First Nation: <b>Malahat Nation</b>                                   |                                                                                                                                                                                                                                                                                                                                    |                              |                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Nation Contact Name(s) and Position/Title(s): Robert Sagmeister |                                                                                                                                                                                                                                                                                                                                    |                              |                                                                                                                                                                                                                                                                                         |
| Phone: 250-743-3231                                                   |                                                                                                                                                                                                                                                                                                                                    | Fax:                         | Email: referrals@malahatnation.com                                                                                                                                                                                                                                                      |
| Date                                                                  | Notification Package sent                                                                                                                                                                                                                                                                                                          | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures)                                                                                                                                                                                                                  |
| Sept 23, 2016                                                         | Bylaw referral package sent                                                                                                                                                                                                                                                                                                        | email                        |                                                                                                                                                                                                                                                                                         |
| Oct 20, 2016                                                          | Follow up phone call to Robert Sagmeister. Left detailed phone message with Robert, advised of other site visits being organized with CT and Halalt on Oct 26 <sup>th</sup> and that perhaps they might be interested in a possible site visit with Tsawout or their own site visit. I invited his response to review the referral | Phone message                | Left detailed phone message with Robert, advised of other site visits being organized with CT and Halalt on Oct 26 <sup>th</sup> and that perhaps they might be interested in a possible site visit with Tsawout or their own site visit. I invited his response to review the referral |
| Jan 9, 2017                                                           | Return email from Shannon Elfs                                                                                                                                                                                                                                                                                                     | Email                        | Possibly triggered by a follow up call on other bylaws, Shannon Elfs sent a return email requesting a site visit concerning this bylaw amendment.                                                                                                                                       |
| Oct 12, 2017                                                          | Follow up                                                                                                                                                                                                                                                                                                                          | Email                        | Advising that Public Hearing is scheduled for November 2, 2017                                                                                                                                                                                                                          |

| First Nation: <b>Pauquachin First Nation</b>                                                                                                     |                                                                                                                                                      |                              |                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------|
| First Nation Contact Name(s) and Position/Title(s): no referral coordinator specifically at the time - Bonnie is new contact as of June 28, 2016 |                                                                                                                                                      |                              |                                                                                                                      |
| Phone:                                                                                                                                           | 250-656-0191                                                                                                                                         | Fax:                         | Email: reception@pauquachin.com                                                                                      |
|                                                                                                                                                  |                                                                                                                                                      |                              |                                                                                                                      |
| Date                                                                                                                                             | Notification Package sent                                                                                                                            | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures)                                               |
| Sept 23, 2016                                                                                                                                    | Bylaw referral package sent                                                                                                                          | email                        |                                                                                                                      |
| Oct 20, 2016                                                                                                                                     | Follow up phone call to Bonnie. Left detailed phone message and extended invitation to a site visit and mentioned other site visits being organized. | Phone message                | Left detailed phone message and extended invitation to a site visit and mentioned other site visits being organized. |
| Oct 12, 2017                                                                                                                                     | Follow up                                                                                                                                            | Email                        | Advising that Public Hearing is scheduled for November 2, 2017                                                       |

| First Nation: <b>Penelakut Tribe</b>                             |                                                                          |                              |                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Nation Contact Name(s) and Position/Title(s): Denise James |                                                                          |                              |                                                                                                                                                                                                                                                                                                                   |
| Phone:                                                           | 250-246-2321                                                             | Fax:                         | Email: denisej@penelakut.ca                                                                                                                                                                                                                                                                                       |
|                                                                  |                                                                          |                              |                                                                                                                                                                                                                                                                                                                   |
| Date                                                             | Notification Package sent                                                | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures)                                                                                                                                                                                                                                            |
| Sept 23, 2016                                                    | Bylaw referral package sent                                              | email                        |                                                                                                                                                                                                                                                                                                                   |
| Oct 19-20, 2016                                                  | Follow up phone call to Denise James, unable to reach her on either date | Phone                        | Left detailed information with administrative help to advise of the pending site visit with Cowichan Tribes and Halalt tentatively scheduled for October 26, 2016 and extending an invitation to attend or to come on another date. Also extended communication to further review the bylaw referral if necessary |
| Oct 12, 2017                                                     | Follow up                                                                | Email                        | Advising that Public Hearing is scheduled for November 2, 2017                                                                                                                                                                                                                                                    |

|                                                                      |
|----------------------------------------------------------------------|
| First Nation: <b>Hul'quminum Treaty Group (For Information Only)</b> |
|----------------------------------------------------------------------|

|                                                                    |                             |                              |                                                                        |
|--------------------------------------------------------------------|-----------------------------|------------------------------|------------------------------------------------------------------------|
| First Nation Contact Name(s) and Position/Title(s): Robert Morales |                             |                              |                                                                        |
| Phone: 250-245-4660                                                |                             | Fax:                         | Email: htg-rmorales@shaw.ca                                            |
| Date                                                               | Notification Package sent   | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures) |
| Sept 23, 2016                                                      | Bylaw referral package sent | email                        |                                                                        |
| Oct 12, 2017                                                       | Follow up                   | Email                        | Advising that Public Hearing is scheduled for November 2, 2017         |

|                                                            |                                 |                              |                                                                           |
|------------------------------------------------------------|---------------------------------|------------------------------|---------------------------------------------------------------------------|
| First Nation: <b>Semiahmoo First Nation</b>                |                                 |                              |                                                                           |
| First Nation Contact Name(s) and Position/Title(s): Joanne |                                 |                              |                                                                           |
| Phone: 604-536-3101                                        |                                 | Fax:                         | Email: semiahmoojoanne@gmail.com                                          |
| Date                                                       | Notification Package sent       | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures)    |
| Sept 23, 2016                                              | Bylaw referral package sent     | email                        |                                                                           |
| Oct 20, 2016                                               | Follow up phone call to Joanne. | phone                        | Left detailed message at main phone number inviting response to referral. |
| Oct 12, 2017                                               | Follow up                       | Email                        | Advising that Public Hearing is scheduled for November 2, 2017            |

|                                                            |                             |                              |                                                                        |
|------------------------------------------------------------|-----------------------------|------------------------------|------------------------------------------------------------------------|
| First Nation: <b>Stz'uminus (Chemainus) First Nation</b>   |                             |                              |                                                                        |
| First Nation Contact Name(s) and Position/Title(s): Chenoa |                             |                              |                                                                        |
| Phone: 250-924-2444                                        |                             | Fax:                         | Email: referrals@coastsalishdevcorp.com                                |
| Date                                                       | Notification Package sent   | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures) |
| Sept 23, 2016                                              | Bylaw referral package sent | email                        |                                                                        |

|              |                                           |              |                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------|-------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oct 19, 2016 | Spoke to Chenoa, resent referral package. | Phone, email | Advised that they are no longer part of the Hul'quminum Treaty group and are pursuing on their own. Said they have the same statement of intent though. There is no interest for a site visit at this time. Resent referral package so that they can have a second look at this referral. Mentioned that their area of interest lies between Nanaimo and Chemainus rivers and Mudge Island. |
| Oct 12, 2017 | Follow up                                 | Email        | Advising that Public Hearing is scheduled for November 2, 2017                                                                                                                                                                                                                                                                                                                              |

|                                                                 |                                |                           |                                                                                                                                                                                                                              |
|-----------------------------------------------------------------|--------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Nation: <b>Tsartlip First Nation</b>                      |                                |                           |                                                                                                                                                                                                                              |
| First Nation Contact Name(s) and Position/Title(s): Karen Harry |                                |                           |                                                                                                                                                                                                                              |
| Phone: 250-652-3988                                             |                                | Fax:                      | Email: admin@tsartlip.com                                                                                                                                                                                                    |
|                                                                 |                                |                           |                                                                                                                                                                                                                              |
| Date                                                            | Notification Package sent      | Method (e.g. phone/email) | Comments / Follow-up (e.g. identified interests, proposed measures)                                                                                                                                                          |
| Sept 23, 2016                                                   | Bylaw Referral package sent.   | email                     |                                                                                                                                                                                                                              |
| Oct 20, 2016                                                    | Follow up phone call to Karen. | Phone                     | Left detailed phone message for Karen Harry. Advised of site visits being organized for members of Hul'quminum and Tsawout and invited their participation at that one or another we could organize if they were interested. |
| Oct 12, 2017                                                    | Follow up                      | Email                     | Advising that Public Hearing is scheduled for November 2, 2017                                                                                                                                                               |

|                                                                    |                             |                           |                                                                     |
|--------------------------------------------------------------------|-----------------------------|---------------------------|---------------------------------------------------------------------|
| First Nation: <b>Tsawout First Nation</b>                          |                             |                           |                                                                     |
| First Nation Contact Name(s) and Position/Title(s): Gwen Underwood |                             |                           |                                                                     |
| Phone: 250-652-9101                                                |                             | Fax:                      | Email: shaysema@tsawout.ca                                          |
|                                                                    |                             |                           |                                                                     |
| Date                                                               | Notification Package sent   | Method (e.g. phone/email) | Comments / Follow-up (e.g. identified interests, proposed measures) |
| Sept 23, 2016                                                      | Bylaw referral package sent | email                     |                                                                     |

|              |                                  |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------|----------------------------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oct 20, 2016 | Follow up phone call to Gwen.    |       | Advised them of the site visit organized for CT and Halalt on October 26th. She advised that they would not like to attend that site visit but would like to be part of another in the next few weeks. Sent ensuing email with original referral info again and invited them to discuss this further also advised we would cover ferry cost for some representatives. Positive responses received, they do want to initiate a site visit and will be back in touch. |
| Oct 20, 2015 | Gwen Underwood response received |       | They are requesting a site visit. Details to follow.                                                                                                                                                                                                                                                                                                                                                                                                                |
| Oct 12, 2017 | Follow up                        | Email | Advising that Public Hearing is scheduled for November 2, 2017                                                                                                                                                                                                                                                                                                                                                                                                      |

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|------------------------------------------------------------------|---------------------------------------|------------------------------|------------------------------------------------------------------------|
| First Nation: <b>Tsawwassen First Nation</b>                     |                                       |                              |                                                                        |
| First Nation Contact Name(s) and Position/Title(s): Sonya Howard |                                       |                              |                                                                        |
| Phone: 604-943-2112                                              |                                       | Fax:                         | Email: reception@tsawwassenfirstnation.com                             |
| Date                                                             | Notification Package sent             | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures) |
| Sept 23, 2016                                                    | Bylaw referral package sent           | email                        |                                                                        |
| Oct 20, 2016                                                     | Follow up phone call to Sonya Howard. | Phone                        | Left detailed message on the referral to Sonya & inviting comments     |
| Oct 12, 2017                                                     | Follow up                             | Email                        | Advising that Public Hearing is scheduled for November 2, 2017         |

|                                                                       |                             |                              |                                                                        |
|-----------------------------------------------------------------------|-----------------------------|------------------------------|------------------------------------------------------------------------|
| First Nation: <b>Tseycum First Nation</b>                             |                             |                              |                                                                        |
| First Nation Contact Name(s) and Position/Title(s): Chief Tanya Jimmy |                             |                              |                                                                        |
| Phone: 250-656-0858                                                   |                             | Fax:                         | Email: chief@tseycum.ca                                                |
| Date                                                                  | Notification Package sent   | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures) |
| Sept 23, 2016                                                         | Bylaw referral package sent | email                        |                                                                        |

|              |                                                                                                                      |       |                                                                                                                             |
|--------------|----------------------------------------------------------------------------------------------------------------------|-------|-----------------------------------------------------------------------------------------------------------------------------|
| Oct 20, 2016 | Assistant Letha not in till Monday, Oct 24, will call back then.                                                     | Phone |                                                                                                                             |
| Oct 24, 2016 | Spoke to Assistant Litha who asked to resend the referral package to Chief Tanya Jimmy and of offer for a site visit | Phone |                                                                                                                             |
| Oct 24, 2016 | Resent referral package to the attention of Chief Tanya Jimmy with covering email copied to assistant Letha          | email | Email included mention of impending site visits and inviting participation in one of the visits or one suited to Tseycum FN |
| Oct 12, 2017 | Follow up                                                                                                            | Email | Advising that Public Hearing is scheduled for November 2, 2017                                                              |

|                                                                        |                             |                              |                                                                        |
|------------------------------------------------------------------------|-----------------------------|------------------------------|------------------------------------------------------------------------|
| First Nation: <b>Te'Mexw Treaty Association (for information only)</b> |                             |                              |                                                                        |
| First Nation Contact Name(s) and Position/Title(s): Stacey Joseph      |                             |                              |                                                                        |
| Phone: 250-360-2202                                                    |                             | Fax:                         | Email: sjoseph@temexw.org                                              |
|                                                                        |                             |                              |                                                                        |
| Date                                                                   | Notification Package sent   | Method<br>(e.g. phone/email) | Comments / Follow-up<br>(e.g. identified interests, proposed measures) |
| Sept 23, 2016                                                          | Bylaw referral package sent | email                        |                                                                        |
| Oct 12, 2017                                                           | Follow up                   | Email                        | Advising that Public Hearing is scheduled for November 2, 2017         |



Islands Trust

# REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SS-BL-506  
(Bishop's Walk Housing Agreement)

DATE OF MEETING: December 5, 2017  
TO: Islands Trust Executive Committee  
FROM: Seth Wright, Planner 2  
SUBJECT: Salt Spring Island Local Trust Committee – Bylaw No. 506

## RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 506, cited as "Salt Spring Island Housing Agreement Bylaw No. 506, 2017," in accordance with Section 27 of the *Islands Trust Act*.**

## DIRECTORS COMMENTS

Salt Spring Island Local Trust Committee has referred Bylaw No. 506 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

## IMPLICATIONS OF RECOMMENDATION

**Organizational:** The LTC would be entering into a Housing Agreement with the Owner. The LTC's obligations would be limited to approving operational changes to housing rates and associated financial parameters, posting affordable home ownership sale signs on its bulletin board, considering waivers of the terms of the agreement, and receiving monitoring reports on a regular basis - including an annual statutory declaration. The LTC may request additional declarations and could be requested by staff to initiate litigation in event of any breaches of the housing agreement, covenant, or zoning regulations.

**Financial:** Staff resources will be required for any considerations of waivers or changes from the agreement and reporting monitoring to the Local Trust Committee.

**Policy:** None

**Implementation/Communications:** None

## PURPOSE

Salt Spring Island Local Trust Committee Bylaw No. 506, cited as "Salt Spring Island Housing Agreement Bylaw No. 506, 2017," (Attachment 6) is intended to restrict occupancy to Qualified persons, restrict rent and lease rates, control re-sale of affordable housing units, and establish administrative provisions for the project.

## BACKGROUND

In 1989, Parcel M (15.32 ha) was excluded from the Agricultural Land Reserve by the Bishop of Victoria/Catholic Diocese (SS-ALR-1989.03). Parcel M was subsequently also rezoned from Agriculture 1 to Comprehensive Development 8 (CD8) in accordance with Official Community Plan policies which supported a gradient of higher density to lower density from the Ganges core outwards to the more rural areas (SS-RZ-1992.28). The CD8 zoning permitted 24 multi-family densities and 20 single family dwellings, which constituted an increase of 7 additional densities in exchange for the provision of affordable housing. The provision for affordable housing was guaranteed in 1995 through a housing agreement for the provision of 24 units of affordable rental housing (Bylaw 339). In 2016, Community Services submitted a request to revise the terms of the housing agreement and covenant to reflect a different affordable housing model.

Bylaw 506 received First Reading on October 5, 2017 and Public Hearing, second reading, and third reading on November 30, 2017. The Salt Spring Island Local Trust Committee

**Issues Relating to Provincial Interest:** None

**Issues Relating to First Nation Interest:** As this bylaw exclusively serves to modify the terms for an existing housing agreement and does not involve a change to a land use that is already permitted, no referral to First Nations was carried out.

**Issues Relating to Resources and Enforcement:** Any reported breaches would be enforced upon the Owner consistent with current Enforcement policy and practices.

**Public Comments**

Public comments were not solicited and have not been received regarding the proposed amendment.

**Staff Comments**

Staff is recommending approval of Bylaw No. 506, which aligns with the Islands Trust Council Strategic Plan initiative 5.1 “Use land use planning tools and decisions to improve the availability of affordable, accessible, and appropriate housing.”

**RELEVANT POLICY**

- Section 27 of the *Islands Trust Act*

**ALTERNATIVE**

**1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:**

*THAT the Executive Committee request that staff advise Salt Spring Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 506, cited as “Salt Spring Island Housing Agreement Bylaw No. 506, 2017,” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Salt Spring Island Local Trust Committee on steps needed to address the specified issues.*

|               |                          |                   |
|---------------|--------------------------|-------------------|
| Submitted By: | Seth Wright<br>Planner 2 | November 30, 2017 |
|---------------|--------------------------|-------------------|

|              |  |  |
|--------------|--|--|
| Concurrence: |  |  |
|--------------|--|--|

#### **ATTACHMENTS**

1. EC Submission Cover
2. EC General Checklist
3. Bylaw No. 506 at 3<sup>rd</sup> Reading



Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Salt Spring Island Local Trust Committee

Bylaw No.: SS-506

Bylaw Type: Housing Agreement Procedure Bylaw

Date of resolution referring bylaw to Executive Committee: 30-Nov-2017

- ☒ Bylaw Submission Checklist attached
- ☐ Policy Statement Checklist attached\*  
\* not required for administrative bylaws
- ☒ Summary of Bylaw Intent Attached

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

Deadline for Executive Committee decision (one month after receipt by  
Secretary as determined pursuant to the Interpretation Act\*): \_\_\_\_\_

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

**Distribution:** Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Executive Committee

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### Policy Checklist

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**Checklist Key:**

|                |                                                                                                                              |
|----------------|------------------------------------------------------------------------------------------------------------------------------|
| Consistent     | The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv                             |
| Contrary       | The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv |
| Not-Applicable | The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .                      |

### Executive Committee Legislative Role Policy (2.4)

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|            |     |                                                                                                                     |
|------------|-----|---------------------------------------------------------------------------------------------------------------------|
| Consistent | i   | Bylaw is consistent with the object of the Trust                                                                    |
| Consistent | ii  | Bylaw is not contrary to or at variance to the Islands Trust Policy Statement                                       |
| Consistent | iii | Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw   |
| Consistent | iv  | Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice) |

**Checklist Key:**

|                       |                                                         |
|-----------------------|---------------------------------------------------------|
| Requires Resources    | Staff resources required to assist with administration. |
| No Resources Required | No staff resources required.                            |

### The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

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|                       |     |                                                                               |
|-----------------------|-----|-------------------------------------------------------------------------------|
| No Resources Required | B.5 | Bylaw is consistent with the object of the Trust                              |
| Resources Required    | B10 | Bylaw is not contrary to or at variance to the Islands Trust Policy Statement |

## Comments

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Administration of housing agreements requires some staff time to receive and review annual statutory declarations (for conformity with Housing Agreement), post flyers of units for sale on bulletin board when required by housing agreement (rare and only required for resale), reporting to LTC on requested waivers from housing agreement (rare), enforcement of housing agreement can only be

## Status

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Date Resolution Referred to Exective Committee: 30-Nov-2017

Reading: 30-Nov-2017

Third Reading

# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 506

\*\*\*\*\*

#### A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

\*\*\*\*\*

The Salt Spring Island Local Trust Committee being the Local Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as “Salt Spring Island Housing Agreement Bylaw No. 506, 2017”.

2. Authorization

The Chair of the Salt Spring Island Local Trust Committee is authorized to execute the Housing Agreement in the form attached to this bylaw as Schedule A with the Salt Spring and Southern Gulf Islands Community Services Society.

3. Bylaw Repeal

The “Salt Spring Island Local Trust Committee Affordable Housing Agreement Bylaw No. 339, 1995” is repealed.

4. Severability

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 5TH day of OCTOBER , 2017

READ A SECOND TIME this 30 day of NOVEMBER , 2017

PUBLIC HEARING HELD this 30 day of NOVEMBER , 2017

READ A THIRD TIME this 30 day of NOVEMBER , 2017

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

day of , 20

ADOPTED this day of , 20

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SECRETARY

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CHAIRPERSON

## PART 2 - TERMS OF INSTRUMENT

### SECTION 219 LAND USE COVENANT AND HOUSING AGREEMENT

This Agreement dated for reference , 20

BETWEEN:

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**, a Local Trust Committee under the *Islands Trust Act*, R.S.B.C. 1996, c. 239, 2<sup>nd</sup> Floor, 1627 Fort Street, Victoria, B.C., V8W 3E1

("Local Trust Committee")

AND:

**SALT SPRING AND SOUTHERN GULF ISLANDS COMMUNITY SERVICES SOCIETY**, a society incorporated under the *Society Act* under number S11466, with an office at 268 Fulford - Ganges Road, Ganges, B.C., VOS 1E0

("Society")

**GIVEN THAT:**

- A. The Society is the registered owner of the Land located at Lot 3 Charlesworth Road on Salt Spring Island, British Columbia, legally described as:
- PID: 028-104-269  
LOT 3, DISTRICT LOT 24, NORTH SALT SPRING ISLAND,  
COWICHAN DISTRICT, PLAN VIP87215;
- (the "Land");
- B. The Society wishes to grant to the Local Trust Committee a covenant under s. 219 of the *Land Title Act* and to enter into this Agreement as a housing agreement under s. 483 of the *Local Government Act*; and
- C. The Local Trust Committee has, by bylaw, authorized the execution of this Agreement and the Society has duly authorized the execution of this Agreement.

This Agreement is evidence that in consideration of \$2.00 paid by the Local Trust Committee to the Society, the Local Trust Committee and the Society agree, as covenants granted by the Society to the Local Trust Committee under s. 219 of the *Land Title Act* and, as an affordable housing agreement between the Society and the Local Trust Committee under s. 483 of the *Local Government Act*, and as a contract and a deed under executed and delivered seal among the Society and the Local Trust Committee, as follows:

## ARTICLE 1 - DEFINITIONS AND INTERPRETATION

### 1.01 Definitions

In this Agreement:

- (a) **"Affordable Housing Development"** means the affordable housing development to be constructed on the Land, comprised of up to 24 Dwelling Units, and associated services, landscaping and accessory structures, of which at least 4 shall be used for Affordable Rental Housing and the remainder shall be Affordable Ownership Units.
- (b) **"Affordable Ownership Unit"** means a privately-owned building strata Dwelling Unit sold with a Maximum First Purchase Price a minimum of 15% below Market Value to a Qualified Person and resale price escalations restricted to a Maximum Resale Price.
- (c) **"Affordable Rental Housing Unit"** means a rental housing Dwelling Unit owned by the Society and rented at a monthly price to households whose Annual Household Income does not exceed 100% of the Local Trust Area median household income as identified by Statistics Canada, or such other level of income as agreed upon by the Local Trust Committee and the Society. Between each subsequent release by Statistics Canada of median household income for the Local Trust Area, the foregoing median household income will be adjusted on a yearly basis by the Yearly CPI Change.
- (d) **"Annual Household Income"** means the combined gross income of all adult members of the household, as shown on line 150 of the preceding year's T1 General Income Tax and Benefit return.
- (e) **"Bona Fide Offer"** means an offer to purchase the Interest in an Affordable Ownership Unit:
  - (i) in writing,
  - (ii) signed by the purchaser, who must be a Qualified Person,
  - (iii) in a form legally enforceable against the Purchaser and which by the time it is submitted to the Society, contains no subject conditions except for the Seller's Condition or as authorized by Society policy under section 2.05 below,
  - (iv) providing for a deposit of \$750.00 such deposit to be paid within 72 hours of the removal or waiver of the Seller's Condition,
  - (v) for a purchase price that does not exceed the Maximum Resale Price,
  - (vi) providing for an obligation on the seller of such Affordable Ownership Unit to

remit an amount equal to the Society's Administration Fee to the Society forthwith upon closing, and

- (vii) providing that the purchaser will not assign or transfer the contract for the purchase of the Affordable Ownership Unit.
- (f) **"Business Days"** means Monday to Friday inclusive except for those excluded days declared by lawful authority as holidays, and excluding any day that the Land Title Office (LTO) is not open for business.
- (g) **"CPI"** means the Consumer Price Index for Victoria, BC published from time to time by Statistics Canada.
- (h) **"CPI Change"** means the percentage change in the CPI between that published immediately prior to the date of the last Disposition of an Affordable Ownership Unit to that published immediately prior to the date of the contract for the next Disposition of an Affordable Ownership Unit.
- (i) **"Dispose"** means to transfer by any method, and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, rent or sublet, divest, release and agree to do any of those things.
- (j) **"Dwelling Unit"** means a dwelling unit as defined in the Salt Spring Island Land Use Bylaw, 1999, as amended or replaced from time to time.
- (k) **"Efforts to Sell"** means the best efforts of the Unit Owner or Lender to sell the Affordable Ownership Unit using all reasonable means, for a period of least of 120 days, including, notifying the Society, notifying prospective purchasers on a waiting list maintained by the Society, listing the Affordable Ownership Unit for sale with a licensed real estate agent, advertising the Affordable Ownership Unit for sale in the local newspapers, posting "for sale" signs on any bulletin boards maintained by the Society or Local Trust Committee for the sale of such units:
  - (i) with respect to a Unit Owner,
    - A. to a Qualified Person(s) for a purchase price not to exceed the Maximum Resale Price; and
  - (ii) with respect to a Lender,
    - A. to a Qualified Person(s) for a purchase price not to exceed the Lender Price;
    - B. to the Society for a purchase price not to exceed the Lender Price by

specifying in writing that it is offering to sell for a period of 15 days the Affordable Ownership Unit to the Society in accordance with section 3.03 clause (c) below.

- (l) **"Lender"** means a mortgagee which has a registered mortgage in the LTO against an Affordable Ownership Unit and that is a bank, credit union or other financial institution established or regulated under any enactment of British Columbia or Canada, or a receiver or receiver-manager acting on behalf of such mortgagee, who has obtained a right to acquire an interest in or has obtained the right to sell such Affordable Ownership Unit by enforcing its security under such mortgage.
- (m) **"LTO"** means the Victoria Land Title Office or its successor.
- (n) **"Market Value"** means the higher of:
  - (i) the average of estimated market selling price provided by three independent licensed Real Estate Agents, or
  - (ii) the appraised value.
- (o) **"Maximum First Purchase Price"** means the purchase price for an Affordable Ownership Unit not to exceed 85% of Market Value, and
- (p) **"Maximum Resale Price"** means the aggregate of:
  - (i) a purchase price for an Affordable Ownership Unit not to exceed the immediately preceding sale price of such Affordable Ownership Unit to the Owner as adjusted by the CPI Change, and
  - (ii) the value of capital improvements as authorized by Society rules/policy under section 2.05 below
- (q) **"Qualified Person"** means an individual or individuals who:
  - (i) is or intends to become an occupier and/or owner of fee simple title of an Affordable Ownership Unit, and
  - (ii) at the time of transfer of title to an Affordable Ownership Unit to him, her or them, meets the criteria set out in section 2.02 below.
- (r) **"Seller's Condition"** means the following clause which shall be inserted into any offer to purchase:

'The obligation of the seller to complete the transaction contemplated herein is subject

to the following (the "**Seller's Condition**"):

- (i) the seller notifying the buyer in writing not later than \_\_\_\_\_ that the SALT SPRING AND SOUTHERN GULF ISLANDS COMMUNITY SERVICES SOCIETY (the "Society") has approved the terms of the sale of the Affordable Ownership Unit to the buyer and
  - (ii) that the Society has decided not to exercise its right of first refusal or option to purchase the Affordable Ownership Unit with respect to this transaction; and
  - (iii) the Seller's Condition is for the sole benefit of the seller and may be satisfied by the seller by notice to the buyer. If the Seller's Condition is not satisfied on or before the date specified for its removal, this agreement will be automatically terminated, the deposit will be returned to the buyer and neither party will have any further obligation to the other under this agreement."
- (s) "**Society's Administration Fee**" means a fee, established by the Society, and as amended from time to time, which shall not exceed 1% of the Maximum Resale Price.
  - (t) "**Statistics Canada**" means Statistics Canada or its successor in function.
  - (u) "**Unit Owner**" means in respect of an Affordable Ownership Unit, any person(s) who is a registered owner in fee simple to an Affordable Ownership Unit.
  - (v) "**Yearly CPI Change**" means the percentage change in CPI from the CPI for January of the immediately preceding calendar year, to the CPI for January of the then present calendar year.

## **1.02 Interpretation**

Reference in this Agreement to:

- (a) the singular includes a reference to the plural and a reference to the plural includes a reference to the singular,
- (b) a "party" is a reference to a party to this Agreement,
- (c) a particular numbered "article" or "section" or to a particular lettered "schedule" is a reference to the corresponding numbered or lettered article, section or schedule of this Agreement,
- (d) an "enactment" is a reference to an enactment as defined in the *Interpretation Act* and is a reference to any revision, amendment or re-enactment of, or replacement for, that enactment, and

- (e) the Local Trust Committee includes a reference to its successors in function, including a municipality.

### **1.03 Headings**

The division of this Agreement into articles, sections and schedules is for convenience of reference only and does not affect its interpretation. The article and section headings used in this Agreement are for convenience of reference only and do not affect the interpretation of this Agreement.

### **1.04 Entire Agreement**

This is the entire agreement among the parties concerning its subject and may be amended only by a document executed by all parties.

## **ARTICLE 2 - AFFORDABLE HOUSING**

### **2.01 Affordable Housing**

Pursuant to section 219 of the *Land Title Act* and section 483 of the *Local Government Act*, the Society covenants and agrees that the Land may be used only in accordance with the following conditions:

- (a) the Land may be used only for construction, use, and occupation of the Affordable Housing Development and accessory uses permitted under Salt Spring Island Land Use Bylaw, 1999, as amended or replaced from time to time, and
- (b) the Land must contain at least 4 units of Affordable Rental Housing.

### **2.02 Affordable Ownership Unit Eligibility**

- (a) Affordable Ownership Units will only be occupied by person or persons whose households meet the following criteria:
  - (i) the household's Annual Household Income does not exceed \$75,000.00, or such other level of income as agreed upon by the Local Trust Committee and the Society, and the foregoing qualifying income will be adjusted on a yearly basis by the Yearly CPI Change,
  - (ii) the household does not own any other real estate, and
  - (iii) either:

- i. the household will occupy the Affordable Ownership Unit as their permanent, principal, and sole residence, or
- ii. the household will rent the Affordable Ownership Unit to a person or persons who satisfy the Affordable Rental Housing Eligibility Requirements set out in section 2.03 below and any policy or rules made pursuant to section 2.05 below.

### **2.03 Affordable Rental Housing Eligibility**

- (a) Affordable Rental Housing Units will only be occupied by person or persons whose households meet all of the following criteria:
  - (i) the household's Annual Household Income does not exceed 100% of the Salt Spring Island Local Trust Area median household income as identified by Statistics Canada, or such other level of income as agreed upon by the Local Trust Committee and the Society, provided that between each subsequent release by Statistics Canada of median household income for the Salt Spring Island Trust Area, the foregoing median household income will be adjusted on a yearly basis by the Yearly CPI Change; and.
  - (ii) the household will occupy the Dwelling Unit as their permanent, principal, and sole residence.
- (b) If for reasons of hardship, the Society cannot comply with the requirements of this Agreement in relation to any Affordable Rental Housing Unit, the Society may request a temporary waiver or alteration of the terms in this Agreement in respect of that unit. This request must be delivered to the Local Trust Committee in writing, explain the nature and circumstances of the hardship involved, the reasons why the Society cannot comply, and the hardship that compliance would cause. The Society agrees that the Local Trust Committee is under no obligation to grant any relief, and may proceed with all remedies available under this Agreement, and at law and in equity, despite the Society's request or the hardship involved, and the relief, if any, is to be determined by the Local Trust Committee, in its sole discretion.
- (c) In the event that the Society has not, by its own best efforts, rented any Affordable Rental Housing Unit to persons who are qualified under the terms of this Agreement to occupy the units, the Society must identify to the Local Trust Committee which Affordable Rental Housing Units are, or are becoming, vacant and must make best efforts to rent the units to qualified applicants that meet the criteria established in this section from any waitlist maintained by the Local Trust Committee. The Local Trust Committee agrees that the Society is under no obligation to select any applicant from the waitlist maintained by the Local Trust Committee that the Society deems in its sole discretion to be not suitable for residency on the Land.

## **2.04 Rental Rates**

In the event that there is no agreement in place between the Society and the Local Trust Committee restricting the rental rates that apply to the Affordable Rental Housing Units, it is a condition of this Agreement that monthly rental rates be limited to:

- (a) One twelfth of 30% of the yearly median household income for the Local Trust Area published by Statistics Canada provided that between each subsequent release by Statistics Canada of median household income for the Local Trust Area, the foregoing median household income will be adjusted on a yearly basis by the Yearly CPI Change, so long as the monthly rental rate provides revenues that are sufficient to cover reasonable operating costs and servicing of debt. The Society may charge rental rates that exceed the maximum permitted by this section only if it demonstrates that such rental rate increases are required and receives written permission to make these increases from the Local Trust Committee. Extraordinary items that could permit such a monthly rental rate increase include, but are not limited to, use of substantial building repairs, unforeseen capital levies for utilities and services, or property taxes. For clarity, this limitation does not apply to telephone or other telecommunications, or gas or electricity utility fees or charges.

## **2.05 Policies/Rules and Regulations/Administration by Society**

- (a) The Society is authorized to make rules, regulations and policies necessary to fully implement and achieve the policy goals set out in this Agreement. The issues to be dealt with include, but are not limited to, the following:
  - (i) establishing and maintaining a wait list of potential owners or renters,
  - (ii) establishing, administering and enforcing a resale policy applicable to Affordable Ownership Units,
  - (iii) establishing, administering and enforcing rental policy applicable to Affordable Ownership Units or Affordable Rental Housing Units,
  - (iv) establishing, administering and enforcing policies relating to capital improvements made by owners to Affordable Ownership Units,
  - (v) setting and collecting any fees and special levies as needed, and
  - (vi) establishing and charging an Administration Fee to pay for the above.
- (b) The Society is authorized to amend existing rules, regulations and policies, repeal existing rules, regulations and policies and enact new rules, regulations and policies as

necessary to fully implement and achieve the requirements set out in this Agreement.

## **2.06 Monitoring and Reporting to the Local Trust Committee**

- (a) The Society will monitor and facilitate the use, occupancy, ownership, re-sale and transfer of the Affordable Ownership Units as set out in this Agreement and the Society will provide reports to the Local Trust Committee, providing a profile of the Unit Owner of each Affordable Ownership Unit in reasonable detail, including the household income and family size and such other matters as the Local Trust Committee may reasonably require.
- (b) The Society must deliver to the Local Trust Committee once each year, a completed statutory declaration, substantially in the form attached as Schedule A, sworn by the Society. Additionally, the Local Trust Committee may request this statutory declaration up to four times in any calendar year, and the Society must complete and supply the completed statutory declaration within 14 calendar days of receiving a request from the Local Trust Committee. The Society irrevocably authorizes the Local Trust Committee to make reasonable inquiries it considers necessary in order to confirm compliance with this Agreement.

## **ARTICLE 3 – SUBSEQUENT SALES OF AFFORDABLE OWNERSHIP UNITS**

### **3.01 Sale by Mutual Agreement**

At any time, a Unit Owner and the Society may agree, by mutual agreement in writing, that the Society may purchase the Affordable Ownership Unit from the Unit Owner for the Maximum Resale Price.

### **3.02 Non Bona Fide Offers/Non-Qualified Persons**

Except as specifically permitted below, sales of Affordable Ownership Units, by way of Non Bona Fide Offers, or to Non-Qualified Persons, are prohibited.

### **3.03 Sale by Lender**

- (a) Notwithstanding any other provision in this Agreement, if a Lender at any time becomes legally entitled to conduct the sale of an Affordable Ownership Unit and the Lender has, after being legally entitled to conduct such sale, made Efforts to Sell as defined, and notwithstanding such Efforts to Sell has been unable to sell the Affordable Ownership Unit to a Qualified Person(s) or the Society pursuant to a Bona Fide Offer for a price not to exceed the greater of:
  - (i) the Maximum Resale Price; and

- (ii) the amount outstanding under its mortgage registered on the Affordable Ownership Unit (inclusive of recoverable costs);  
(the "**Lender Price**");

the Lender may:

- (A) sell the Affordable Ownership Unit to a purchaser who is not a Qualified Person for the Lender Price, provided that such price includes the payment by the purchaser of the Society's Administration Fee, and, notwithstanding section 2.02, may be occupied by the purchaser and their household, but this Agreement will apply to any subsequent Dispositions of the Affordable Ownership Unit, and
- (B) if after a further period of 60 days of making Efforts to Sell, but to any purchaser whether a Qualified Person or not, and notwithstanding such Efforts to Sell, has been unable to sell the Affordable Ownership Unit at the Lender Price, the Lender may sell the Affordable Ownership Unit at any price to a person who is not a Qualified Person, provided that such price includes payment by the purchaser of the Society's Administration Fee and within a reasonable time after the Society receiving written request therefor following the completion of such purchase and sale of the Affordable Ownership Unit, the Local Trust Committee and the Society will execute a registerable discharge of this Agreement.

#### **ARTICLE 4: STRATA CORPORATION BYLAWS**

##### **4.01 Agreement Binding Upon Strata Corporation**

This Agreement will be binding upon all strata corporations created upon the strata title subdivision of the Land or any building on the Land.

##### **4.02 No Bylaws Restricting Use for Rental Accommodation**

No strata corporation shall pass any bylaws or rules preventing, restricting or abridging the use or availability of any Affordable Rental Housing Unit as a rental unit.

##### **4.03 No Force and Effect**

Any strata corporation bylaw or rule that prevents, restricts, or abridges the right to use or availability of an Affordable Rental Housing Unit as a rental unit will have no force and effect.

## ARTICLE 5: GENERAL

### 5.01 Public Interest Issues

The Society agrees that given the public interest

- (a) in effective protection against breaches of this Agreement, the public interest strongly favours an Order for specific performance or a prohibitory or mandatory injunction in favour of the Local Trust Committee in respect of any breach by the Society of this Agreement, and
- (b) in ongoing use of the Land for the Affordable Housing Development and Affordable Rental Housing, the public interest weighs strongly against any modification, cancellation or discharge of this Agreement under s. 31 of the *Property Law Act*.

### 5.02 No Effect on Laws or Powers

This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land,
- (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
- (c) affect or limit any enactment relating to the use or subdivision of the Land, or
- (d) relieve the Society from complying with any enactment, including in relation to the use or subdivision of the Land.

### 5.03 Waiver

An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

### 5.04 Severance

If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

### **5.05 Binding Effect**

This Agreement binds the parties to it and their respective successors, assigns, lessees, sub-lessees, heirs, executors and administrators.

### **5.06 Deed and Contract**

By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

### **5.07 Owner's Obligations**

The Society agrees that it is bound by this Agreement by virtue of its execution and delivery by the Local Trust Committee, and also by virtue of the fact that this Agreement constitutes a covenant under s. 219 of the *Land Title Act* and a housing agreement under s. 483 of the *Local Government Act* registered in priority to any financial charges registered on title to the Land.

### **5.08 Liability during Ownership**

The Society is only liable for breaches of this Agreement that occur while the Society is the registered owner of the Land.

### **5.09 Priority**

The Society must do everything necessary at its expense to secure priority of registration and interest for this Agreement over all registered and pending liens, charges and encumbrances of a financial nature against the Land.

This Agreement was entered into as authorized by bylaw of the Local Trust Committee, being Salt Spring Island Local Trust Committee Affordable Housing Agreement Bylaw No. \_\_\_\_\_, \_\_\_\_\_, finally adopted on \_\_\_\_\_.

As evidence of their agreement to be bound by the above terms, the Society and the Local Trust Committee each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

|                              |   |                                                   |
|------------------------------|---|---------------------------------------------------|
| CANADA                       | ) | <b>IN THE MATTER OF A HOUSING AGREEMENT</b>       |
|                              | ) | with the Salt Spring Island Local Trust Committee |
| PROVINCE OF BRITISH COLUMBIA | ) | ("Housing Agreement")                             |
|                              | ) |                                                   |

1. That I am the authorized representative of the Salt Spring and Southern Gulf Islands Community Services Society (the "Society") which is the registered owner of \_\_\_\_\_ [ADDRESS], and make this declaration to the best of my personal knowledge.
2. This declaration is made pursuant to the Housing Agreement in respect of the Land.
3. On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the Society created a contemporary list of all the housing units on the Land and the monthly rentals being charged in respect of each of the housing units. That list is available for inspection by the Trust Committee at the Society's offices in accordance with the requirements of the Housing Agreement. **This list is attached as exhibit A.**
4. The occupants of the units set out on the contemporary list meet the eligibility requirements of the Housing Agreement in relation to their annual household incomes and qualification criteria.
5. There is no agreement between the Society and B.C. Housing Management Commission, the Provincial Rental Housing Corporation, Canada Mortgage and Housing Corporation, or the Regional Housing Trust Fund concerning the use or occupancy of the housing units on the Land, other than those agreements of which copies have previously been provided to the Trust Committee and any additional agreements of which copies are attached to this solemn declaration.
6. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

)  
)  
)  
)  
)  
)  
\_\_\_\_\_  
) Signature of person making declaration  
)  
)



## SCHEDULE B: Template Notice to the Society (“the Notice”)

DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_

Subject to the Vendor(s) notifying the Purchaser in writing not later than \_\_\_\_\_ that Salt Spring and the Gulf Islands Community Services Society (“the Society”) has approved the terms of the sale of the Property to the Purchaser and that the Society has decided not to exercise its option to purchase the Property with respect to this transaction only. Subject to the Vendor (s) notifying the Purchaser in writing no later than \_\_\_\_\_ that the Society has confirmed the Purchaser’s eligibility to own the property. These Vendor Conditions are for the sole benefit of the Vendor and may be satisfied by the Vendor by notice in writing to the Purchaser. If the Vendor's Conditions are not satisfied on or before the date specified for their removal, this agreement will be automatically terminated, the deposit will be returned to the Purchaser, and neither party will have any further obligation to the other under this agreement.

X \_\_\_\_\_  
(WITNESS, PRINT NAME)

X \_\_\_\_\_  
(SIGNATURE)

X \_\_\_\_\_  
(WITNESS, PRINT NAME)

X \_\_\_\_\_  
(SIGNATURE)

X \_\_\_\_\_  
(WITNESS, PRINT NAME)

X \_\_\_\_\_  
(SIGNATURE)

X \_\_\_\_\_  
(WITNESS, PRINT NAME)

X \_\_\_\_\_  
(SIGNATURE)

X \_\_\_\_\_  
(PURCHASER, PRINT NAME)

X \_\_\_\_\_  
(SIGNATURE)

X \_\_\_\_\_  
(PURCHASER, PRINT NAME)

X \_\_\_\_\_  
(SIGNATURE)

X \_\_\_\_\_  
(VENDOR, PRINT NAME)

X \_\_\_\_\_  
(SIGNATURE)

X \_\_\_\_\_  
(VENDOR, PRINT NAME)

X \_\_\_\_\_  
(SIGNATURE)

---

**To:** Executive Committee      **For the Meeting of:** December 12, 2017

**From:** Sonja Zupanec, Island Planner      **Date Prepared:** November 17, 2017

**SUBJECT:** Advocacy Options for the Protection of Crown Islets in the Ballenas Winchelsea Local Trust Area

---

## PURPOSE:

The purpose of this Briefing Note is to request the EC forward a request to Trust Area Services to report on the merits of and options for advocacy on behalf of First Nations with regard to issues surrounding Order in Council 467 and 406 and the apparent limitations on First Nations right and title.

## BACKGROUND:

The following policy was flagged by planning staff for review/replacement during a ITPS review project as this particular policy applies to the majority of the islands and islets in the Ballenas Winchelsea Local Trust Area (LTA) and may infringe on First Nations rights and title:

***3.4.1 It is the position of Trust Council that development should not be allowed within a line drawn 300 metres offshore or mid-channel (whichever is less) of any island or islet in the Trust Area owned entirely by the Crown or affected by Order in Council 467.***

Order in Council 467 (Attachment 1) was provincially established legislation that reserved certain Crown lands, including lesser islands and islets in the Trust Area from disposition under the *Land Act*. In 2004, Order in Council (OIC) 406 removed certain islands/islets from the disposition restriction, to facilitate inclusion within the new southern Gulf Island National Park boundary. However the provincial crown islands and islets within the Ballenas Winchelsea LTA (Attachment 2) are still reserved from disposition and policy 3.4.1 may collide with meaningful engagement and reconciliation efforts with affected First Nations.

At the November 1, BW LTC meeting, the LTC passed the following resolution:

### **EX-2017-005**

#### **It was MOVED and SECONDED**

that the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) ask the Executive Committee to forward a request to Trust Area Services to report on the merits of, and options for, advocacy on behalf of First Nations with regard to issues surrounding Order in Council 467 and 406 and the apparent limitations on First Nations right and title.

## ATTACHMENT(S):

1. Order in Council 467
2. Map of provincial crown islands and islets in BW LTA subject to OIC 467

## FOLLOW-UP:

**Prepared By:** Sonja Zupanec, Island Planner  
**Reviewed By/Date:** David Marlors, DLPS/November 23, 2017



467

APPROVED AND ORDERED MAR 11.1982

 Administrator  
 Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA MAR 11.1982 2007/83, 76/86, 699/87, 538

On the recommendation of the undersigned, the ~~Lieutenant-Governor~~ <sup>Administrator</sup>, by and with the advice and consent of the Executive Council, orders that

1. On publication of a notice in the British Columbia Gazette signed by the Minister of Lands, Parks and Housing, the reserve established pursuant to Order in Council 1733 approved July 16, 1957 be cancelled, and
2. on publication of a notice in the British Columbia Gazette signed by the Minister of Lands, Parks and Housing, the following Crown land be reserved from disposition under the Land Act:
  - (a) all unsurveyed islands and islets in the tidal waters of British Columbia lying south of the 51° parallel of north latitude and east of the 129° meridian of west longitude and the following surveyed islands: Lots 31A, 65, 70, Cowichan District; Lots 40, 41, 127, 133, Nanaimo District; Lot 30G, Nanoose District; Lots 1421, 1422, 3015, 3061, 4041, 4815, 4826, 5845, Group 1, New Westminster District; Lots 133, 200, 201, 206, 211, Victoria District, except thereout:  
Firstly: All those islands and islets situated in the waters of the Federal Harbours of Burrard Inlet and Nanaimo.  
Secondly: All those islands and islets which lie upstream from the mouth or any arm of the mouth of any river or creek emptying into the above described area. (The mouth of a river or creek being accepted as a straight line joining the most seaward points on the headlands on either side of the bed of the river or creek)
  - (b) all unencumbered and unalienated islands, less than 64.75 ha in size, within the coastal tidal waters lying north of the 51° parallel of north latitude, and
  - (c) all unencumbered and unalienated islands and islets within the lakes of British Columbia.

Minister of Lands, Parks and Housing

Presiding Member of the Executive Council

(This part is for administrative purposes and is not part of the Order.)

Authority under which Order is made:

File: 0186760

Act and section Land Act, section 11

Other (specify)

Statutory authority checked by W. B. Maddaford

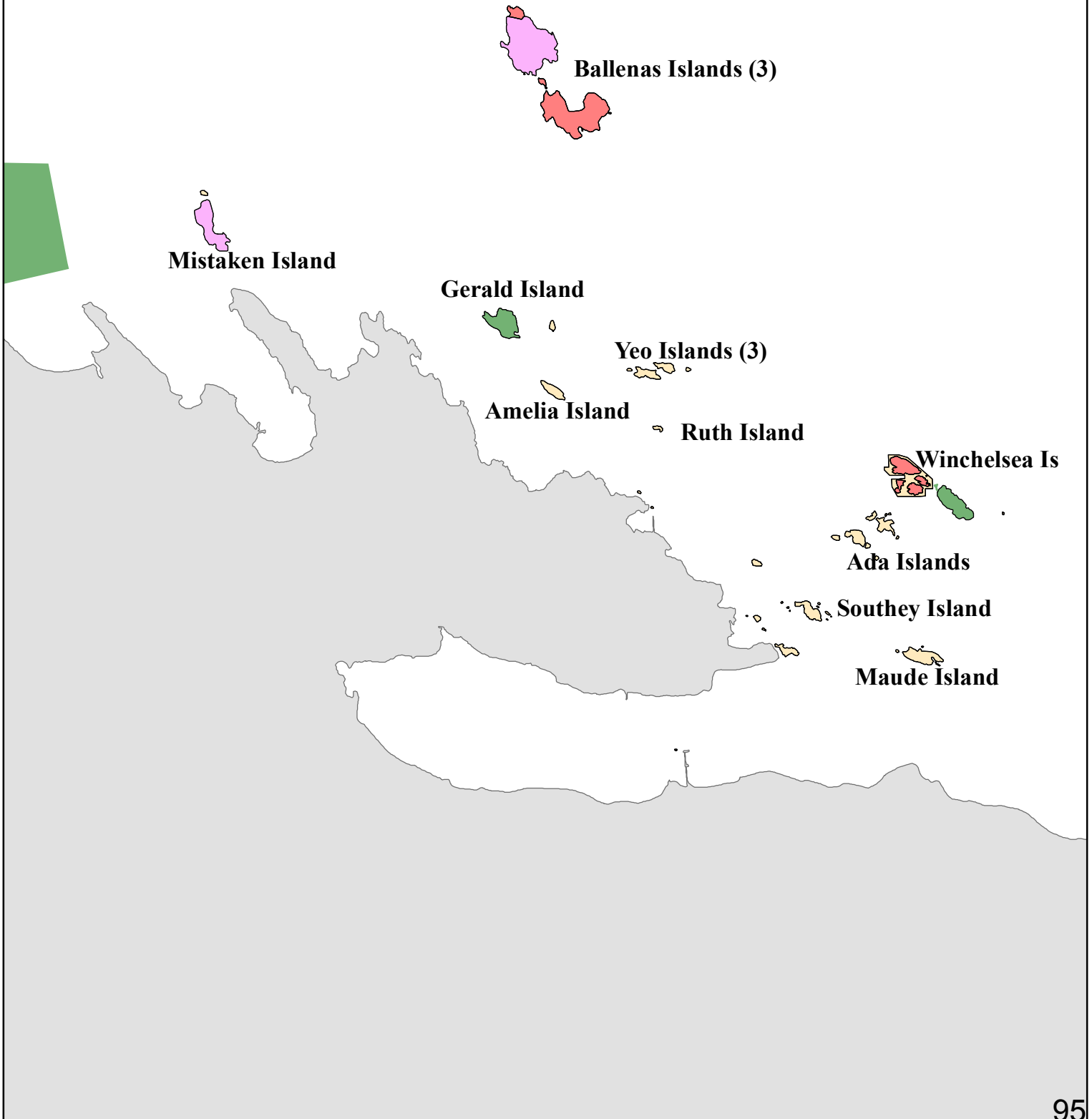
(Signature and typed or printed name of Legal Officer)

February 10, 1982

76/82/mjs

## ATTACHMENT 2

-  Island and Islets to which OIC 467 applies
-  Provincial Park
-  Private
-  Federal Crown



**From:** Jennifer Eliason  
**Sent:** Wednesday, November 29, 2017 3:04 PM  
**To:** Trust Fund Board  
**Cc:** Trust Fund Team; Clare Frater; Karen Hurley; Justine Starke  
**Subject:** Coastal Douglas-fir Conservation Partnership Member Update

**From:** [info@cdfcp.ca](mailto:info@cdfcp.ca) [<mailto:info@cdfcp.ca>]  
**Sent:** Monday, November 27, 2017 11:42 AM  
**Subject:** CDFCP Member Update

Greetings from the CDFCP! Please see below for a summary of projects the CDFCP has supported in the past two years and a description of a new project we are just starting.

### **Public consulted on more CDF ecosystem protection**

Public comment is invited until January 15, 2018 on a proposal to increase protection of CDF ecosystems on provincial Crown land on southeastern Vancouver Island and the Gulf Islands. Please distribute this information to others and encourage them to provide feedback. Follow this link to learn more about this proposal and where written comments can be sent:  
[https://archive.news.gov.bc.ca/releases/news\\_releases\\_2017-2021/2017FLNR0353-001871.htm](https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2017FLNR0353-001871.htm).

### **Towards Rare Ecosystem Conservation in a Private Landscape**

This CDFCP project completed in July, 2017 was funded by The Real Estate Foundation of BC, The Islands Trust Fund, The Gambier Island Local Trust Committee, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and the Ministry of Environment and Climate Change Strategy. Thanks to everyone who supported this project including Kate Emmings, CDFCP Steering Committee member, Katie Bell, CDFCP Co-ordinator, and Nina Morrell for all the hard work. The project was designed to address the objectives of the [CDFCP Conservation Strategy \(2015\)](#) and the results are presented below according to their related objectives.

#### **Key project objectives and results:**

##### **1) Assist local governments, conservation groups & First Nations to identify priority areas for securement and stewardship in their jurisdiction.**

**Result:** The CDFCP reached out to 51 local governments to provide information about the importance of Coastal Douglas-fir and associated ecosystems. Five local governments signed on to the CDFCP Statement of Cooperation and two additional local governments have invited a presentation from the CDFCP Steering Committee in the fall of 2017.

## **2) Work with a local government to develop its Official Community Plan (OCP) to enhance CDF values**

**Result:** The CDFCP developed a terms of reference for working with local governments on OCPs and provided mapping to the Gambier Island Local Trust Committee for potential use in their OCP. This information and associated case study will inform potential work with other local governments.

## **3) Provide tools for prioritization of areas for securement & stewardship within the CDF Zone**

**Result:** The CDFCP updated its mapping of priority conservation areas in the CDFCP for use by its partners and refined its knowledge of the landowner groups in its area.

## **4) Work with the resource, development and real estate sectors to enhance CDF stewardship**

**Result:** The CDFCP worked with the Association of BC Forestry Professionals to produce a Practice Reminder for forestry professionals working within the CDFCP area.

### **CDFCP Marxan Conservation Planning Tool**

The CDFCP has helped support the development of a conservation planning tool for the CDF zone. This Marxan tool, developed with the Dr. Peter Arcese lab at the University of BC, identifies priority areas for conservation and stewardship efforts and has been used by:

- The Nature Conservancy of Canada to guide land acquisition in the Salish Sea Natural Areas Conservation Plan;
- The Islands Trust Fund to prioritize land securement projects; and,
- The Capital Regional District and Cowichan Valley Regional District to explore planning models for parks and watershed management.
- Click [here](#) to learn more about this tool or use the online interface.

### **Cross-boundary Planning for Resilience and Restoration of Endangered Oak Savannah and Coastal Douglas-fir Forest Ecosystems**

With funding from the North Pacific Landscape Conservation Cooperative and other sources and supported by several governments and organizations, in 2016, a project lead by Peter Arcese, UBC Professor and CDFCP Steering Committee member wrapped up. Follow this link to learn more about this international conservation planning project including links to an informative webinar, planning tool and project report: <http://www.northpacificlcc.org/cross-boundary->

[planning-for-resilience-and-restoration-of-endangered-oak-savannah-and-coastal-douglas-fir-forest-ecosystems.](#)

### **CDFCP Members**

CDFCP [membership](#) has grown to include 43 governments and organizations as well as 9 individuals.

### **New CDFCP Project: Advice to Local Governments**

Based on requests from CDFCP members to support local government planning initiatives and building on our 2016/17 ‘**Towards Rare Ecosystem Conservation in a Private Landscape**’ project, with funding from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, the CDFCP has initiated a project to compile information resources to support local governments in the CDF zone. CDFCP local government members will be contacted in the near future for input to support this project so stay tuned!

### **Thank You!**

Please contact us if you have any questions or ideas about potential projects and how the CDFCP can support your work.

Please contact us to update your CDFCP contact information or to unsubscribe from these emails.

Sincerely,

Darryn McConkey, RPBio

Chair, CDFCP

Email: [info@cdfcp.ca](mailto:info@cdfcp.ca)

[www.cdfcp.ca](http://www.cdfcp.ca)

-----Original Message-----

From: ENV AG Reg Reviews ENV:EX [<mailto:env.ag.reg.reviews@gov.bc.ca>]

Sent: Thursday, November 30, 2017 6:36 PM

To: ENV AG Reg Reviews ENV:EX

Subject: Agricultural Waste Control Regulation Review Consultation

Dear Stakeholder,

The Ministry of Environment and Climate Change Strategy is reviewing the Agricultural Waste Control Regulation (AWCR) under the Environmental Management Act (EMA). The AWCR review process follows the ministry policy of continuous improvement and commitment to review the regulations on a regular basis and revise provisions as appropriate.

In August 2017, the Minister announced a review of the Hullcar Valley regarding water quality concerns in the Hullcar aquifer to be done by the POLIS Project on Ecological Governance from the University of Victoria. The Hullcar Review Recommendations Report was released today and includes recommendations for changes to the AWCR (News Release<<https://news.gov.bc.ca/releases/2017ENV0065-001991>>). As part of the review process, the ministry is issuing an Intentions Paper to consult with the public and stakeholders on these recommendations from November 30, 2017 to January 15, 2018.

The Ministry would be pleased to receive comments on the proposed changes by January 15, 2018, and will consider all comments received on the Intentions Paper to finalize policy and prepare drafting instructions for legal drafting of a proposed amended regulation. It is anticipated that regulatory changes to the AWCR will be made in 2018.

More information on the AWCR Review, the consultation process and the Intentions Paper can be found on the AWCR webpage<<http://www2.gov.bc.ca/gov/content/environment/waste-management/industrial-waste/agriculture>>, or at the following link: <http://www2.gov.bc.ca/gov/content/environment/waste-management/industrial-waste/agriculture>. Comments may be sent to [env.ag.reg.reviews@gov.bc.ca](mailto:env.ag.reg.reviews@gov.bc.ca)<<mailto:env.ag.reg.reviews@gov.bc.ca>>.

Thank you,  
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