

Executive Committee

Agenda

Date: Wednesday, October 10, 2018
 Time: 8:45 am
 Location: Islands Trust Victoria Boardroom
 200-1627 Fort Street, Victoria, BC

	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	4 - 4
3. ADOPTION OF MINUTES	
3.1 July 17th ITC - EC joint meeting	5 - 8
3.2 August 29th special meeting	9 - 10
3.3 September 5th regular meeting	11 - 20
3.4 September 18th regular meeting	21 - 22
3.5 October 1, 2018 special meeting	23 - 24
4. FOLLOW UP ACTION LIST AND UPDATES	
4.1 Follow Up Action List	25 - 31
4.2 Director/CAO Updates	
4.3 Local Trust Committee Chair Updates	
5. BYLAWS FOR APPROVAL CONSIDERATION	
5.1 Salt Spring Island LTC Bylaw No. 507 (LUB) - RFD	32 - 59
THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 507, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2017", in accordance with Section 27 of the <i>Islands Trust Act</i>.	
5.2 Salt Spring Island LTC Bylaw No. 513 (housing agreement) - RFD	60 - 76
THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 513, cited as "Salt Spring Island Housing Agreement Bylaw No. 513, 2017," in accordance with Section 27 of the <i>Islands Trust Act</i>.	

5.3	Salt Spring Island LTC Bylaws Now. 514 (fees amendment) - RFD	77 - 86
	THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 513, cited as "Salt Spring Island Housing Agreement Bylaw No. 513, 2017," in accordance with Section 27 of the <i>Islands Trust Act</i> .	
5.4	Galiano Island LTC Bylaw No. 267 (OCP) & 268 (LUB) - RFD	87 - 116
	THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 267, cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2018", in accordance with Section 27 of the <i>Islands Trust Act</i> .	
	THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 268, cited as "Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2018", in accordance with Section 27 of the <i>Islands Trust Act</i> .	
5.5	South Pender LTC Bylaw No. 115 (OCP) - RFD	117 - 147
	THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 115, cited as South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018 in accordance with Section 27 of the <i>Islands Trust Act</i> .	
5.6	Lasqueti Island LTC Bylaw No.97 (fees bylaw) - RFD	148 - 156
	THAT the Executive Committee approve Lasqueti Island Local Trust Committee Bylaw No. 97, cited as "Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018" , under Section 27 of the <i>Islands Trust Act</i> .	
5.7	Hornby Island LTC Bylaw No. 157 (fees amendment) - RFD	157 - 165
	THAT the Executive Committee approve Lasqueti Island Local Trust Committee Bylaw No. 97, cited as "Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018" , under Section 27 of the <i>Islands Trust Act</i> .	
6.	TRUST COUNCIL MEETING PREPARATION	
6.1	Post September Trust Council	
	6.1.1 September 2018 Decision Highlights	166 - 167
	6.1.2 Roundtable	
	6.1.3 November Trust Council draft schedule	168 - 169
7.	EXECUTIVE COMMITTEE PROJECTS	
7.1	Trust Council Initiated	
	7.1.1 Executive	
	7.1.2 Trust Area Services	
	7.1.3 Local Planning Services	
	7.1.4 Administrative Services	
7.2	Executive Committee Initiated	
	7.2.1 Executive	

7.2.2	Trust Area Services	
7.2.2.1	NEB Advocacy and Communications re Trans Mountain Expansion Project Reconsideration	170 - 183
7.2.3	Local Planning Services	
7.2.4	Administrative Services	
8.	NEW BUSINESS	
8.1	Executive/Trust Council	
8.1.1	Quorum discrepancy between TC Bylaw 101 and Policy 2.3.1 [Council Committee System Policy]	184 - 193
8.2	Trust Area Services	
8.2.1	LTC Chairs Report on Local Advocacy Topics	
8.3	Local Planning Services	
8.4	Administrative Services	
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	Response re: TMX letter to Prime Minister	194 - 194
11.2	Invitation to Attend: MIDOSS Workshop on October 19th, 2018	195 - 196
11.3	Invitation to Oceans Protection Plan South Coast Dialogue Forum, October 22, 2018	197 - 200
11.4	Hazardous & Noxious substances on OPP	201 - 210
11.5	Re: Islands Trust – Proposed Policy Statement Amendment Process - Chief Bill Williams	211 - 212
11.6	SIPS Roundtable Agenda	213 - 214
11.7	GAFA re Anchorages	215 - 215
12.	WORK PROGRAM	
12.1	Review and amendment of current work program	
13.	NEXT MEETING	
	The next Executive Committee meeting is October 24, 2018 at the Victoria office.	
14.	ADJOURNMENT	

Revised: October 4, 2018

Agenda No.	From	Context Notes
11.		In accordance with the EC's policy (2.4.vi), correspondence items are for information only, unless raised for action by a member of the EC. In some instances, correspondence to others is included, if it relates to the Executive Committee's business.
12.1		The EC work program is amended before each meeting with suggested priorities proposed by staff. By resolution, the Executive Committee can provide direction regarding new items or the order of priorities.



Islands Trust Conservancy

Minutes of Regular Meeting

Date: Tuesday, July 17, 2018
Time: 10:00 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Board Members Present Tony Law, Chair
Hoops Harrison
Kate-Louise Stamford
Robin Williams
Susan Morrison

EC Member Present Peter Luckham, EC Chair

Board Members Regrets Ronald Bertrand

Staff Present Jennifer Eliason, Islands Trust Conservancy Manager
Kate Emmings, Ecosystem Protection Specialist
Nuala Murphy, Property Management Specialist
Corlynn Strachan, Administrative Assistant
Crystal Oberg, Communications & Fundraising Specialist
Clare Frater, Director, Trust Area Services
David Marlor, LPS joined the meeting at 11:17 am
Julia Mobbs, Director, Administrative Services, joined the meeting at 11:17 am and left the meeting at 11:40 am

Guests Present Leonora Lee, Audit Partner, KPMG, joined the meeting at 11:17 am and left the meeting at 11:40 am
Sarah Burden, Audit Manager, KPMG, joined the meeting at 11:17 am and left the meeting at 11:40 am

1. CALL TO ORDER

Chair Law called the meeting to order at 10:03 am and acknowledged that the meeting was being held in Coast Salish First Nations territory.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

6.3.2 Response Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

By general consent, the agenda was approved as amended.

3. CLOSED MEETING

The Islands Trust Conservancy convened the closed portion of the meeting at 10:05 am and resumed in open meeting at 11:17 am to Rise and Report.

ITC-2018-019

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, section 90 (1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the board or another position appointed by the board; (e) the acquisition, disposition or expropriation of land or improvements, if the board considers that disclosure could reasonably be expected to harm the interests of the Islands Trust Conservancy; and that Jennifer Eliason, Kate Emmings, Crystal Oberg, Nuala Murphy, Corlynn Strachan, and Clare Frater be invited to remain in the meeting.

CARRIED

4. RISE AND REPORT

The Islands Trust Conservancy reported on the following items:

- The ITC board put forward a candidate recommendation to the Crown Agency and Board Resourcing Office.

5. MINUTES/COORDINATION

5.1 Minutes of Meetings/Resolutions without Meetings

5.1.1 Approval of the May 29, 2018 Meeting Minutes

By general consent, the minutes of May 29, 2018 were adopted as presented.

5.2 Follow-up Action List

The ITC Manager provided an update on each of the items in the follow up action list and noted resolution item *TFB-IC-2018-007 staff to develop a budget proposal including a threefold business case* for the September 2018 meeting is not yet complete.

6. BUSINESS

6.1 Items for Approval

6.1.1 2017-18 Audited Financial Statements

Leonora Lee, KPMG Audit Partner, and Sarah Burden, Audit Manager, KPMG, presented the audit findings, reporting that accounting policies remained the same, the audit and auditor's opinion were consistent with previous years, and acknowledged the name change from the Islands Trust Fund to the Islands Trust Conservancy in the report.

ITC-2018-020

It was MOVED and SECONDED,

that the Islands Trust Conservancy approve the Audited Financial Statements for the 2017-2018 fiscal year, and refer the statements to Islands Trust Council for information.

CARRIED

6.1.2 Morrison Marsh Nature Reserve Management Plan

The ITC Property Management Specialist presented the management plan to board members.

Board members questioned intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs, and information sharing.

ITC-2018-021

It was MOVED and SECONDED,

that the Island Trust Conservancy approve the Morrison Marsh Nature Reserve Management Plan, dated July 17, 2018.

CARRIED

6.1.3 SSIC Request for Waiver - Andreas Vogt Nature Reserve Covenant

The ITC Property Management Specialist advised board members that the Garry Oak meadow ecosystems in the covenant are in poor condition and Douglas-fir girdling is recommended by the Salt Spring Island Conservancy.

Board members discussed consideration of climate change impacts over the long term, and that communication regarding such management techniques is important, as there may be concerns from members of the public.

ITC-2018-022

It was MOVED and SECONDED,

that the Islands Trust Conservancy approve the request from Salt Spring Island Conservancy to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the Andreas Vogt Nature Reserve by providing a waiver to section 4.2 (a) (viii) of the covenant, valid for two years, until July 1, 2020.

CARRIED

6.2 Items for Discussion/Direction

6.2.1 Local Trust Committee (LTC) Briefing on Regional Conservation Plan

ITC board members discussed providing the briefing now and again after trustee orientation, possibly creating a resource documents for LTCs and BIM.

ITC-2018-023

It was MOVED and SECONDED

that the Islands Trust Conservancy request staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

CARRIED

6.2.2 Review of ITC-EC Liaison Meeting Agenda (see ITC-EC Agenda Package)

ITC board members reviewed and discussed who would introduce each item.

6.3 Correspondence

6.3.1 Chair Correspondence to Minister Robinson re: Name Change

Accepted for information

6.3.2 Response Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

Accepted for information

6.4 Updates for Information

6.4.1 Public Acquisitions Report

The Islands Trust Conservancy reviewed the Public Acquisitions Report for information.

6.4.2 Public Covenants Report

The Islands Trust Conservancy reviewed the Public Covenants Report for information.

6.4.3 Regional Conservation Plan Progress Report

The Islands Trust Conservancy reviewed the Regional Conservation Plan Progress Report for information.

6.4.4 Budget Report

The Islands Trust Conservancy reviewed the Budget Report for information.

7. NEW BUSINESS

7.1.1 Islands Trust Conservancy Manager – Temporary Assignment

The ITC Manager advised that she is leaving on a temporary assignment with BC Parks for the next eight months. Director Frater noted she is stepping in to assist with the role while the position is posted internally. The ITC board praised Jennifer for her work over the last ten years, thanked her for her dedication, and stressed that she will be missed.

8. NEXT MEETING

The next meeting will be held Tuesday, September 25, 2018 at 10:00 am.

9. ADJOURNMENT

By general consent, the meeting adjourned at 12:35 pm.

Tony Law, Chair

Certified Correct:

Corlynn Strachan, Administrative Assistant (Recorder)



DRAFT

Executive Committee Minutes of Special Meeting

Date: August 29, 2018
Location: Islands Trust - Victoria
200 - 1627 Fort Street, Victoria, BC

Members Present: Peter Luckham, Chair
George Grams, Vice-Chair
Susan Morrison, Vice-Chair

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
Andrew Templeton, Communications Specialist
Lori Foster, Executive Coordinator

Regrets: Laura Busheikin, Vice Chair

1. CALL TO ORDER

The meeting was called to order at 11:55 a.m. Chair Luckham acknowledged that the meeting was being held in Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

The following item was presented for addition to the agenda:

3.3 September Trust Council Schedule

2.2 Approval of Agenda

By General Consent, the agenda was approved as amended.

3. BUSINESS

3.1 Open Letter re opposition to Trans Mountain Pipeline Expansion – RFD

CAO Hotsenpiller introduced Communication Specialist Templeton who spoke to the request for decision.

Discussion and comment ensued on amendments for consideration to the draft open letter.

The following minor suggested changes were presented:

- Paragraph 6, last sentence remove “for the sake of a theory that”; replace with “for a hope that”
- Paragraph 7, change last sentence from “In 24 hours, everything in our lives would change” to “In hours, everything in our lives and world would change.”

EC-2018-120

It was Moved and Seconded,

That the Executive Committee approve the suggested changes presented for consideration and that the draft open letter be approved as amended.

CARRIED

EC-2018-121

It was Moved and Seconded,

That the Executive Committee requests staff forward the amended approved open letter to San Juan County councillors for signature.

CARRIED

The Executive Committee discussed preparation for media and First Nations response.

By General Consent, staff were requested to send the open letter to Premier Horgan.

3.2 EC Draft Agenda - September 5

The Executive Committee reviewed the draft agenda as presented.

3.3 September Trust Council Schedule

The Executive Committee discussed upcoming meeting logistics and were informed that Squamish Nation, Chief Bill Wilson would be in attendance.

4. NEW BUSINESS

None

5. NEXT MEETING - September 5, 2018, Victoria

6. ADJOURNMENT

By General Consent, the meeting was adjourned at 12:18 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator



DRAFT

Executive Committee Minutes of Regular Meeting

Date: September 5, 2018
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Members Present: Peter Luckham, Chair
Susan Morrison, Vice-Chair
Laura Busheikin, Vice-Chair
George Grams, Vice-Chair

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director Local Planning Services
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director of Administrative Services
Lori Foster, Executive Coordinator

1. CALL TO ORDER

The meeting was called to order at 8:48 a.m. Chair Luckham acknowledged that the meeting was being held in Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

The following item was presented for addition to the agenda:

2.1.1 Jan Slakov, Citizens Climate Lobby Delegation

To be addressed when the delegate arrives from Salt Spring.

Chair Luckham requested that Delegations be added as a standing item to the agenda.

2.2 Approval of Agenda

By General Consent, the agenda was approved as amended.

2.2.1 Agenda Context Notes

Received for information.

3. ADOPTION OF MINUTES

3.1 August 15, 2018

The following amendments were presented for consideration:

Item 4.2 last paragraph, first sentence, after the word “interested” add “in”.

Item 5.2.1 first sentence, change Bowen Island Municipality to Galiano Island LTC.

By General Consent, the August 15, 2018 Executive Committee draft minutes were adopted as amended.

3.2 Resolution Without Meeting Report

Received for information.

4. FOLLOW UP ACTION LIST AND UPDATES

4.1 Follow Up Action List

Staff provided updates and answered questions regarding the Follow Up Action Report.

By General Consent, the Executive Committee requested that the UBCM minister meeting speaking notes and the Trans Mountain open letter speaking notes be circulated to all members of the Executive Committee.

Director Marlor addressed the First Nation fee amendment project, item 2 on the FUAL list.

By General Consent, the Executive Committee resolved to defer the fees for First Nations site visits project until after the election.

4.2 Director/CAO Updates

CAO Hotsenpiller gave a verbal update on the upcoming Whistler Union of BC Municipalities (UBCM) meeting requests and new trustee orientation planning.

4.3 Local Trust Committee Chair Updates

Chairs gave verbal updates on recently attended local trust committee meetings and ongoing advocacy issues.

5. BYLAWS FOR APPROVAL CONSIDERATION

5.1 Saturna Island Local Trust Committee Bylaws

5.1.1 Saturna Island LTC Bylaw No. 119 (LUB)

Vice Chair Grams reviewed the amendment to the land use bylaw noting the outdated logo on the document.

EXEC-2018-122

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No.119, 2018, in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

5.1.2 Saturna Island LTC Bylaw No. 120 and No. 121 (OCP and LUB)

Vice Chair Grams explained the density transfer amendments.

EXEC-2018-123

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No.120, cited as "Saturna Official Community Plan Bylaw No.70, 2000, Amendment No.1, 2018" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EXEC-2018-124

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No.121, cited as "Saturna Island Land Use Bylaw No. 78, 2002, Amendment No.1, 2018" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

5.2 Salt Spring Island Local Trust Committee Bylaws

5.2.1 Salt Spring Island LTC Bylaws No. 498 and 499 (OCP and LUB)

Director Marlor explained the boundary adjustment application and amendments to the bylaws and Official Community Plan.

EXEC-2018-125

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 498, cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2017", in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EXEC-2018-126

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 499, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2017", in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

5.2.2 Salt Spring Island LTC Bylaws No. 500 and 501 (OCP and LUB)

Chair Luckham reviewed the amendments commencing from the Gulf Islands Brewing application.

EXEC-2018-127

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 500, cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 2, 2017" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EXEC-2018-128

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 501, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2017", in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

5.3 Gabriola Island Local Trust Committee Bylaws

5.3.1 Gabriola Island LTC Bylaw No. 300 (administrative)

Vice Chair Busheikin spoke to the administrative fees bylaw amendment.

EXEC-2018-129

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 300, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2018”, in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

5.3.2 Gabriola Island LTC Bylaw No. 298 (BEN)

Vice Chair Busheikin reviewed the bylaw which would reduce penalties for voluntary compliance.

EXEC-2018-130

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 298, cited as “Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018”, in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

5.4 Thetis Island Local Trust Committee Bylaws

5.4.1 Thetis Island LTC Bylaw No. 105 (administrative)

Vice Chair Morrison spoke to the amendment which adds electronic meeting procedures.

EXEC-2018-131

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Thetis Island Local Trust Committee Bylaw No. 105, cited as “Thetis Island Local Trust Committee Meeting Procedures Bylaw No. 105, 2018”, in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

The meeting recessed at 9:55 a.m. for a break.

New staff were introduced to the Executive Committee. Victoria Receptionist, Cassandra Rahman; Planning Team Assistant, Maple Hung; and Acting Policy Advisor, Lisa Wilcox were introduced.

The meeting reconvened at 10:11 a.m.

6. TRUST COUNCIL MEETING PREPARATION

6.1 Executive

6.1.1 September Trust Council Schedule

Forward as presented.

Discussion to accommodate Gambier residents wishing to attend Trust Council on Keats ensued.

EXEC-2018-132

It was Moved and Seconded,

That the Executive Committee supports the provision of transportation on the Stormaway ferry for residents of Gambier Island to attend the Wednesday, September 19th afternoon session of Trust Council on Keats Island.

CARRIED

6.1.2 September Trust Council Regular Agenda

Forward as presented.

6.1.3 Proposed November Trust Council Schedule

Discussion on session layout for the new term followed. See item 6.1.9

Forward as amended.

6.1.4 Follow Up Action List

Forward as presented.

6.1.5 Chief Administrative Officer's Report

Forward as presented.

6.1.6 Executive Committee Work Program Report

By General Consent, the Executive Committee request staff update the Islands Trust object and history project to “develop a communications strategy”; “revisions to Crown Land protocol to “negotiate with Bowen Island Municipality and Forests, Lands, Natural Resource Operations & Rural Development (FLNRORD)”; and oil spill and shipping safety to “include various advocacy activities including Chair letters and participation forums”.

Forward as amended.

6.1.7 Continuous Learning Plan

Forward as presented.

6.1.8 Strategic Plan Quarterly Report

By General Consent, the Executive Committee request staff amend the report Objective 2. the interim anchorages protocol agreement be extended “for three months” and item 5.1.3 housing needs assessment changed from “initiated” to “completed.”

Forward as amended.

6.1.9 New Term Orientation – Briefing

CAO Hotsenpiller reviewed the briefing which recommended an additional Executive Committee meeting on November 14th.

EXEC-2018-133

It was Moved and Seconded,

That an additional Executive Committee meeting be added to the public schedule for Wednesday November 14, 2018.

CARRIED

By General Consent, the Executive Committee directed staff to amend the session name “staying out of trouble” to “lessons learned”.

By General Consent, the Executive Committee approved the Trust Council 2018-2022 local election orientation program as amended and referred the report to Trust Council.

6.1.10 Connected Coast Fiber Optics – Briefing
Forward as presented.

6.1.11 Islands Trust Act Amendments – Briefing
This report will be presented to Trust Council as a request for decision.

Forward as presented.

6.1.12 Priorities Chart
By General Consent, the Executive Committee request staff format the document and update references to Islands Trust Conservancy from Trust Fund Board.

6.1.13 Community Presentation - Howe Sound Biosphere Region Initiative Society
Forward as presented.

6.1.14 Delegation Requests
6.1.14.1 Sea Change Marine Conservation Group
Forward as presented.

6.1.15 Victoria Office Renovation Project – Briefing
Forward as presented.

At 11:11 a.m. Chair Luckham acknowledged the delegation had arrived for presentation.

2.1.1 Jan Slakov, Citizens Climate Lobby Delegation
The delegate requested signatory support from the Executive Committee for an open letter to the Prime Minister calling on the federal government to extend the rising national price on carbon to the year 2030 noting the letter was supported by the City of Toronto and City of Victoria.

Discussion followed on how new business at the Executive Committee level was received and that decision making requiring research and analysis. It was suggested that a local trustee could champion the delegation and present the item as new business to Trust Council.

At 11:30 a.m. Chair Luckham continued with the agenda as presented.

6.2 Local Planning Services

6.2.1 Director of Local Planning Services Report

Forward as presented.

6.2.2 Local Planning Committee Work Program Report

Forward as presented.

6.2.3 LPS Review – Briefing

Director Marlor reviewed the Power Point session and briefing noting this item would be presented as a business case to Trust Council in September

By General Consent, this item was forwarded to Trust Council as presented.

6.2.4 LTC Agenda Model – Briefing

Forward as presented.

6.2.5 Bylaw Enforcement Local Summaries – Briefing

Forward as presented.

6.2.6 Implications of the Water Sustainability Act Learning Session

Forward as presented.

6.3 Administrative Services

By General Consent, all items under 6.3 Administrative Services were forwarded to Trust Council as presented.

6.3.1 Director of Administrative Services Report

6.3.2 FPC Top Priorities

6.3.3 June 30, 2018 Quarterly Financial Report – RFD

6.3.4 Statement of Financial Information (SOFI) Report – Briefing

6.3.5 2019-20 Budget

6.3.5.1 2019/20 Draft Budget Assumptions and Principles – Briefing

6.3.5.2 2019/20 Draft Budget Cycle Timelines

6.3.6 Amendment to Policy 7.2.6 Municipal Tax Requisition Calculation – RFD

6.4 Trust Area Services

By General Consent, all items under 6.4 Trust Area Services were forwarded to Trust Council as presented.

6.4.1 Director of Trust Area Services Report

6.4.2 Trust Programs Committee Work Program Report

6.4.3 Service Integration Committee – Briefing

6.4.4 Islands Trust Fund Audited Financial Statement – Briefing

6.4.5 Islands Trust Conservancy Quarterly Report – Briefing

7. EXECUTIVE COMMITTEE PROJECTS

There were no items of business to address under 7. Executive Committee Projects.

7.1 Trust Council Initiated

- 7.1.1 Executive
- 7.1.2 Trust Area Services
- 7.1.3 Local Planning Services
- 7.1.4 Administrative Services

7.2 Executive Committee Initiated

- 7.2.1 Executive
- 7.2.2 Trust Area Services
- 7.2.3 Local Planning Services
- 7.2.4 Administrative Services

8. NEW BUSINESS

8.1 Executive/Trust Council

None

8.2 Trust Area Services

- 8.2.1 LTC Chairs Report on Local Advocacy Topics
Chairs discussed advocacy topics pertinent to their local trust committees.
- 8.2.2 Chair Letter re Potential Marine Environmental Protection and Response Legislative Amendments – RFD
Director Frater reviewed the request for decision.

EC-2018-134

It was Moved and Seconded,

That Executive Committee direct staff, with the assistance of an outside consultant if necessary, to prepare a Chair's letter regarding of the *Strengthening Marine Environmental Protection and Response Potential Legislative Amendments Discussion Paper (August 2018)*.

CARRIED

- 8.2.3 Denman Island Local Trust Committee for Advocacy in Opposition to the Establishment of Geoduck Aquaculture – Briefing
Vice Chair Busheikin spoke to the briefing.

Discussion followed with comments on First Nations engagement, concern about isolating advocacy issues, and this is an item awaiting UBCM decision.

EC-2018-135

It was Moved and Seconded,

That Executive Committee inform the Denman Island Local Trust Committee that advocacy of geoduck aquaculture is ongoing and the resolution is awaiting a decision from the Union of British Columbia Municipalities (UBCM).

CARRIED

8.2.4 Gabriola Island Local Trust Committee for Advocacy on the Development of Rainwater Harvesting Standards – Briefing

Director Frater reviewed the briefing and commented on adopting an interagency approach.

Discussion followed; given that rainwater harvesting was currently under provincial review it was suggested this item be deferred until there is government response and perhaps amendment to the BC building code.

EC-2018-136

It was Moved and Seconded,

That the Executive Committee request staff to continue to monitor rainwater harvesting standards through the legislative monitoring program.

CARRIED

8.3 Local Planning Services

None

8.4 Administrative Services

None

8.5 Executive/Trust Council

8.5.1 Chair and Executive Committee Correspondence Policy – RFD

It was noted that this item was incorrectly placed on this agenda and should have been presented under item 6. Trust Council meeting preparation.

By General Consent, this item was forwarded to Trust Council as presented.

The meeting recessed for lunch at 12:00 p.m. and reconvened at 12:30 p.m.

9. CLOSED MEETING

EC-2018-137

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

At 12:32 p.m. Chair Luckham closed the meeting to the public.

At 12:55 p.m. Chair Luckham opened the meeting to the public.

10. RISE AND REPORT DECISIONS FROM CLOSED MEETING

None

11. CORRESPONDENCE

All items under 11. Correspondence were received for information.

- 11.1 Response from Premier Horgan re Rural Dividend Program
- 11.2 Response from Minister Heyman re BC Spills Regulations
- 11.3 Agricultural Waste Control Regulation re Summary of Comments
- 11.4 Open letter signatory request Jan Slakov re Climate Action
- 11.5 Green Communities Level Four Recognition
- 11.6 Minister Robinson UBCM meeting regret
- 11.7 Minister Fraser UBCM meeting confirmation - September 12
- 11.8 Response from MP Bains re WED Funding Program
- 11.9 UBCM - The Compass Newsletters August 15, 22 and 29
- 11.10 UBCM - Whistler Convention Bulletin August 20, 2018
- 11.11 Invitation to Panel - Salish Seas Shared Waters Forum

12. WORK PROGRAM

- 12.1 Review and amendment of current work program
See item 6.1.6.

13. NEXT MEETING

The next meeting of the Executive Committee will be held September 18, 2018 on Keats Island.

EC-2018-138

It was Moved and Seconded,

That the Executive Committee request staff add Trustee Stamford Gambier Island Power Point to the September Trust Council agenda under Presentations.

CARRIED

EC-2018-139

It was Moved and Seconded,

That the Executive Committee request staff change the January Trust Council meeting days from Wednesday, January 17 – Friday, January 19 to Tuesday, January 16 – Wednesday January 17 and delete Friday.

CARRIED

14. ADJOURNMENT

By General Consent, the meeting was adjourned at 1:05 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator



DRAFT

Executive Committee

Minutes of Regular Meeting

Date: September 18, 2018
Location: Barnabas Family Ministries (Keats Island)
PO Box 309, Gibsons, BC

Members Present Peter Luckham, Chair
Susan Morrison, Vice-Chair
Laura Busheikin, Vice-Chair

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director of Administrative Services
Lori Foster, Executive Coordinator

Regrets: George Grams, Vice-Chair

1. CALL TO ORDER

The meeting was called to order at 12:11 pm. Chair Luckham acknowledged the meeting was being held in Coast Salish Territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration the following items were presented for addition:

8.1.1 Proactive Vessel Management Discussion Paper

8.3 MP Goldsmith-Jones re WED Funding

2.2 Approval of Agenda

By General Consent, the agenda was approved as amended.

3. BYLAWS FOR APPROVAL CONSIDERATION

None

4. TRUST COUNCIL MEETING PREPARATION

There was discussion on moving the Trust Council in-camera session to Wednesday from Thursday.

5. NEW BUSINESS

5.1 Salt Spring Alliance - Governance Working Group Report

CAO Hotsenpiller briefed the Executive Committee on the recently received report noting it had five recommendations outlined in the summary including a review on the Salt Spring Island Watershed Protection Alliance (SSIWPA). Staff have not done an analysis and this item will be on the next Trust Programs Committee agenda.

6. CLOSED MEETING

None

7. RISE AND REPORT DECISIONS FROM CLOSED MEETING

None

8. CORRESPONDENCE

8.1 Proactive Vessel Management discussion paper seeking feedback

8.1.1 PVM Discussion Paper

Director Frater sought direction from the Executive Committee.

Comments that a letter may not be substantial enough, hiring a contractor and calling the feedback a position paper ensued. Feedback due October 5th.

EC-2018-140

It was MOVED and SECONDED,

That the Executive Committee provide feedback on Transport Canada's Proactive Vessel Management discussion paper in the form of a position paper and that a consultant be hired if necessary.

CARRIED

8.2 Roberts Bank Terminal 2 Information Sessions

EC-2018-141

It was MOVED and SECONDED,

That the Executive Committee request staff forward the Roberts Bank Terminal 2 Information Sessions to Trust Council for information.

CARRIED

8.3 MP Goldsmith-Jones re WED Funding

By General Consent, the Executive Committee request staff circulate MP Goldsmith-Jones re WED Funding correspondence to Trustees via email

9. NEXT MEETING

The next meeting of the Executive Committee will be October 10, 2018 at the Victoria office boardroom.

10. ADJOURNMENT

By General Consent, the meeting was adjourned at 12:28 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator



DRAFT

Executive Committee

Minutes of Special Electronic Meeting

Date: Monday, October 1, 2018

Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Members Present via conference call: Peter Luckham, Chair
Laura Busheikin, Vice Chair
George Grams, Vice Chair

Staff Present: Clare Frater, Director, Trust Area Services
Lisa Wilcox, Acting Senior Policy Advisor
Lori Foster, Executive Coordinator/Recorder

Regrets: Susan Morrison, Vice Chair

1. CALL TO ORDER

The special electronic meeting was called to order at 10:01 a.m. Chair Luckham acknowledged the meeting was being held on Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

A 2014 Request for Decision document regarding the Trans Mountain intervenor process was added to item 3.1.1.

The item was circulated to the Executive Committee via email.

2.2 Approval of Agenda

The agenda was approved as amended.

3. NEW BUSINESS

3.1 Trust Area Services

3.1.1 Trans Mountain Expansion Project Reconsideration

Director Frater reviewed the Request for Decision document regarding the National Energy Board's reconsideration of the Trans Mountain Expansion Project.

Discussion followed on options for Executive Committee response by the October 5, 2018 deadline.

EC-2018-142

It was MOVED and SECONDED

That the Executive Committee request the Chair to write to the National Energy Board to comment on the Trans Mountain Expansion Project Reconsideration process.

CARRIED

EC-2018-143

It was MOVED and SECONDED

That the Executive Committee request staff to request that the Province include representation of the interests of the Islands Trust in their commenting to the National Energy Board regarding the Trans Mountain Pipeline Expansion Reconsideration Project.

CARRIED

EC-2018-144

It was MOVED and SECONDED

That the Executive Committee request staff to add the topic of advocacy and communications regarding the National Energy Board's Trans Mountain Expansion Project Reconsideration process to the next Executive Committee meeting dated October 10, 2018.

CARRIED

By General Consent, the Executive Committee requested staff work with the Chair to create a Twitter tweet addressing the one week of notice given by the National Energy Board for responding regarding the Trans Mountain Pipeline Expansion Reconsideration Project.

4. ADJOURNMENT

By General Consent, the meeting was adjourned at 10:46 a.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder

Follow Up Action Report

Executive Committee

Chief Administrative Officer

No	Activity	Activity	Responsibility	Target Date	Status
1	16-Aug-2017	Explore what changes are needed and provide advice about amendments to Policy 2.2.1 (RFDs).	Russ Hotsenpiller		On Going
2	12-Sep-2017	Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.	Russ Hotsenpiller	05-Dec-2017	On Going
3	19-Jun-2018	Trust Council maintain the status quo (re council committees) and direct that specific improvements: trustee remunerations, maintaining working groups and electronic communications, be considered within the current structure to improve various service elements.	Russ Hotsenpiller	11-Sep-2018	On Going
4	18-Jul-2018	Write to the Nature Conservancy of Canada and indicate support for the Cowichan Tribes, Penelakut Tribe, Tsartlip First Nation, Tsawout First Nation, Lyackson First Nation, Tseycum First Nation, and Pauquachin First Nation in their management of Grace Islet in partnership with the Nature Conservancy of Canada, and respectfully decline the opportunity for the Islands Trust to sign on to any new management agreement.	Russ Hotsenpiller	05-Sep-2018	Done
5	05-Sep-2018	Trustee Orientation sessions amend session called "staying out of trouble" to "lessons learned."	Russ Hotsenpiller	10-Oct-2018	Done

Follow Up Action Report

6	01-Oct-2018	That the Executive Committee request staff to request that the Province include representation of the interests of the Islands Trust in their commenting to the National Energy Board regarding the Trans Mountain Pipeline Expansion Reconsideration Project.	Russ Hotsenpiller	10-Oct-2018	Done
7	15-Aug-2018	Present a briefing regarding the Trustee orientation process at the next Trust Council.	Russ Hotsenpiller	05-Sep-2018	Done

Director, Local Planning Services

No	Activity	Activity	Responsibility	Target Date	Status
1	06-Jun-2018	Fee amendment - for First Nations site visits - request Staff to bring back to Executive Committee after Trust Council.	David Marlor	05-Sep-2018	On Going
2	05-Sep-2018	Notify the LTC's that EC approved the follow bylaws: SSI BL No. 498 & 499, BL No. 500 & 501 GB BL No.301050, BL No 298 TH BL No. 105	David Marlor	07-Sep-2018	Done

Follow Up Action Report

Director, Trust Area Services

No	Activity	Activity	Responsibility	Target Date	Status
1	21-Jun-2017	With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Introduction, Part I, Part II and Schedule 1.	Clare Frater	31-Mar-2019	On Going
2	19-Jul-2017	Supporting regional applications for abandoned boats funding - RFD 1) Research which organizations or government agencies plan to apply for funding to remove abandoned boats through the Transport Canada Abandoned Boats program. 2) Prepare a brief summary of powers and responsibilities of various agencies with regard to issues relating to abandoned vessels, barges and docks and boat licensing.	Clare Frater	10-Oct-2018	On Going
3	13-Sep-2016	Explore the potential for expanding its advocacy role to other levels of government for increased funding for affordable housing in the Islands Trust Area.	Clare Frater	31-Mar-2019	On Going
4	11-Apr-2018	That the Executive Committee request staff to prepare an explanatory leaflet articulating its position with regard to the application of special property tax requisitions within local trust areas.	Clare Frater Julia Mobbs	15-Jan-2019	On Going
5	05-Sep-2018	Provide TransMountain open letter and UBCM speaking notes to EC.	Clare Frater	12-Sep-2018	Done
6	05-Sep-2018	Update TAS related items of EC work program	Clare Frater	06-Sep-2018	Done
7	15-Aug-2018	Prepare Chair letter to the Minister of Transport Canada conveying community group and Islands Trust concerns over communication and processes associated with the Interim Protocol for the Use of Southern B.C. Anchorages.	Clare Frater	12-Sep-2018	Done
8	15-Aug-2018	Prepare a Chair opinion editorial about anchorage issues for local and regional newspapers.	Clare Frater	28-Sep-2018	On Going

Follow Up Action Report

9	15-Aug-2018	Organize roundtable meeting about anchorages to bring together interested community groups, First Nations, industry, Transport Canada and stakeholders.	Clare Frater	15-Nov-2018	On Going
10	15-Aug-2018	Staff to redraft the open letter to Prime Minister Trudeau in consultation with communications specialists and circulate the letter via email to Executive Committee and the Chair of San Juan County for Executive Committee approval by Special Meeting or by Request Without Meeting.	Clare Frater	26-Sep-2018	Done
11	15-Aug-2018	Write a letter to BC ferries to remind sub contractors to adhere to Transport Canada regulations with respect to sewage dumping.	Clare Frater	28-Sep-2018	Done
12	18-Sep-2018	Provide feedback on Transport Canada Proactive Vessel Management discussion paper in the form of a position paper and that a consultant be hired if necessary.	Clare Frater	05-Oct-2018	Done
13	18-Sep-2018	Circulate the letter from MP Pamela Goldsmith Jones to trustees.	Clare Frater	19-Sep-2018	Done
14	18-Sep-2018	Staff to distribute information on Roberts Bank Terminal 2 Information Sessions to trustees.	Clare Frater	19-Sep-2018	Done
15	05-Sep-2018	Staff, with the assistance of an outside consultant if necessary, to prepare a Chair letter regarding of the <i>Strengthening Marine Environmental Protection and Response Potential Legislative Amendments Discussion Paper (August 2018)</i> .	Clare Frater	05-Oct-2018	On Going

Follow Up Action Report

16	29-Aug-2018	Amend TMX letter - Paragraph 6, last sentence remove "for the sake of a theory that" and replace with "for a hope that" and Paragraph 7, change last sentence from "In 24 hours, everything in our lives would change" to "In hours, everything in our lives and world would change". Forward the amended approved open letter to San Juan County councilors for signature. Forward to Premier Horgan.	Clare Frater	31-Aug-2018	Done
17	01-Oct-2018	That the Executive Committee request the Chair to write to the National Energy Board to comment on the Trans Mountain Expansion Project Reconsideration process.	Clare Frater	05-Oct-2018	Done

Follow Up Action Report

Executive Coordinator

No	Activity	Activity	Responsibility	Target Date	Status
1	18-May-2018	That the Executive Committee support the attendance of Chair Luckham and one staff member for the October 3rd and 4th Salish Sea Shared Waters Forum in Bellingham.	Lori Foster	18-Sep-2018	Done
2	18-Jul-2018	Send thank you letters to ALC CEO and Chair for attending June Trust Council.	Lori Foster	15-Aug-2018	Done
3	15-Aug-2018	Request a meeting with BC Hydro at UBCM regarding net metering.	Lori Foster Russ Hotsenpiller Clare Frater	05-Sep-2018	Done
4	05-Sep-2018	Adopt August 15th EC minutes as amended.	Lori Foster	10-Oct-2018	Done
5	05-Sep-2018	Executive Committee request staff update the Islands Trust object and history project to "develop a communications strategy"; revisions to Crown Land protocol to "negotiate with Bowen Island Municipality and Forests, Lands, Natural Resource Operations & Rural Development (FLNRORD)"; and oil spill and shipping safety to "include various advocacy activities including Chair letters and participation forums."	Lori Foster	27-Sep-2018	Done
6	05-Sep-2018	Strategic Plan Quarterly Report - amend the report Objective 2. the interim anchorages protocol agreement "be extended "for three months" and item 5.1.3 housing needs assessment changed from "initiated" to "completed."	Lori Foster	07-Sep-2018	Done
7	05-Sep-2018	Additional Executive Committee meeting be added to the public schedule for Wednesday November 14, 2018.	Lori Foster	10-Oct-2018	Done
8	05-Sep-2018	Priorities Chart - update references to Islands Trust Conservancy from Islands Trust Fund Board.	Lori Foster	11-Sep-2018	Done

Follow Up Action Report

Legislative Services Manager

No	Activity	Activity	Responsibility	Target Date	Status
1	15-Feb-2017	Amend Policy 2.2.ii and Policy 7.4.2 (DONE) to require advance submission of speaker/delegation material intended for presentations at a Trust Council or Council Committee meeting so that all policies are consistent.	Carmen Thiel Lori Foster	24-Oct-2018	On Going



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SS-RZ-2017.4 – 132 Corbett Rd.

DATE OF MEETING: October 10, 2018
TO: Islands Trust Executive Committee
FROM: Susan Palmer, SLP Consulting
SUBJECT: Salt Spring Island Local Trust Committee Bylaw No. 507

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 507, cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2017”, in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Salt Spring Island Local Trust Committee has referred Bylaw 507 (Attachment 5 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

Planning staff and the Salt Spring Island Local Trust Committee have determined that Bylaw 507 is consistent with the Islands Trust Policy Statement Directives Only Checklist (Attachment 3).

Implementation/Communications

Communication to Salt Spring Island Local Trust Committee regarding the Executive Committee decision is requested by October 17, 2018.

Other

None

PURPOSE

Salt Spring Island Local Trust Committee (SSILTC) Bylaw No. 507, cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2017” (Attachment 5) is intended to amend the Salt Spring Island Land Use Bylaw to rezone the subject properties from Residential 1 (R1), Residential 6 (R6) and Agriculture 1 (A1) to Residential 1(b) to allow for a total of 74 dwelling units, with a minimum of 34 affordable housing dwelling units and office use.

BACKGROUND

The purpose of this application to rezone Agriculture 1 (A1) and Residential 6 (R6) lands and Residential (R1) to Residential 1 (R1) (variation) to allow for development of 34 additional affordable rental housing units and office use. The proposed development would increase the provision of affordable rental housing for low-to-moderate income households and the office use would accommodate IWAV (Island Women Against Violence) administrative and client service functions on site. The proposed development will meet a critical housing need on Salt Spring Island. Development of the property will also support community objectives related to climate change, sustainability, diversity and healthy communities. The subject lands are located within the boundaries of the North Salt Spring Water District (NSSWD). In light of the NSSWD moratorium on servicing new development, development of this project is dependent on approval of alternative water supplies by provincial agencies.

Key milestones in the advancement of Bylaw 507 are:

- October 5, 2017 – SSILTC gave first reading of bylaw and referred it to agencies, First Nations and Advisory Planning Commission (APC) and AAPC
- November 16, 2017 – APC declined to make a recommendation pending receipt of additional information
- November 16, 2017 – the AAPC passed a resolution recommending that the LTC
proceed with application SS-RZ-2017.4 (132 Corbett Road) with the recommendation that irrigation be sourced from rainwater catchment.
- January 18, 2018 – SSILTC received *Approval Processes for Water Supply Systems on SSI* report and referred it to the Executive Council
- April 19, 2018 - SSILTC referred the application back to APC
- May 2, 2018 – interagency meeting with applicant and representatives of Island Health (IH) and CRD Building to clarify requirements for water supply system approval
- May 10, 2018 – verbal report to LTC regarding findings of interagency meeting
- May 24, 2018 – APC made the following resolution:
that the Salt Spring Island Advisory Planning Commission recommend that the Salt Spring Island Local Trust Committee proceed with application SS-RZ-2017.4 in principle, subject to: confirmation from Island Health that there is adequate water for the project; confirmation from the CRD regarding connection to the Ganges Sewer System; and receipt of the Transportation Impact Assessment requested by Ministry of Transportation and Infrastructure.

- June 7, 2018 – the SSILTC gave second reading to Bylaw 507 as amended and directed staff to schedule a Community Information Meeting (CIM) and Public Hearing. They also approved in principle drafts for an affordable housing agreement and a Sec. 219 covenant. The following resolution was passed:

That Salt Spring Island Local Trust Committee Bylaw No. 507, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2017", not be adopted until the following conditions have been fulfilled:

- *The Local Trust Committee is satisfied that there is an adequate supply of potable water for the project*
 - *Confirmation is received from CRD that the Ganges sewer system has adequate capacity to service the additional 54 dwelling units and office use*
 - *Adoption of an affordable housing agreement bylaw*
 - *Receipt of a restrictive covenant that addresses water conservation, water supply, energy conservation, office use, First Nations interests, and a public pathway, that is ready for registration and a letter of undertaking committing to registration.*
- July 11, 2018 – a CIM and public hearing were held. Approximately 72 people attended the CIM and 37 submissions were made at the public hearing.
 - August 16, 2018 – a verbal report was provided and a representative from BC Housing spoke. LTC passed the following resolution:
- that based upon information provided including the proposed density of occupation provided by the applicant, the Salt Spring Island Local Trust Committee is satisfied that lands for the Croftonbrook expansion provide a suitable supply of potable water.*
- September 27, 2018 – SSILTC gave third reading to Bylaw 507 and referred to the bylaw to the Executive Committee for approval.

Issues Relating To Provincial Interest

An Archaeological Investigation Assessment (AIA) was conducted and the final report has been accepted by the Archaeology Branch, Ministry of Forests, Land, Natural Resource Operations and Rural Development. The report concluded that no materials of archaeological value were found on site during the investigation.

Issues Relating to First Nation Interest

Staff referred the draft bylaw to the following First Nations.

Malahat Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation
Cowichan Tribes

Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut First Nation
Stz'uminus First Nation
Hul'qumi'num Treaty Group (for information)
Te'Mexw Treaty Association (for information)

Written responses were received from Cowichan Tribes, Halalt, Lake Cowichan, and Malahat Nation. Preliminary archaeological investigations indicated the potential for materials of archaeological value. A site visit organized by Islands Trust staff was attended by staff of the Malahat Nation. In addition, the applicant (IWAV) organized numerous site visits with other First Nations, including Cowichan Tribes. It is noted that the response from Cowichan Tribes strongly expressed their view that the SSI LTC was not adequately addressing the protection of archaeological values and ancestral sites of First Nations who have asserted rights and title and treaty rights on Salt Spring Island. Chair Luckham followed up directly with Chief Seymour to address the general concerns expressed and also provided a written response on behalf of the SSI LTC.

Issues Relating To Resources and Enforcement

None.

Public Comments

A Community Information Meeting held prior to the public hearing was attended by approximately 72 people and 37 submissions were made at the public hearing relating to Bylaw No. 507. Significant support was expressed for the project because of the need to address affordable housing in the community. Concerns expressed related to increased traffic, questions regarding the provision of potable water, pedestrian accessibility, compatibility of vulnerable future residents with existing residents, and perceived need for on-site management for the increased number of people.

Staff Comments

The SSILTC has determined that Bylaw No. 507 is consistent with the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

The key issue with this application has been to assess whether or not there is a sufficient supply of potable water for the proposed number of dwelling units. SSILTC received the *Approval Processes for Community Water Supply Systems for Salt Spring Island* report at its meeting on January 18, 2018 and also forwarded the report to the Executive Committee for information. The report set out specific criteria for determining the adequacy of the water supply in order to address the Islands Trust Policy Statement. This rezoning application is based on occupancy rates that are significantly lower than those referred to in the *Approval Processes* report. Therefore, it is unclear at this stage whether or not Island Health will approve the water supply system construction permit for 54 dwelling units. As a result, staff previously recommended that Island Health should confirm the adequacy of the supply of potable water prior to final adoption of the bylaw.

Nonetheless, the SSILTC passed a resolution at its meeting on August 16, 2018 stating that it was satisfied there is sufficient potable water for the project based on the information provided by the applicant. Relevant considerations include the urgency for a decision on the rezoning in order to secure provincial funding and BC Housing's commitment to align occupancy with available water quantity based on engineer's reports and statistics. Since then, both the bylaw and the Sec. 219 covenant have been revised to strengthen and clarify the relationship between the theoretical maximum in zoning and the limited potable water supply. In staff's view, these revisions, particularly revisions to the covenant that set out the number, type and maximum sizes for dwelling units that would connect to the private water system, are crucial in supporting the argument that there is sufficient water for the project based on low occupancy rate.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.1 [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. [507], cited as Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 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:	Susan Palmer, SLP Consulting	September 28, 2018
Concurrence:	David Marlor, Director of Local Planning Services	October 3, 2018

ATTACHMENTS

1. Submission for EC Approval
2. Agency Referral Checklist
3. Islands Trust Policy Statement Directives Only Checklist
4. EC Policy Checklist
5. Bylaw No. 507
6. First Nations Referral Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Salt Spring Island Local Trust Committee

Bylaw No.: SS-507

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 27-Sep-2018

- ☒ 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



Islands Trust

Referrals: Bylaw SS-507

Agency	Sent	Received
BC Assessment Authority Policy, Audit and Legal Services: McIntyre, Cathie Comment:	19-Oct-2017	
Cowichan Valley Regional District 175 Ingram Street: Tippet, Mike Comment: Interests Unaffected	19-Oct-2017	23-Oct-2017
Ministry of Municipal Affairs and Housing Intergovernmental Relations and Planning Division: Nicholls, Eric Comment:	19-Oct-2017	
North Salt Spring Waterworks District 761 Upper Ganges Road: Manager, The Comment: Interests Unaffected	19-Oct-2017	10-Nov-2017
Tsawout First Nation PO Box 121, 7725 Tetayut Road: Underwood, Gwen Comment:	19-Oct-2017	
Tsartlip First Nation PO Box 70: Harry, Karen Comment:	19-Oct-2017	
Halalt First Nation 7973 Chemainus Rd: Chief, & Council Comment: Interests Unaffected	19-Oct-2017	06-Nov-2017
Penelakut Tribe Chief and Council: James, Denise Comment:	19-Oct-2017	
Lake Cowichan First Nation 313B Deer Road: Livingstone, Carole Comment: Categorized as Level 3 rights area. See substantive response.	19-Oct-2017	17-Oct-2017
Lyackson First Nation 7973A Chemainus Road: Aidnell, Linda Comment:	19-Oct-2017	
Stz'uminus First Nation 12611 A Trans Canada Hwy: Akey, Chenoa Comment:	19-Oct-2017	
BC Ambulance Services Room 103: , Comment:	19-Oct-2017	
Capital Regional District - Ganges Water & Sewer Commission 145 Vesuvius Bay Road: ,	19-Oct-2017	20-Nov-2017

**Referrals: Bylaw SS-507**

Agency	Sent	Received
Comment: See substantive comment.		
Capital Regional District - SSI Senior Manager 145 Vesuvius Bay Road: , , Comment: Response from Capital Regional district Integrated Water Services (IWS) Department. IWS does not object to the rezoning as long as the applicant installs a water meter on all water production from well water and rainwater harvesting. Please see substantive response.	19-Oct-2017	14-Jun-2018
Capital Regional District - SSI Parks and Recreation 145 Vesuvius Bay Road: , Comment: Recommend approval subject to the developer provide a public access easement. See comment for full info.	19-Oct-2017	20-Nov-2017
Capital Regional District - SSI Building Inspection 206-18 Fulford-Ganges Road: , Comment:	19-Oct-2017	
Capital Regional District - SSI Transportation Commission 145 Vesuvius Bay Road: , Comment: Supports the recommendation made by the SSI PRC for a public easement. See full comment.	19-Oct-2017	27-Dec-2017
Capital Regional District - Housing Secretariat 625 Fisgard Street: , Comment: Approval recommended, reasons outlined in response.	19-Oct-2017	19-Dec-2017
Salt Spring Island Fire Rescue - District 105 Lower Ganges Road: , Comment: See substantive comment that addresses access and egress, water for firefighting and access to 3 storey structure.	19-Oct-2017	28-Nov-2017
Ministry of Transportation and Infrastructure Vancouver Island District Office: , , Comment: The Ministry will require a TIA before giving approval. The scope of the TIA will need to include the Lower Ganges/Crofton Road.	19-Oct-2017	28-Nov-2017
Ministry of Forests, Lands, Natural Resource Operations & Rural Development - Archaeology Site Inventory PO Box 9816 Stn. Prov. Govt.: , Comment: See substantive response.	19-Oct-2017	27-Oct-2017
Front Counter BC FrontCounterBC@gov.bc.ca: , Comment:	19-Oct-2017	
Cowichan Tribes Chief and Council: , , Comment: Concerns raised in substantive response.	19-Oct-2017	14-Nov-2017



Referrals: Bylaw SS-507

Agency	Sent	Received
Malahat First Nation 110 Thunder Road, RR4: , Comment: Insufficient information to determine potential impacts. See substantive comment.	19-Oct-2017	04-Dec-2017
Pauquachin First Nation 9010 West Saanich Road: , Comment:	19-Oct-2017	
Tseycum First Nation 1210 Totem Lane: , Comment:	19-Oct-2017	
Semiahmoo First Nation 16049 Beach Rd: , Comment:	19-Oct-2017	
Vancouver Island Health Authority 1952 Bay Street: Laughlin, Christopher Comment: Substantive recommendations and comments provided. See response.	19-Oct-2017	29-Nov-2017
Thetis Island Local Trust Committee Northern Office: ., . Comment: Interests Unaffected	19-Oct-2017	12-Dec-2017
Galiano Island Local Trust Committee 200 - 1627 Fort Street: ., . Comment: Interests Unaffected	19-Oct-2017	09-Nov-2017
Mayne Island Local Trust Committee Islands Trust: ., . Comment: Interests Unaffected	19-Oct-2017	30-Oct-2017
North Pender Island Local Trust Committee Islands Trust: ., . Comment: Interests Unaffected	19-Oct-2017	23-Nov-2017
SSI Partners Creating Pathways - Island Pathways PO Box 684: ., . Comment: Approval Recommended Subject to Conditions; providing a Statutory Right of Way to the community. Map provided in addition to response.	19-Oct-2017	29-Nov-2017
Lady Minto Hospital - Vancouver Island Health Authority 135 Crofton Road: ., . Comment: Encumbrance on the Lady Minto site, which is already very limited for future development, is undesirable. Unable to support a request for an easement.	19-Oct-2017	27-Oct-2017



Referrals: Bylaw SS-507

Agency	Sent	Received
Vancouver Island Health Authority - Director Geography 3 Saanich Peninsula 1952 Bay Street: ., . Comment:	19-Oct-2017	
Ministry of Forests, Land, Natural Resource Operations & Rural Development - Water Authorization Sec 1520 Blanshard Street: ., . Comment: Interests Unaffected	19-Oct-2017	02-Nov-2017
Ministry of Forests, Land, Natural Resource Operations & Rural Development - Utility Regulation Sect 1520 Blanshard Street: ., . Comment:	19-Oct-2017	

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: SS-RZ-2017.4.

File Name: Croftonbrook Affordable
Housing

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, 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 CHECKLIST

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
	3.1	Ecosystems
N/A	3.1.3	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	3.1.4	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	3.1.5	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.
	3.2	Forest Ecosystems
N/A	3.2.2	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	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.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	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
	4.1	Agricultural Land
✓ *	4.1.4	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.
✓	4.1.5	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.
✓	4.1.6	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	Forests
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.

CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
LTC deemed the application consistent.	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	Coastal Areas and Marine Shorelands
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	Soils and Other Resources
✓	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
	5.1	Aesthetic Qualities
✓	5.1.3	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.
	5.2	Growth and Development
✓	5.2.3	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.
✓	5.2.4	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.
✓	5.2.5	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	5.2.6	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.
	5.3	Transportation and Utilities
N/A	5.3.4	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.
✓	5.3.5	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	5.3.6	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	5.3.7	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.
	5.4	Disposal of Waste
N/A	5.4.4	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
	5.5	Recreation
N/A	5.5.3	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.
N/A	5.5.4	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.
N/A	5.5.5	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	5.5.6	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.
✓	5.5.7	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.
	5.6	Cultural and Natural Heritage
✓	5.6.2	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.
✓	5.6.3	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.
	5.7	Economic Opportunities
N/A	5.7.2	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.
	5.8	Health and Well-being
✓	5.8.6	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
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

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
Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By: Susan Palmer

Status

Date Resolution Referred to Exective Committee: 27-Sep-2018

Reading:

PROPOSED

SS-BL-507

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 507

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW, 1999

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. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 5, 2017”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island and Land Use Bylaw, 1999,” is amended as follows:

2.1 **Schedule “A” – Zoning Map** is amended by changing the zoning classification of Lot A, Section 3, Range 3 East, North Salt Spring Island, Cowichan District, Plan 41612 (PID-000-698-865), from Residential 1 (R1), Agriculture 1 (A1) and Residential 6 (R6) to Residential 1(b) (R1(b)) as shown on Plan No. 1 attached to and forming part of this bylaw.

2.2 **Section 9.9 – RESIDENTIAL ZONES**, Subsection 9.9.4 - “Exceptions in Particular Locations” is amended by adding a new R1(b) zone variation as follows:

“Zone Variation – R1(b)”

(8) Despite all other regulations of this bylaw, the only *principal uses* within lands zoned R1(b) are:

- (a) *Affordable housing dwelling units*
- (b) *Duplexes*
- (c) *Multi-family dwellings*
- (d) *Office*
- (e) The maximum floor area for an office use is 186 square metres.

(9) The following *accessory uses* are not permitted:

- (a) *Retail sales*
- (b) *Retail services*

- (10) Despite subsection 9.9.2 – Size, Siting and Density of Permitted Uses, Buildings and Structures – the maximum number of *dwelling units* is 74 with a minimum of 34 *affordable housing dwelling units*.
- (11) Despite Section 1.1 - Definitions – *front lot line* means only the lot lines abutting Corbett Road, Salt Spring Island and *rear lot line* means the most easterly *lot line*.
- (12) Despite Section 3.13 – *Home-Based Businesses*, Subsection 3.13.6 – *bed and breakfast operations, boarding housings, and repair of automobiles* are not permitted.
- (13) Despite Section 7.1 – Requirements for Parking and Loading Spaces - Subsection 7.1.1 - off-street parking spaces must be provided and maintained for automobiles and bicycles according to the following table:

Minimum Number of Parking Spaces for Automobiles, Disabled Parking and Bicycles

Land Use	Number of Automobile Parking Spaces Required	Number of Automobile Parking Spaces that must be designed for use by the disabled	Number of Bicycle Parking Spaces Required
Dwelling units <42 sq. m.	0 per unit		
Senior dwelling units	0.5 per unit	1 per 10 units	
Dwelling units >42 sq. m.	1.25 per unit	5%	
Dwelling units designed to be used by a disabled person		1 per unit	
Office	1 per 25 sq. m. <i>floor area</i>	1 or 5% which ever is greater	
Visitors	9	1 or 5% which ever is greater	1 per 250 sq. m. <i>floor area</i>
Total			1 per 15 units without a garage plus a 6-space rack

- (14) Despite Section 9.9.3 - Subdivision and Servicing Requirements - Minimum water servicing requirements will be met as follows:

- (a) potable water will be provided by North Salt Spring Water District or through a water supply system approved by Island Health
- (b) water for fire protection purposes will be provided by North Salt Spring Water District, and
- (c) water for landscape irrigation purposes shall be provided through a water supply system that is separate from the potable water supply system.

2.3 And by making such consequential numbering alterations to effect these changes.

READ A FIRST TIME THIS 5TH DAY OF OCTOBER 2017

READ A SECOND TIME THIS 7TH DAY OF JUNE 2018

PUBLIC HEARING HELD THIS 11TH DAY OF JULY 2018

READ A THIRD TIME THIS 27TH DAY OF SEPTEMBER 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

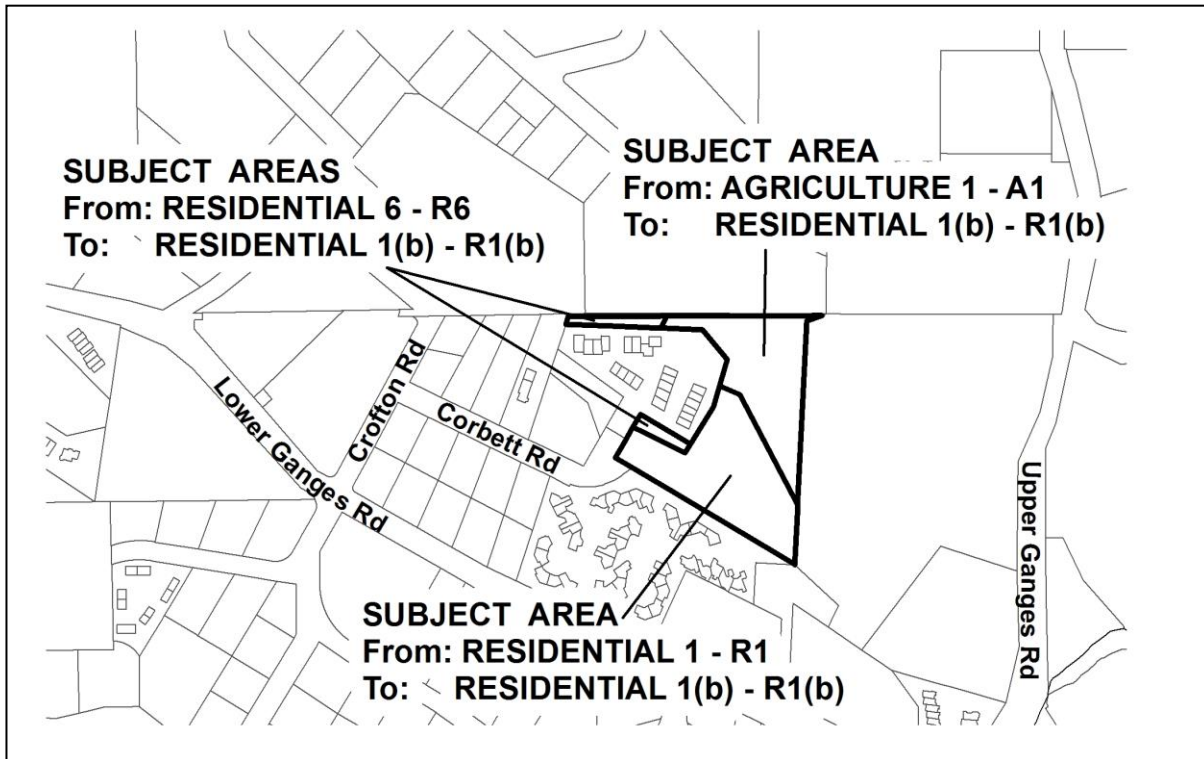
ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 507

PLAN NO. 1





Islands Trust

Attachment 6

Engagement Topic/Proposal: **CROFTONBROOK** Salt Spring Island Local Trust Committee Proposed Bylaw No. 507

Proposed Bylaw No. 507 amends Land Use Bylaw No. 355 to rezone the property at 132 Corbett Road to permit 34 affordable dwelling units and office use.

Schedule:

Step 1		Engagement strategy plan reviewed to Eric Nicholls at MMAH
Step 2	October 17, 2017	Legislative Clerk Claire Olivier (LC) sends Bylaw Referral including referral form, staff report, draft bylaws via email to First Nations and Tribes listed below.
Step 3	Nov 9, 2017	Follow up phone call from LC to all FN to ensure receipt of the referral and to provide a base explanation
Step 4	Fall 2017	LC refers any issues to Planner
Step 5	Fall 2017	Planner responds as required to FN and Tribes and consults with E. Nicholls at MMAH as needed.
Step 6		Planner may provide follow up email to all FN and Tribes if a broader clarification is required.
Step 7	Fall 2017	Planner coordinates further FN, Tribe engagement including site visits and consults with MMAH if required.
Step 8	June 7, 2018	Planner presents staff report and bylaw to Salt Spring Island Local Trust Committee (SSI LTC) for consideration of 2 nd reading and resolution to hold a PH.
Step 9		Planner may recommend a resolution to initiate a subsequent referral to FN and Tribes if considerable changes were made to the bylaw after 1st referral.
Step 10		Steps 1 to 7 are repeated if a further referral is necessary
Step 11	June 29, 2018	If the bylaw advances to 2 nd Reading and 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 12	Sep 27, 2018	Planner presents a post-public hearing staff report for consideration of third reading to the SSI LTC.
Step 13	Oct 1, 2018	LC forwards Bylaw at 3 rd Reading to the Islands Trust Executive Committee for their consideration.
Step 14	n/a	Once Executive Committee approval received, LC forwards bylaw referral to K. Nichols at MMAH if it comprises an OCP amendment
Step 15		(Once MMAH approves), and bylaw is subsequently adopted, LC sends file closure correspondence to FN and Tribes.

First Nation: Cowichan Tribes			
First Nation Contact Name(s) and Position/Title(s): Candace Charlie, Referral Coordinator			
Phone: 250-748-3196		Fax:	Email: Candace.charlie@cowichantribes.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov 9/17	Follow Up	Phone	Unable to reach Candace, reception forwarded call to Natalie Anderson. Left detailed message and will forward copies of referrals via email a second time to ensure receipt.
Nov 14, 2017	Response received	Email/letter	Substantive response received concerning 3 bylaw referrals including, SS-BL-508 Harbour House, SS-BL-491 Ganges Harbour and SS-BL-507 – Corbett Road, Croftonbrook – serious concerns and possible legal action.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Halalt First Nation			
First Nation Contact Name(s) and Position/Title(s): Raven August Jack Smith			
Phone: 250-246-4736		Fax:	Email: manager@halalt.org
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov 6/17	Response Received	Email	Halalt does not have any issues with the bylaw amendments on Upper Ganges or Corbett Road.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Lake Cowichan First Nation			
First Nation Contact Name(s) and Position/Title(s): Carol Livingstone			
Phone: 250-749-3301		Fax:	Email: adminlkcow@shaw.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Oct 17/17	Uploaded to Knowledgekeeper online system	internet	
Nov 9/17	Follow up	Phone call	Spoke to Carol, she will be reviewing the referrals. Provided her with Claire Olivier's direct line.
Nov. 9/17	Response received.	Email	See substantive response received, Level 3 rights area.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Lyackson First Nation			
First Nation Contact Name(s) and Position/Title(s): Linda Aidnell, Referral Coordinator			
Phone: 250-246-5019		Fax:	Email: Linda Aidnell
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Jul 25 2017	Referral of proposed bylaws	email	
Oct 18/17	Email from Linda Aidnell regarding funding capacity.	Email	Claire Olivier checked with David Marlor; David Marlor provided funding information.
Oct 31/17	Email from Claire Olivier to Linda Aidnell	Email	Legislative Clerk provided information regarding travel funding.
Nov. 9/17	Follow up	Phone	A/Legislative Clerk Murphy left a detailed phone message with reception regarding bylaw follow up and possible site visit information.
Dec. 7, 2017	Hydrogeology reports, conditional well licence.	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Malahat Nation			
First Nation Contact Name(s) and Position/Title(s): Shannon Ralphs, Lands Coordinator			
Phone:	250-743-3231	Fax:	Email: referrals@malahatnation.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov 9/17	Follow up	Phone	Spoke to coordinator, written response forthcoming.
Dec. 4/17	Response	Email	Request survey for Culturally Modified Trees and archaeological potential be completed and provided. Request final hydrogeology report to confirm available groundwater supply and impact to fish habitat be provided. Upon receiving these reports, further comments will be forthcoming.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Pauquachin First Nation			
First Nation Contact Name(s) and Position/Title(s): Executive Assistant Loretta			
Phone:	250-656-0191	Fax:	Email: reception@pauquachin.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov. 9/17	Follow up	Phone	Spoke to Bonnie at reception. She indicated that the referral was being reviewed by Darlene Henry (Council Member that looks after Land Use) and a consultant and a response is to be expected shortly.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Penelakut Tribe			
First Nation Contact Name(s) and Position/Title(s): Denise James			
Phone:	250-246-2321	Fax:	Email: denisej@penelakut.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov. 9/17	Follow up	Phone/Email	Left detailed voicemail for Denise James. Resent referral package.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Hul'quminum Treaty Group (For Information Only)			
First Nation Contact Name(s) and Position/Title(s): Robert Morales			
Phone:	250-245-4660	Fax:	Email: htg-rmorales@shaw.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Referral of proposed bylaws	email	
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Semiahmoo First Nation			
First Nation Contact Name(s) and Position/Title(s): Joanne			
Phone:	604-536-3101	Fax:	Email: semiahmoojoanne@gmail.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov. 9/17	Follow up	Phone/Email	Left detailed voicemail for Joanne; resent referral package.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Stz'uminus (Chemainus) First Nation			
First Nation Contact Name(s) and Position/Title(s): Chenoa Ray Gauthier			
Phone: 250-924-2444		Fax:	Email: referrals@coastsalishdevcorp.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov. 9/17	Follow up	Phone	Left message for Chenoa inviting a return phone call.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Tsartlip First Nation			
First Nation Contact Name(s) and Position/Title(s): Karen Harry			
Phone: 250-652-3988		Fax:	Email: admin@tsartlip.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov. 9/17	Follow up	Phone	Spoke to Karen, she advised that the referral is with Council. A site visit may be required once a response is received.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Tsawout First Nation			
First Nation Contact Name(s) and Position/Title(s): Gwen Underwood			
Phone:	250-652-9101	Fax:	Email: shaysema@tsawout.ca (2016) landsmanager@tsawout.ca (2017)
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov. 9/17	Follow up	Phone	Left detailed voicemail for Gwen; resent referral package.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Tsawwassen First Nation			
First Nation Contact Name(s) and Position/Title(s): Ben Bisset (2017)			
Phone: 604-943-2112		Fax:	Email: reception@tsawwassenfirstnation.com
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov. 9/17	Follow up	Phone	Left detailed voicemail for Ben; resent referral package.
Nov. 30/17	Voicemail	Phone	Ben Bissett left voicemail for LC.
Dec. 4/17	Return call	Phone	LC left detailed voicemail for Ben.
Dec. 5/17	Return call	Phone	LC spoke to Ben. Ben asked to confirm that an archaeological study was not being proposed. LC resent original bylaw referral email indicating that this information can be obtained directly from the Ministry.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Tseycum First Nation			
First Nation Contact Name(s) and Position/Title(s): Chief Tanya Jimmy and reception new referral coordinator William Morris			
Phone: 250-656-0858		Fax:	Email: chief@tseycum.ca
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Initial Referral Package Sent	email	
Nov 9/17	Follow up	Phone	Spoke with Chief Jimmy; referral is with the lands manager, response forthcoming.
Nov 14/17	Message from William Morris	Phone	Returned call and left another message
Nov 14/17	Follow Up	email	Resent referral package.
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

First Nation: Te'Mexw Treaty Association (for information only)			
First Nation Contact Name(s) and Position/Title(s): Stacey Joseph			
Phone: 250-360-2202		Fax:	Email: sjoseph@temexw.org
Date	Communication	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Oct 17/17	Referral of proposed bylaws	email	
Dec. 7, 2017	Hydrogeology reports, conditional well licence	Email	Planner Palmer requested current documents regarding groundwater availability and fish habitat be provided to respondents. This information came to the office after the LTC meeting and therefore was not part of the original referral.

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SS-BL-513
(Croftonbrook Housing
Agreement)

DATE OF MEETING: October 10, 2018
TO: Islands Trust Executive Committee
FROM: Susan Palmer, SLP Consulting
SUBJECT: Salt Spring Island Local Trust Committee – Bylaw No. 513

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 513, cited as “Salt Spring Island Housing Agreement Bylaw No. 513, 2017,” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Salt Spring Island Local Trust Committee (LTC) has referred Bylaw No. 513 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, 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. 513, cited as “Salt Spring Island Housing Agreement Bylaw No. 513, 2017,” (Attachment 3) is intended to restrict occupancy to Qualified persons, restrict rent and lease rates, and establish administrative provisions for the project.

BACKGROUND

On September 27, 2018, the LTC gave third reading to Bylaw 507 in order to increase the density on the Croftonbrook lands (Lot A, Section 3 East, N. SSI, Cowichan District, Plan 41612) to allow for the construction of

34 affordable housing dwelling units and office use for the non-profit owner. Adoption of an affordable housing agreement is required before final adoption of Bylaw 507 can occur.

Bylaw 513 received First, Second reading, and Third readings on September 27, 2018.

Issues Relating to Provincial Interest: None

Issues Relating to First Nation Interest: This is an administrative bylaw regarding the same project as Proposed Bylaw 507 which was referred to First Nations. An Archaeological Investigation Assessment was conducted on this site and reported that no materials of archaeological value were found. The report has been accepted by the Archaeology Branch, Ministry of Forests, Land, Natural Resource Operation and Rural Development.

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 bylaw.

Staff Comments

Staff is recommending approval of Bylaw No. 513, 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. 513, cited as "Salt Spring Island Housing Agreement Bylaw No. 513, 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:	Susan Palmer SLP Consulting	September 28, 2018
Concurrence:	David Marlor, DLPS	October 3, 2018

ATTACHMENTS

1. EC Submission Cover
2. EC General Checklist
3. Bylaw No. 513 at 3rd Reading



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Salt Spring Island Local Trust Committee

Bylaw No.: SS-513

Bylaw Type: Housing Agreement Procedure Bylaw

Date of resolution referring bylaw to Executive Committee: 27-Sep-2018

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

Recieved 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

Policy Checklist

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
Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

The LTCs obligations would be limited to approving operational changes to housing rates and associated financial parameters, 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

Status breaches of the housing agreement, covenant, or zoning regulations.

Date Resolution Referred to Exective Committee: 27-Sep-2018

Reading: 27-Sep-2018

Third Reading

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 513

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

WHEREAS the Salt Spring Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Salt Spring Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 483 of the Local Government Act and Section 29 of the *Islands Trust Act* permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Salt Spring Island Local Trust Committee wishes to enter into a Housing Agreement;

NOW THEREFORE the Salt Spring Island Local Trust Committee enacts in open meeting assembled as follows:

1. This Bylaw may be cited for all purposes as “Salt Spring Island Housing Agreement Bylaw No. 513, 2018”.
2. Any one Trustee of the Salt Spring Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with Island Women Against Violence (IWAV)

READ A FIRST TIME this 27TH day of SEPTEMBER , 2018

READ A SECOND TIME this 27TH day of SEPTEMBER , 2018

READ A THIRD TIME this 27TH day of SEPTEMBER , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

day of , 20

ADOPTED this day of , 20

SECRETARY

CHAIRPERSON

PROPOSED

LAND TITLE ACT

TERMS OF INSTRUMENT – PART 2

Housing Agreement and Section 219 Covenant

THIS AGREEMENT DATED FOR REFERENCE THE [day] OF [month], [year] is BETWEEN:

Island Women Against Violence (IWAV), a society incorporated under the laws of the province of British Columbia under number [S-29883] and having its office at [address]

(the “Owner”);

AND:

SALT SPRING ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*, having an office at 2nd Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

(the “Trust Committee”)

WHEREAS:

- A. The Owner is the registered owner of the Lands situated at 132 Corbett Road on Salt Spring Island, British Columbia and legally described as: PID 000-698-865, Lot A, Section 3 East, N. SSI, Cowichan District, Plan 41612, commonly known as Croftonbrook, (the “Lands”);
- B. The Lands have been rezoned by the Salt Spring Local Trust Committee by means of Salt Spring Island Land Use Bylaw 2018 Amendment No. [#] to permit the development of an affordable development;
- C. The Owner has obtained funding from the Canada Mortgage and Housing Corporation (CMHC), the B.C. Housing Management Commission (BCHMC), and the Capital Regional District (CRD) under the Regional Housing First Program (RHFP), and the CRD under the Regional Housing Trust Fund (RHTF) to assist in the development of the Affordable Housing Units, and it is a condition of funding that the use and occupancy of the units be restricted in the manner required for a term of 40 years by the terms of RHFP operating agreements between the Owner and BCHMC and the terms of a s. 219 covenant (the “PRHC Covenant”) and Option to Purchase (the “PRHC Option to Purchase”) granted by the Owner to the Provincial Rental Housing Corporation (“PRHC”).
- D. The Owner will rent the units on the Lands, by way of a rental agreement, at an affordable rate to Qualified Occupants (as defined in section 1.1);
- E. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;

PROPOSED

- F. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- G. The Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands on the terms and conditions of this Agreement to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; and
- H. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Trust Committee and the Owner agree, as covenants granted by the Owner to the Trust Committee under Section 219 of the *Land Title Act*, and as a housing agreement between the Owner and the Trust Committee under Section 483 of the *Local Government Act*, as follows:

Article 1: Definitions and Interpretation

1.1 Definitions – In this Agreement:

“Affordable Housing Unit” means dwelling unit on the Lands in respect of which the construction, tenure, rental and occupancy are restricted in accordance with sections 2.1 through 2.6 of this Agreement;

“Annual Household Income” means the annual household income accepted by BC Housing during the terms of its RHFP operating agreement, and the combined gross income of all adult members of a Household, as shown on line 150 of the preceding year’s T1 General Income Tax and Benefit return after expiry of the BC Housing RHFP operating agreement.

“Business days” means Monday to Friday inclusive except for those excluded days declared by lawful authority as holidays.

“CPI” means the All-Items Consumer Price Index for Victoria as calculated by Statistics Canada, or its successor in function.

“Dwelling Unit” means a dwelling unit as defined in the Salt Spring Land Use Bylaw No. 355,1999, as amended or replaced from time to time.

“Household” means one or more individuals occupying the same Dwelling Unit.

“Lands” means that parcel of land legally described as PID 000-698-865, Lot A, Section 3 East, N. SSI, Cowichan District, Plan 41612.

“Maximum Monthly Rent” means the monthly rent agreed to by the Owner and a Qualified Renter to rent an Affordable Housing Unit which shall not exceed the lesser of the current Province of BC

PROPOSED

Shelter Allowance rate for Regional Housing First Program (RHFP) designated units during the term of the RHFP operating agreement, or 30 percent (30%) of Moderate Income of Salt Spring Island households.

“Moderate Income” means income that is less than 90% of the median household income of Salt Spring Island calculated from the most recent census data published by Statistics Canada and as adjusted annually by the Yearly Victoria CPI Change.

“Qualified Renter” means a Household which meets the eligibility criteria for a residential tenancy of a Rental Unit, as set out in Section 2.2 Affordable Rental Housing Eligibility of this Agreement.

“Regional Housing First Program” means a joint CMHC, BC Housing, Capital Regional District, Island Health capital funding and support program that targets up to 20% of the units for those experiencing homelessness.

“Residential Tenancy Act” means the *Residential Tenancy Act* (British Columbia).

“Salt Spring Island Resident” means a person currently residing on Salt Spring Island for a minimum of 1 year, or a previous resident who left Salt Spring for a maximum of 2 consecutive years.

“Studio” means a dwelling unit which combines living room, bedroom, and kitchen into a single room.

“Tenancy Agreement” means a tenancy agreement, lease, license or other agreement granting rights to occupy an Affordable Housing Unit.

“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.

1.2 Interpretation –

Reference in this Agreement to:

- a. a “party” is a reference to a party in this Agreement;
- b. 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;
- c. 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;
- d. wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require;
- e. the Local Trust Committee includes a reference to its successors in function, including a municipality.

PROPOSED

- 1.3 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.
- 1.4 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

- 2.1 Agreement over the Lands** – Pursuant to section 219 of the *Land Title Act* and section 483 of the *Local Government Act*, the Owner covenants and agrees that:
- a. the Lands will not be developed, and no new building or structure will be constructed on the Lands unless, as part of and concurrently with the development on the Lands, the Owner also constructs and completes a minimum of 34 Affordable Housing Units on the Lands;
 - b. no building on the Lands may be subdivided by means of a strata plan without prior approval of the Trust Committee; and
 - c. the Owner will maintain the Affordable Housing Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands.
- 2.2 Affordable rental housing eligibility** - The Owner covenants and agrees not to rent or lease any Affordable Housing Units except to a Qualified Renter and in accordance with the following additional requirements:
- a. the Affordable Housing Unit will be used or occupied only pursuant to a Tenancy Agreement;
 - b. the Qualified Renter's Annual Household Income at the time of signing the Tenancy Agreement does not exceed 90% of the median household income of Salt Spring Island calculated from the most recent census data published by Statistics Canada;
 - c. the Qualified Renter will occupy the Affordable Housing Unit as its permanent, principal, and sole residence;
 - d. Priority for occupancy will be given to *Salt Spring Island Residents*.
 - e. each Tenancy Agreement will include a clause prohibiting subletting including short-term vacation rentals, a clause requiring the Qualified Renter to comply with the use and occupancy restrictions contained in this Agreement, and a provision entitling the Owner to terminate the rental agreement in accordance with the *Residential Tenancy Act* in the event of any breach of these use and occupancy clauses;

PROPOSED

- f. the Owner will deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Housing Unit within 10 business days of any request do to so;
- g. the Owner will include in every Tenancy Agreement notice of the existence of this Agreement and the occupancy restrictions applicable to the Affordable Housing Unit, and will provide to each Qualified Renter upon their request, a copy of this Agreement; and

each Tenancy Agreement will provide that if one of the individuals comprising a Qualified Renter who rents an Affordable Housing Unit dies, that individual's spouse or adult child residing in the Affordable Rental Unit at the time of the Qualified Renter's death may continue to rent the Affordable Rental Unit.

2.3 Rental rates - The Owner covenants and agrees that it will:

- a. not charge any tenant a monthly rent, exclusive of utilities and excess water usage charges as established by the Owner, that is greater than the Maximum Monthly Rent, except that the Owner may, subject to the provisions of the *Residential Tenancy Act* increase the rent payable for the Affordable Housing Unit annually;
- b. not require any tenant under a Tenancy Agreement to pay any extra charges or fees for use of any common area, or for sanitary sewer, storm sewer, property taxes and similar services. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas, water or electricity utility fees or charges.

2.4 Policies/Rules and Regulations/Administration by Owner –The Owner is authorized to make and administer rules, regulations and policies necessary to fully implement and achieve the policy goals set out in this Agreement. Such rules, regulations and policies may include, but are not limited to, the following:

- a. Establishing and maintaining a wait list of potential Qualified Renters; and
- b. Establishing, administering, and enforcing a rental policy applicable to the terms of this Agreement and in accordance with the *Residential Tenancy Act*.

2.5 No Sublease or Assignment – Except as set out in this Agreement, the Owner will not permit the interest in an Affordable Housing Unit to be subleased or a Tenancy Agreement to be assigned.

2.6 Monitoring and Reporting to the Local Trust Committee - The Owner must deliver to the Local Trust Committee once each year on or before July 1, a completed statutory declaration, substantially in the form attached as Schedule "A", sworn by the Owner. If the Owner is found to be not in compliance with this agreement, the Owner must complete and supply the completed statutory declaration within 10 Business Days of receiving a request from the Local Trust Committee. The Owner irrevocably authorizes the Local Trust Committee to make reasonable inquiries it considers necessary in order to confirm compliance with this Agreement.

PROPOSED

Article 3 – General Terms

- 3.1 Order to Comply** - If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated on the notice of default provided to the owner by the Trust Committee.
- 3.2 Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands and the Affordable Housing Units on the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act* and subject to the concurrent delivery of such a notice to the Owner.
- 3.3 Society Standing** – If the Owner is a society, the Owner must maintain its standing as a society under the *Society Act* and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Society to perform its obligations under this Agreement.
- 3.4 Specific Performance of Agreement** – The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Affordable Housing Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee's Land Use Bylaw, as amended from time to time.
- 3.5 Assignment** – The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.
- 3.6 Indemnity** – The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement. This clause will survive the termination of this Agreement.
- 3.7 Release** – The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of the performance by the Owner of its obligations under this Agreement.
- 3.8 Trust Committee Powers Unaffected** – This Agreement does not limit the discretion, rights, duties or

PROPOSED

powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.

3.9 No Public Law Duty – Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.

3.10 No Waiver – No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.

3.11 Arbitration – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Affordable Housing Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* (British Columbia).

3.12 Notice on Title – The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act*, the Trust Committee is required to file a notice of housing agreement in the Land Title Office against title to the Lands, and once such a notice is filed, this Agreement binds all persons who acquire an interest in the Lands as a housing agreement under Section 483 of the *Local Government Act*.

3.13 Covenant Runs with the Land – Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.

3.14 Limitation on Owner's Obligations – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.

3.15 Amendment and Termination – This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner.

3.16 Notices – Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the

PROPOSED

Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.

3.17 Enurement – This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.

3.18 Remedies Cumulative – The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.

3.19 Severability – If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

3.20 Joint and Several – In the case of more than one Owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.

3.21 Further Acts - The Owner will do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

3.22 Governing Law – This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.

3.23 Joint Venture – Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Trust Committee or give the Owner any authority or power to bind the Trust Committee in any way.

3.24 Time of Essence – Time is of the essence in this Agreement.

3.25 Further Assurances – The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.

3.26 Priority – The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement.

3.27 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.

3.28 Foreclosure – This Agreement shall not be binding on Canada Mortgage and Housing Corporation or any mortgagee of the Lands that is an "approved lender" holding a mortgage insured pursuant to the

PROPOSED

National Housing Act R.S.C. 1985 c. N-11. If, during foreclosure by such an approved lender, the court approves a sale of the Lands to Canada Mortgage and Housing Corporation or an arm's length bona fide purchaser, then the Trust Committee will abandon this agreement and cancel the notice of agreement in the records of the Land Title Office.

As evidence of their agreement to be bound by the above terms, the parties 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.

PROPOSED

SCHEDULE "A" OWNER STATUTORY DECLARATION

CANADA

IN THE MATTER OF A HOUSING AGREEMENT

PROVINCE OF BRITISH COLUMBIA

WITH THE SALT SPRING ISLAND LOCAL TRUST
COMMITTEE ("Housing Agreement")

I, _____, of _____, do solemnly
declare that:

1. I am the _____ [director, officer, employee] of the [Owner's], the owner of the land known as _____, XXX Island, legally described as: _____ (the "Lands")
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement registered against the Lands.
4. For the period from _____ to _____, the Affordable Housing Units were used only by Qualified Renters (as defined in the Housing Agreement).
5. At no time during the last year were any of the Affordable Housing Units used as a short-term vacation rental.
6. The rental payments charged for the Affordable Housing Unit were in compliance with the Housing Agreement and are listed in the attached list.
7. No subletting of the Lands has been permitted.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. 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*.

DECLARED BEFORE ME at _____, British Columbia, this ____ day of _____.

A Commissioner for taking Affidavits
in British Columbia

Signature of person making declaration

PROPOSED

ATTACHMENT TO OWNER STATUTORY DECLARATION

Annual Rental Rate Schedule (rent range per unit type)

<u>Unit Count and Type</u>		<u>(YEAR) Rental rate</u> <u>Range</u>
8	Studio	
12	1 bedroom	
10	2 bedrooms	
4	3 bedroom	
34	TOTAL	



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-03
(SSI Fees Bylaw)

DATE OF MEETING: October 10, 2018
TO: Islands Trust Executive Committee
FROM: Stefan Cermak, Regional Planning Manager
SUBJECT: Salt Spring Island Local Trust Committee – Bylaw No. 514 – Fees Bylaw Amendment

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 514 cited as “Salt Spring Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Salt Spring Island Local Trust Committee has referred Bylaw No. 514 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 consistent with Islands Trust Council Policies.

IMPLICATIONS OF RECOMMENDATION

Organizational

Salt Spring Island LTC Bylaw No. 514 would:

- Add a \$4,000 fee for the processing of non-medical retail license applications from the Liquor and Cannabis Regulation Branch,
- Clarify a \$1,100 fee for the processing of Heritage Alteration Permits (previously considered a protection area permit),
- Merge various Development Permit fee categories into one,
- Remove the term “Commercial and Industrial” from Temporary Use Permit fee applications, and
- Simplify entitlement to fee refunds.

Financial

The proposed fee of \$4,000 for the processing of non-medical retail license applications is intended to recover costs associated with processing the application, which would include staff analysis and report preparation, and public consultation in accordance with the LTC standing resolution for processing applications for LCRB non-medical cannabis retail license applications.

The proposed fee of \$1,100 fee for the processing of Heritage Alteration Permits is intended to recover costs associated with processing the application, which would include staff analysis and report preparation. The proposed fee is the same amount as has been applied for previous applications which interpreted Heritage

Alteration Permits to be Protection Area Permits. The proposed change provides greater clarity with no fee change.

The proposed changes to refund entitlements improve clarity to both applicants and staff (Table 1).

Table 1 Proposed Fee Refund Entitlement Amendments

From	To	Comment
An application administration fee in the amount of \$110.00 being a portion of the fee referred to in Table 1 is not refundable in any event.	An application administration fee in the amount of \$110.00 being a portion of the fee referred to in Table 1, Table 2, Table 3 and Table 4 is not refundable in any event.	Most applications take similar time to be initially processed by administration. A consistent administration fee improves simplicity and recognizes the growing complexity of various applications and their respective processing.
An application administration fee in the amount of \$55.00 being a portion of the fee referred to in Table 2, Table 3 and Table 4 is not refundable in any event.		
In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,650	Applications which proceed with processing but are rejected prior to public notification are entitled to a 50% fee refund.	The proposed amendments provide greater clarity for applications beyond land use bylaw and OCP amendments. Substantial staff time is spent bringing applications to Local Trust Committees for their first consideration. The next most significant cost is (when required) public notification which includes public notification for Public Hearings. Remaining costs are respectively minimal on average.
	Applications not subject to public notifications, which proceed with processing, and which are considered by the Local Trust Committee, are not entitled to a fee refund.	
	Applications which proceed with processing but are rejected post public notification are not entitled to a fee refund.	

Policy

The proposed fees are consistent with Islands Trust Council Policy 5.6.i – Application Processing Services. The proposed application fee refunds are consistent with Trust Policy 7.2.iv – Islands Trust Application Fee Refunds.

Implementation/Communications

Communication to Salt Spring Island Local Trust Committee regarding the Executive Committee decision by October 18, 2018 .

Other

None.

PURPOSE

Salt Spring Island Local Trust Committee Bylaw No. 514, cited as “Salt Spring Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018” (Attachment 3) is intended to :

- Add a \$4,000 fee for the processing of non-medical retail license applications from the Liquor and Cannabis Regulation Branch,
- Clarify a \$1,100 fee for the processing of Heritage Alteration Permits (previously considered a protection area permit),
- Merge various Development Permit fee categories into one,
- Remove the term “Commercial and Industrial” from Temporary Use Permit fee applications, and
- Simplify entitlement to fee refunds.

BACKGROUND

Salt Spring Island Local Trust Committee Bylaw No. 514

Bylaw No. 514 was given three reading by the Salt Spring Island Local Trust Committee on Sept. 27, 2018 (Attachment 3).

Issues Relating To Provincial Interest

Pending the final adoption of the *Cannabis Act*, the LCRB will be the licensing authority for non-medical cannabis retail license applications.

Issues Relating To First Nation Interest

None.

Issues Relating To Resources and Enforcement

The proposed fee of \$4,000 is intended to offset both direct and indirect costs of processing applications for nonmedical cannabis retail licenses. The proposed application fee refunds are intended to provide greater certainty to staff and applicants.

Public Comments

None.

Staff Comments

On August 16, 2018, the SSI LTC endorsed a Standing Resolution for processing non-medical cannabis retail license applications and requested that staff prepare a draft bylaw to amend the SSI LTC Fees Bylaw in order to add a fee for these types of applications. The SSI LTC further requested the proposed application fee of \$2,000 be amended to \$4,000.

On September 27, 2018, the SSI LTC passed three readings of Bylaw 514 and referred it to the Secretary of the Executive Committee for approval. Bylaw 514 proposes a \$4,000 fee for the processing of nonmedical cannabis retail licenses based upon a more detailed cost analysis and conformity to Local Government Act S. 462 (Fees related to applications and inspections) and Islands Trust Policy 5.6.i.

Key Issues/Concepts

- Fairness
- Fiscal responsibility

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy 5.6.i [Application Processing Services]
- Islands Trust Policy 7.2.iv [Islands Trust Application Fee Refunds]

Submitted By:	Stefan Cermak Regional Planning Manager	September 28, 2018
Concurrence:	David Marlor, MCIP, RPP Director of Planning Services	October 3, 2018

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Proposed Bylaw No. 514



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Salt Spring Island Local Trust Committee

Bylaw No.: SS-514

Bylaw Type: Fees Bylaw

Date of resolution referring bylaw to Executive Committee: 27-Sep-2018

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

Recieved 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

Policy Checklist

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
Not-Applicable	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
Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

None.

Completed By: Stefan Cermak

Status

Date Resolution Referred to Exective Committee: 27-Sep-2018

Reading:

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 514

A bylaw to amend the Salt Spring Island Local Trust Committee Fees Bylaw, 2007

Whereas Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

Now therefore the Salt Spring Island Local Trust Committee, pursuant to the *Islands Trust Act*, enacts as follows:

1. Salt Spring Island Local Trust Committee Bylaw No. 428, being a bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications, cited as "Salt Spring Island Local Trust Committee Fees Bylaw, 2007" is amended as follows:

1. By replacing Section 3.1 – Table 2, Permits, in its entirety, as follows:

TABLE 2 – Permits	
Column 1	Column 2
1. Development Permit	\$1,100
2. Development Permit amendment	\$330
3. Development Permit in combination with a companion application for a development variance permit in respect of a residential development	\$1,320
4. Development Permit in combination with a companion application for a development variance permit in respect of a commercial, industrial or institutional development	\$1,540
5. Development Variance Permit in respect of a residential development	\$715
6. Development Variance Permit in respect of a commercial, industrial or institutional development	\$935
7. Temporary Use Permit	\$1,100
8. Temporary Use Permit renewal	\$165

9. Heritage Alteration Permit	\$1,100

2. By replacing Section 3.1 – Table 4, Other Applications, in its entirety, with the following:

TABLE 4 – Other Applications	
Column 1	Column 2
1. Board of Variance	\$990
2. Strata Conversion	\$1,100
3. Liquor and Cannabis Regulation Branch – Liquor applications	\$825
4. Liquor and Cannabis Regulation Branch – Cannabis Retail applications	\$,4,000

3. By removing sections 3.2 – 3.5, in their entirety, and inserting the following:

- “3.2 Applications which proceed with processing but are rejected prior to public notification are entitled to a 50% fee refund.
- 3.3 Applications which proceed with processing but are rejected post public notification are not entitled to a fee refund.
- 3.4 Applications not subject to public notifications, which proceed with processing, and which are considered by the Local Trust Committee, are not entitled to a fee refund.
- 3.5 An application administration fee in the amount of \$110.00 being a portion of the fee referred to in Table 1, Table 2, Table 3 and Table 4 is not refundable in any event.
- 3.6 Subject to Section 3.2 - Section 3.5, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.”

4. By renumbering the subsequent sections accordingly.

2. This bylaw may be cited as "Salt Spring Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018".

READ A FIRST TIME THIS 27TH DAY OF SEPTEMBER , 2018

READ A SECOND TIME THIS 27TH DAY OF SEPTEMBER , 2018

READ A THIRD TIME THIS 27TH DAY OF SEPTEMBER , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 20

ADOPTED THIS DAY OF , 20

CHAIR

SECRETARY

PROPOSED



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: GL-RZ-2017.2 (Mignault) Bylaw
Nos. 267 & 268

DATE OF MEETING: October 10, 2018
TO: Islands Trust Executive Committee
FROM: Kim Stockdill, Island Planner
SUBJECT: Galiano Island Local Trust Committee – Bylaws 267 and 268 – Bernard Mignault

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 267, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2018”, in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 268, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2018”, in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

The Galiano Island Local Trust Committee has referred Bylaw Nos. 267 and 268 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaws as it they are not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

There are no organisational implications of the recommendations.

Financial

There are no financial implications of the recommendations.

Policy

There are no Policy implications of the recommendations

Implementation/Communications

Communication to **Galiano Island Local Trust Committee** regarding the Executive Committee decision by **November 2, 2018**.

Other

There are no other implications of the recommendations.

PURPOSE

The purpose of the bylaws are to rezone and redesignate the subject property in order to bring the use of the land into compliance with the provisions of the Galiano Island land use bylaw (LUB). The subject land is occupied by a single family residence as well as a cottage and an accessory building. Rezoning the property to Rural 2 would legalize the cottage and the use of the cottage as a Short Term Vacation Rental.

Bylaw 267 – Official Community Plan Amendment

The purpose of Galiano Island Local Trust Committee Bylaw No. 267, cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2018” (Attachment 6) is to amend the Galiano Island Official Community Plan to redesignate the subject property from Forest (F) portion to a Rural (R) designation.

Bylaw 268 – Land Use Bylaw Amendment

The purpose of Galiano Island Local Trust Committee Bylaw No. 268, cited as “Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2018” is to amend the Galiano Island Land Use Bylaw to rezone the subject property which is currently zoned Forest 2 (F2) to Rural 2 (R2).

BACKGROUND

The current zoning of the subject property is Forest 2 (F2), a zone which only allows one dwelling accessory to timber production and harvesting uses. However, a review of the records shows the existing residence to have been in place prior to the property being rezoned to F2. As such the residence on the property is deemed to be legally non-conforming. The cottage, which was constructed after the property was rezoned to F2 by Bylaw No. 82 in 1992, remains unpermitted. Bylaw enforcement file GL-BE-2005.9 was opened in 2005 due to the non-permitted use of the property for short term vacation rentals (STVR). A review of the file indicates ongoing discussions aimed at achieving compliance with zoning requirements. In general terms it is the wish of the applicants to rezone the property, as explained above, to legalize the use of the property and the use of the cabin for short term vacation rentals, something the current F2 zoning does not allow.

Bylaws No. 267 and 268 received First Reading at the Galiano Island Local Trust Committee (LTC) meeting on June 11, 2018. The Galiano Island LTC also considered the Islands Trust Policy Statement for Bylaws 267 and 268 (Attachment 4) at their June 11, 2018 meeting and passed the following resolution:

GL-2018-040

That the Galiano Island Local Trust Committee has reviewed the Directives Only Policy Checklist and determined that proposed Draft Bylaw Nos. 267 and 268 are not contrary to or at variance with the Islands Trust Policy Statement.

The Galiano LTC held a public hearing on September 17, 2018 and gave Second and Third Readings to Bylaw Nos. 267 and 268 at that same meeting and subsequently adopted the following resolution:

THAT the Galiano Island Local Trust Committee proposed Bylaw Nos. 267 and 268 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

Issues Relating To Provincial Interest

There are no issues relating to the Provincial interest identified.

Issues Relating To First Nation Interest

Bylaw Nos. 267 and 268 were referred to 11 First Nations on July 18, 2018. No responses from First Nations were received.

Issues Relating To Resources and Enforcement

If the bylaws are approved, they would legalize an existing cottage that is not permitted under the current zoning. No further resources or enforcement would be required.

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 Galiano Island Local Trust Committee Bylaws 267 and 268.

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 Galiano Island Local Trust Committee in writing that the Executive Committee considers that Bylaws No. 267, cited as Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2018 and Bylaw No. 268, cited as Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2018 are contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Galiano Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Kim Stockdill Island Planner	October 2, 2018
Concurrence:	David Marlor, Director of Local Planning Services	October 3, 2018

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 Nos. 267 and 268
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-267

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 17-Sep-2018

- ☒ 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



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-268

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 17-Sep-2018

- ☒ 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

Bylaw: GL-267

Trust Area: Galiano Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: GL-267
Application No.: GL-RZ-2017.2
Trust Initiated: No

Proofread By:

Clerk: No
Planner: Yes

Technical Staff: No

First Reading Date: 11-Jun-2018

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 12-Jun-2018

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: Lloyd-deRosario, Sharon

Date: 21-Aug-2018

File complete and ready for Public review: Yes

Public Hearings:

Location: Galiano South Community Hall
Proofread By: Lloyd-deRosario, Sharon

Legal Paper: Gulf Island Driftwood
First Publish Date: 05-Sep-2018

Second Publish Date: 12-Sep-2018

Alternate Paper: The Active Page
First Publish Date: 01-Sep-2018

Second Publish Date:

Mailout Date: 14-Aug-2018
Second Reading Date: 17-Sep-2018

Delivery Notices: 31-Aug-2018
Date Public Hearing Held: 17-Sep-2018
Third Reading Date: 17-Sep-2018

Bylaw: GL-268

Trust Area: Galiano Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: GL-268

Application No.: GL-RZ-2017.2

Trust Initiated: No

Proofread By:

Clerk: No
Planner: No

Technical Staff: No

First Reading Date: 11-Jun-2018

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web:

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: Lloyd-deRosario, Sharon

Date: 21-Aug-2018

File complete and ready for Public review: Yes

Public Hearings:

Location: Galiano South Community Hall

Proofread By: Lloyd-deRosario, Sharon

Legal Paper: Gulf Island Driftwood

First Publish Date: 05-Sep-2018

Second Publish Date: 12-Sep-2018

Alternate Paper: The Active Page

First Publish Date: 01-Sep-2018

Second Publish Date:

Mailout Date: 14-Aug-2018

Delivery Notices: 31-Aug-2018
Date Public Hearing Held: 17-Sep-2018

Second Reading Date: 17-Sep-2018

Third Reading Date: 17-Sep-2018

Referrals: Bylaw GL-267

Agency	Sent	Received
Galiano Island Parks & Recreation commission 1 - 720 Active Pass Drive: Andrusiak, Ed Comment: Approval recommended subject to conditions outlined	18-Jul-2018	02-Aug-2018
Galiano Island Fire Department RR #2, Site 46 Comp 23: Harris, Karen Comment: Interests Unaffected by bylaw	18-Jul-2018	18-Jul-2018
Pauquachin First Nation 9010 West Saanich Road: Henry, Darlene Comment: No Comment Received	18-Jul-2018	
Tsartlip First Nation PO Box 70: Harry, Karen Comment: No Comment Received	18-Jul-2018	
Island Health Health Protection and Environmental Services: Dyck, Erwin Comment: Approval recommended subject to conditions outlined	18-Jul-2018	30-Jul-2018
sent to Gateway email		
Cowichan Tribes 5760 Allenby Rd: Flemming, Tracey Comment: No Comment Received	18-Jul-2018	
Lake Cowichan First Nation 313B Deer Road: Livingstone, Carole Comment: Deferred to FN who's title and governing authorities are directly affected.	18-Jul-2018	28-Aug-2018
Lyackson First Nation 7973A Chemainus Road: Aidnell, Linda Comment: No Comment Received	18-Jul-2018	
Penelakut Tribe Box 360: James, Denise Comment: No Comment Received	18-Jul-2018	
Ministry of Environment and Climate Change Strategy - BC Parks PO Box 9394 Stn Prov Govt: Erickson, Sharon	18-Jul-2018	
Mayne Island Local Trust Committee Islands Trust: Luckham, Peter	18-Jul-2018	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Luckham, Peter	18-Jul-2018	

Referrals: Bylaw GL-267

Agency	Sent	Received
Thetis Island Local Trust Committee Northern Office: Susan, Morrison Comment: Interest unaffected.	18-Jul-2018	28-Aug-2018
Semiahmoo First Nation 16049 Beach Rd: Council, Chief & Comment: No Comment Received	18-Jul-2018	
Halalt First Nation Chief and Council: Smith, Jack Comment: No Comment Received	18-Jul-2018	
Capital Regional District - All Referrals J. Arnet 625 Fisgard Street: Coordinator, Referrals	18-Jul-2018	
Cowichan Tribes Chief and Council: Charlie, Candace Comment: No Comment Received	18-Jul-2018	
Ministry of Transportation and Infrastructure Saanich Area Office: Schneider, Nikki Comment: Interests unaffected by bylaw	18-Jul-2018	09-Aug-2018
Halalt First Nation 7973 Chemainus Rd: August, Raven Comment: No Comment Received	18-Jul-2018	
Tsawout First Nation Box 121: Webster, Cathy Comment: No Comment Received	18-Jul-2018	
Tsawwassen First Nation 1926 Tsawwassen Drive: Williams, Victoria Comment: No Comment Received	18-Jul-2018	

Referrals: Bylaw GL-268

Agency	Sent	Received
Galiano Island Parks & Recreation commission 1 - 720 Active Pass Drive: Andrusiak, Ed Comment: Approval recommended subject to conditions outlined	18-Jul-2018	02-Aug-2018
Ministry of Municipal Affairs and Housing Intergovernmental Relations and Planning Division: Nicholls, Eric	18-Jul-2018	
Galiano Island Fire Department RR #2, Site 46 Comp 23: Harris, Karen Comment: Interests Unaffected by bylaw	18-Jul-2018	18-Jul-2018
Pauquachin First Nation 9010 West Saanich Road: Henry, Darlene Comment: No Comment Received	18-Jul-2018	
Tsartlip First Nation PO Box 70: Harry, Karen Comment: No Comment Received	18-Jul-2018	
Island Health Health Protection and Environmental Services: Dyck, Erwin Comment: Approval recommended subject to conditions outlined	18-Jul-2018	30-Jul-2018
sent to Gateway email		
Cowichan Tribes 5760 Allenby Rd: Flemming, Tracey Comment: No Comment Received	18-Jul-2018	
Lake Cowichan First Nation 313B Deer Road: Livingstone, Carole Comment: Deferred to FN who's title and governing authorities are directly affected.	18-Jul-2018	28-Aug-2018
Lyackson First Nation 7973A Chemainus Road: Aidnell, Linda Comment: No Comment Received	18-Jul-2018	
Penelakut Tribe Box 360: James, Denise Comment: No Comment Received	18-Jul-2018	
Ministry of Environment and Climate Change Strategy - BC Parks PO Box 9394 Stn Prov Govt: Erickson, Sharon	18-Jul-2018	
Mayne Island Local Trust Committee	18-Jul-2018	

Referrals: Bylaw GL-268

Agency	Sent	Received
Islands Trust: Luckham, Peter		
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Luckham, Peter	18-Jul-2018	
Thetis Island Local Trust Committee Northern Office: Susan, Morrison Comment: Interest Unaffected.	18-Jul-2018	28-Aug-2018
Semiahmoo First Nation 16049 Beach Rd: Council, Chief & Comment: No Comment Received	18-Jul-2018	
Halalt First Nation Chief and Council: Smith, Jack Comment: No Comment Received	18-Jul-2018	
Capital Regional District - All Referrals J. Arnet 625 Fisgard Street: Coordinator, Referrals	18-Jul-2018	
Cowichan Tribes Chief and Council: Charlie, Candace Comment: No Comment Received	18-Jul-2018	
Ministry of Transportation and Infrastructure Saanich Area Office: Schneider, Nikki Comment: Interests unaffected by bylaw	18-Jul-2018	09-Aug-2018
Halalt First Nation 7973 Chemainus Rd: August, Raven Comment: No Comment Received	18-Jul-2018	
Tsawout First Nation Box 121: Webster, Cathy Comment: No Comment Received	18-Jul-2018	
Tsawwassen First Nation 1926 Tsawwassen Drive: Williams, Victoria Comment: No Comment Received	18-Jul-2018	



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

**Bylaw and File No: 267 (OCP) & 268 (LUB)
GL-RZ-2017.2 (Mignault)
LTC Endorsement:**

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
	3.1	Ecosystems
✓	3.1.3	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.
✓	3.1.4	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	3.1.5	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.
	3.2	Forest Ecosystems
N/A	3.2.2	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	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.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	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
	4.1	Agricultural Land
N/A	4.1.4	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	4.1.5	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	4.1.6	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	Forests
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	Wildlife and Vegetation
	4.4	Freshwater Resources
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	Coastal Areas and Marine Shorelands
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	Soils and Other Resources
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
	5.1	Aesthetic Qualities
✓	5.1.3	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.
	5.2	Growth and Development
N/A	5.2.3	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	5.2.4	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	5.2.5	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.
✓	5.2.6	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.
	5.3	Transportation and Utilities
N/A	5.3.4	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	5.3.5	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	5.3.6	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	5.3.7	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.
	5.4	Disposal of Waste
N/A	5.4.4	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
------------	-----	------------------

	5.5	Recreation
N/A	5.5.3	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.
N/A	5.5.4	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.
N/A	5.5.5	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	5.5.6	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	5.5.7	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.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	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.
N/A	5.6.3	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.
	5.7	Economic Opportunities
N/A	5.7.2	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.
	5.8	Health and Well-being
N/A	5.8.6	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

Policy Checklist

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

n/a

Completed By:

Status

Date Resolution Referred to Exective Committee: 17-Sep-2018
Reading:

Executive Committee

Policy Checklist

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

n/a

Completed By:

Status

Date Resolution Referred to Exective Committee: 17-Sep-2018

Reading:

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 267

A BYLAW TO AMEND GALIANO ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 108, 1995

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2018”.

2. SCHEDULES

Galiano Island Local Trust Committee Bylaw No.108, cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, is amended as shown on Schedule 1, attached to and forming part of this bylaw

READ A FIRST TIME THIS 11th DAY OF JUNE 2018

PUBLIC HEARING HELD THIS 17th DAY OF SEPTEMBER 2018

READ A SECOND TIME THIS 17th DAY OF SEPTEMBER 2018

READ A THIRD TIME THIS 17th DAY OF SEPTEMBER 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

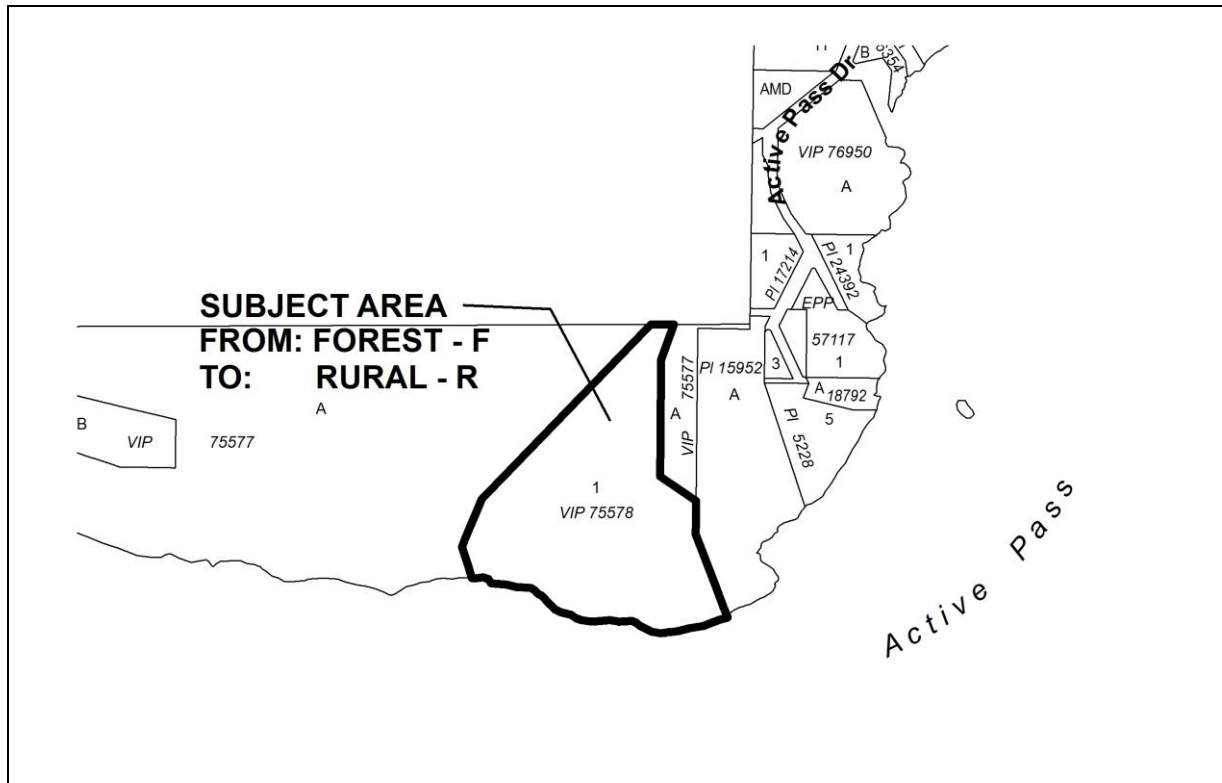
**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 267**

SCHEDULE 1

1. The Galiano Island Official Community Plan No. 108, 1995, is amended as follows:
 - 1.1 Schedule "B" – LAND USE DESIGNATIONS is amended by changing the land use designation of Lot 1, District Lot 8, Galiano Island, Cowichan District, Plan VIP75578 (PID 025-710-231) as shown on Plan No. 1 attached to and forming part of this bylaw,

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 267

PLAN NO. 1



PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 268

A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw, 1999, Amendment No. 1, 2018”.

2. SCHEDULES

Galiano Island Local Trust Committee Bylaw No. 127, cited as “Galiano Island Land Use Bylaw, 1999,” is amended as shown on Schedule No. 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS	11 TH	DAY OF	JUNE	2018
PUBLIC HEARING HELD THIS	17 th	DAY OF	SEPTEMBER	2018
READ A SECOND TIME THIS	17 th	DAY OF	SEPTEMBER	2018
READ A THIRD TIME THIS	17 th	DAY OF	SEPTEMBER	2018
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 268**

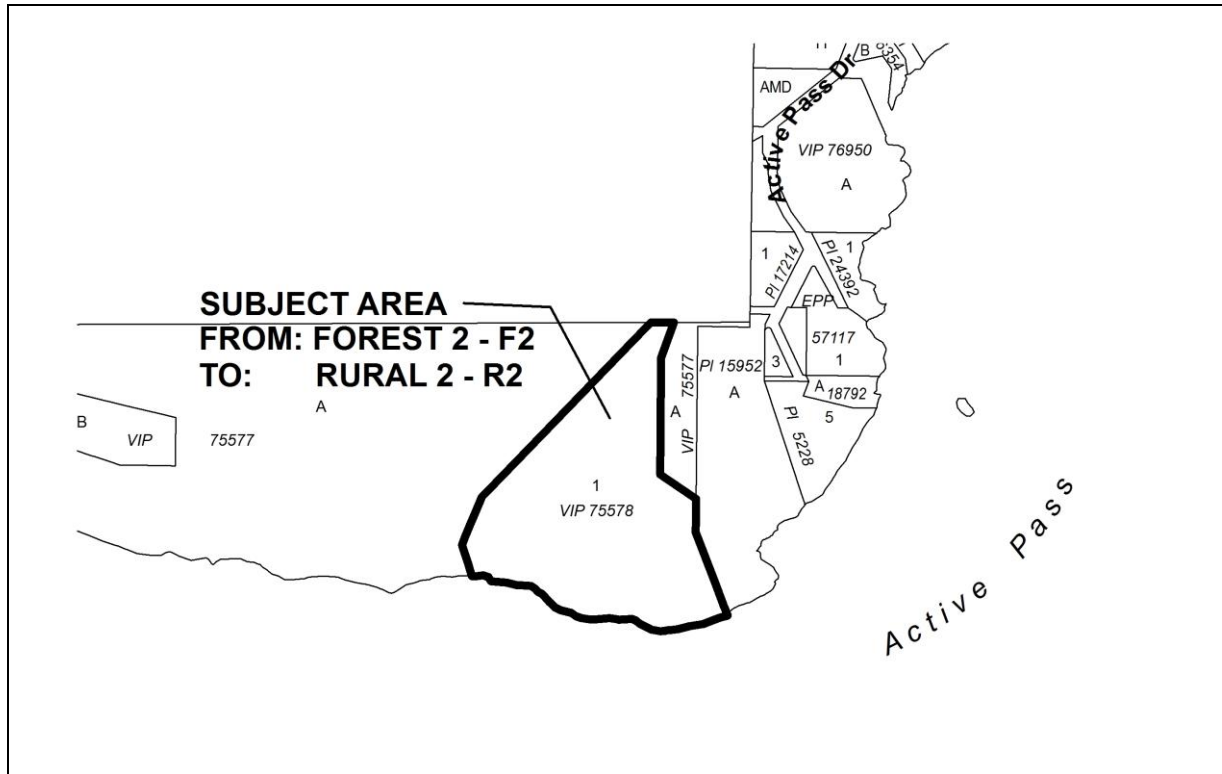
SCHEDULE NO. 1

1. Bylaw No. 127 is amended as follows:

- 2.1 **Schedule “B” – (Zoning Sheet South)** is amended by changing the zoning classification of Lot 1, District Lot 8, Galiano Island, Cowichan District, Plan VIP75578 (PID 025-710-231) from Forestry 2 (F2) to Rural 2 (R2) as shown on Plan No. 1 attached to and forming part of this bylaw.

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 268

PLAN NO. 1



First Nation Engagement

Referral of: Galiano Bylaw No. 267 & 268 (OCP & LUB Amendments)
Re: GL-RZ-2017.2 (Mignault)

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Contacted to advise of PH & ask for comment – no concerns	SLD

First Nation: Halalt

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Contacted to advise of PH & ask for comment – no comments	SLD

First Nation: Lake Cowichan

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18/18	Contacted to advise of PH & ask for comment – left message	SLD
Aug. 28/18	Received email response - Deferred to any FN who's title and governing authority are directly affected	SLD

First Nation: Lyackson

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Do Not Call	SLD

First Nation: Pauquachin First Nation

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Contacted to advise of PH & ask for comment – left message – no response	SLD

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Contacted to advise of PH & ask for comment – left message – no response	SLD

First Nation: Semiahmoo

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Tried to contacted via phone to advise of PH & ask for comment – no answer when called unable to leave voice mail – sent email - No response	SLD

First Nation: Stz'uminus

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Do Not Call	SLD

First Nation: Tsartlip First Nation

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Contacted to advise of PH & ask for comment – left message – no response	SLD

First Nation: Tsawwassen First Nation

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Contacted to advise of PH & ask for comment – no comments	SLD

First Nation: Tsawout First Nation

Date	Comment/Action	Initial
July 18/18	Emailed referral package - No response	SLD
Aug. 20/18	Contacted to advise of PH & ask for comment – left message – no response	SLD



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SP Pedestrian and Cycle Routes

DATE OF MEETING: October 10, 2018
TO: Islands Trust Executive Committee
FROM: Robert Kojima, Regional Planning Manager
SUBJECT: South Pender Island Local Trust Committee – Bylaw 115

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 115, cited as South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018 in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

South Pender Island Local Trust Committee has referred Bylaw No. 115 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

Communication to South Pender Island Local Trust Committee regarding the Executive Committee decision by November 28, 2018 .

Other

None

PURPOSE

South Pender Island Local Trust Committee Bylaw No. 115, cited as South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018 (Attached) is intended to amend OCP Schedules “D” and “H” to include the preferred route for a multi-modal roadside path on South Pender Island. Bylaw 115 also contains OCP policy amendments to support the referenced map amendments.

BACKGROUND

South Pender Island Local Trust Committee Bylaw No. 115

Bylaw 115 received First Reading at the meeting of April 3, 2018, Second Reading at the meeting of June 12th, a public hearing was held on September 4th, along with Third Reading and referral to EC. The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement at the meeting of April 3rd.

Issues Relating To Provincial Interest

None

Issues Relating To First Nation Interest

The bylaw was amended at Second Reading to address comments from First Nations.

Issues Relating To Resources and Enforcement

None

Public Comments

None

Staff Comments

The bylaw would amend OCP map schedules to identify future pedestrian and cycle routes, along inserting with enabling policies in the OCP. The amendments are supported by Moving Around Pender (MAP) and would be consistent with the CRD Regional Trail Plan.

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 South Pender Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 115, cited as South

Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018 is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the South Pender Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Robert Kojima, Regional Planning Manager	September 6, 2018
Concurrence:	David Marlor, Director of Local Planning Services	October 3, 2018

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. 115
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: South Pender Island Local Trust Committee

Bylaw No.: SP-115

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 04-Sep-2018

- ☒ 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

Bylaw: SP-115

Trust Area: South Pender Island Local Trust Committee

Type: Official Community Plan Bylaw

Bylaw No.: SP-115

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: No
Planner: Yes

Technical Staff: No

First Reading Date: 03-Apr-2018

Bylaw Sent to Referrals: Yes

Date Proposed Bylaw to Web: 24-Apr-2018

Resolutions:

Resolution Waiving Public Hearing: No

Resolution Authorizing Public Hearing: Yes

Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Lloyd-deRosario, Sharon

Date: 07-Aug-2018

File complete and ready for Public review: Yes

Public Hearings:

Location: South Pender Fire Hall

Proofread By: Lloyd-deRosario, Sharon

Legal Paper: Gulf Island Driftwood

First Publish Date: 22-Aug-2018

Second Publish Date: 29-Aug-2018

Alternate Paper:

First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices: 13-Aug-2018

Date Public Hearing Held: 04-Sep-2018

Second Reading Date: 12-Jun-2018

Third Reading Date: 04-Sep-2018

Referrals: Bylaw SP-115

Agency	Sent	Received
Lake Cowichan First Nation 313B Deer Road: Livingstone, Carole Comment:	25-Apr-2018	
Penelakut Tribe Box 360: James, Denise Comment:	24-Apr-2018	
Mayne Island Local Trust Committee Islands Trust: Luckham, Peter Comment:	24-Apr-2018	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Luckham, Peter Comment: Interests unaffected by bylaw	24-Apr-2018	07-Jun-2018
North Pender Island Local Trust Committee Islands Trust: Grams, George Comment:	24-Apr-2018	
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Busheikin, Laura Comment:	24-Apr-2018	
Stz'uminus First Nation 12611A Trans Canada Hwy: Akey, Chenoa Comment:	24-Apr-2018	
Semiahmoo First Nation 16049 Beach Rd: Council, Chief & Comment:	24-Apr-2018	
Galiano Island Local Trust Committee 200 - 1627 Fort Street: Busheikin, Laura Comment:	24-Apr-2018	
Cowichan Tribes Chief and Council: Flemming, Tracey Comment: Made comments in 3 points - see email	24-Apr-2018	27-Apr-2018
Halalt First Nation Chief and Council: Smith, Jack Comment:	24-Apr-2018	
Ministry of Transportation and Infrastructure Saanich Area Office: Koch, David Comment:	24-Apr-2018	
Lyackson First Nation Chief and Council: Aidnell, Linda	24-Apr-2018	

Referrals: Bylaw SP-115

Agency	Sent	Received
Comment:		
Moving Around Pender none: Pare, Peter Comment:	24-Apr-2018	
Capital Regional District Real Estate Services & Corporate Services: Halliday, Shirley Comment: Supports Bylaw - see comments	24-Apr-2018	23-May-2018
Capital Regional District - Regional Parks & Community Services 490 Atkins Road: Ward, Jeff Comment:	24-Apr-2018	
Pauquachin First Nation 9010 West Saanich Road: Henry, Darlene Comment:	24-Apr-2018	
Pender Island Parks and Recreation Commission PO Box 86: Chapman, John Comment:	24-Apr-2018	
Tsartlip First Nation PO Box 70: Harry, Karen Comment:	24-Apr-2018	
Tsawwassen First Nation 1926 Tsawwassen Drive: Bisset, Ben Comment: interests unaffected by Bylaw	24-Apr-2018	25-May-2018
Tseycum First Nation 1210 Totem Lane: Jones, Tanya Comment:	24-Apr-2018	
Tsawout First Nation PO Box 121, 7725 Tetayut Road: Underwood, Gwen Comment:	24-Apr-2018	
Malahat First Nation - Te'mexw Treaty Association 110 Thunder Road: Adams, Heather Comment: See comments re: Raptor Nesting and Forest Ecosystem & wildlife habitat	24-Apr-2018	08-Jun-2018



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File Name: Pedestrian and Cycle Routes

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, 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 CHECKLIST

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
	3.1	Ecosystems
✓	3.1.3	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	3.1.4	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.
✓	3.1.5	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.
	3.2	Forest Ecosystems
✓	3.2.2	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	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.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	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
	4.1	Agricultural Land
N/A	4.1.4	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	4.1.5	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	4.1.6	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	Forests
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.

CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
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	Coastal Areas and Marine Shorelands
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	Soils and Other Resources
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
	5.1	Aesthetic Qualities
✓	5.1.3	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.
	5.2	Growth and Development
N/A	5.2.3	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	5.2.4	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	5.2.5	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	5.2.6	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.
	5.3	Transportation and Utilities
✓	5.3.4	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.
✓	5.3.5	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	5.3.6	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.
✓	5.3.7	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.
	5.4	Disposal of Waste
N/A	5.4.4	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
	5.5	Recreation
N/A	5.5.3	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.
N/A	5.5.4	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.
N/A	5.5.5	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	5.5.6	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.
✓	5.5.7	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.
	5.6	Cultural and Natural Heritage
✓	5.6.2	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.
✓	5.6.3	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.
	5.7	Economic Opportunities
N/A	5.7.2	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.
	5.8	Health and Well-being
✓	5.8.6	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
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

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

n/a

Completed By:

Status

Date Resolution Referred to Exective Committee: 04-Sep-2018

Reading:

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 115

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018”.

2. SCHEDULES

2.1 South Pender Island Official Community Plan No. 107, 2011, Schedule “A” is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2.2 South Pender Island Official Community Plan No. 2017, 2011, Schedule “D” is amended as shown on Schedule 2, attached to and forming part of this bylaw.

2.3 South Pender Island Official Community Plan No. 2017, 2011, Schedule “H” is amended as shown on Schedule 3, 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	3 RD	DAY OF	APRIL	2018
READ A SECOND TIME THIS	12 TH	DAY OF	JUNE	2018
PUBLIC HEARING HELD THIS	4 TH	DAY OF	SEPTEMBER	2018
READ A THIRD TIME THIS	4 TH	DAY OF	SEPTEMBER	2018
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____

Chair

Secretary

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 115**

SCHEDULE 1

The South Pender Island Official Community Plan No. 107, 2011, Schedule “A” is amended as follows:

1. Subsection 6.1.2 Article (a) – “Transportation General Policies” - is deleted in its entirety and replaced with the following:
 - a) Except for pedestrian and bicycle paths, construction of transportation infrastructure is to be in response to, rather than in anticipation of, increased demand.
2. The paragraph under Subsection 6.1.3 – “Land Transportation” - is deleted in its entirety and replaced with the following:

“The location and classification of the island’s roads, plus any intended or additional phased roads, heritage roads, car stops and pedestrian and bicycle paths are shown on Schedule “H”. The functional characteristics of these classifications are:”
3. Subsection 6.1.3 Article (b) – “Land Transportation Policies” - is amended by adding new clauses after clause i) as follows:
 - ii) The Local Trust Committee will only support the development of automobile, pedestrian and bicycle infrastructure where it believes there has been adequate consultation with First Nations regarding heritage, cultural, or other features of significance.
 - iii) The Local Trust Committee will only support the development of automobile, pedestrian and bicycle infrastructure where it believes it will not unduly compromise the unique or heritage features of the Scenic/Heritage roads identified in Schedule “H”.
 - iv) The Local Trust Committee will support agency and community group efforts to develop the network of bicycle routes, pathways, walkways and trails shown on OCP Schedules “D” and “H”.
 - v) Subject to 6.1.3(b)(ii) above, the Local Trust Committee will use rezoning applications as an opportunity to work toward development of the network of bicycle routes, pathways, walkways and trails shown on OCP Schedules “D” and “H”.
 - vi) The Local Trust Committee will support implementation of the Capital Regional District Gulf Islands Regional Trails Plan on South Pender Island.

And by renumbering the subsequent clauses of the subsection to effect these changes.

4. The introductory paragraph and first bullet point of Advocacy Policy 6.1.3 Clause ii) are deleted in their entirety and replaced with the following:

“The creation of the network of bicycle and pedestrian paths, walkways and trails along routes shown on Schedules “D” and “H” is to be pursued by:

- requesting the Ministry of Transportation and Infrastructure to assist by developing pathways, walkways, and trails within road rights-of-way where their locations coincide with network routes and to provide bicycle paths along Minor Road rights-of-way shown in Schedules “D” and “H”.

5. Subsection 6.1.3 - “Advocacy Policies” - is amended by adding new clauses after clause ii) as follows:

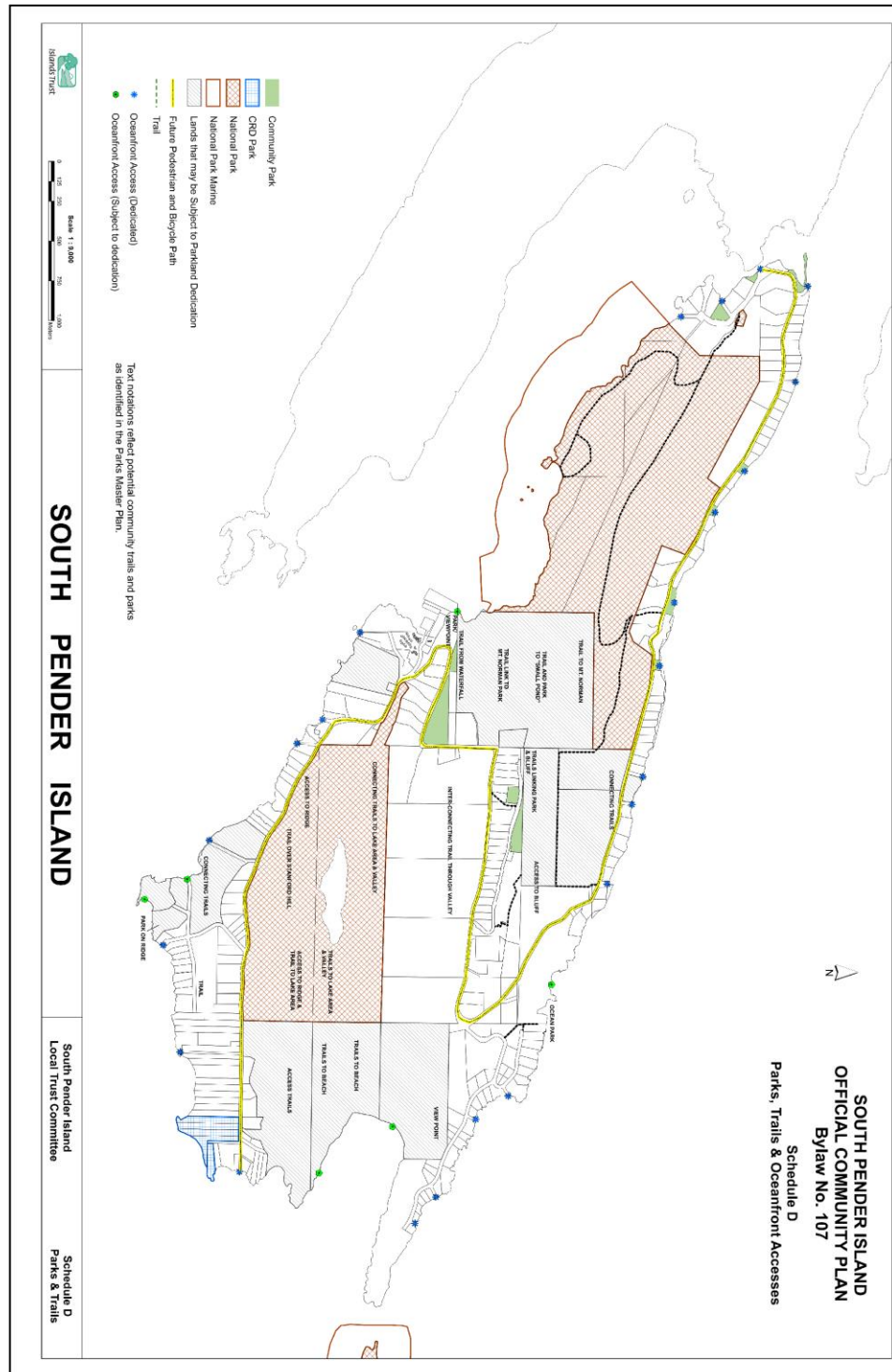
- iii) Agencies and community groups are requested to prioritize separated bicycle and pedestrian paths over on-road bicycle lanes where feasible and where they will not have adverse effects on the natural environment.
- iv) The pedestrian and bicycle path shown in Schedules “D” and “H” should, where feasible, be constructed within the Ministry of Transportation and Infrastructure right-of-way.
- v) Agencies and community groups, in consultation with area First Nations and the British Columbia Archaeology Branch, should ensure that installation of pedestrian and bicycle infrastructure does not compromise heritage, cultural or other features of value to First Nations.
- vi) Agencies and community groups, in consultation with the Local Trust Committee, should ensure that installation of pedestrian and bicycle infrastructure does not compromise the unique scenic or heritage features of the Scenic/Heritage roads identified in Schedule “H”.

And by renumbering the subsequent clauses of the subsection to effect these changes.

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 115

SCHEDULE 2

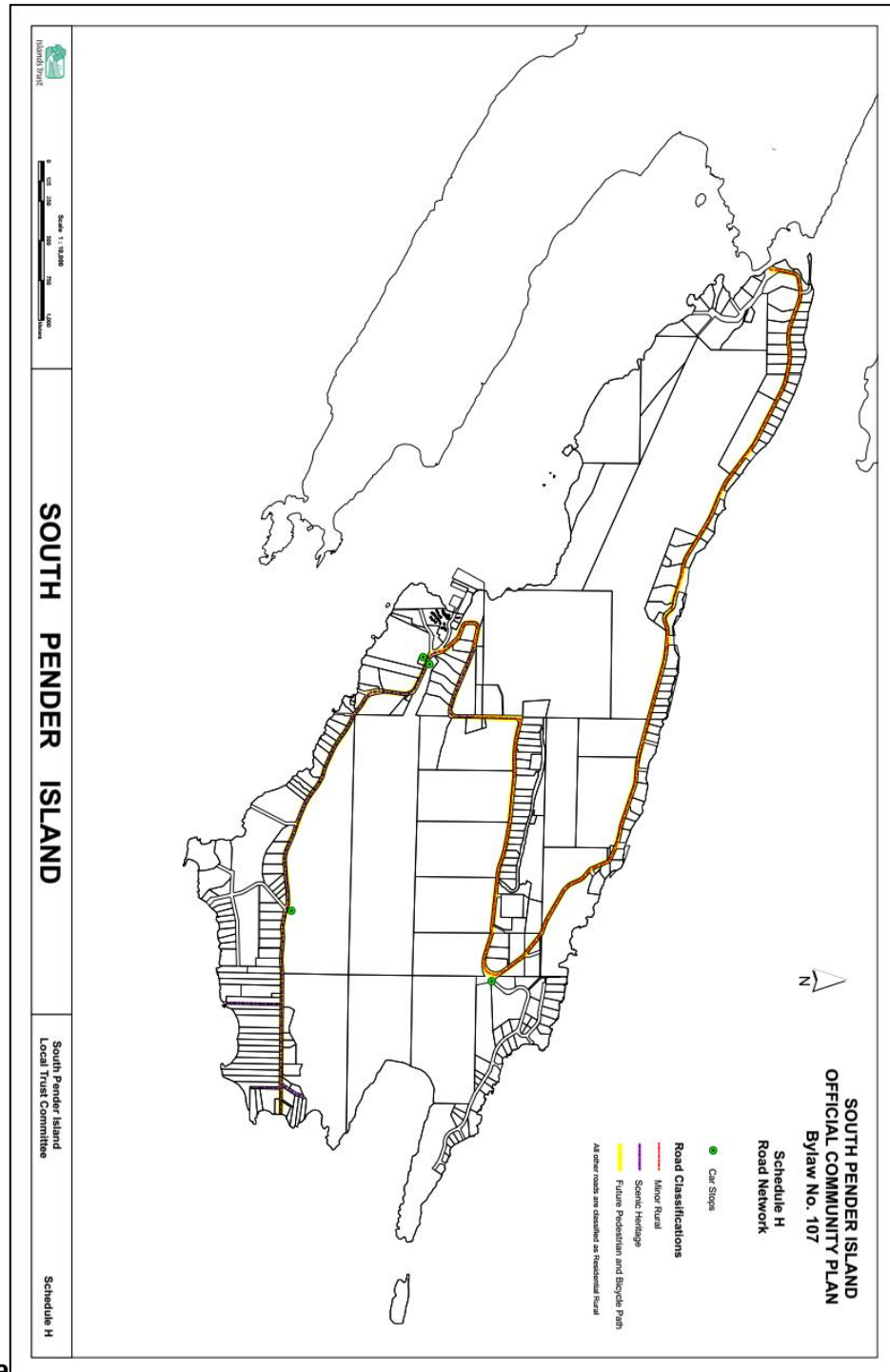
The South Pender Island Official Community Plan No. 107, 2011, Schedule “D” - “Parks, Trails and Oceanfront Accesses” is amended as follows:



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 115

SCHEDULE 3

The South Pender Island Official Community Plan No. 107, 2011, Schedule “H” - “Road Network” is amended as follows



First Nation Engagement

Referral of: South Pender Bylaw No. 115 (Pedestrian & Bicycle Paths)

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
Apr. 27/18	Received comments in 3 points – see email	SLD
May 16/18	IT follow up to Apr. 27 th email with marked up version of bylaw with FN language around interests concerning development of transportation infrastructure on the island	SLD
May 16/18	CT response to IT email – stating a couple more points – IT responded with suggested changes made by CT.	SLD

First Nation: Halalt

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
Aug. 21/18	Called to advise of Public Hearing date and ask for comments – responded no comments	SLD

First Nation: Lake Cowichan

Date	Comment/Action	Initial
Apr. 25/18	Emailed referral with cover letter	SLD
Aug. 21/18	Called to advise of Public Hearing date and ask for comments – left message to return my call if have any response - No response	SLD

First Nation: Lyackson

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
	We don't call this First Nation	

First Nation: Malahat c/o TE'Mexw Treaty Assoc

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
June 8, 2018	See response re: Raptor Nesting & Forest Ecosystem & Wildlife Habitat	SLD

First Nation: Pauquchin

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
Aug. 21/18	Called to advise of Public Hearing date and ask for comments – left message to return my call if have any response - No response	SLD

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
Aug. 21/18	Called to advise of Public Hearing date and ask for comments – left message to return my call if have any response - No response	SLD

First Nation: Semiahmoo

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
Aug. 21/18	Sent email requesting response as there was no answer when I called twice. - No response	SLD

First Nation: Stz'uminus

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
	We don't call this First Nation	

First Nation: Tsartlip

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
Aug. 21/18	Called to advise of Public Hearing date and ask for comments – left message to return my call if have any response - No response	SLD

First Nation: Tsawout

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
Aug. 21/18	Called to advise of Public Hearing date and ask for comments – left message to return my call if have any response - No response	SLD

First Nation: Tsawwassen

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
May 25/18 Received response	– no concerns re impacts of bylaw, however wish to be consulted if there are further plans to undertake work identified in proposed policies & objectives	SLD

First Nation: Tseycum

Date	Comment/Action	Initial
Apr. 24/18	Emailed referral with cover letter	SLD
Aug. 21/18	Called to advise of Public Hearing date and ask for comments – left message to return my call if have any response - No response	SLD

U:\LOCAL TRUST COMMITTEES\South Pender\Bylaws\Referrals\Bylaw 115 OCPIFN Responses\BL 115 -First Nation Followup tracking.docx

Jason Youmans

From: Candace Charlie <Candace.Charlie@cowichantribes.com>
Sent: Friday, April 27, 2018 3:19 PM
To: Jason Youmans
Cc: Tracy Fleming; information
Subject: Re: Proposed Amendments to South Pender Island OCP - SP Bylaw 115

Hi Jason,

A few comments on proposed amendments to schedule 'A' of the South Pender Island Official Community Plan No. 107, 2011. I will address the points numbered in Schedule I, with corresponding numbers in my responses below:

Point 3 (ii): we find it a bit troubling that the Local Trust Committee ("LTC") would pledge its support to any and all construction of bicycle routes, pathways, walkways, and trails *in advance of* the outcomes of consultation with affected Indigenous groups.

Point 3 (iv): it seems here that the LTC would seek to leverage its ability to approve rezoning approvals with a view to encouraging proponents to devote funding and/or land for bicycle routes, pathways, walkways, or trails. In the event of rezoning applications that have the ability to impact Indigenous groups, the approach proposed here by the LTC would effectively pit Indigenous groups' concerns about impacts against an objective of increasing trails and bicycle paths. This is problematic.

Point 5 (iii): consideration to adverse effects on the interests of Indigenous groups should be added.

Candace Charlie
Referrals & Land Code Coordinator
Lands & Governance, Cowichan Tribes
5762 Allenby Road
Duncan BC V9L 5J1
Ph: (250) 748-3196
Cell: (250) 709-7452
candace.charlie@cowichantribes.com

Please consider the environment before printing this message.

PRIVILEGE & CONFIDENTIALITY NOTICE: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient, it may be unlawful for you to read, copy, disclose or otherwise use the information on this communication. If you received this transmittal in error, please contact the sender and delete the material immediately.

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 115

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2018".

2. SCHEDULES

2.1 South Pender Island Official Community Plan No. 107, 2011, Schedule "A" is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2.2 South Pender Island Official Community Plan No. 2017, 2011, Schedule "D" is amended as shown on Schedule 2, attached to and forming part of this bylaw.

2.3 South Pender Island Official Community Plan No. 2017, 2011, Schedule "H" is amended as shown on Schedule 3, 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	3	DAY OF	APRIL	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20__
READ A SECOND TIME THIS	_____	DAY OF	_____	20__
READ A THIRD TIME THIS	_____	DAY OF	_____	20__
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__

Chair

Secretary

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 115**

SCHEDULE 1

The South Pender Island Official Community Plan No. 107, 2011, Schedule "A" is amended as follows:

1. Subsection 6.1.2 Article (a) – "Transportation General Policies" - is deleted in its entirety and replaced with the following:
 - a) Except for pedestrian and bicycle paths, construction of transportation infrastructure is to be in response to, rather than in anticipation of, increased demand.
2. The paragraph under Subsection 6.1.3 – "Land Transportation" - is deleted in its entirety and replaced with the following:

"The location and classification of the island's roads, plus any intended or additional phased roads, heritage roads, car stops and pedestrian and bicycle paths are shown on Schedule "H". The functional characteristics of these classifications are:"
3. Subsection 6.1.3 Article (b) – "Land Transportation Policies" - is amended by adding new clauses after clause i) as follows:
 - ii) The Local Trust Committee should only support the development of automobile, pedestrian and bicycle infrastructure which does not compromise heritage and/or cultural features of value to First Nations or the unique and/or heritage features of the Scenic/Heritage roads identified in Schedule "H".
 - iii) The Local Trust Committee will support agency and community group efforts to construct-develop the network of bicycle routes, pathways, walkways and trails shown on OCP Schedules "D" and "H".
 - iv) ~~The Local Trust Committee should only support the installation of pedestrian and bicycle infrastructure which does not compromise or the unique and/or heritage of the Scenic/Heritage roads identified in Schedule "H".~~
 - v) The Local Trust Committee will use rezoning applications as an opportunity to work toward development of the network of bicycle routes, pathways, walkways and trails shown on OCP Schedules "D" and "H".
 - vi) The Local Trust Committee will support implementation of the Capital Regional District Gulf Islands Regional Trails Plan on South Pender Island.

And by renumbering the subsequent clauses of the subsection to effect these changes.

4. The introductory paragraph and first bullet point of Advocacy Policy 6.1.3 Clause ii) are deleted in their entirety and replaced with the following:

“The creation of the network of bicycle and pedestrian paths, walkways and trails along routes shown on Schedules “D” and “H” is to be pursued by:

- requesting the Ministry of Transportation and Infrastructure to assist by developing pathways, walkways, and trails within road rights-of-way where their locations coincide with network routes and to provide bicycle paths along Minor Road rights-of-way shown in Schedules “D” and “H”.”

5. Subsection 6.1.3 - “Advocacy Policies” - is amended by adding new clauses after clause ii) as follows:

iii) Agencies and community groups are requested to prioritize separated bicycle and pedestrian paths over on-road bicycle lanes where feasible and where they will not have adverse effects on the natural environment.

iv) The pedestrian and bicycle path shown in Schedules “D” and “H” should, where feasible, be constructed within the Ministry of Transportation and Infrastructure right-of-way.

v) Agencies and community groups, in consultation with area First Nations, should ensure that installation of pedestrian and bicycle infrastructure does not compromise heritage and/or cultural features of value to First Nations.

Formatted: Indent: Left: 0.5"

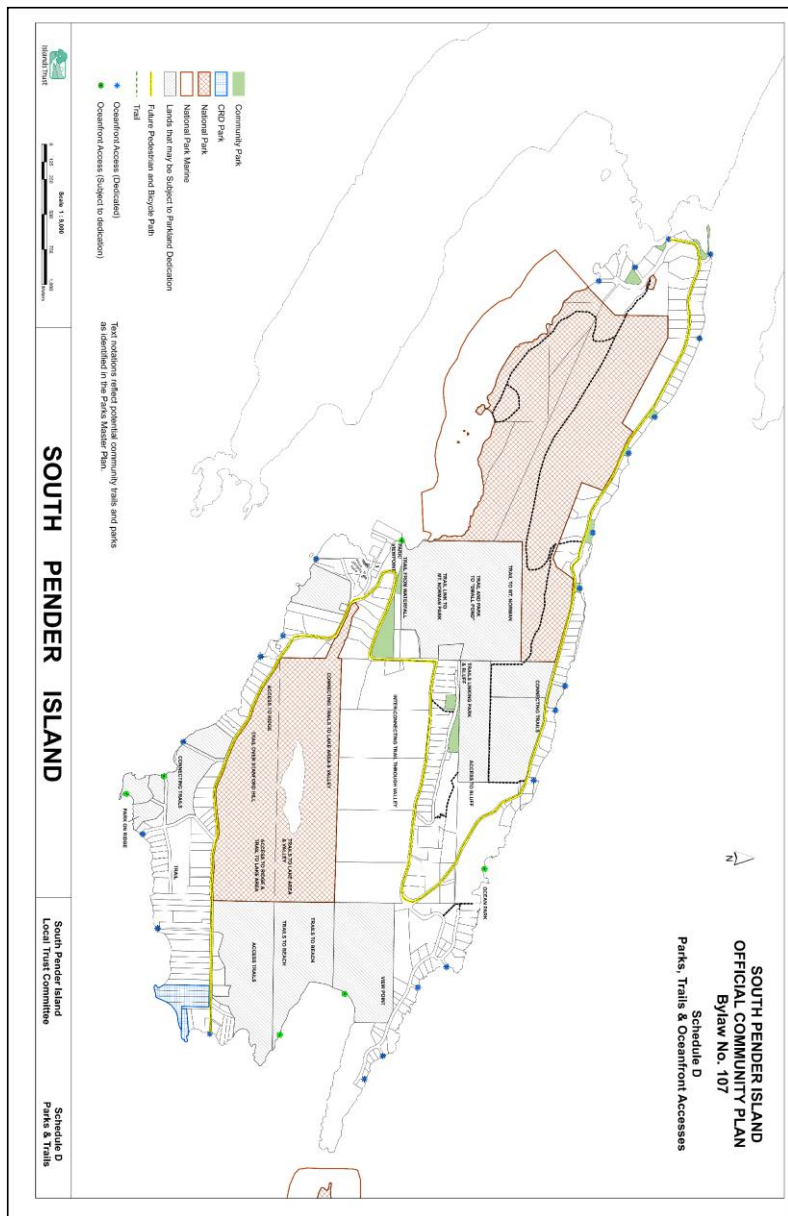
vi) Agencies and community groups, in consultation with the Local Trust Committee, should ensure that installation of pedestrian and bicycle infrastructure does not compromise the unique scenic and/or heritage values features of the Scenic/Heritage roads identified in Schedule “H”.

And by renumbering the subsequent clauses of the subsection to effect these changes.

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 115**

SCHEDULE 2

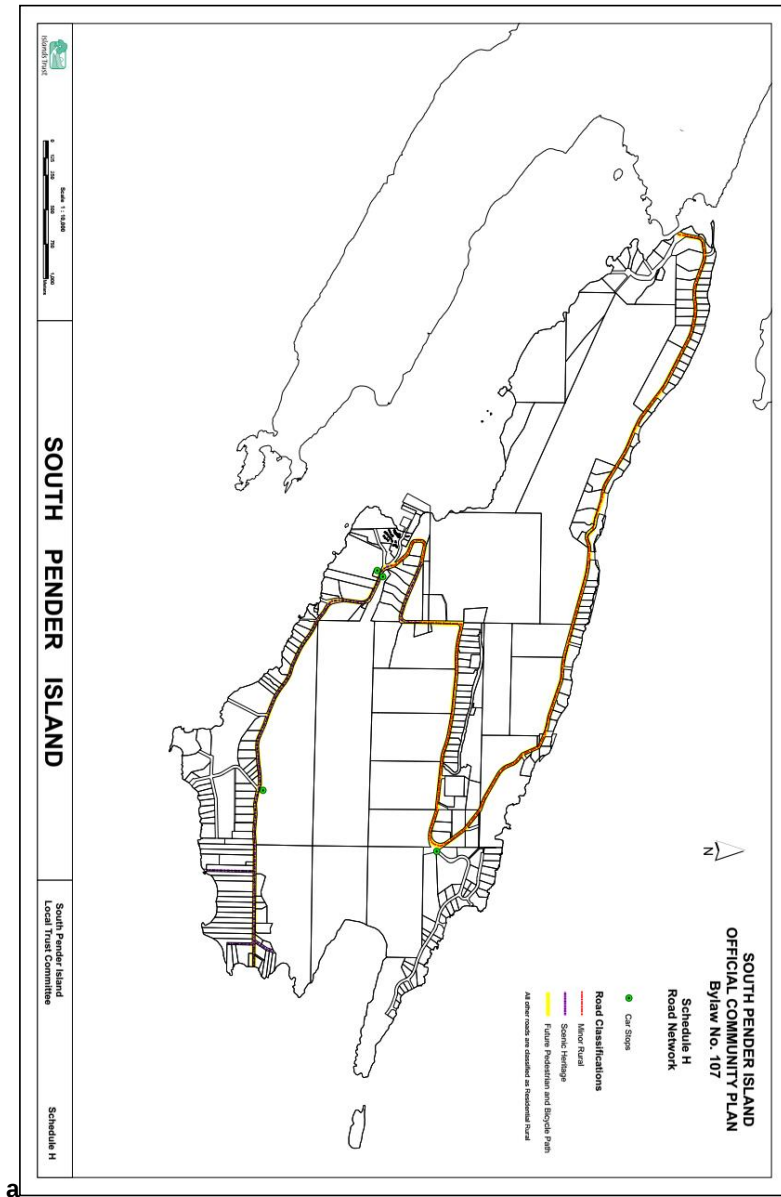
The South Pender Island Official Community Plan No. 107, 2011, Schedule “D” - “Parks, Trails and Oceanfront Accesses” is amended as follows:



**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 115**

SCHEDULE 3

The South Pender Island Official Community Plan No. 107, 2011, Schedule “H” - “Road Network” is amended as follows



From: Jason Youmans
Sent: Wednesday, May 16, 2018 10:46 AM
To: 'Candace Charlie'
Subject: RE: Proposed Amendments to South Pender Island OCP - SP Bylaw 115

Hi Candace,

Just want to follow up with you regarding your referral response to the proposed bike and pedestrian path amendments in the South Pender OCP.

I've attached a marked-up version that now includes some language around First Nations interests concerning development of transportation infrastructure on the island. Let me know what you think.

I haven't changed the section about leveraging rezonings to work toward pedestrian and bike infrastructure, as I think my proposed language around protecting sites of value to First Nations sets the LTC up to know that new infrastructure should not come at the cost of damaging our relationship with First Nations.

I'd like to hear what you think of my proposed approach.

Stay tuned for some forthcoming e-mails on some other topics.

Hope you're keeping well.

Jason

From: Candace Charlie [<mailto:Candace.Charlie@cowichantribes.com>]
Sent: Friday, April 27, 2018 3:19 PM
To: Jason Youmans
Cc: Tracy Fleming; information
Subject: Re: Proposed Amendments to South Pender Island OCP - SP Bylaw 115

Hi Jason,

A few comments on proposed amendments to schedule 'A' of the South Pender Island Official Community Plan No. 107, 2011. I will address the points numbered in Schedule I, with corresponding numbers in my responses below:

Point 3 (ii): we find it a bit troubling that the Local Trust Committee ("LTC") would pledge its support to any and all construction of bicycle routes, pathways, walkways, and trails *in advance of* the outcomes of consultation with affected Indigenous groups.

Point 3 (iv): it seems here that the LTC would seek to leverage its ability to approve rezoning approvals with a view to encouraging proponents to devote funding and/or land for bicycle routes, pathways, walkways, or trails. In the event of rezoning applications that have the ability to impact Indigenous groups, the approach proposed here by the LTC would effectively pit Indigenous groups' concerns about impacts against an objective of increasing trails and bicycle paths. This is problematic.

Point 5 (iii): consideration to adverse effects on the interests of Indigenous groups should be added.

Candace Charlie
Referrals & Land Code Coordinator
Lands & Governance, Cowichan Tribes
5762 Allenby Road
Duncan BC V9L 5J1
Ph: (250) 748-3196
Cell: (250) 709-7452
candace.charlie@cowichantribes.com

Please consider the environment before printing this message.

PRIVILEGE & CONFIDENTIALITY NOTICE: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient, it may be unlawful for you to read, copy, disclose or otherwise use the information on this communication. If you received this transmittal in error, please contact the sender and delete the material immediately.



Malahat Nation
110 Thunder Road, Mill Bay, BC, V0R 2P4
Tel: 250.743.3231 Fax: 250.743.3251
info@malahatnation.com www.malahatnation.ca

June 8, 2018

Referral: R18040

Jason Youmans
Planner
Islands Trust
Suite 200, 1627 Fort Street
Victoria, BC, V8R 1H8

Re: South Pender Island Local Trust Committee Bylaw No. 115

Dear Jason Youmans,

Thank you for the consultation request regarding the amendment to the Pender Island Official Community Plan (OCP), Bylaw 115.

In recognition of Malahat Nation's stewardship interests throughout the Nation's territory, we request that mature forest ecosystems and wildlife habitat within the footprint of the project be left undisturbed to the greatest extent possible. Furthermore, we request further information on possible disruption to raptor nesting areas, including the species that may be disturbed. The information provided to us notes that, in the absence of Development Permit Areas, the Local Trust Committee does not have tools to manage development in the proximity of raptor nesting areas. We would appreciate clarification on how the development plans interact with the Provincial *Wildlife Act*.

Lastly, we also request that Islands Trust provide us with information regarding potential impacts on known archaeological sites or areas of high archaeological potential. Upon receipt and review of the requested information, we will provide an updated response.

On behalf of Chief and Council, thank you for your time and consideration.

Sincerely,

Heather Adams
Fisheries and Referrals Coordinator



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-03 (LTC Admin Bylaws)
(Lasqueti Fees Bylaw)

DATE OF MEETING: October 10, 2018
TO: Islands Trust Executive Committee
FROM: Ann Kjerulf, Regional Planning Manager
SUBJECT: Lasqueti Island Local Trust Committee – Bylaw No. 97 (Fees Bylaw)

RECOMMENDATION

1. **THAT the Executive Committee approve Lasqueti Island Local Trust Committee Bylaw No. 97, cited as “Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018” , under Section 27 of the Islands Trust Act.**

DIRECTORS COMMENTS

The Lasqueti Island Local Trust Committee (LTC) has referred Bylaw No. 97 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 consistent with Islands Trust Council Policy 5.6.i (Application Processing Services).

IMPLICATIONS OF RECOMMENDATION

Organizational

Lasqueti Island LTC Bylaw No. 97 would add fees for the processing of Liquor and Cannabis Regulation Branch (LCRB) license applications.

Financial

Proposed fees are intended to recover costs associated with processing LCRB referrals. LCRB non-medical cannabis retail license applications would be processed in accordance with the LTC standing resolution, which requires a public consultation process.

Policy

Proposed fees are consistent with Islands Trust Council Policy 5.6.i – Application Processing Services.

Implementation/Communications

Communication to Lasqueti Island Local Trust Committee regarding the Executive Committee decision.

Other

None

PURPOSE

Lasqueti Island Local Trust Committee Bylaw No. 97, cited as “Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018”, (Attachment 3) is intended to amend the Lasqueti Island LTC Fees Bylaw to include fees for processing LCRB license applications.

BACKGROUND

Lasqueti Island Local Trust Committee Bylaw No. 97

Bylaw No. 97 was given three readings by the Lasqueti Island LTC on September 24, 2018.

Issues Relating To Provincial Interest

The LCRB is the licensing authority for liquor sales and service. Pending the final adoption of the *Cannabis Act*, the LCRB will be the licensing authority for non-medical cannabis retail license applications. LCRB routinely refers applications to local government and, in the case of non-medical cannabis retail license applications, has indicated it will rely on the recommendations of local government in making its decisions.

Issues Relating To First Nations Interests

None

Issues Relating To Resources and Enforcement

Proposed fees are intended to offset both direct and indirect costs of processing applications for LCRB applications.

Public Comments

None

Staff Comments

On July 23, 2018, the LTC endorsed a Standing Resolution for processing non-medical cannabis retail license applications and requested that staff prepare a draft bylaw to amend the Lasqueti Island LTC Fees Bylaw in order to fees for processing LCRB applications (including non-medical cannabis retail license applications and liquor license applications). To date, the Lasqueti LTC has had no fees for LCRB applications.

The proposed fee for non-medical cannabis retail license applications and liquor license applications is consistent with the Trust Council Model Fees Schedule (\$825). Staff note that five other LTCs (Gabriola, Thetis, Denman, Hornby, Salt Spring) have initiated fee bylaw amendments for non-medical cannabis retail license applications in the amount of at least \$2,000, mainly to offset the public consultation process associated with processing these types of applications. Proposed Bylaw 97 would also add a fee of \$100 for processing temporary license change applications, which are minor in nature but do require staff resources.

Proposed Bylaw No. 97 is consistent with Islands Trust council Policy 5.6.i, which is intended to distinguish services along a continuum from property tax subsidy to applicant cost responsibility. It provides the parameters for application processing services by which service levels can be distinguished as a basis for preparing the Fees Bylaw and Schedule. The policy directs staff to provide a processing service to applicants in response to applications primarily funded by fees paid by applicants. While the actual costs of processing an application may be less than or greater than the established fee for that application, the policy directs that application fees be

based on the average processing costs for various application types. These costs are calculated as the product of staff labour costs multiplied by processing time, adding to this other direct costs such as mapping expenses, advertising costs, meeting and minute taker costs, and travel costs, and indirect costs such as general administration and overhead.

KEY ISSUES/CONCEPTS

- Fairness
- Fiscal responsibility

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy 5.6.i [Application Processing Services]

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 25, 2018
Concurrence:	David Marlor, MCIP, RPP Director of Planning Services	October 3, 2018

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Proposed Bylaw No. 97



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Lasqueti Island Local Trust Committee

Bylaw No.: LA-097

Bylaw Type: Fees Bylaw

Date of resolution referring bylaw to Executive Committee: 24-Sep-2018

- ☒ 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

Bylaw: LA-097

Trust Area: Lasqueti Island Local Trust Committee

Type: Fees Bylaw

Bylaw No.: LA-097

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: Yes

Technical Staff: No

Planner: Yes

First Reading Date: 24-Sep-2018

Bylaw Sent to Referrals: No

Date Proposed Bylaw to Web: 25-Sep-2018

Resolutions:

Resolution Waiving Public Hearing: No

Resolution Authorizing Public Hearing: No

Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: ,

Date:

File complete and ready for Public review: No

Public Hearings:

Location:

Proofread By: ,

Legal Paper:

First Publish Date:

Second Publish Date:

Alternate Paper:

First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:

Date Public Hearing Held:

Second Reading Date: 24-Sep-2018

Third Reading Date: 24-Sep-2018

Executive Committee

Policy Checklist

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

Completed By: Claire Olivier

Status

Date Resolution Referred to Exective Committee: 24-Sep-2018

Reading:

PROPOSED

LASQUETI ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 97

A BYLAW TO AMEND THE LASQUETI ISLAND LOCAL TRUST COMMITTEE FEES BYLAW, 2009

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

1. Citation

This bylaw may be cited for all purposes as “Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018”.

2. Lasqueti Island Local Trust Committee Bylaw No. 85, cited as “Lasqueti Island Local Trust Committee Fees Bylaw, 2009” is amended as shown on Schedule No. 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 24TH DAY OF SEPTEMBER , 2018

READ A SECOND TIME THIS 24TH DAY OF SEPTEMBER , 2018

READ A THIRD TIME THIS 24TH DAY OF SEPTEMBER , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 201X

ADOPTED THIS DAY OF , 201X

Chair

Secretary

LASQUETI ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 97
Schedule No. 1

1. **Part 3, Application Fees, Section 3.1, TABLE 4 – Other Applications**, is deleted in its entirety and replaced with the following:

TABLE 4 – Other Applications	
Column 1	Column 2
1. Board of Variance	\$440
2. Strata Conversion	\$825
3. Liquor & Cannabis Regulation Branch – Liquor License	\$825
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License	\$825
5. Liquor & Cannabis Regulation Branch – Temporary License Change	\$100



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-03
(Hornby LTC Admin Bylaws)

DATE OF MEETING: October 10, 2018
TO: Islands Trust Executive Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Hornby Island Local Trust Committee – Bylaw No. 157 (Fees)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Hornby Island Local Trust Committee Bylaw No. 157, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

The Hornby Island Local Trust Committee has referred Bylaw No. 97 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 consistent with Islands Trust Council Policy 5.6.i (Application Processing Services).

IMPLICATIONS OF RECOMMENDATION

Organizational

Hornby Island LTC Bylaw No. 157 would add fees for the processing of Liquor and Cannabis Regulation Branch (LCRB) license applications.

Financial

Proposed fees are intended to recover costs associated with processing LCRB referrals. LCRB non-medical cannabis retail license applications would be processed in accordance with the LTC standing resolution, which requires a public consultation process.

Policy

Proposed fees are consistent with Islands Trust Council Policy 5.6.i – Application Processing Services.

Implementation/Communications

Communication to Hornby Island Local Trust Committee regarding the Executive Committee decision.

Other

None

PURPOSE

Hornby Island Local Trust Committee Bylaw Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018 157, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, (Attachment 3) is intended to amend the Hornby Island LTC Fees Bylaw to include fees for processing LCRB license applications.

BACKGROUND

Hornby Island Local Trust Committee Bylaw No. 157

Bylaw No. 157 was given three readings by the Hornby Island LTC on September 28, 2018.

Issues Relating To Provincial Interest

The LCRB is the licensing authority for liquor sales and service. Pending the final adoption of the *Cannabis Act*, the LCRB will be the licensing authority for non-medical cannabis retail license applications. LCRB routinely refers applications to local government and, in the case of non-medical cannabis retail license applications, has indicated it will rely on the recommendations of local government in making its decisions.

Issues Relating To First Nations Interests

None

Issues Relating To Resources and Enforcement

Proposed fees are intended to offset both direct and indirect costs of processing applications for LCRB applications.

Public Comments

None

Staff Comments

On August 3, 2018, the LTC endorsed a Standing Resolution for processing non-medical cannabis retail license applications and requested that staff prepare a draft bylaw to amend the Hornby Island LTC Fees Bylaw in order to fees for processing LCRB non-medical cannabis retail license applications.

Staff note that five other LTCs (Gabriola, Thetis, Denman, Hornby, Salt Spring) have initiated fee bylaw amendments for non-medical cannabis retail license applications in the amount of at least \$2,000, mainly to offset the public consultation process associated with processing these types of applications. Proposed Bylaw 157 would also add a fee of \$100 for processing temporary license change applications, which are minor in nature but do require staff resources.

Proposed Bylaw No. 157 is consistent with Islands Trust council Policy 5.6.i, which is intended to distinguish services along a continuum from property tax subsidy to applicant cost responsibility. It provides the parameters for application processing services by which service levels can be distinguished as a basis for preparing the Fees Bylaw and Schedule. The policy directs staff to provide a processing service to applicants in response to

applications primarily funded by fees paid by applicants. While the actual costs of processing an application may be less than or greater than the established fee for that application, the policy directs that application fees be based on the average processing costs for various application types. These costs are calculated as the product of staff labour costs multiplied by processing time, adding to this other direct costs such as mapping expenses, advertising costs, meeting and minute taker costs, and travel costs, and indirect costs such as general administration and overhead.

KEY ISSUES/CONCEPTS

- Fairness
- Fiscal responsibility

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy 5.6.i [Application Processing Services]

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 28, 2018
Concurrence:	David Marlor, MCIP, RPP Director of Planning Services	October 3, 2018

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Proposed Bylaw No. 157



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Hornby Island Local Trust Committee

Bylaw No.: HO-157

Bylaw Type: Fees Bylaw

Date of resolution referring bylaw to Executive Committee: 28-Sep-2018

- ☒ 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

Bylaw: HO-157

Trust Area: Hornby Island Local Trust Committee

Type: Fees Bylaw

Bylaw No.: HO-157

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: Yes

Technical Staff: No

Planner: Yes

First Reading Date: 28-Sep-2018

Bylaw Sent to Referrals: No

Date Proposed Bylaw to Web: 01-Oct-2018

Resolutions:

Resolution Waiving Public Hearing: No

Resolution Authorizing Public Hearing: No

Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: ,

Date:

File complete and ready for Public review: No

Public Hearings:

Location:

Proofread By: ,

Legal Paper:

First Publish Date:

Second Publish Date:

Alternate Paper:

First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:

Date Public Hearing Held:

Second Reading Date: 28-Sep-2018

Third Reading Date: 28-Sep-2018

Executive Committee

Policy Checklist

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

Completed By: Claire Olivier

Status

Date Resolution Referred to Exective Committee: 28-Sep-2018

Reading:

PROPOSED

HORNBY ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 157

A BYLAW TO AMEND THE HORNBY ISLAND LOCAL TRUST COMMITTEE FEES BYLAW, 2007

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

1. Citation

This bylaw may be cited for all purposes as “Hornby Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”.

2. Hornby Island Local Trust Committee Bylaw No. 132, cited as “Hornby Island Local Trust Committee Fees Bylaw, 2007” is amended as shown on Schedule No. 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 28TH DAY OF SEPTEMBER , 2018

READ A SECOND TIME THIS 28TH DAY OF SEPTEMBER , 2018

READ A THIRD TIME THIS 28TH DAY OF SEPTEMBER , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 201X

ADOPTED THIS DAY OF , 201X

Chair

Secretary

HORNBY ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 157
Schedule No. 1

1. **Part 3, Application Fees, Section 3.1, TABLE 4 – Other Applications**, is deleted in its entirety and replaced with the following:

TABLE 4 – Other Applications	
Column 1	Column 2
1. Board of Variance	\$900
2. Strata Conversion	\$1,000
3. Liquor & Cannabis Regulation Branch – Liquor License	\$750
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License	\$2,000
5. Liquor & Cannabis Regulation Branch – Temporary License Change	\$100

The following list indicates the highlights of Trust Council's activities and decisions during its September 18-20 meeting on Keats Island. These highlights are not the official minutes of the Trust Council meeting; Trust Council will adopt those at its November 2018 meeting in Victoria.

Squamish First Nation Welcome

talalsámkin siyám, Chief Bill Williams travelled to Hoakqhus or Chaich-ph, Keats Island along with Trust Council where he welcomed members to Squamish First Nation territory. Chief Williams shared a traditional blessing through song and drumming then addressed Council with history and spoke to meaningful engagement.

Identification of preferred Islands Trust Act Amendments

THAT the Islands Trust write to the Minister requesting amendments to the Islands Trust Act, specifically:

- 1. Allowance for entry warrants by bylaw officers;*
- 2. Development permit area enforcement via municipal ticketing;*
- 3. Adoption of development approval information bylaws by LTCs;*
- 4. Amending the Act to add "First Nations" to the list of those with whom we work "in co-operation;"*
- 5. The ability to delegate to staff the granting of development permits;*
- 6. Seeking clarification of foreshore zoning authority;*
- 7. Broadening of Islands Trust entities under the Local Government Act, relative to s. 294, allowing for "incidental or conducive power;"*
- 8. Ability to provide an affordable housing agreement with a third party and to create a Housing Service.
To amend the motion and add to the list one bullet missing from the report:*
- 9. Include reference to the ecosystem in section 8.2 of the Islands Trust Act.
To amend the motion and add to the list:*
- 10. Enact the ability to charge fees for telecommunication applications.*

Commercial freighter anchorages advocacy throughout the Southern Gulf Islands

That the Islands Trust Council makes the following public statement:

"Islands Trust Council calls upon the federal government to take all measures possible to reduce, and ultimately eliminate, the use of the 33 commercial freighter anchorage sites throughout the Southern Gulf Islands collectively referred to by Transport Canada as the South Coast of British Columbia.

- These anchorage sites were designated without consultation with local First Nations and coastal communities.*
- First Nations Rights and Title have not been adequately addressed when it comes to anchorages and large vessel traffic within their traditional territories as is required under the United Nations Declaration on the Rights of Indigenous Peoples, Article 32.*
- The acoustic disturbance of freighters excessively transiting the endangered Southern Resident Killer Whales' foraging areas is a significant factor in contributing to their extinction.*
- The use of these anchorages has resulted in a significant increase in noise, light, and air pollution; damage to the local marine ecosystems; a threat to local economies and most worrisome, an increased risk of catastrophic bunker-fuel spills."*
- And that it be communicated directly to the Prime Minister, Federal Minister of Transport, Federal Minister of Fisheries and Oceans, Federal Minister of Environment and Climate Change, Coast Guard, Premier of British Columbia, Provincial Minister of Environment and Provincial Minister of Transport.*

Local Planning Services Review

Director Marlor presented a briefing for potential changes to local planning services.

Chair and Executive Committee Correspondence Policy

To amend the draft policy 7.4.2 Chair & Executive Committee Correspondence section 1.8 to include reference to section 1.7. with friendly amendment as follows: in Section 1.8 delete reference to 1.6 and replace with 1.7.

That Islands Trust Council adopt "Policy 7.4.2 Chair & Executive Committee Correspondence" dated September 18, 2018 as further amended, AND amend the motion by adding Executive Committee may consider requests for delegations after the deadline at the discretion of the Chair.

Local Trust Committee (LTC) Agenda Model

That draft policy 4.1.2 Local Trust Committee Meeting Guidelines be amended as follows: in 3.2.1, all material after the word "agenda" be deleted, and the comma be changed to a period and that in Appendix One, the Item "Town Hall" be moved below "Call to Order."

That Islands Trust Council adopt the amended "Policy 4.1.2 Local Trust Committee Meeting Guidelines" that includes a model local trust committee meeting agenda format.

June 30th 2018 Quarterly Financial Report

That the Islands Trust Council approve the June 30, 2018 Quarterly Financial Report as presented.

Amendment to Policy 7.2.6 Municipal Tax Requisition Calculation

To amend Trust Council Policy 7.2.6 Municipal Tax Requisition Calculation so that Amortization Expense is only included in the Municipal Pool in years when amortization is included in the financial plan as an amount that taxes are to be requisitioned for.

Citizens Climate Lobby open letter signatory

That Trust Council sign onto the Citizens' Climate Lobby open letter requesting that the national price on carbon plan for a rising fee be extended to the year 2030.

Trustee Remuneration

Effective April 1, 2019, trustees be remunerated for their participation in the Local Planning, Trust Area and Financial Planning Committees at rate of \$100 per meeting attended for committee members, and \$150 per meeting attended for committee Chairs; and That Trust Council Policy 7.2.1 Trustee Remuneration be amended to reflect this change in remuneration structure; and That staff be directed to bring the draft amendments to Policy 7.2.1 Trustee Remuneration to the next Trust Council meeting for approval of the Policy wording.

Increasing Trust Council time by ½ day for future meetings

That Trust Council recommend that the incoming Trust Council consider modifying the schedule of future Trust Council meetings, to allow for more time to deliberate Council business.

Trust Council Quarterly Meeting Schedule
November 6 - 8, 2018
Parkside Hotel, 810 Humbolt Street, Victoria BC

Tuesday, November 6	Wednesday, November 7	Thursday, November 8
	7:30 Breakfast - City Club Lounge	7:30 Breakfast - City Club Lounge
	8:30 Chair's Welcome Remarks / Introductions	8:30 Budgeting
	9:00 The Big Picture: An Overview of the Islands Trust	9:30 LPS Session
	10:00 Break	10:00 Break
1:00 Victoria Office Open House	10:15 Notice of Elections & Intent for Executive Committee & Trust Fund Board	10:30 Executive Committee & Trust Fund Board Elections & Business / Decision items
1:00 p.m. to 4:00 p.m. #200 - 1627 Fort Street orientation of laptop/technical equipment, sign-up for benefits	10:45 The Big Picture: cont. TAS/LPS/Conservancy/budget	
	12:00 Lunch - City Club Lounge	
	1:15 Council Roundtable - What's Important	12:00 Lunch
5:00 Swearing In Ceremony for Trustees	2:30 LTC roundtables	1:00 EC Meeting - Tentative
Parkside Hotel 810 Humbolt Street 5:00 p.m. to 5:30 p.m.	3:15 Break	
5:30 Reception & Photos 5:30 p.m. - 7:00 p.m.	3:30 Trustee Q and A	
7:00 Dinner - City Club Lounge	4:00 Executive Committee & Trust Fund Board Candidate Presentations and Questions from Trustees	
	5:30 Adjournment	
	Hospitality suite	
	6:30 Dinner- Parkside Hotel - City Club Lounge	

DRAFT

Trust Council Quarterly Meeting Schedule
January 15-16
Nanaimo, Coast Bastion Hotel, 11 Bastion Street

Tuesday, January 15	Wednesday, January 16
7:30 Breakfast	7:30 Breakfast
8:30 Executive Committee Meeting	8:30 Strategic Planning
9:00 Chair's Welcome	10:00 Break
9:10 Standards of Conduct / Conflict of Interest - session 1 Making Fair Decisions	10:15 Strategic Planning - continued
10:00 Break	
10:30 Trust Area Services - session	
11:30 Trust Fund Conservancy - session	
12:30 Lunch	12:00 Lunch
1:30 Standards of Conduct / Conflict of Interest - session 2	1:00 Business Decision Items and Town hall
2:30 Administrative Services	2:00 LTC Session
3:30 Break	3:00 Break
3:45 Local Planning Services - session	3:15
4:45 First Nations	
5:30 Adjournment for the day	5:00 Adjournment
	
5:45 Dinner	5:45 Dinner

DRAFT



File OF-Fac-Oil-T260-2013-03 59
26 September 2018

To: All intervenors in the OH-001-2014 Certificate hearing for the Trans Mountain Expansion Project¹
Trans Mountain Pipeline ULC (regulatory@transmountain.com)
All Indigenous peoples and groups on the Crown Consultation List in the OH-001-2014 Certificate hearing
All interested persons and groups

**Trans Mountain Pipeline ULC (Trans Mountain)
Application for the Trans Mountain Expansion Project (Project)
National Energy Board (Board) reconsideration of aspects of its Recommendation Report (Report) as directed by Order in Council (OIC) P.C. 2018-1177
MH-052-2018**

Application to Participate process; and comment process on the draft List of Issues, the draft Amended Factors and Scope of the Factors for the Environmental Assessment under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), and the design of the hearing process

A. Overview

On 20 September 2018, through [OIC P.C. 2018-1177](#), the Governor in Council (GIC) referred aspects of the Board's [Report](#) for the Project back to the Board for reconsideration (Reconsideration). The GIC's direction follows a 30 August 2018 [decision](#)² of the Federal Court of Appeal that quashed the GIC's approval of the Project. The GIC has imposed a time limit of 155 calendar days for the Reconsideration. Therefore, the Board must complete the Reconsideration process and issue its Reconsideration report no later than **22 February 2019**.

The Board will hold a public hearing in carrying out the Reconsideration. The Chair of the Board has assigned a Panel of three [Board Members](#) (Lyne Mercier – presiding, Alison Scott, and Murray Lytle) to conduct the Reconsideration.

../2

¹ Those remaining in the hearing process at the time that the Board issued its Recommendation Report in May 2016, as listed in Appendix 6 of the Report.

² *Tsleil-Waututh Nation v. Canada (Attorney General)*, 2018 FCA 153.

As detailed in this letter, the Board is now seeking public comments on:

- 1) whether, “on a principled basis,”³ Project-related marine shipping should be included in the “designated project” to be assessed under the [CEAA 2012](#);
- 2) the draft Amended Factors and Scope of the Factors for the Environmental Assessment pursuant to the CEAA 2012 (Appendix 1), and the draft List of Issues to be considered in the Reconsideration hearing (Appendix 2); and
- 3) the design of the hearing process to be used for the Reconsideration;
- 4) which government departments or bodies that the Board should require information from during the hearing.

Directions on how to file comments with the Board on the above matters are provided in Part G below.

This letter also provides background and guidance on how those interested in participating in the hearing as an intervenor can apply or register to do so.

The deadline for filing all comments, and for applying or registering to participate, is 3 October 2018.

Once the Board has considered the filed comments and Application to Participate (ATP) forms, it will:

- release a Hearing Order setting out the hearing process that will be followed;
- confirm the Amended Factors and Scope of the Factors for the Environmental Assessment pursuant to the CEAA 2012, and the List of Issues for the Reconsideration hearing; and
- announce the intervenors that will be participating in the hearing.

In determining the Amended Factors and Scope of the Factors for the Environmental Assessment pursuant to the CEAA 2012 and the List of Issues for the Reconsideration hearing, in addition to considering the comments received, the Board will be guided by the GIC’s direction, the Federal Court of Appeal’s decision, and relevant provisions of the CEAA 2012 and the *National Energy Board Act* (NEB Act).

B. Background

On 19 May 2016, the Board issued its Report for the Project, which recommended that the GIC approve the Project.

On 29 November 2016, the GIC accepted the Board’s recommendation and issued OIC P.C. 2016-1069. That OIC directed the Board to issue a certificate of public convenience and necessity approving the construction and operation of the Project, subject to the conditions recommended by the Board, which the Board did on 1 December 2016 ([Certificate OC-064](#)).

³ *Tsleil-Waututh Nation v. Canada (Attorney General)*, *supra* note 2 at para. 770.

On 30 August 2018, the Federal Court of Appeal overturned the GIC's approval of the Project, in part because, in the Court's view, the Board unjustifiably excluded Project-related marine shipping from the definition of the "designated project" under the CEAA 2012. The Court noted that this resulted in successive deficiencies, including limiting the Board's consideration of mitigation measures and of section 79 of the [*Species at Risk Act*](#) (SARA). The Court noted that the Board had considered Project-related marine shipping under the NEB Act, and that this was adequate for the purposes of informing the GIC of the effects of Project-related marine shipping on Southern resident killer whales and their use by Indigenous groups, as well as of the significance of these effects.

The Federal Court of Appeal quashed OIC 2016-1069, rendering Certificate OC-064 a nullity. The Court stated that the issue of Project approval should be remitted to the GIC for redetermination, and, in that redetermination, the GIC must refer the Board's recommendations and its terms and conditions back to the Board for reconsideration. At paragraph 770 of its judgment, the Court stated:

Specifically, the Board ought to reconsider on a principled basis whether Project-related shipping is incidental to the Project, the application of section 79 of the [SARA] to Project-related shipping, the Board's environmental assessment of the Project in the light of the Project's definition, the Board's recommendation under subsection 29(1) of the [CEAA 2012] and any other matter the [GIC] should consider appropriate.

In OIC 2018-1177 dated 20 September 2018, the GIC, on the recommendation of the Minister of Natural Resources, pursuant to section 53 of the NEB Act and section 30 of the CEAA 2012:

- a) refers back to the National Energy Board for reconsideration the recommendations and all terms or conditions set out in its May 19, 2016 report entitled *Trans Mountain Expansion Project OH-001-2014* that are relevant to addressing the issues specified by the Federal Court of Appeal in paragraph 770 of *Tsleil-Waututh Nation v. Canada (Attorney General)* (2018 FCA 153), including conditions 91, 131 to 134, 144 and 151;
- b) directs that the Board conduct the reconsideration taking into account the following factors:
 - i) the environmental effects of Project-related marine shipping in view of the requirements of the *Canadian Environmental Assessment Act, 2012*, and
 - ii) the adverse effects of Project-related maritime shipping on species at risk, including the Northeast Pacific southern resident killer whale population, and their critical habitat, in view of any requirements of section 79 of the *Species at Risk Act* that may apply to the Project; and
- c) directs that the Board complete its reconsideration within 155 calendar days after the day on which this Order is made."

C. Including Project-related marine shipping as part of the “designated project” under the CEAA 2012

The Board invites public comments on whether, on a principled basis, Project-related marine shipping should be part of the “designated project” under the CEAA 2012, and the rationale for why or why not. More specifically, comments should address whether Project-related marine shipping is “incidental” to Project physical activities, as that term is used in the definition of “designated project” in subsection 2(1) of the CEAA 2012.

The Board is also seeking comments on a draft Amended Factors and Scope of the Factors for the Environmental Assessment pursuant to the CEAA 2012 (Appendix 1), which reflects a scenario where the Board determines that Project-related marine shipping is part of the “designated project” under the CEAA 2012.

D. Government departments or bodies that the Board should require information from during the hearing

Pursuant to paragraph 20(a) of the CEAA 2012, the Board intends to request specialist or expert information or knowledge from each of Fisheries and Oceans Canada, Environment and Climate Change Canada, and Transport Canada in relation to the Reconsideration.

The Board is seeking comments about which other government departments or bodies, if any, that the Board should require information from during the hearing.

E. Draft List of Issues for the Reconsideration hearing

The Board invites public comments on the appropriate List of Issues to be considered in the Reconsideration hearing. A draft List of Issues for the Reconsideration hearing is provided in Appendix 2.

F. Hearing process design

The Board invites public comments on the design of the hearing process that it should use to carry out its Reconsideration. Comments regarding the hearing process design should include a description of the hearing steps that are appropriate, the timing of these steps, and whether they should be written or oral.

Comments must take into account the **time limit and the limited focus** of the Reconsideration process, and that a portion of the time will be required by the Board to collect and consider comments in determining its hearing process and focus, and to prepare its Reconsideration Report. The Board’s hearing process will be, in accordance with subsection 11(4) of the NEB Act, carried out as expeditiously as the circumstances and considerations of fairness permit, but, in any case, within the time limit imposed by the GIC.

Given what will be an expedited hearing process, **all Parties, including individuals, groups and government departments and bodies, that intend to participate as intervenors, are strongly encouraged to start preparing any additional evidence immediately, based on the draft List of Issues for the Reconsideration hearing.** The Board intends for the entirety of the record filed in the OH-001-2014 Certificate hearing to be included as part of its record for the Reconsideration. **Parties will not be required to re-file or re-test evidence that was filed during the OH-001-2014 Certificate hearing.**

G. How to file comments

The deadline for filing all comments pertaining to Parts C to E above is 3 October 2018.

Comments can be filed online using the Board's [e-filing tool](#) (when asked to choose a project name, choose "Trans Mountain Expansion Project – Reconsideration – MH-052-2018").

All filings must refer to **Hearing Order MH-052-2018** and **File OF-Fac-Oil-T260-2013-03 59**, and be addressed to:

Ms. Sheri Young
Secretary of the Board
National Energy Board
Suite 210, 517 Tenth Avenue SW
Calgary, AB T2R 0A8
Facsimile 403-292-5503 (toll-free 1-877-288-8803)

Alternatively, comments may be mailed or faxed to the Board using the contact information above. **The Board does not accept filings by email.**

Anyone filing comments with the Board should also provide a copy to Trans Mountain at regulatory@transmountain.com.

All comments received, and any future filings related to this Reconsideration hearing, will be found in the Board's online [public registry](#).

H. How to apply or register to participate in the Reconsideration hearing

The Board's Reconsideration hearing will involve:

- the participation of **intervenors**, which typically may file and challenge relevant evidence and submit final argument; and
- gathering **letters of comment from the public** – related to the final List of Issues for the Reconsideration Hearing or the Amended Factors and Scope of the Factors for the Environmental Assessment pursuant to the CEAA 2012 – by a deadline to be set by the Board at a later time.

Only those seeking to participate as an **intervenor** in this hearing are required to file an ATP form. Anyone wanting to file a letter of comment by this future deadline does **not** need to file an ATP form.

Intervenors in the OH-001-2014 Certificate hearing

Intervenors in the OH-001-2014 Certificate hearing at the time that the Board issued its Recommendation Report are **guaranteed intervenor status** in this Reconsideration hearing, should they choose to participate. These intervenors must file an ATP form as a means of "registering" only, though a number of the steps can be skipped.

The purpose of this registration process for these intervenors is to ensure that the Board and Parties to the hearing have their current contact information for the purpose of serving documents.

In the case of a **group** that was granted intervenor status during the OH-001-2014 Certificate hearing, the Board notes that intervenor status was tied to the **group** that participated; **not** to the representative(s) of that group. In other words, **only the group is guaranteed intervenor status** in this Reconsideration hearing. Any individual that represented a group and who wants to participate on his/her own as an individual must file an ATP form for the Board's consideration and decision.

Other interested persons or groups seeking intervenor status

Any other member of the public (individuals or groups) may apply to participate in this Reconsideration hearing as an intervenor. The Board will assess all filed ATP forms and decide who will be allowed to participate as an **intervenor**. Intervenor status will be granted to those who, in the Board's opinion, are directly affected or have relevant information or expertise. Applicants must demonstrate how they meet this criteria as they relate to the draft List of Issues for the Reconsideration hearing.

Those not granted intervenor status – as well as any other interested person or group – will be able to file a letter of comment by a deadline to be set by the Board at a later time.

How to file an ATP form

The ATP form for this Reconsideration hearing can be found on the Board's [website](#).

If you require a hard copy of the ATP form, please contact a Process Advisor (see Part J below).

I. Participant funding

Participant funding is available to facilitate eligible intervenors' participation in this hearing. A simplified funding process will be used for this hearing to reduce administrative burden. Eligible groups may request up to \$80,000, and individuals up to \$12,000.

For information about participant funding and eligible costs, please visit www.neb-one.gc.ca/pfp or contact a Participant Funding Program Coordinator at 1-800-899-1265.

The Participant Funding Request Form is found at the link above, and also attached to this letter as Appendix 3.

J. Where to find additional information

As information becomes available or is released regarding the Reconsideration hearing, the Board's will update its Project [webpage](#).

If you require additional information about this letter, including information on how to file an ATP form or comments, please contact a Process Advisor by phone at 1-800-899-1265 (toll-free) or by email at TMX.ProcessHelp@neb-one.gc.ca.

Trans Mountain is directed to serve this letter on its list of interested parties.

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Attachments

Appendix 1

Draft Amended Factors and Scope of the Factors for the Environmental Assessment pursuant to the *Canadian Environmental Assessment Act, 2012*⁴

1.0 INTRODUCTION

On 16 December 2013, Trans Mountain Pipeline ULC (Trans Mountain) filed an application with the National Energy Board (Board or NEB) proposing to construct and operate the Trans Mountain Expansion Project (Project). As the Project would require more than 40 kilometres of new pipeline and would be regulated under the *National Energy Board Act* (NEB Act), it is a designated project under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and requires a CEAA 2012 environmental assessment for which the NEB is the Responsible Authority. On 20 September 2018, through [OIC P.C. 2018-1177](#), the Governor in Council (GIC) referred aspects of the Board's [Report](#) for the Project back to the Board for reconsideration.

For the purposes of the environmental assessment under the CEAA 2012, the designated project includes the various components and physical activities as described by Trans Mountain in its 16 December 2013 application submitted to the NEB. The Board determined that Project-related marine shipping between the Westridge Marine Terminal and the 12-nautical-mile territorial sea limit is also part of the “designated project” under the CEAA 2012. ~~The Board has determined that the potential environmental and socio-economic effects of increased marine shipping activities to and from the Westridge Marine Terminal that would result from the designated project, including the potential effects of accidents or malfunctions that may occur, will be considered under the NEB Act (see the NEB's Letter of 10 September 2013 for filing requirements specific to these marine shipping activities). To the extent that there is potential for environmental effects of the designated project to interact with the effects of the marine shipping, the Board will consider those effects under the cumulative effects portion of the CEAA 2012 environmental assessment.~~

As noted in the List of Issues (attached to Hearing Order [OH-001-2014](#)), the Board does not intend to consider the environmental and socio-economic effects associated with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline.

In accordance with paragraph 79(2)(b) of the CEAA 2012, the following provides a description of the factors to be taken into account in the environmental assessment under the CEAA 2012 and of the scope of those factors.

⁴ Deletions from the original Scope of Factors are shown with in ~~black strikethrough~~ text, while draft additions are shown in red underlined text. While this document indicates that Project-related marine shipping is part of the designated project on a draft basis, the Board will consider comments on this issue.

2.0 FACTORS AND SCOPE OF THE FACTORS

2.1 Factors to be considered

The CEAA 2012 environmental assessment for the designated project will take into account the factors described in paragraphs 19(1)(a) through (h) of the CEAA 2012:

- (a) the environmental effects⁵ of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;
- (b) the significance of the effects referred to in paragraph (a);
- (c) comments from the public or any interested party received in accordance with the CEAA 2012;
- (d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;
- (e) the requirements of the follow-up program in respect of the designated project;
- (f) the purpose of the designated project;
- (g) alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means; and
- (h) any change to the designated project that may be caused by the environment.

In addition, the environmental assessment will also consider community knowledge and Aboriginal traditional knowledge.

2.2 Scope of the factors to be considered

The environmental assessment will consider the potential effects of the designated project within spatial and temporal boundaries within which the designated project may potentially interact with and have an effect on components of the environment. These boundaries will vary with the issues and factors considered, and will include, but not be limited to:

- construction, operation and maintenance, foreseeable changes, and site reclamation, as well as any other undertakings proposed by the proponent or that are likely to be carried out in relation to the physical works proposed by the proponent, including mitigation and habitat replacement measures;
- seasonal or other natural variations of a population or ecological component;
- any sensitive life cycle phases of species (e.g., wildlife, vegetation) in relation to the timing of Project activities;

⁵ Section 5 of the CEAA 2012 further describes the environmental effects that are to be taken into account.

- the time required for an effect to become evident;
- the area within which a population or ecological component functions; and
- the area affected by the Project.

Any works and activities associated with additional modifications or associated with the decommissioning or abandonment phase of the Project would be subject to a future application under the NEB Act and assessed in detail at that time. Therefore, at this time, any works or activities associated with these phases of the Project will be examined in a broad context only. As indicated above, the environmental assessment will consider cumulative environmental effects that are likely to result from the designated project in combination with effects from other physical activities that have been or will be carried out.

Subsection 2(1) of the CEAA 2012 provides definitions potentially relevant to the scope of the factors, including:

“environment” which means the components of the Earth, including

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in paragraphs (a) and (b);

and

“mitigation measures” which means measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means.

Appendix 2

Draft List of Issues for the Reconsideration Hearing

The Board's Reconsideration hearing will consider any necessary changes or additions to its May 2016 Report, in light of the inclusion of Project-related marine shipping in the "designated project" under the CEAA 2012. This includes issues related to factors described in paragraphs 19(1)(a) through (h) of the CEAA 2012 and to section 79 of the SARA:

- 1) The environmental effects of Project-related marine shipping, including adverse effects on species at risk, and the significance of those effects.
- 2) Measures that are technically and economically feasible, and that would mitigate any significant adverse environmental effects of Project-related marine shipping. *Given that the Board found four significant adverse effects related to Project-related marine shipping in its original assessment⁶ (i.e., greenhouse gas emissions, Southern resident killer whale, traditional Aboriginal use associated with Southern resident killer whale, and the potential effects of a large or credible worst-case spill), the consideration of mitigation measures will focus on these four matters. This will include consideration of whether the mitigation measures will change the Board's previous significance findings.*
- 3) Alternative means for carrying out Project-related marine shipping that are technically and economically feasible, and the environmental effects of such alternative means.⁷
- 4) Requirements of any follow-up program in respect of Project-related marine shipping.
- 5) Measures to avoid or lessen the adverse effects of Project-related marine shipping on SARA-listed wildlife species and their critical habitat, including monitoring, and consideration of how the undertaking of such measures could be ensured. *The Board's original assessment identified the SARA-listed marine fish, marine mammal, and marine bird species that could be found in the area of, or affected by, Project-related marine shipping,⁸ providing a focus for this issue. Any marine species that have been newly listed, or any species that have seen a change to their designation, since the issuance of the Board's Report and that could be affected by Project-related marine shipping would also require consideration under the SARA.*
- 6) Whether there should be any changes or additions to the Board's recommendations for the Project, or recommended terms or conditions, in light of the above issues.

⁶ See the Board's Report at pages 337, 350-351, 363, 378, and 397-398.

⁷ For greater clarification, the Board does not intend to reconsider alternate locations for the Westridge Marine Terminal as this was previously considered.

⁸ See the Board's Report at pages 338, 341, and 352.

The consideration of the above issues will be limited to Project-related marine shipping between the Westridge Marine Terminal to the 12-nautical-mile territorial sea limit.

The Board is of the view that certain issues described above, in particular Issue #1, were thoroughly canvassed in the OH-001-2014 Certificate hearing and may not require additional evidence. The Board is particularly interested in new, additional evidence (including comments from the public, community knowledge, and Indigenous traditional knowledge) on Issues #s 2 to 5.

Appendix 3 Participant Funding Request Form

MH-052-2018 – Participant Funding Request Form

The National Energy Board (NEB) administers a Participant Funding Program (PFP) independently of the hearing process. Funding is available for eligible intervenors, including Indigenous groups, individuals with a direct local interest, as well as non-industry not-for-profit groups. A simplified funding process has been approved for this hearing to reduce administrative burden. Eligible groups may request up to \$80,000, and individuals up to \$12,000, to participate in this hearing. For more information about the PFP and reimbursement of eligible costs, go to www.neb-one.gc.ca/pfp or contact a PFP Coordinator at 1-800-899-1265.

If you want to request funding, please return a completed form **on or before [ATP Deadline]** to the PFP by email pfppafp@neb-one.gc.ca or by fax 1-877-288-8803.

1. Funding Applicant

Legal name of entity or individual applying for funding

CRA Business # or Band #

Address 1 [apt.; street; city]

Address 2 [province; postal code, zip code; country]

Phone

Fax

Website

2. Funding requested

Please specify the amount of funding you are requesting: \$

Eligible groups may request up to \$80,000, and individuals up to \$12,000.

3. Primary contact for funding

Name and title of person the PFP will contact about funding

Phone

Fax

Email

4. Signing authority for funding

Name and title of person authorized by the applicant to sign funding agreement

Phone

Fax

Email

Important

Once a complete form is received, PFP staff will send you a contribution agreement to be signed. Once signed by both parties, the information provided will be used to administer funding in accordance with the NEB's PFP program, including public disclosure of the award. PFP is a reimbursement-based program, you must submit claims for eligible expenses incurred in order to receive payment.

Privacy notice statement

Your personal information is being collected to process your request to the PFP pursuant to the *National Energy Board Act*. Providing this information is voluntary however, missing information may affect our ability to communicate with you and assess your application. Your personal information will be protected in accordance with the *Privacy Act*. You have the right to access and correct any of your personal information held by the NEB. For more details contact the NEB's Access to Information and Privacy Coordinator at DLATIPCoordinator@neb-one.gc.ca and cite Personal Information Bank NEB PPU 025.



BRIEFING

To:	Executive Committee	For the Meeting of:	October 10, 2018
From:	David Marlor, DLPS	Date Prepared:	October 3, 2018
SUBJECT:	Council Committee Systems Policy Amendments		

PURPOSE:

To correct a problem caused by a discrepancy between the Trust Council Meeting Procedures Bylaw 101 and the “2.3.1 Council Committee Systems Policy.”

BACKGROUND:

Trust Council Bylaw 101, Meeting Procedures Bylaw applies to Trust Council, the Executive Committee and Council committees (Financial Planning Committee, Local Planning Committee and Trust Programs Committee). The bylaw establishes the number of members to form a quorum and procedures to follow if there is not a quorum. The Meeting Procedures Bylaw establishes a quorum as a majority of members (which is half plus 1), and in the event that a quorum has not formed within a timeframe from the start of the meeting, that the meeting must be cancelled.

The Council Committee Systems policy establishes a quorum of half of the members. In the event that a quorum is not achieved, the Policy states that the meeting may proceed, but decisions must be ratified at a subsequent meeting. This creates a problem because one reading the Council Committee policy would believe that a quorum is half the members, and if there is no quorum that the meeting could continue, potentially causing a meeting to be held contrary to the meeting procedures bylaw.

In the event of a discrepancy between a policy and a bylaw, the bylaw would prevail.

Attached is a proposed Request for Decision (RFD) and draft amendments to the Council Committee Systems Policy to eliminate this discrepancy. Staff is recommending that reference in the Council Committee Systems Policy be removed and replaced with a reference to the Trust Council Meeting Procedures Bylaw. This policy amendment could go to November or January Trust Council for approval.

ATTACHMENT(S):

1. RFD to Trust Council “Amendment of Trust Council Policy 2.3.1 Council Committee Systems
2. Amended Policy 2.3.1 Council Committee Systems

FOLLOW-UP:

As directed by Executive Committee

Prepared By: David Marlor, Director, Local Planning Services/Oct 3, 2018

Reviewed By/Date:

REQUEST FOR DECISION

To: Trust Council

For the Meeting of: Select Date

From: David Marlor, Director,
Local Planning Services

Date Prepared: Select Date

SUBJECT: Amendment of Trust Council Policy 2.3.1 Council Committee System

RECOMMENDATION: That Trust Council adopt amended “Policy 2.3.1 Council Committee System”.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: This amendment addresses an inconsistency in relation to quorums between the Trust Council Meeting Procedures Bylaw and Policy 2.3.1 Council Committee Systems.

1 PURPOSE:

To bring the Council Committee System policy in line with the Trust Council Meeting Procedures Bylaw and remove redundancies.

2 BACKGROUND:

Staff has identified an inconsistency between the Trust Council Meeting Procedures Bylaw and Policy 2.3.1 Council Committee Systems in relation to Quorum. To correct this, staff propose to amend Policy 2.3.1 by deleting subsections 8.1, 8.2 and 8.3 that are in conflict with the Trust Council meeting procedures bylaw, and replacing with a statement that Trust Council meeting procedures bylaw applies to Council Committees.

The meeting procedures bylaw applies to Trust Council, Executive Committee and Council Committees. The bylaw defines a quorum as a majority, which is interpreted to be half the voting members plus one. The Meeting Procedures Bylaws further states that if there is no quorum, the meeting cannot take place and must be rescheduled.

Trust Council Policy 2.3.1 Council Committee System states:

8.3 A quorum of any committee shall be comprised of 50% of the current membership appointments. Meetings may be conducted without a quorum, however, resolutions must be ratified at the committee's next meeting.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

The amendments proposed to Policy 2.3.1 would bring it in line with the provisions of the *Interpretation Act* and the provisions in the Trust Council Procedures Bylaw. As a result all Trust Council Committees, Trust Council and EC quorum will be a majority (half of membership plus 1).

FINANCIAL: N/A

POLICY:

S. 18(2) of the *Interpretation Act* provides in relevant part:

"If an enactment establishes a board, commission or other body consisting of 3 or more members the following rules apply:

(a) If the number of members [of the body] provided for by the enactment is a fixed number, at least 1/2 of that number of members constitutes a quorum at a meeting [of the body]."

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS: N/A

OTHER:

4 RELEVANT POLICY(S):

5 ATTACHMENT(S): 2.3.1 Council Committee System

RESPONSE OPTIONS

Recommendation: That Trust Council adopt amended "Policy 2.3.1 Council Committee System".

Alternative: That Trust Council not amendment Policy 2.3.1 – this would continue to create confusion between the Policy and the Meeting Procedures Bylaw

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Carmen Thiel, Legislative Services Manager, October 3, 2018

Reviewed By/Date: Executive Committee, October 10, 2018



Policy:	2.3.1
Approved By:	Trust Council
Approval Date:	March 6, 1998
Amendment Date(s):	September 11, 2008; March 14, 2018; November 7, 2018
Policy Holder:	Chief Administrative Officer

COUNCIL COMMITTEE SYSTEM

Purpose

1. A Council Committee System is adopted by Trust Council comprised of three Council Committees and the Executive Committee (see Attachment 1):
 - 1.1 Local Planning
 - 1.2 Financial Planning
 - 1.3 Trust Programs

A. Background

This Policy outlines general Terms of Reference (Section B: 1-9) applicable to all committees, the general role of all committees (Section B: 10) and an overview of committee-specific functions which are detailed further in each Council Committee's specific terms of reference.

B. Policy

1. Membership

- 1.1 Committee membership includes trustees (including members of a local trust committee who are not members of Trust Council) who have been appointed by the Council Chair. One Executive Committee member will be assigned by the Council Chair to each committee. The Financial Planning Committee is comprised of all members of the Executive Committee, the Chair (or designate) of other Council Committees, a member chosen by the Trust Fund Board and three (3) other locally-elected or municipal trustees.
- 1.2 By the second Trust Council meeting following the quadrennial trustee elections or as required, the Chair of Trust Council will recommend Council Committee member appointments for ratification by Trust Council, based on an indication of interest by trustees and on Trust Area-wide considerations.
- 1.3 The Trust Council Chair is an ex-officio member of the Trust Programs Committee and Local Planning Committee.

2. Committee Chair

- 2.1 Committee members shall elect the Committee Chair and Vice-Chair as required.
- 2.2 The Council Chair may appoint an interim Council Committee Chair when required.
- 2.3 The Committee Chair will normally chair the committee meeting. However, the Chair may designate the Vice-Chair to act as Chair. In the absence of the Chair and Vice-Chair, the committee shall choose a committee member to act as Chair of the meeting.

3. Available Resources

- 3.1 Each committee, with the assistance of its management support, is responsible to conduct its activities within its assigned budget accounts.
- 3.2 A committee resolution is required to expend monies from the committee's assigned committee projects account.

4. Staff Support

- 4.1 Staff's primary function to a committee is to act in a support/advisory role and as such a committee may make requests of staff.
- 4.2 It is the Chief Administrative Officer's (CAO) role to manage and direct staff support to the committees and concerns in this regard should be communicated by the Committee Chair to the CAO. Unresolved matters by the aforementioned means shall be dealt with by the Executive Committee.

5. Meetings

- 5.1 The number of committee meetings per year is four and any further meetings must be planned within the approved committee's meeting expense account.
- 5.2 Changes to the Master Meeting Schedule of regularly scheduled committee meetings must be requested through the Executive Coordinator.
- 5.3 Committee meetings during the Trust Council quarterly meetings are to be avoided.

6. Agenda/Minutes Preparation

- 6.1 Committee meeting agendas will be prepared by the designated staff in consultation with the Chair.
- 6.2 The agenda will be distributed to committee members, the Trust Council Chair and the CAO at least 10 days before the meeting.

- 6.3 The agenda shall be determined as follows:
 - 6.3.1 Additional items may be placed on the agenda by agreement of a majority of the committee members present at the meeting.
 - 6.3.2 The agenda shall be approved as the first item of business.
 - 6.3.3 The agenda should include:
 - 6.3.3.1 Approval of previous meeting minutes
 - 6.3.3.2 Follow-Up Action List (FUAL)
 - 6.3.3.3 Council referral items
- 6.4 Minutes should be kept in a standard format and include: those present and absent, numerically sequenced resolutions, status of resolutions, disposition of agenda items and specific matters requested by a member attending. It is not intended that minutes are to be a recording of everything that is said at a meeting but rather a listing of key points relative to agenda items and resolutions.
- 6.5 Each committee is required to maintain a FUAL using the Trust's standardized format.
- 6.6 The FUAL is to be distributed to all committee members, the designated staff member, the Council Chair and the CAO within seven days of the committee meeting.
- 6.7 Minutes are approved at the next meeting and approved minutes signed by the Recorder shall be distributed to all committee members, CAO and Executive Committee within three days of the committee's approval of the minutes.

7. Council/Committee Relationship

- 7.1 Each committee shall maintain a work program - which must include:
 - 7.1.1 Items referred to the committee from Council (dated).
 - 7.1.2 New initiatives, ideas and issues identified by the committee.
 - 7.1.3 The top three (3) Priorities/Strategies that it is working on, as approved by Trust Council, which must include any of Trust Council's priorities that it has been assigned.
- 7.2 Each committee shall review and prioritize items within its work program, each Trust Council item referred to it, and shall report to Trust Council at the next quarterly Trust Council meeting on such items.
- 7.3 Committees are required to submit a Highlights Report to the Executive Coordinator, to be presented by the committee Chair (or designated committee member), in time for the Trust Council agenda package preparation deadline.

- 7.4 All committee proposals and/or recommendations shall be referred to the Executive Committee to be placed on the Trust Council agenda. These must be submitted for the Executive Committee's last meeting prior to when the Trust Council agenda package is distributed to trustees.
- 7.5 The Chair (or designate) may request an opportunity to directly present committee matters to the Executive Committee.
- 7.6 It is the role of the Executive Committee member to ensure inter-committee liaison on relevant information, referrals, status on Council priorities/strategies, and to keep the Executive Committee apprised of the council committee's directions and activities and vice-versa.

8. Rules of Conduct/Voting

8.1 The Trust Council Meeting Procedures Bylaw applies to Council Committees.

~~Unless otherwise provided or agreed to by members, the Trust issued edition of *Robert's Rules of Order* shall apply.~~

~~8.2 Unless otherwise provided or agreed to by members, voting shall be by a show of hands.~~

~~8.3 A quorum of any committee shall be comprised of 50% of the current membership appointments. Meetings may be conducted without a quorum, however, resolutions must be ratified at the committee's next meeting.~~

8.48.2 The Executive Committee member designate (excluding the Council Chair) shall have the full voting privileges of a committee member.

9. Liaison

- 9.1 Liaison with provincial, federal and local government politicians shall be requested by the committee Chair to the Trust Council Chair (or CAO) so that the Trust's political liaison can be coordinated. The committee is expected to provide an outline regarding the purpose of the meeting, a proposed discussion strategy and recommended Trust representation.
- 9.2 Liaison with provincial, federal and local government staff shall be requested by the staff liaison member (in consultation with CAO when liaison is required with senior staff). It is expected that trustees, for the purpose of committee business, would meet other government staff with an Islands Trust staff member.
- 9.3 Liaison with the media shall be coordinated through the CAO and the Trust Council Chair who in turn may refer specific inquiries to the committee Chair.

10. General Role

- 10.1 To provide policy advice to Council in response to Council's referrals, committee initiatives and external requests of the Trust.
- 10.2 To provide feedback to staff on matters going to Trust Council.
- 10.3 To implement and maintain a committee-specific work program.
- 10.4 To make recommendations to Trust Council on inter-agency liaison or protocol initiatives.
- 10.5 To create sub-committees (or task forces) which may be comprised of trustees, staff or external persons as required for a specific duration to examine a particular committee matter upon approval by Trust Council.
- 10.6 To provide input and feedback to the annual budget process.
- 10.7 To provide input to Trust Council's organizational strategic planning process.

C. Legislated References

Policy and Procedures Manual:

Local Planning Committee (LPC): Terms of Reference (2.3.2)

Financial Planning Committee (FPC): Terms of Reference (2.3.3)

Trust Programs Committee (TPC): Terms of Reference (2.3.4)

Current Council Committee Members List

D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

ATTACHMENTS:

- 1. Attachment 1: Committee-Specific Functions

Attachment 1: COMMITTEE-SPECIFIC FUNCTIONS

LOCAL PLANNING COMMITTEE (LPC)	TRUST PROGRAMS COMMITTEE (TPC)
1. Growth Management Tools 2. Community Planning Tools 3. Development Management Tools 4. Local Planning Service Delivery	1. Environmental Policy 2. Research and Information Systems Program 3. Sustainable Communities Policy 4. Trust Area Program Initiatives
FINANCIAL PLANNING COMMITTEE (FPC)	EXECUTIVE COMMITTEE (EC)
1. Annual Budget 2. Long Term Financial Planning 3. Fiscal Controls 4. Annual Audit	1. Bylaw Approval 2. Policy Agenda Coordination 3. Legislation Agenda 4. Communications Agency Liaison 5. Chief Administrative Officer Liaison 6. Trust Council Business 7. Strategic Direction

Office of the
Prime Minister



Cabinet du
Premier ministre

Ottawa, Canada K1A 0A2

September 20, 2018

Mr. Bill Watson
and Co-signatories
Unit 200
1627 Fort Street
Victoria, British Columbia
V8R 1H8

Dear Mr. Watson and Co-signatories:

On behalf of Prime Minister Justin Trudeau, I would like to acknowledge receipt of your correspondence of September 5, 2018, regarding the Trans Mountain Expansion Project.

Please be assured that your comments, offered on behalf of the Councils of Islands Trust and San Juan County, have been carefully reviewed. As you may know, the issue you raise falls more directly under the purview of the Honourable Amarjeet Sohi, Minister of Natural Resources. I have therefore taken the liberty of forwarding a copy of your correspondence to Minister Sohi for his information and consideration. I am certain that he will appreciate being made aware of your concerns.

Thank you for writing to the Prime Minister.

Yours sincerely,

R. Olshansky
Executive Correspondence Officer



Canada

From: Vespaziani, Leni [mailto:lenives@mail.ubc.ca]
Sent: Saturday, September 29, 2018 10:46 AM
To: Clare Frater
Subject: RE: Invitation to Attend: MIDOSS Workshop on October 19th, 2018

Hi Clare,

Thank you for your message, we are hoping to have the majority of the attendees in before October 5th. We are hoping to have a representative from the Islands Trust, so perhaps you can confirm whether you will have an Islands Trust representative, then at your October 10th meeting you can decide which individual would be best to attend on behalf of your team.

For this first workshop, we are trying to keep it smaller (approx. 10 attendees) so as to get more of a more in-depth discussion with a core group of participants, as well as a spectrum of different organizations in the room. For this reason, I would suggest having only one representative from Islands Trust attend the workshop. However, we will be having future workshops and meetings that will be larger, and your colleagues would be very welcome to attend these future workshops, or we could come out to them at a suitable point.

Please let me know if this answers your questions,

Have a great weekend!

Leni Vespaziani
Master's Student, Research Assistant
School of Community and Regional Planning | University of British Columbia
tel: 647-336-8325
lenives@mail.ubc.ca | leni.vespaziani@gmail.com

From: Clare Frater [cfrater@islandstrust.bc.ca]
Sent: September-27-18 12:54 PM
To: Vespaziani, Leni
Cc: Lori Foster
Subject: FW: Invitation to Attend: MIDOSS Workshop on October 19th, 2018

Hello Leni,

Our Planner Seth Wright forwarded your invitation to me. I'd like to add it to our October 10 Executive Committee agenda for consideration. Is there a registration deadline?

Clare Frater
Director, Trust Area Services
Islands Trust
250-405-5192

From: Vespaziani, Leni [mailto:lenives@mail.ubc.ca]
Sent: September-26-18 1:02 PM
To: Seth Wright
Subject: Invitation to Attend: MIDOSS Workshop on October 19th, 2018

Dear Seth Wright,

I am writing to invite you to a workshop being convened by our research project on “Model of Impact of Dilbit and Oil Spills in the Salish Sea (MIDOSS).” MIDOSS is a collaboration between researchers at the University of British Columbia and Dalhousie University (see attached overview), and is funded by the MEOPAR Network of Centres of Excellence (www.meopar.ca) and Ocean Networks Canada. The project seeks to improve scientific knowledge and tools to support evidence-based planning for marine oil spills.

The MIDOSS team would like to invite you to the workshop on October 19th from 9am to 12pm at UBC Robson Square in downtown Vancouver. We will be providing complimentary lunch immediately following the workshop for those who would like to stay for it.

At the workshop, we aim to inform you and other key stakeholders about MIDOSS, to have provide background information on oil spill preparedness in BC, and to gather input on your organization's informational needs. This input will help us determine how the MIDOSS project can best help organizations in this region understand and address the risk of marine oil spills. The workshop will include presentations from a panel of experts from the Canadian Coast Guard, Transport Canada, and Western Canada Marine Response Corporation.

I invite you to fill out the google form below if you are interested in participating in the MIDOSS workshop, and if you are unable to make it or feel that another member of your organization would be more appropriate to attend, please let me know by replying to this email. I have attached a consent form for you to look over and sign if you choose to attend, and please note that we will have hard copies of the consent form for you to sign at the workshop.

Event Registration: <https://goo.gl/forms/Fs3rFH4vzyuckaTy1>

We look forward to hearing back from you.

Regards,

Leni Vespaziani, MCRP student
on behalf of Prof. Stephanie Chang (co-Principal Investigator) and the rest of the MIDOSS team



OCEANS PROTECTION PLAN PLAN DE PROTECTION DES OCÉANS

Good Day,

On behalf of Transport Canada, Fisheries and Oceans Canada, Canadian Coast Guard, and Environment and Climate Change Canada, I am pleased to invite you to participate in our third round of [Oceans Protection Plan \(OPP\)](#) Pacific Dialogue Forums. These Forums will be an ongoing opportunity to engage on specific OPP initiatives

The Oceans Protection Plan is the largest investment ever made to protect Canada's coasts and waterways. This [national strategy](#) will help establish a world-leading marine safety system that provides economic opportunities for Canadians today, while protecting our coastlines for generations to come.

This upcoming engagement session will seek further input on select ongoing initiatives and introduce new initiatives. Topics are being finalized and may include:

- Updates on the Anchorage initiative
- Preparedness and Response for Hazardous and Noxious Substances
- Requirements for Oil Spill Response Organizations

A complete agenda will be provided in the near future.

A full-day session is being planned for **October 22, 2018**, in Vancouver at Simon Fraser University Harbour Centre. To register, please contact TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca by October 5. Space may be limited.

Following the Forum, an evening public event may be held on marine safety and the Oceans Protection Plan. Watch for more information to come.

Previous Dialogue Forum reports and presentations are available on the [Pacific Oceans Protection Plan \(OPP\) Forum](#). We recommend that you review information on the site in order to familiarize yourself with the Oceans Protection Plan. If you did not previously receive an invitation or have lost your invitation to register to the closed online platform, please contact TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca. Complete your site registration by following the link in your invitation email and inputting the User Name: **OPP** and Password: **OPP**.

We consider the participation and collaboration of Indigenous peoples, coastal communities, and stakeholders such as non-governmental organizations and industry, as essential to Oceans Protection Plan success.

Funding opportunities for eligible groups are available to support participation in engagement activities, including through Transport Canada's **Community Participation Funding Program (CPFP)**. More information can be found on the CPFP website at: <http://www.tc.gc.ca/en/services/marine/cfpf-applicants-guide.html>

We encourage those interested in the CPFP to apply as soon as possible, as applications must be received by October 4. Please contact tc.cfpf-pfpc.tc@tc.gc.ca with any questions related to funding opportunities and eligibility. Approval is required before expenditures are incurred.

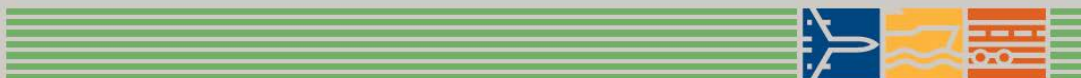
Should you not be able to attend, another Dialogue Forum will take place in Prince Rupert in November.

For specific questions, please contact Maria Ivancic at maria.ivancic@tc.gc.ca. We look forward to working with you as these Oceans Protection Plan initiatives move forward.

Sincerely,

Yvette Myers
Executive Director, Oceans Protection Plan
Transport Canada
Pacific Region

If you would like to be removed from this distribution list please reply with 'unsubscribe' in the subject line



Community Participation Funding Program (CPFP)

What is the Program?

The Community Participation Funding Program (CPFP) is a program that can help eligible Indigenous groups and local communities participate in the development and improvement of Canada's marine transportation system in Canada.

The CPFP provides recipients with an opportunity to contribute knowledge for the development and improvement of Canada's marine transportation system to ensure that these will be tailored to the local conditions and environmental sensitivities. The program also encourages recipients to provide input to support the development and implementation of federal marine transportation strategies and policies that may impact their daily activities.

Recipients will be funded to coordinate local engagement activities, participate in, and provide input to meetings for, the development and improvement of Canada's marine transportation system in Canada.

Who is eligible for funding?

The following groups are eligible for funding:

- Indigenous groups;
- Local communities (for example, municipal governments, resident associations, individuals selected to represent local entities with no legal status);
- Not-for-profit organizations.

Engagement activities and meetings will be identified and posted regularly. Applicants must identify which of these engagement activities and/or meetings they wish to participate in and provide a brief explanation* as to the reason for their participation in this activity or meeting.

**Due to limited funding, we will need to ensure that we distribute the funds to recipients who are directly impacted. Therefore, it is important that you provide a clear explanation to support your participation.*

Available funding

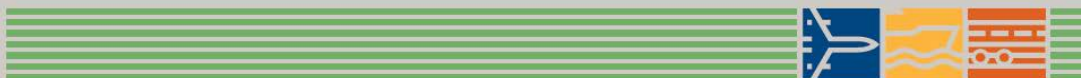
The CPFP will provide funding over a period of five years and all activities must be completed **by March 31, 2022**.

Funding of up to **\$50,000 per recipient, per funding request**, could be provided.

What can be reimbursed?

Eligible applicants may receive:

- Funding to coordinate local engagement activities to support input provided to federal and other stakeholders regarding the marine transportation strategies and policies.
- Funding to **reimburse** the costs to prepare for and attend meetings related to the development and improvement of Canada's marine transportation system (e.g. travel, salaries, and administrative costs) – For more information on eligible activities and expenditures refer to the [Applicant's Guide](#).



- Additional funding may be provided to **reimburse** the costs for consultant services to prepare information and contributions related to the development and improvement of Canada's transportation system.

Note: The CPFP does NOT provide advance funding - costs will be reimbursed once an agreement is signed and following the submission of receipts for eligible expenses. The awarding of a contribution or a grant will also be conditional on the availability of program funding.

What activities are eligible for funding under this program?

Eligible activities include:

- Coordinating local engagement activities and /or meetings for stakeholders
- Reviewing documents and providing written comments;
- Preparing for, travelling to, and participating in engagement activities and/or meetings; and
- Hiring expertise or conducting studies.

When to apply?

Applicants wanting to apply for funding must send in their application package at least **20 business days** prior to the date(s) of the engagement activity(s) and/or meeting(s) they plan to attend. Please note that the funding will be provided on a **first come, first serve basis** until the program funding is fully allocated. Therefore, it is strongly recommended that applicants apply as early as possible but within the above-mentioned deadline. Click here for [meeting dates](#).

How to apply for funding?

The [CPFP Applicant's Guide](#) provides a detailed description of how to apply for funding. In general, the following information will be required to support eligibility and the selection process:

- Applicant's information;
- Funding request description in relation to Eligibility Assessment Criteria;
- Rationale for funding; and
- Budget estimates for consultant services.

For more information, please contact:

Community Participation Funding Program
Transport Canada
330 Sparks Street, Place de Ville – Tower C (AHEC)
Ottawa, ON K1A 0N5
E-mail: tc.cfpf-pfpc.tc@tc.gc.ca

To obtain the Community Participation Funding Program Applicant's Guide and Application Package, please refer to the following website: www.tc.gc.ca/cfpf

Subject: FW: LIVE:: Hazardous & Noxious substances on OPP Let's Talk
Attachments: HNS_discussion_paper_EN.PDF; HNS_discussion_paper_FR.PDF

From: Oceans Protection Plan BC Registration / Plan de Protection des Océans CB Enregistrement (TC)
[<mailto:TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca>]
Sent: Thursday, September 27, 2018 9:42 AM
Subject: LIVE:: Hazardous & Noxious substances on OPP Let's Talk

Hello,

As part of the Oceans Protection Plan, the Government of Canada is taking steps to strengthen the marine safety system and environmental response.

We are seeking public input to assist us with the development of an approach to better prepare for and respond to releases of hazardous and noxious substances from ships into the marine environment. To guide your thoughts and any comments, we have prepared the attached discussion paper: ***Canada's Preparedness and Response for Hazardous and Noxious Substances Released from Ships***. The paper is also available online on our [Let's Talk Oceans Protection Plan website](#).

You may share your views with us by email at: TC.OppHNS-PpoSNPD.TC@tc.gc.ca.

In addition to participating in the Let's Talk discussion, an in-person opportunity to engage on Hazardous and Noxious Substances will occur at our next Oceans Protection Plan South Coast Dialogue Forum on Oct 22 in Vancouver.

Thank you to all those who have previously provided their thoughts and comments on various Oceans Protection Plan initiatives.



Government
of Canada

Gouvernement
du Canada

OCEANS PROTECTION PLAN PLAN DE PROTECTION DES OCÉANS

DISCUSSION PAPER

CANADA'S PREPAREDNESS AND RESPONSE FOR HAZARDOUS AND NOXIOUS SUBSTANCES RELEASED FROM SHIPS



Through the [Oceans Protection Plan](#), we are improving how we prepare for and respond to releases of hazardous and noxious substances (HNS) from ships into the marine environment. This discussion paper provides an overview of the current situation and seeks public perspectives on this issue.

In this paper

- [Introduction](#)
- [Definition of hazardous and noxious substances](#)
- [HNS in Canada's marine safety system](#)
- [Comparing HNS releases and oil spills](#)
- [Potential actions](#)
- [Next steps](#)
- [Contact us](#)

Introduction

The transportation of hazardous and noxious substances (HNS) by ships is an important part of Canada's international trade. HNS include substances transported in bulk as liquids, liquefied gases, solid materials and materials in packaged form.

While HNS releases at sea are extremely rare, they could have a significant impact on public health, the environment, marine life and the economy. For this reason, we intend to build a preparedness and response system so that, in the event of an HNS incident in Canada, all parties know their respective roles and responsibilities. This would allow an effective plan to be developed to quickly and effectively mitigate the damage.

We are seeking public input to assist us with the development of a Government approach to prepare for and respond to HNS incidents in Canadian waters. This discussion paper has been designed to guide your thoughts and comments.

Definition of hazardous and noxious substances

The term “hazardous and noxious substances” is used by the International Maritime Organization (IMO). It appears in a number of international treaties, including the IMO's protocol on HNS preparedness and response. For the purposes of this paper, HNS is intentionally defined in general terms as most substances, if released into the marine environment, would likely require some form of response.

An HNS is any substance other than a petroleum product which, if introduced into the marine environment from a ship, is likely to:

- create hazards to human health
- harm living resources and marine life
- damage amenities
- interfere with other legitimate uses of the sea

When released, HNS can float, dissolve or sink in water, evaporate into the atmosphere or have multiple different reactions. Interactions between substances can also result in different behaviours and since HNS may evaporate or dissolve, there may be nothing to recover after a release.

In the context of HNS preparedness and response, the primary focus is on substances that are toxic or potentially harmful, with the exception of petroleum, which already has a preparedness and response regime.

Questions for consideration:

Do you agree with this definition of HNS for Canada? If not, how could it be improved?

Hazardous and noxious substances within Canada's marine safety system

Canada's marine safety system is built on 3 pillars to protect marine ecosystems and enable safe and efficient shipping.

1. **Prevention:** establishing measures so that incidents are avoided
2. **Preparedness and response:** being ready and taking action in case of an incident or spill
3. **Liability and compensation:** ensuring the polluter pays for response, clean-up and restoration after an incident

While there is a [robust regime for oil spills from ships](#) that extends across all 3 pillars, the measures in place for HNS incidents are more limited.

Canada has a system to **prevent** marine incidents from occurring, such as aids to navigation and vessel traffic services. This system supports the safe movement of ships in Canadian waters, whether they are carrying oil, HNS or other cargo. For more detail on these prevention measures, visit our [preventing spills from vessels](#) page.

To date, we have not developed a **preparedness and response** system that specifically applies to HNS incidents. This is in part because of the low number of HNS releases internationally, as compared to oil spills. While no major HNS incident has occurred in Canadian waters so far, an effective HNS preparedness and response program would reduce the harmful impacts of any future incidents.

The Government of Canada recently ratified the IMO's 2010 HNS Convention for **liability and compensation**. This positions Canada as a leader in the move towards creating a liability and compensation structure for HNS.

Current approach

Hazardous and noxious substances incidents in Canada have been relatively small in scale. For that reason, they have been managed on a case-by case basis. The volume of HNS transported as part of our international trade, however, highlights the potential for a major HNS release occurring in Canadian waters. As the circumstances of major HNS incidents could vary dramatically and involve a wide range of parties, we are looking at establishing a more formal approach to HNS preparedness and response that guides response across a variety of scenarios.

Canada's preparedness and response measures for HNS incidents have been the focus of several reports in recent years.

Most recently, the [Tanker Safety Expert Panel's 2014 report](#) recommended that a formal approach to HNS preparedness and response be established in Canada.

Notably, the Tanker Safety Expert Panel recommended that Canada sign on to the IMO's Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS Protocol) as an initial step towards a national program of preparedness and response for HNS releases from ships.

2000 OPRC-HNS Protocol

- 40 countries are party to the Protocol
- Endorses "polluter pays" and "precautionary" principles
- Provides a global framework for HNS preparedness and response

Towards a new approach

Preparing for and responding to HNS releases in the marine environment is highly complex. We need a unique approach for HNS. Simply expanding or copying the approach used to deal with oil spills from ships is not appropriate.

Comparing HNS with oil spill preparedness and response helps illustrate why we need tailored HNS measures. For example, on the oil spill side, Transport Canada certified [response organizations](#) act quickly because they:

- understand the behaviour of petroleum products in the marine environment

- have appropriate on-water response equipment stored in strategic locations along Canada's coasts

Comparing HNS releases and oil spills

HNS release from ship	Oil spill from ship
• Behaviour in water varies dramatically by substance (sinks, floats, dissolves, etc.)	• Behaviour in water is less variable and more generally understood
• Different equipment and expertise is needed, depending on the substance	• Most spills require the same types of equipment (booms, skimmers, etc.)
• May require analysis and time to build a response strategy that is tailored to complex situations	• Response strategy developed quickly as tactics for oil spill response are well understood
• Response may not involve recovery from water	• Response generally involves some level of recovery of oil from water
• Partners involved in response may vary dramatically depending on the incident	• Predictable set of partners involved in response effort

For HNS, we often need careful expert analysis before the on-water response begins. This allows us to fully consider the substances involved, and their potential interactions with each other and with the marine environment. Fully understanding the situation is a critical step in order to identify risks to nearby populations and the marine environment so we can mitigate them, and help ensure the safety of responders. We also need to work with provincial, municipal, and other partners in emergency preparedness to ensure the public is informed and protected during an incident.

The potential actions below reflect the unique challenges of hazardous and noxious substances releases from ships. They focus on improving how we assess HNS incidents so the response is safe, appropriate and effective.

Potential action

The potential actions outlined in this paper are designed to integrate key recommendations from the 2014 Tanker Safety Expert Panel report and adapt international best practices in a way that reflects the Canadian context and risk levels.

Guiding principles

Six principles will guide our approach:

1. Protect human health and the marine environment
2. Develop a national risk-based approach
3. Build on Canada's existing marine safety system
4. Uphold the "polluter pays" principle and industry involvement
5. Respect international commitments
6. Maintain the viability of marine shipping

Collaborative action

Collaboration must be a feature of hazardous and noxious substances preparedness and response. A wide range of parties would have a role to play in building and implementing a Canadian HNS program.

This work may involve:

- the Government of Canada: Transport Canada (TC), Fisheries and Oceans Canada, the Canadian Coast Guard (CCG), Environment and Climate Change Canada, Public Safety Canada, the Canadian Border Services Agency, the Public Health Agency of Canada, Health Canada and the Canadian Food Inspection Agency
- municipal and provincial/territorial governments
- international partners (such as the IMO and United States Coast Guard)
- industry (such as ship or cargo owners, chemical producers, terminal operators, salvors, liability insurers)
- Indigenous groups and coastal communities
- emergency responders (local fire departments and hazardous materials teams)
- port authorities

Question for consideration:

Are there other stakeholders that should be involved?

A phased approach

We are considering an approach that takes action in 3 phases over several years. In Phase I, we would strengthen the foundation of hazardous and noxious substances preparedness and response by clarifying the current system. In Phase II, we would make step-by-step improvements to strengthen industry and government preparedness. In Phase III, we would evaluate and improve the national program to reflect changing conditions.



Phase I: clarify current system

In years 1-2 we would clarify the current preparedness and response system for hazardous and noxious substances releases from ships. We would engage with partners and stakeholders to identify where we can improve the current approach to enhance our readiness for HNS incidents.

Clarify roles and responsibilities	• The CCG would expand their national contingency plan to include the roles, responsibilities and procedures for HNS preparedness and response • TC would organize regular regional symposiums to improve awareness and build relationships among parties involved in HNS preparedness and response • The Government of Canada would enhance its capacity to provide scientific advice and information on chemical response safety in the marine environment • The CCG would organize and develop joint response exercises to test Canada's readiness and identify gaps in HNS marine response
Align approach with international partners	• TC would assess requirements to accede to the OPRC-HNS Protocol • The Government of Canada would develop international science and data partnerships with the European Maritime Safety Agency, United States Coast Guard, IMO, the Center for Documentation, Research and Experimentation on Accidental Water Pollution and other international partners, and share best practices

Questions for consideration:

Are activities listed under Phase I appropriate? If not, how could we improve them?

Phase II: targeted enhancements

Together with partners, we would make targeted enhancements through years 3-4, and address gaps and opportunities for improvement identified during Phase I. Some examples of

potential targeted enhancements are listed below. These enhancements would build Canada's capacity to respond to hazardous and noxious substances incidents.

Improve knowledge of HNS in the marine environment	• TC would further develop HNS risk assessment methodologies to improve our ability to identify high-risk locations/situations and work with others to develop targeted mitigation strategies
Expand preparedness requirements	• If gaps in industry's preparedness for HNS releases are identified in Phase I, the Government of Canada could require prescribed vessels that carry HNS to have plans for addressing HNS releases • TC could explore more planning requirements for ports and marine facilities handling HNS to include preparedness and response plans for ship-source HNS releases in their practices and procedures
Build marine HNS response capacity	• The Government of Canada would deliver ongoing HNS response training to preparedness and response stakeholders, including operational response techniques • The Government of Canada would develop and actively maintain a national inventory of organizations with trained responders and equipment to respond to HNS releases

Questions for consideration:

Are the activities listed under Phase II appropriate? If not, how could we improve them?

Phase III: continuous improvement

The third phase, beginning in year 5, is about adapting the program to reflect the evolving context. This means:

- taking new data and information into account
- evaluating changing risk levels across the country
- working with partners and stakeholders to determine what refinements are needed

In Phase III, we would evaluate the range of improvements we have made and ensure they are sustainable and appropriate.

Adapt to reflect the evolving context	• The Government of Canada could respond to changing risk levels through new mitigation strategies, legislative or regulatory amendments, industry incentives and other means • TC and the CCG would engage partners and stakeholders at regional symposiums and other venues to identify areas we can continue to improve
--	---

- | | |
|--|--|
| | <ul style="list-style-type: none">• The Government of Canada would consider lessons learned from CCG-led HNS exercises |
|--|--|

Next steps

We are soliciting comments on this discussion paper until December 21, 2018. We are also holding in-person engagement sessions with Indigenous partners, coastal communities and stakeholders throughout 2018.

We will report back on key comments received through online and in-person engagement, and will explain how we are taking them into account. Your input will inform Government decisions related to preparedness and response for HNS releases from ships.

Question for consideration:

Do you have any comments on any part of this discussion paper or the potential action?

Contact us

If you would like to provide comments on anything you read here, you can email them to:

TC.OppHNS-PpoSNPD.TC@tc.gc.ca

We thank you in advance for your participation.



September 21, 2018

By Email: Pluckham@islandstrust.bc.ca

Islands Trust
200 – 1627 Fort St.
Victoria, BC

Attention: Peter Luckham – Islands Trust Council Chair

Dear Mr. Luckham:

Re: Islands Trust – Proposed Policy Statement Amendment Process

We write further to your invitation to Squamish Nation to participate in engagement with Islands Trust with respect to potential amendments to the Islands Trust Policy Statement. We have a copy of that document, which we received by letter from you late last year.

As you know, Howe Sound, which is within the Islands Trust Area, is core Squamish Nation territory. We assert Aboriginal rights and title interests in this area. It is clear that amendments to the Policy Statement have the potential to impact on our interests in Howe Sound in significant ways, and it will be important that Squamish be meaningfully engaged in any amendment process. Based on your correspondence to Squamish, it seems that Islands Trust is willing and prepared to engage Squamish in this way. We are pleased that this is the case.

With the aim of advancing meaningful engagement on the proposed Policy Statement amendment process, we have the following initial requests for clarification:

- *Status update* – our understanding is that the Islands Trust intended to conduct its review process in phases, and that the preliminary phase would focus on the “introduction” and “definitions” sections of the Policy Statement. Review of the more substantive sections was to follow at a later date. We have not seen recent correspondence from the Islands Trust with respect to the Policy Statement and are therefore assuming it is still in the preliminary phase of review. Please advise if this is not the case.
- *Involvement of Province* – the Province is required to approve changes to the Policy Statement sought by Islands Trust. We seek clarification as to the nature and timing of involvement of the Province in the overall review process for the



Policy Statement. For example, does the Islands Trust intend to submit proposed changes to the Province following each phase of review, or upon completion of all phases?

We look forward to further engagement with the Islands Trust in respect of its review of the Policy Statement.

Chen kwen mantumi
(I thank you),



Chief Bill Williams
talalsámkin siyám
Lead Negotiator Aboriginal Rights & Title Skwxwu7mesh
Intergovernmental Relations, Natural Resources, & Revenue
Squamish Nation

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

From: Ian Cameron [mailto:ianc@uvic.ca]

Sent: Thursday, September 20, 2018 10:15 PM

To: ianc@uvic.ca

Subject: SIPS Roundtable Agenda

Good Day.

There will be three reactions by those receiving this message. Some of you (most of you, I hope), will say, "Oh, good, I was wondering when I'd get this."

Some (a small number, I hope) will say, "Not again!"

And some will say, "What's this all about?" It is that last group to whom this message is directed. (The attachment is directed to all three groups.)

I have done my best to amalgamate several mailing lists, of those folks associated with SIPS, into one list, yclept The SIPS Roundtable List, which includes some who have not been on the Roundtable mailing list in the past.

I hope that you will only get one message. If you get more than one, let me know and I'll try to rectify. If you'd like to be removed from the list, let me know and I promise you will be.

I will not be at the Roundtable, but I'll be thinking of you. (Maybe. I'll be in Argentina playing rugby, or drinking wine, or eating a massive beef steak, or whatever, so I don't promise anything. But I'll do my best to think of you.)

Regards, Ian Cameron
Director, SIPS

Saanich Inlet Roundtable Agenda
Thursday, October 11 – 2 pm to 4:30 pm
 (Hosted by the District of North Saanich)
The SHOAL Centre, 10030 Resthaven Drive, Sidney

Time	Activity	Speaker
2:00 pm	Welcome by Host, North Saanich	Mayor Alice Finall
2:10 pm	Introductions	All Participants
2:15 pm	Housekeeping & Agenda Review	Alan Dolan, Facilitator
2:20 pm	Flow Dynamics of Saanich Inlet	Dr. Roberta Hamme, UVic
	<i>Questions & Discussion</i>	
2:45 pm	Swimming Advisories, Brentwood Bay	
	Island Health	Joanne Lum
	CRD, Marine Programs	Chris Lowe
	Central Saanich Engineering	Brian Barnett
	<i>Questions & Discussion</i>	
3:30 pm	Refreshments	
3:30 pm	Fisheries Poaching	
	Fisheries & Oceans	Melissa Nottingham
	<i>Questions & Discussion</i>	
3.35pm	MPs and MLAs Updates	Elizabeth May MP
		Alistair MacGregor MP
		Adam Olsen MLA
	<i>Questions & Discussion</i>	
4:15 pm	Sidney Summit	Bill Collins
4:20 pm	Future Agenda Topics, Discussion	All
4:25 pm	Review of Day, Evaluation	Alan Dolan
4:30 pm	Adjournment	

Speakers

Dr Roberta Hamme	Associate Professor, Earth & Ocean Sciences, UVic
Joanne Lum	Senior Environmental Health Officer, Island Health
Chris Lowe	Manager, Marine Programs, CRD
Brian Barnett	District Engineer, District of Central Saanich
Melissa Nottingham	Fisheries and Oceans Canada
Bill Collins	Co-Chair, Sidney Summit



Gabrielans Against Freighter Anchorages
(GAFA)
PO Box 359
Gabriola Island, BC
V0R 1X0

September 27, 2018

By email: pluckham@islandstrust.bc.ca

Peter Luckham, Chair, Islands Trust Council
Islands Trust
200 - 1627 Fort St
Victoria, BC
V8R 1H8

Re: Islands Trust Public Statement Regarding Use of Southern B.C. Anchorages

Dear Chair Luckham,

We wish to thank you and all the islands representatives on the Islands Trust Council for your recent letter stating the Islands Trust Council's opposition to the continued use of southern BC Anchorages.

Your letter clearly represents the concerns of the communities impacted by the Anchorages, as well as communities threatened by any possible future expansion of anchorages. It effectively highlights the Port of Vancouver inefficiencies.

We give special thanks to Trustee Bruce McConchie for bringing this important motion forward to Trust Council. We also want to thank those Islands Trust Councillors who will not be returning to Council for their previous advocacy and opposition to the presence of huge commercial freighters anchoring in SGI waters.

We sincerely hope that the soon to be elected new Trust Council will continue this important advocacy work on behalf of all communities within the Trust area.

Best Regards,

Gabrielans Against Freighter Anchorages Society (GAFA)

c.c Islands Trust Council Members