



Executive Committee Agenda

Date: Wednesday, October 5, 2016
Time: 8:45 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

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1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1 Introduction of New Items	
2.2 Approval of Agenda	
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3. ADOPTION OF MINUTES	
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4. FOLLOW UP ACTION LIST AND UPDATES	
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4.2 Director/CAO Updates	
4.3 Local Trust Committee Chair Updates	
5. BYLAWS FOR APPROVAL CONSIDERATION	
5.1 Galiano Island Local Trust Committee Bylaw No. 258 (Enforcement Notification)	18 - 35
That the Executive Committee approves Galiano Island Local Trust Committee Bylaw No. 258, cited as Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011, Amendment No. 1, 2016 under Section 24 of the <i>Islands Trust Act</i> and returns it to the Galiano Island Local Trust Committee for final adoption.	
5.2 Galiano Island Local Trust Committee Bylaws 259 and 260	36 - 76
That the Executive Committee approves Proposed Bylaw No. 259 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016” under Section 24 of the <i>Islands Trust Act</i> .	
That the Executive Committee approves Proposed Bylaw No. 260 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016” under Section 24 of the <i>Islands Trust Act</i> .	

5.3	Bowen Island Municipality Bylaw No. 426 That the Executive Committee advise Bowen Island Municipality that Bylaw 426, cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 426, 2016” is not contrary or at variance to the Islands Trust Policy Statement.	77 - 92
5.4	Gambier Island Local Trust Committee Bylaw 140 (OCP Amendment - RAR) That the Executive Committee approve proposed Bylaw No. 140 cited as “Gambier Island Official Community Plan, Bylaw 73, 2001, Amendment No. 1, 2016” under Section 24 of the <i>Islands Trust Act</i> .	93 - 114
5.5	Gambier Island Local Trust Committee Bylaw 141 (LUB Amendment - RAR) That the Executive Committee approve proposed Bylaw No. 141 cited as “Gambier Island Land Use Bylaw, Bylaw 86, 2004, Amendment No. 1, 2016”, under Section 24 of the <i>Islands Trust Act</i> .	115 - 133
5.6	Gambier Island Local Trust Committee Bylaw 139 (Fees Bylaw Amendment) That the Executive Committee approve proposed Bylaw No. 139 cited as “Gambier Island Local Trust Committee Development Procedure Bylaw No. 50, 1992, Amendment Bylaw No. 1, 2016”, under Section 24 of the <i>Islands Trust Act</i> .	134 - 140
6.	TRUST COUNCIL MEETING PREPARATION	
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7.	EXECUTIVE COMMITTEE PROJECTS	
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7.1.1	Transition Plan (see context note)	156 - 231
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7.2.1	Preparation for October 17 meeting with ALC Panel	232 - 241
8.	NEW BUSINESS	
8.1	Trust Area Services	
8.1.1	LTC Chairs Report on Local Advocacy Topics	
8.1.2	Next steps for State-of-the-Islands promotion (see context note)	
8.1.3	RFD - Chair Letter re Roberts Bank Terminal 2 That the Executive Committee request staff to draft a letter for the Chair commenting on proposed Roberts Bank Terminal 2 Project before October 28, 2016.	242 - 248

8.1.4	Potential advocacy re proposed Steelhead LNG's Malahat LNG Project (see context note)	
8.2	Local Planning Services	
8.2.1	Briefing - First Nations Language and Tone Guide	249 - 349
8.3	Administrative Services	
8.4	Executive/Trust Council	
8.4.1	BC Restructuring Assistance to SSI restructure (see context note)	350 - 356
9.	CLOSED MEETING (Separate Agenda)	
	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	Saanich Inlet Roundtable Invitation - Oct 13	357 - 357
11.2	Green Communities Committee re: Achievement of Carbon Neutrality	358 - 359
11.3	Response from Minister of Transport re anchorages in the Trust Area	360 - 360
12.	WORK PROGRAM	
12.1	Review and amendment of current work program	361 - 367
13.	NEXT MEETING	
	October 26, 2016, Northern Office (Gabriola) at 10:00 a.m.	
14.	ADJOURNMENT	

Agenda No.	From	Context Notes
6.1.1	Director, Trust Area Services	Staff recommend adding a hyperlink to the approved Transition Plan in the Council Highlights following EC's Oct 5 th meeting.
7.1.1	CAO	<p>At the September Trust Council meeting 5 recommendations were adopted with regard the Transition Plan, including: 2. <i>That Trust Council adopt the 2016 Islands Trust Transition Plan Regarding the Potential Incorporation of Salt Spring Island, subject to clarity on the ordering of letters patent in the adaptation plan, and any other minor edits as required.</i></p> <p>Accordingly the attached Transition Plan has been updated as follows:</p> <ul style="list-style-type: none"> • Clarity as per the sequence of letters patent, • Inclusion of a graphic describing Trust Council and LTC organization • Minor edits and corrections. <p>The Transition Plan is attached for consideration of EC for any further amendments. If no amendments are required, we will proceed to finalize the document and release it to the public and stakeholders, as per Trust Council direction.</p>
8.1.2	Director, Trust Area Services	Vice-Chair Busheikin requested this topic be on the agenda for discussion of next steps on the State of the Islands project. Other than web-posting the poll results, staff have not done additional work since delivering the Interim Report.
8.1.4	Director, Trust Area Services	MLA Holman requested the Islands Trust Council develop a position regarding the proposed Steelhead LNG's Malahat LNG Project during Council's September town hall session. Staff are not prepared with any advice but EC may wish to request a briefing or RFD on the topic for the October 26 EC meeting.
8.4.1	CAO	The restructure assistance offer from Minister Fassbender and the MCSCD, received September 20, 2016, is attached for information purposes. It outlines the financial assistance the province is offering the Salt Spring Island Incorporation Study Committee on behalf of the community in support of the incorporation process. Trustee Grams and Chair Luckham have received this letter directly. There is no particular action required by EC at this time. Staff have no particular analysis to offer at this time other than to note that this offer is a significant part of the incorporation process and will be important to community decision making should a referendum vote take place.
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 EC can provide direction regarding new items or the order of priorities. <i>On October 5th, staff will introduce a proposed new format / process for reviewing the combined work programs generated by EC, TC, Council Committees and the Strategic Plan.</i>



Executive Committee

Minutes of Regular Meeting

Date: August 31, 2016

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

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

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
Cindy Shelest, Director, Administrative Services
Clare Frater, Acting Director, Trust Area Services
David Marlor, Director, Local Planning Services
Jas Chonk, Acting Executive Coordinator (Recorder)

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

- 11.5 Gabriolans Against Freighter Anchorages Society re Letter to DFO
- 6.5.4.1 Mayne Island Syrian Refugee Support Group

2.2 Approval of Agenda

By General Consent, the agenda was approved as amended.

2.2.1 Agenda Context Notes

Provided for information.

3. ADOPTION OF MINUTES

3.1 August 17, 2016 Executive Committee Meeting

By General Consent, the Minutes of the August 17, 2016 Executive Committee Meeting were adopted as presented.

4. FOLLOW UP ACTION LIST AND UPDATES

4.1 Follow Up Action List

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

4.2 Director/CAO Updates

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

4.3 Local Trust Committee Chair Updates

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

5. **BYLAWS FOR APPROVAL CONSIDERATION**

5.1 **Bowen Island Municipality Bylaw No. 413 and 414**

EC-2016-129

It was MOVED and SECONDED,

That the Executive Committee advise Bowen Island Municipality that the Bylaw 413, cited as "Bowen Island Municipality Official Community Plan Amendment Bylaw No. 413, 2016" is not contrary or at variance to the Islands Trust Policy Statement.

CARRIED

EC-2016-130

It was MOVED and SECONDED,

That the Executive Committee advise Bowen Island Municipality that the Bylaw 414, cited as "Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 414, 2016" is not contrary or at variance to the Islands Trust Policy Statement.

CARRIED

6. **TRUST COUNCIL MEETING PREPARATION**

6.1 **Executive**

6.1.1 **September Trust Council Meeting Schedule – Updated Draft**

By General Consent, this item was referred to the September 2016 Trust Council meeting as amended.

6.1.2 **Chief Administrative Officer's Report**

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.1.3 **Executive Committee Work Program Report**

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.1.4 **Continuous Learning Plan**

By General Consent, this item was referred to the September 2016 Trust Council meeting as amended.

6.1.5 **Draft December 2016 Trust Council Program**

By General Consent, this item was referred to the September 2016 Trust Council meeting as amended.

6.1.6 **Trust Council Follow Up Action List**

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.1.7 **Priorities Chart**

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.1.8 **Closed Session Outline**

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.1.9 Strategic Plan Updates

By General Consent, this item was referred to the September 2016 Trust Council meeting as amended.

6.1.10 Transition Plan – RFD

By General Consent, this item was referred to the September 2016 Trust Council meeting as amended.

6.1.11 Select Committee (SCVOL) update – Briefing

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.2 Local Planning Services

6.2.1 Director of Local Planning Services Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.2.2 Local Planning Committee Work Program Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.2.3 LTC Projects Budget Update – Briefing

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.2.4 Riparian Areas Regulation Bylaws update – Briefing

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.3 Administrative Services

6.3.1 Director of Administrative Services Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.3.2 Financial Planning Committee Work Program Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.3.3 Quarterly Financial Report (1Q 2016/17)

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.3.4 2015/16 Statement of Financial Information Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.3.5 1st Draft 2017/18 Budget Assumptions and Principles

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.4 Trust Area Services

6.4.1 Director of Trust Area Services Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.4.2 Trust Programs Committee Work Program Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.4.3 Trust Fund Board Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.4.4 Policy Statement /Visioning Phase 2 – RFD

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.5 Collaboration and Engagement

6.5.1 Visioning Session

By General Consent, this item was referred to the September 2016 Trust Council meeting as amended.

6.5.2 Housing Session – Request for Decision – Community Housing Report

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.5.3 Invited Speakers

6.5.3.1 San Juan County Council

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.5.4 Community Presentations

6.5.4.1 Mayne Island Syrian Refugee Support Group

By General Consent, this item was referred to the September 2016 Trust Council meeting as presented.

6.5.5 Delegations and Public Participation

6.5.5.1 South Gulf Islands Economic Sustainability Commission

6.5.5.2 Salish Sea Marine Trail – BC Marine Trails Network Association

6.5.5.3 Gulf Islands Alliance re Trust's Visioning Process

By General Consent, the Executive Committee approved all delegation requests. Staff will advise the delegates of their acceptance and appointed times, pending each delegate's confirmation that the subject of their delegation will address trust wide jurisdictional issues, not local trust committee issues which are the responsibility of the respective local trust committee.

7. EXECUTIVE COMMITTEE PROJECTS

7.1 Trust Council Initiated

7.2 Executive Committee Initiated

8. NEW BUSINESS

8.1 Trust Area Services

8.1.1 LTC Chairs Report on Local Advocacy Topics

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

8.1.2 Archaeological Site Protection Advocacy – RFD

EC-2016-131

It was MOVED and SECONDED,

That the Executive Committee direct staff to develop a Project Charter that includes the scope, timeline and budget for researching and developing a recommendation on how to advocate with respect to First Nations' archaeological sites in collaboration with local trust committee's and Bowen Island Municipality.

CARRIED

EC-2016-132

It was MOVED and SECONDED,

That the Executive Committee add "First Nations Relationship Building" as a priority on its work program.

CARRIED

EC-2016-133

It was MOVED and SECONDED,

That the Executive Committee add a session on 'archaeological site protection concerns' to Trust Council's continuous learning plan for 2017-18.

CARRIED

8.1.3 UBCM Resolutions (see content notes)

Provided for information.

8.1.4 BURSCO Aggregate Mine Project Public Comment Period – Notice (see content notes)

Received as information.

8.2 Local Planning Services

8.2.1 Agricultural Land Commission Inventory of Decisions – Briefing

EC-2016-134

It was MOVED and SECONDED,

That staff assist Executive Committee members in creating an agenda and list of questions for the October 17 meeting.

CARRIED

8.3 Administrative Services

8.3.1 Briefing Update Trustee Agenda Package Delivery

Provided for information.

8.4 Executive/Trust Council

8.4.1 2017 Executive Committee Meeting Dates (Updated)

This item was deferred to September 13 Executive Committee meeting.

9. **CLOSED MEETING**

EC-2016-135

It was MOVED and SECONDED,

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

CARRIED

The meeting recessed 10:55 a.m. and resumed at 10:58 a.m.

10. **RISE AND REPORT DECISIONS FROM CLOSED MEETING**

No items to report.

11. **CORRESPONDENCE**

11.1 **William Russell re Galiano LTC minutes**

EC-2016-136

It was MOVED and SECONDED,

That the Executive Committee forward the correspondence from William Russell re Galiano Island Local Trust Committee minutes to Galiano Island Local Trust Committee for their consideration.

CARRIED

11.2 **Invitation to 2016 Salish sea Oil Spill Risk Mitigation Workshop**

Received for information. Staff to attend the workshop.

11.3 **Trust Fund Board letter to Tsawout re Owl island**

Received for information.

11.4 **Review Panel – Roberts Bank Germinal 2 Project – Orientation Session 2**

Received for information.

11.5 **MLA Leonard Krog re Gabriola Island Potlatch Proposal**

EC-2016-137

It was MOVED and SECONDED,

That the Executive Committee forward the correspondence from MLA Leonard Krog re Gabriola Island Potlatch Proposal to Gabriola Island Local Trust Committee and Northern Office staff.

CARRIED

11.6 **Gabriolans Against Freighter Anchorages Society re Letter to DFO**

By General Consent, Executive Committee referred the correspondence from Gabriolans Against Freighter Anchorages Society to the September 2016 Trust Council meeting under correspondence.

12. **WORK PROGRAM**

12.1 **Review and Amendment of Current Work Program**

By General Consent, the Executive Committee endorsed the Work Program dated August 26, 2016 as presented.

13. **NEXT MEETING: September 13, 2016, at 8:30 am Sidney BC**

14. **ADJOURNMENT**
 EC-2016-138
 It was MOVED and SECONDED,
 To adjourn the meeting.

CARRIED

The meeting adjourned at 11:02 p.m.

Peter Luckham, Chair

Certified Correct

Jas Chonk, Recorder

DRAFT



Executive Committee Minutes of Regular Meeting

Date: Tuesday, September 13, 2016

Location: Seaview Boardroom, Sidney Pier Hotel
Sidney, BC

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

Staff Present Russ Hotsenpiller, Chief Administrative Officer
Clare Frater, Acting Director, Trust Area Services
David Marlor, Director, Local Planning Services
Carmen Thiel, Legislative Services Manager/Recorder

1. CALL TO ORDER

The meeting was called to order at 8:30 a.m. Chair Luckham acknowledged that the meeting was being held in Coast Salish First Nations territory.

2. APPROVAL OF AGENDA

2.1. Introduction of New Items

One new business item was added to the agenda:

4.3 October 17, 2016 Meeting with Agricultural Land Commission

2.2. Approval of Agenda

By general consent the agenda was approved as amended.

3. TRUST COUNCIL MEETING PREPARATION

3.1 It was noted that there is no additional preparation required for the September Trust Council meeting.

4. NEW BUSINESS

4.1. BURNCO Aggregate Project

Acting Director Clare Frater indicated that a draft letter would focus on the marine component and sedimentation/fish forage issues.

EC-2016-139

It was MOVED and SECONDED,

that the Executive Committee request staff to draft a letter for the Chair commenting on proposed BURNCO Aggregate Project by September 28, 2016.

CARRIED

4.2 2017 Executive Committee Meeting Dates

The logistics of organizing meeting dates for all trust bodies was discussed.

EC-2016-140

It was MOVED and SECONDED,

that the Executive Committee adopt the 2017 Executive Committee meeting schedule as presented.

CARRIED

4.3 October 17, 2016 Meeting with Agricultural Land Commission (ALC)

Preparations for the meeting were discussed including whether more backup information or statistics were required in addition to that already prepared. It was suggested that the two farm plans which have been developed for the Denman and Salt Spring Island Local Trust Areas could be provided for discussion at the meeting as examples of how agriculture might be different in the islands when compared to other areas that the ALC works with. It was agreed to put the topic of ALC Meeting Preparation on the next Executive Committee meeting agenda for further consideration of information that Executive Committee may require.

5. CORRESPONDENCE (for information unless raised for action)

5.1 Cowichan Bay Ship Watch Society re Letters to Garneau and Prime Minister

Received for information.

5.2 Transport Canada re marine safety

Received for information.

6. NEXT MEETING – October 5, 2016, 8:45 a.m. Victoria

7. ADJOURNMENT

EC-2016-141

It was MOVED and SECONDED

that the meeting adjourn at 8:55 am.

CARRIED

Peter Luckham, Chair

Certified Correct

Carmen Thiel, Recorder

Follow Up Action Report

Executive Committee

Clare Frater

Activity	Activity	Responsibility	Target Date	Status
13-Sep-2016	Draft a letter for the Chair commenting on proposed BURNCO Aggregate Project by September 28, 2016.	Clare Frater	23-Sep-2016	Done

David Marlor

Activity	Activity	Responsibility	Target Date	Status
25-Nov-2015	9.2.4 Bring recommendations re Policy 4.1.ix (Bylaw referrals to adjacent LTCs) to future EC meeting	David Marlor	31-Aug-2016	On Going
06-Oct-2015	9.2.1 Develop draft flow chart illustrating Bylaw process decision-making for Chair toolkit	David Marlor Regina Robinson	31-Aug-2016	On Going
06-Jul-2016	Compile inventory (10-12) of recent ALC referrals and outcomes in preparation for ECs fall meeting with ALC.	David Marlor Ann Kjerulf	10-Aug-2016	Done
06-Jul-2016	Draft response re DFO and Bylaw concerns (correspondence item 11.6)	David Marlor Ann Kjerulf	24-Aug-2016	On Going
17-Aug-2016	Prepare information briefing for Trust Council on First Nations relationship building principles for the September TC meeting (place in Executive portion of TC agenda).	David Marlor Lisa Gordon	02-Sep-2016	Done
31-Aug-2016	Advise Bowen Island Municipality that the Bylaw 414, cited as Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 414, 2016 is not contrary or at variance to the Islands Trust Policy Statement.	David Marlor	16-Sep-2016	Done
31-Aug-2016	Add First Nations Relationship Building as a priority on Executive Committees work program.	David Marlor	05-Oct-2016	Done



Follow Up Action Report

31-Aug-2016	Assist Executive Committee members in creating an agenda and list of questions for the October 17 ALC meeting	David Marlor	05-Oct-2016	Done
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Fiona MacRaid

Activity	Activity	Responsibility	Target Date	Status
17-Aug-2016	Develop a Project Charter and draft set of principles that will inform a new organizational approach to First Nations relationship-building.	Fiona MacRaid David Marlor	12-Oct-2016	On Going
31-Aug-2016	Staff to develop a Project Charter that includes the scope, timeline and budget for researching and developing a recommendation on how to advocate with respect to First Nations archaeological sites in collaboration with local trust committees and Bowen Island Municipality.	Fiona MacRaid Lisa Gordon Clare Frater	23-Nov-2016	On Going

Jas Chonk

Activity	Activity	Responsibility	Target Date	Status
06-Apr-2016	8.6 Follow up with ALC-VI panel on date for delegation presentation	Jas Chonk	06-Sep-2016	Done
17-Aug-2016	2017 Islands Trust Council quarterly meeting schedule to be amended to reflect Denman Island in March, Lasqueti Island in June, Gabriola Island in September and Victoria in December.	Jas Chonk	24-Aug-2016	Done
17-Aug-2016	Source alternative dinner location for one of the September trust council dinner dates.	Jas Chonk	14-Sep-2016	Done
17-Aug-2016	Invite Mayor of Sidney to Wednesday TC session (including lunch and tour).	Jas Chonk	14-Sep-2016	Done
13-Sep-2016	Update 2017 Executive Committee meeting schedule as presented.	Jas Chonk	30-Sep-2016	On Going



Follow Up Action Report

13-Sep-2016	Put the topic of ALC Meeting Preparation on the October 5 Executive Committee meeting agenda	Jas Chonk	28-Sep-2016	Done
31-Aug-2016	Forward the correspondence from William Russell re Galiano Island Local Trust Committee minutes to Galiano Island Local Trust Committee for their consideration.	Jas Chonk	16-Sep-2016	Done
31-Aug-2016	Forward the correspondence from MLA Leonard Krog re Gabriola Island Potlatch Proposal to Gabriola Island Local Trust Committee and Northern Office staff.	Jas Chonk	16-Sep-2016	Done

Lisa Gordon

Activity	Activity	Responsibility	Target Date	Status
27-Apr-2016	8.4.1 Develop info session on species at risk for a future TC meeting	Lisa Gordon David Marlor	30-Sep-2016	On Going
22-Mar-2016	5.1.1 Produce Annual report with same outline and format as last year	Lisa Gordon Pamela Hafey	16-Sep-2016	On Going
28-Oct-2015	8.1.2 Contact FN offices about appropriate gifts and populate database	Lisa Gordon Fiona MacRaild	30-Dec-2016	On Going
17-Aug-2016	Update Media Relations Tips to reflect gentler wording to replace dont lie	Lisa Gordon Pamela Hafey	30-Sep-2016	Done
17-Aug-2016	Provide advice to the Executive Committee about participation on the CEEA Comment Period re Roberts Bank Terminal.	Lisa Gordon Clare Frater	05-Oct-2016	On Going

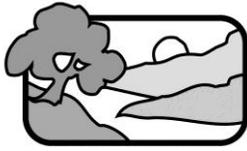
Russ Hotsenpiller

Activity	Activity	Responsibility	Target Date	Status
06-Apr-2016	8.4.2 Draft report on potential improvements to consultant evaluation procurement policy	Russ Hotsenpiller Cindy Shelest		On Going
09-Mar-2016	6.4.7 Return to EC with advice on priorities chart	Russ Hotsenpiller		On Going



Follow Up Action Report

17-Aug-2016	Recommendations regarding ongoing meeting locations (cost benefit analysis of islands venues versus city venues) based on challenges experienced resulting in Mayne Island TC meeting cancellation and similar challenges anticipated on the smaller islands.	Russ Hotsenpiller	30-Sep-2016	On Going
17-Aug-2016	First Nations Relationship Building to be added as a priority on the Executive Committee work program.	Russ Hotsenpiller Jas Chonk	14-Sep-2016	Done
31-Aug-2016	Add a session on archaeological site protection concerns to Trust Councils continuous learning plan for 2017-18.	Russ Hotsenpiller	01-Sep-2016	On Going



Bylaw Submission Briefing Note

Islands Trust

Date: September 6, 2016

To: Executive Committee (Meeting of October 5, 2016)

From: Miles Drew
Bylaw Enforcement Manager

Re: **Galiano Island Local Trust Committee Bylaw Enforcement Notification
Bylaw, No. 228, 2011, Amendment No. 1, 2016.**

The Galiano Island Local Trust Committee is pleased to submit Proposed Bylaw No. 258 for consideration by the Executive Committee and requests its approval. The purpose of this briefing note is to provide the Executive Committee with a summary of the bylaw intent.

Purpose:

Proposed Bylaw No.258 ammends Galiano Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 228, 2011 (BEN) so that the changes brought about by Galiano Island Land Use Bylaw Amendment Bylaws No. 243, No. 245 and No. 255 are included in the BEN schedule of fine amounts; so that most of the penalties for voluntary compliance can be adjusted to zero; and so that various housekeeping amendments can be made.

Issues Relating To Provincial Interest:

This Bylaw is administrative in nature and does not require referral to other agencies, approval from the Province or public hearings.

Background:

The draft bylaw was considered by the LTC and given third reading on August 29, 2016 and the LTC resolved to forward the bylaw to the Executive Committee for approval.

Recommendation:

Staff recommends that the Executive Committee make the following resolution:

The Executive Committee approves Galiano Island Local Trust Committee Bylaw No. 258, cited as Galiano Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 228, 2011, Amendment No. 1, 2016 under Section 24 of the *Islands Trust Act* and returns it to the Galiano Island Local Trust Committee for final adoption.

**Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES**

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1.1	Non Permitted Use Of Conduits/Poles/Towers In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.1.2	Non Permitted Bicycling And Equestrian Trails In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.1.3	Non Permitted Accessory Use/Building/Structure Or Non Permitted Agricultural And Horticultural Use Or Non Permitted Farm Animals in Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.1.4	Non Permitted Sawmilling In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.2	Non Permitted Use Of Accessory Building/Structure As Home Occupation Prior To Primary Building/Structure Constructed And Occupied	\$250.00	\$187.50	\$125.00	Yes	100%
2.3.1	Non Permitted Use Of Accessory Building/Structure, Other Than Cottage, For Human Habitation	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.2	Non Permitted Use Of Land/Building/Structure For Mobile Home Parks/Manufactured Home Parks/Commercial Campgrounds	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.3	Non Permitted Use Of Land/Building/Structure For Commercial Aquaculture	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.4	Non Permitted Use Of Land/Building/Structure For Airports Other Than Float Plane Bases	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.5	Non Permitted Use Of Boat Launching Ramp/Marina/Dock For Launching Personal Watercraft	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.6	Non Permitted Use Of Land/Building/Structure For Helipads	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.7	Non Permitted Use Of Land/Building/Structure For Private Golf Courses/Marinas	\$300.00	\$225.00	\$150.00	Yes	100%
2.3.8	Non Permitted Use Of Land/Building/Structure For Waste Disposal On Land/Marine Areas	\$500.00	\$375.00	\$250.00	Yes	50%
2.4	Non Permitted Use Of Lot For Wrecking/Storage Of Derelict Automobiles/Used Or Discarded Machinery/Equipment Except As Permitted In Light Industrial Zone.	\$150.00	\$112.50	\$75.00	Yes	100%
2.5	Exceed Height Restriction For Accessory Building/Structure	\$300.00	\$225.00	\$150.00	Yes	100%

**Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES**

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.6	Accessory Building/Structure Exceeds One Story	\$300.00	\$225.00	\$150.00	Yes	100%
2.8	Fence exceeds permitted height.	\$300.00	\$225.00	\$150.00	Yes	100%
2.9	Exceed Floor Area Restriction For Cottage	\$300.00	\$225.00	\$150.00	Yes	100%
2.12	Non Permitted residential design of forestry use building or structure.	\$300.00	\$225.00	\$150.00	Yes	100%
2.14	Non-Permitted Siting Of Building/Structure In Set Back From Sea/Lake/Swamp/Watercourse.	\$300.00	\$225.00	\$150.00	Yes	100%
2.15	Non-Permitted Siting Of Sewage Absorption Field In Set Back From Sea/Lake/Swamp/Watercourse/Well.	\$300.00	\$225.00	\$150.00	Yes	100%
2.16	Non Permitted Siting Of Building/Structure For Farm Animals In Set Back From Sea/Lake/Swamp/Watercourse/Well	\$300.00	\$225.00	\$150.00	Yes	100%
2.17	Non Permitted Siting Of Building/Structure Used For Human Habitation/Occupancy In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.1	Non Permitted Secondary Suite	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.2	Non Permitted Secondary Suite/Cottage	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.3	Secondary Suite Too Large	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.4	Secondary Suite Not Located In Principal Dwelling	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.5	Secondary Suit Without Separate Entrance	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.6	Secondary Suite Without Adequate Rainwater Storage	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.8.1	Non Resident Employee In Suite Home Occupation	\$300.00	\$225.00	\$150.00	Yes	100%
2.28.9	No Parking Provided For Secondary Suite	\$300.00	\$225.00	\$150.00	Yes	100%
3.2	Home Occupation On Premise Not Being Occupied As Dwelling	\$250.00	\$187.50	\$125.00	Yes	100%
3.3	Home Occupation Not Conducted Entirely Within Operator's Dwelling Unit Or Accessory Building/Structure	\$250.00	\$187.50	\$125.00	Yes	100%
3.3	Non Permitted Exterior Storage Of Materials/Products/Equipment	\$250.00	\$187.00	\$125.00	Yes	100%
3.4	Not Retaining Residential Appearance Due To Home Occupation	\$250.00	\$187.50	\$125.00	Yes	100%
3.5	Non Permitted Home Occupation Sign/ Lighting					
3.6	More Than Three Persons Employed In Home Occupation Or No Employee Residing Permanently	\$250.00	\$187.50	\$125.00	Yes	100%

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GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.7	Non Permitted Home Occupation Activity	\$250.00	\$187.50	\$125.00	Yes	100%
3.8	Non-Permitted Home Occupation	\$250.00	\$187.50	\$125.00	Yes	100%
3.9	Home Occupation Producing Waste/Noise/Vibration/Glare/Fumes/Odours/Illumination/Electrical Interference Detectable Off Lot Or Home Occupation Consumes Excessive Groundwater	\$250.00	\$187.50	\$125.00	Yes	100%
3.10	Exceed Maximum Number Bedrooms In B&B	\$250.00	\$187.50	\$125.00	Yes	100%
3.12	Vehicle/Equipment for Home Occupation in Setback Unscreened.	250.00	\$187.00	\$125.00	Yes	100%
3.13.1	More Than One STVR in Use	\$300.00	\$225.00	\$150.00	Yes	100%
3.13.2	Too Many Bedrooms/Beds in STVR/B&B	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.1	Non Permitted Use In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.2	More Than One Dwelling On Lot In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.3	Non Permitted Cottage In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.4	Exceed Lot Coverage Restriction In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.5	Exceed Height Restriction For Building/Structure In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.6	Encroachment Of Building/Structure Into Setback In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.7	Encroachment Of Building/Structure For Animals Into Setback In Village Residential 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.1.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.1	Non Permitted Use In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.2	More Than One Dwelling On Lot In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.3	Non Permitted Cottage In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.4	Exceed Lot Coverage Restriction In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.5	Exceed Height Restriction For Building/Structure In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.6	Encroachment Of Building/Structure Into Setback In Village Residential 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.2.7	Encroachment Of Building/Structure	\$300.00	\$225.00	\$150.00	Yes	100%

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CONTRAVENTIONS AND PENALTIES**

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	For Animals In Village Residential 2 Zone					
5.2.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.1	Non Permitted Use In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.2	Non Permitted Cottage On Lot 1, District Lot 83 In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.3	Non Permitted Use On District Lot 145 In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.4	Non Permitted Additional Dwelling In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.5	Non Permitted Cottage On Lots Smaller Than 0.4 Hectares In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.6	Exceed Lot Coverage Restriction In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.7	Exceed Height Restriction For Building/Structure In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.8	Encroachment Of Building/Structure Into Setback In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.3.10	Encroachment Of Building/Structure For Farm Animals Into Setback In Small Lot Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.1	Non Permitted Use In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.2	Non Permitted Additional Dwelling In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.3	Non Permitted Cottage In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.4	Exceed Lot Coverage	\$300.00	\$300.00	\$150.00	Yes	100%
5.4.5	Exceed Height Restriction For Building/Structure In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.6	Encroachment Of Building/Structure Into Setback In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.7	Encroachment Of Building/Structure For Farm Animals Into Setback In Rural Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.1	Non Permitted Use In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.13	Building/ Structure/Paved Area Outside Developable Area	\$300.00	\$225.00	\$150.00	Yes	100%
5.4.15	Building/Structure/Paved Area	\$300.00	\$225.00	\$150.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Outside Designated Area					
5.4.17	Building/ Structure/Paved Area Outside Developable Area	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.2	Non Permitted Additional Dwelling In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.3	Non Permitted Cottage In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.4	Exceed Lot Coverage	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.5	Exceed Height Restriction For Building/Structure In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.6	Encroachment Of Building/Structure Into Setback In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.7	Encroachment Of Building/Structure For Farm Animals Into Setback In Rural 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.5.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.1	Non Permitted Use In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.2	Non Permitted Additional Dwelling In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.3	Non Permitted Cottage In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.4	Exceed Lot Coverage	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.5	Exceed Height Restriction For Building/Structure In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.6	Encroachment Of Building/Structure Into Setback In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.7	Encroachment Of Building/Structure/Use Permitted Under Article 5.6.1 Into Setback In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.8	Encroachment Of Building/Structure For Animals Into Setback In Rural 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
5.6.9	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.1	Non Permitted Use In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.2	Non Permitted Additional Dwelling In Agriculture Zone					
6.1.4	Exceed Lot Coverage	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.5	Exceed Height Restriction For Building/Structure In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.6	Encroachment Of Building/Structure Into Setback In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.7	Encroachment Of Non-Residential Building/Structure Into Setback In Agriculture Zone	\$300.00	\$225.00	\$150.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
6.1.10	Agri-tourist Accommodatin Not Accessry To Working Farm	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.11	Agri-Tourist Accomidation Not In AG Zone and ALR.					
6.1.12	Agri-tourist Accommodation Not Situated In Dwelling or Cottage	\$300.00	\$225.00	\$150.00	Yes	100%
6.1.13	Agri-tourist Accommodation With Unpermitted Restaurant/Commercial Or Retail Sales And Services					
6.1.14	Agri-tourist Operation Exceed Maximum Guests/Bedrooms					
7.1.1	Non Permitted Use In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.1.2	Non Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.1.3	Exceed Height Restriction For Building/Structure In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.1.4	Encroachment Of Building/Structure Into Setback In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.1.5	Encroachment Of Building/Structure Into Setback Of Lot Line That Does Not Abut Highway In Forest 1 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.1	Non Permitted Use In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.2	Non Permitted Additional Dwelling Accessory To Timber Production And Harvesting In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.3	Non Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.4	Exceed Height Restriction For Building/Structure In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.5	Encroachment Of Building/Structure Into Setback In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.6	Encroachment Of Building/Structure Into Setback From Lot Line That Does Not Abut Highway In Forest 2 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.2.7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.1	Non Permitted Use In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.2	Non Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.3	Non Permitted Additional Dwelling Or Dwelling/Accessory Building/Structure Exceed Maximum Floor/Lot Area In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
7.3.4	Exceed Height Restriction For Building/Structure In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.5	Encroachment Of Building/Structure Into Setback In Forest 3 Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.3.6	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.1	Non Permitted Use In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.2	Non Permitted Building/Structure Or Permitted Building/Structure For Timber Production And Harvesting Uses Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.3	Non Permitted Building/Structure Or Permitted Building/Structure For Forestry Education And Research Uses Exceed Maximum Floor/Lot Area In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.4	Exceed Height Restriction For Building/Structure In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.5	Encroachment Of Building/Structure Into Setback In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.4.6	Encroachment Of Building/Structure Into Setback From Lot Line That Does Not Abut A Highway In Heritage Forest Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.1	Non Permitted Use In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.2	Non Permitted Building/Structure Or Permitted Building/Structure Exceeds Maximum Floor Area Or Inadequate Landscape Screen In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.3	Non Permitted Accessory Dwelling Or Permitted Accessory Dwelling Does Not Have Highway Access In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.4	Exceed Height Restriction For Building/Structure In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.5	Encroachment Of Building/Structure Into Setback In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.6	Encroachment Of Building/Structure Into Setback From Lot Line That Does Not Abut Highway In Forest Land Reserve Zone	\$300.00	\$225.00	\$150.00	Yes	100%
7.5.7	Buildings/Structures Used For	\$300.00	\$225.00	\$150.00	Yes	100%

**Schedule A
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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Human Habitation In Setback From AG Zone.					
8.1.1	Non Permitted Use In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.2	Exceed Density Of Development Restriction In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.3	Exceed Lot Coverage Restriction In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.4	Exceed Height Restriction For Building/Structure In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.5	Encroachment Of Building/Structure Into Setback In Senior Citizen Residential Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.1.6	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.1	Non Permitted Use In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.2	Fail To Meet Site Specific Usage Regulations In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.3	Exceed Density Restriction Of Affordable And Special Needs Housing In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.4	Exceed Lot Coverage Restriction On Lot 2 In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.5	Exceed Height Restriction For Building/Structure In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.6	Encroachment Of Building/Structure Into Setback In Community Facility Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.2.7	Fail To Meet Site Specific Setback Regulations In Community Facility Zone					
8.3.1	Non Permitted Use In Emergency And Health Services Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.3.2	Exceed Height Restriction For Building/Structure In Emergency And Health Services Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.3.3	Encroachment Of Building/Structure Into Setback In Emergency And Health Services Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.3.4	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
8.4.1	Non Permitted Use In Utility Service Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.4.2	Exceed Height Restriction For	\$300.00	\$225.00	\$150.00	Yes	100%

**Schedule A
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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Building/Structure In Utility Service Zone					
8.4.3	Encroachment Of Building/Structure Into Setback In Utility Service Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.4.4	Inadequate Landscape Screen For Storage Areas In Utility Service Zone	\$100.00	\$75.00	\$50.00	Yes	100%
8.5.1	Non Permitted Use In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.2	Treatment Facility Accommodation Room Exceeds Maximum Floor Area In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.4	Exceed Maximum Lot Coverage Area In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.5	Exceed Maximum Floor Space Ratio In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.6	More Than One Treatment Facility On Lot In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.7	Exceed Height Restriction For Building/Structure In Health And Wellness Zone	\$300.00	\$22.00	\$150.00	Yes	100%
8.5.8	Encroachment Of Building/Structure Into Setback In Health And Wellness Zone	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.9	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
8.5.11	Inadequate Landscape Screen For Unenclosed Storage Areas In Health And Wellness Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.1.1	Non Permitted Use In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.2	Fail To Meet Site Specific Usage Regulations In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.3	Exceed Lot Coverage Restriction In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.4	More Than One Dwelling On Lot In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.5	Exceed Height Restriction For Building/Structure In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.6	Encroachment Of Building/Structure/Unenclosed Accessory Storage Areas Into Setback In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.7	Encroachment Of Building/Structure Used For Farm Animals Into Setback In Retail Commercial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.1.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%

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CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
9.1.10	Fail To Meet Site Specific Vegetation Regulations In Retail Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.1.11	Inadequate Landscape Screen For Unenclosed Storage Areas In Retail Commercial Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.1.12	Fail To Provide Compliant Area For Unloading Of Goods From Commercial Vehicles In Retail Commercial Zone	\$250.00	\$187.50	\$125.00	Yes	100%
9.2.1	Non Permitted Use In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.2	Accommodation Facility Exceeds Maximum Visitor Accommodation Rooms Or Does Not Contain Accommodation/Restaurant And Dwelling In Single Building In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.3	Accommodation Facility In Lot A District Lot 26 In Visitor Accommodation (Inn) Zone Does Not Meet Site Specific Regulations	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.5	More Than One Inn On Lot In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.6	Exceed Maximum Lot Coverage In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.7.1	Exceed Floor Space Ratio Restriction In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.7.2	Exceed Maximum Floor Area Restriction For Visitor Accommodation Rooms In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.7.3	Exceed Maximum Floor Area Restriction For Accessory Retail Sales In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.8	Exceed Maximum Height Restriction For Building/Structure In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.9	Encroachment Of Building/Structure Into Setback In Visitor Accommodation (Inn) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.10	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.2.12	Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Inn) Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.3.1	Non Permitted Use In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
9.3.3	More Than One Resort On Lot In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.4	Exceed Maximum Lot Coverage Restriction In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.5	Exceed Maximum Height Restriction Of Building/Structure In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.6	Encroachment Of Building/Structure Into Setback In Visitor Accommodation (Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.3.9	Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Resort) Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.3(A).1	Non Permitted Use In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).2	More Than One Resort On Lot In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).3	Exceed Total Floor Area Restriction For All Buildings/Structures Excluding Owner/Operator's Dwelling In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).4	Exceed Maximum Floor Area Restriction For Accessory Buildings Other Than Barn In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).5	Exceed Maximum Height Restriction Of Building/Structure In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).6	Encroachment Of Building/Structure Except Fence/Pumphouse Into Setback In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).7	Encroachment Of Building/Structure For Animals Into Setback In Visitor Accommodation (Rural Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(A).10	Inadequate Landscape Screen For Unenclosed Storage Areas In Visitor Accommodation (Rural Resort) Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.3(B).1	Non Permitted Use In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).3	More Than One Comprehensive	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Resort On Lot In Galiano Inn (Comprehensive Resort) Zone					
9.3(B).4	Exceed Maximum Lot Coverage Restriction Of Building/Structure In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).5	Exceed Maximum Lot Coverage Restriction Of Asphalt And Concrete Paving In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).6	Visitor Accommodation Sleeping Rooms Exceed Maximum Total Combined Floor Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).7	Visitor Accommodation Units Exceed Maximum Total Combined Floor Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).8	More Than One Restaurant Or Restaurant Exceeds Maximum Seating Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).9	More Than One Retail Area Or Retail Area Exceeds Maximum Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).10	More Than One Dwelling For Owner/Operator Or Dwelling Exceeds Maximum Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).11	More Than One Laundry Area Or Laundry Area Exceeds Maximum Area Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).12	Non-licenced Lounge Or More Than One Licenced Lounge Or Lounge Exceeds Maximum Seating Restriction In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).13	Exceed Maximum Height Restriction Of Building/Structure In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).14	Encroachment Of Buildings/Structures/Tanks/Sheds/Replacement Parking Sites Into Setback In Galiano Inn (Comprehensive Resort) Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.3(B).15	Buildings/Structures Used For Human Habitation In Setback From	\$300.00	\$225.00	\$150.00	Yes	100%

**Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES**

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	AG Zone.					
9.3(B).17	Inadequate Landscape Screen For Unenclosed Storage Areas In Galiano Inn (Comprehensive Resort) Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.4.1	Non Permitted Use In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.2	Exceed Maximum Lot Coverage Restriction In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.3	More Than One Accessory Dwelling On Permitted Lot In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.4	Floor Area For Serving Customers/ Seating Capacity Exceeds Maximum Restriction In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.5	Exceed Maximum Height Restriction For Building/Structure In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.6	Encroachment Of Building/Structure/Unenclosed Storage Areas Into Setback In Public House Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.4.9	Inadequate Landscape Screen For Unenclosed Storage Areas In Public House Commercial Land Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.4.10	Fail To Provide Compliant Area For Unloading Of Goods From Commercial Vehicles In Public House Commercial Land Zone	\$250.00	\$187.50	\$125.00	Yes	100%
9.5.1	Non Permitted Use In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.2	More Than One Commercial Private Film School Or School Exceeds Total Floor Area Restriction In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.3	Overnight Accommodation Of Students/Staff Exceed Maximum Restriction In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.4	More Than One Accessory Dwelling On Permitted Lot In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.5	Exceed Maximum Lot Coverage Restriction In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.6	Exceed Maximum Height Restriction	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	For Building/Structure In Commercial Private Film School Zone					
9.5.7	Encroachment Of Building/Structure/Unenclosed Accessory Storage Area Into Setback In Commercial Private Film School Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.8	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.5.10	Inadequate Landscape Screen For Unenclosed Storage Areas In Commercial Private Film School Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.6.1	Non Permitted Use In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.2	Exceed Maximum Lot Coverage Restriction In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.3	More Than One Dwelling On Lot In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.4	Exceed Maximum Height Restriction For Building/Structure In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.5	Encroachment Of Building/Structure Into Setback In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.6	Encroachment Of Building/Structure For Animals Into Setback In Light Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6.8	Inadequate Landscape Screen In Light Industrial Zone	\$100.00	\$75.00	\$50.00	Yes	100%
9.6(A).1	Non Permitted Use In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).2	Exceed Maximum Lot Coverage Restriction In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).3	More Than One Dwelling On Lot In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).4	Exceed Maximum Height Restriction For Building/Structure In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).5	Encroachment Of Building/Structure Into Setback In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).6	Encroachment Of Building/Structure For Animals Into Setback In Forest Industrial Zone	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).7	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
9.6(A).9	Inadequate Landscape Screen On Lots On Which Light Industrial Uses Are Conducted In Forest Industrial	\$100.00	\$75.00	\$50.00	Yes	100%

**Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES**

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Zone					
10.1.1	Non Permitted Use in Public Recreation Zone	\$300.00	\$225.00	\$150.00	Yes	100%
10.1.2	Exceed Accessory Dwellings Number	\$300.00	\$225.00	\$150.00	Yes	100%
10.1.3	Exceed Maximum Height	\$300.00	\$225.00	\$150.00	Yes	100%
10.1.4	Encroachment of Buildings/Structures Into Setback In Public Recreation Zone	\$300.00	\$225.00	\$150.00	Yes	100%
10.1.5	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
11.1.1	Non Permitted Use In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
11.1.2	Non Permitted Building/Structure In Nature Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.1.1	Non Permitted Use In Marine Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.1.2	Non Permitted Building/Structure Or Residential Use Of A Watercraft In Marine Protection Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.2.1	Non Permitted Use In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.2.2	Private Float And Walkway Exceed Total Length Permitted From Natural Boundary Of Sea In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.2.3	Non Permitted Commercial/Industrial Activity In Connection With Use Of Docks/Floats/Wharves Or Non Permitted Residential Use Of A Watercraft In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.2.4	Non Permitted Siting Of Docks/Floats/Wharves In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.3.1	Non Permitted Use In Marine Service Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.3.2	Non Permitted Siting Of Structures In Marine Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.4.1	Non Permitted Use In Marine Commercial Water Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.4.2	Exceed Maximum Height Restriction For Building/Structure In Marine Commercial Water Zone	\$300.00	\$225/00	\$150.00	Yes	100%
12.4.3	Non Permitted Siting Of Building/Structure In Marine Commercial Water Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.4.4	Non Permitted Residential Use Of Watercraft In Marine Commercial Water Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.1	Non Permitted Use In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%

Schedule A
GALIANO ISLAND LAND USE BYLAW NO. 127, 2011
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
12.5.2	More Than One Dwelling On Lot In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.3	Exceed Maximum Lot Coverage Area Restriction In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.4	Exceed Maximum Height Restriction Of Building/Structure In Marine Commercial Land Zone	\$300.00	\$225/00	\$150.00	Yes	100%
12.5.5	Encroachment Of Building/Structure/Unenclosed Storage Area From Setback In Marine Commercial Land Zone	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.6	Buildings/Structures Used For Human Habitation In Setback From AG Zone.	\$300.00	\$225.00	\$150.00	Yes	100%
12.5.8	Inadequate Landscape Screen For Unenclosed Storage Areas In Marine Commercial Land Zone	\$100.00	\$75.00	\$50.00	Yes	100%
12.6.1	Movement Of Float Planes Other Than Taxiing Or Water Area Used For Recreational/Transportation Activities Involving Personal Watercraft In Montague Harbour	\$300.00	\$225.00	\$150.00	Yes	100%
14.1	Fail To Provide Minimum Parking Spaces As Per Table 2: Off Street Parking Standards	\$250.00	\$187.50	\$125.00	Yes	100%
14.5	Non Permitted Siting/Setback Of Parking Space	\$250.00	\$187.50	\$125.00	Yes	100%
14.6	Fail To Provide Sufficient Manoeuvring Area For Parking Space	\$250.00	\$187.50	\$125.00	Yes	100%
14.7	Parking Space Does Not Meet Size Requirements	\$250.00	\$187.50	\$125.00	Yes	100%
14.8	Fail To Provide Minimum Bicycle Parking	\$250.00	\$187.50	\$125.00	Yes	100%
15.1	Parking Areas Improperly Screened	\$250.00	\$187.50	\$125.00	Yes	100%
16.1	Non Permitted Commercial Sign	\$150.00	\$112.50	\$75.00	Yes	100%
16.4	Sign Not On Lot Of Referred Use	\$150.00	\$112.50	\$75.00	Yes	100%
16.5	Non Permitted/Too Large Sign	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.1	Sign Projecting Over Highway/Public Property	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.2	Sign Flashing Or Blinking	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.3	Sign Making Noise To Attract Attention	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.4	Sign With Misdirected Flood Light	\$150.00	\$112.50	\$75.00	Yes	100%
16.6.5	Sign Advertising Discontinued Business/Service/Activity	\$150.00	\$112.50	\$75.00	Yes	100%



Islands Trust

Bylaw Submission Staff Report

Date: September 26, 2016

To: Executive Committee
For the meeting of October 5, 2016

From: Kim Stockdill, A/Planner 2

Re: **Galiano Island Proposed Bylaw Nos. 259 (OCP) & 260 (LUB)**

Introduction:

The Galiano Island Local Trust Committee is pleased to submit proposed Bylaw Nos. 259 and 260, which amends the Galiano Island Official Community Plan (OCP) and the Galiano Island Land Use Bylaw (LUB). The purpose of this briefing note is to provide the Executive Committee with a summary of the bylaws

Purpose:

In general terms, the purpose of Proposed Bylaw No. 259 is to amend the Galiano Island Official Community Plan Bylaw No.108, 1995, Schedule B (Land Use Designations) in order to re-designate the subject property from Health & Wellness Facility (HF) to Visitor Accommodation (VA).

Similarly, the purpose of Proposed Bylaw No. 260 is to amend the Galiano Island Land Use Bylaw No. 127, 1999, Schedule B (Zoning Map) in order to rezone a property from Health & Wellness (HW) to Visitor Accommodation – Inn (C3).

Background:

Prior to 2009, a portion of the property was zoned Visitor Accommodation – Inn (C3) permitting an existing building to be used as an inn (known as the Woodstone Inn). In 2009, an application was received to rezone the C3 portion of the property to permit an eating disorder clinic. The C3 zoned portion of the land was subsequently rezoned to a Health & Wellness (HW) zone that only permitted residential treatment facilities for the treatment of eating disorders – the use of the building as an inn was not permitted. The applicants are now proposing to rezone and redesignate a portion of the property back to its original permitted use in order to reestablish the use of an inn.

First Reading was given to proposed Bylaw Nos. 259 and 260 at the June 6, 2016 Galiano Island LTC meeting. A community information meeting and public

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hearing was held as part of the regular LTC business meeting on July 4, 2016. Second and Third Reading were given to the proposed bylaws on August 29, 2016. The Islands Trust Policy Statement Checklist was endorsed by the LTC at the meeting of June 6, 2016.

Issues Relating To Provincial Interest:

In response to the bylaw referral there were no objections or concerns raised by any provincial ministry, agency or First Nation.

Issues Relating To Enforcement or Resourcing:

Minimal staff resources will be required for administration of a s.219 covenant as a condition of rezoning. No additional resources are required related to the adoption of this bylaw.

Recommendation:

1. THAT the Islands Trust Executive Committee approves Proposed Bylaw No. 259 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016".
2. THAT the Islands Trust Executive Committee approves Proposed Bylaw No. 260 cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016".



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-259

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 29-Aug-2016

- 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 _____



Trust Area: Galiano Island Local Trust Committee

Type: Official Community Plan Bylaw

Bylaw No.: GL-259

Application No.: GL-RZ-2016.1

Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 06-Jun-2016

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 14-Jun-2016

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-Jun-2016

File complete and ready for Public review: Yes

Public Hearings:

Location: South Community Hall, Galiano Island

Proofread By: Lloyd-deRosario, Sharon

Legal Paper: Gulf Island Driftwood

First Publish Date: 22-Jun-2016

Second Publish Date: 29-Jun-2016

Alternate Paper: The Active Page

First Publish Date: 01-Jul-2016

Second Publish Date:

Mailout Date: 15-Jun-2016

Delivery Notices: 21-Jun-2016

Date Public Hearing Held: 04-Jul-2016

Second Reading Date: 29-Aug-2016

Third Reading Date: 29-Aug-2016



Referrals: Bylaw GL-259

Agency	Sent	Received
Ministry of Community, Sport and Cultural Development Intergovernmental Relations and Planning Division: Nicholls, Eric Comment:	02-Jun-2016	
Galiano Island Fire Department RR #2, Site 46 Comp 23: Darby, Tom Comment:	02-Jun-2016	
Tsawwassen First Nation 1926 Tsawwassen Drive: McCarthy, Tom Comment:	02-Jun-2016	
Tsawout First Nation PO Box 121, 7725 Tetayut Road: Underwood, Gwen Comment:	02-Jun-2016	
Stz'uminus First Nation 12611 A Trans Canada Hwy: Gauthier, Ray Comment:	02-Jun-2016	
Cowichan Tribes 5760 Allenby Rd: Flemming, Tracey Comment:	02-Jun-2016	
Lake Cowichan First Nation 313B Deer Road: Chief, & Council Comment:	02-Jun-2016	
Lyackson First Nation 7973A Chemainus Road: Vacant, Contact Comment:	02-Jun-2016	
Penelakut Tribe Box 360: James, Denise Comment:	02-Jun-2016	
Ministry of Transportation and Infrastructure Saanich Area Office: Sherratt, Grace Comment: no objections to bylaw and no additional requirements	02-Jun-2016	10-Jun-2016
Mayne Island Local Trust Committee Islands Trust: Grams, George Comment: Interests Unaffected by Bylaw	02-Jun-2016	12-Jul-2016
Thetis Island Local Trust Committee Northern Office: Susan, Morrison Comment:	02-Jun-2016	
Semiahmoo First Nation 16049 Beach Rd: Coordinator, Referrals Comment:	02-Jun-2016	
Halalt First Nation	02-Jun-2016	



Referrals: Bylaw GL-259

Agency	Sent	Received
Chief and Council: Gladstone, Caroline Comment:		
Island Health Health Protection and Environmental Services: Yu, Gloria Comment: Approval Recommended Subject to Conditions Outlined	02-Jun-2016	24-Jun-2016
Capital Regional District - All Referrals J. Arnet 625 Fisgard Street: Arnet, Jessica Comment: Approval Recommended Subject to Conditions Outlined	02-Jun-2016	30-Jun-2016
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Olivier, Claire Comment: Interests Unaffected by Bylaw	02-Jun-2016	07-Jul-2016

CRD Staff Referral Response Form

Referral No.: Galiano IT Bylaw 259 -
260

Department: Protective Services

Comments:

Approval recommended for
reasons outlined below

Interests unaffected

Approval recommended subject
to conditions below

Approval not recommended due
to reasons outlined below

The facility is currently beyond the fire departments ability for a direct 4" supply line (hydrant supply line) so the building is subject to a water shuttle operation.

Regional Planning's interests are unaffected

BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

Our office has no objections to the rezoning of the subject property to a visitor accommodation use. If this property will be used for visitor accommodation, it may be required to meet the BC Food Premises Regulation, Drinking Water Protection Act and Drinking Water Protection Regulation. The sewerage system would need to meet the Sewerage System Regulation. Any future subdivision of this property would need to comply with the VHA Subdivision Standards.

 Galiano Island Local Trust Area
 (Island)


 (Signature)

 June 24, 2016
 (Date)

 259 & 260
 (Bylaw Numbers)

 Gloria Yu, Environmental Health Officer
 (Name and Title)

 Island Health
 (Agency)



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Bylaws No. 259 (OCP) & 260 (LUB) - GL-RZ-2016.1
LTC Endorsed: June 6, 2016

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
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
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
N/A	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.
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.
✓	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.
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
✓	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	
✓	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

- 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

As a condition of rezoning applicant must register a section 219 covenant

Completed By: Kim Stockdill

Status

Date Resolution Referred to Exective Committee: 29-Aug-2016

Reading:

GALIANO ISLAND LOCAL TRUST COMMITTEE

PROPOSED

BYLAW NO. 259

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

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the Galiano Island Local Trust Committee the same power and authority of a Regional District under Part 14, except sections 558 to 570 and 507 to 508, of the *Local Government Act*;

AND WHEREAS the Galiano Island Local Trust Committee wishes to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995;

AND WHEREAS the Galiano Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE 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. 2, 2016”.

2. SCHEDULES

Galiano Island Official Community Plan No. 108, 1995 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME this 6th day of June , 2016.

PUBLIC HEARING HELD this 4th day of July , 2016.

READ A SECOND TIME this 29th day of August , 2016.

READ A THIRD TIME this 29th day of August , 2016.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 20.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
DEVELOPMENT this day of , 20.

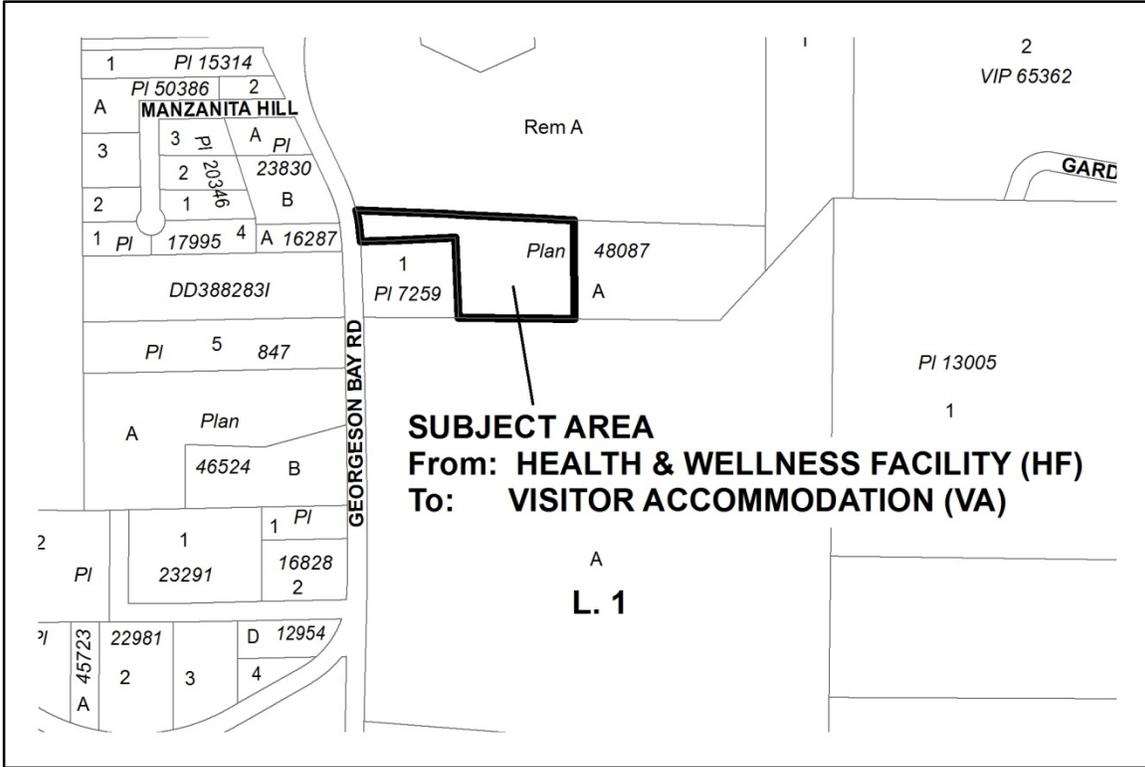
ADOPTED this day of , 20.

SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 259
SCHEDULE 1**

1. Schedule B (Land Use Designation) is amended for a portion of the lands legally described Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 as depicted in the map below.



First Nation Engagement

Referral of: Galiano Bylaw No. 259 & 260 (OCP & LUB Amendments)
Re: GL-RZ-2016.1

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & Left a message to advise of Public Hearing & asked for comments.	SLD

First Nation: Halalt

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & spoke with reception advising of Public Hearing & was asked to resend the referral for comments to another person.	SLD
June 20, 2016	Resent referral to Jack Smith	SLD

First Nation: Lake Cowichan

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & Left a message to advise of Public Hearing & ask for comments – awaiting response	SLD

First Nation: Lyackson

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & spoke with reception advising of Public Hearing & was asked to resend the referral for comments to another person.	SLD
June 20, 2016	Resent referral to Shana Manson	SLD

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & left msg advising of Public Hearing & ask for comments – awaiting response	SLD

First Nation: Semiahmoo

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & Left a message to advise of Public Hearing – waiting for reply	SLD

First Nation: Stz'uminus

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & was unable to have call go through & I tried to find a new telephone number; was unable to	SLD

First Nation: Tsawwassen

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & Left a message to advise of Public Hearing & ask for comments – no comment	SLD

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Islands Trust

Bylaw Submission Staff Report

Date: September 26, 2016

To: Executive Committee
For the meeting of October 5, 2016

From: Kim Stockdill, A/Planner 2

Re: **Galiano Island Proposed Bylaw Nos. 259 (OCP) & 260 (LUB)**

Introduction:

The Galiano Island Local Trust Committee is pleased to submit proposed Bylaw Nos. 259 and 260, which amends the Galiano Island Official Community Plan (OCP) and the Galiano Island Land Use Bylaw (LUB). The purpose of this briefing note is to provide the Executive Committee with a summary of the bylaws

Purpose:

In general terms, the purpose of Proposed Bylaw No. 259 is to amend the Galiano Island Official Community Plan Bylaw No. 108, 1995, Schedule B (Land Use Designations) in order to re-designate the subject property from Health & Wellness Facility (HF) to Visitor Accommodation (VA).

Similarly, the purpose of Proposed Bylaw No. 260 is to amend the Galiano Island Land Use Bylaw No. 127, 1999, Schedule B (Zoning Map) in order to rezone a property from Health & Wellness (HW) to Visitor Accommodation – Inn (C3).

Background:

Prior to 2009, a portion of the property was zoned Visitor Accommodation – Inn (C3) permitting an existing building to be used as an inn (known as the Woodstone Inn). In 2009, an application was received to rezone the C3 portion of the property to permit an eating disorder clinic. The C3 zoned portion of the land was subsequently rezoned to a Health & Wellness (HW) zone that only permitted residential treatment facilities for the treatment of eating disorders – the use of the building as an inn was not permitted. The applicants are now proposing to rezone and redesignate a portion of the property back to its original permitted use in order to reestablish the use of an inn.

First Reading was given to proposed Bylaw Nos. 259 and 260 at the June 6, 2016 Galiano Island LTC meeting. A community information meeting and public

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hearing was held as part of the regular LTC business meeting on July 4, 2016. Second and Third Reading were given to the proposed bylaws on August 29, 2016. The Islands Trust Policy Statement Checklist was endorsed by the LTC at the meeting of June 6, 2016.

Issues Relating To Provincial Interest:

In response to the bylaw referral there were no objections or concerns raised by any provincial ministry, agency or First Nation.

Issues Relating To Enforcement or Resourcing:

Minimal staff resources will be required for administration of a s.219 covenant as a condition of rezoning. No additional resources are required related to the adoption of this bylaw.

Recommendation:

1. THAT the Islands Trust Executive Committee approves Proposed Bylaw No. 259 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 2, 2016".
2. THAT the Islands Trust Executive Committee approves Proposed Bylaw No. 260 cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016".



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-260

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 29-Aug-2016

- 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 _____

Trust Area: Galiano Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: GL-260

Application No.: GL-RZ-2016.1

Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 06-Jun-2016

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 14-Jun-2016

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-Jun-2016

File complete and ready for Public review: Yes

Public Hearings:

Location: South Community Hall, Galiano Island

Proofread By: Lloyd-deRosario, Sharon

Legal Paper: Gulf Island Driftwood

First Publish Date: 22-Jun-2016

Second Publish Date: 29-Jun-2016

Alternate Paper: The Active Page

First Publish Date: 01-Jul-2016

Second Publish Date:

Mailout Date: 15-Jun-2016

Delivery Notices: 21-Jun-2016

Date Public Hearing Held: 04-Jul-2016

Second Reading Date: 29-Aug-2016

Third Reading Date: 29-Aug-2016



Referrals: Bylaw GL-260

Agency	Sent	Received
Ministry of Community, Sport and Cultural Development Intergovernmental Relations and Planning Division: Nicholls, Eric Comment:	02-Jun-2016	
Galiano Island Fire Department RR #2, Site 46 Comp 23: Darby, Tom Comment:	02-Jun-2016	
Tsawwassen First Nation 1926 Tsawwassen Drive: McCarthy, Tom Comment:	02-Jun-2016	
Tsawout First Nation PO Box 121, 7725 Tetayut Road: Underwood, Gwen Comment:	02-Jun-2016	
Stz'uminus First Nation 12611 A Trans Canada Hwy: Gauthier, Ray Comment:	02-Jun-2016	
Halalt First Nation 7973 Chemainus Rd: Gladstone, Caroline Comment:	02-Jun-2016	
Lake Cowichan First Nation 313B Deer Road: Chief, & Council Comment:	02-Jun-2016	
Lyackson First Nation 7973A Chemainus Road: Vacant, Contact Comment:	02-Jun-2016	
Penelakut Tribe Box 360: James, Denise Comment:	02-Jun-2016	
Ministry of Transportation and Infrastructure Saanich Area Office: Sherratt, Grace Comment: no objections to bylaw and no additional requirements	02-Jun-2016	10-Jun-2016
Mayne Island Local Trust Committee Islands Trust: Grams, George Comment: Interests Unaffected by Bylaw	02-Jun-2016	12-Jul-2016
Thetis Island Local Trust Committee Northern Office: Susan, Morrison Comment:	02-Jun-2016	
Semiahmoo First Nation 16049 Beach Rd: Coordinator, Referrals Comment:	02-Jun-2016	
Cowichan Tribes	02-Jun-2016	



Referrals: Bylaw GL-260

Agency	Sent	Received
Chief and Council: Flemming, Tracey Comment:		
Island Health Health Protection and Environmental Services: Yu, Gloria Comment: Approval Recommended Subject to Conditions Outlined	02-Jun-2016	24-Jun-2016
Capital Regional District - All Referrals J. Arnet 625 Figgard Street: Arnet, Jessica Comment: Approval Recommended Subject to Conditions Outlined	02-Jun-2016	30-Jun-2016
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Olivier, Claire Comment: Interests Unaffected by Bylaw	02-Jun-2016	07-Jul-2016

CRD Staff Referral Response Form

Referral No.: Galiano IT Bylaw 259 -
260

Department: Protective Services

Comments:

Approval recommended for
reasons outlined below

Interests unaffected

Approval recommended subject
to conditions below

Approval not recommended due
to reasons outlined below

The facility is currently beyond the fire departments ability for a direct 4" supply line (hydrant supply line) so the building is subject to a water shuttle operation.

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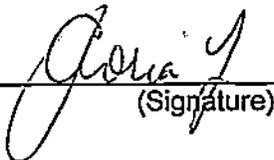
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Galiano Island Local Trust Area

(Island)



(Signature)

June 24, 2016

(Date)

259 & 260

(Bylaw Numbers)

Gloria Yu, Environmental Health Officer

(Name and Title)

Island Health

(Agency)



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Bylaws No. 259 (OCP) & 260 (LUB) - GL-RZ-2016.1
LTC Endorsed: June 6, 2016

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.

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- ✓ 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
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
N/A	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.
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.
✓	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.
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
✓	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	
✓	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

- 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

As a condition of rezoning applicant must register a section 219 covenant

Completed By: Kim Stockdill

Status

Date Resolution Referred to Exective Committee: 29-Aug-2016

Reading:

GALIANO ISLAND LOCAL TRUST COMMITTEE

PROPOSED

BYLAW NO. 260

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 Trust Committee Area under the *Islands Trust Act*, enacts as follows:

- A. Bylaw No. 127, cited as "Galiano Island Land Use Bylaw No. 127, 1999" is amended as follows:
 - 1. Schedule B (Zoning Map) is amended for a portion of the lands legally described Lot A, District Lot 3, Galiano Island, Cowichan District, Plan 48087 from Health & Wellness (HW) to Visitor Accommodation (Inn) – C3 as shown on Plan No.1 which is attached to and forms part of this bylaw.
- B. This bylaw may be cited for all purposes as the "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 2, 2016".

READ A FIRST TIME THIS 6th DAY OF June 2016

PUBLIC HEARING HELD THIS 4th DAY OF July 2016

READ A SECOND TIME THIS 29th DAY OF August 2016

READ A THIRD TIME THIS 29th DAY OF August 2016

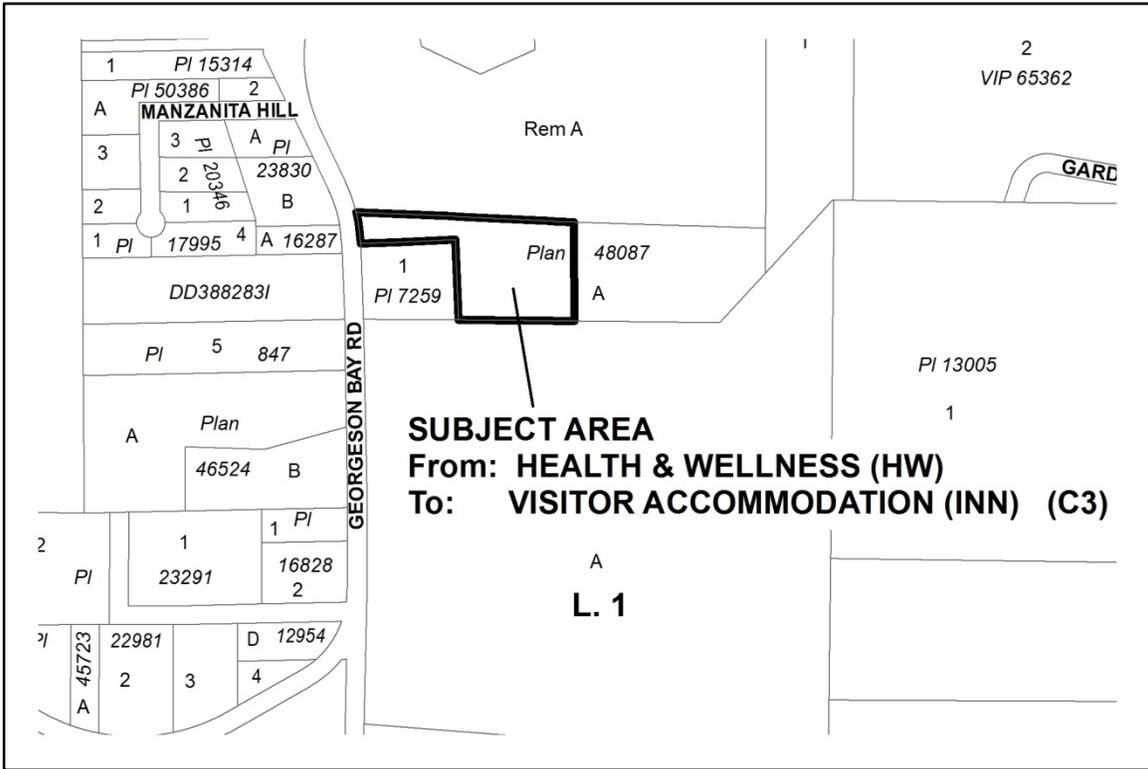
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS DAY OF 201_

ADOPTED THIS DAY OF 201_

DEPUTY SECRETARY

CHAIRPERSON

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 260
PLAN NO. 1



First Nation Engagement

Referral of: Galiano Bylaw No. 259 & 260 (OCP & LUB Amendments)
Re: GL-RZ-2016.1

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & Left a message to advise of Public Hearing & asked for comments.	SLD

First Nation: Halalt

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & spoke with reception advising of Public Hearing & was asked to resend the referral for comments to another person.	SLD
June 20, 2016	Resent referral to Jack Smith	SLD

First Nation: Lake Cowichan

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & Left a message to advise of Public Hearing & ask for comments – awaiting response	SLD

First Nation: Lyackson

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & spoke with reception advising of Public Hearing & was asked to resend the referral for comments to another person.	SLD
June 20, 2016	Resent referral to Shana Manson	SLD

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & left msg advising of Public Hearing & ask for comments – awaiting response	SLD

First Nation: Semiahmoo

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & Left a message to advise of Public Hearing – waiting for reply	SLD

First Nation: Stz'uminus

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & was unable to have call go through & I tried to find a new telephone number; was unable to	SLD

First Nation: Tsawwassen

Date	Comment/Action	Initial
June 2, 2016	Emailed referral package & Letter	SLD
June 20, 2016	Phoned & Left a message to advise of Public Hearing & ask for comments – no comment	SLD

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REQUEST FOR DECISION

To: Executive Committee

For the Meeting of:: September 28, 2016

Date: October 5, 2016

SUBJECT: BOWEN ISLAND – LUB BYLAW 426 – S.15 LETTERS PATENT REFERRAL

RECOMMENDATION:

THAT the Executive Committee advise Bowen Island Municipality that the Bylaw 426, cited as “Bowen Island Municipality Land Use Bylaw No.57, 2002, Amendment Bylaw No. 426, 2016” is not contrary or at variance to the Islands Trust Policy Statement.

DIRECTOR COMMENTS: Bowen Island Municipality has referred Bylaw 426 to the Executive Committee after first reading. It is a ‘non-OCP’ bylaw that requires comment only, rather than approval. Staff recommends that the Executive Committee advises that the bylaw 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 Bowen Island Municipality before August 26, 2016 on the Executive Committee decision.

OTHER: None

1.0 BACKGROUND:

1.1 Bowen Island Land Use Bylaw Amendment 426 – First Reading

On April 27, 2016, the Islands Trust Executive Committee considered the Bowen Island Official Community Plan Amendment Bylaw No. 403, 2016 and the Land Use Bylaw Amendment Bylaw No. 403, 2016 and advised that the bylaws were not contrary or at variance with the Islands Trust Policy Statement. The purpose of proposed Bylaw Nos. 403 and 404 was to subdivide and sell market housing units in order to raise funds to construct seniors’ supportive housing on a portion of property owned by the Snug Cove Housing Society.

The applicant has now resubmitted their subdivision plans due to servicing challenges. The Bowen Island staff report dated August 17, 2016 states that the site has proved challenging due to size, steep slopes, and rock outcrops. The applicant determined that the original subdivision layout would result in high site preparation costs due to the need for blasting and material removal. The revised plan would move the driveway access to an internal street (requiring an

easement), relocate the supportive housing component to provide it with direct access onto Miller Road, and reduce site development costs by working with the natural grades which requires less blasting.

The revised subdivision plan also requires amendments to the existing zoning.

Proposed Bylaw No. 426:

Proposed Bylaw No. 426 intends to amend the LUB by adding the following regulations:

- Reduce the number of total number of units for Area 2 from 35 to 24, increase the maximum number of attached dwellings from 4 to 8, and remove the maximum number of detached and attached units;
- Increase the number of total number of units in Area 3 from 21 to 27 and include a maximum number of detached and attached units to 27.
- Amend the zoning boundaries for Area 1, Area 2, and Area 3;
- Increase lot coverage from 50 to 55% in Area 2, and 40 to 55% in Area 3;
- Increase maximum height from 10 metres to 14 metres in Area 2, and 9 metres to 11 metres in Area 3 to accommodate grading issues;
- Include setbacks in Area 3 specifically for garage and carports; and
- Reduce parking requirements for Area 2.

First Reading:

The Bowen Island Municipal Council gave First Reading to proposed Bylaw No. 426 on August 29, 2016.

2.0 REPORT/DOCUMENT:

2.1 Proposed Bylaw No. 426 – Analysis

The Land Use Bylaw amendment is supported by a number of policies in the Bowen Island Official Community Plan (OCP); specifically:

- *Policy 156: A wide variety of housing forms is encouraged within Snug Cove Village, including duplex and triplex units, and a range of multiunit dwellings*
- *Policy 161: Identifies the Abbeyfield site [subject property] as a possible location for higher density housing.*
- *Policy 162: The Municipality will consider small lot residential development at eight lots per net developable acre with a minimum lot size of 372 m² (4,000 sf.). The Land Use Bylaw will contain regulations to ensure that the size of the houses on small lots is in keeping with the scale and character of a village ambiance.[in the process of being amended by Proposed Bylaw No. 403]*
- *Policy 165: All proposals for rezoning will be required to incorporate a demonstrated community benefit, which may include:*
 - *the provision of non market or rental housing;*
 - *special protection of environmentally sensitive areas;*
 - *dedication of land to the Municipality; or*
 - *the use of green building technology to a LEED Platinum standard.*
- *Policy 355: Within Snug Cove Village, the following types of housing are supported: detached homes, detached homes with a secondary suite, duplexes, and townhouses, multi-unit housing types, subject to the provisions of Section 3 of this OCP and the regulations of the Zoning Bylaw.*
- *Policy 365: The Municipality encourages proposals for housing in Snug Cove Village that are suitable for affordable rental or home ownership, supportive and assisted-living housing for aging residents, and supportive housing for residents with special needs.*

- *Policy 369: The Municipality supports the initiative of the Abbeyfield House [Snug Cove House Society] of Bowen Island Society to build and operate an affordable, supportive care house to accommodate older residents within the community. This will involve extending connections to the existing Snug Cove sewer and water systems.*

Islands Trust staff is of the opinion that the proposed LUB amendment meets the objectives and policies in the Bowen Island Municipality Official Community Plan. Based on information provided in the Bowen Island Municipality staff report dated August 17, 2016, it can be concluded that there will be no inconsistencies between proposed Bylaw No. 426 and the Bowen Island Municipality OCP.

2.2 Policy Statement Directives Only Checklist

Attachment 2 is a copy of the “Policy Statement Directives Only Checklist” that is used to assess whether or not a bylaw is contrary to or at variance with the Islands Trust Policy Statement (ITPS).

- **Policies for Ecosystem Preservation and Protection.**

Directive policies under Part III of the ITPS deal with:

- preservation and protection of ecosystems (policies 3.1.3, 3.1.4 and 3.1.5);
- forest ecosystems (policy 3.2.2);
- freshwater and wetland ecosystems and riparian zones (policy 3.3.2);and
- coastal and marine ecosystems (policies 3.4.4 and 3.4.5).

The policies in this section of the ITPS are not applicable to proposed Bylaw No. 426.

- **Policies for Stewardship of Resources**

Directive policies under Part IV of the ITPS deal with:

- agricultural land (policies 4.1.4 to 4.1.9 inclusive)
- forests (policies 4.2.6, 4.2.7, and 4.2.8)
- freshwater resources (policies 4.4.2 and 4.4.3)
- coastal areas and marine shorelands (4.5.8 to 4.5.11 inclusive)
- soils and other resources (policy 4.6.3)

The policies in this section of the ITPS are not applicable to proposed Bylaw No. 426.

- **Policies for Sustainable Communities**

Directive policies under Part V of the ITPS deal with:

- aesthetic qualities (policy 5.1.3)
- growth and development (policies 5.2.3 to 5.2.6 inclusive)
- transportation and utilities (policies 5.3.4 to 5.3.7 inclusive)
- disposal of waste (policy 5.4.4)
- recreation (policies 5.5.3 to 5.5.7)
- culture and natural heritage (policies 5.6.2 and 5.6.3)
- economic opportunities (policy 5.7.2)
- health and well-being (policy 5.8.6)

Proposed Bylaw No. 426 is consistent with the Growth and Development Policies 5.2.3 and 5.2.5 and Health and Well-being Policy 5.8.6. All other policies in this section are deemed to be not applicable to the proposed bylaw by the Islands Trust staff.

Island Trust staff note that the Growth and Development policy 5.2.5 states “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.” As mentioned previously, the Bowen Island OCP does not include a specific density policy for dwelling units, but rather provides a

policy for the number of lots within the Village Residential/Snug Cove Village area (Policy 162). Even though the proposed Bylaw No. 426 reduces the total number of dwelling units from 75 (as permitted by Bylaw No. 404) to 70 units, Bowen Island staff must be satisfied that the proposed bylaw does not exceed the density limits in the Bowen Island OCP.

2.3 Staff Comments

The purpose of the staff report is to not approve the LUB amendment bylaws, but to advise if the bylaw is or is not contrary to or at variance to the Islands Trust Policy Statement (ITPS). Based on a review of proposed Bylaw No. 426, Bowen Island staff reports, and ITPS Checklist, Islands Trust staff is of the opinion that proposed Bylaw No. 426 is not contrary to or at variance with the ITPS.

2.4 Public Comments to Executive Committee

As of the date of this RFD, no public comments have been received at the Islands Trust Office.

ATTACHMENTS:

1. Bylaw Approval Process and Authority
2. Islands Trust Policy Statement - Directives Only Checklist
3. Bylaw 426 – LUB amendment

KEY ISSUE(S)/CONCEPT(S):

- referral of the proposed Bylaw No. 426 under s.15 of the Letters Patent
- Referral is before Third Reading
- Written response to Bowen Island Municipality required by October 14, 2016 (45 days after date of receipt of the referral on August 30, 2016).
- Comments from Executive Committee limited to whether or not Bylaw 426 is contrary to or at variance with the ITPS
- Staff considers that Bylaw 426 is not contrary to or at variance with the ITPS.

RELEVANT POLICY:

- Islands Trust Policy Statement Directive Policies
- 1.3.i Policy Statement Implementation Policy
- Bowen Island Letters Patent

DESIRED OUTCOME:

- Municipal bylaws that are not contrary to or at variance with the Islands Trust Policy Statement
- Timely and effective response to The Municipality.

RESPONSE OPTIONS

Recommended:

THAT the Executive Committee advise Bowen Island Municipality that the Bylaw 426, cited as “Bowen Island Municipality Land Use Bylaw No.57, 2002, Amendment Bylaw No. 426, 2016” is not contrary or at variance to the Islands Trust Policy Statement.

Alternatives:

- Advise The Municipality in writing that the Executive Committee considers that Bylaw 426 is contrary to or at variance with the Islands Trust Policy Statement for other specified reasons, triggering notification of the Minister.

Prepared By: Kim Stockdill, A/Planner 2
Reviewed By/Date: Robert Kojima, A/Director of Local Planning Services
September 28, 2016

Attachment 1 – Bylaw Approval Process and Authority

Note 1 - the term “Bowen Municipality” or “Bowen Island Municipality” is used in the Islands Trust Act, regulations and Policy, and the term “The Municipality” is used in the Bowen Island Municipality Letters Patent. All are deemed to mean the same. For the purpose of this report, the term “the Municipality” shall be used, except where quoting from legislation.

Note 2 – the Bowen Letters Patent refer to “Islands Trust”, while the authority for bylaw approval is the “Executive Committee”. Both are deemed to mean the same thing. For the purpose of this report, the term “Executive Committee” shall be used, except where quoting from legislation.

Bowen Island Letters Patent

The relevant sections of the Bowen Island Letters Patent related to the Executive Committee’s responsibilities in consideration of municipal bylaws are summarized as follows:

- Section 15 states that “where a municipality proposes to adopt a bylaw, other than an official community plan bylaw, which has any reference to a matter included in the Trust Policy Statement, the municipality shall refer the proposed bylaw to the Islands Trust prior to third reading of the proposed bylaw, and the Islands Trust must advise the Council if it has any objections to the proposed bylaw within 45 days after the date of the referral, subject to the provisions of, and procedures which may be established in an agreement between the municipality and the Islands Trust pursuant to section 17.0 of these Letters patent, after which time Council may proceed with the proposed bylaw subject to Section 15.1 of these Letters Patent.

Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

Islands Trust Policy 1.3.i is the Policy Statement Implementation Policy. Relevant sections of the Policy in regards to a referral between first reading and a public hearing are included below:

1. Policy D1.4 of Policy Statement Implementation Policy states that:
The Islands Trust Policy Statement require local trust committees in the official community plan and regulatory bylaws, and island municipalities under Section 38 (1) of the Islands Trust Act to address certain matters from the Policy Statement, or explicit reasons and justifications for not doing so. A bylaw will not be contrary to or at variance with the Policy Statement if it fails to include a particular policy or regulation, so long as the bylaw contains sufficient reason or justification for not doing so.
2. Policy D1.5 of Policy Statement Implementation Policy states that:
Where an updated bylaw does not include a particular policy or regulation required by the Policy Statement and the bylaw sets out reasons for that, the Executive Committee and Trust Council will assess the sufficiency of those reasons using such criteria as:
 - a) *whether the reasons are explicitly set out such that it is clear that the local trust committee directed its attention to the matter in question and made a considered decision not to include the policy or regulation.*
 - b) *whether the reasons have to do with particular local circumstances that may not have been contemplated in the drafting of the Policy Statement.*
 - c) *whether the reasons arise from the necessity of balancing two or more components of the Policy Statement that cannot be achieved simultaneously.*
 - d) *whether existing planning studies or reports relied on by the local trust committee indicate that the Policy Statement is inapplicable in the circumstances.*

Bowen Island LUB Referral Process

Referral of a Land Use Bylaw from the Municipality occurs before Third Reading in accordance with s.15 of the Letters Patent. The referral and approval process is outlined in the Protocol Agreement between the Islands Trust Council and Bowen Island Municipality, available here: <http://islandstrust.bc.ca/tc/pdf/orgagrsep142010oth.pdf>

Executive Committee Consideration

The Letters Patent sets out the time limits on the process for a referral before Third reading. The Executive Committee has 45 days from the date of receipt of the LUB referral to provide written comments to The Municipality. Section 15 of the Letters Patent requires that the Executive Committee advise the Municipality if it has any objection to the bylaw within the 45 day time limit.

The Municipality referred the Bylaw for comment to the Islands Trust Executive Committee and was received by Islands Trust staff on August 30, 2016. A response is required to be received at the Municipality no later than the end of the day on October 14, 2016.

The Executive Committee may:

1. advise the Municipality that is no objections to the bylaw; or
2. advise the Municipality that it consider that provisions of the bylaw may be contrary to or at variance with the Trust policy statement.

The Municipality's Considerations

Should the Executive Committee advise the Municipality that it considers that provisions of the bylaw may be contrary to or at variance with the ITPS, then the Municipality must notify the Minister of Community, Sport and Cultural Development.

In this situation, the Minister may then provide advice or direction to the Municipality and Islands Trust regarding the proposed bylaw or require the Municipality and Islands Trust to resolve the issues using dispute resolution mechanisms contained in Section 439 and 442 of the *Local Government Act*.



Islands Trust POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: BIM 426

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
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
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
n/a	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.
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.
✓	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.
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
✓	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:	

**BOWEN ISLAND MUNICIPALITY
BYLAW NO. 426, 2016**

A Bylaw to amend Land Use Bylaw No. 57, 2002

WHEREAS, “Bowen Island Land Use Bylaw No. 57, 2002” establishes zoning classifications and regulations for land within the municipality, and minimum and average lot size areas for the purpose of new subdivisions;

THEREFORE be it resolved that the Council for Bowen Island Municipality in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 426, 2016”.
2. “Bowen Island Municipality Land Use Bylaw No. 57, 2002” - Section 4.23. COMPREHENSIVE DEVELOPMENT 15 (CD 15) ZONE - SENIORS PRECINCT, subsection 4.23.1 be amended by deleting the current table containing principal and accessory uses of land, buildings and structures, and replacing it with the following:

Principle Use of Land, Buildings and Structures	Area 1	Area 2	Area 3
<i>Dwelling</i>	◆	◆	◆
<i>Supportive Housing</i>	◆	◆	
Permitted Buildings and Structures			
<i>Dwelling, detached</i>			◆
<i>Dwelling, attached</i>	◆	◆	◆
<i>Buildings and structures accessory to principal uses</i>	◆	◆	◆
Accessory Uses of Land, Buildings and Structures			
<i>Uses accessory to principal use</i>	◆	◆	◆
<i>Secondary suites</i>			◆
<i>Home occupation uses subject to Part 3</i>	◆		◆

3. “Bowen Island Municipality Land Use Bylaw No. 57, 2002” - Section 4.23. COMPREHENSIVE Development 15 (CD 15) ZONE - SENIORS PRECINCT, subsection 4.23.2 be amended by deleting the current table containing regulations for Lot Coverage, Height, Units and Setbacks and replacing it with the following:

Lot Coverage	Area 1	Area 2	Area 3
<i>Maximum lot coverage of all buildings and structures</i>	50%	55%	60%
<i>Maximum FSR for all buildings and structures</i>			0.85
<i>Maximum size for attached dwelling, detached or dwelling, attached (square metres) not including one parking space in an attached garage</i>			140
Height			
<i>Maximum Height of a building or structure shall be the lesser of 3 stories or (metres)</i>	9	14	11
Units			
<i>Total number of units for area</i>	19	24	27
<i>Minimum number of units of supportive housing</i>		16	
<i>Maximum number of dwelling, attached units</i>		8	
<i>Maximum number of dwelling, detached and attached units</i>			27
Setbacks			
<i>Minimum setback from front lot line (metres)</i>	4	6	3
<i>Minimum setback from front lot line for garage (metres)</i>			2.1
<i>Minimum setback from front lot line for carport (metres)</i>			0.3
<i>Minimum setback from side lot line for supportive housing (metres)</i>	3	3	
<i>Minimum setback from side lot line for attached and detached dwelling (metres)</i>	3	1.2	1.2
<i>Minimum setback from rear lot line (metres)</i>	3	3	2.4

4. "Bowen Island Municipality Land Use Bylaw No. 57, 2002" - Section 4.23. COMPREHENSIVE Development 15 (CD 15) ZONE - SENIORS PRECINCT, subsection 4.23.3 – Off Street Parking Requirements be amended by deleting the current wording and replacing it as follows:

(1) Off street parking shall be provided in accordance with Part 5 of this Bylaw that pertains to off street parking requirements, except that the off street parking requirements for *supportive housing* and for *dwellings, attached* in AREA 2 shall be a minimum of 0.6 spaces per unit.

5. "Bowen Island Municipality Land Use Bylaw No. 57, 2002" is amended by changing the zoning for the lands shown outlined in a solid black line on Schedule 1 of this Bylaw to reconfigure the areas identified as AREA 1, AREA 2 and AREA 3 of Comprehensive Development Zone 15 (CD – 15) and by making such deletions, adjustments and consequential annotations on Schedule "B" to Bylaw No. 57, 2002 as are required to give effect to this amendment.

READ A FIRST TIME this day of , 2016;

READ A SECOND TIME this day of 2016;

PUBLIC HEARING held this day of , 2016;

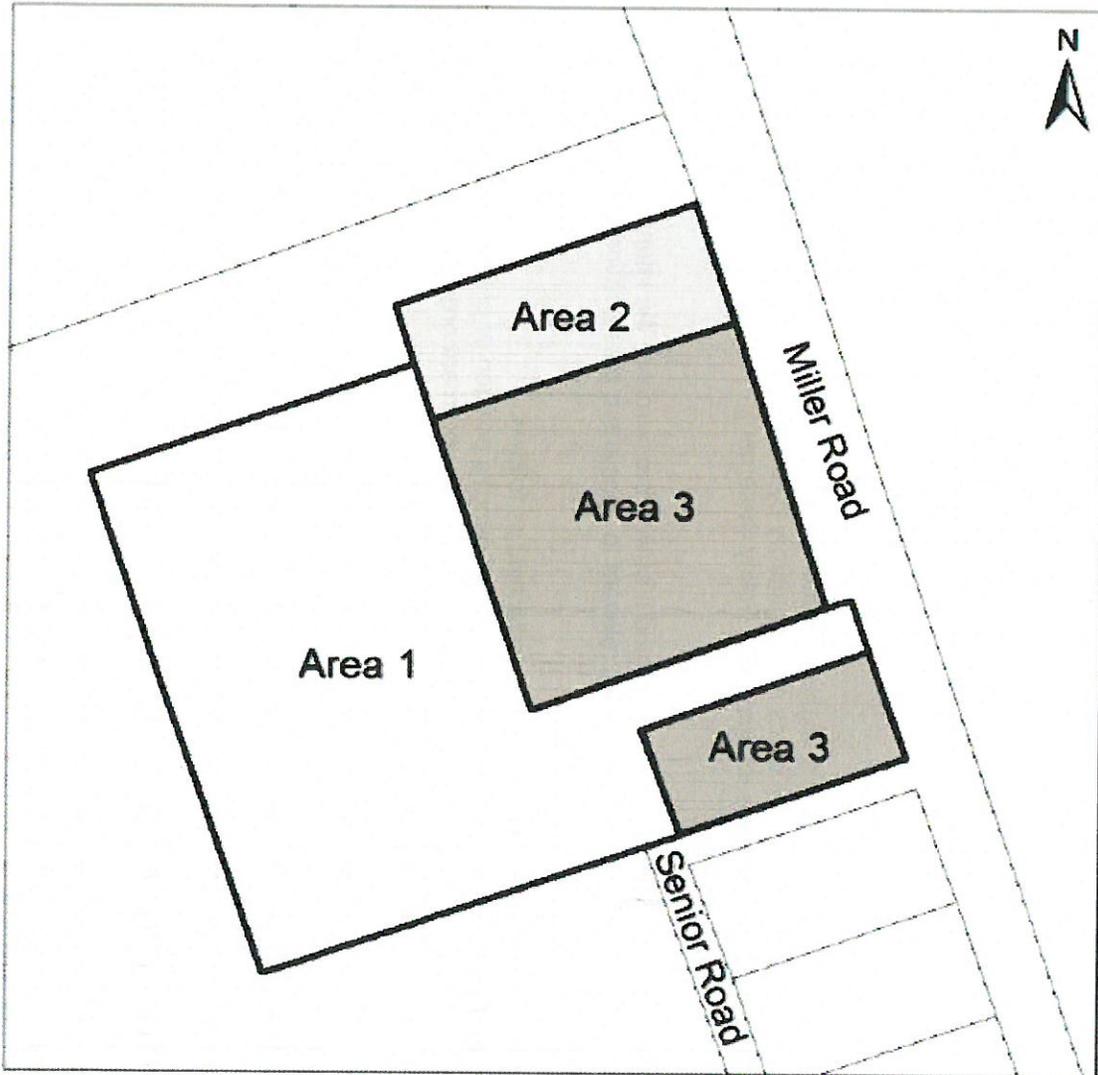
READ A THIRD TIME this day of , 2016;

FINALLY ADOPTED this day of , 2016.

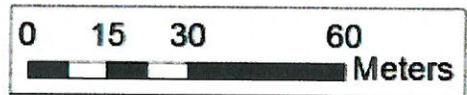
Murray Skeels
Mayor

Kathy Lalonde,
Corporate Officer

SCHEDULE 1
BOWEN ISLAND MUNICIPALITY
Land Use Bylaw No. 57, 2002,
Amendment Bylaw No. 426, 2016



Legend
□ Bylaw 426, 2016 CD-15





Islands Trust

Bylaw Submission Briefing Note

Date: September 12, 2016

To: Executive Committee

From: Aleksandra Brzozowski, Island Planner

Re: **OCP amendments to implement Riparian Areas Regulation (RAR) on Gambier Island**

The Gambier Island Local Trust Committee is pleased to submit for your approval Proposed Bylaw No. 140, implementing the Riparian Areas Regulation (RAR) in the Gambier Island Local Trust Area.

The purpose of this briefing note is to provide the Executive Committee with a summary of the proposed amendments to the Gambier Island Official Community Plan (OCP).

Purpose:

Proposed Bylaw 140, to amend the Gambier Island OCP, designates circumstances for which development approval information may be required in the Gambier Island area of application, and designates a significantly revised Development Permit Area 3 – Riparian Areas, to implement the provincial Riparian Areas Regulation (RAR).

Proposed Bylaw 140 also designates circumstances for which development approval information may be required, as an administrative mechanism to require information on the anticipated impacts of proposed development from applicants.

The guidelines for the development permit area are in a separate bylaw to amend the Land Use Bylaw and are not the subject of this briefing note.

This briefing note will detail agency concerns regarding the referenced bylaw, and the steps taken by the Gabriola Island Local Trust Committee to address those concerns.

Background:

Four watersheds on Gambier Island were identified and prioritized for mapping in February 2015; of the four, three were assessed as RAR-applicable. Because Madrone Environment Services was only requested to assess four watersheds on Gambier Island (due to budget constraints), the maps produced in the

Madrone report did not show all the Gambier watersheds that could be considered RAR-applicable. Staff anticipated that at least 11 watersheds outside the Crown land may be RAR-applicable.

In September 2015, a consultation package was sent to all Gambier property owners soliciting their feedback on implementation options, along with an informational flowchart to help residents anticipate the process for development activities in a RAR DPA. On January 21, 2016, the LTC discussed the options, and requested staff to draft bylaws for a RAR DPA that would comprise all of Gambier Island.

On May 19, 2016, staff held a Community Information Meeting about RAR and the LTC gave First Reading to Draft Bylaw 140. The bylaw was referred out to relevant agencies, First Nations, and the public.

On August 25, 2016, the LTC gave Second and Third Reading to Proposed Bylaw No. 140 and confirmed that the proposed bylaw complies with the Islands Trust Policy Statement as per the Directives Only checklist.

Issues Relating To Provincial Interest:

Compliance with the RAR is a provincial interest, and adoption of these OCP and LUB amendments will meet the obligation of the Local Trust Committee under the *Riparian Areas Regulation Act* for Gambier Island. To fully meet this obligation, the Local Trust Committee will need to adopt Bylaw 141 that amends the Gambier Island Land Use Bylaw and includes the guidelines for the Development Permit Area. Bylaw 141 was the subject of the same public hearing as the bylaw under consideration in this briefing.

The Ministry of Forests, Lands and Natural Resources Operations (FLNRO) was a key referral agency and was consulted via email and telephone numerous times during the development of this bylaw. Prior to Second Reading, the LTC passed a resolution to implement all the revisions recommended by FLNRO in their referral response to Proposed Bylaw 140; LPS staff have advised FLNRO staff of the resolution. FLNRO has no concerns with Proposed Bylaw 140 and are in support of the bylaw amendments.

The Ministry of Transportation and Infrastructure replied that its interests were unaffected by this bylaw.

Issues Relating To Community Interest:

The LTC received no written submissions from the public about this bylaw.

At the Community Information Meeting held before First Reading on May 19, 2016, the LTC heard comments from Gambier Island residents. They also heard comments from residents during the Public Hearing held on August 25, 2016.

The Sunshine Coast Regional District responded that its interests are unaffected by this bylaw.

Issues Relating To Enforcement:

None.

Issues Relating To First Nation Interest:

The bylaw was referred to the Squamish First Nation and the Tsleil-Waututh Nation.

No written response was received by the Squamish Nation; however, staff indicated over the telephone to LPS staff that no concerns were identified.

The Tsleil-Waututh Nation indicated over email that it does not have any concerns at this time.

Recommendations:

THAT the Islands Trust Executive Committee approve proposed Bylaw No. 140 cited as "Gambier Island Official Community Plan, Bylaw 73, 2001, Amendment No. 1, 2016."



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gambier Island Local Trust Committee

Bylaw No.: GM-140

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 25-Aug-2016

- 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 _____



Trust Area: Gambier Island Local Trust Committee

Type: Official Community Plan Bylaw

Bylaw No.: GM-140

Application No.:

Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 19-Jul-2016

Bylaw Sent to Referrals: No
Date Proposed Bylaw to Web: 23-May-2016

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlan, Becky

Date: 12-Aug-2016

File complete and ready for Public review: No

Public Hearings:

Location: Gambier Island Community Centre, Andy
Proofread By: McErlan, Becky

Legal Paper: Coast Reporter
First Publish Date: 12-Aug-2016

Second Publish Date: 19-Aug-2016

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:

Second Reading Date:

Date Public Hearing Held: 25-Aug-2016
Third Reading Date: 25-Aug-2016



Referrals: Bylaw GM-140

Agency	Sent	Received
Squamish Nation PO Box 86131: Wilcox, Lisa Comment:	25-Jul-2016	
Tsleil-Waututh Nation 3075 Takaya Drive: King, Amanda Comment:	25-Jul-2016	
Tsleil-Waututh Nation 3075 Takaya Drive: King, Amanda Comment:	06-Jul-2016	
Agricultural Land Commission Rm. 133 4940 Canada Way: Bednard, Gordon Comment:	06-Jul-2016	
Squamish Nation PO Box 86131: Wilcox, Lisa Comment:	06-Jul-2016	
Islands Trust Fund 200, 1627 Fort Street: Eliason, Jennifer Comment: Bylaws consistent with management plans and practices for Trust Fund Board protected areas. Riparian, freshwater and wetland ecosystems are all identified as biodiversity priorities in the 2011-2017 Regional Conservation Plan.	06-Jul-2016	06-Jul-2016
Islands Trust, Bylaw Enforcement 200 - 1627 Fort Street: Drew, Miles Comment:	06-Jul-2016	
Ministry of Transportation and Infrastructure Sechelt Area Office: Legault, Don Comment: Interests Unaffected by Bylaw	06-Jul-2016	21-Jul-2016
Sunshine Coast Regional District 1975 Field Road: Olmstead, Steven Comment: Staff Comments are that interests are unaffected.	06-Jul-2016	11-Aug-2016
Bowen Island Municipality Box 279: Martin, Daniel Comment: Interests are unaffected	06-Jul-2016	28-Jul-2016
Department of Fisheries and Oceans Habitat Management Branch: Referrals, Bylaw Referrals Comment:	06-Jul-2016	
Ministry of Forests, Lands and Natural Resource Operations - Fish and Wildlife South Coast Natural Resource Region: Robbins, Kristina Comment:	06-Jul-2016	



Referrals: Bylaw GM-140

Agency	Sent	Received
<p>Ministry of Forests, Lands and Natural Resource Operations - Fish and Wildlife</p> <p>South Coast Natural Resource Region: Appleton, Andrew</p> <p>Comment: The ministry of Forests, Lands and Natural Resource Operations (FLNRO) recommends approval of the proposed bylaws, with the condition that the following edits be considered:</p> <p>Bylaw 140 (OCP Amendment)</p> <p>The bylaw language makes reference to the former provincial Fish Protection Act. This Act was retitled Riparian Areas Protection Act in February 2016 with the bringing into force of consequential amendments to the BC Water Sustainability Act. The new title should be used. In reference to section 12.3.1, the description of Designated Areas mirrors the definition of stream found in the RAR, and subsequently uses the term stream when describing the dimensions of the development permit area. This language is consistent with the RAR; it may however be useful to include specific language clarifying indicating that the DPA applies to all streams as defined in the RAR (i.e.: that the included description of watercourses is intended to encompass all streams).</p> <p>In reference to section 12.3.3 (b), the report required to meet RAR standards is of a specific format described by the RAR assessment methods (described in section 7 of the RAR). In addition, the definition of Qualified Environmental Professional (QEP) in the RAR is specific to certain qualified persons. The proposed bylaw language "ÃfÃçÃâ€šÃ~Ã,Ã! (QEP) or other professional" could then be misleading. This subsection would be clarified by indicating that an assessment report as defined in the RAR must be submitted by a Qualified Environmental Professional as defined in RAR.</p>	06-Jul-2016	19-Aug-2016
<p>Squamish Nation</p> <p>PO Box 86131: Wilcox, Lisa</p> <p>Comment:</p>	28-Jun-2016	
<p>Tsleil-Waututh Nation</p> <p>3075 Takaya Drive: King, Amanda</p> <p>Comment:</p>	28-Jun-2016	



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: GM BL 140 & 141

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.

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	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
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	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.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	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.
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
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
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	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

Completed By:

Status

Date Resolution Referred to Exective Committee: 25-Aug-2016

Reading:

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 140

A BYLAW TO AMEND GAMBIER ISLAND OFFICIAL COMMUNITY PLAN, 2001

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

1. Citation

This bylaw may be cited for all purposes as “Gambier Island Official Community Plan, 2001, Amendment No. 1, 2016”.

2. Gambier Island Local Trust Committee Bylaw No. 73, cited as “Gambier Island Official Community Plan, 2001,” is amended as follows:

2.1 **SCHEDULE A** – Policy Document, **Part 12 PERMITS AND DEVELOPMENT APPROVAL INFORMATION**, is removed in its entirety and replaced with the following text:

“Development Permit Areas (DPAs) are established, pursuant to Section 488 of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

This section designates development permit areas and provides justification for the designations. This section also specifies development approval information that may be required for designated development permit areas.

DEVELOPMENT PERMIT AREAS

12.1 Development Permit Area No. 1: Watershed Areas

12.1.1 Designated Area

The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for areas designated as Development Permit Area No. 1 on Schedule I.

12.1.2 Justification

This development permit area includes streams, lakes, wetlands, groundwater catchment areas and watershed areas that have been identified as important as fish, wildlife and plant habitats and as water supplies or water recharge areas for rural and residential use. The objectives of this designation are:

1. to conserve biological diversity and habitat values of riparian and aquatic ecosystems;

2. to prevent the degradation of existing and future water supplies in the Gambier Island Planning Area; and
3. to maintain groundwater recharge capability in the Gambier Island Planning Area.

Riparian areas are important wildlife habitat. Riparian forests and other vegetation perform essential functions in maintaining the quality of aquatic habitat. Trees and shrubs shade streams, preventing high water temperatures that can be harmful to fish and other aquatic animals and provide cover that enables fish to avoid predators. Mature trees along streams provide a source of large organic debris that maintains pools and cascades used by fish. Plant roots and ground-covering vegetation stabilise stream banks and help to maintain high water quality by filtering sediments and pollutants throughout a drainage system. Riparian and aquatic habitats are unique and necessary to many species of plants and animals.

The management of watershed areas is important as the removal of vegetation and the development of impervious surfaces, such as roads, buildings or the compaction of soil from vehicle use can accelerate surface water flows and introduce larger volumes of water into streams, lakes and wetlands.

Accelerated water flows also act to collect ground surface contaminants including:

- run-off from construction debris, in particular from drywall;
- lignin and tannin released from felled trees left to rot rather than removed to a less vulnerable area;
- faecal coliform from the introduction of pets and farm animals;
- nitrates from fertilizers and pesticides from vegetable and ornamental gardens;
- wood preservation chemicals that leach from fences and other soft- wood (cedar) constructed structures;
- manure and associated residues from gardens;
- oil, gas, transmission fluids and other hydro carbon compounds from vehicle maintenance and use;
- garbage accumulation that provides residues and which also attracts rodents and mammals which leave wastes;
- PCP's and dioxin which can be produced from burning green wet garden refuse along with plastic bags;
- salts which may be applied on icy roads and driveways;
- leaching from spent containers of paint and preservatives and from these materials as they are applied to garages, sheds, green houses, boats etc.;
- movement of septic tank effluent in absorption fields to surface run-off;
- run-off from wastes and eroded terrain that occurs from home occupations, swimming pool construction, residential development, driveways, and recreational and farm vehicle use; and
- biological contaminants such as giardia lamblia and salmonella and viruses such as Hepatitis A.

Land use activities in the higher elevations of Gambier Island can also impact the ability of the island to recharge its groundwater supplies. Large land use activities that accelerate surface water flows or compact the soils decrease the ability of the ground to absorb rainfall. This rainfall in the

higher elevations of the island seeps through the soil and ultimately provides the groundwater supply in the lower elevations where much of Gambier Island's groundwater demands exist from residential development.

12.1.3 Development Approval Information

- (a) Development approval information shall be required for the area that is subject to Development Permit Area 1.
- (b) Applicants for a development permit in Development Permit Area 1 must provide development approval information when applying for a development permit.
- (c) Development Permit Area 1 protects the natural environment and specifically the water quality and quantity of streams, lakes, wetlands, and groundwater catchment areas. Development approval information is required to determine under what circumstances and conditions development permits may be issued to manage development that potentially has significant impact on the natural environment and water quality and quantity. The potential cumulative impact will be assessed in relation to pre-existing impacts in order to protect the overall resiliency of the watershed.

12.2 Development Permit Area No. 2: Shoreline Protection Area (Brigade Bay Area)

12.2.1 Designated Area

The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values. The area designated as Development Permit Area No. 2 (Brigade Bay Area) on Schedule I is a development permit area for protection of the natural environment, its ecosystems and biological diversity.

12.2.2 Justification

The development permit area includes an area 15 metres upland of the natural boundary of the sea and an area 30 metres seaward of the natural boundary of the sea that represent an area that is important for fish habitat or is within an area of potential impact on such habitat. The objectives of the designation are:

1. to conserve biological diversity and habitat values of marine ecosystems;
2. to ensure no net loss in fisheries values; and
3. to ensure that any development in the upland portion of the development permit area has no impacts on adjacent fisheries values.

Maintenance of vegetation in upland areas can minimize siltation of shoreline zones and assist in preventing erosion of existing shoreline.

Eelgrass beds, rocky shoreline and variable substrate can provide opportunity for fish habitat and protection from predators.

The management of the shoreline and immediate upland area in the vicinity of areas of fish habitat is important to maintain the integrity of the habitat and allows for the ongoing maintenance of the fishery resource.

12.2.3 Development Approval Information

- (a) Development approval information shall be required for the area that is subject to Development Permit Area 2 (Brigade Bay Area).
- (b) Applicants for a development permit in Development Permit Area 2 (Brigade Bay Area) must provide development approval information when applying for a development permit.
- (c) Development Permit Area 2 protects the natural environment and specifically fish habitat values in marine areas. Development approval information is required to determine under what circumstances and conditions development permits may be issued to manage development that potentially has a significant impact on the natural environment and fish values.

12.3 **Development Permit Area No. 3: Riparian Areas**

Terms used in this section that are defined in the *Riparian Areas Regulation (RAR)*, *BC Riparian Areas Protection Act* are intended to be interpreted in accordance with the definition given in the *Regulation*.

12.3.1 Designated Area

Development Permit Area No. 3 applies to all *streams* as defined in the RAR and encompasses any of the following on Gambier Island that provides fish habitat:

- (a) watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook; or
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

For a stream that is not located in a ravine, the development permit area is a 30 metre strip on both sides of the stream measured from the high water mark;

For a stream located within a ravine that is less than 60 metres wide, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;

For a stream located within a ravine that is 60 metres wide or greater, the development permit area is a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;

For a lake, wetland or other water body, the development permit area is 30 metres around the water body measured from the high water mark of the water body.

12.3.2 Justification

This development permit area contains streams, lakes and wetlands and their associated riparian areas, which have been identified as potential fish habitat. Riparian areas are necessary for stream and watershed health.

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes. The objectives of this designation are:

1. To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
2. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation; and
3. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas.

Riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing potential for erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Land use practices, including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas, can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Gambier Island.

12.3.3 Development Approval Information

- (a) Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*.
- (b) Development approval information in the form of an assessment report as defined in the RAR submitted by a Qualified Environmental Professional (QEP) as defined in the RAR will be required for applicable development activities.
- (c) Development Permit Area 3 protects the natural environment and specifically fish habitat values. Development approval information is required to determine under what circumstances and conditions development permits may be issued to manage development that potentially has a significant impact on the natural environment and fish habitat. ”

2.2 SCHEDULE I - DEVELOPMENT PERMIT AREAS is replaced with Plan 1, which is attached to and forms part of this bylaw.

READ A FIRST TIME THIS	19 TH	DAY OF	MAY	, 2016
PUBLIC HEARING HELD THIS	25 TH	DAY OF	AUGUST	, 2016
READ A SECOND TIME THIS	25 TH	DAY OF	AUGUST	, 2016
READ A THIRD TIME THIS	25 TH	DAY OF	AUGUST	, 2016
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	TH	DAY OF		, 201
ADOPTED THIS	TH	DAY OF		, 201

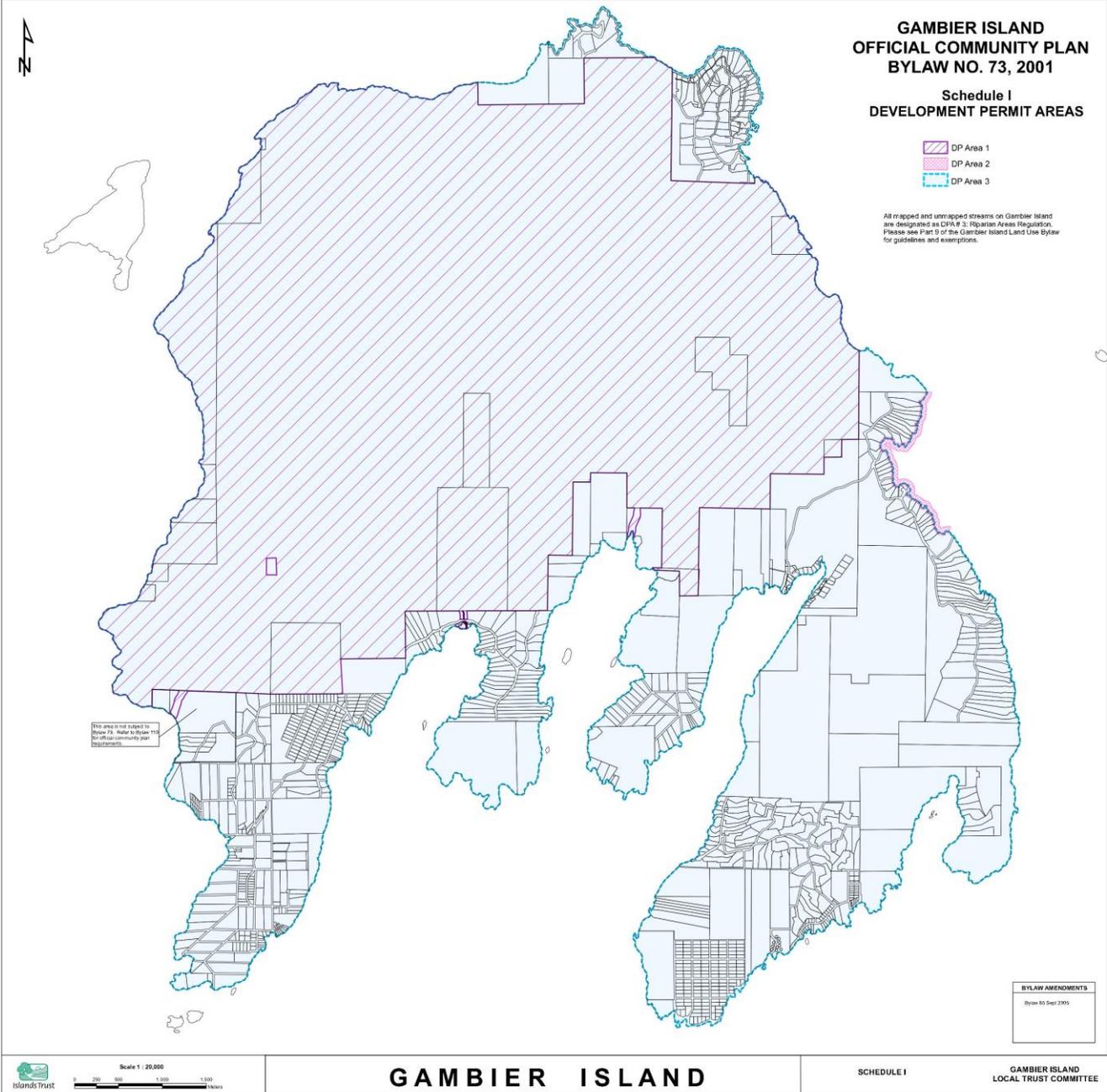
SECRETARY

CHAIRPERSON

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW No.140

PLAN NO. 1



First Nation Engagement

Referral of: GM BL 140 and 141

First Nation: Squamish First Nation

Date	Comment/Action	Initial
<i>June 28, 2016</i>	<i>Letter with Referral Package sent</i>	<i>BM/AB</i>
<i>July 6, 2016</i>	<i>Email package sent</i>	<i>BM</i>
<i>July 11, 2016</i>	<i>Bylaws presented in person at Squamish Nation office</i>	<i>AB</i>
<i>July 25, 2016</i>	<i>Email package resent and reminder to Lisa Wilcox</i>	<i>AB/BM</i>
<i>August 21, 2016</i>	<i>Phone call with Simon Turner (legal staff for Squamish Nation) to review bylaws. Simon indicated no concerns with the proposed bylaws.</i>	<i>AB</i>

First Nation: Tsleil-Waututh Nation

Date	Comment/Action	Initial
<i>June 28, 2016</i>	<i>Letter with Referral Package sent</i>	<i>BM/AB</i>
<i>July 6, 2016</i>	<i>Email package sent</i>	<i>BM</i>
<i>July 25, 2016</i>	<i>Email package resent and reminder to Amanda King</i>	<i>AB/BM</i>
<i>August 1, 2016</i>	<i>Reply from Amanda King. I will plan to let you know if our team has any questions or comments before August 25.</i>	<i>AB</i>
<i>August 25, 2016</i>	<i>Email conversation with Amanda King, Referrals for TWN. Amanda noted that her team had looked over the bylaws and had no concerns. Thank you for the update on the Riparian Areas bylaws for Gambier Island. Our team had a brief review and we do not have any concerns at this time, as the bylaws propose protecting riparian habitat in regards to development permits.</i>	<i>AB</i>

AB = Aleksandra Brzozowski, Island Planner

BM = Becky McErlean, Legislative Clerk



Islands Trust

Bylaw Submission Briefing Note

Date: September 12, 2016

To: Executive Committee

From: Aleksandra Brzozowski, Island Planner

Re: **LUB amendments to implement Riparian Areas Regulation (RAR) on Gambier Island**

The Gambier Island Local Trust Committee is pleased to submit for your approval Proposed Bylaw No. 141, implementing the Riparian Areas Regulation (RAR) in the Gambier Island Local Trust Area.

The purpose of this briefing note is to provide the Executive Committee with a summary of the proposed amendments to the Gambier Island Land Use Bylaw (LUB).

Purpose:

Proposed Gambier Bylaw 141 revises Development Permit Area 3 – Riparian Areas (DP-3) to implement the provincial *Riparian Areas Regulation (RAR)*.

Proposed Bylaw 141 also amends the Land Use Bylaw (LUB) to move the guidelines and exemptions for all development permit areas from the Official Community Plan (OCP). The purpose of moving the guidelines and exemptions to the LUB is to allow amendments to development permit areas to be made in the future more efficiently as they would not require Ministerial approval.

This briefing note will detail agency concerns regarding the referenced bylaw, and the steps taken by the Gabriola Island Local Trust Committee to address those concerns.

Background:

Four watersheds on Gambier Island were identified and prioritized for mapping in February 2015; of the four, three were assessed as RAR-applicable. Because Madrone Environment Services was only requested to assess four watersheds on Gambier Island (due to budget constraints), the maps produced in the Madrone report did not show all the Gambier watersheds that could be considered RAR-applicable. Staff anticipated that at least 11 watersheds outside the Crown land may be RAR-applicable.

In September 2015, a consultation package was sent to all Gambier property owners soliciting their feedback on implementation options, along with an informational flowchart to help residents anticipate the process for development activities in a RAR DPA. On January 21, 2016, the LTC discussed the options, and requested staff to draft bylaws for a RAR DPA that would comprise all of Gambier Island.

On May 19, 2016, staff held a Community Information Meeting about RAR and the LTC gave First Reading to Draft Bylaw 141. The bylaw was referred out to relevant agencies, First Nations, and the public.

On August 25, 2016, the LTC gave Second and Third Reading to Proposed Bylaw No. 141 and confirmed that the proposed bylaw complies with the Islands Trust Policy Statement as per the Directives Only checklist.

Issues Relating To Provincial Interest:

Compliance with the RAR is a provincial interest, and adoption of these LUB amendments will meet the obligation of the Local Trust Committee under the *Riparian Areas Regulation Act* for Gambier Island. To fully meet this obligation, the Local Trust Committee will need to adopt Bylaw 140 that amends the Gambier Island Official Community Plan designating the Development Permit Area. Bylaw 140 was the subject of the same public hearing as the bylaw under consideration in this briefing.

The Ministry of Forests, Lands and Natural Resources Operations (FLNRO) was a key referral agency and was consulted via email and telephone numerous times during the development of this bylaw. Prior to Second Reading, the LTC passed a resolution to implement all the revisions recommended by FLNRO in their referral response to Proposed Bylaw 141; LPS staff have advised FLNRO staff of the resolution. FLNRO has no concerns with Proposed Bylaw 141 and are in support of the bylaw amendments.

The Ministry of Transportation and Infrastructure replied that its interests were unaffected by this bylaw.

Issues Relating To Community Interest:

The LTC received no written submissions from the public about this bylaw.

At the Community Information Meeting held before First Reading on May 19, 2016, the LTC heard comments from Gambier Island residents. They also heard comments from residents during the Public Hearing held on August 25, 2016.

The Sunshine Coast Regional District responded that its interests are unaffected by this bylaw.

Issues Relating To Enforcement:

None.

Issues Relating To First Nation Interest:

The bylaw was referred to the Squamish First Nation and the Tsleil-Waututh Nation.

No written response was received by the Squamish Nation; however, staff indicated over the telephone to LPS staff that no concerns were identified.

The Tsleil-Waututh Nation indicated over email that it does not have any concerns at this time.

Recommendations:

THAT the Islands Trust Executive Committee approve proposed Bylaw No. 141 cited as "Gambier Island Land Use Bylaw, Bylaw 86, 2004, Amendment No. 1, 2016."



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gambier Island Local Trust Committee

Bylaw No.: GM-141

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 25-Aug-2016

- 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 _____



Trust Area: Gambier Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: GM-141

Application No.:

Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 19-May-2016

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 23-May-2016

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlan, Becky

Date: 12-Aug-2016

File complete and ready for Public review: No

Public Hearings:

Location: Gambier Island Community Centre, Andy

Proofread By: McErlan, Becky

Legal Paper: Coast Reporter

First Publish Date: 12-Aug-2016

Second Publish Date: 19-Aug-2016

Alternate Paper:

First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:

Date Public Hearing Held: 25-Aug-2016

Second Reading Date:

Third Reading Date: 25-Aug-2016



Referrals: Bylaw GM-141

Agency	Sent	Received
Squamish Nation PO Box 86131: Wilcox, Lisa Comment:	25-Jul-2016	
Tsleil-Waututh Nation 3075 Takaya Drive: King, Amanda Comment:	25-Jul-2016	
Tsleil-Waututh Nation 3075 Takaya Drive: King, Amanda Comment:	06-Jul-2016	
Squamish Nation PO Box 86131: Wilcox, Lisa Comment:	06-Jul-2016	
Islands Trust Fund 200, 1627 Fort Street: Eliason, Jennifer Comment: Bylaws consistent with management plans and practices for Trust Fund Board protected areas. Riparian, freshwater and wetland ecosystems are all identified as biodiversity priorities in the 2011-2017 Regional Conservation Plan.	06-Jul-2016	06-Jul-2016
Islands Trust, Bylaw Enforcement 200 - 1627 Fort Street: Drew, Miles Comment:	06-Jul-2016	
Ministry of Transportation and Infrastructure Sechelt Area Office: Legault, Don Comment: Interests unaffected by Bylaw.	06-Jul-2016	21-Jul-2016
Sunshine Coast Regional District 1975 Field Road: Olmstead, Steven Comment: Staff comments are that interests are unaffected	06-Jul-2016	11-Aug-2016
Agricultural Land Commission Rm. 133 4940 Canada Way: Bednard, Gordon Comment:	06-Jul-2016	
Bowen Island Municipality Box 279: Martin, Daniel Comment: Interests are unaffected	06-Jul-2016	28-Jul-2016
Department of Fisheries and Oceans Habitat Management Branch: Referrals, Bylaw Referrals Comment:	06-Jul-2016	
Ministry of Forests, Lands and Natural Resource Operations - Fish and Wildlife South Coast Natural Resource Region: Robbins, Kristina Comment:	06-Jul-2016	



Referrals: Bylaw GM-141

Agency	Sent	Received
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Ministry of Forests, Lands and Natural Resource Operations - Fish and Wildlife	06-Jul-2016	19-Aug-2016
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South Coast Natural Resource Region: Appleton, Andrew
 Comment: The ministry of Forests, Lands and Natural Resource Operations (FLNRO) recommends approval of the proposed bylaws, with the condition that the following edits be considered:

In reference to Exemptions section 3, subsections (e), (n) and (o), exemptions are provided for cutting of vegetation, disturbance of soils and construction of accessory buildings taking place outside of 15 metres from the high water mark / top of bank. All these activities are included in the definition of development in the RAR and similarly included in the Applicability section of bylaw 141. In practice, where a Streamside Protection and Enhancement Area (SPEA) determined by a RAR assessment exceeds 15 metres, these exemptions may exclude RAR subject development from RAR standards.

It is recognized that language similar to subsections 3(e), (n) and (o) has been employed in other local trust areas, presumably with the expectation that the majority of RAR SPEAs in those areas were expected to be less than 15 metres. As per the April 2015 report by Madrone Environmental Services

RAR Stream Identification Report for Gambier, Keats, Anvil and Bowyer Islands, some RAR streams on Gambier Island have been assessed as subject to 20 metre SPEAs, specifically in the Whispering Creek watershed.

Squamish Nation PO Box 86131: Wilcox, Lisa Comment:	28-Jun-2016	
Tsleil-Waututh Nation 3075 Takaya Drive: King, Amanda Comment:	28-Jun-2016	



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: GM BL 140 & 141

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.
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
✓	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.
	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.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	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.
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
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
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	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

Completed By:

Status

Date Resolution Referred to Exective Committee: 25-Aug-2016

Reading:

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 141

A BYLAW TO AMEND GAMBIER ISLAND LAND USE BYLAW, 2004

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

1. Citation

This bylaw may be cited for all purposes as “Gambier Island Land Use Bylaw, 2004, Amendment No. 1, 2016”.

2. Gambier Island Local Trust Committee Bylaw No. 86, cited as “Gambier Island Land Use Bylaw, 2004,” is amended as follows:

2.1 PART 1 – INTERPRETATION, Section 1.1 Definitions, is amended by inserting the following new definition in alphabetical order:

“LANDSCAPED AREA means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete.”

2.2 PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES AND EXEMPTIONS, is amended by inserting the following:

“9.3 Development Permit Area No. 3 (Riparian Areas)

Definitions

- (1) Terms used in Section 9.3 that are defined in the Provincial *Riparian Areas Regulation* have the same meaning as the definition given in the *Regulation*.

Applicability

- (2) The following activities shall require a development permit whenever they occur within Development Permit Area No. 3, unless specifically exempted under Subsection 9.3(3):
- (a) subdivision of land
 - (b) construction of, addition to, or alteration of a building or other structure
 - (c) removal, alteration or destruction of vegetation
 - (d) disturbance of soils
 - (e) creation of non-structural, impervious or semi-impervious surfaces
 - (f) application of artificial fertilizer, pesticides or herbicides
 - (g) any other development, as that term is defined under the Provincial *Riparian Areas Regulation*

Exemptions

- (3) The following activities are exempt from any requirement for a Development Permit No. 3 development permit:
- (a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
 - (b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
 - (c) repair or replacement of a septic field in situ;
 - (d) the removal of trees that have been examined by an arborist and certified in writing to pose a threat to life or property;
 - (e) With the exception of trees and vegetation containing nests protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 20 metres from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, roots and stumps are left in the ground, and the cutting does not result in land alteration;
 - (f) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
 - (g) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
 - (h) pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture, which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
 - (i) ecological restoration or enhancement projects undertaken or authorized by a public body;
 - (j) work authorized by Fisheries and Oceans Canada under Section 35 of the *Fisheries Act*;
 - (k) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
 - iv. creation of a fire break in accordance with the *Wildfire Act*.
 - (l) The construction of a fence if no trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either

- side of the fence, or 1.5 metres on either side of the fence in agricultural areas;
- (m) The construction of a private trail if all of the following apply;
 - i. The trail is 1 metre (1.6 feet) wide or less;
 - ii. No trees are removed;
 - iii. The surface of the trail is pervious;
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 metres away from the high water mark of a stream.
 - (n) Disturbance of soils more than 20 metres from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 metres squared;
 - (o) The constructing of a small accessory building more than 20 metres from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 metres squared.

Information Note: Despite these exemption provisions, owners are required to satisfy any other applicable local, provincial or federal requirements.

Information Note: Activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Guidelines

- (4) Prior to undertaking any applicable development activities within Development Permit Area No. 3, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:
 - (a) In general, all development in this Development Permit Area (DPA) should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) has, as part of the assessment report defined in the RAR, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the assessment report submitted to the provincial RAR Notification System (RARNS).

First Nation Engagement

Referral of: GM BL 140 and 141

First Nation: Squamish First Nation

Date	Comment/Action	Initial
<i>June 28, 2016</i>	<i>Letter with Referral Package sent</i>	<i>BM/AB</i>
<i>July 6, 2016</i>	<i>Email package sent</i>	<i>BM</i>
<i>July 11, 2016</i>	<i>Bylaws presented in person at Squamish Nation office</i>	<i>AB</i>
<i>July 25, 2016</i>	<i>Email package resent and reminder to Lisa Wilcox</i>	<i>AB/BM</i>
<i>August 21, 2016</i>	<i>Phone call with Simon Turner (legal staff for Squamish Nation) to review bylaws. Simon indicated no concerns with the proposed bylaws.</i>	<i>AB</i>

First Nation: Tsleil-Waututh Nation

Date	Comment/Action	Initial
<i>June 28, 2016</i>	<i>Letter with Referral Package sent</i>	<i>BM/AB</i>
<i>July 6, 2016</i>	<i>Email package sent</i>	<i>BM</i>
<i>July 25, 2016</i>	<i>Email package resent and reminder to Amanda King</i>	<i>AB/BM</i>
<i>August 1, 2016</i>	<i>Reply from Amanda King. I will plan to let you know if our team has any questions or comments before August 25.</i>	<i>AB</i>
<i>August 25, 2016</i>	<i>Email conversation with Amanda King, Referrals for TWN. Amanda noted that her team had looked over the bylaws and had no concerns. Thank you for the update on the Riparian Areas bylaws for Gambier Island. Our team had a brief review and we do not have any concerns at this time, as the bylaws propose protecting riparian habitat in regards to development permits.</i>	<i>AB</i>

AB = Aleksandra Brzozowski, Island Planner

BM = Becky McErlean, Legislative Clerk



Islands Trust

Bylaw Submission Briefing Note

Date: September 12, 2016
To: Executive Committee
From: Aleksandra Brzozowski, Island Planner
Re: **Gambier Island Bylaw No. 139**

The Gambier Island Local Trust Committee (LTC) submits for your approval Proposed Bylaw No. 139. The purpose of this briefing note is to provide the Executive Committee with a summary of the proposed Development Procedure Bylaw amendment.

Purpose:

The purpose of proposed Bylaw No. 139 is to amend the Gambier Island Development Procedure Bylaw to include all OCP and LUB bylaws in the Local Trust Area generally, in order to receive applications and fees for amendments to all bylaws in the Local Trust Area.

No OCP or LUB amendments are required.

Background:

During a bylaw drafting process, staff identified the need to update Gambier's Development Procedure Bylaw No. 50. The bylaw as written in 1992 contains provisions for the LTC to accept and review applications and fees for bylaw amendments or development applications only for the planning area within the Gambier Island OCP and LUB. However, the bylaw does not currently reflect the other OCPs and LUBs in the Trust Area: Keats; Bowyer and Passage; and the Associated Islands.

On March 17, 2016, the LTC gave Second and Third Reading to Proposed Bylaw No. 139 .

GM-2016-013

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee Bylaw No. 139, cited as the "Gambier Island Development Procedure Bylaw No. 50, 1992, Amendment No. 1, 2016", be read a first time.

CARRIED

GM-2016-014

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee Bylaw No. 139, cited as the "Gambier Island Development Procedure Bylaw No. 50, 1992, Amendment No. 1, 2016", be read a second time.

CARRIED

GM-2016-015

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee Bylaw No. 139, cited as the "Gambier Island Development Procedure Bylaw No. 50, 1992, Amendment No. 1, 2016", be read a third time.

CARRIED

GM-2016-016

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee Bylaw No. 139, cited as the "Gambier Island Development Procedure Bylaw No. 50, 1992, Amendment No. 1, 2016", be forwarded to the secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Issues Relating To Provincial Interest:

None.

Issues Relating To Community Interest:

None.

Issues Relating To Enforcement:

None.

Issues Relating To First Nation Interest:

None.

Recommendations:

THAT the Islands Trust Executive Committee approve proposed Bylaw No. 139 cited as "Gambier Island Local Trust Committee Development Procedure Bylaw No. 50, 1992, Amendment Bylaw No. 1, 2016".



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gambier Island Local Trust Committee

Bylaw No.: GM-139

Bylaw Type: Development Procedure Bylaw

Date of resolution referring bylaw to Executive Committee:

- 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 _____



Trust Area: Gambier Island Local Trust Committee

Type: Development Procedure Bylaw

Bylaw No.: GM-139

Application No.:

Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 17-Mar-2016

Bylaw Sent to Referrals: No
Date Proposed Bylaw to Web:

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: 17-Mar-2016

Third Reading Date: 17-Mar-2016

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)

- i Bylaw is consistent with the object of the Trust
- ii Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
- iii Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
- 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

- B.5 Bylaw is consistent with the object of the Trust
- B10 Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

Comments

Completed By:

Status

Date Resolution Referred to Exective Committee:

Reading:

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 139

A bylaw to amend the Gambier Island Local Trust Committee Development Procedure Bylaw.

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

1. Gambier Island Local Trust Committee Development Procedure Bylaw No. 50, 1992, is amended as follows:
 - 1.1 By replacing the words “Part 29 of the *Municipal Act*” in the brief precis and replacing with “Part 14 of the *Local Government Act*”
 - 1.2 By deleting the text in section 2. (1) in its entirety and replacing it with the following:

“(1) applications for amendments to any Official Community Plan, Zoning or Land Use Bylaw in the Gambier Local Trust Area”;
 - 1.3 By removing the words “section 9 of the *Condominium Act*” in section 2. (3) and replacing with “the *Strata Property Act*”;
 - 1.4 By removing the words “956(1) of the *Municipal Act*” in section 9 and replacing with “464 of the *Local Government Act*”.
2. This bylaw may be cited as “Gambier Island Local Trust Committee Development Procedure Bylaw No. 50, 1992, Amendment Bylaw No. 1, 2016”.

READ A FIRST TIME THIS	17 TH	DAY OF	MARCH	, 2016
READ A SECOND TIME THIS	17 TH	DAY OF	MARCH	, 2016
READ A THIRD TIME THIS	17 TH	DAY OF	MARCH	, 2016
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		, 2016
ADOPTED THIS		DAY OF		, 2016

CHAIRPERSON

SECRETARY



September 2016 Islands Trust Council Highlights

The following list indicates the highlights of Trust Council's activities and decisions during its September 13-15, 2016 meeting in Sidney, B.C. These highlights are not the official minutes of the Council meeting; those minutes will be adopted by Council at its December 2016 meeting on Salt Spring Island.

Vision Exercise

Trust Council and select staff attended a half-day facilitated session to help Council describe its vision for the Islands Trust Area. To prepare for the session, Trust Council received an interim update on a "State of the Islands" project. Council approved the project in early 2016, directing staff to research and report on social, economic and environmental trends. An August [phone poll](#) of 426 island residents by Forum Research also gave Council a snapshot of life on the islands. The poll and the vision workshop [revealed](#) that preserving and protecting the natural environment remains a top priority and that there is an increasing need for attention to water, housing and First Nations.

U.S. Consul General Visit

United States Consul General Lynne Platt addressed Trust Council during the joint session with San Juan County Council and spoke about the importance of transboundary co-operation to protect the health and vitality of the Salish Sea and the world's oceans.

The following are the highlights of Trust Council's decisions:

Amendment to Trust Council Procedures Bylaw to Allow for Electronic Participation

That Islands Trust Council Bylaw No. 166, cited as "Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 3, 2016" be read a first, second and third time.

Revising Policy Statement Amendment Process

That the Islands Trust Council request the Executive Committee to propose amendments to section 9.1 of the Strategic Plan to include a new phase in the Policy Statement amendment process to:

1. Raise public awareness of the role and importance of the Policy Statement in shaping the future of the islands; and
2. Develop an effective and progressive program to establish a spirit of reconciliation with First Nations.

That the Islands Trust Council include a \$15,000 line item in the proposed 2017/18 budget for revised Policy Statement amendment process, subject to revision prior to Trust Council receiving a final 2017/18 budget in March.

Transition Plan

That the Plan be amended to provide for funding for a full time temporary transition manager with the appropriate adjustment in costs.

That Trust Council adopt the 2016 Islands Trust Transition Plan Regarding the Potential Incorporation of Salt Spring Island, subject to clarity on the ordering of letters patent in the adaptation plan, and any other minor edits as required.

That Trust Council direct staff to provide the Transition Plan to the Ministry of Community, Sport and Cultural Development and the Salt Spring Island Incorporation Study Committee.

That Trust Council direct staff to include the Transition Plan in communication materials provided to the public prior to a Salt Spring Island incorporation vote.

That the Trust Council direct staff to prepare a restructure/transition funding request to the Ministry of Community, Sport and Cultural Development for the implementation of the Transition Plan, should Salt Spring Island incorporation proceed.

Housing Session – Community Housing Report

1. That the Islands Trust Council endorse a review of the Islands Trust Policy Statement to ensure that it includes a clear and well-thought out definition of ‘affordability’; includes a clearly articulated vision, goal and objectives for affordable housing; gives affordable housing a greater profile for its role in sustainable communities; and includes a reference to affordable housing in its policy direction to local trust committees and municipalities.
2. That the Islands Trust Council approve a co-ordination role for housing needs assessments between the various local trust areas and island municipalities to achieve efficiencies and compatibility, and to allow for consolidation.
3. That the Islands Trust Council develop a budget for housing needs assessments to be conducted for local trust areas at the regional level and island municipalities, and to be updated with each census.
4. That the Islands Trust Council request Local Planning Committee to commission one or more regional housing needs assessment(s) that follow consistent methodologies, and can be updated with each census.
5. That the Islands Trust Council allocate \$15,000 in the 2017/18 fiscal budget to allocate one staff day (based on Grid 24/Step 2) per week to explore and, if feasible, design and implement a program to hold and administer housing agreements on behalf of local trust committees.
6. That the Islands Trust Council direct staff to explore and report back on the potential for Islands Trust entities to hold land for housing purposes.

2017 Trust Council Meeting Schedule

That the Islands Trust Council establish the following meeting schedule for 2017:

March 14-16, 2017	Denman Island
June 20-22, 2017	Lasqueti Island
September 12-14, 2017	Gabriola Island
December 5-7, 2017	Victoria

Motion Arising from Delegation

That Trust Council request Trust Area Services staff to include consideration of United Nations World Heritage Site designation in its work program item regarding marine protection initiatives.

----- Forwarded Message -----

Subject: The best ever trust council

Date: Sat, 17 Sep 2016 10:51:43 -0700

From: Brian Crumblehulme <bcrumblehulme@islandstrust.bc.ca>

To: Russ Hotsenpiller <rhotsenpiller@islandstrust.bc.ca>, Peter Luckham <pluckham@islandstrust.bc.ca>

Please accept my accolades for the best ever Islands Trust Council last week.

The level of engagement was very high, the three major staff reports were exceedingly well done and made for good reading, and the visioning session was very positive.

In discussion with other trustees, I was very aware of an attitudinal change for the better: the atmosphere was positive and the cynicism minimal. I feel that the next two years could see some really positive and creative changes.

On other matters, it was disappointing not to have been able to host council on Mayne Island. After much thought and discussion with other trustees, I suggest there may be several good reasons for this.

- September is a very busy time of year and an extension of summer. Mayne Island has and is very busy with visitors and weddings. The latter a result of many seniors living here with waterfront property.
- we have also lost many young people due to a lack of rental housing and well paying jobs. Many businesses have been posting hiring positions and are chronically understaffed.
- the relatively short notice did not help and I understand that staff were stressed and many were hurting from the loss of Marie.
- there is also a collision here of an expectation that the islands will remain quiet and rural but able to provide high level urban services.

As tony Law stated, Hornby Island can only host council in March.

In short, Mayne Island would be very happy to host council again but not in September.

Many thanks,
Best,
Brian
Sent from my iPad

**Trust Council Quarterly Meeting Schedule
December 6-8, 2016
Community Gospel Chapel, 147 Vesuvius Road, Salt Spring Island**

DRAFT

Tuesday, December 6	Wednesday, December 7	Thursday, December 8
	7:30 Breakfast –	7:30 Breakfast –
Ferries to Salt Spring Island: Swartz Bay – lv 11:00 am; arv 11:40 am Crofton – lv 11:00 am; arv 11:20 am Tsawwassen – lv 10:20 am; arv 1:35 pm Galiano – lv 11:15 am; arv 1:10 pm Mayne – lv 11:55 am; arv 1:10 pm Pender – lv 12:30 pm; arv 1:10 pm	8:30 New Business Items*	8:30 Closed meeting
	10:00 2017/18 Draft Budget Session	9:15 First Nations Legal Session
	10:30 Break	11:00 Break
	11:00 2017/18 Draft Budget Session (continued)	11:30 Summary/Updates Trustee Updates Priorities Chart Proposed March TC Draft Agenda Program
12:00 Executive Committee Meeting	12:00 Lunch/Tour	
1:00 Lunch – Community Gospel Chapel	1:00 Community Presentations	1:00 Lunch – Community Gospel Chapel
1:45 Call to Order and Approval of Agenda RWMs * Adoption of Minutes FUAL Trustee Round Table	2:00 Delegations & Town Hall	12:30 Correspondence
2:45 Break	3:00 Break	1:00 Adjournment (approx.)
3:15 Visioning Follow Up Session	3:30 Trust Area Services Director's Report * TPC Work Program Report Trust Fund Board Report	Ferries from Salt Spring Island: Vesuvius to Crofton – 3:00 pm (1:55 pm DC) Long Harbour to Galiano/Mayne/Pender/Tsawwassen - 3:15 pm Fulford Harbour to Swartz Bay – 3:50 pm
4:15 Executive CAO's Report * EC Work Program Continuous Learning Plan	4:00 Administrative Services Director's Report FPC Work Program	
4:45 Local Planning Services Director's Report * LPC Work Program Bylaw Enforcement Briefing	5:00 Adjourn for the day	 Islands Trust
5:00 Adjourn for the day		
6:00 Dinner with Former Trustees	6:00 Dinner	

* Denotes resolution/decision items

Members of the public are invited to attend all sessions except any closed meetings and meals.

Follow Up Action Report

Trust Council

16-Jun-2010

Activity	Responsibility	Target Date	Status
Riparian Areas Regulation (June 2010) Status report to Council until completed LPC (DM) to TC	David Marlor	30-Sep-2016	On Going

10-Jun-2015

Activity	Responsibility	Target Date	Status
First Nations First Nations training and workshops	Russ Hotsenpiller Lisa Gordon David Marlor Cindy Shelest	31-Mar-2016	On Going
Develop IT adaptation strategy	Russ Hotsenpiller Lisa Gordon Cindy Shelest David Marlor Carmen Thiel	15-Jun-2016	On Going

16-Sep-2015

Activity	Responsibility	Target Date	Status
Freighter anchorages Identify and act on opportunities re freighter anchorages	Lisa Gordon Clare Frater	30-Jun-2016	On Going

09-Dec-2015

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

Adaptation Strategy - Principles & Objectives	Russ Hotsenpiller	31-Dec-2016	On Going
Prepare recommendations re excess tax revenues - Salt Spring			

22-Mar-2016

Activity	Responsibility	Target Date	Status
Strategic Plan	Russ Hotsenpiller		On Going
Amend section 7.2.1 regarding the schedule of delivery for the Islands Trust Transition Plan from March 2016 to June 2016.			
Amend section 2.5 related to shellfish aquaculture in the 2016-17 fiscal year using the new capacity created by the Intergovernmental Policy Advisor position.			
Particularly Sensitive Sea Area Designation for the Salish Sea	Clare Frater		On Going
Chair to send a letter of support to the federal Minister of Transport.	Peter Luckham		
Consequential amendments to Policy Statement Amendment Policy amendments	Carmen Thiel		On Going
Draft changes to the Policy 2.4.vi Executive Committee Legislative Role and the Policy 5.7.i Bylaw Checklists to remove reference to the Council Commitments and Recommendations Checklist.	Clare Frater		

14-Jun-2016

Activity	Responsibility	Target Date	Status
NAPTEP Certificate	Jennifer Eliason		On Going
Issue subject to survey, covenant and baseline report.			
2015-2016 Annual Report	Lisa Gordon		On Going
Submit to the Minister of Community, Sport and Cultural Development.	Pamela Hafey		

13-Sep-2016

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

Bylaw No. 166, cited as Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 3, 2016 Prepare RWM for adoption	Jas Chonk	On Going
Policy Statement Amendment Process Request the Executive Committee to propose amendments to section 9.1 of the Strategic Plan to include a new phase in the Policy Statement amendment process to: raise public awareness of the role and importance of the Policy Statement in shaping the future of the islands; and develop an effective and progressive program to establish a spirit of reconciliation with First Nations.	Lisa Gordon David Marlor	On Going
Policy Statement Amendment Process - 2017/18 budget Include a \$15,000 line item in the proposed 2017/18 budget for revised Policy Statement amendment process, subject to revision prior to Trust Council receiving a final 2017/18 budget in March.	Cindy Shelest Lisa Gordon	On Going
Transition Plan Amend the Transition Plan to provide for funding for a full time temporary transition manager with the appropriate adjustment in costs.	Russ Hotsenpiller	On Going
Transition Plan Adopt the 2016 Islands Trust Transition Plan regarding the Potential Incorporation of Salt Spring Island, subject to clarity on the ordering of letters patent in the adaptation plan, and any other minor edits as required.	Russ Hotsenpiller	On Going
Transition Plan Provide the Transition Plan to the Ministry of Community, Sport and Cultural Development and the Salt Spring Island Incorporation Study Committee.	Russ Hotsenpiller	On Going
Transition Plan Include the Transition Plan in communication materials provided to the public prior to a Salt Spring Island incorporation vote.	Russ Hotsenpiller Lisa Gordon	On Going



Follow Up Action Report

<p>Transition Plan Prepare a restructure/transition funding request to the Ministry of Community, Sport and Cultural Development for the implementation of the Transition Plan, should Salt Spring Island incorporation proceed.</p>	Russ Hotsenpiller	On Going
<p>Community Housing Add to the Policy Statement Topic Review Inventory: That the Islands Trust Council endorse a review of the Islands Trust Policy Statement to ensure that it includes a clear and well-thought out definition of affordability; includes a clearly articulated vision, goal and objectives for affordable housing; gives affordable housing a greater profile for its role in sustainable communities; and includes a reference to affordable housing in its policy direction to local trust committees and municipalities.</p>	Lisa Gordon Clare Frater	On Going
<p>Community Housing Implement a co-ordination role for housing needs assessments between the various local trust areas and island municipalities to achieve efficiencies and compatibility, and to allow for consolidation.</p>	David Marlor	On Going
<p>Community Housing - 2017/18 budget Develop a budget for housing needs assessments to be conducted for local trust areas at the regional level and island municipalities, and to be updated with each census.</p>	David Marlor	On Going
<p>Community Housing That the Islands Trust Council request Local Planning Committee to commission one or more regional housing needs assessment(s) that follow consistent methodologies, and can be updated with each census.</p>	David Marlor	On Going
<p>Community Housing - 2017/18 budget Allocate \$15,000 in the 2017/18 fiscal budget to allocate one staff day (based on Grid 24/Step 2) per week to explore and, if feasible, design and implement a program to hold and administer housing agreements on behalf of local trust committees.</p>	Cindy Shelest David Marlor	On Going



Follow Up Action Report

Community Housing Explore and report back on the potential for Islands Trust entities to hold land for housing purposes.	David Marlor	On Going
Disposition of Delegations and Town Hall Requests Staff to include consideration of United Nations World Heritage Site designation in its work program item regarding marine protection initiatives.	Lisa Gordon Clare Frater	On Going
Disposition of Delegations of Town Hall Requests Draft follow-up letters from Chair	Lisa Gordon Clare Frater	On Going
Next Trust Council Dec 2016 Sept 2016 Follow Up Action Lists to Trustees and Staff Sept 2016 Council meeting decision highlights to website News Release and Agenda for Dec 2016 Council meeting Invitations - MLA, Electoral Area Director, former trustees Post notice on community bulletin boards (on island of meeting only) Agenda Package - Review/Distribution to Trustees	Jas Chonk	On Going
2017 Trust Council meeting dates Send out calendar invitations to trustees and staff and post to website	Jas Chonk	On Going



Islands Trust

Islands Trust Council Plan for Continuous Learning 2014-2018

(What other topics would trustees like to propose?)

2016-09-30

Year		Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2017	March (Denman)			Archaeological Site Protection	Effective Advocacy
	June (Lasqueti)				
	September (Gabriola)				San Juan County U.S. Consul General
	December (Victoria)				
2016	2015-16 Webinars (dates TBD)	Email management IT Website	Introduction to Roberts Rules of Order Introduction to Freedom of Information/Protection of Privacy		Making meetings work
	September (Sidney)	Visioning Housing Session			San Juan County U.S. Consul General
	December (Salt Spring)	Draft 2017/18 Budget Session	First Nations Legal session	Visioning follow-up	Regional District(?) Species at Risk(?)

POTENTIAL TOPICS/AGENCY LIAISON FOR CONSIDERATION FOR FUTURE SESSIONS:

Suggestions arising during 2014-2018 Term:

- Heritage Conservation Act session
- Office of the Ombudsperson session
- Making Online Meetings Work
- OneNote for meetings
- Public Consultation and Polling
- NMCA – implications for local zoning jurisdiction
- Options for a trustee network
- Introduction to the Island Trust Policy Statement
- Participatory decision-making (using expertise on Bowen Island)
- Effective Communications and Social Media
- Archaeological site training session
- First Nations legal session

SESSIONS/ITEMS COMPLETED IN 2015-18					
Year		Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2016	June (Pender)	Marine Shipping Safety / Anchorages	Governance/Staff relations	Visioning (prelim)	
	March (Hornby)	Budget Session	Trust Council Electronic Meeting Options		First Nations
2015	2015 Webinars (held)	Annual Budget in Depth			
	Mar (Gabriola)	Introduction to Strategic Planning Annual Budget Session	Standards of Conduct (legal session) Provincial Assessment of Impact on Islands Trust (re potential SSI incorporation)	Community Planning 101 (for newly-elected)	Working with First Nations (introduction)
	June (Galiano)	Visioning/Strategic Planning			San Juan County
	Sept (Bowen)	Introduction to Structured Decision-Making Adaptation Strategy workshop Victoria Office Location Review workshop	Strategic Planning		Working with Bowen Island Municipal Council
	Dec (Victoria)	Draft 2016/17 Budget Session Strategic Plan Implications	Introduction to the Islands Trust Policy Statement		Working with the Trust Fund Board

Suggestions from previous terms:

- Using Special Tax Requisitions
- Introduction to UBCM
- Effective Advocacy (Trustee Steeves suggestion) / advocacy policy
- Dealing with difficult people (Trustee Busheikin suggestion)
- Dispute Resolution for planners and trustees (Trustee Grove suggestion)
- Introduction to the Climate Action Charter
- Effective Conservation Covenants
- Demographics-Aging Population
- Dept. of Fisheries and Oceans – marine sewage, fish farming
- Private Managed Forests Council
- BC Assessment Authority
- Ministry of Transportation
- Local GHG Emissions Inventory (e.g. Lasqueti Island)
- Advocacy and Media Relations
- Succession Planning and Staff Retention
- Soil Removal
- Alternate Energy Sources
- Using Technology – document and information management
- Using Social Media
- Adapting to Sea Level Rise
- Local Government Liability

SESSIONS/ITEMS COMPLETED IN 2011-14

Year		Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
	<i>Webinar Sessions (held)</i>	<i>Email Management (Aug 2013) Carbon Offsets (June 2013)</i>			
2014	<i>Mar (Hornby)</i>	<i>Annual Budget Session</i>			<i>Provincial Treaty Negotiators</i>
	<i>June (Saturna)</i>	<i>Coastal Douglas Fir Zone Conservation Action Plan</i>	<i>Aquaculture Management</i>		<i>San Juan County Respectful Workplaces</i>
	<i>Sept (Gambier)</i>	<i>Term Review</i>	<i>Election Period Best Practices</i>		
	<i>Dec (Victoria)</i>	<i>Orientation Draft 2015/16 Budget Session</i>	<i>Orientation</i>	<i>Orientation</i>	<i>Orientation</i>
2013	<i>June (Mayne)</i>	<i>Carbon Neutral Policy</i>		<i>Making Difficult Decisions</i>	<i>Working with San Juan County</i>
	<i>Mar (Thetis)</i>	<i>Annual Budget Session</i>	<i>Legal Session Conflict of Interest</i>		<i>Working with the Islands Trust Fund</i>
	<i>Sept (Lasqueti)</i>	<i>Advocacy Policy</i>	<i>Freedom of Information and Protection of Privacy</i>	<i>Refresher on admin. fairness in application processes</i>	
	<i>Dec (Victoria)</i>	<i>Draft 2014/15 Budget Strategic Plan Review Invasive Species</i>		<i>Bylaw Enforcement Best Practices</i>	<i>Economic Sustainability Session</i>
2012	<i>Dec (Salt Spring)</i>	<i>Draft Budget Session</i>		<i>Greenshores for Homes re Shoreline Mapping</i>	<i>Agricultural Land Commission</i>
	<i>Sept (Bowen)</i>	<i>Strategic Planning Oil Spill Response</i>	<i>Standards of Conduct and Admin. Fairness Refresher</i>	<i>Best practices in public engagement</i>	<i>Bowen Island Municipality</i>
	<i>June (Penders)</i>	<i>Strategic Planning</i>	<i>Intro to Indemnification</i>		<i>First Nations San Juan County</i>
	<i>Mar (Gabriola)</i>	<i>Annual Budget Session Initial Strategic Planning</i>	<i>Standards of Conduct and Indemnification</i>	<i>Community Planning 101 (for new trustees)</i>	
2011	<i>Dec (Victoria)</i>	<i>Trustee Orientation</i>	<i>'Staying out of Trouble'</i>	<i>Planning Orientation</i>	<i>Making Fair Decisions Islands Trust Human Resources</i>

SESSIONS/ITEMS COMPLETED in 2008 – 2011 TERM					
Year		Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2008	<i>December (Victoria)</i>	<i>Intro to Budget Session Strategic Plan Discussion</i>	<i>General Orientation Governance (G. Cuff)</i>	<i>General Orientation</i>	<i>General Orientation</i>
2009	<i>Mar (Gabriola)</i>	<i>Annual Budget Session</i>	<i>Strategic Planning Legal Session</i>	<i>Intro to land use planning</i>	
	<i>June (N. Pender)</i>		<i>Procedural Fairness</i>	<i>Introduction to land use planning – part 2</i>	<i>Farm Industry Review Board San Juan County</i>
	<i>September (Mayne)</i>	<i>Climate Change – GHG Emission Reduction Targets</i>		<i>GHG Emission Reduction – planning policies actions</i>	
	<i>December (SaltSpring)</i>	<i>Intro Budget Session History of the Trust</i>	<i>Litigation 101</i>	<i>Comm. Housing Task Force Bill 27 Update</i>	<i>Trust Fund Board</i>
2010	<i>March (Hornby)</i>	<i>Strategic Plan Review Annual Budget Session</i>	<i>Update regarding court case</i>	<i>Comm. Housing Task Force Bill 27 Update</i>	
	<i>June (Saturna)</i>	<i>Marine Shipping Safety</i>	<i>Refresher on Orientation Topics</i>	<i>Refresher on Temporary Use Permits</i>	<i>San Juan County Parks Canada</i>
	<i>Sept (Bowen)</i>	<i>Strategic Plan Update and Review</i>		<i>Food Security through Land Use Planning RAR – QEP perspective</i>	<i>Bowen Island Council</i>
	<i>Dec (Victoria)</i>	<i>Intro Budget Session Strategic Plan Update</i>		<i>Good Planning Practice (Randall Arendt)</i>	<i>Trust Fund Board Regional Conservation Plan (RCP)</i>
2011	<i>March (Galiano)</i>	<i>Annual Budget Session</i>		<i>MAP IT demo Implementing RCP w/ LTCs</i>	
	<i>June (Denman)</i>	<i>Conservation Offsets</i>	<i>Operational Carbon Neutrality and Offsets</i>	<i>Rural By Design Practical examples</i>	<i>Electoral Area Director – Cortes Strathcona RD</i>
	<i>Sept (SaltSpring)</i>	<i>Term & Strategic Plan Review Advice to Incoming Council</i>	<i>Elections Period Best Practice</i>		<i>San Juan County</i>

TRANSITION PLAN

REGARDING THE POTENTIAL INCORPORATION OF SALT SPRING ISLAND



Approved by Trust Council on Sept 14, 2016



Islands Trust

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1. EXECUTIVE SUMMARY

Many memorable events and people have shaped the Islands Trust since its formation in 1974. The possible incorporation of Salt Spring Island (SSI) is a significant event, but it is not a threat to the existence of the Islands Trust. The organization, its people and its electorate will adapt successfully with the support of the realistic change management process described in this Transition Plan.

The purpose of the Transition Plan is to describe how the Islands Trust would initially adapt to the potential incorporation of Salt Spring Island. The plan focuses on the period between a 'YES' vote to incorporate Salt Spring Island and approximately six months after the date of formal incorporation, a period of six to twelve months. A further Adaptation Strategy will be developed to cover the long-range implications for the organization. The residents of Salt Spring Island, the Islands Trust communities, First Nations communities and others, need to be aware of the potential impacts to the Islands Trust and to understand how it will fulfill its mandate in the future.

SALT SPRING ISLAND GOVERNANCE

The current municipal incorporation process was initiated in 2012 when Salt Spring Island's elected officials requested a governance study from the Ministry of Community, Sport and Cultural Development (MCSCD). The request was the second incorporation initiative on behalf of Salt Spring Island since 2000. The purpose of the study was to examine the financial, governance and service implications of municipal incorporation for Salt Spring Island. Following a Governance Study that was released in 2013, the preliminary Salt Spring Island Incorporation Study (SSIIS) was received by the Incorporation Study Committee (ISC) in October 2015. In February of 2016, the ISC requested and received supplementary funding to aid in delivery of the final Incorporation Study with focus upon a road condition assessment, the hosting of public events, the updating of financial information and any further technical analysis that is required. The study is due in September of 2016.

INCORPORATION

The *Local Government Act* and the *Community Charter* provide statutory direction for local governments in British Columbia. The Province has the responsibility to establish and provide the framework for changes to local governance. The act of incorporation of a municipality occurs when Cabinet approves and issues Letters Patent. This document distinguishes the community as an incorporated entity including the name of the municipality, the boundary, area, and classification, as well as certain provisions including the first election of council and any transition requirements or issues. *The Islands Trust Act* also provides direction and guidance during the incorporation process. The Letters Patent, along with a Protocol Agreement between the Ministry of Community Sport and Cultural Development (MCSCD) and the Islands Trust, and a further agreement between the new Salt Spring Island Municipality (SSIM) and the Islands Trust, will be the guiding documents for all participants through this process.

An important factor for the Islands Trust is that the Letters Patent and the Protocol Agreement will ensure that the Islands Trust receives revenues at pre-incorporation levels from the new municipality for a three year period. This arrangement would be formalized in a contract that sees the Islands Trust continue to provide land use planning services to Salt Spring Island. This arrangement benefits and provides certainty to all parties; it allows the Islands Trust to manage a significant transition in an orderly and stable manner and allows the SSIM to incrementally gain capacity and grow.

IMPLICATIONS TO THE ISLANDS TRUST

The Islands Trust will demonstrate its resilience as it addresses the implications of a Salt Spring Island incorporation. While this report primarily focuses upon the initial Transition Phase, information on the longer Adaptation Phase has been included to inform and prepare the public and Trust Council for decisions that lie ahead. It must be made clear that no decisions have been made about the long-range adaptations required if Salt Spring incorporates, nor does this report presume any outcome. Trust Council has a three year time period to choose how it wishes to adapt based on public engagement, desired service levels and options for tax adjustments. In contemplating the most challenging circumstances possible, the most significant impacts would be a financial shortfall to the annual budget as a result of Salt Spring Island no longer contributing to the Local Planning Services (LPS) function and the potential reduction of the workforce — with the associated reduction of productive capacity.

The financial shortfall to the Islands Trust is expected to be \$840,000 which represents 12 per cent of the overall 2016/17 budget of the organization and 20 per cent of the planning budget. Of the \$840,000, approximately \$300,000 is general administration costs that currently support the nine member Salt Spring Island planning team. The savings of \$300,000 in administration costs, leaves a \$540,000 budget shortfall that would need to be addressed. Trust Council could increase taxation rates to accommodate this amount or require operational changes including the reduction of a further three-to-five planning positions. A progressive and comprehensive change management process would be a priority during the transition period.

If Trust Council determined that taxation levels were to be maintained, there would be a noticeable reduction in planning capacity and service to the remaining members of the Islands Trust. In general terms, this would represent a 20 per cent reduction in land use planning capacity/productivity, given the current structure of the organization. As procedures require certain local trust committee (LTC) meeting frequencies, as well as the provision of the *Local Government Act* Part 14 services to communities, priorities would shift towards daily planning and application processing. The Islands Trust would need to consider alternative ways of providing land use services, including long-range planning to LTCs. Trust Area Services (TAS) would retain pre-incorporation funding levels as Salt Spring Island would participate in Trust-wide services.

These changes are significant and are likely close to the maximum that could be absorbed by the organization in order to remain effective in light of the Islands Trust obligations under the *Islands Trust Act* and to its constituents. Nevertheless, the Islands Trust should be able to successfully adapt to the future, through a combination of a rationalization/change in service delivery model, acceptance of a certain degree of reduction in service levels and the potential for a modest increase in taxation for the remaining LTAs .

In the process of finding a new way forward, the organization will face challenges and may have periods of struggle. We will not have all of the answers at the right time and some difficult choices will need to be made. For instance Trust Council has been requesting increased community contact for local planners, increased public outreach at the local level, decentralizing office locations, and faster application response times. These initiatives could run counter to a need to constrict service levels and find cost savings.

Allowing for some uncertainty may be the best way to promote creative thinking and better solutions for the future. The Islands Trust has an opportunity to re-imagine how it does its business and provide leadership in environmental protection and community well-being.

TRANSITION AND ADAPTION PLANNING RESOURCE NEEDS

Resource requirement	Cost (\$)		Total
	Transition Period	Adaptation Phase	
Funding for the development of an Adaptation Strategy/Plan (during transition period)	\$20,000	\$30,000	\$50,000
Funding for a part-time, temporary Transition Manager (6-8 months)	\$30,000	\$30,000	\$60,000
Funding for legal costs to cover transitional changes	\$15,000-20,000		\$20,000
Funding for auditor costs in devolving part of the corporate body(ies)	\$15,000		\$15,000
Communications costs	\$5,000	\$10,000	\$15,000
Change management including human resources, programming and facilitation	\$30,000		\$30,000
Augmented staff resources to administer transition i.e. overtime, short term contracts	\$30,000	To be determined	\$30,000
Contingency for administration, records management, transportation	\$25,000	Annual budget process	\$25,000
		Total	\$215,000

Over the three-year horizon of the adaptation process, estimated costs are \$200,000-250,000.

In order to lessen the financial and staff resource impacts to the Islands Trust through the transition period, a request for a grant to the MCSCD is recommended for assistance with the delivery of a full Adaptation Plan and to fund a Transition Manager. Further, it is recommended that Trust Council create a contingency reserve for the Transition-Adaptation period, funded either through current taxation or reserves.

To prepare for the potential incorporation vote, Trust Council may direct staff to get started applying for grant funding, engaging the public, and developing a human resource transition program.

There are a total of 64 action items identified in the Transition Plan. The most significant tasks have been summarized in Appendix 1: Summary Action Plan, which would be the primary document to be activated in the event of a 'YES' vote.

RECOMMENDATIONS

1. That Trust Council adopts the 2016 Islands Trust Transition Plan regarding the potential incorporation of Salt Spring Island.
2. That Trust Council direct that the Transition Plan be referred to the Ministry of Community, Sport and Cultural Development and the Salt Spring Island Incorporation Committee.
3. That Trust Council direct that the Transition Plan be included in engagement materials provided to public prior to the incorporation vote.
4. That staff be directed to engage with the Ministry of Community, Sport and Cultural Development to access grant funding for the implementation of the Transition Plan.
5. That one month prior to the potential incorporation vote, the Islands Trust initiate a Transition preparation phase.

2. INTRODUCTION

2.1 PURPOSE OF THE TRANSITION PLAN

The Transition Plan is a preparatory document that outlines the organizational, financial and governance implications of a Salt Spring Island municipal incorporation to the Islands Trust. The key purposes of the Plan are:

- To describe how the Islands Trust would initially adapt to the potential incorporation of Salt Spring Island. The Transition Plan would focus on the period between a ‘YES’ vote to incorporate Salt Spring Island and approximately six-to-twelve months after the date of formal incorporation;
- To establish initial principles, objectives and a timeframe for development of a more detailed Islands Trust Adaptation Strategy, which would only be developed in the event of a ‘YES’ vote to incorporate Salt Spring Island;
- To provide the public, stakeholders, and First Nations communities information about how the Islands Trust would change and adapt in order to fulfill its mandate in the event of a ‘YES’ vote to incorporate Salt Spring Island; and
- To develop a list of initial required and discretionary actions, tasks and plans that would be implemented as part of the transition process.

A theoretical timeline of the process is as follows:

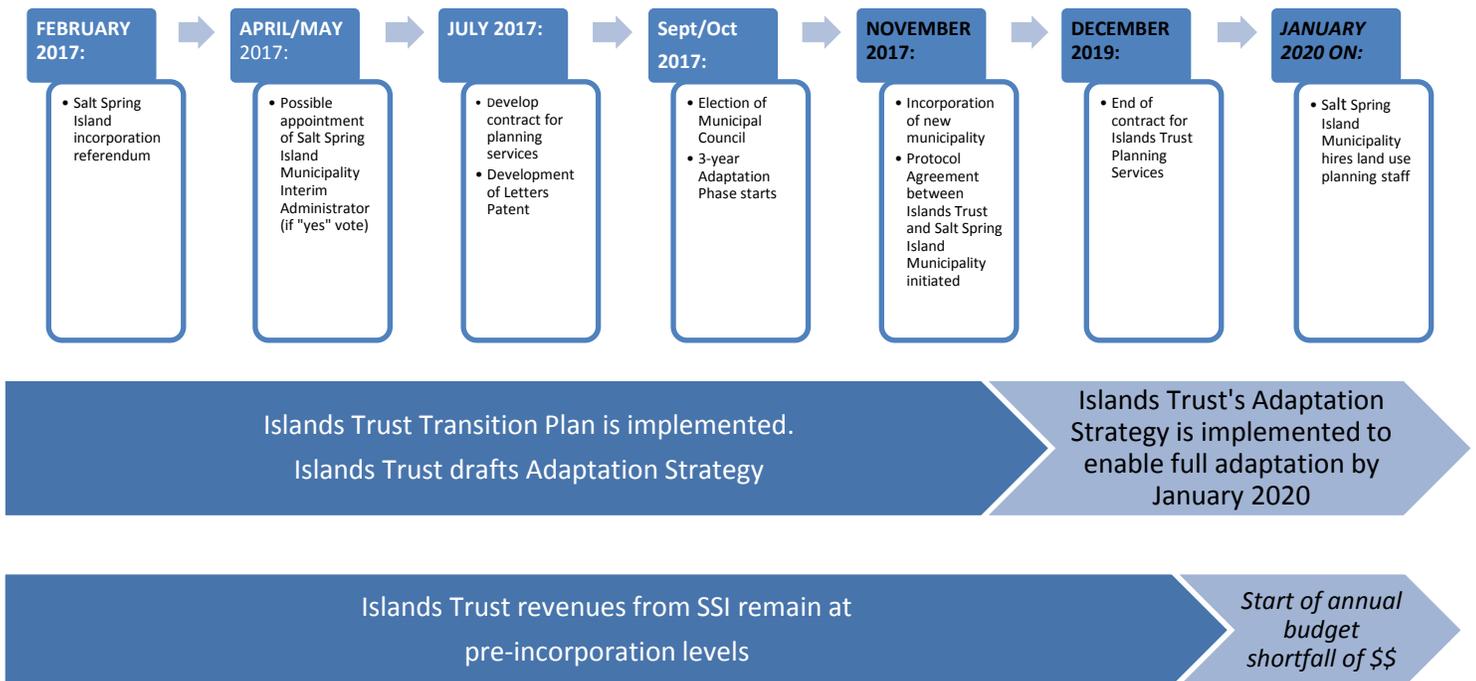


Fig. 1: Relationship between Islands Trust Transition Plan and Adaptation Strategy

2.2 OUTLINE OF REPORT

Section 1 provides an Executive Summary.

Section 2 provides an introduction to the Transition Plan.

Section 3 provides background information on the development of the Transition Plan including: the Salt Spring Island Municipal Incorporation (SSIMI) process, the obligations and roles of those involved in the SSIMI process; the nature of the Islands Trust, including its structure and operations, as well as detailed information on services provided by the Islands Trust to Salt Spring Island.

Section 4 reviews the impacts of municipal incorporation of Salt Spring Island on the Islands Trust including governance, financial, administrative and operational implications, and identifies specific actions and strategies that would be implemented during the transition period.

Section 5 outlines the longer-term impacts of incorporation and identifies the adaptation strategies that would be adopted for 24-to 36-months after the initial transition period.

Section 6 concludes the report.

Section 7 provides a glossary of terms and important definitions used throughout the report.

Section 8 provides details of relevant reference documents.

Section 9 contains the appendices.

2.3 KEY ISSUES

1. To identify impacts and responses by the Islands Trust in the event of the incorporation of Salt Spring Island;
2. To initiate the process of accounting for an anticipated financial shortfall to Islands Trust operations as a result of the incorporation of Salt Spring Island;
3. To develop a rationale for extra resources and funding to accommodate the transition process;
4. To identify anticipated impacts to service levels if incorporation occurs and determine how the Islands Trust would provide services in the future; and
5. To provide information to the Salt Spring Island community and other island communities about how the Islands Trust will continue to fulfill its mandate.

3. ISLANDS TRUST OVERVIEW

3.1 BACKGROUND

3.1.1 SALT SPRING ISLAND INCORPORATION

The current municipal incorporation process was initiated in 2012 when Salt Spring Island's elected officials requested the Ministry of Community, Sport and Cultural Development (MCSCD) to conduct a governance study. This request was the second incorporation initiative on behalf of Salt Spring Island since 2000. The 2000 process in 2000 generated an incorporation study and subsequent referendum that was defeated by 70 per cent. The Islands Trust also sponsored a governance review in 2007, including the potential for expanding the number of Salt Spring Island trustees at the local trust committee (LTC) in order to provide broader local representation. This initiative was also defeated at the referendum.

The 2012 Governance Study was completed in 2013, and its purpose was to identify, through public engagement and review, governance structures on the Island to see if there was support for proceeding to a full incorporation study. The Governance Study Committee recommended to the Minister that an incorporation study be undertaken, and in 2015 the Ministry agreed to fund this work at a cost of \$120,000. The purpose of the incorporation study was to examine the financial, governance and other implications of municipal incorporation for Salt Spring Island. The preliminary incorporation study was received by the Incorporation Study Committee (ISC) in October 2015. In February 2016, the ISC requested and received supplementary funding to undertake a road condition assessment, to host public events, to update financial information and to conduct any further technical analysis required. The final Road Condition Assessment was released on August 15, 2016.

The road condition report, and public feedback, will form the basis of ISC's recommendation to the Minister on whether to hold an incorporation vote.

3.1.2 BOWEN ISLAND INCORPORATION, 1999

Originally an unincorporated member of the Islands Trust, in 1999 Bowen Island underwent an incorporation process. That experience provides some relevant information on a potential Salt Spring Island incorporation. The Bowen Island incorporation process was managed through the Protocol Agreement between the Province and the Islands Trust, and would be used for Salt Spring Island. Bowen Island Municipality entered into a three-year contract with the Islands Trust to receive planning services based on the pro-rata share of the Islands Trust planning budget. The planning budget was based on the taxable assessment of the whole Trust Area. The contract provided two full time planners, limited mapping services, administrative services, bylaw enforcement, a website and a portion of office equipment. Administrative services and enforcement services were gradually reduced as the municipality developed its capacity. The contract concluded after approximately two years by mutual agreement. The planners were offered positions with the Bowen Island Municipality, but declined.

It is beyond the scope of this report to assess the outcome of the incorporation process for Bowen Island. Bowen Island Municipality remains a member of the Islands Trust and contributes to Trust-wide services and programming.

Operational impacts to the Islands Trust from the Bowen Island incorporation were modest. Human resource impacts were reduced when one of the two planners assigned to Bowen Island remained with the Islands Trust post-incorporation. Planning contract costs included in the Protocol Agreement with Bowen were as follows:

Year 1: 2000-2001	\$338,000
Year 2: 2001-2002	\$351,000
Year 3: 2002-2003	\$224,000 (partial year)

There were tax implications for the Islands Trust. The conclusion of the planning contract coincided with a reduction in the provincial grant that resulted in a 5.7 per cent increase in the 2003-2004 taxes. Trust Council at the time adopted a balanced budget approach that saw modest tax increases implemented after the three-year transition period. (Urban Systems, Islands Trust Impact Analysis, pg. 32)

The impacts of a possible Salt Spring Island incorporation would be of a greater magnitude than the Bowen Island incorporation. The Salt Spring office has nine staff, a significant percentage of the organization's 53 employees. Salt Spring Island also contributes significantly more funding to Islands Trust operations than Bowen Island did at the time.

It is apparent from the Bowen Island experience that there is a need for flexibility between participants. As the new municipality grows and takes on more responsibilities, opportunities exist for an incremental decrease in Islands Trust services in certain areas.

3.1.3 ISLANDS TRUST IMPACT ANALYSIS

Concurrent to the Governance Study, in 2015 the Ministry funded and oversaw preparation of a companion report, the Islands Trust Impact Analysis (ITIA). The purpose of the ITIA was to 'examine the potential effect of Salt Spring Island incorporation on the Islands Trust in relation to fiscal stability and organizational adaptation.' Specifically, the ITIA:

- Identified the impact on revenues and expenses of removal of Salt Spring Island planning operations from the Islands Trust budget;
- Reviewed the tax implications on the remaining Trust Area;
- Offered a range of options to maintain service levels in the face of budget constraints; and
- Examined organizational adaptation by the Islands Trust.

In May 2016, Urban Systems was retained to update the ITIA to ensure that assessed values and underlying assumptions were compatible with the Salt Spring Island Impact Study and other resource documents. The updated ITIA report states:

“Should Salt Spring Island incorporate as an Island Municipality, the Islands Trust would no longer incur direct expenses for the provision of local planning services to Salt Spring Island, and Salt Spring Island would no longer contribute towards the LPS function of the Islands Trust.”

Should Salt Spring Island incorporate, Urban Systems calculated that based on the 2016/17 budget, there would be “a projected annual funding shortfall of approximately \$840,000” (p. 2), the result of reduced revenue of \$1.98 million, offset by reduced direct expenses of \$1.14 million.

The full report provided by Urban Systems is available in “Section 9 – Appendix 3 - Islands Trust Impact Analysis.”

Trust Council received the original ITIA in March 2015 and received the updated version in September 2016.

3.1.4 RELEVANT FINDINGS OF SALT SPRING ISLAND INCORPORATION STUDY

Pending

3.1.5 BACKGROUND TO TRANSITION PLAN

In response to the Salt Spring Island incorporation process, Trust Council directed staff to develop an Adaptation Strategy in the event that the incorporation process was successful. Trust Council further refined its preparations for adaptation by requesting a Transition Plan to cover the time from a ‘YES’ incorporation vote until six months after incorporation: approximately 12 months in total, and an Adaptation Strategy to cover the longer adaptation phase during which the Islands Trust fully changes its operations and functions.

Relevant Trust Council Resolutions		
TC-2015-048	<i>That the Islands Trust Council requests the Executive Committee, in consultation with the Financial Planning Committee, to oversee the development of an Islands Trust Adaptation Strategy, to be further developed and implemented in the event of the incorporation of Salt Spring Island.</i>	June 2015
TC-2015-049	<i>That the Islands Trust Council add the development of an Islands Trust Adaptation Strategy to its draft Strategic Plan for 2014-18 and request the Islands Trust Executive Committee, the Financial Planning Committee and the management team to make the development of an Islands Trust Adaptation Strategy one of their top three priorities, until the Islands Trust Council has adopted a strategy.</i>	June 2015

Table 1: Relevant Trust Council resolutions

September 2015: Trust Council adopts its 2014-2018 Strategic Plan

Strategies	Activities/Phases	Funding	Measure success	Status
7.2 Prepare Islands Trust organization to adapt to the <u>potential incorporation of Salt Spring Island</u>	<u>FY 2015/16</u> T.7.2.1 Identify Transition Plan, with principles, objectives and options	\$5000 funding provided by Province. Balance of funding subject to future budget decisions	By whether Trust Council has adopted a Transition Plan, including principles, objectives and options for an Adaptation Strategy regarding the potential incorporation of SSI	Trust Council workshop held Sept/15 <i>Principles and Objectives for an Adaptation Strategy adopted Dec/15</i>
	<u>FY 2016/17</u> T.7.2.2 Develop detailed Islands Trust Adaptation Strategy to implement in the event of municipal incorporation of Salt Spring Island		By whether EC/FPC have developed a detailed Adaptation Strategy	Due to start in 2016/17 Subject to a 'YES' vote regarding SSI incorporation
	<u>FY 2016/17 – 2017/18</u> T.7.2.3 Finalize and adopt detailed Adaptation Strategy to implement in the event of municipal incorporation of Salt Spring Island	Subject to future budgets	By whether Trust Council has finalized and adopted a detailed Adaptation Strategy	Due to start in 2016/17 Subject to a 'YES' vote regarding SSI incorporation
	<u>FY 2015/16</u> T.7.2.4 Review and update existing <u>IT-MCSCD protocol agreement</u> regarding incorporation of municipalities in the Islands Trust Area	Funded by base budget	By whether Trust Council and MCSCD have reviewed and updated protocol agreement regarding incorporation of municipalities in the Islands Trust Area	TC resolution authorizing review: June/15 Briefing to TC: Sept/15

Table 2: Excerpt from Islands Trust Strategic Plan 2014-2018

3.2 INCORPORATION PROCESS

Municipal incorporation in the Islands Trust context is a process that relies on electoral assent, Ministerial approval, delegation of corporate powers by Cabinet, and the development of protocol agreements for full implementation. Municipal incorporation in B.C. is guided by the *Local Governmental Act* and the *Community Charter*. The *Islands Trust Act* also contains policy to inform the process of incorporation within the Islands Trust Area. The Province and the Islands Trust further rely on a Protocol Agreement between the Islands Trust and the Ministry that plays a central role in establishing the framework for incorporation in the Islands Trust Area. Finally, post incorporation, the Islands Trust and the newly incorporated SSIM would enter into a separate Protocol Agreement that will form the basis for the relationship in perpetuity.

From the Ministry website, the following is a summary of the typical municipal incorporation process and it applies to the Salt Spring Island process:

1. An individual or group contacts the Ministry to indicate that there is community support for an incorporation study and to inquire about the process for incorporation.
2. The Ministry, along with local citizens, assess the local context to determine if a broad base of community support exists for considering incorporation and that the community has the characteristics that would make a municipality feasible.

3. An Incorporation Study Committee (ISC) is formed from residents that are broadly representative of the community.
4. The ISC asks the Minister for approval in principle to conduct an incorporation study.
5. If the Minister decides that approval in principle can be given, the ISC establishes terms of reference for both itself and the incorporation study and selects an independent consultant to conduct the study.
6. The ISC makes a formal request to the Minister for a restructure planning grant to fund the study.
7. If the Minister approves the grant, the consultant works with the ISC to produce an objective study on the impact of municipal incorporation.
8. The Ministry provides an offer of provincial assistance, financial and otherwise, that it will give to the municipality if it incorporates. This information is included in the municipal incorporation study.
9. The final study is presented to the community for public discussion and input.
10. Based on community input, the ISC decides whether to recommend to the Minister that a vote be held to decide if the majority of the electorate support municipal incorporation.
11. If the ISC recommends that a vote be held and the Minister agrees, an order to hold the vote would be given. Community meetings are held leading up to the vote so that local citizens have every opportunity to make an informed choice.
12. If local citizens vote in favour of municipal incorporation, and Cabinet approves the incorporation, Letters Patent are prepared for approval; Letters Patent are the legal documents creating the municipality. These include information such as the effective date of incorporation, the name of the municipality, the council size, and identify other transitional issues such as the transfer of services to the municipality from the regional district and any improvement district dissolved as a consequence of incorporation.
13. The Ministry hires an interim municipal administrator to prepare everything necessary for the inaugural meeting of council.
14. The first municipal election takes place on a date set out in the Letters Patent.

3.2.1 PROTOCOL AGREEMENT BETWEEN THE ISLANDS TRUST AND THE MINISTRY OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT

In 1996 the Ministry of Municipal Affairs and the Islands Trust entered into an agreement to manage the process for the potential incorporation of any area within the Islands Trust. This agreement was used for the Bowen Island municipal incorporation in 1999. It is still in effect and applies to any potential Salt Spring Island incorporation. The Protocol Agreement informs the development of Letters Patent and would include:

- The restructure process and the role of trustees;
- The content of Letters Patent for a new island municipality and the role of the Islands Trust in reviewing and commenting on Letters Patent;
- The election method for municipal trustees;
- Consultation regarding boundaries of a new island municipality;
- Referral and approval of bylaws, including the process to be followed if both the Executive Committee and Trust Council refuse approval of an island municipality bylaw (also partially addressed in the *Islands Trust Act*);

- Communications between Trust Council and an island municipality, including the need to create an agreement and refer specific matters; and
- Transitional relationships, including a contract for planning services and financial arrangements.

More generally, the agreement centers upon three concepts: process policy, financial clarity for the participants, and the relationship between municipal entities, the Ministry and the Islands Trust. This document along with the *Local Government Act*, the *Community Charter* and the *Islands Trust Act* provide the framework for the incorporation process. It ensures that the Islands Trust is assured an orderly transition period, leading to a viable future. It also includes mechanisms for the new island municipality and the Islands Trust to evolve their relationship and make adjustments as conditions change.

The Islands Trust would then develop a distinct and separate Protocol Agreement with the newly incorporated municipality. This is a more detailed document that includes financial commitments, bylaws, referral processes, authorities, amendment and dispute resolution mechanisms.

3.2.2 CONTENT OF LETTERS PATENT

The act of incorporation of a municipality by the Province occurs when Cabinet approves and issues a legal document called Letters Patent. This document contains a number of elements that distinguish the community as an incorporated entity. The following list includes some, but not all, of the elements that would be included:

- Number of councilors, number for a quorum;
- Terms of office;
- Election procedures;
- How municipal trustees are appointed to the Islands Trust;
- Production of the assessment roll;
- Borrowing power and current expenditures;
- A clause requiring regard for the Islands Trust 'Object', Section 39.1 of the *Islands Trust Act*, in adopting a bylaw;
- Provisions for concurrence of the municipal official community plan with the Islands Trust Policy Statement and a requirement to submit an Official Community Plan (OCP) amending bylaw to the Islands Trust pursuant to section 38 of the *Islands Trust Act*;
- Transfer of the bylaws, powers, rights and contracts made by the Salt Spring Island LTC to the new municipality;
- The requirement for a funding arrangement between the Municipality and the Islands Trust;
- Transfer of assets and liabilities;
- Transfer of covenants;
- Powers of cost recovery including the ability to levy, collect and remit taxes;
- Transfer of extended regional district services to the new municipality;
- Transfer of local services to the municipality from the regional district; and
- Transfer of improvement districts to the municipality.

3.3 GOVERNANCE STRUCTURE

The Islands Trust Area includes 13 large and more than 450 small islands spread across 5,200 square kilometers in the Strait of Georgia and Howe Sound known for strong communities and natural beauty. In recognition of the special nature of the islands, the Province of B.C. enacted the *Islands Trust Act* in 1974 to create a federation of special-purpose local government bodies and gave the Islands Trust the mandate, through the Islands Trust Object (the “Object”), to:

‘Preserve and protect the Trust Area and its unique amenities and environment for the benefit of residents of the Trust Area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia.’

Guided by the Islands Trust Policy Statement, the Object is achieved, at both local and regional levels, through land use planning and regulation, collaboration with residents and agencies, advocacy and land conservation.

The corporate bodies of the Islands Trust: Trust Council, 13 local trust committees (LTCs), Bowen Island Municipality (BIM) and the Trust Fund Board (TFB) – work together to:

- Foster the preservation and protection of the Trust Area's ecosystems;
- Ensure that human activity and the scale, rate and type of development in the Trust Area are compatible with maintaining the integrity of Trust Area ecosystems;
- Sustain island character and healthy communities.



Fig. 2: Islands Trust governance structure

3.3.1 TRUST COUNCIL

Made up of all 26 elected representatives in the Trust Area, Trust Council sets overall policies, manages finances for the organization, and provides a unified voice for islanders and island ecosystems through its advocacy efforts.

Trust Council also elects members of the Executive Committee to carry out the daily business of the Islands Trust, review bylaws of LTCs and island municipalities for compliance with the Object and the Policy Statement, and to act as a LTC for the Ballenas-Winchelsea Islands. Trust Council does not make local land use decisions; this is the responsibility of the LTCs and island municipalities.

3.3.2 LOCAL TRUST COMMITTEES AND THE BOWEN ISLAND MUNICIPALITY

The elected representatives on the islands have the authority under the BC *Local Government Act* to work with residents, agencies and First Nations to develop and adopt official community plans that define their community’s vision. The LTCs also develop land use bylaws and policies (e.g. zoning, subdivision servicing requirements) that represent the desires of their communities and the shared goals of the federation. They also manage development through their decisions about land use applications, such as rezoning, development permits and variances.

3.3.3 ISLAND TRUST FUND

Established in 1990 under the *Islands Trust Act*, the Trust Fund is the land conservation arm of the organization governed by the Trust Fund Board, which is legally independent of the Islands Trust Council. The Trust Fund purchases land using only donations and grants, and works with private landowners and conservancy partners to protect natural and cultural features in the Islands Trust Area.

3.4 ORGANIZATIONAL STRUCTURE

The Islands Trust has 53 employees located in offices in Victoria, Salt Spring Island and Gabriola Island.

Islands Trust Organizational/Functional Structure

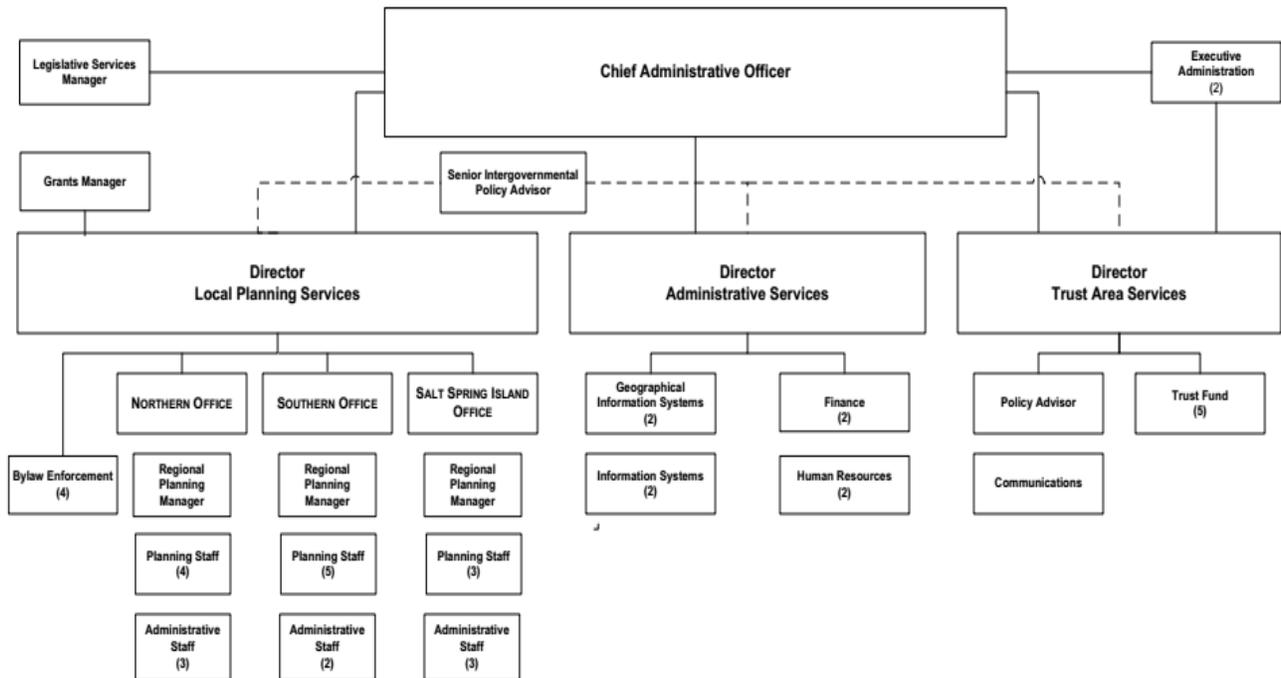


Fig. 3: Islands Trust organizational chart

3.5 ISLANDS TRUST SERVICES TO SALT SPRING ISLAND

3.5.1 LOCAL PLANNING SERVICES

The Islands Trust delivers land use planning and development management services to 13 local trust areas (LTAs), including the Salt Spring Island LTA. The services and number of employees that work on Salt Spring Island have grown with the community and is now the largest planning service to any individual island within the Trust Area.

3.5.1.1 LAND USE PLANNING AND REGULATION

Local land use planning and regulations are undertaken by the Local Planning Services (LPS) department of the Islands Trust. There are three regional offices:

The Southern office, based in Victoria, serves Galiano, Mayne, North Pender, Saturna and South Pender LTAs, undertakes planning work for the Local Planning Committee (LPC) and handles bylaw referrals from Bowen Island Municipality to the Executive Committee. The office of the director of LPS is also located in the Victoria Office.

The Northern office, based on Gabriola Island, serves Ballenas-Winchelsea, Denman, Gabriola, Gambier, Hornby, Lasqueti, and Thetis LTAs.

Land use planning on Salt Spring Island is the responsibility of the Salt Spring Island LTC. To support the Salt Spring Island LTC, LPS maintains a planning office on Salt Spring Island. The current staffing is as follows:

- One regional planning manager, Excluded from BCGEU
- One island planner
- One planner 2
- Two planner 1s
- One legislative clerk
- One planning team assistant
- One office assistant
- One bylaw enforcement officer

3.5.1.2 OFFICIAL COMMUNITY PLAN DEVELOPMENT

The Salt Spring Island LTA has two OCPs – one covering Salt Spring Island (and surrounding waters) and one covering Piers Island and surrounding waters (see Appendix 2 - Salt Spring Island OCP Map). Other areas of the LTA are not covered by an OCP. The Salt Spring Island Local Trust Committee updates and amends the OCPs, with staff support from the island planner, planner 2, and the regional planning manager. The legislative clerk and planning team assistant are involved during the public consultation and bylaw adoption processes.

The official community plan is a policy document that guides the growth and protection of the community. The OCP is amended from time to time to ensure the document remains current and relevant; all amendments undergo a public process. An OCP, or any amendments, are adopted after considerable community input through meetings and other public processes and signed off by the Minister of Community, Sport and Cultural Development. As such, the official community plan represents the general community wishes and provincial interests with respect to the future form of the island.

3.5.1.3 COMMUNITY PLANNING PROJECTS

The Salt Spring Island LTC maintains a work program for undertaking community land use planning projects. Current examples of projects under way include watershed management, industrial lands review and the Ganges boardwalk initiative. Generally, the LTC has up to five priority projects at any given time. These may include targeted reviews and updates of the official community plans or community work to review policy and regulations. From a staff perspective, community planning involves development of a Project Charter that includes scope, timeline and budget of the proposed project; community and agency consultation, including First Nations, research into best practices and legal legislative framework; development of draft bylaws and finalisation and adoption of the bylaws.

Currently, approximately 30 per cent of LPS planning time is used for proactive community planning, including updates and reviews of the OCPs and land use bylaws.

3.5.1.4 SALT SPRING ISLAND WATERSHED PROTECTION AUTHORITY

The Salt Spring Island Watershed Protection Authority (SSIWPA) is a co-ordinating body set up by the Salt Spring Island LTC using powers delegated by Trust Council. This group is funded in part by a special tax requisition created by Trust Council Bylaw No. 154. Staff support is provided by allocation of some of the regional planning manager time to attend meetings and undertake related management duties. Through funding from the LTC and from other member agencies, SSIWPA has hired a co-ordinator to undertake the day-to-day activities. The contract for this position is managed by the Islands Trust Administrative Services division.

3.5.1.5 LAND USE BYLAW AND ZONING BYLAW

The Salt Spring Island LTA is covered by four regulatory bylaws: The Salt Spring Island Land Use Bylaw covers all of Salt Spring Island and the surrounding water (same area as the Salt Spring Island OCP); the Piers Island Land Use Bylaw covers Piers Island and the surrounding water (same area as the Piers Island OCP); Salt Spring Island Zoning Bylaw No.123 covers Secretary and Wallace islands; and the CRD Zoning Bylaw No. 103 provides zoning for the remaining islands and water areas in the LTA east of Salt Spring Island. There is no zoning in place for west of Salt Spring Island; which is covered by BC Reg. 119/90. (Chain Islands and Saanich Inlet).

The Salt Spring Island Local Trust Committee updates and amends the OCPs, with staff support from the island planner, planner 2, and the regional planning manager. Because the Piers Island OCP predates 1992 and because Secretary, Wallace and Prevost islands are not covered by an OCP, any amendments to CRD Bylaw No. 103, Salt Spring Island Bylaw No. 123 or Piers Island Land Use Bylaw require the approval of the Minister of Community, Sport and Cultural Development. This would also trigger the provincial consultation process with First Nations similar to the process used for OCP amendments.

For the unzoned areas, planning staff would process land use applications according to the Islands Trust Regulation (BC Reg 119/90). This process is less defined, involves no bylaws, and permission could be granted through a resolution of the relevant LTC.

3.5.1.6 SUBDIVISION SERVICING

Under the *Land Title Act*, subdivision approval is at the discretion of the Ministry of Transportation and Infrastructure (MOTI). The Provincial Subdivision Approving Officer, in considering an application for subdivision must take into account the local government bylaws regarding subdivision regulations and subdivision servicing.

The subdivision servicing regulations are within the relevant land use bylaw. For Prevost, Wallace and Secretary Islands and the unzoned areas, subdivision regulation is controlled by BC Reg 274/69 and servicing requirements by the *Local Services Act*.

Updates and amendments to subdivision servicing are undertaken by the island Planner and planner 2s. The legislative clerk and planning team assistant would also be involved during the public consultation and bylaw adoption processes. Because the Piers Island OCP predates 1992, any amendment to the Piers Island Land Use Bylaw requires the approval of the Minister of Community, Sport and Cultural Development. This would also trigger the provincial consultation process with First Nations (similar to the process used for OCP amendments).

3.5.1.7 DEVELOPMENT MANAGEMENT (APPLICATION PROCESSING)

Salt Spring Island LTC is responsible for approving development applications. Development on Salt Spring Island is regulated by the land use bylaw; development applications are requests to make changes to the land use bylaw to allow development that otherwise would not be allowed. For example, a property owner may want to change the use of the property, or increase the density or site a building closer to a lot line, or build it higher than permitted for a variety of reasons. Landowners make applications for land use changes, and the LTC considers them after consultation with the community and with consideration of the official community plan policies and the Islands Trust Policy Statement policies. The LTC is required to consider every application made to them. Planners are responsible for processing applications - routine applications are handled by the planner 1 and planner 2, while the senior planning staff (island planner, planner 2) handle more complex applications. Applications and referrals can take approximately 20 to 25 per cent of the planning staff time.

3.5.1.8 REFERRALS FROM OTHER AGENCIES

Staff implement bylaws adopted by the LTC by ensuring applications made to other agencies are consistent. – Staff also review referrals from other agencies, ranging from the very formal (such as those from the Agricultural Land Commission) to fairly informal (such as building permits). Other referrals include Crown Land (docks and leases) and Liquor Control and Licensing Board. Applications and referrals can take approximately 20 to 25 per cent of the planning staff time.

3.5.1.9 Public enquiries

Public enquiries include phone calls, emails and walk-in enquiries. Most enquiries are by email and are usually related to early requests for information about what people can and cannot do on their property. Other enquiries include questions about active application and referrals, bylaws under development, and other items not necessarily within the jurisdiction of the LTC. Enquiries are largely handled by planners, depending on the enquiry. Enquiries can take a significant amount of planning staff time.

3.5.1.10 BYLAW ENFORCEMENT

Salt Spring Island has a dedicated bylaw enforcement officer. The officer on Salt Spring Island spends most of his time working on Salt Spring Island files, but also provides support to other islands as needed. The bylaw enforcement officer responds to complaints about bylaw violations (a person using their property contrary to the local zoning regulations) and works with property owners to resolve the issue.

3.5.1.11 APPLICATION GUIDES

Application guides have been developed and published for all LTCs' applications. These guides are located on the Islands Trust website and are maintained through co-ordination between the regional planning managers.

3.5.1.12 FINANCIAL ADMINISTRATION

For each LTC, the regional planning manager proposes program budget request for the LTCs' consideration. The regional planning manager also makes requests for other budget items to support the team operations and manages the budget throughout the fiscal year.

3.5.1.13 GRANT APPLICATIONS

Local Planning Services has a 0.4 full-time equivalent (two days per week) grants manager. This position is currently based in the Gabriola office and is responsible to overseeing the grants program. This includes actively seeking grants, updating policy, maintaining a database, working with LTCs to write grant applications and managing grants that are awarded.

3.5.1.14 INTER-GOVERNMENT LIAISON

Regional planning managers liaise with regional, provincial and other agencies about land use planning topics.

3.5.1.15 FIRST NATIONS LIAISON

Local Planning Services and Trust Area Service (TAS) share, on a 75:25 basis, the services of a senior intergovernmental policy advisor (1.0 FTE) who provides policy development, analysis and outreach on behalf of the organization to First Nations, governments, stakeholders and communities on First Nations and marine environment issues.

3.5.2 TRUST AREA SERVICES

Trust Area Services is a team of eight staff who administer the federation-wide mandate, as determined by Trust Council and its committees. All members of the federation, including municipalities fund three TAS programs: 1. a land conservancy, 2. policy, and 3. external relations (communications, advocacy, and intergovernmental relations). TAS spends 17 per cent of the Islands Trust budget, with half of that supporting the operations of the Trust Fund Board (TFB).

3.5.2.1 LAND CONSERVANCY PROGRAM (THE ISLANDS TRUST FUND)

The Province of British Columbia created the Islands Trust Fund in 1990 to hold land in support of the Object of the Islands Trust. The Trust Fund preserves the region's ecosystems through acquisition of nature reserves and through registering covenants on private property, but also has the ability to hold land for heritage or agricultural purposes. The Province appoints three members to serve, along with three elected trustees on the six-member Trust Fund Board (TFB). The Board decides which properties to acquire as nature reserves (using grants and private funding) and which land owners to enter into conservation covenant agreements with.

The Natural Area Protection Tax Exemption Program (NAPTEP) is unique to the Islands Trust Area. It is an innovative program that combines ecosystem conservation and tax savings. The NAPTEP provides landowners with an annual exemption of up to 65 per cent of their property taxes when they permanently protect the natural features of their land. Natural features eligible for protection include relatively undisturbed sensitive ecosystems, habitat for rare native species or communities, or special geological features.

The TFB protects 98 properties, totaling 1161 hectares (50 per cent owned and 50 per cent covenanted). On Salt Spring Island, the TFB owns five nature reserves and holds 13 conservation covenants and 10 NAPTEP covenants, for a total of 28 properties covering 324 hectares. This means that Salt Spring Island has about a third of all the TFB’s conservation projects in the Islands Trust Area.

Name	Type	Size (hectares)
Cunningham Covenants (Lots 1-7)	Covenant	12.17
Goldenback Fern Covenant	Covenant	0.289
Keough Covenant	Covenant	0.66
Lot 31 Covenant	Covenant	67.43
Manzanita Ridge Covenant	Covenant	20
Mt. Tuam Covenant	Covenant	13.4
Ruffed Grouse Covenant 1	Covenant	4.1
Ruffed Grouse Ridge Covenant 2	Covenant	7.4
Scott Covenant	Covenant	1
Shacum Covenant	Covenant	4
Tate Covenant	Covenant	72.2
Andreas Vogt Covenant	Covenant	29.739
Where Ere You Walk Covenant	Covenant	0.34
Arthur Lineham NAPTEP Covenant	NAPTEP	23.69
Frog Haven NAPTEP Covenant	NAPTEP	3.599
Leader NAPTEP Covenant	NAPTEP	1.79
My Whim NAPTEP Covenant	NAPTEP	2.199
Old Divide (Appleby) NAPTEP Covenant	NAPTEP	0.809
Owl's Call NAPTEP Covenant	NAPTEP	3.31
Polden NAPTEP Covenant	NAPTEP	3.39
Richardson NAPTEP Covenant	NAPTEP	1.75
Walter Bay NAPTEP Covenant	NAPTEP	2.38
Wennanec NAPTEP Covenant	NAPTEP	1.64
C. Cunningham Nature Reserve	TFB Reserve	3.95
Deep Ridge Nature Reserve	TFB Reserve	14.2
Lower Mt. Erskine Nature Reserve	TFB Reserve	22
McFadden Creek Nature Sanctuary	TFB Reserve	5.09
Ruby Alton Nature Reserve	TFB Reserve	1.6
Total:		324.125

Table 3: Trust Fund Board protected properties

3.5.2.2 POLICY

The TAS team supports Trust Council in reviewing and amending existing policies and creating new policies. The most important policy services relate to the Islands Trust Policy Statement, which is the foundation for all official community plans and bylaws for island municipalities and LTCs. With help from LPS staff, the TAS team is responsible for reviewing municipal bylaws for the Executive Committee where they refer to matters in the Policy Statement.

At Trust Council's direction, the team engages with the public about the role and importance of the Policy Statement and engages with First Nations and other government agencies before recommending changes to the Policy Statement.

3.5.2.3 EXTERNAL RELATIONS PROGRAM

Island municipalities and LTCs rely on the TAS team for public relations, policy and intergovernmental relations, including advocacy to other levels of government.

3.5.2.4 COMMUNICATIONS / PUBLIC RELATIONS

The communications program includes basic organizational tools such as the website, media monitoring and a clipping service (includes municipal trustees), all of which are used in support of Salt Spring Island. Publications include the annual report, news releases, posters and brochures. Public relations include consultation on Trust Council's strategic plan, annual budget and other projects requiring public input. The TAS team is also responsible for advice to Trust Council and its committees on how to respond to controversial issues and prepares elected officials to speak to the media.

Trust Council hosts a bi-annual Community Stewardship Awards program to celebrate and recognize local groups and people who are committed to stewardship. The TAS team delivers this program.

3.5.2.5 ADVOCACY

The TAS team researches and advises Trust Council and its committees on how to co-operate with provincial and federal agencies with mandates that overlap with the interests of the Islands Trust federation. The team uses a wide range of tools to build relationships with other agencies, starting with organizing meetings between trustees and ministers and by entering into formal agreements. Islands Trust Council has agreements, protocols and letters of understanding to uphold the mandate with the following levels of government: First Nations, federal, provincial, regional, and international (San Juan County).

Trust Council's advocacy program is about more than writing letters to other decision makers. It involves getting to know the decision-makers, actively participating in environmental assessments, attending and delivering workshops at local government conferences, and sponsoring resolutions at the Union of BC Municipalities annual conference.

The TAS team supports the Chair in writing correspondence and position papers to other agencies and in delivering speeches and presentations, for example about protecting water, lowering ferry fares or preventing oil spills. The team monitors court rulings affecting local government and watches for changes in relevant policy and legislation to keep the Islands Trust ahead of the changes.

An increasingly important part of TAS' role is maintaining statistics and research about the state of the islands and both the social and environmental factors affecting the sustainability of island life. This research can inform Trust Council's vision and strategy, provide evidence for advocacy positions and provide support for changes to the Islands Trust Policy Statement.

3.5.3 ADMINISTRATIVE SERVICES

Administrative Services supports Trust Council and key functions across the organization.

3.5.3.1 FINANCIAL PLANNING

The director of Administrative Services provides support to the Islands Trust Financial Planning Committee (FPC) to develop the annual budget (\$7.2 million for 2016/17) and manages a timetable of critical deadlines and an accountability framework for budget preparation. The municipal contributions are calculated and confirmed with municipal staff and any special tax requisitions are co-ordinated with LTCs. At its March meeting, Trust Council approves the annual budget and financial plan, after considering the public input received and the recommendations of the FPC. Formal resolutions to approve the Financial Plan Bylaw are made during Trust Council's regular business meeting. The director of Administrative Services forwards the bylaw to the Ministry and requisitions approved taxes through the Surveyor of Taxes.

3.5.3.2 FINANCIAL ACCOUNTING

General accounting services including accounts payable and receivable, capital assets and general ledger maintenance are reported to Trust Council on a quarterly basis. Financial information is prepared in compliance with the *Financial Administration Act* and ministry policies and procedures related to the annual Statement of Financial Information. An annual external audit is co-ordinated and audited financial statements are provided to the Trust Council at its June meeting.

Other financial services include monitoring of investments and management of cash flows and ensuring that contracts are written, tendered, awarded and administered in accordance with ministry policies and guidelines.

3.5.3.3 INSURANCE

Islands Trust carries property, crime and commercial general liability insurance through various insurers. Group insurance (health, dental and life) is provided to staff through Pacific Blue Cross and administered by the Public Service Agency. Group insurance is made available to trustees through a separate policy administered by Islands Trust. Accidental Death and Dismemberment insurance is also provided.

3.5.3.4 PAYROLL PROCESSING

Payroll for staff is processed through the Time Leave and Absence Management system and the Public Service Agency. Islands Trust administrative staff provide support and training for staff access, as well as processing invoices from the Public Service Agency related to payroll expenses.

3.5.3.5 OFFICE FACILITY MANAGEMENT

Administrative Services at Islands Trust is responsible for maintaining three office locations (Victoria, Gabriola Island and Salt Spring Island) including monitoring and negotiating leases and providing for furniture, equipment and IT services to ensure efficient operations. In addition, offices for trustees are provided on North Pender Island and Galiano Island.

3.5.3.6 HUMAN RESOURCES MANAGEMENT

Effective management of human resources is a significant function that is crucial to the success and effectiveness of an organization. Islands Trust staff are subject to the policies and procedures of the BC Public Service Agency and consist of members of the BCGEU and non-unionized staff. Administrative Services provides

support and advice to managers on all hiring activities, including posting vacancies, assisting with selection processes and orientation of new staff. The director of Administrative Services provides organizational support on labour relations issues and other collective bargaining issues. Other services provided include co-ordination of training, staff meetings, and the employee and long-term service awards program; ensuring that performance management procedures are followed and ensuring health and safety responsibilities are maintained through the co-ordination of an Occupational Health and Safety Committee and other related activities.

3.5.3.7 INFORMATION SYSTEMS

The Information Systems team administers the connectivity, continuity and security of all networks, equipment provisioning (laptops, desktops, phones, and photocopiers), and computer software provision and support.

The Islands Trust mapping department provides Geographic Information System (GIS) and information services to staff, consultants, developers, and the public. GIS is an organized collection of computer hardware, software and geographic data designed to efficiently capture, store, update, manipulate, analyze and display all forms of geographically referenced information.

3.5.4 CORPORATE AND LEGISLATIVE SERVICES

As a local government, the Islands Trust has significant responsibilities to ensure that its operations are effective, efficient and in compliance with a range of legislative requirements. This is the responsibility of the Chief Administrative Officer, executive co-ordinator, secretary and Legislative Services manager. Legislative Services is responsible for the planning, co-ordination and control of functions necessary to carry out the legislative obligations of the corporate bodies of the Islands Trust. The manager delivers services to elected officials, trust bodies, staff and the public by providing advice, support and recommendations on statutory, procedural or privacy matters, which may involve legislation, Islands Trust policy, procedures and bylaws and Roberts Rules of Order. As part of this service, the manager acts as corporate records manager, Freedom of Information and Protection of Privacy head, and co-ordinates elections and by-elections. Legislative Services traditionally deals with an extended suite of corporate responsibilities to ensure the health of the organization, including legal opinions, agendas, meeting procedures, and even business continuity and risk management.

Executive services staff provide support to Trust Council and the Executive Committee, and maintain overall management of the organization, including long range planning and strategic planning.

3.5.4.1 STRATEGIC PLANNING

The Islands Trust Council adopted a strategic plan for its 2014-2018 term of office, which includes 10 priorities, each supported by strategies and activities. The Strategic Plan provides a focus for Trust Council and committee work programs throughout the Islands Trust and forms a basis for budget preparations for future fiscal years. Trust Council's priorities focus on challenges common to all island communities. Within the 'Local Trust Committees & Bowen Island Municipality Activities' portion of the plan, local trust committees, including the Salt Spring Island LTC, have their own strategies and activities for local projects related to the 10 priorities in the Strategic Plan.

3.5.4.2 POLICY DEVELOPMENT

As well as the Policy Statement, Islands Trust Council has also adopted a suite of policies, which apply to all LTCs in the Trust Area. The applicable policies fall under two main categories: local trust committees and their advisory commissions and advisory groups; and land use planning, bylaws and mapping. This suite of policies

applies to the Salt Spring Island LTC. In addition, the Salt Spring Island LTC has adopted six policy and standing resolution items. The Salt Spring Island LTC also adopted Meeting Procedures Bylaw No. 391 to establish procedures for meetings of the LTC. In addition, applicable legislation and various Trust Council and management policies and procedures direct the process around notices, agendas and minutes.

3.5.4.3 RECORDS MANAGEMENT

Local governments in B.C. are required to carefully maintain and manage the records in their possession for the benefit of the public. The records management system authorized by Islands Trust Council Bylaw No. 144 applies to the records of all Islands Trust's corporate bodies, including the Salt Spring Island LTC. With responsibility for compliance with Freedom of Information and Protection of Privacy legislation, the Islands Trust records management system and processes provide a risk management function.

3.5.4.4 ELECTIONS ADMINISTRATION

Islands Trust elections are administered in accordance with Part 3 of the *Local Government Act* through contracts with seven regional districts in the Trust Area. Islands Trust staff co-ordinate the local trustee elections every four years. Bowen Island Municipality manages its own elections.

3.5.4.5 EXTERNAL LIAISON

As a local government, the Islands Trust falls within the purview of the Office of the Ombudsperson, which receives occasional enquiries and comments about Islands Trust operations. The Islands Trust's secretary liaises with the Office of the Ombudsperson, ensuring appropriate and effective responses in accordance with internal policies on behalf of the Islands Trust's Salt Spring Island office. Similarly, the Islands Trust must comply with the *Freedom of Information and Protection of Privacy Act*, protecting the public's privacy, and responding to request for information. The secretary provides a similar function with regard to the Office of the Information and Privacy Commissioner including advice and co-ordination of complex liaisons with the Office of the Information and Privacy Commissioner related to requests under the *Freedom of Information and Protection of Privacy Act* in relation to the Salt Spring Island LTC.

3.6 ISLANDS TRUST FINANCES

The *Islands Trust Act* Section 14 states that on or before March 31 in each year, the Trust Council must, by bylaw, adopt an annual budget for the Trust for the next fiscal year. Subsection (3) further defines the budget as follows:

(3) The budget must:

- (a) show separately revenues obtained from appropriations, including operating grants and anticipated recoveries from taxes levied under sections 48 and 49, and other sources,
- (b) show appropriated surpluses of prior years, and
- (c) set out separately the anticipated expenditure relating to
 - (i) operations of the trust council and of the executive committee, except the operations of the executive committee acting as a local trust committee under section 23 (5),
 - (ii) general operations of the local trust committees, including the operations of the executive committee acting as a local trust committee under section 23 (5) and excluding the operations referred to in subparagraph (iii),

- (iii) operations of a local trust committee that are additional operations not included within the general operations of all the local trust committees under subparagraph (ii), and
- (iv) administrative operations of the trust fund board.

Table 4 reflects the expenses related to these four areas for the 2016/17 annual budget:

AREA	\$	% of TOTAL
Local Planning Services	\$4,047,829	56%
Trust Council	\$910,214	12%
Trust Fund	\$529,270	7%
Administrative Services	\$1,869,695	25%
Total:	\$7,357,008	

Table 4: 2016/2017 budget excerpt

Figure 4 describes the proportional allocation of expenses:

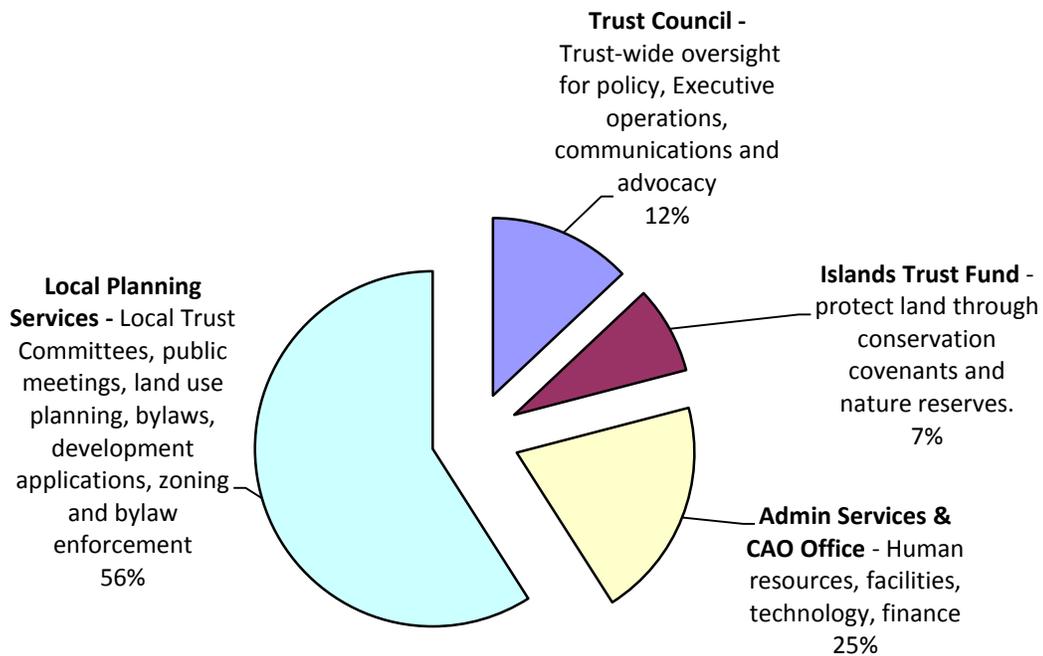


Fig. 4: Islands Trust expense allocations

3.6.1 LOCAL PLANNING SERVICES EXPENSES – SALT SPRING ISLAND

The 2016/17 LPS budget includes \$1,001,013 of expenditures directly attributable to Salt Spring Island. These include expenses such as, trustee remuneration, planner and planning administration wages, the Salt Spring Island office lease and related expenses, and LTC expenses including meetings and LTC projects. In addition there are indirect costs related to LPS administration and an allocated portion of Administrative Services and the Chief Administrative Officers (CAOs)' Executive Office.

3.6.2 GENERAL PROPERTY TAX REQUISITION

Once Trust Council has determined the funding needs of the organization through its budget process, the Financial Plan Bylaw is forwarded to the MCSCD for approval. Unlike other local governments, the Islands Trust does not directly collect property tax. The Provincial Surveyor of Taxes sets the rates and collects the tax from LTA taxpayers based on the revenue that Islands Trust Council requests. The amount of tax charged on a property in an LTA (all Islands Trust Area properties except those on Bowen Island Municipality) depends on four factors: the assessed value, the mill rate, the type of property and the amount of tax revenue the Islands Trust Council needs from the Province (called the requisition amount) to fulfil its mandate.

Each January, BC Assessment notifies property owners of their property's assessed value, classification and applicable exemptions. The requisition amount is divided by the total assessed value of all properties in the Islands Trust Area, except Bowen Island, to develop a mill rate (the amount of tax payable per \$1,000 of the assessed value of the property). The same mill rate is applied to every taxpayer in all LTAs.

As of January 2016, the converted assessed values for Salt Spring Island properties as a percentage of all LTAs, is 32.3 per cent. Based on the Islands Trust general property tax requisition amount of \$6,249,834, the portion attributable to Salt Spring Island for 2016/17 is \$2,018,696.

3.6.3 MUNICIPAL TAX REQUISITION

The *Islands Trust Act* Sections 47(2)(b) and 47(6) set out the calculation of the municipal tax requisition for municipalities within the Islands Trust Area. These sections state that the Minister may deliver requisitions to each municipality in the Trust Area in relation to the cost of operations of Trust Council and the Executive Committee, except the operations of the Executive Committee acting as a local trust committee under Section 23(5), and the cost of administrative operations of the TFB. The amount that is to be recovered by means of requisitions must be apportioned between the municipalities and the LTAs on the basis of the converted value of land and improvements in the Trust Area.

In the 2016/17 budget, a requisition based upon these calculations was provided to Bowen Island Municipality in the amount of \$223,419.

3.6.4 SPECIAL PROPERTY TAX REQUISITION

The *Islands Trust Act* Section 10 allows Trust Council to delegate authority, to implement a special property tax requisition in respect of a local trust committee activity or program that is deemed by the Islands Trust Council to be:

- i. Programs or services not offered in all LTAs;
- ii. Enhanced service levels that reflect unique demands or additional powers that Trust Council has delegated to a local trust committee through bylaw; and
- iii. Beyond the capacity of the base budget.

A proposed special requisition related to an LTA must be incorporated into the annual Islands Trust budget bylaw and approved by Trust Council.

In the 2016/17 budget, Salt Spring Island LTC was approved for a requisition of \$110,500 related to the delegated authority to co-ordinate watershed management through the Salt Spring Island Watershed Protection Authority.

3.6.5 GENERAL REVENUE FUND SURPLUS

Trust Council's policy 6.5.i, section D.6, recommends a minimum level of surplus as "three months of expenses net of three months of revenue, excluding revenue from property taxes or the provincial grant." Based on the 2016/17 budget, the General Revenue Fund surplus balance would be \$2.1 million at March 31, 2017. This amount represents 120 per cent of the recommended minimum level of surplus.

4. INITIAL IMPLICATIONS OF SALT SPRING ISLAND INCORPORATION AND TRANSITION

4.1 OVERVIEW OF INITIAL IMPLICATIONS AND TRANSITION ACTIONS

EMBARKING ON A PROCESS OF CHANGE

The incorporation of Salt Spring Island would result in a period of uncertainty and in some cases, profound change for the Islands Trust over the longer term. It is important to balance the immediate needs associated with the incorporation process with the responsibility to maintain day-to-day services to citizens, local trust areas (LTAs) and Trust Council.

The transition period is marked primarily by technical exercises and undertakings. Tasks and actions focus upon transfer of corporate responsibility, transfer of capital assets, and preparation for the more detailed adaptation phase that follows.

The organization would adopt a change management model to guide staff and Trust Council. The Islands Trust would adopt a progressive and modern approach to change that reflects best practises and provides for the best outcomes for citizens and employees. These would include a triple bottom line framework delivered with transparency and the understanding that organizational change is a process not a prescriptive set of actions. Effective change management includes:

- Communicating widely and effectively;
- Using a variety of methods to help employees, trustees and citizens adjust;
- Working to build support within the organization for the change;
- Aligning strategies, skills, structure and culture of the organization; and
- Adopting feedback and monitoring mechanisms to reinforce and inform organizational change.

The Islands Trust would receive assistance from the BC Public Service Agency with regard to change management, employee assistance programming and human resource analysis.

4.1.1 PRINCIPLES AND OBJECTIVES FOR TRANSITION PLAN

In December 2015 Trust Council adopted a set of principles and objectives to guide the adaptation process for the Islands Trust. It is included in section 5.2 of this document. The following objectives focus upon the transition planning period and are designed to prioritize work and maintain an ethical basis for organizational change:

- The Islands Trust Council is committed to effective and sustainable delivery of its provincially legislated mandate throughout the Islands Trust Area, with the assistance, co-operation and collaboration of many stakeholders, including local trust committees (LTCs) and island municipalities.
- To continue to provide a high standard of land use services to the Salt Spring Island community through the transition period.
- To maintain effective and sustainable relationships between Islands Trust Council and the SSIM.
- To communicate clearly with the public, First Nations, stakeholders and staff throughout the transition period.
- To develop a staff transition plan and to maximize certainty for staff during a period of potential organizational change.
- To be ready for effective adaptation to long-term impacts.

- To ensure an orderly transition of governance including bylaws, policies, authorities and documents.
- To co-operate and assist the newly incorporated Salt Spring Island Municipality (SSIM) as it develops capacity and service delivery.
- To be creative and innovative in developing transitional strategies for the Islands Trust that provides options for the organization.

4.1.2 OVERVIEW OF TIMELINES AND ASSUMPTIONS

This timeline is specific to the period from the referendum date through to six months post incorporation. The Salt Spring Island Incorporation Study Committee (ISC) has a schedule of events beyond this scope and should be referenced if needed for public outreach and communication scheduling.

Process Timelines	
Public communication events and strategies following approval of the Minister to hold a referendum and prior to the vote	Pre-incorporation
Referendum	February 2017
Appointment of interim municipal administrator	April 2017
Municipal elections	June/July 2017
Contract for land use planning services	June/July 2017
Incorporation of SSIM – Letters Patent for Salt Spring Island	September 2017
Protocol Agreement between SSIM and Islands Trust	December 2017
Islands Trust contract for land use planning services to SSIM	August 2017 to August 2020

Further, as part of the pre-incorporation process, the Islands Trust may be invited to participate in public meetings or events.

4.2 INITIAL GOVERNANCE IMPLICATIONS AND TRANSITION ACTIONS

4.2.1. SALT SPRING ISLAND GOVERNANCE

A primary function during the transition period is to co-ordinate elements of the change in governance from the Islands Trust to the new SSIM. Co-ordination between the two entities ensures that governance is maintained and that any disruption to public representation and land use decision-making is minimized. This transfer primarily involves ceasing the activities of the Salt Spring Island LTC, the appointment of municipal trustees from Salt Spring Island to the Islands Trust, and transfer of authorities, bylaws, files and records.

There may also be impacts to current planning services to the community. During the actual transition of authority, applications that are in stream may face delays as the SSIM develops its capacity to make land use decisions. There may be a need to reduce or delay new planning initiatives during this period to ensure that land use decisions reflect the priorities of the new municipal council.

4.2.1.1 BOUNDARIES OF SALT SPRING ISLAND MUNICIPALITY

The proposed boundary of the SSIM aligns with boundary for Area F of the Capital Regional District (CRD). The Islands Trust would recommend boundaries of the SSIM to the Ministry, in particular with regard to islets and islands adjacent to the new municipality and adjoining LTAs. Decisions about boundary changes will ultimately be made by the Province. Changes would be required to the Islands Trust Regulation to reflect a redistribution of islets to the new LTAs:

ACTION 1: Analysis of adjacent islets within the Salt Spring Island LTC jurisdiction, recommendations for changes in mapping to Trust Council for approval and forwarding to Ministry

4.2.1.2 INTERIM MUNICIPAL ADMINISTRATOR

The Province would appoint an interim CAO to manage the transition of the Salt Spring Island incorporation process. The interim CAO would develop the foundation for governance for the SSIM, focusing particularly upon the election of Mayor and Council. The interim CAO would be the primary contact of the Islands Trust in managing the planning services contract and in establishing a process of transfer of records, bylaws and authorities.

ACTION 2: Islands Trust CAO/Executive office to co-ordinate transition in governance protocols with interim municipal CAO

4.2.1.3 ELECTION OF MAYOR, COUNCIL

During the election for the inaugural SSIM Council, as per the Protocol Agreement with the Ministry, there would be a concurrent election of municipal trustees of the Islands Trust via double direct voting. The election would be administered by the Chief Election Officer of the CRD and the CRD's Election Procedures Bylaw would apply. The Islands Trust would be responsible for orienting the new SSIM council about its roles and responsibilities under the *Islands Trust Act*.

ACTION 3: Orientation for new Salt Spring Island Municipal Council regarding the Islands Trust

4.2.1.4 SALT SPRING ISLAND MUNICIPALITY LETTERS PATENT

The Islands Trust is able to make recommendations to the Ministry about the development of Letters Patent prior to adoption. As indicated in the Protocol Agreement between the Islands Trust and the Ministry, key areas and any associated Islands Trust actions are as follows:

- Consideration of Islands Trust Object: Section 39.1 of the *Islands Trust Act* requires that a municipality must consider the Object of the Islands Trust. This requirement would be included in Letters Patent and once again included in a subsequent Protocol Agreement between the SSIM and Islands Trust Council.
- Salt Spring Island Municipality bylaw approvals: member municipalities within the Trust Area have an obligation under S. 38 of the *Islands Trust Act* for approval by the Islands Trust for OCP bylaws. Referral of non-OCP bylaws would be a subject of the Protocol Agreement. The actual process of bylaw approval would be outlined in a Protocol Agreement between the SSIM and the Islands Trust Council, which is expected to be similar to the Protocol Agreement between the Islands Trust and Bowen Island Municipality (BIM). The SSIM would likely have a much larger volume of bylaw referrals than BIM.

ACTION 4: Provide comment to Ministry regarding Letters Patent for the Salt Spring Island Municipality

4.2.1.5 DISSOLUTION OF SALT SPRING ISLAND LOCAL TRUST COMMITTEE

Upon incorporation the municipality would assume responsibility for the municipal area and the Salt Spring Island LTC would cease to exist.

As indicated by the Bowen Island Letters Patent, it is expected that all bylaws, rights, powers, contracts, resolutions, orders, regulations, licenses, and permits that have been passed, adopted or issued by the Salt Spring Island LTC shall remain in effect and would be assumed by the municipality. A process of transfer of records, bylaws, permits, contracts, covenants, assets, liabilities, obligations, and other materials would be initiated. The process would need to be carefully managed to ensure that the transfer is complete and transparent.

Trust Council, via Bylaw No. 154, delegated powers to the Salt Spring Island LTC for co-ordinating the preservation and protection of water resources in the Salt Spring Island LTA through the Salt Spring Island Watershed Protection Authority. A special levy was established to fund the operations related to the delegated powers. This work would become the responsibility of the new municipality in a format and structure of their choosing. Disposition of special levy funds remaining in this function would be required.

ACTION 5: Transfer records related to the Salt Spring Island Watershed Protection Authority and dispose of special levy funds and related contracts.

4.2.1.6 ISLANDS TRUST AGREEMENTS WITH SALT SPRING ISLAND MUNICIPALITY

Section 9.1 of the *Islands Trust Act* provides Trust Council the ability to enter into an agreement with an island municipality. Further, the Letters Patent for the newly incorporated municipality would require such an agreement between the Islands Trust Council and the SSIM Council. Developing this document would be a high priority during the transition phase. Preparatory work would begin early in the transition period to determine principles, policy content, financial arrangements, communications and other protocols.

An important experience from the Bowen Island municipal incorporation process relates to the review of bylaws by the Islands Trust as required by the *Islands Trust Act*. This review requires staff time and resources, and is included in the calculation of the financial contribution that each municipality pays the Islands Trust for Trust-wide services. The number of bylaws that are generated by Salt Spring Island is much larger than the Bowen Island Municipality and may require an amendment to the municipal funding calculation to capture the increase in administrative costs.

ACTION 6: Prepare key policy elements for inclusion in Protocol Agreement between the SSIM and the Islands Trust

ACTION 7: Review municipal funding calculation to account for increased costs associated with administration of bylaw referrals from SSIM

4.2.1.7 AGREEMENTS AND LETTERS OF UNDERSTANDING WITH OTHER PARTIES

The new island municipality would inherit protocol agreements between the Salt Spring Island LTA/the Islands Trust and other parties such as, the federal government, the provincial government, First Nations, or local governments. Salt Spring Island Municipality would presumably review these agreements for relevance within a municipal context.

Upon incorporation, Bowen Island Municipality, via Letters Patent, had a prescribed timeframe by which to consider any inherited protocol agreements and it is presumed Salt Spring Island would have the same alternatives. A list of relevant agreements affecting Salt Spring Island includes:

1. Letter of Understanding between Staff Administrations of the Islands Trust and the CRD
2. Islands Trust Council Bylaw No. 63 - A Bylaw to Adopt a Protocol with the CRD
3. Protocol Agreement Regarding the Provision of Parkland between the Salt Spring Island Trust Committee and the Salt Spring Island Parks and Recreation Commission Representing the CRD
4. Letter of Understanding between Staff Administrations of the Islands Trust and the CRD concerning Withholding of Building Permits
5. Memorandum of Agreement between the Salt Spring Island LTC and the Trust Fund Board (TFB)
6. Letters of Understanding with provincial ministries

ACTION 8: Provision to the SSIM of a record of protocol agreements and letters of understanding that apply to Salt Spring Island LTC and Salt Spring Island at the date of incorporation

4.2.1.8 LEGAL

During the transition period, the Islands Trust would obtain legal analysis leading to a framework for staff and trustees to co-ordinate transition projects and tasks. This review would include:

1. Labour and employment: review collective agreement for obligations of employer, excluded and unionized staff, allocation of employees across organization according to required skill sets, geographic needs, Worker's Compensation Board, holiday payments; provision of notice, termination, succession planning, liability: any potential claims by employees
2. Assets and liabilities: identify non-financial assets, identify financial assets, valuations and allocations
3. Third party contracts: identify pending contracts or negotiations, identify existing service contracts, review of contracts in terms of assignment, prohibitions, notice requirements, obligations
4. Licenses: same analysis as for contracts
5. Bylaws and enforcement: identification of all bylaws, all amendments, allocation of responsibility, status of enforcement actions, status of ongoing litigation
6. Insurance: review existing policies, provide notice to insurers
7. Intellectual property: identify all Islands Trust intellectual property, corporate trademarks, assignments
8. Any litigation against the Salt Spring Island Local Trust Committee
9. Other

ACTION 9: Legal review of transition process

4.2.2 TRUST COUNCIL AND EXECUTIVE COMMITTEE

The membership of Trust Council would change after municipal incorporation. The two local trustee positions for Salt Spring Island would be dissolved on the date of incorporation. During the municipal election process, in conjunction with the general election, two Salt Spring Island municipal trustees would be selected and appointed to Trust Council. Given the anticipated timelines (see Section 4.1.2), the new municipal trustees may begin attendance at Trust Council in either September or December 2017. The Islands Trust staff would follow existing procedures for departure of the local trustees and orientation of new trustees to facilitate a smooth transition for the new members of Trust Council.

ACTION 10: Follow procedures for departure of local trustees and on-boarding/orientation of new Trust Council municipal trustees

4.2.2.1 EXECUTIVE COMMITTEE (EC)

As one of the Salt Spring Island LTC members is a current member of the Executive Committee, Trust Council would need to elect a new Executive Committee member. Section 8 of the *Islands Trust Regulation* indicates that the election must take place within 90 days of the vacancy.

ACTION 11: Trust Council to elect new Executive Committee member

There would be operational impacts to Executive Committee and other committees during the transition phase in the form of an increase in the number of meetings, length of meetings, expenses and related administrative support. Executive Committee maintains a range of responsibilities on behalf of Trust Council and has a delegated responsibility to provide governance oversight during the Transition Phase. In particular, there would be an increased focus on organizational response to transition and to the transfer of governance. An estimated 10-15 per cent of the committees' meeting time would involve transition issues for six months to a year after incorporation.

4.2.2.2 COUNCIL COMMITTEES

The appointment of members to Council's three standing committees is the responsibility of the Islands Trust Chair. New appointments would need to be considered as follows, after the new SSI municipal trustees are sworn in.

Financial Planning Committee (FPC): Both Salt Spring trustees are currently appointed to the Financial Planning Committee (one representing EC and one at-large who currently chairs the committee). All EC members serve on FPC.

ACTION 12: Chair to consider appointing one at-large trustee to FPC, after which FPC will elect its new Chair

Trust Programs Committee: A Salt Spring Island trustee is currently appointed to Trust Programs Committee representing EC.

ACTION 13: After Trust Council elects a new EC member, Chair to appoint a new representative to TPC

ACTION 14: Orientation of new FPC and TPC members

4.2.3 OTHER LOCAL TRUST COMMITTEES

Incorporation of Salt Spring Island would affect some other LTCs in terms of membership and their jurisdictional boundaries. As one Salt Spring Island trustee is on the Executive Committee and is an appointed Chair (or alternate Chair) of other LTCs, the Islands Trust Chair would need to appoint a new LTC Chair for the Mayne, North Pender, and Saturna LTCs. Appointment of an alternate Chair would be required for affected LTCs. In each case, the new Chair would require orientation to their new work.

Not all islands currently within the SSI LTA would become part of a new SSI Municipality, as indicated in Figure 5. Therefore, incorporation of Salt Spring Island is also expected to result in amendments to the boundaries of other LTCs as follows:

- Associated Islands currently within the Salt Spring Island LTA would be redistributed to other LTAs, following recommendations from the Islands Trust
- Potential changes to boundaries of Galiano, Mayne, North Pender and Thetis LTAs and jurisdiction of the Executive Committee as an LTC:
 - Galiano or Thetis LTA – potentially would include Hall, Norway, Secretary and Wallace, etc.
 - Mayne LTA – potentially would include Prevost,
 - North Pender LTA – potentially would include Piers, Saanich Inlet/Cowichan Bay
 - Thetis – potentially would include Shoal Islands, etc.

Transfer of related records (bylaws, permits, covenants, etc.), orientation of LTCs regarding their new areas of jurisdiction and notification of affected property owners would be required.

ACTION 15: Appointment of new Chair and alternate Chair to the identified LTCs

ACTION 16: Orientation of new Chair to requirements and responsibilities

ACTION 17: Transfer of bylaws, records and legal documents to the LTCs with amended boundaries

ACTION 18: Orientation of the LTCs and planning staff regarding changes to jurisdiction boundaries and new areas of responsibility

ACTION 19: Provision of notices to any property owners whose jurisdiction has changed

ACTION 20: Review SSILTC protocols and letters of understanding that would pertain to other LTCs due to boundary changes

ACTION 21: Amendment to bylaws of LTC receiving areas



Fig. 5: Salt Spring Island – current jurisdictional boundaries

4.3 INITIAL SERVICES IMPLICATIONS AND TRANSITION ACTIONS

4.3.1 LOCAL PLANNING SERVICES

As indicated in the Protocol Agreement between the Islands Trust and the MCSCD, the Letters Patent for a new SSIM would require it to enter into a contract with the Islands Trust for planning services for the first three years after incorporation. The annual cost payable by SSIM to the Islands Trust for planning services during the three-year term would not be less than the amount contributed by Salt Spring Island if the island municipality had not incorporated and the local trust committee still existed, unless otherwise agreed.

4.3.1.1 PLANNING SERVICE CONTRACT

The planning services contract would describe the local planning services to be provided to the new municipality. It will not deal with dollar-for-value as that amount is set as per above. The contract would include the number of planners, number of support staff, number of bylaw enforcement staff and the number of management staff assigned to the municipality for planning purposes. It would include the reporting structure, monitoring, quality control, dispute resolution and a mechanism to end the contract earlier by mutual agreement.

ACTION 22: Develop terms of reference for service contract

4.3.1.2 MEETING MANAGEMENT

The Islands Trust currently uses meeting management protocols and software to manage meeting agenda packages. The SSIM may decide to adopt the existing system or a different process.

ACTION 23: Contract with Municipality should include consideration of meeting management software and how planning functions are added to the Council agendas

4.3.1.3 REPORTING STRUCTURE

The regional planning manager would report to the director of Local Planning Services (LPS). Workload management would need to be addressed in the contract and proceed in collaboration with the Chief Administrative Officer for SSIM.

ACTION 24: Land use planning services contract management including integration with municipality, reporting structure and workload management for planning staff

4.3.1.4 LEVEL OF PLANNING SUPPORT

The contract should assume that the level of planning support and services provided by the Islands Trust to Salt Spring Island would be the same as they were just prior to incorporation. New functions, such as Subdivision Approving Officer, would be addressed by the municipality directly.

ACTION 25: Document current level of planning support and accessory services

4.3.1.5 BYLAW ENFORCEMENT

Bylaw enforcement for Salt Spring Island should be included in the contract in order to support the land use planning function.

ACTION 26: Include bylaw enforcement in land use planning services contract with municipality

4.3.1.6 PLANNING ADMINISTRATIVE SUPPORT

Administrative support currently in place is required to support planning functions and meeting requirements of the LTC. These functions would need to be integrated with municipal staff providing broad administrative and legislative services support to the SSIM Council.

ACTION 27: Land use planning services contract with municipality should include duties of LPS administrative staff in relation to agenda preparation for municipal council

4.3.1.7 LEGAL SERVICES

Planning staff providing services to SSIM should have access to Young Anderson Barristers and Solicitors through LPS; however, ownership and protocols for sharing of legal opinions with the SSIM would need to be established. Further discussion with Young Anderson on this should be undertaken before drafting of a contract.

ACTION 28: Land use planning services contract with the municipality to include wording on access to legal services and sharing of that information

4.3.1.8 WORK PROGRAM

The municipal council would be responsible for determining its work program and priorities. These would have to be managed within the limits of the available resources as detailed in the local planning contract.

4.3.1.9 GRANTS ADMINISTRATION

The focus of the grants manager is on LTCs and is not covered by the municipal levy. The grants manager could provide service to the SSIM through a separate cost-recovery contract.

ACTION 29: Consideration of extending grants administration to the municipalities and including a portion of the position in the municipal levy, or offering the service on a fee-for-service model

4.3.1.10 PLANNING STAFF

Staff retention and attraction during the transition period will be challenging given that the positions end on a specific date (on conclusion of the three-year service contract). The Islands Trust may have to hire temporary staff as permanent staff move on to other opportunities, or locate staff in other offices. The Bowen Island situation was different as there was one planner assigned to Bowen Island who visited the office on a regular basis. Once the contract expired, that position was absorbed into the rest of the organization. That will not be possible in this situation as there are nine staff dedicated to Salt Spring Island.

ACTION 30: Develop a plan and procedures for hiring and retaining staff for Salt Spring Island during the three-year transition period

ACTION 31: Develop a strategy that would maximize the retention of knowledgeable planning staff and benefits to SSIM

ACTION 32: Include dispute resolution and reporting clause in local planning services contract with the island municipality

4.3.1.11 MAPPING AND TRUST AREA PROPERTY INFORMATION SERVICE (TAPIS)

During the transition period, no change is expected to the mapping support. Mapping services should be included in the contract with Salt Spring Island on the provision of planning services to support the functions of the planners. This would include mapping for public hearings, mapping for rezonings and municipality projects, and updating and maintaining the GIS and TAPIS system. The assumption is that the planners under contract to SSIM would continue to use TAPIS system as a means of managing planning files. The municipality may use a different system and in this case the planners would use the municipal system.

ACTION 33: Include mapping services in the land use planning contract with the municipality

4.3.1.12 ADMINISTRATIVE/LEGISLATIVE SUPPORT TO PLANNING STAFF

No changes to the current service model are anticipated during the transition period. Legislative services would continue to be provided by the legislative services manager and legislative clerk at the same levels they are provided currently.

ACTION 34: Include legislative services in the land use planning contract with the municipality

4.3.1.13 COMMUNICATION

During the transition period, the level of service provided by TAS communications specialist would be similar to the level of support provided prior to incorporation.

ACTION 35: Include communications specialist services in the land use planning contract with the municipality

4.3.2 TRUST AREA SERVICES

The primary role of TAS in the interim phase before and after a municipal incorporation vote is to fulfil one of Trust Council's key objectives: "To communicate clearly with the public, First Nations, stakeholders and staff throughout the transition period."

There is significant work for the communications specialist, director, CAO and Executive Committee to anticipate and respond to inquiries from public, First Nations, stakeholders, staff and media leading up to and after an incorporation vote, whether there is a vote and whether the vote is yes or no. Even a no vote requires the Islands Trust to respond to expectations of the community.

4.3.2.1 COMMUNICATIONS STRATEGY

Phase 1 of the communications strategy requires significant staff time to anticipate and provide objective information to internal audiences (staff and trustees) and external audiences (media, public and other levels of government including First Nations) during the incorporation referendum period. Messages will not support campaigns on either side, but will be neutral responses to frequently asked questions, clarifications of misunderstandings and corrections of misinformation about the consequences for the Islands Trust of a 'YES' vote. Messages will not predict consequences for taxpayers or the community, except as it relates to Islands Trust services, staffing, revenue and expenses.

ACTION 36: Implement an internal and external communications strategy for the incorporation referendum period and the six-month transition period following an incorporation vote

RESOURCES FOR ACTION: Significant resources (approx. 25 per cent of TAS communications time) will be required for both external and internal communications. While an incorporation campaign is in full swing, there will be little capacity among TAS staff to pursue other communications projects. Trust Council may wish to consider cancelling or scaling back projects such as, the Community Stewardship Awards in the spring of 2017. Local trust committees may need to build in more lead time for review of its communications by TAS staff. Advocacy will be limited to routine communications.

External Communications Plan Spokespersons: CAO, Islands Trust Council Chair, Salt Spring Island Trustees				
AUDIENCE	MESSAGES	PRODUCTS	METHODS	TIMING
Salt Spring Island property owners	<p>Island municipalities continue to be members of the Islands Trust and be guided by the Object of the Trust to preserve and protect island communities, culture and environment.</p> <p>The Islands Trust is working on a transition plan to ensure a seamless delivery of land use planning services on Salt Spring Island in the event of incorporation.</p>	Urban Systems Impact Study Update memo	Website (with feedback mechanism)	Starting Fall 2016 (leading up to Nov. 30 th final report deadline for the ISC)
		BIM transition process review	Subscriber notices (email)	During public engagement on Islands Trust vision project (Jan-Feb 2017)
		FAQs (SSI specific)	Paid advertising (\$\$)	
		Message from Chair	Newspaper inserts (\$\$)	Before and after incorporation vote
		Graphics explaining before and after for governance, services, both during and after transition	Direct mail (\$\$)	
		Graphics explaining transition timeline (use or adapt existing graphic)	Town Hall (\$\$)	
		PowerPoint	Guest editorial	
		News release		
		Trustee office hours		

External Communications Plan
Spokespersons: CAO, Islands Trust Council Chair, Salt Spring Island Trustees

			at SSI?	
Trust Area residents	Islands Trust is taking a leadership role and working to minimize the impacts of potential incorporation on taxpayers and to effectively adapt to long-term impacts by continuously seeking organizational cost effectiveness.	Transition updates FAQs (general) Graphics explaining transition timeline (use or adapt existing graphic)	Subscriber notices (email) Website updates Updates at LTC meetings (standing item)? Trustee updates in local papers	Same as above
Incorporation Study Committee (ISC)	Islands Trust will work with the ISC to provide information to help islanders make an informed choice.	Transition updates FAQs (SSI specific) PowerPoint	ISC website Updates at Committee meetings	Overdue since May 2016: ISC said it is beyond its mandate to respond to public comment and questions about Islands Trust and referred these to MCSCD and Islands Trust for response.
General public/other	Our priority is to uphold the democratic principles and adapt as an organization, while continuing to fulfil our Provincial mandate to preserve and protect the islands in the Salish Sea.	Key messages Graphics explaining transition timeline (use or adapt existing graphic)	News releases Website updates	Ongoing, during project milestones and if emergent issues arise

Table 5: External Communications Plan

**Internal Communications Plan
Spokespersons: CAO, Directors and supervisors**

AUDIENCE	MESSAGE	PRODUCTS	METHODS	TIMING
Islands Trust staff – Salt Spring Island office	Islands Trust is working on a transition plan in the event Salt Spring Island votes to incorporate and will keep you informed to maximize certainty for your employment future, throughout the process.	FAQs (SSI staff specific) Support with issues management in the community (although they are not the official spokespeople).	Meetings between SSI staff and CAO and DLPS – FAQ session Regular email from CAO and phone calls to answer questions (following direct meeting) Staff meetings	Frequent
Islands Trust staff – all	Islands Trust is working on a transition plan in the event Salt Spring Island votes to incorporate to ensure an orderly transition of governance to the new SSIM and will keep you informed throughout the process.	Transition updates FAQs (internal)	Regular email (first one was June 6 th) Staff meetings Meetings with supervisors	Immediately following meeting with SSI staff Ongoing and before public announcements (ISC, Province) and project milestones
Islands Trust Council	Islands Trust will continue to uphold its Object on Salt Spring Island and the entire Trust Area whether or not Salt Spring Island votes “YES” to incorporate	Updated financial impact analysis from Urban systems Information from BIM Communications strategy	Regular Council meetings Special meeting of TC (if and when appropriate) Emails (if time sensitive and cannot wait for regular business meeting)	September Trust Council December Council meeting (post Nov. 30 th ISC report deadline)

Internal Communications Plan Spokespersons: CAO, Directors and supervisors				
MCSCD	A potential incorporation of Salt Spring Island may have impacts on service delivery and/or tax implications for other islands in the Trust Area in order for Islands Trust to meet its Provincial mandate to preserve and protect the islands in the Salish Sea.	Updated financial impact analysis (Urban Systems) Information from Bowen Island Municipality	Email Electronic and face-to-face meetings Briefings	Before Nov. 30 th ISC report deadline

Table 6: Internal Communications Plan

ACTION 37: Communications regarding new municipal trustees, new Executive Committee members and new Chair roles on LTCs

ACTION 38: Amend maps and communications products referencing new boundaries, new LTC and Council Committee memberships, and number of municipalities

ACTION 39: Amend website, including menu structure and page content to reflect changes in org chart and Salt Spring Island status

ACTION 40: Amend publications to replace ‘Bowen’ with the more generic ‘Island Municipalities’

Existing staff can achieve these actions, although a central co-ordinating function would be valuable to manage the many details of the transition and reduce duplication of effort.

ACTION 41: Negotiate updates and or transfers to any co-ordination agreements that urgently require formal renaming to the SSIM

There is some experience with this from Bowen Island’s incorporation, but the significant time and focus required for this process by all parties to the agreements means that most agreements have still not been updated. This project requires legal advice and significant senior staff time to discern which agreements fall within the Letters Patent and which require re-negotiating with a newly elected municipal government. Ideally, a dedicated project manager would facilitate this process, using TAS staff as required.

4.3.2.2 FIRST NATIONS ENGAGEMENT

Municipal incorporation is a provincially regulated process and as part of the Salt Spring Island Incorporation Study process, the Province is responsible for the duty to consult with First Nations communities. For the Islands Trust, it is important to inform First Nations, as soon as possible, about the changes to the Trust as an organization, how the Trust would function initially, and what changes may be implemented in the short term. This outreach could be in the form of scheduled meetings.

A deeper engagement could occur during the adaptation phase when the Islands Trust has an opportunity to engage in a reconciliation effort with aboriginal communities as the organization seeks input on how to adapt.

ACTION 42: Communicate Transition Planning strategy to affected First Nation communities

4.3.3 ADMINISTRATIVE SERVICES

Administration provides human resources services to the Islands Trust and upon incorporation will focus on delivery of a change management program.

4.3.3.1 STAFFING PLAN

Administrative Services, with the management team, would implement a plan to deal with any impacts to staff levels that are identified in the Adaptation Strategy. A consultation with the Public Service Agency would be initiated to address any displacements that may occur and ensure that staff's rights under their Collective Agreement (BCGEU) or Terms and Conditions of Employment (for non-union staff) are honoured. A hiring freeze may need to be considered and the use of temporary contracts to fill positions that may become vacant. Early and regular communication with staff is essential as people may seek other employment in anticipation of job losses (see section 5.2.1.3.4 Objectives for Human Resources).

ACTION 43: Develop a Change Management/Staffing Plan

4.3.3.3 FACILITY LEASE EXTENSION

The Islands Trust currently leases a professional building on Salt Spring Island for its planning staff, including front counter space for public access. In anticipation of facility development on behalf of the SSIM and conclusion of the planning contract, Administration would plan for changes to the leasehold including notifying lessors. This would involve the current office lease (expires February 2018) allowing SSIM to either enter into a new lease with BC Hydro or lease new premises, and new leases for telephone equipment and a photocopier.

ACTION 44: Provide notice to lessors on all lease contracts

4.3.3.4 SALT SPRING ISLAND ASSETS

Islands Trust would provide an inventory of all existing assets and enter into negotiations/agreement with SSIM to rationalize existing capital to SSIM or arrange to dispose of any unwanted assets. Any new assets would be purchased by SSIM.

ACTION 45: Transfer of leased assets

4.3.3.5 RELATED OFFICE CONTRACTS (E.G. MAINTENANCE, JANITOR SERVICES, TELEPHONE SERVICES)

Islands Trust would prepare a list of all existing service contracts and ensure they are transferred to SSIM or cancelled.

ACTION 46: Initiate the process of transfer to SSIM or cancellation of existing service contracts

4.3.3.6 INFORMATION SYSTEMS MANAGEMENT

Information technology to support the planning contract would continue for three years. The process of transition to a new SSIM IT environment would likely be incremental. Negotiations and/or agreement could be entered beyond the scope of the planning contract. Protocols would need to be developed that maintain the security of the Islands Trust server environment while allowing appropriate access to the new municipality for their planning dataset. Migration of data across other agencies, including the CRD, may need to be considered for better integration of service data.

ACTION 47: Liaise with SSIM staff on the provision of computer systems, security and setting up Internet services

4.3.3.7 MAPPING/GEOGRAPHICAL INFORMATION SYSTEMS

The Islands Trust currently provides some mapping services to the Bowen Island Municipality at a negotiated rate and discussions regarding provision of this service to SSIM during, and possibly beyond, the planning contract would be part of discussion during the development of the Protocol Agreement between the two parties.

ACTION 48: Include GIS services as a part of the contract with SSIM

4.3.3.8 GENERAL FINANCIAL TRANSFER

ACTION 49: Preparation of financial statements, inventories, cash and investments, allocations, and reserve fund assessments

4.3.4 LEGISLATIVE SERVICES

Legislative Services would be one of the lead departments during the initial transition process as corporate matters for both organizations are prioritized. This would generate significant staff and contracted resource use, primarily in the areas of records management and applications transfer, bylaw transfer, legal documentation and Freedom of Information. Following incorporation, a schedule to identify and transfer bylaws, contracts, permits, agreements and covenants which would apply to a newly incorporated island municipality would be initiated. Discussion would be required regarding the transfer of material, including original documents that are the property of the Islands Trust and Trust Council. Certain documents generated by the SSI LTC would be deemed, as per Letters Patent, the property of the new island municipality.

Legal advice would be needed on records management issues related to legal opinions provided to Trust Council regarding Salt Spring Island, the custody of records and security of transferred records, whether agendas and minutes from the inception of the Salt Spring Island Local Trust Committee must be transferred, and other matters related to the management of the records transfer process.

4.3.4.1 APPLICATIONS TRANSFER

Applications made by Salt Spring Island and LTA citizens would be transferred to the SSIM to ensure accuracy and history of land use management and regulatory control. There are a variety of application types administered by the Islands Trust that would form the basis of the transfer, including:

Salt Spring Island Application Records (by category)	
Acronym	Application/Referral (R) Type
ALR	Agricultural Land Reserve (R)
BOV	Board of Variance
BP	Building Permit (R)
CL	Crown Lease (R)
DP	Development Permit
DVP	Development Variance Permit
FLR	Forest Land Reserve (R)

Salt Spring Island Application Records (by category)	
HAP	Heritage Alteration Permit
RZ	Rezoning
SC	Strata Conversion
	Soil Removal/Deposit Permit
SUB	Subdivision (R)
TUP	Temporary Use Permit
Additional	Salt Spring Island Street files

Table 7: Types of application records

ACTION 50: Prepare application records for transfer to SSIM

4.3.4.2 BYLAW TRANSFER ACTIONS

Certified copies of all adopted SSLTC bylaws would be provided to the new island municipality or to other LTCs as required. Notice of development and development variance permits are filed on the title of subject properties and the island municipality could access the permits online. In addition, copies of the permits could be provided if required.

Salt Spring Island Local Trust Committee Bylaws to be Transferred			
Bylaw No.	Amends Bylaw No.	Short Citation	Adopted
CRD 103		Prevost Zoning – covers Acland, Bright, Prevost, Hawkins, Owl, Red Islets, Secret	June 28 72 (Portion repealed)
CRD 207		Subdivision – still applicable to Hall, Jackscrew, Mowgli, Norway, Secretary, Wallace	Feb 11 76 (Portion Repealed by Bylaw 355 June 28 01)
51		Piers Island OCP	Mar 16 82
72	103	Prevost Zoning	Aug 17 82
280	103	Prevost Zoning	Sep 24 91
304		Development Procedure	Apr 13 93
333		FOIPP Procedure	Nov 03 94
339		Affordable Housing Procedure	Jun 01 95
341	103	Prevost Zoning	Dec 21 95
355		Land Use (LUB)	Jun 28 01
358	304	Development Procedure	Jan 13 00
369	355	LUB	Feb 28 02
371	355	LUB	May 24 01
373		Piers Island LUB	Jul 31 03
374	355	LUB	Aug 29 02
377	355	LUB	Jan 25 03
378	355	LUB	Apr 11 03
379	355	LUB	Oct 03 02
381	355	LUB	Oct 30 03

Salt Spring Island Local Trust Committee Bylaws to be Transferred

384	355	LUB	Aug 28 03
386	355	LUB	Oct 30 03
387	355	LUB	Feb 25 04
388		Housing Agreement Procedure	Sep 30 03
391		LTC Meeting Procedure	Mar 31 04
397	355	LUB	Sep 29 04
399	355	LUB	Sep 22 05
401	355	LUB	Jan 26 05
405	355	LUB	Oct 27 05
407	355	LUB	Jan 08 15
412	355	LUB	Dec 13 15
413	355	LUB	Apr 25 06
418		Removal and Deposit of Soil	Oct 02 08
428		Fees Bylaw	Sep 06 07
429		Housing Agreement Procedure	Jul 03 08
430	355	LUB	Apr 03 08
431	355	LUB	Dec 13 07
432	355	LUB	Apr 07 11
433	355	LUB	Aug 19 11
434		OCP	Oct 02 08
435	355	LUB	Apr 02 09
438	355	LUB	Sep 03 09
439	434	OCP	Oct 08
440	355	LUB	Oct 08 09
441	355	LUB	Sept 02 10
442		Board of Variance	Nov 5 09
443	434	OCP	Aug 05 10
444	355	LUB	Jul 08 10
445	355	LUB	Jan 14 11
446		Bylaw Enforcement Notice	Oct 06 11
448	355	LUB	Sep 01 11
450	355	LUB	May 02 13
451	355	LUB	Oct 06 11
452	355	LUB	Jan 05 12
454	355	LUB	Aug 02 12
455	434	OCP	Aug 02 12
456	355	LUB	Jul 05 12
457	434	OCP	Sep 20 12
458	355	LUB	Sep 20 12
459	355	LUB	Sep 20 12
460	355	LUB	Nov 08 12
461	355	LUB	May 02 13
464	355	LUB	Jul 25 13
466	355	LUB	Jun 20 13
467		APC	May 02 13
469		Housing Agreement	Jan 08 15
470	355	LUB	May 08 14
472	355	LUB	Aug 28 14

Salt Spring Island Local Trust Committee Bylaws to be Transferred			
476	434	OCP	Jun 11 15
477	355	LUB	Jun 11 15
479	355	LUB	May 14 15
480	434	OCP	May 14 15
482	103	Prevost Zoning	May 14 15
484	355	LUB	Jun 2 16
485	355	LUB	Feb 11 16
486	355	LUB	Mar 10 16

Table 8: Salt Spring Island Local Trust Committee Bylaws to be transferred

ACTION 51: Transfer of applicable bylaws to SSIM

4.3.4.3 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT ACTIONS

It is assumed that the island municipality would designate an Freedom Of Information (FOI) head that would be responsible for responding to all Salt Spring Island FOI requests upon its inception, including those related to planning services. If the request involved records from past years, it could be transferred to Islands Trust for response. The same conditions that apply to Islands Trust with regard to privacy of records would apply to the new island municipality. The custody of records related to Salt Spring Island would have to be determined.

4.3.4.4 OTHER CORPORATE AND LEGISLATIVE SERVICES ACTIONS

Current litigation actions

- Transfer of litigation files upon review and categorization
- Bylaw enforcement litigation review
- Review of legal claims against the Salt Spring Island Local Trust Committee
- Indemnification
- Indemnification of SSI trustees (to end on date of incorporation)

Other records for transfer/review

- Transfer of mapping data, records, TAPIS files
- Transfer of website information
- Transfer of financial records
- Transfer of archival records

In summary, file, record, and bylaw transfer would be an extensive undertaking due to the size and history of the Salt Spring Island planning function. This work would extend throughout the transition period, requiring extra resources if current work for the other LTAs is to be maintained.

4.4 OVERVIEW OF FINANCIAL IMPLICATIONS IN TRANSITION PERIOD

There are generally two types of financial implications for the Islands Trust during the transition phase: direct costs or additional resource needs to facilitate the transition process, and the costs associated with preparing for the anticipated financial shortfall to the Islands Trust three years after incorporation. Planning for these considerations are based on the following assumptions:

- Revenues from Salt Spring Island, in support of local planning services and related administration, would remain at pre-incorporation levels for first three years after incorporation.
- There is the potential for provincial funding for adaptation planning for the three-year adaptation process
- Temporary extra costs would occur as a function of the transition process itself
- A portion of staff resources would be dedicated to the transition process

The Protocol Agreement between the Islands Trust and the MCSCD ensures stability in a variety of areas. It allows the Islands Trust to incrementally manage and adapt to a significant change - the removal of the Salt Spring Island planning component of the organization. It will also assist in the transition process for community and staff and allow the island municipality to increase capacity in an orderly manner.

4.4.1 IMPACTS TO STAFF RESOURCES

Given that revenues are constant, there are no significant financial shortfalls that would lead to service reductions anticipated during the transition period of approximately six-to-twelve months. However, the process and operation of transition itself will incur extra costs in a variety of areas.

Immediately upon a 'YES' vote, Islands Trust staff, with direction of Trust Council, would activate the Transition Plan, and it would become an item on the Executive Committee and Trust Council work plans. For select staff, the transition process would likely account over 50 per cent of their capacity over six months. This would necessarily displace current work items and affect the delivery of Strategic Plan priorities of Trust Council. The primary staff positions affected during the transition period are:

- **Chief Administrative Officer:** Transition processes @ 50 per cent.
- **Legislative services manager:** Transition processes @ 50 per cent
- **Director, LPS:** Transition processes @ 50 per cent
- **Director, Administrative Services:** Transition processes @ 25 per cent
- **Director, Trust Area Services:** Transition processes @ 25 per cent
- **Salt Spring Island Planning Office staff:** along with current planning work, Planning staff, including the regional planning manager, would change to a contract-based work model and assisting in transition tasks such as, bylaw administration, procedures, records management and community outreach. Further, as SSIM has municipal planning instruments available to them such as, Development Cost Charges, something the Islands Trust does not have the authority to implement, additional training of staff may be required in certain areas. Staff involvement in the transition processes would initially be high and then taper to 20 per cent
- **Finance Team:** The Finance team would also be responsible for managing the financial elements of the Transition Plan, including accounting and auditing considerations. Some issues for review are:
 - Removal of SSI LTC and land use activities from the General Ledger
 - Preparation of financial statements
 - Inventory for resale
 - Cash and investment considerations
 - Inventory allocations, tangible capital asset allocations, equity determination

- Reserve fund assessment and allocations
- Cost allocations: e.g.. management expenses associated with planning contract
- Other. Transition processes at 20 per cent

4.4.2 RESOURCES REQUIRED TO IMPLEMENT TRANSITION PLAN

4.4.3.1 ADAPTATION STRATEGY DEVELOPMENT

During the transition period, the Islands Trust would develop and initiate an Adaptation Plan/Strategy that addresses the long-range implications of incorporation. This work is anticipated to be contracted and therefore not the responsibility of staff. This study requires funding in the range of \$50,000. The strategy would address, amongst other items:

- The mission, vision and direction of the organization in light of organizational change
- Options for delivering services in alternative ways
- A process of public engagement on the future and focus of the Islands Trust
- Potential consideration of changes to legislation
- Options for rationalizing the funding shortfall associated with the incorporation process
- **Approximate cost: \$50,000**

ACTION 52: Develop terms of reference for Adaptation Strategy

ACTION 53: Request provincial grant funding for production of an Adaptation Strategy

ACTION 54: Conduct procurement process for award of Adaptation Strategy contract

4.4.3.2 STAFF CAPACITY

The increased workload on staffing can be mitigated in a number of ways, including hiring additional staff to back-fill positions or reducing the Islands Trust work plan during the transition period. A more focused solution would be to hire a “transition manager” on a part time temporary basis who would:

- Report to the Chief Administrative Officer
- Be responsible for co-ordination of transition activities
- Manage certain elements of the transition process
- Reduce the need for permanent staff to work on transition issues, allowing for more continuity on current service delivery and Trust Council, LTC and EC work plans
- Act as a clearing house for transition issues
- Support senior management in liaising with the Ministry, new administration of the SSI island municipality
- **Approximate cost for six-eight months overlapping the transition period and Adaptation phase, \$60,000**

This approach has been successful in other municipal incorporation processes, namely the division of the Comox Strathcona Regional District in 2008 into the Comox Valley Regional District and the Strathcona Regional District.

Other anticipated costs or resource needs are included in Table 9.

Resource Requirement	Cost (\$)		Total
	Transition Period	Adaptation Phase	
Funding for the development of an Adaptation Strategy/Plan (during Transition period)	\$20,000	\$30,000	\$50,000
Funding for a part-time, temporary transition manager (6-8 months)	\$30,000	\$30,000	\$60,000
Funding for legal costs to cover transitional changes	\$15,000-20,000		\$20,000
Funding for auditor costs in devolving part of the corporate body(ies)	\$15,000		\$15,000
Communications costs	\$5,000	\$10,000	\$15,000
Change management including human resources, programming and facilitation	\$30,000		\$30,000
Augmented staff resources to administer transition i.e. overtime, short term contracts	\$30,000	To be determined	\$30,000
Contingency for administration, records management, transportation	\$25,000	Annual budget process	\$25,000
	Total:		\$215,000

Table 9: Anticipated costs and resource needs

Over the three-year horizon of the adaption process, the estimated cost are \$200-250,000.

4.4.3.3 SOURCES OF FUNDING

At present, the Islands Trust has no guaranteed funding assistance to cover transitional costs. Trust Council has a number of options to address these unintended costs.

1. Request funding assistance from the MCSCD

The Ministry has previously indicated there may be funding available to assist with the transition process, specifically for developing a long range Adaptation Plan. The SSIS process has generated funding in excess of \$250,000 over the last four years, so while the processes are different, there is presumably some assistance available to address the Islands Trust change management challenges. Further, to relieve current staff overutilization, the cost of the transition manager should be included in a request to the Ministry for a transition assistance grant.

2. As the incorporation vote is scheduled for early 2017, Trust Council has the opportunity to create a contingency fund, via taxation, during the 2017/18 budget process, prior to March 31, 2017
3. As per the 2016 Financial Plan, the Islands Trust has funds in its reserve fund that could be allocated to the transition process and/or serve as a contingency against any unforeseen consequences

5. LONG TERM IMPLICATIONS

5.1 OVERVIEW OF LONG-TERM IMPLICATIONS

The potential incorporation of Salt Spring Island requires that the Islands Trust address a financial shortfall in its annual operations, adapt to a new governance dynamic as the incorporated/non-incorporated representation on Trust Council shifts, and in a larger sense, examine the future of the organization and how it fulfills its mandate.

The long-range implications and responses to these potential changes are summarized in the following sections. What follows however, represents potential actions and options only. Trust Council has not made decisions, nor determined how it would address the challenges presented by Salt Spring Island’s incorporation. Trust Council has a variety of choices available to determine how it wants to address the full adaptation of the Islands Trust over a three-year period. These alternatives include service delivery options, as well as, either maintenance of taxation levels or increasing them to allow for a higher level of service. Most importantly, Trust Council has adopted a set of principles that emphasize garnering public engagement on how the Islands Trust is to adapt in the future.

5.1.1 RE-CAP OF FINANCIAL IMPLICATIONS OF INCORPORATION

In previewing an Adaptation Strategy, it is worth reviewing the economic impacts to the Islands Trust of a Salt Spring Island incorporation. As described in the 2016 Urban Systems Impact Analysis (2016/17 budget values), Islands Trust direct expenses would decline by \$1,138,272 as a result of Salt Spring Island incorporation:

Expenses	Amount
Staff Salary and Benefits (Planning and Bylaw Enforcement)	\$698,837
Office Lease and Administration	\$90,750
Staff Training and Travel	\$16,950
Legal	\$84,707
Trustee Remuneration, Meetings and Expenses	\$81,528
Program Funding – Watershed Protection*	\$110,500
Program Funding – Other	\$55,000
Total:	\$1,138,272

Table 10: Islands Trust expenses associated directly to Salt Spring Island

There is a corresponding decline in Islands Trust revenue attributed to the incorporation process:

Revenue	Amount
Reduction in General Property Taxes from SSI	(\$1,885,047)
Adjustment to BIM Taxes	(\$1,368)
Special Requisition for Watershed Protection	(\$110,500)
Development Fees	(\$42,346)
Grant Income	\$10,000
Total:	(\$2,029,261)

Table 11: Islands Trust revenues associated directly to Salt Spring Island

To achieve an accurate determination of the financial impact we need to account for indirect expenses such as, general administration costs in support of land use planning services. There are two options:

- 1) Transfer the administration costs previously paid by Salt Spring Island LTA to the remaining LTAs on an assessed value basis, or
- 2) Reduce general administration expenses by the amount proportionally allocated to Salt Spring Island planning services. To prepare this section of the Transition Plan, it is assumed that the second option would apply, as it is unclear whether the remaining LTAs would wish to absorb potentially extraneous administrative planning costs.

As there would be an approximate \$300,000 reduction in administrative costs associated with Salt Spring Island planning services, the projected annual budget shortfall for the Islands Trust is \$540,000, as seen in Table 12.

Reductions to Expenses	Amount
Direct Expenses for Salt Spring Island Planning	\$1,138,272
Reduction in Administration Expenses	\$351,745
Subtotal:	\$1,490,017
Reductions to Revenue	
Decline in Revenue	(\$2,029,261)
Net Shortfall:	(\$539,244)

Table 12: Proposed net shortfall to Islands Trust operating budget

This shortfall represents the amount of funding that the Islands Trust needs to address after the three-year adaptation phase concludes through a rationalization of expenses/services or an increase in taxation. By the end of this period, the Islands Trust will have a new governance structure, will have fully adapted to new service delivery needs, and will have absorbed any short fall in taxation to fund service levels.

5.2 DEVELOPING A LONG-TERM ADAPTATION STRATEGY

5.2.1 PRINCIPLES AND OBJECTIVES OF A LONG-TERM ADAPTATION STRATEGY

On December 9 2015, the Islands Trust Council approved the following principles and objectives for a long-term Adaptation Strategy should Salt Spring Island become an island municipality. These principles ensure that a consistent, equitable approach be maintained by the organization throughout the transition process that both honors the right of Salt Spring Island residents to determine their form of governance, and ensures the Islands Trust can deliver its mandate.

5.2.1.1 PRINCIPLES FOR ADAPTATION

- The Islands Trust Council is committed to effective and sustainable delivery of its provincially legislated mandate throughout the Islands Trust Area, with the assistance, co-operation and collaboration of many stakeholders, including LTCs and island municipalities
- The Islands Trust Council respects the autonomy of island communities to investigate and decide about municipal incorporation, as provided for in the *Islands Trust Act*

- The Islands Trust Council is responsible for deciding how the Islands Trust will adapt its expenditures and revenues, should the Salt Spring Island community vote in favour of municipal incorporation
- The Islands Trust Council will strive to establish an effective and sustainable balance between any changes to the delivery of its services and any changes to property taxation levels.

5.2.1.2 PRINCIPLES FOR THE ADAPTATION PROCESS

Should it need to adapt to the municipal incorporation of Salt Spring Island, the Islands Trust Council will:

- Develop a detailed Adaptation Strategy to ensure its successful adaptation to the new circumstances by the end of the ‘adaptation phase’
- Focus on innovative, creative, and well-planned methods of adaptation
- Consult with the public before making significant changes to current service levels or property taxes.

5.2.1.3 OBJECTIVES OF ADAPTATION STRATEGY

OBJECTIVES FOR SERVICE LEVELS AND QUALITY

- To continue to meet the statutory responsibilities of all Islands Trust bodies.
- To maintain a high standard of community land use planning, regulation and development management, to unincorporated islands in the Islands Trust Area
- To maintain a high standard of advocacy, communications, policy development and management, and inter-governmental liaison on behalf of the entire Islands Trust Area
- To maintain a high standard of administrative services, including financial management, information technology, and human resource management
- To maintain a high standard of corporate and legislative services, including strategic planning, policy and procedural certainty, records management, and elections administration
- To maintain effective and sustainable operations of the Island Trust Fund

OBJECTIVES FOR COLLABORATION WITH ISLAND MUNICIPALITIES

- To provide effective and efficient services to island municipalities within the Islands Trust Area
- To maintain a positive, effective and sustainable relationship with island municipalities within the Islands Trust Area and:
 - To strive for an orderly transition of governance;
 - To respect each other’s jurisdiction with a commitment to promoting a spirit of mutual understanding and respect;
 - To foster open and direct dialogue about each other’s directions or concerns;
 - To recognize each other’s resource limitations and the benefits of working together;
 - To reflect both island community interests and the provincial mandate associated with the *Islands Trust Act, Local Government Act and Community Charter*;
 - To share information in a manner consistent with legislative or legal requirements.

OBJECTIVES FOR COST EFFECTIVENESS AND RESILIENCE

To minimize the impacts of adaptation on taxpayers, by continuously seeking to improve organizational cost effectiveness and resilience.

OBJECTIVES FOR HUMAN RESOURCES

To maximize attraction and retention of staff during and after the adaptation phase by:

- Ensuring staff are consulted about opportunities for adaptation.
- Maximizing staff certainty about expected organizational changes, through effective communication and engagement.
- Supporting the transition of staff members on the current Salt Spring Island team to new employment positions.
- Supporting development of a Staffing Transition Plan that minimizes the impacts on staff whose positions are affected by the Adaptation Strategy (e.g. use of short-term employment contracts and attrition to reduce staff positions).

5.2.3 TIMELINE FOR DEVELOPMENT OF LONG TERM ADAPTATION STRATEGY

The adaptation phase would start approximately six months after incorporation and continue for approximately two-and-a-half years. The Adaptation Strategy will be developed during the transition period and would include:

- a) the terms of reference
- b) request for financial assistance from the MCSCD
- c) a public tender or request for proposal process for delivery of the Adaptation Strategy
- d) draft Adaptation Strategy for Trust Council adoption, Fall 2017-Winter 2018

Implementation of the Strategy would immediately follow adoption by Trust Council and would continue until full adaption by December 2020.

5.3 LONG TERM GOVERNANCE IMPLICATIONS AND ADAPTATION

As described earlier, the fundamental change in the governance structure of the Islands Trust would see the loss of two Salt Spring Island local trustees, the dissolution of the SSILTC and the addition to Trust Council of two new municipal trustees representing Salt Spring Island Municipality. Smaller islands within the SSILTA would be redistributed to other LTAs within the greater Islands Trust Area and the affected citizens notified. These technical changes would be substantially completed during the transition period.

The longer term issues would be the focus of the Adaptation Strategy and some issues for consideration are as follows:

5.3.1 SELECTION OF A PREFERRED OPTION FOR ADAPTATION OF THE ISLANDS TRUST

Previously Trust Council received the IT Impact Analysis report from Urban Systems in 2015 that identified four options for addressing the funding shortfall. It indicated that Trust Council could choose to reduce service levels - primarily in land use planning - and keep taxation levels at generally pre-incorporation levels, or it could choose to raise taxation levels to maintain services, or some combination thereof:

- 1. Adjust expenses (option A)**
- 2. Adjust tax rates (option B)**
- 3. A and B. Hybrid options of incremental expense adjustments and tax rate changes**
- 4. A fourth option also exists to adjust the municipal pool calculation.**

Trust Council also held a workshop in September 2015 to consider these options, however, no preferred option was selected at that time. These options either assume that operations would continue based upon the same structure and processes as were in effect pre-incorporation or do not contemplate in detail alternatives for governance or service provision. A robust process for selecting a preferred option would be to consider options for governance or services as a first step – in other words, what would a future or updated Islands Trust be like? – And, then consider alternative funding arrangements to achieve the future service model.

An Adaptation Strategy would ensure that a decision of this magnitude by Trust Council is made only after full consideration is given to how the Islands Trust wants to fulfill the Object and mandate of the Trust. Key areas of consideration would be:

1. How does the public see the future, vision and services of the Islands Trust?
2. Is the current service delivery model working for island communities?
3. Could the Islands Trust provide leadership or develop a governance/service model that is motivating or useful to communities with sensitive ecological systems?
4. Will the Islands Trust have the capacity to deliver a full suite of land use tools and powers in support of the Object of the Trust?
5. Are there benefits to consideration of new powers under the *Islands Trust Act* that would allow the Trust to be effective?
6. Would the development of more extensive partnerships with First Nations communities assist in delivery of the Strategic Plan and the work of the Trust?
7. What are the public's priorities for service from the Islands Trust?
8. Are there new or alternative ways to deliver land use services that would be more economical?

ACTION 55: The development of a long-term Adaptation Strategy that incorporates or identifies governance and service delivery options

5.3.1.1 MUNICIPAL/RURAL PRIORITIES

There exists the possibility of a shift in governance balance within the organization as SSIM joins Bowen Island Municipality on Trust Council. Member municipalities may have their constituents requesting direct servicing and an increased priority on local issues with a corresponding loss of focus upon regional or Trust-wide issues. It will be essential to ensure that member municipalities are receiving 'value' for their contributions to TAS and Islands Trust operations. During development of the Adaptation Strategy, Trust Council would have an opportunity to consider initiatives to ensure maintenance of a federated approach and a common vision reflected in progress on the mandate of the Trust.

5.3.1.2 COST SAVING MEASURES AT THE GOVERNANCE LEVEL

The financial shortfall that the Islands Trust needs to address if there is a 'YES' vote would be addressed primarily through service delivery, the most expensive element of the organization. However, there will likely be opportunities to reduce costs by changing some elements of the current governance delivery model, such as:

- Committee structure: the Islands Trust may consider reorganizing or eliminating Local Planning Committee (LPC) or Trust Programs Committee (TPC) to reduce costs;
- Local trust committee meetings in certain communities may be reduced to lower staff and travel costs;
- Trust Council meetings could be less frequent or shorter, or meetings could be held in a regular or fewer locations.

5.3.1.3 PROTOCOL AGREEMENT

As described earlier, the Islands Trust will develop a Protocol Agreement with the SSIM to manage operations, protocols, annual meetings, communications and financial agreements. The process of developing the agreement would need to start early during the transition period with the remainder of the agreement to be developed during the three-year adaptation phase. This may be an incremental process with the adoption of a preliminary agreement by SSIM Council and Trust Council that is then supplemented by administrative letters of understanding.

5.4 LONG TERM SERVICE DELIVERY IMPLICATIONS AND ADAPTATION

5.4.1 LAND USE PLANNING SERVICES

5.4.1.1 TRANSITION STRATEGY FOR PLANNING STAFF

Trust Council has not yet identified a preferred option in how it wishes to adapt to a post-incorporation reality. That choice will be made in the future, and key elements in that decision making process would include:

- A public engagement process
- An Adaptation Strategy that outlines options to deliver services
- Consideration of taxation levels to maintain, increase, or reduce services. Trust Council has the option of increasing taxation to maintain planning services and to plan for any potential increase over a three-year time frame.

However, in order to gain insight into the options available and provide Trust Council and the public a base line for the sake of comparison, this report provides an analysis based on the following ‘worst case scenario’:

- Taxation levels are not increased in order to make up the funding shortfall associated with a potential Salt Spring Island incorporation;
- Service levels decrease, while maintaining overall operation ability of the Islands Trust;
- The organization will need to change its operations in order to adapt.

Therefore, it is assumed that there would be an \$840,000 shortfall in annual funding; that Trust Council will not increase taxes to make up part or the entire shortfall; the Province will not increase its contribution to the Trust; and the LTCs will not consider special levies to provide additional planning support. Of this \$840,000, approximately \$300,000 of costs would be reduced in administration as a result of Salt Spring Island incorporation. This would leave \$540,000 that would need to be accounted for on a permanent basis.

In this situation, all nine of the Salt Spring Island planning and administrative positions would dissolve at the end of the three-year contract. We must then hypothesize some potential outcomes. Most staff would either have already left for other permanent positions or have accepted a position with the new municipality. Salt Spring Island staff still working for the Islands Trust would be placed in accordance with the BCGEU collective agreement, or laid-off in accordance with the BCGEU collective agreement. The one excluded position would be laid-off in accordance with the PSA policies.

In 2016, the annual budget for LPS salaries was \$1,829,213, of which \$485,262 was for Salt Spring Island planning. This leaves \$1,343,951 for planning services for the rest of the LTCs. The bylaw enforcement budget is currently \$202,402 for a total of \$1,546,353. \$540,000 represents 35 per cent of the remaining planning budget.

In other words, to cover the \$540,000 shortfall, there may be a need to reduce staff and programs by 35 per cent. In reality, a portion of Administrative Services and potentially Trust Area Services would be reduced proportionally to cover this gap in funding. Therefore, in this case it is estimated that LPS staffing would need to be reduced by 20 per cent.

Of the 21 remaining positions in planning services, a combination of program reductions and reduction of three to five staff positions would be considered, leaving LPS with 16 to 18 positions.

The current levels of service for the 12 LTCs could not be maintained with 16 to 18 positions. Further work would be required to refine the staffing complement and office locations to provide the most efficient service to the LTCs. Other considerations would include reduced frequency of meetings and new ways to provide staff support to those meetings, as well as a reorganization of LPS. In the hypothetical situation presented, a worst case scenario, the following action would be recommended.

ACTION 56: During the three-year transition period, if directed by Trust Council, develop a plan to review and reorganize LPS, including an implementation schedule to reduce impacts on services to the public, LTCs and staff

5.4.1.2 ADAPTED SERVICES LEVELS FOR OTHER LOCAL TRUST COMMITTEES

Significant changes would need to be made to the planning support for the 12 LTCs including impacts to staffing levels of other planning teams. By bylaw, LTCs have a set minimum number of meetings per year. These meetings need to be staffed, including agenda preparation and follow-up. A 20 per cent reduction in planning staff would translate into roughly a 20 per cent reduction in workload produced, so generally, LTCs could reduce the number of meetings (but not going below the minimum set by bylaw).

The LTCs have a duty to consider any applications that they receive. While we cannot control the volume, processing procedures may require longer timelines to undertake the work with the resources available.

ACTION 57: As part of review of LPS staffing, review processes and frequency of LTC meetings

The Object of the *Islands Trust Act* is generally implemented locally by developing progressive policies and regulations. This is undertaken through the LTCs' work programs and priorities. If Trust Council chose to operate with 20 per cent less staff, the number of projects would be reduced, or would take longer to develop and implement. There is the possibility of using special property tax levies as a means of providing equitable servicing on an LTA basis. If an LTA prioritized a project, a special levy, taxing only the participating LTA, could be established. For instance, an enhanced or special project for a given area would be funded through the affected area only and not on the basis of a Trust-wide planning budget.

ACTION 58: Consider development of a core work function for LPS that would be funded through general taxes, with additional planning support by way of program funding or special levies

Municipality bylaw reviews would need to be taken over by TAS, with planning support from LPS for undertaking review of municipality bylaws being included in the municipal calculations.

ACTION 59: Consider covering cost of portion of planning services used to assess municipal bylaws through the municipal levy

5.4.2 TRUST AREA SERVICES

Trust Areas Services would provide an enhanced co-ordination and communication function throughout the adaptation phase.

5.4.2.1 MANAGEMENT OF CO-OPERATION AGREEMENTS

Only the most urgent co-operative agreements will have been updated during the transition period. The new municipality may request new co-operation agreements with Trust Council, which TAS would develop. If the new municipality requests new co-operation agreements, legal advice and senior staff time would be required.

ACTION 60: Negotiate remaining amendments and/or transfers of co-ordination agreements that require formal renaming to the SSIM

The longer-term phase of updating co-ordination agreements requires significant senior staff time to explain and negotiate with a newly-elected municipal government and a new Trust Council. Ideally, a dedicated transition manager would facilitate this process, using TAS staff as required. Any agreement requiring more than superficial updates could require a few weeks of full-time equivalent staff time and \$2,000-\$5,000 in legal advice.

5.4.2.2 REVIEW OF MUNICIPAL BYLAWS

According to the municipal tax requisition policy, the costs of reviewing municipal bylaws are charged to TAS. TAS staff is responsible for reviewing municipal bylaws going to EC for comment or approval, but there are currently no staff on the TAS team with land use planning experience. Trust Areas Services has been relying on LPS staff to review the relatively small number of bylaws coming from Bowen Island Municipality. With the greater volume that Salt Spring Island's bylaws would represent, and after the three-year planning services contract ends with SSIM, it would no longer be reasonable to use LPS staff. The TAS director would need to either hire staff or contractors with the necessary expertise, or provide training to existing TAS staff.

ACTION 61: Train existing TAS staff, or seek funding to hire contractors to review municipal bylaws for Executive Committee

5.4.2.3 POLICY DEVELOPMENT AND MANAGEMENT SERVICES ON TRUST-WIDE TOPICS

Trust Area Services staff would support the CAO with some of the intergovernmental relations aspects of incorporation. The TAS staff would assist EC and FPC to conduct public consultation during the budget process about changes to service levels or property taxes arising from incorporation. During the three-year transition, without additional staffing, or a dedicated co-ordinator, it is unlikely TAS staff can deliver current levels of policy, intergovernmental relations and communications services. Public feedback during previous budget consultations and during the incorporation study has demonstrated that many islanders value federation-wide services, and are willing to pay the same or even higher taxes to maintain it.

5.4.2.4 COMMUNICATIONS SERVICES

A full-time communications position currently allocates 75 per cent of its services to Trust-wide services and 25 per cent to LPS. If incorporation occurs, the communications services now offered to SSI LTC (occasional news releases on land use planning or bylaw enforcement topics) may change depending on whether communication services are included in the services contract. Assuming the position remains at full time, there are two options: a) the existing 25 per cent could be distributed among the remaining LTCs or b) the ratio could

be reduced to 15 per cent, thereby increasing the proportion charged to the municipal pool from 75 to 85 per cent. Option a) would reduce costs slightly for Salt Spring Island, and option b) would increase costs slightly for both Salt Spring Island and Bowen Island. Neither option affects staffing levels.

5.4.2.5 OPERATIONS OF THE ISLANDS TRUST FUND

Islands Trust Fund staff responsibilities should not change during or after the adaptation phase unless there are budget reductions.

5.4.2.6 TRANSITION TO MUNICIPAL ADMINISTRATION OF NAPTEP

The reduced tax base created by **Natural Area Protection Tax Exemption (NAPTEP)** properties would have an impact on Salt Spring Island taxpayers. Each NAPTEP new or existing covenant reduces the pool of taxable land within each tax authority area and creates a tax shift, just like adding a new tax-exempt park. Property owners in incorporated areas within the Islands Trust face a more significant tax shift for each new NAPTEP covenant than those in areas where the impact of a reduced assessed value is shared with property owners throughout the regional district or even the Province.

There are currently 10 NAPTEP covenants on Salt Spring Island. This represents 44 hectares of private land with a total assessed land value of \$4 million (2016). Without the 65 per cent NAPTEP discount, that same land would be assessed and taxed at \$1.1 billion. New NAPTEP covenants would be at the discretion of the new Salt Spring Island Municipal Council, using criteria agreed upon while negotiating a new Letter of Understanding. The new island municipality may wish to assess the impact of the tax shift created by new NAPTEP covenants, once the SSI tax base covers the foregone property tax, instead of the CRD and provincial tax base.

ACTION 62: Negotiate new Letter of Understanding with SSIM about current and future NAPTEP covenants, modeled on the agreement with Bowen Island Municipality

ACTION 63: Consideration of a moratorium on new SSI NAPTEP applications until Letter of Understanding is adopted

Trust Area Services has the expertise with NAPTEP required to explain the taxation implications of this program to newly-elected municipal trustees. Based on the experience with Bowen Island, this process would require at least two weeks of full-time equivalent time to complete, over the course of several months. This would reduce time available for discretionary functions such as, external relations. Until this task is complete, Trust Council would not approve any new NAPTEP applications on Salt Spring Island.

5.4.3 ADMINISTRATIVE SERVICES IMPLICATIONS AND ADAPTATION

As a service provider within the Islands Trust organization, Administrative Services react to increases and decreases in land use planning and advocacy work and resource requirements. As the Islands Trust absorbs the impact of a revenue shortfall, Administrative Services would be required to adapt to the reduction in land planning staff and resources and the dissolution of the LTC on Salt Spring. It will likely not be possible to proportionally reduce administrative services as can be done with the land use planning function as a base level of service is needed to support the remaining staff, Trust Council, LTCs, Committees and the Trust Fund.

5.4.3.1 BUDGETING

The budget process would remain unchanged. The impact of removing Salt Spring Island would result in minor reductions in the amount of time needed to prepare these documents (i.e. no need to include LPS salaries for SSI; rent expense for SSI; SSI LTC projects). There would be no need to do a Special Property Tax Requisition for

the Water Protection project. There would however be a need to calculate a second Municipal Tax Requisition for SSIM. Overall, there would be approximately a 10 per cent reduction in administrative time allocated to budget. Also, this reduction would flow over into the development of quarterly results and explanations and forecasts developed for the fiscal year.

5.4.3.2 FINANCIAL ADMINISTRATION

There would be a reduction in workloads related to reduced numbers of expense claims for staff, accounts payable invoices, procurement processes and service contracts. There would be a reduction in workloads related to reduced numbers of expense claims for the trustees. It is difficult to determine the exact impact of these reductions as the number of transactions specific to Salt Spring Island are not currently tracked. Also, the impact would vary from year to year depending upon the activity on Salt Spring Island. A broad estimate would be a 25 per cent reduction in time spent on these activities.

5.4.3.3 INFORMATION SYSTEMS

There would be a reduction in workloads related to reduced computer hardware and software support and a smaller network to be provided.

5.4.3.4 ADMINISTRATION SUMMARY

All of the above services are currently provided by eight different roles within Administrative Services. It is reasonable to assume that through minor staffing changes or redistribution, as well as changes related to office maintenance (leases, janitorial services, phones, office equipment and information technology), that a savings of approximately \$300,000 could be attained.

5.4.4 CORPORATE/LEGISLATIVE SERVICES – IMPLICATIONS AND ADAPTATION

Initially upon incorporation there would be an enhanced role for corporate and legislative services and a need for increased resources beyond current staff. As the Islands Trust moves into the adaptation phase and beyond, there would be a gradual reduction in work to below pre-incorporation levels.

There would be a proportionate reduction of service for Salt Spring Island-related legislative work including records management, meeting procedures, administrative bylaw review and drafting, and responses under *the Freedom of Information and Protection of Privacy Act* (FOIPPA). The overall service level reduction by Legislative Services after adaptation is estimated to be 20 to 25 per cent and this estimate would be refined in the Adaptation Strategy. With regard to staffing levels after adaptation, this function is primarily provided by one position - the Legislative Services manager - and is not easily reduced. To respond to reduced service needs the Legislative Services component could provide assistance with other tasks and functions within the Executive Services branch, including a greater focus on services to Trust Council standing and ad-hoc committees.

5.4.5 RESOURCES AND ROLES IN DEVELOPING A LONG-TERM ADAPTATION STRATEGY

Resources and roles for the long-term adaptation phase would be determined in detail through the Adaptation Strategy. However, it is possible to foresee staff resource requirements and funding needs at a basic level.

- Staff would have a primary role in implementing an Adaptation Strategy as directed by Trust Council. The number of staff directing specific efforts towards the Salt Spring Island incorporation process would decline as would the proportion of work time dedicated by senior staff. The focus of staff time would migrate towards:
 - Human resources efforts, including working with affected staff on Salt Spring Island and throughout the organization.
 - Implementing a change management process if Trust Council directs changes in service levels, processes, strategic priorities or other work products.
- The use of a transition manager (details in Section 4.4.1)
 - If the Islands Trust indeed hires a transition manager, it is recommended that this role overlap for a period of time (three-six months) into the long-term adaptation phase. The Chief Administrative Officer (CAO) would retain the role of the transition manager once that contract was concluded, which would require approximately 25 per cent of the CAO's time over the three-year adaptation phase.
- Communications services are required throughout the adaptation phase on a variety of levels. Funding for select communications efforts would be determined through the Adaptation Strategy. However, these would be incremental over the three-year period and addressed during the annual budget process.
- The CAO would be the project manager for the Adaptation Strategy.
- As described in Section 4.4.1, funding to support the full incorporation effort on behalf of the Islands Trust would overlap between the transition and adaptation phases.
- Full funding or resource needs associated with a three-year Adaptation Strategy are unforeseen at this time. It is recommended that Trust Council assume the need for some budgetary flexibility during this time and for a modest contingency reserve during the first budget cycle following a successful incorporation vote.

5.5 WHAT IF SALT SPRING ISLAND VOTES 'NO'?

There is of course the possibility that the 2017 incorporation vote on municipal incorporation for Salt Spring Island results in a 'NO' vote as it did previously in 2002. At that point, there would be no pressing rationale for implementing the Transition Plan and the governance and service programs at the Islands Trust would be as before the vote.

A 'NO' vote however, may leave unresolved, the residual issues that contributed to the Salt Spring Island community undertaking a second incorporation vote. The factors that have contributed to Salt Spring Island seeking an alternative governance model are likely various, and not solely vested with the role of the Islands Trust in local service delivery, but it would be of benefit to consider what role the Islands Trust has played in contributing to this recurring sentiment. What could these factors be?

- How the mandate or Object of the Trust is viewed on Salt Spring Island?
- The question of whether there is equitable taxation levels for Islands Trust participants. Salt Spring Island has been identified as providing the largest share of the Islands Trust annual budget based on its population and high assessed valuations and there may be a concern in terms of value for service.
- In a more general sense, does Salt Spring Island suffer from having a variety of regulators/service entities, resulting in a management approach that is isolated and less integrated? For instance MOTI provides road maintenance and policing, the Capital Region provides sewer and recreational services, water is provided by a number of water districts and the Islands Trust provides land use planning and development management.

The Islands Trust operates under legislation within a federated model: the funding formula for the Trust is based upon individual assessed values, not upon equity between LTAs. In a federated system, certain jurisdictions provide more resources than others to a common goal. In this case, it is the Object of the Trust itself. So, while each taxpayer within the Islands Trust pays the same rate, the framework itself can highlight differences in contribution levels between participants and can lead to concerns regarding fairness in taxation.

The funding formula is grounded in legislation, the *Islands Trust Act*, which may limit the degree to which this can be reconciled without changing the Act. Nevertheless there is likely an opportunity to consider approaches within the control of the Islands Trust to address this issue, including:

1. Development of a more integrated management model between service agencies;
2. A realignment of how the Islands Trust delivers land use services to LTAs;
3. The consideration of using alternative funding mechanisms, such as the use of special tax requisitions, for more discretionary or specialized land use projects;
4. Possible amendments to the *Islands Trust Act*.

If the incorporation vote results in a 'NO,' the Islands Trust and its constituents would benefit from understanding these and other options, as it considers how it will deliver its mandate in the future, both in terms of efficiency of service delivery and to address any real or perceived inequality between service participants.

ACTION 64: Upon delivery of a 'NO' result in an incorporation vote for Salt Spring Island for the Islands Trust to consider a governance and service delivery review

6. CONCLUSIONS

A potential Salt Spring Island incorporation would be a significant event in the history of the Islands Trust given the history, size and assessed value of Salt Spring Island in relation to the entire Islands Trust Area.

The financial shortfall to the Islands Trust from Salt Spring Island incorporation is expected to be approximately \$840,000. Of that \$840,000, approximately \$300,000 is general administration costs that currently support the nine-member Salt Spring Island planning team. Savings of \$300,000 would leave a \$540,000 financial shortfall in the Islands Trust budget.

Trust Council has not made a determination as to how it wishes to address service or taxation levels. Those decisions will arise from the Adaptation Principles and Objectives adopted by Trust Council - after public input and the development of a long-range Adaptation Strategy. However, in a worst case scenario, which would mean no anticipated increases in taxation or grant revenue, it could require the reduction of a further three-to-five planning positions. There would also need to be a reduction in administrative services that had previously supported the full planning complement. Given the reduction in workforce, the Islands Trust would have human resource challenges to address. A progressive and comprehensive change management process would be a priority during the transition period.

Without an increase in funding or a significant change in operations, there would be a reduction in planning capacity and service to the remaining members of the Islands Trust. In general terms, this would represent a 20 per cent reduction in land use capacity/productivity, given the current structure of the organization. As procedures require certain LTC meeting frequencies, as well as the provision of Part 14, *Local Government Act* services to communities, priorities would shift towards daily planning and application processing. The Islands Trust would need to consider alternative ways of providing land use services, including long-range planning to LTCs. Trust Area Services would remain fully funded as Salt Spring would continue to participate in Trust-wide services.

These changes would be significant and likely close to the maximum that could be absorbed by the organization in order to remain effective in light of the Islands Trust obligations under the *Islands Trust Act* and to constituents. Nevertheless, the Islands Trust should be able to successfully adapt to the future, through a combination of a rationalization/change in service delivery model, acceptance of a certain degree of reduction in service level and the potential for a modest increase in taxation for the remaining LTAs,

In the process of finding a new way forward, the organization would face challenges and may struggle initially. We will not have all of the answers at the right time and we will need to make some difficult choices. Allowing for some uncertainty ultimately may provide an opportunity for creative thinking and better solutions for the future.

In order to lessen the financial and staff resource impacts to the Islands Trust through the transition period, a grant application is recommended to the MCSCD for assistance with the delivery of a full Adaptation Plan and to fund a transition manager to co-ordinate transition activities. Further, it is recommended that Trust Council create a contingency reserve for the transition-adaptation period, funded either through current taxation or reserve.

To assist preparedness in advance of the potential incorporation vote, Trust Council may direct staff to begin initial preparations on key deliverables - including applications for grant funding, public engagement, and development of a human resource program.

RECOMMENDATIONS

1. That Trust Council adopt the 2016 Islands Trust Transition Plan regarding the potential incorporation of Salt Spring Island.
2. That Trust Council direct that the Transition Plan be referred to the Ministry of Community, Sport and Cultural Development and the Salt Spring Island Incorporation Committee.
3. That Trust Council direct that the Transition Plan be included in materials provided to public and associated with public engagement prior to the incorporation vote.
4. That staff be directed to engage with the Ministry of Community, Sport and Cultural Development to access grant funding for the Transition Plan.
5. That one month prior to the potential incorporation vote, the Islands Trust initiate a transition preparation phase.

7. GLOSSARY OF TERMS AND ACRONYMS

Adaptation Phase: the period (2.5 to 3 years) following an initial transition of approximately six to twelve months after a vote in favour of Salt Spring Island's incorporation.

Adaptation Strategy: The long-range plan that identifies options, including a Preferred Option, for the Islands Trust to adapt to the incorporation of Salt Spring Island.

Bowen Island Municipality (BIM): the only incorporated island municipality in the Trust Area, two of BIM councillors are part of the 26-member Islands Trust Council representing the island communities.

Executive Committee: Appointed from among members of Islands Trust Council, members of the Executive Committee carry out the daily business of the Islands Trust, review bylaws of LTCs and island municipalities for compliance with the Object and the Policy Statement and act as a LTC for the Ballenas-Winchelsea Islands.

Financial Planning Committee (FPC): Elected from among members of Trust Council, the Financial Planning Committee is responsible for developing annual budget process, financial planning and management.

Governance Study Committee (GSC): The community group was formed following the October 2012 announcement by the Minister of Community Sport and Cultural Development of \$60,000 and staff support for a first phase of a governance study. The Governance Study Committee concluded its work in November 2013 and has informed the current incorporation study.

Incorporation: In 1989, the *Islands Trust Act* was amended to allow municipalities to be created within the Islands Trust Area. In 1999, Bowen Island Municipality became the first and only incorporated island municipality within the Trust Area.

Incorporation Study Committee (ISC): A nine-member community volunteer group leading the incorporation study process with funding and logistics support from the Province of B.C.

Islands Trust Act (ITA): In recognition of the special nature of the islands, the Province of B.C. enacted the *Islands Trust Act* in 1974 to create a federation of special-purpose local government bodies. The *Islands Trust Act* solidified the Province's mandate to preserve and protect the environment and unique nature of the islands.

Islands Trust Council: Made up of all 26 elected representatives in the Trust Area, the Trust Council sets overall policies, manages finances for the organization and provides a unified voice for islanders and island ecosystems through its advocacy efforts

Islands Trust Fund (ITF): Established in 1990 under the *Islands Trust Act*, the Trust Fund is the land conservation arm of the organization governed by the Trust Fund Board (TFB), which is legally independent of the Islands Trust. The Trust Fund purchases land using only donations and grants, and works with private landowners and conservancy partners to protect natural and cultural features in the Salish Sea.

Islands Trust Impact Analysis (ITIA): When funding for the first phase of the Salt Spring Island governance study was announced in October 2012, the then minister also announced a \$20,000 second study - the Islands Trust Impact Analysis - to analyze the potential impact on the Islands Trust, should Salt Spring Island eventually incorporate as a municipality.

Legislative Services: Legislative Services is responsible for the planning, co-ordination and control of variety of functions necessary to carry out the legislative obligations of the corporate bodies of the Islands Trust.

Letters Patent: The act of incorporation of a municipality by the Province occurs when Cabinet approves and issues a legal document called Letters Patent. This document is required to have a number of elements that distinguish it as an incorporated entity including the new name of the municipality, the boundary, area, classification as well as certain provisions including the first election of council and any transition requirements or issues.

Local Government Act (LGA): The legislation under which a local government body is given the authority to oversee certain regulatory functions, including land use planning and elections.

Local Planning Committee (LPC): The Local Planning Committee's provides policy and planning advice to Trust Council on emerging issues related to the committee's areas of responsibility (development management, community planning and sustainable community) and to develop guidelines, policies and models for use by staff and local trust committees.

Local Trust Committee (LTC): The elected representatives on the islands have the authority under the BC *Local Government Act* to work with residents, agencies and First Nations to develop and adopt official community plans that define their community's vision. The LTCs also develop land use bylaws and policies that represent the desires of their communities and the shared goals of the federation.

Municipal Tax Requisition: The property taxes payable by an Island Municipality to the local government body for the purpose of providing operational and administrative services to the area.

Municipal Pool Calculation: Each year, Islands Trust requisitions municipalities within the Islands Trust for their share of the cost of operations of the Trust Council and the Executive Committee, the cost of the administrative operations of the Trust Fund Board, and a portion of the general administrative costs associated with these cost centers. The requisition amount is defined within the *Islands Trust Act* sections 47(2)(b) and 47(6). The amount that is to be recovered by means of requisitions must be apportioned between the municipalities and the Local Trust Areas on the basis of the converted value of land and improvements in the Trust Area. In the 2016/17 Budget, a requisition was provided to Bowen Island Municipality in the amount of \$223,419.

Natural Area Protection Tax Exemption Program (NAPTEP): An incentive program provided by the Islands Trust Fund which enables landowners in the Islands Trust Area to reduce taxes through land conservation covenants.

Islands Trust Object: "To preserve and protect the Trust Area and its unique amenities and environment for the benefit of residents of the Trust Area and of the province generally, in co-operation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia."

Islands Trust Policy Statement: The Policy Statement sets out the Islands Trust's three main goals:

- Foster the preservation and protection of the Trust Area's ecosystems
- Ensure that human activity and the scale, rate and type of development in the Trust Area are compatible with maintenance of the integrity of Trust Area ecosystems
- Sustain island character and healthy communities

Protocol Agreement: In 1996, the then Ministry of Municipal Affairs and the Islands Trust entered an agreement to manage the process and establish a framework for the potential incorporation of an area within the Islands Trust Area.

Special Tax Requisition: A special property tax assessed in a specific Local Trust Area to fund additional operations not included within the general operations of all local trust committees.

Transition Period: The period between a 'YES' vote to incorporate Salt Spring Island and approximately six months after the date of formal incorporation, a period of six to twelve months.

Transition Plan: The actions and activities to be undertaken during the Transition Period.

Islands Trust Area: An area within the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox; composed of 13 major islands and more than 450 smaller islands covering approximately 5,200 square kilometres of land and water.

Acronyms:

LPS	Local Planning Services
LPC	Local Planning Committee
LTA	Local Trust Area
LUB	Land Use Bylaw
MCSCD	Ministry of Community, Sports and Cultural Development
OCP	Official Community Plan
PSA	Public Service Agency
RPM	Regional Planning Manager
SSIWPA	Salt Spring Island Watershed Protection Authority
SSILTC	Salt Spring Island Local Trust Committee
TAPIS	Trust Area Property Information Service
TAS	Trust Area Services
TFB	Trust Fund Board
TPC	Trust Programs Committee
TUP	Temporary Use Permit

8. REFERENCES

[Salt Spring Island Incorporation Study – Final Report \(pending\)](#)

9. APPENDICES

1. Summary Action Plan
2. [Islands Trust Impact Analysis](#) (remove hyperlink in final document)

APPENDIX 1 – SUMMARY ACTION PLAN INITIAL TRANSITION TASKS – TIMELINES, RESPONSIBILITIES AND ESTIMATED WORK LOAD

TASK	TIMELINE (Approximate)	RESPONSIBILITY	COMMENTS	ESTIMATED WORK LOAD
A. GOVERNANCE ADAPTATION				
A.1. GOVERNANCE – TRUST COUNCIL				
1.1 Swearing in of new Salt Spring Island municipal trustees	Aug 2017	LSM	Oath of Office	Low
Orientation of new Salt Spring Island trustees	Aug 2017	CAO/Dir	Delivery of trustee orientation program	Medium
Initiate legal review of incorporation matters	April 2017	CAO		Medium
Develop terms of reference for inclusion of transition requirements into the Letters Patent.	June-July 2017	CAO	Request/confirm 3-year funding assurance inclusion in Letters Patent	High
Provide comments to Ministry regarding Letters Patent for the Salt Spring Island Municipality	July 2017	CAO	Develop communication on behalf of Trust Council regarding referral/commentary on Letters Patent	High
Upon delivery of a 'NO' result in an incorporation vote for Salt Spring Island for the Islands Trust to undertake a governance and service delivery review.	Fall 2017	CAO	Development of a strategy on behalf of Trust Council regarding issues associated with incorporation.	High
A.2. GOVERNANCE – EXECUTIVE COMMITTEE				
Election of new Executive Committee member	Sept/Oct 2017			Low
Orientation of new EC members	Fall 2017	CAO/Dir		Medium
Appointment of new EC rep to TPC	Fall 2017	Chair		Low
A.3 GOVERNANCE – FINANCIAL PLANNING COMMITTEE				
Appoint a new Chair of Financial Planning Committee	Fall 2017	DAS		Low

TASK	TIMELINE (Approximate)	RESPONSIBILITY	COMMENTS	ESTIMATED WORK LOAD
A.4 GOVERNANCE – OTHER LOCAL TRUST COMMITTEES				
Appointment of new LTC Chair	Fall 2017	Chair		Low
Change administrative boundaries for election purposes	Fall 2017			Medium
Changes to all affected maps, public information materials.	Fall 2017	DAS		Medium
Amendment to bylaws of LTC receiving areas	Fall 2017			Medium
Notification to affected property owners				Medium
A.5 LIAISON WITH SALT SPRING ISLAND MUNICIPALITY				
Initial meeting with new SSIM Council	Oct 2017	EC/CAO	Orientation to new Council on Islands Trust	Low
Islands Trust CAO/Executive Office to co-ordinate transition in governance protocols	May 2017	CAO	Set up a recurring meeting with interim CAO	Medium
Analysis of adjacent islets within the Salt Spring Island Local Trust Committee jurisdiction	TBD	DAS		Medium
Prepare key policy elements for inclusion in Protocol Agreement		CAO/Dir		High
Development of protocol agreement with SSIM	Initiated Summer 2017	CAO		High
Review municipal pool calculation to account for increased costs associated with administration of bylaw referrals from SSIM	TBD	DAS		Medium
Provision to the SSIM of protocol agreements and Letters of Understanding that apply to Salt Spring Local Trust Committee and Salt Spring Island at date of incorporation	As per SSIM/IT Protocol Agreement	DTAS		Medium
B. ADAPTATION OF LOCAL PLANNING SERVICES				
B.1. LOCAL PLANNING SERVICES TO SALT SPRING ISLAND				
Develop contract for local planning services with SSIM	Summer 2017	DLPS/CAO	Key project for Transition process	High

TASK	TIMELINE (Approximate)	RESPONSIBILITY	COMMENTS	ESTIMATED WORK LOAD
Develop human resources plan for hiring and retaining staff for Salt Spring during transition period	Initiated summer 2017	DAS/CAO		High
Transition of Salt Spring Island Watershed Protection Authority	November 2017	DLPS		Medium
Management of planning service contract and integration with municipal processes	Ongoing upon agreement	DLPS		High
Include bylaw enforcement in land use planning services contract with municipality				
Consideration of extending grants administration to the municipalities				
B.2 LOCAL PLANNING SERVICES TO OTHER LTCs				
Reassign staff to other LTCs due to boundary adjustments		DLPS		Medium
C. ADAPTATION OF TRUST AREA SERVICES				
Implement internal and external communications strategy for the period during the incorporation campaign and the six-month period following an incorporation vote	February 2017	DTAS/Comms	Basic plan has already been developed	High
Amend website: menu structure and page content to reflect changes in org chart and Salt Spring status	Fall 2017			Low
Amend maps and communications products for new boundaries/functions/participants	Fall 2017			Medium
Negotiate updates/transfers to co-ordination agreements that require formal renaming to the Salt Spring Municipality.	Fall 2017			Medium
Communicate Transition Planning strategy to affected First Nation communities	Initiated upon Incorporation vote 'YES'			Medium

TASK	TIMELINE (Approximate)	RESPONSIBILITY	COMMENTS	ESTIMATED WORK LOAD
Conduct public consultation about possible changes to service levels or property taxes	Jan-Mar 2018			High
Support the CAO with intergovernmental relations aspects of incorporation				
Negotiate new Letter of Understanding with Salt Spring Municipality about current and future Natural Area Protection Tax Exemption (NAPTEP) covenants, modeled on the agreement with Bowen Island	TBD			Low
D. ADAPTATION OF ADMINISTRATIVE SERVICES				
Develop a Change Management/Staffing Plan	Initiated late 2017 for 2018 implementation	DAS/CAO	High priority, basic work on this will commence prior to the incorporation vote	High
Liaise with SSIM financial staff on financial and human resource systems	Upon request	DAS		Medium
Provide notice to lessors on all lease contracts	As part of SSIM – IT Protocol Agreement	DAS		Low
Transfer of leased assets		DAS		Low
Initiate the process of transfer to SSIM or cancellation of existing service contracts		DAS		Medium
Develop protocol regarding computer systems, software, security, internet services		DAS		Medium
Manage land use planning contract with SSIM		DAS		Medium
Transfer of GIS/TAPIS data				Medium
E. ADAPTATION OF CORPORATE/LEGISLATIVE SERVICES				
Executive Services				

TASK	TIMELINE (Approximate)	RESPONSIBILITY	COMMENTS	ESTIMATED WORK LOAD
Request provincial grant funding to hire a Transition Manager to administer and facilitate Transition Plan.	March 2017	CAO	High priority, meeting with Ministry staff, ADM if required, pre-incorporation work required	Medium
Request provincial grant funding or delivery of an Adaptation Strategy	March 2017	CAO		Medium
Develop Terms of Reference for Adaptation Strategy	Summer 2017	CAO		Medium
Conduct procurement process for award of Adaptation Strategy contract	November 2018			Medium
Develop Terms of Reference and hire Transition Manager	June 2017	CAO		Medium
Transfer of permits, contracts, covenants, legal agreements, and application records	As per SSIM agreement	LSM		Very high
Transfer of litigation files upon review and categorization		LSM		Low
Transfer of bylaw enforcement litigation		LSM/DLPS		Low
Transfer of financial records		LSM		Medium
Transfer of FOI requests and archival records		LSM		
F. DEVELOPMENT OF LONG-TERM ADAPTATION STRATEGY	January 2018- March 2018	CAO	To identify objectives and select a strategy to adapt to upcoming changes in revenues and services provided	High
Implementation of a long-term Adaptation Strategy that incorporates or identifies governance and service delivery options				High



Islands Trust

Meeting of the Islands Trust Executive Committee with Island Panel Commissioners Agricultural Land Commission

Date/Time: October 17, 2016 10:00 – 2:00 pm

Location: Committee Room, Nanaimo Regional District – 6300 Hammond Bay Road, Nanaimo BC

Participants:

Island Panel Commissioners

Jennifer Dyson, Vice-Chair - Port Alberni
Honey Forbes, Commissioner – Duncan
Clarke Gourlay, Commissioner - Parksville

Islands Trust Executive Committee

Peter Luckham, Chair, Islands Trust Council
Laura Busheikin, Vice Chair, Islands Trust Council
George Grams, Vice Chair, Islands Trust Council
Susan Morrison, Vice Chair, Islands Trust Council
and EC representative to Trust Fund Board

Agricultural Land Commission Staff

Kim Grout, Chief Executive Officer
Elizabeth Sutton, Planner
(two additional staff to be added)

Islands Trust Staff

Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director, Local Planning Services

Agenda

1. Call to Order
2. Introductions
3. Approval of Agenda
4. Overview of Protocol Agreement and Letter of Understanding
5. Application Referral Process
 - i. Considerations of Local Trust Committees when forwarding referrals to ALC
 - ii. Considerations of the ALC when making a decision
 - i. Documents provided by Islands Trust Staff
 - ii. Site Visits
 - iii. Other
 - iii. Timeline for ALC approval from receipt of application to decision
 - iv. What can we do better to improve referral process?
6. Other issues?
 - i.

References:

<p>Pre-reading:</p> <ol style="list-style-type: none"> 1. Briefing – Agricultural Land Commission Referrals 2. Islands Trust Chair letter to Frank Leonard, August 6, 2015 3. Protocol Agreement on Agricultural Land Reserve in the Trust Area 4. Letter of Understanding on Agricultural Land Reserve in the Trust Area. 	<p>Further helpful reading:</p> <ol style="list-style-type: none"> 1. Guide for Bylaw Development in Farming Areas
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Relevant [Islands Trust Policy Statement](#) recommendations

- 4.1.11 Trust Council encourages the British Columbia Land Reserve Commission to approve applications from property owners for inclusion of their land with potential for agriculture in the Provincial Agricultural Land Reserve.
- 4.1.12 Trust Council encourages the Provincial government and the British Columbia Assessment Authority to: retain a separate farm class to provide significant property tax incentives; ensure that the threshold for farm income necessary for farm class status is appropriate to agriculture within the Trust Area; and acknowledge that the total land area subject to the farm class may include land left uncultivated



To: Executive Committee **For the Meeting of:** October 5, 2016
From: Robert Kojima, Acting Director **File No.:** ALC
SUBJECT: AGRICULTURAL LAND COMMISSION MEETING PREPARATION

DESCRIPTION OF ISSUE:

The purpose of this briefing is to provide the Executive Committee with a draft agenda and background information for the upcoming meeting with the Agricultural Land Commission (ALC) regional panel.

BACKGROUND:

At the September 13, 2016 meeting the Executive Committee asked Staff to place the topic of ALC Meeting Preparation on the agenda of the next Executive Committee meeting for further consideration of information that Executive Committee may require.

Attached is a draft draft agenda for the October 17th meeting in Nanaimo of Executive Committee members with the Island Panel Commissioners. The draft agenda currently includes an overview of the existing agreements, with the bulk of agenda topics focused on the referral process. There are also links to relevant documents embedded in the agenda. The Executive Committee should review the attached draft and direct any revisions, additions, or deletions.

Also attached is the Briefing from the August 31, 2016 Executive Committee meeting summarizing ALC referrals and outcomes over the past five years.

ATTACHMENT(S):

1. Draft October 17, 2016 Agenda
 2. Briefing of August 31, 2016
-

AVAILABLE OPTIONS:

1. Receive this briefing for information
2. Direct revisions, additions, or deletions to the draft October 17 meeting agenda
3. Request further information or clarification from staff

FOLLOW-UP:

Staff will make revisions to draft agenda as directed and distribute to meeting participants.

Prepared By: Robert Kojima, Acting Director

Reviewed By: Chief Administration Officer

Date: September 28, 2016

ALC Referrals in Last 5 Years

Trust Area	It File Name	Status	Purpose	Date Sent to ALC	Date of Decision	Decision
Denman	DE-ALR-2011.1	Closed	To create 13 farm lots	5-May-11	5-Jan-12	Deny
Denman	DE-ALR-2011.2	Closed	Subdivision under s. 946	13-Feb-12	4-Jul-12	Deny
Denman	DE-ALR-2011.3	Closed	Proposed 2 lot subdivision	18-Jun-12	7-Jan-13	Deny
Denman	DE-ALR-2012.1	Closed	2016 Northwest Road (I. Brons) Inclusion in ALR to extend the ALR boundary in accordance with the LTC	14-Jun-12	31-Oct-12	Approve
Denman	DE-ALR-2013.1	Closed		17-Apr-13	27-Aug-13	Deny
Denman	DE-ALR-2013.2	Closed	Subdivision in ALR	12-Aug-13	13-Mar-14	Deny
Denman	DE-ALR-2014.1	Closed	Application for vineyard and farm to be included in the ALR	11-Mar-15	16-Sep-15	Approve
Denman	DE-ALR-2015.1	Open	PID: 009-708-537 Severn - 3730 Denman Road Exclusion of 1.6ha in the ALR	18-Jun-15		Pending
Gabriola	GB-ALR-2011.1	Closed	2370 Shaw Road & 2345 South Road Boundary adjustment with neighbour	10-Feb-12	16-Apr-12	Approve
Galiano	GL-ALR-2011.1	Closed	Exclusion of land under sec. 30(1) of ALC Act. To provide for affordable housing.	16-Feb-12	28-May-12	Approve
Galiano	GL-ALR-2014.1	Closed	1359 PORLIER PASS RD Non-farm use designation for cottage.	4-Mar-15	7-Aug-15	Approve
Hornby	HO-ALR-2012.1	Closed	to create a 1.01 ha parcel under section 946 for family member	6-Jun-12	7-Jan-13	Deny
Hornby	HO-ALR-2016.1	Open	PID: 000-157-503 Construction of house guest house and garage at 5905 Maclean Road Hornby Island.	7-Jul-16		Pending
North Pender	NP-ALR-2012.1	Closed	4606 RAZOR POINT RD Application by Owner in Non-Farm Use in the ALR	1-Feb-13	14-Feb-14	Approve
North Pender	NP-ALR-2014.1	Closed	4321 PORT WASHINGTON RD To construct a family home near existing cottage.	29-May-14	13-Apr-15	Approve
Saturna	SA-ALR-2012.1	Closed	subdivision in ALR	30-Oct-12	14-Mar-13	Deny
Saturna	SA-ALR-2013.1	Closed	Subdivide in the ALR	10-Dec-13	13-Jun-14	Approve
Saturna	SA-ALR-2013.2	Closed	116 NARVAEZ BAY RD Create a new 5 acre lot with a remainder 10.2 acre lot.	28-Apr-14	4-May-15	Deny
Saturna	SA-ALR-2014.1	Closed	101 CHURCH BAY RD To exclude 2.2 ha or such lesser area acceptable to the ALC.	20-Jun-14	22-May-15	Approve
South Pender	SP-ALR-2012.1	Closed	8970 GOWLLAND POINT RD Subdivision in the ALR - Sec. 21(2) ALC Act & Non-Farm Use in the ALR - Sec. 20(3) ALC Act	12-Apr-12	2-Jan-13	Approve
Salt Spring	SS-ALR-2011.1	Closed	To exclude property from the ALR for development of a business park for light industrial and commercial uses (240 Atkins).	17-Aug-12	19-Oct-12	Deny
Salt Spring	SS-ALR-2011.2	Closed	Split zoned A1/ Rural - bare land strata subdivision and non-farm use application in ALR (2163 Fulford-Ganges Rd).	3-Feb-12	15-Oct-12	Approve
Salt Spring	SS-ALR-2011.3	Closed	Non-farm use - to construct an emergency services centre - 135 Brinkworthy	30-Jan-12	12-Apr-12	Approve
Salt Spring	SS-ALR-2012.1	Closed	Agricultural Land Reserve Appl - 201 McLennan Dr SSI	6-Mar-13	14-Aug-13	Approve
Salt Spring	SS-ALR-2012.2	Closed	ALR boundary adjustment subdivision & inclusion - 570 Beddis Road SSI	6-Mar-13	20-Aug-13	Deny
Salt Spring	SS-ALR-2013.1	Closed	Associated ALR application concerning SS-RZ-2013.4 to rezone from Agriculture 1 to Agriculture 1(c) -133 Burgoyne Bay Road SSI	4-Jun-13	10-Mar-14	Approve
Salt Spring	SS-ALR-2014.1	Closed	Non-Farm Use: Seasonal Cottage - 430 Beddis Road SSI	2-Apr-15	23-Sep-15	Deny
Salt Spring	SS-ALR-2014.2	Closed	Construction of Squash Courts - 805 Lower Ganges Road. SSI	16-Feb-15	23-Sep-15	Approve

ALC Referrals in Last 5 Years

Trust Area	It File Name	Status	Purpose	Date Sent to ALC	Date of Decision	Decision
Salt Spring	SS-ALR-2015.1	Closed	Farm Worker Dwelling - 150 Suffolk Road SSI	9-Jul-15	26-Nov-15	Approve
Salt Spring	SS-ALR-2016.2	Open	Non-Farm Use (Cottage) - 231 Meadow Drive SSI	23-Jun-16		Pending
Thetis	TH-ALR-2012.1	Closed	298 Foster Point Road Thetis Island Non Farm Use Application For existing and new Bible Centre uses	1-Nov-12	5-Apr-13	Approve



To: Executive Committee

For the Meeting of: August 31, 2016.

From: David Marlor

File No.:ALC

SUBJECT: AGRICULTURAL LAND COMMISSION REFERRALS

DESCRIPTION OF ISSUE:

The purpose of this briefing is to provide the Executive Committee with an inventory of recent (Jan 1, 2011 to July 31, 2016) Agricultural Land Commission (ALC) referral and outcomes.

BACKGROUND:

On July 6, 2016 the Executive Committee asked Staff to compile an inventory of recent ALC referrals and outcomes.

Attached is a spreadsheet of ALC referrals and outcomes over the past 5 years. The following chart provides a summary of the information. In the chart, “range of days to the decision” is the difference in days between the date we recorded sending the referral to the ALC and the date of the decision of the ALC.

Of the 27 referrals sent for which we have received a decision, 11 (41%) were denied. For each denial, the ALC provides written reasons for the decision and advises the landowner on the rules and process for reconsideration.

The length of time from sending an application to the ALC to the ALC making a decision ranges from 66 days (2 months) to 378 days (13) months, with the average time being 197 days (7 months) over the five year period.

LTC	# applications referred to ALC	# Approved by ALC	# Denied by ALC	% Denied by ALC	Range of days to decision	Average days to decision (months)
Denman	7	2	5	71%	132 to 245	180 (6)
Gabriola	1	1	0	0%	66	66 (2)
Galiano	2	2	0	0%	102 to 156	129 (4)
Hornby	1	0	1	100%	215	215 (7)
N. Pender	2	2	0	0%	319 to 378	348 (12)
Saturna	4	2	2	50%	135 to 371	256 (9)
S. Pender	1	1	0	0%	265	265 (9)
Salt Spring	9	6	3	33%	63 to 279	170 (6)
Total	27	16	11	41%	66 to 378	197 (7)

Note that there are three applications recently forwarded to the ALC and for which we have not received a decision. These are included in the attached spreadsheet, but not included in the above chart.

Local trust committees have the authority to decide not to send applications to the Agricultural Land Commission if the committee believes that the application is not consistent with its bylaws or otherwise not supported by the community (for example, the proposal is not supported by an agricultural advisory group or there is a lot of community opposition). Some applications that go to the Commission are for changes of use and density that would subsequently require a rezoning application; in these instances the proposal does not meet current bylaws, but the local trust committee is considering amending the bylaws to permit the use or density. The Executive Committee may want to discuss with the Agricultural Land Commission Island Panel the referral process, reasons that local trust committees send referrals to the Agricultural Land Commissions and how we can work together to reduce the number of denials.

In April 2016 the Agricultural Land Commission increased its portion of the fees from \$300 to \$1200 and with it and new approach to handling referrals and a 90 day guarantee on a decision. Given the average turn around over the past five years has been seven months, the Executive Committee may want to discuss with the Agricultural Land Commission Island Panel the new process and implications.

ATTACHMENT(S):

1. Spreadsheet of applications forwarded to the ALC between January 1, 2011 and July 31, 2016.
-

AVAILABLE OPTIONS:

1. Receive this briefing for information
2. Request further information or clarification from staff

FOLLOW-UP:

Develop and agenda and arrange a meeting date with the ALC Vancouver Island Panel.

Prepared By: David Marlor

Reviewed By: Chief Administration Officer

Date: August 23, 2016

ALC Referrals in Last 5 Years

Trust Area	It File Name	Status	Purpose	Date Sent to ALC	Date of Decision	Decision
Denman	DE-ALR-2011.1	Closed	To create 13 farm lots	5-May-11	5-Jan-12	Deny
Denman	DE-ALR-2011.2	Closed	Subdivision under s. 946	13-Feb-12	4-Jul-12	Deny
Denman	DE-ALR-2011.3	Closed	Proposed 2 lot subdivision	18-Jun-12	7-Jan-13	Deny
Denman	DE-ALR-2012.1	Closed	2016 Northwest Road (I. Brons) Inclusion in ALR to extend the ALR boundary in accordance with the LTC	14-Jun-12	31-Oct-12	Approve
Denman	DE-ALR-2013.1	Closed		17-Apr-13	27-Aug-13	Deny
Denman	DE-ALR-2013.2	Closed	Subdivision in ALR	12-Aug-13	13-Mar-14	Deny
Denman	DE-ALR-2014.1	Closed	Application for vineyard and farm to be included in the ALR	11-Mar-15	16-Sep-15	Approve
Denman	DE-ALR-2015.1	Open	PID: 009-708-537 Severn - 3730 Denman Road Exclusion of 1.6ha in the ALR	18-Jun-15		Pending
Gabriola	GB-ALR-2011.1	Closed	2370 Shaw Road & 2345 South Road Boundary adjustment with neighbour	10-Feb-12	16-Apr-12	Approve
Galiano	GL-ALR-2011.1	Closed	Exclusion of land under sec. 30(1) of ALC Act. To provide for affordable housing.	16-Feb-12	28-May-12	Approve
Galiano	GL-ALR-2014.1	Closed	1359 PORLIER PASS RD Non-farm use designation for cottage.	4-Mar-15	7-Aug-15	Approve
Hornby	HO-ALR-2012.1	Closed	to create a 1.01 ha parcel under section 946 for family member	6-Jun-12	7-Jan-13	Deny
Hornby	HO-ALR-2016.1	Open	PID: 000-157-503 Construction of house guest house and garage at 5905 Maclean Road Hornby Island.	7-Jul-16		Pending
North Pender	NP-ALR-2012.1	Closed	4606 RAZOR POINT RD Application by Owner in Non-Farm Use in the ALR	1-Feb-13	14-Feb-14	Approve
North Pender	NP-ALR-2014.1	Closed	4321 PORT WASHINGTON RD To construct a family home near existing cottage.	29-May-14	13-Apr-15	Approve
Saturna	SA-ALR-2012.1	Closed	subdivision in ALR	30-Oct-12	14-Mar-13	Deny
Saturna	SA-ALR-2013.1	Closed	Subdivide in the ALR	10-Dec-13	13-Jun-14	Approve
Saturna	SA-ALR-2013.2	Closed	116 NARVAEZ BAY RD Create a new 5 acre lot with a remainder 10.2 acre lot.	28-Apr-14	4-May-15	Deny
Saturna	SA-ALR-2014.1	Closed	101 CHURCH BAY RD To exclude 2.2 ha or such lesser area acceptable to the ALC.	20-Jun-14	22-May-15	Approve
South Pender	SP-ALR-2012.1	Closed	8970 GOWLLAND POINT RD Subdivision in the ALR - Sec. 21(2) ALC Act & Non-Farm Use in the ALR - Sec. 20(3) ALC Act	12-Apr-12	2-Jan-13	Approve
Salt Spring	SS-ALR-2011.1	Closed	To exclude property from the ALR for development of a business park for light industrial and commercial uses (240 Atkins).	17-Aug-12	19-Oct-12	Deny
Salt Spring	SS-ALR-2011.2	Closed	Split zoned A1/ Rural - bare land strata subdivision and non-farm use application in ALR (2163 Fulford-Ganges Rd).	3-Feb-12	15-Oct-12	Approve
Salt Spring	SS-ALR-2011.3	Closed	Non-farm use - to construct an emergency services centre - 135 Brinkworthy	30-Jan-12	12-Apr-12	Approve
Salt Spring	SS-ALR-2012.1	Closed	Agricultural Land Reserve Appl - 201 McLennan Dr SSI	6-Mar-13	14-Aug-13	Approve
Salt Spring	SS-ALR-2012.2	Closed	ALR boundary adjustment subdivision & inclusion - 570 Beddis Road SSI	6-Mar-13	20-Aug-13	Deny
Salt Spring	SS-ALR-2013.1	Closed	Associated ALR application concerning SS-RZ-2013.4 to rezone from Agriculture 1 to Agriculture 1(c) -133 Burgoyne Bay Road SSI	4-Jun-13	10-Mar-14	Approve
Salt Spring	SS-ALR-2014.1	Closed	Non-Farm Use: Seasonal Cottage - 430 Beddis Road SSI	2-Apr-15	23-Sep-15	Deny
Salt Spring	SS-ALR-2014.2	Closed	Construction of Squash Courts - 805 Lower Ganges Road. SSI	16-Feb-15	23-Sep-15	Approve

ALC Referrals in Last 5 Years

Trust Area	It File Name	Status	Purpose	Date Sent to ALC	Date of Decision	Decision
Salt Spring	SS-ALR-2015.1	Closed	Farm Worker Dwelling - 150 Suffolk Road SSI	9-Jul-15	26-Nov-15	Approve
Salt Spring	SS-ALR-2016.2	Open	Non-Farm Use (Cottage) - 231 Meadow Drive SSI	23-Jun-16		Pending
Thetis	TH-ALR-2012.1	Closed	298 Foster Point Road Thetis Island Non Farm Use Application For existing and new Bible Centre uses	1-Nov-12	5-Apr-13	Approve

REQUEST FOR DECISION

To: Executive Committee

For the Meeting of:: October 5, 2016

From: Lisa Gordon

Date Prepared: September 30, 2016

SUBJECT: ADVOCACY RE PROPOSED ROBERTS BANK TERMINAL 2 PROJECT

RECOMMENDATION:

That the Executive Committee request staff to draft a letter for the Chair commenting on proposed Roberts Bank Terminal 2 Project before October 28, 2016.

SENIOR STAFF COMMENTS: This recommendation will allow the Islands Trust to comment on the proposed Roberts Bank Terminal 2 Project to the Canadian Environmental Assessment process consistent with existing positions of Trust Council.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Depending on the amount of original research and analysis required, this project could require about a day of staff time and would be a normal part of the advocacy workload.

FINANCIAL: Staff may hire a contractor to assist with technical analysis and fact checking.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: Staff will draft the letter for the Chair's approval, send to the Canadian Environmental Assessment Office and post to the Islands Trust website with cc's to Bowen Island Municipal Council and Trust Area First Nations who have previously commented on the project (e.g. Tsawwassen, Pacheedaht, T-Sou-ke, Tsawout, Malahat) and San Juan County.

BACKGROUND

The Vancouver Fraser Port Authority proposes the construction and operation of a new three-berth marine container terminal located at Roberts Bank in Delta, B.C. The Project would be located next to the existing Deltaport Terminal and would add 2.4 million units of container capacity, doubling the current capacity. In 2014, all terminals within Port Metro Vancouver handled 2.9 million units. The average container ship on the trans-Pacific route holds 6,000 units but can go as high as 18,000. Roberts Bank 2 is designed to handle the largest container ships (New Panamax and ultra-large). This one proposal could bring 200-600 additional ships per year through the Islands Trust Area.

www.robertsbankterminal2.com/wp-content/uploads/RBT2-Project-Rationale-March-20151.pdf

Following a public comment period on the draft Terms of reference (Chair Malcolmson letter attached), the CEAA amended the scope of project assessment to include shipping and associated effects. This will translate to consideration of shipping activity associated with the

project that occurs beyond the jurisdiction of Port Metro Vancouver and within the 12 nautical mile limit of Canada's territorial sea including:

- frequency, routing, speed and transit time of vessels
- anticipated increases to traffic beyond the proponent's care and control, and along the shipping routes
- associated activities such as ballasting, anchorage, manoeuvring, bunkering, fuel types, pilotage, and tug escorts
- alternatives considered, such as different routing, frequency and vessel types
- fish and associated habitat
- species at risk and species of special status
- marine mammals and their habitats
- water quality
- atmospheric environment (air quality, noise, greenhouse gas emissions, and lighting)
- current use of land and resources by Aboriginal peoples including fishing, cultural practices, and sites of importance
- tourism, commercial and public recreational use.

The public review period began on June 16, 2016 and will close on October 28, 2016.

In July 2016, in response to a request from MCSCD staff for information about the Islands Trust's boundaries in relation to this proposed project, mapping staff created the attached map of the proposed Roberts Bank Terminal 2. The map shows the project is not within the Islands Trust Area. However, vessels transiting to and from the terminal will travel through Islands Trust Area waters.

Islands Trust staff receive regular updates on the Roberts Bank Terminal 2 environmental assessment via RSS feed. The distribution list includes Chair Peter Luckham and Policy Advisor Clare Frater.

Trust Area Services staff have not yet reviewed the Roberts Bank application but expect to recommend the Chair continue the previous pattern of focusing on the marine environment. In the absence of a formal position from Trust Council, the Chair could base his letter of comment on the following activities in Trust Council's 2014-2018 Strategic Plan:

- advocating for marine shipping regulations and practices that prevent oil spills and lead to enhanced oil spill response and
- advocating for federal regulation and marine shipping practices that reduce the community and environmental impacts of commercial anchorages in the Islands Trust Area.

REPORT/DOCUMENT:

1. Map showing location of project in Islands Trust Area
2. December 6, 2013 letter from Chair to CEAA about the Environmental Impact Statement Guidelines

KEY ISSUE(S)/CONCEPT(S): Advocacy to protect the Islands Trust Area

RELEVANT POLICY:

- Recommendation is consistent with the 2014-2018 Strategic Plan strategy 2.6 *Advocate to reduce impacts of other industrial marine activities*, but a Chair letter is not listed as one of the associated activities.
- *Islands Trust Act*, Section 3
The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia

- generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.*
- [Islands Trust Policy Statement](#) Part 1: Roles and Responsibilities section
The Islands Trust Council cannot effectively implement the Policy Statement without the support of all stakeholders. Assistance, cooperation and collaboration are required from local trust committees, island municipalities, the Trust Fund Board, the Provincial Government, other government agencies, non-government organizations, communities, First Nations, property owners, residents and visitors.
 - Islands Trust Policy Statement policy 3.1.9:
Trust Council encourages actions and programs of other government agencies which place priority on the side of protection for Trust Area ecosystems when judgment must be exercised; protect the diversity of native species and habitats in the Trust Area, and prevent pollution of the air, land and fresh and marine waters of the Trust Area.
 - [Advocacy Policy 6.10.iii](#)

DESIRED OUTCOME: Participation in the environmental assessment for Roberts Bank Terminal 2 Project prevents or reduces harm to Islands Trust Area ecosystems.

RESPONSE OPTIONS

Recommended:

That the Executive Committee request staff to draft a letter for the Chair commenting on proposed Roberts Bank Terminal 2 Project before October 28, 2016.

Alternatives:

1. That the Executive Committee request Trust Area Services staff submit comments on the proposed Roberts Bank Terminal 2 Project by October 28, 2016.
2. Do not send a letter.

Prepared By: Lisa Gordon, Director, Trust Area Services

Reviewed By/Date:

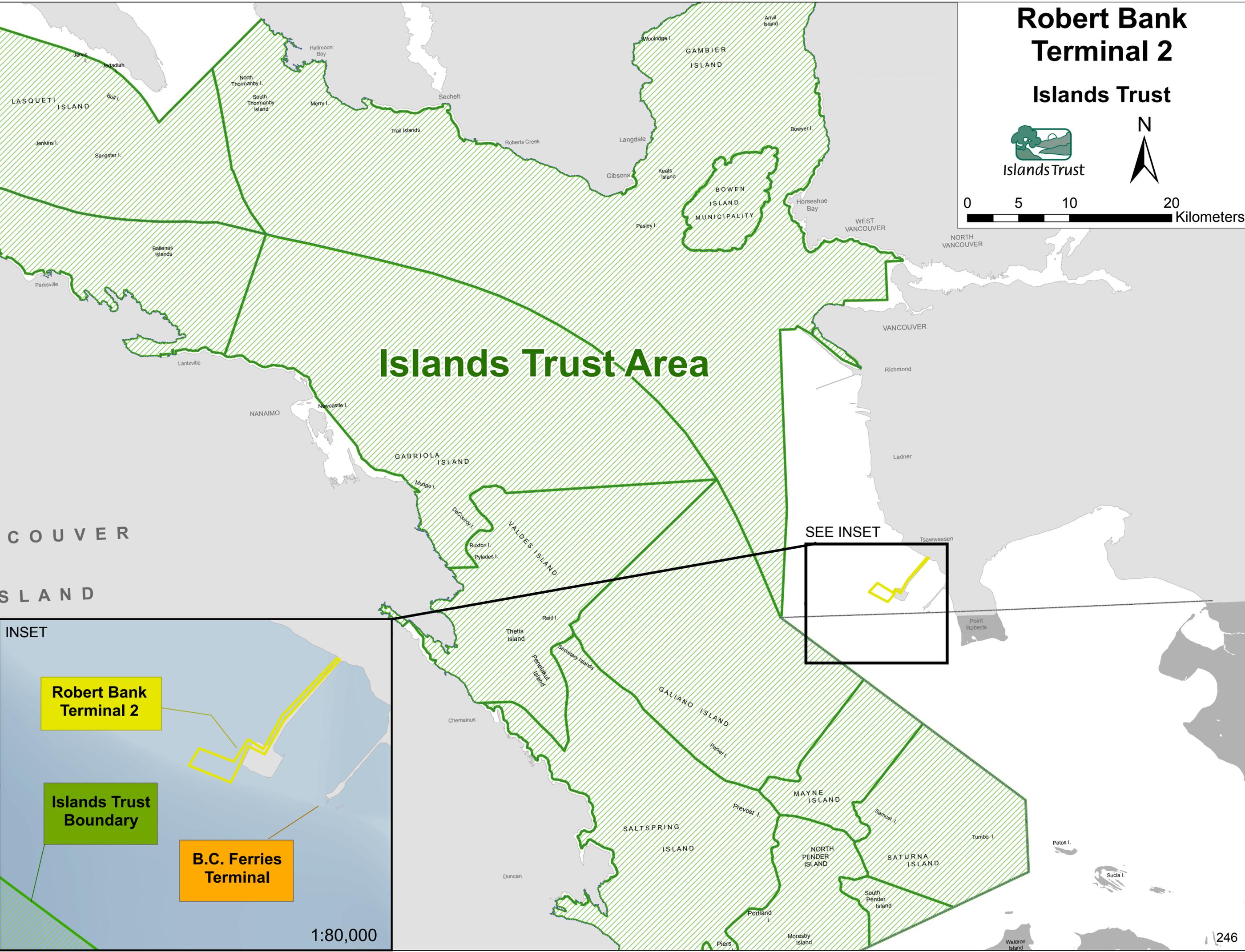
Robert Bank Terminal 2 Islands Trust



Islands Trust



Islands Trust Area



SEE INSET

INSET

Robert Bank Terminal 2

Islands Trust Boundary

B.C. Ferries Terminal

1:80,000



200 - 1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 604.660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

December 6, 2013

File No.: 5450-30

via e-mail: RobertsBank@ceaa-acee.gc.ca

Roberts Bank Terminal 2 Project
Canadian Environmental Assessment Agency
410-701 West Georgia Street
Vancouver BC V7Y 1C6

To Whom It May Concern:

Re: Feedback on the Draft Environmental Impact Statement Guidelines for the Roberts Bank Terminal 2 Project

I understand that the public and stakeholders have been invited to review and provide comment on the Draft Environmental Impact Statement Guidelines for the Roberts Bank Terminal 2 Project.

On December 5, 2013 the Islands Trust Council passed the following resolution:

That the Islands Trust Council request the Chair to write to the Canadian Environmental Assessment Agency requesting that Port Metro Vancouver be required to study how the increased marine traffic that would result from the Roberts Bank Terminal 2 project would impact the ecosystems, species, and communities of the Salish Sea, including an oil spill risk assessment.

As this project will create capacity for additional shipping traffic in the waterways of the Salish Sea, we are requesting that the scope of the Environmental Impact Statement be broadened. The studies should consider the potential impacts of increased container vessel traffic on the waterways and communities of the Salish Sea and possible strategies to mitigate these impacts. These issues should be considered in environmental assessments of all Gateway Infrastructure projects that enable increased shipping traffic.

The extra effort required to assess the marine traffic impacts of the project is justified in light of the Tanker Safety Expert Panel's December 2013 report which stated that a recent risk assessment completed for Transport Canada by GENIVAR indicated that the waters around the southern tip of Vancouver Island were one of four areas in Canada with the highest probability of a large spill. The report also stated that the southern coast of British Columbia, including Vancouver Island, was one of two areas in Canada with the highest potential impact from a spill. We request that the studies incorporate topics such as:

- Salish Sea vessel traffic risk assessment.
- Risk mitigation options such as a standby rescue tugboat.
- Noise and light impacts of increased use of Gulf Island anchorages.
- Socio-economic impacts of an oil spill resulting from increased container vessel traffic.

.../2

Overview of Islands Trust

The Islands Trust is a federation of independent local governments that represents 25,000 people living within the Islands Trust Area. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major and more than 450 smaller islands covering 5,200 square kilometres. The Islands Trust has legislated responsibility, through the *Islands Trust Act*, to cooperate with others to preserve and protect the unique environment and amenities of the Islands Trust Area, for the benefit of all British Columbians.

Under our legislated mandate, the Islands Trust Council has had an interest in marine health and oil spill issues since 1979. The Islands Trust's concerns about marine protection naturally extend to oil spill prevention and preparedness, and this term Islands Trust Council expressed its deep concern that oil spills could irrevocably damage coastal environments, economies, and communities.

Policy 3.1.9 of the Islands Trust Policy Statement, approved by the British Columbia Minister of Municipal Affairs in 1994, states:

Trust Council encourages actions and programs of other government agencies which:

- *place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,*
- *protect the diversity of native species and habitats in the Trust Area, and*
- *prevent pollution of the air, land and fresh and marine waters of the Trust Area.*

Thank you for your attention to this request. We look forward to your response.

Sincerely,



Sheila Malcolmson
Chair, Islands Trust Council

cc: Islands Trust Area First Nations
The Honourable Leona Aglukkaq, Federal Minister of the Environment
The Honourable Lisa Raitt, Federal Minister of Transport
The Honourable Todd Stone, BC Minister of Transportation and Infrastructure
The Honourable Mary Polak, BC Minister of Environment
Robin Silvester, President and CEO, Port Metro Vancouver
AVICC members
Greater Vancouver Regional District Board
Bowen Island Municipal Council
The Corporation of Delta Council
John Neville, President, BC Nature
San Juan County Council
Islands Trust Council
Islands Trust website



To: Executive Committee

For the Meeting of: October 5, 2016.

From: Fiona MacRaidl

File No.:

SUBJECT: DRAFT FIRST NATIONS LANGUAGE AND TONE GUIDE

DESCRIPTION OF ISSUE:

In order to develop an organizational Guide or procedure on how staff and trustees communicate with First Nations verbally or in writing, a pilot project is being proposed. A “Draft Guide on First Nations Language and Tone” (attached) and three documents on basic do’s and don’ts on First Nations communication and a Terminology Guide (also attached) will be shared with staff and trustees and feedback on their effectiveness will be captured by January 2017.

After staff and trustee feedback is received on the Draft Guide, effective organizational tools will be developed to help guide all communications with First Nations. This could result in things like an educational powerpoint, a document for staff and trustee orientations, policies specific to referral communication with First Nations, etc.

BACKGROUND:

On August 17, 2016 Executive Committee (EC) put “Develop a Project Charter and draft set of principles that will inform a new organizational approach to First Nations relationship-building” on their work program. Work on this Project Charter and its budget implications are currently underway and will be presented to EC on October 26, 2016, and will reflect the key First Nations-related elements of the Senior Intergovernmental Policy Advisor’s (SIPA) work plan until the end of her term in March 2018 such as:

- First Nations Language Guide and/or Policies (including pilot project on referral processes)
- First Nations database inputs, triggers for use and executive summaries
- Project Charter on identifying and protecting First Nations historical places of significance, including criteria for significance, tools of protection and protocols of information gathering
- First Nations educational modules for staff and trustees on Treaties, rights and history on specific First Nations with weighted interests in the Trust Area

As much of this work represents an important shift in organizational culture, staff see a conservative methodology of using pilot projects to test effectiveness as the ideal first phase of many of these projects. The attached Draft FN Language and Tone Guide will be provided for the purpose of gaining feedback on what may be missing, aspects that should be changed to be more effective and identify what does not work.

The Draft Guide is based on the three principles reviewed by EC on August 17, 2016:

Principle #1: Islands Trust is committed to becoming aware of what it does not know or understand about First Nations.

Principle #2: Islands Trust is committed to proving sincere desire for reconciliation

Principle #3: Islands Trust is committed to integrating, where possible, activities that support First Nations reconnecting with the Trust Area lands and waters

ATTACHMENT(S):

1. Draft First Nations Language and Tone Guide
 2. Ebook. *Working Effectively with Indigenous Peoples: 27 Tips On What to Say and Do* (Bob Joseph, Indigenous Corporate Training Inc.2016)
 3. Ebook. *Working Effectively with Indigenous Peoples: 23 Tips On What Not to Say and Do* (Bob Joseph, Indigenous Corporate Training Inc. 2016)
 4. Ebook. *Indigenous Peoples: A Guide to Terminology* (Bob Joseph, Indigenous Corporate Training Inc. 2016)
-

AVAILABLE OPTIONS:

Option #1:

Receive for information.

Option #2:

Request that staff defer pilot project on First Nations communication Guides and/or Policies pending completion of Project Charter.

FOLLOW-UP:

Once distributed to staff and trustees, obtain feedback from staff and trustees who have had opportunities to use the Draft Guide by December 2016. A set of First Nations communication Guides and/or policies/procedures will be presented to EC by February 2017.

Prepared By: Fiona MacRaid

Reviewed By: Robert Kojima, Acting Director Local Planning Services

Date: September 28, 2016

Procedure:	FN Communication Tone and Language Guide
Approved By:	LPS Management
Approval Date:	
Amendment Date(s):	
Policy Holder:	



Islands Trust

First Nations Communication: Tone and Language Guide

Purpose / Rationale

To provide guidelines for staff on how to implement the new principles of First Nations (FN) Relations (reviewed by Trust Council September 2016) into written and verbal communications with the 36 FNs associated with Islands Trust¹:

Principle #1: *Islands Trust is committed to becoming aware of what it does not know or understand about First Nations.*

Principle #2: *Islands Trust is committed to proving sincere desire for reconciliation*

Principle #3: *Islands Trust is committed to integrating, where possible, activities that support First Nations reconnecting with the Trust Area lands and waters*

This Guide is intended to help people become aware of their biases, as well as how to counteract them. This will allow for a conscious choice to approach FN communications with a tone, language and timing that reflect a genuine desire to develop a mutually respectful relationship.

Scope / Limits

For staff and Trustees who are new to communicating with First Nations, there are three documents attached to this Guide that will set a good foundation for the basic terminology and “dos and don’ts” of First Nation communication. This Guide assumes users have this foundation and is therefore specifically designed for those writing letters and correspondence representing the Islands Trust as an organization to First Nations.

This is a pilot project for staff and Trustees to test the effectiveness of this Guide in their communications with First Nations from October – December 2016. Once distributed to staff and Trustees, a feedback form and/or telephone interviews with staff and Trustees who have had opportunities to use the Draft Guide will be conducted by the Senior Intergovernmental Policy Advisor in December 2016. A set of First Nations communication Guides and/or Policies will be presented to EC by February 2017 for approval.

¹ See Appendix A: List of 36 First Nations Associated with Islands Trust

A 'Real Friendship' Model

When Initiating a New Communication Approach, Do So with Honesty and Humility

Cynicism grows when your interests are ignored or minimized by another. It's no different for First Nations. As the Truth and Reconciliation Commission of Canada (2015) points out, "we recognize that being part of a dominant culture, our attitudes and perspectives made the Residential School experience possible and that these attitudes and perspectives became entrenched in our relationships and in our culture."²

It takes considerable courage to be voluntarily vulnerable in the language we use. It is human instinct to protect our assumptions of power; vulnerability exposes us to the risk that our power may be questioned or criticized, either as individuals or as an organization. Given that First Nations have been required to be vulnerable in almost every aspect of our society, we need to show some of our own vulnerability to them before a relationship is even possible.

Generally speaking, this historical sense of apathy or power doesn't come from a place of malice. Regardless, its negative effects have to be addressed. When communicating with First Nations in writing or verbally, begin by stating the obvious with a tone of humility. This is the best way to address the cynicism that may be felt regarding Islands Trust's sincerity in building a mutually respectful relationship. Some examples:

"Often the referral process is a frustrating one. Although the intent is to have early and meaningful discussions about important issues that affect interests in a parcel of land/waters, the reality is that sometimes for First Nations, referrals pile up and unintentionally put stress on the administrative capacity to deal with these, as well as limit the nature and scope of the responses. Islands Trust wants to move away from this kind of "transactional" relationship to real and meaningful relationships with our neighbouring First Nations..."

"We recognize there is much we don't know about the First Nations' historical connections to the lands and waters of the Trust Area and we genuinely want to understand that history as well as the current issues from a First Nations' perspective. It will undoubtedly help us do our job better..."

"Although this is our first effort in approaching the referral process in a more meaningful way, we welcome any suggestions as to how we could improve this process that we are obliged to perform. Thank you for your patience as we learn how to build a genuine and mutually respectful relationship with your Nation."

Acknowledge Each First Nation's Unique Weight of Claim in the Trust Area

Generally, you should think of weight of claim like a continuum based on layered interests. At the upper end of consideration is a First Nation that has nearby Reserve Lands, *plus* Treaty rights that may be impeded, *plus* Traditional Core Territory that may be impacted *and* who is currently before the courts or in

² Truth and Reconciliation Commission of Canada. *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. 2015 Library and Archives Canada Cataloguing in Publication ISBN 978-0-660-02078-5 Cat. no.: IR4-7/2015E-PDF, p.394.

negotiations with the BC Treaty process. At the lower end of consideration would be a First Nation who had previously interests as part of their claimed Traditional Territory but now have modern Treaty land certainty that is not impacted - for them, consideration is more like a level of respectful notification³.

This means avoiding form letters that are exactly the same being sent out to multiple First Nations. Although this requires more care and time resources, it demonstrates that a basic level of research has been done on the individual First Nation being addressed. Acknowledging their unique core interests is the first step of showing respect. The following examples are a new way that Islands Trust is addressing Nations with interests in Fulford Harbour on Salt Spring Island:

[[for Tsawout...“as our neighbouring First Nation with nearby Reserve lands as well as your Douglas Treaty rights and asserted Aboriginal rights and title over your core Traditional Territory.”]]

[[for Tsartlip, Tseycum, Pauquachin and Malahat...“as a First Nation with Douglas Treaty rights as well as asserted Aboriginal rights and title over your core Traditional Territory.”]]

[[for Cowichan Tribes, Lake Cowichan, Chemainus, Lyackson, Halalt, Penelakut...“as a First Nation with asserted Aboriginal rights and title over your declared core Traditional Territory.”]]

[[for Semiahmoo...“as a First Nation with asserted Aboriginal rights and title over your claimed Traditional Territory.”]]

[[for Tsawwassen...“as a First Nation with a modern Treaty in place but a continued concern over your claimed traditional territory.”]]

Acknowledge Previously Stated Priorities from First Nations to Islands Trust

The foundation of all human relationships is the ability to listen to the other. Active listening is about seeking out the message being communicated, processing its meaning and responding with empathy.

Over the years, First Nations have communicated their priorities, their frustrations and their aspirations for relationship-building with the Islands Trust. They have done this through letters, responses to referrals, Territorial Declarations signed by Chiefs, invitations to have workshops and emails, not to mention how they may have relayed this verbally over time. Much of this communication is well-thought out, well-articulated, intellectually sophisticated yet due to our cultural inclination to ignore or minimize the voice of First Nations, Islands Trust hasn't focused on these messages as well as we could have.

Take the time to do a bit of research before communicating with a First Nation. Islands Trust has a First Nations database that might prove to be useful or, alternatively, go to the website of the Nation and notice how that Nation defines themselves and the terms they use to indicate their Nation's priorities. Do a Google search under "News" using the name of the First Nation to see what high profile issues they may be dealing with. If a Nation expresses frustration and exasperation over, say, the desecration of a sacred site, it does not mean they will feel those intense emotions over every issue. It does, however, indicate what has relative importance to them.

³ See Appendix A for a list of First Nations with neighbouring Reserve lands to the Trust Area, First Nations who are Douglas Treaty Nations and First Nations currently in the BC Treaty process or who have a modern BC Treaty

In the same vein, pay special attention to who is copied on a letter from a First Nation. If other First Nations are copied (particularly if Chiefs from other Nations are copied), assume the Nation authoring the letter is speaking on behalf of the group. Unlike government, First Nations do not copy other Nations on correspondence unless there has been full consensus to do so. All responses, whether written or verbal, should be to all the copied First Nations as a group.

Special attention and care should be taken when it comes to foreshore/marine issues. First Nations have clearly articulated their interests as it directly impacts their ability to exercise their traditional foreshore and marine activities. It is a common saying amongst First Nations with a strong interest in the Trust Area to say, “when the tide is out, the table is set”. This saying reflects the integral role that the shoreline of the islands has had – and continues to have - in sustaining these First Nations. Respecting this heightened historical and current interest in marine and foreshore issues should be reflected by an explicit invitation to meet and perhaps walk a site. For example, the following is a new way Islands Trust is trying to recognize previously stated priorities and assumed interest in a foreshore site:

“We would like to ask you if you would be interested in setting up a site visit with our staff at the Fulford marina. An in-person meeting would allow us an opportunity to better understand your Nation’s historical and current connection to the shoreline and waters of Fulford Harbour to include in our files and our consideration of this application. Please let us know as soon as possible if you are interested in a site visit and we can set up the details in a timely manner.”

[for Tsawout...“We have also attached a copy of the SENCOTEN Territorial Declaration, the recent Tsawout Marine Use Study Map of Special Places and the Tsawout Referral Checklist, which we have reviewed and considered. Please let us know if you would also like to discuss elements of these documents as well, as we recognize there is much we have yet to understand about your connection to the land and waters of Fulford Harbour.”]

[for the six Hul’quimi’num Nations...“we have also attached http://www.hulquminum.bc.ca/pubs/Place_Names_maps_2005.pdf?lbisphpreg=1 Map 4 Hul’quimi’num Selected Place Names, which we have reviewed and considered. Please let us know if you would also like to discuss elements of this document as well, as we recognize there is much we have yet to understand about your connection to the land and waters of Fulford Harbour.”]

Early Stages of Proving Sincerity Will Require Increased Resources

There is no shortcut to proving sincerity and the best indication of a real change is that the follow-up action is consistent and costs the giver in some way. Whether it is time, travel costs or simple gestures like ignoring incoming cell calls while in a meeting, most people have a good nose for sincerity and notice what it costs the giver. Although building trust takes time, if it’s sincere and believed, there is less and less need to prove it over time.

As First Nations start receiving correspondence that is significantly more respectful in tone, they may take up invitations to meet in person to see if the appearance of respect goes beyond just words on paper. Assume that there is no lack of desire for First Nations to visit the islands. The reasons that often constrain them include (but are not limited to) their own time constraints in their professional capacity, the lack of funds to pay for the travel costs or coming over to participate in an event where they are outnumbered or

may be placed in a socially uncomfortable situation. Trying to mitigate some of these challenges may induce more willingness to meet in person.

In-person meetings can be in a meeting room somewhere, walking a site that a First Nations has expressed interest in or being in a location that is comfortable for the First Nations attendees (e.g. walking on Reserve lands or at their band office). Asking for a “scribe” or a minute-taker is important so that information that is shared can be recorded and sent back to the Nation for verification. Often, the best way to approach this after a desire to meet in person is expressed by a First Nation, is to chat on the phone about preferences and then set up a simple Memorandum of Understanding with the Nation so that preferences and costs can be recorded for any future meeting opportunities over the next, say, year or so. This proves commitment but also allows for a revisiting of the MoU terms within a reasonable time frame.

Islands Trust May be Perceived as just “Government”

As we have all experienced, once real relationships are built and more understanding is gained the tendency toward broad sweeping labels and stereotypes starts to decrease. Nuances and differences are appreciated and respected. Just as many Canadians see First Nations as one big category and assume similarities within that group because they do not yet understand the differences amongst them, so it is with First Nations and government agencies. For example, trying to explain the difference between the Province’s “duty to consult” and Islands Trust’s “delegation to engage” or their “statutory consultation on Official Community Plans” is likely meaningless to a First Nation not yet familiar with these legal distinctions of government hierarchies.

When engaging, always invite a First Nation to share their concerns or interests, whether those interests are site-specific, high-level or strategic in nature. Once expressed, they can be shared with the appropriate agency. Avoid the tendency to point out to a First Nation that they contacted the wrong agency or committee. This can be seen as “splitting hairs” by a First Nation.

Awareness that Language has Underlying Assumptions

Being part of the dominant culture for the last century or more, the language we use is imbued with assumptions that may not be shared by First Nations. Our systems, our legislation, even some of our everyday terms are a direct legacy of the colonial mindset. One of the more obvious examples of this is the term “Crown land”. Although a Nation will understand what this refers to, it also reminds them that Crown lands were assumed by the colonial settlers without consent or surrender. For First Nations, this issue is not settled. We need to be aware of this continued unresolved issue and not exacerbate it.

The following subtleties should be avoided in communicating with First Nations:

- If the term “Crown land” needs to be used specifically; soften its presentation by saying something like “what we refer to as Crown lands”
- Conditional co-operation can be read into terms like “willing to co-operate” or “we agree/support...however”, etc.). Rather than be ambiguous and open the door to being interpreted as being in the position of choice to listen - or not listen - to the views of First Nations, state a spirit of cooperation very clearly (i.e. “we will seek to find ways to cooperate with you on this matter” or

more simply, “we agree with your position on this issue. Please let us know how you think we can more specifically support you with the tools we have.”

- Authoritative language (i.e. “we hereby notify...”, “we will decide...”, “you must...”, etc.) assumes that everything is subordinate to our legislative authority
- Much like the case with using the term “Crown land”, we use other terms that may be offensive (i.e. “landowner”, “private property”, “land title”, etc.) as they infer that the lands question is settled and unquestioned in favour of “the Crown”. If there is no adequate alternative to describe a specific concept, state that as an unfortunate fact and explicitly include your recognition that these terms may offend but that it not your intention
- Consideration of residents as paramount (i.e. “unfortunately our tools are triggered by...residents”) implies First Nations are merely one of many “external stakeholders”
- Deference to our own organizational processes or the jurisdiction of another government agency as a reason to not act will be received as a First Nation as “passing the buck” instead of engaging in conversation on an issue; even if we cannot act, we can learn from discussing the issue

Requesting Information from a First Nation

Whether it is requesting input on a site-specific referral, inviting a First Nation to a Community-to-Community meeting, a technical review of a report or attendance at a cultural event, who we approach in a First Nation and how we do that is important. Just like our own organization, First Nations have people in their community who are experts in their field.

It is preferable to check out who is on staff and what role they play. If there isn’t a person in the band office you know well enough to call and ask for advice on this, then start with the Nation’s website. Is a referral marine or foreshore-related? Then a good approach would be to call the Fisheries Manager (if the Nation has one) and ask them who the referral should be addressed to. Is there information needed about the historical significance of a certain place? Then calling the band office to ask if there is an elder or “knowledge-keeper” able to help is likely the best way forward. Is it an invitation to meet and get to know “Islands Trust staff or Trustees? Then it is the Chief and Council that the invitation should be addressed to.

Following Up on Non-Responses and Off-Topic Responses

When you ask someone a direct question and they do not answer you, they are often communicating a message in their silence. Perhaps you are not regarded as important enough to warrant the effort of an answer. A non-answer may reflect a sense of built up exasperation at having previous efforts at responding make no difference anyways. Sometimes, a non-response is simply because a First Nation does not have any budget to hire someone to respond, or it just has gotten lost in a typical bureaucratic shuffle of paper and emails within the band office.

Take the time to follow-up within 30 days but without assuming why a response hasn’t been articulated. It is within reason to explain that you would like to move forward with action but that you understand a non-response can mean many things. Express a willingness to keep the doors of communication open on any topic and reiterate that there is a sincere desire to start communicating with a deepened level of respect.

In the same way, an off-topic response can be conveying an important message as well. Follow-up with a direct engagement of the topic the First Nation has brought up. For example, if a First Nation has responded to a site-specific referral by pointing to an issue that is more important to them, respond to that issue or ask for more clarification. Don't hesitate to start these kinds of conversations. The resolution of the issues may not be within the scope of Islands Trust but discussing it with integrity shows respect. If another agency needs to be involved, we can help the First Nations make those connections.

Acknowledging Traditional Territory at the Beginning of a Meeting

In recent years there have been many "guides" made public about how to acknowledge the traditional territory of the First Nation that a meeting is taking place in. Although these guides have principles that are excellent, the Trust Area is a unique context of 36 First Nations with overlapping interests. It is not uncommon to have 15-20 First Nations claim a single island as their core territory and have those Nations represent two or more different language groups. To single out a particular First Nation or a particular language group, is to possibly cause offense to those First Nations or language groups not acknowledged.

To best serve the 36 First Nations with interests in the Trust Area, staff and Trustees need to seek out ways to be neutral, but respectful of all 36 First Nations. Almost all these Nations⁴ belong to the five branches of the Coast Salish languages, so it is entirely appropriate to acknowledge territory in the following way:

"Islands Trust would first like to acknowledge that we are meeting on Coast Salish Territory"

If a meeting is taking place where either K'omoks Nation or Sliammon First Nation also have asserted interests, it could be worded as:

"Islands Trust would first like to acknowledge that we are meeting on overlapping Coast Salish and Kwakwaka'wakw Territories."

This is the minimum show of respect. Staff and Trustees can expand on this territorial acknowledgement as they feel appropriate. However, do so with care because as you get more detailed you may run the risk of leaving out a First Nation or a language group.

Often the best way to approach a territorial acknowledgement is be humble and openly admit that you would like to express respect in this gesture but the complexity of 36 First Nations with overlapping Aboriginal interests, multiple Indigenous languages and a variety of welcome protocols in the Trust Area can inadvertently cause offense if we get it wrong, despite our best intentions. Stating the obvious with honesty and humility is, in fact, a good demonstration of respect.

⁴ K'omoks First Nation and Sliammon first Nation being the exceptions – they belong to the northern Kwakwaka'wakw Territory and are the southern boundaries for the Wakashan languages

APPENDIX A

First Nations with neighbouring Reserve lands to the Trust Area⁵

1. Tsawout First Nation (Salt Spring Island, South Pender Island, Saturna Island)
2. Tseycum First Nation (South Pender Island, Saturna Island)
3. Tsartlip First Nation (Mayne Island)
4. Penelakut First Nation (Penelakut Island)
5. Lyackson First Nation (Valdes Island)
6. Nanaimo First Nation (Gabriola Island)

First Nations who are Douglas Treaty Nations (also have Aboriginal rights and title over claimed Traditional Territories)

[N.B. Nations forfeit their Douglas Treaty rights if and when they sign a modern BC Treaty]

1. Esquimalt First Nation
2. Tsartlip First Nation
3. Tsawout First Nation
4. Pauquachin First Nation
5. Tseycum first Nation
6. Malahat First Nation (also part of Te'Mexw Treaty Assoc.; stage 5 of 6 in BC Treaty process)
7. Songhees First Nation (also part of Te'Mexw Treaty Assoc.; stage 5 of 6 in BC Treaty process)
8. Beecher Bay First Nation (also part of Te'Mexw Treaty Assoc.; stage 5 of 6 in BC Treaty process)
9. Sooke First Nation (also part of Te'Mexw Treaty Assoc; stage 5 of 6 in BC Treaty process)
10. Nanaimo First Nation (also in stage 4 of 6 in BC Treaty process)

First Nations in Stage 5 of 6 in Treaty Process (Agreement-in-Principle; awaiting ratification)

1. K'omoks first Nation
2. Nanoose First Nation (part of Te'Mexw Treaty Assoc.)
3. Malahat First Nation (also part of Te'Mexw Treaty Assoc., and a Douglas Treaty Nation)
4. Songhees First Nation (also part of Te'Mexw Treaty Assoc., and a Douglas Treaty Nation)
5. Beecher Bay First Nation (also part of Te'Mexw Treaty Assoc., and a Douglas Treaty Nation)
6. Sooke First Nation (also part of Te'Mexw Treaty Assoc., and a Douglas Treaty Nation)

First Nations in Stage 4 of 6 in Treaty Process (Negotiating Agreement)

1. Cowichan Tribes (part of the Hul'quimi'num Treaty Group)
2. Chemainus First Nation (part of the Hul'quimi'num Treaty Group)
3. Penelakut First Nation (part of the Hul'quimi'num Treaty Group)
4. Halalt First Nation (part of the Hul'quimi'num Treaty Group)
5. Lyackson First Nation (part of the Hul'quimi'num Treaty Group)
6. Lake Cowichan First Nation (part of the Hul'quimi'num Treaty Group)
7. Nanaimo First Nation (also a Douglas Treaty Nation)
8. Sechelt First Nation
9. Tseil-Waututh First Nation

⁵ The assumption of Reserve is that its location that is a subset of a larger territory.

10. Musquem First Nation
11. Aitchelitz First Nation (part of the Sto:lo Nation treaty group)
12. Leqá:mel First Nation (part of the Sto:lo Nation treaty group)
13. Popkum First Nation (part of the Sto:lo Nation treaty group)
14. Skawahlook First Nation (part of the Sto:lo Nation treaty group)
15. Skowkale First Nation (part of the Sto:lo Nation treaty group)
16. Tzeachten First Nation (part of the Sto:lo Nation treaty group)
17. Yakweawkwoose First Nation (part of the Sto:lo Nation treaty group)

First Nations in Stage 3 of 6 in Treaty Process (Agreement Framework)

1. Squamish First Nation

First Nations in Stage 2 of 6 in Treaty Process (Statement of Intent)

1. Hwlitsum First Nation (status of Nation under review)

First Nations with Ratified Modern Treaties

1. Tsawwassen First Nation (2009)
2. Tla'amin (Sliammon) First Nation (2016)

First Nation Currently Before the Court Regarding Rights and Title, Impacting Islands Trust

1. Esquimalt First Nation
2. Songhees First Nation
3. Hwlitsum First Nation

Working Effectively with Indigenous
Peoples™

27 Tips On What to Say and Do



By Bob Joseph at Indigenous
Corporate Training Inc.

Foreword

Handy practical tips to incorporate into that next meeting.

Bob Joseph



Thanks for downloading this ebook. It's based on content starting on page 174 of our [Working Effectively with Aboriginal Peoples®](#) book. If you click on red text in the body of an article you will be taken to additional information.

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Research research research

Research your personal, your corporate, and your team's perspective on working with Indigenous Peoples. The best time to do this research is before you start but it's never too late to start either.

This research can help you determine who to talk to, identify things to say and not say, help you get a sense of questions they will ask you and so much more. In short it will make you more culturally competent.

Check out our Indigenous [cultural competency self-assessment checklist](#) as a starting point.

Take training before you start

It is in your best interest to ensure you and your team are familiar with and understand the history of Indigenous Peoples in Canada, the challenges and **issues** they face. Learn about the difficult topics, such as **residential schools**, education, health and housing issues, and how to respond respectfully if the topics are brought up.

The training you take should provide you the means to build effective, sustainable, and mutually rewarding relationships with Indigenous communities. It will save you time, money, and frustration in the long run.

It can even **help your career**, as some training and some practical experience will help separate you from the crowd and other applicants.

Here are some **key points** to look for when selecting an Indigenous awareness trainer.

Do community research

Set aside the time to do extensive research into the community history, governing parties, **worldviews**, **culture** and traditions.

This is the single most important step to take **prior** to contacting the community. It can speed up consultation and engagement activities, buy you time, save resources, save you from going down the wrong path and more.

"But Bob, I don't have time to do this research!" If you don't do it and you start your work you can easily find yourself months down the road realizing you're going to have to start over because you hadn't done your due diligence. Starting over is frustrating for everyone and a waste of time and resources.

Know community dynamics

Recognize that there are many dynamics at play when working with Indigenous Peoples, Indigenous governments, and organizations.

One example could be, the traditional leaders work well with the elected leaders and in other places it's the opposite in that the traditional leaders don't get along with elected peoples.

Try to learn all you can about the dynamics of communities and the individuals in a community before trying to start a relationship and undertaking work. Such learning can help you come up with more **effective strategies** in your work in the community saving you time and resources in the long run.

Recognize Nation autonomy

One Indigenous Nation cannot speak for another Indigenous Nation. Strive to avoid setting up processes, discussions, engagement or consultations where this could be an issue.

Watch your timing

Through your research you will learn about the timing of traditional activities so you can plan your work to respect these important events.

Timing can be everything for the person who wants to build effective and sustainable relationships with an Indigenous community. Consider those whose cultures revolve around **fish and fishing**. They have a very limited window (dictated by nature and regulated by the Department of Fisheries and Oceans) in which to catch enough fish to feed their members through the winter and for cultural events and feasts. The priority of fishing can extend to the entire community – including the Chief and Council. In this environment, it may be next to impossible to get a meeting to happen during the fishing season. Talk about bad timing.

Next, consider the issue of death in a community. Life is precious in any community, but population is a critical concern to communities struggling to grow as Nations. In this context it is not uncommon for all community operations, including the Band office, to shut down completely following the death in a community. Try not to be disappointed if this happens to you.

Establish relationships early

It would be ideal for you to try to establish a relationship and meet before you need something.

Efforts devoted to building the relationship in the early phase is a wise and valuable investment of your time and resources because it can help build trust which can be hard to come by when things get rolling with tight timelines etc.

Consider hosting "get to know you" meetings, or attending community events and meeting new people as a way to establish a positive relationship.

Match team composition

Try to match your team's composition with the community's decision-making structure. In other words, if women are the decision makers, then send women and visa versa.

It doesn't become a problem in every situation, but if it does occur expect delays. That's why it's vital that you do your research and identify the leadership structures and assess the governance traditions of the community you want to work with.

Matching your team to the community's work team is a wise and respectful strategy that can establish a good working relationship quicker and avoid problems in the long run.

Obviously, if the only person is you or a teammate and you don't match then you have to go.

Use caution shaking hands

Offering a hand for a handshake is a fairly common social practice when meeting people. This works most of the time, but we do have to remember that when we are working with Indigenous Peoples we are working across cultures with individuals in their own right and that some Indigenous People do not shake hands and therefore are not expecting, or are uncomfortable with, a handshake. With this in mind, we have to understand and be prepared to offer a hand and not have one offered in return.

Should this happen to you, be sure not to read anything into the fact that someone from the community didn't offer to shake hands with you when you offered a hand first. Do not interpret it as a sign of disrespect, or a sign that they don't like you, when it could possibly be a sign that they simply don't shake hands.

Keep in mind that the typical North American elbow grab and double pump with firm squeeze may not be needed or appreciated either. If they offer a hand then match the intensity and actions. If they don't offer a hand simply withdraw yours in a way that is not too obvious and move on.

Prepare to be recorded

Some communities have had problems in their dealings with people who were less than honourable in remembering what they said.

As a result, be prepared to have your meetings recorded via microphone or video camera.

Always do protocol

It can be customary among Indigenous Nations to acknowledge the host peoples and their territory at the outset of any meeting. The long struggle for respect has been tough, but through it all Indigenous communities have continued to follow basic protocols.

It follows then that if you want to work effectively with Indigenous Peoples one of the best ways to do it is to show respect to the people you are working with. This can be established at the beginning of any meeting by following proper protocol and acknowledging the host community, its people, and its territory.

During the research process look for clues as to proper protocol. If you can't find any try to determine if you are meeting on traditional or treaty lands.

Here are two examples of appropriate “protocol” messages.

Treaty Territory Protocol

“I would like to thank **(what the community calls itself here)** for agreeing to meet with us today and for welcoming us to your treaty lands.”

Traditional Territory Protocol

“I would like to thank **(what the community calls itself here)** for taking the time to meet with us and for inviting us into your traditional territory.”

Stay up-to-date on issues

A key to working effectively with Indigenous Peoples is to understand their issues and perspectives in advance. Learning a community's history and current issues will enable you to anticipate its priorities and core concerns about your interests.

I use google alerts to track communities and people I'm working with. I ask google to give me timely, weekly reports on a community and specific people I'm working with as it helps me see important messages and trends that can guide me to change my strategy or approach.

Consider utilizing social media to help learn about and understand people and communities. Many high ranking leaders have twitter accounts and are commenting on media issues, sometimes even before they hit **mainstream media**.

If a community publishes its own newspaper or blog I always subscribe or follow those too.

Ask “where are you from”

Do ask people “where they are from”.

Whenever I meet other Indigenous peoples one of the first things I ask or am asked is, where you from? It does not mean where do you live, it means where are your people and territory.

If they say, "I'm Bob and I'm from the downtown eastside" I've learned that they don't live in the community and maybe don't spend all their time thinking about community interests.

If they say, "I'm from the xyz nation and our territory is over here", I've learned they are part of a community and do pay attention and maintain ties to it.

Obviously you can't say "where are you from" when you are out in the community but you could change it up and say, "this is a beautiful community, did you grow up here?" The answer you get could surprise you.

Proper communications

Internal community communications happen in many different ways and can impact your organization's ability to work effectively with those communities.

Some prefer town halls, others post meeting minutes on their website, some use First Nations radio, some use television, others communicate in their own newsletter or publication.

Be sure to do proper, as in it is the same as they prefer, communications to ensure people have a chance to engage.

Pacing of communications

Try to match the pacing of communications of the people you are working with.

The traditional mode of Indigenous communication is oral so speech nuances like tone, tempo, volume and inflections can be very important. Be aware and try to match the community style of speech if you can without trying to copy their accent. Also, don't be in a rush to respond until you figure out the pacing etc.

Mind the agenda

Do seek strategic placement for your organization's issues on the community meeting agenda.

Some communities don't meet every day but meet periodically so they try to cover a multitude of agenda items in a single sitting. If you want to make a presentation at the next meeting, you will want a good position on the agenda. A bad placement would have you speaking after someone who might agitate the community - pretty hard to have a good response to your presentation if everyone is upset.

A suggestion is to ask for a copy of the agenda in advance of the meeting. If your position on the agenda is unfavourable, then ask for a better position or maybe even be prepared to postpone your presentation until the next meeting in hopes of a better placement.

Mind people alignment

The old saying that “You can tell a lot about people by the company they keep” applies to your work in Indigenous communities, whether you realize it or not. For example, if there is an upcoming election and you have aligned yourself with the outgoing Chief or Council, you may have created a serious “people alignment” problem for your work.

Your selection of consultants to work on your behalf can have similar sensitivity. The reputation of how your hired consultant works with Indigenous Peoples will be considered a reflection on you and your company. Hire accordingly; this also applies to **contractors and subcontractors** as your project progresses.

When attending a multi-party meeting with an Indigenous community, try not to sit close to people whose issues with the community are more contentious than yours as you could inadvertently be perceived as part of that contentious issue.

Also, be wary of the first person who wants to be your friend, and try to get to know those who seem to be avoiding you.

Expect different leaders

It is possible to meet elected and hereditary chiefs in the same community and meetings.

A Band Chief is elected by Band members to govern for a specified term. Under the specifications of the *Indian Act*, First Nations must have an election every two years.

A **Hereditary Chief** is a leader who has power passed down from one generation to the next along blood lines or other cultural protocols, similar to European royalty.

It is possible, and so one should be prepared to meet both Band Chiefs and Hereditary Chiefs on the same day and in the same meeting. Hopefully this information turns up in your research and you can plan accordingly on how to deal with such situations.

Know the collective way

Be aware that Indigenous rights are communally or collectively held and that the whole community may need to be involved in the decision-making process.

On occasion we have seen both traditional and elected leaders end up facing the anger of the people for decisions made about their collective rights.

We have seen decisions get overturned later because leaders were off-side in their authority and decisions. If you want to avoid such situations simply take a "cast a wider net approach" and talk to more people in the community.

Joint problem solving

Use a joint problem solving approach in your work with communities.

If you think about the history of Indigenous relations it has been very much a "Hi, I'm from the government and I'm here to help." The problem is that all that help has not really been helpful. So to say, I'm here to help sends the wrong message.

Instead say things like, "I have lots to share but I know I have lots to learn and I'm looking forward to working with the community on these items of mutual interest." Don't be afraid to ask them for ideas on how to solve problems too.

Honour your agreements

Honour all your agreements, especially your oral agreements

Traditionally, Indigenous communities are **oral societies** and oral agreements are even more important than written agreements. In Indigenous culture, your word is more important than anything written on a piece of paper. At all costs, you must make sure that you protect your word and integrity in all your dealings on behalf your organization. Nothing can damage your reputation more than having to say, "Things have changed and I will no longer be able to deliver what I promised."

A good mantra to adopt is "promise less, deliver more".

Anticipate their questions

Anticipate questions they may have of your organization and prepare answers to those questions in advance.

Expect questions in regard to the scope of your proposed work and its impacts on the community. Expect also to be questioned about your personal and corporate history and values.

If you're in government expect all kinds of challenging questions, especially questions about past relationships.

Dress for the weather

Consider dressing down for work in the community. In many cases, community offices have more casual dress policies than does corporate Canada.

Showing up in the pinstripe suite or with that Gucci purse can send the wrong message.

Don't get me wrong, some communities dress professionally as we would expect in business or government but others don't and dress more for the region and the weather.

Aid cultural survival

Be aware that cultural survival is a fundamental driver of an Indigenous community's decision-making process.

Every decision made reflects the need to protect the land and culture for **future generations** and is the reason that decisions can take longer in Indigenous communities.

Decisions made that protect cultural survival and the **land** can sometimes not make sense from a **business** perspective but if we can align cultural survival with government or business objectives things can run a lot smoother.

Avoid sacred sites

Avoid **sacred sites** at all costs. Some of the biggest conflicts in Canada have been around sacred site issues. Indigenous communities will escalate things really quickly around sacred sites issues.

Remember that they don't like to talk about sacred sites as they don't want to make them public knowledge. It may be necessary to sign confidentiality agreements or have off-the-record meetings to learn about them.

Participate in cultural events

At some point during your work with an Indigenous community, you may be invited to participate in cultural events.

It could be an opening prayer, a smudge, or some other form of cultural activity. They may even ask you to dance in front of 500 of the closest relatives.

It can be very unnerving to participate in a smudge or another type of ceremony for the first time. When in doubt about what to do, ask the host or a friend of the community to explain the ceremony's participation process. If all else fails, follow the lead of the people in front of you.

If you are invited to attend a potlatch, consider it an honour - here are some [potlatch protocol](#) guidelines.

Be prepared to ask for help

Be prepared to say that you are having a problem and that you are seeking their help on how to solve it.

It's a very simple and honest admission that you are having a problem and have come to them for advice. Seeking their input shows respect, humility and a willingness to learn.

Thanks for reading

Thanks for reading. We hope you find these tips helpful for your work with Indigenous Peoples.

If you want to learn more personally consider registering for one of our public training sessions. If you are interested in helping out your whole team, consider bringing us on-site to deliver training. Our website address is www.ictinc.ca

Don't hesitate to contact us to discuss your options. You can send us an email at info@ictinc.ca or give us a call at toll free 1.888.986.4055

Halakas'la

Bob Joseph

Guide to Terminology

Hey, if you liked this ebook and want to expand your knowledge, why not download our *Indigenous Peoples: A Guide to Terminology?*

[CLICK HERE](#)

Working Effectively with Indigenous
Peoples™

23 Tips On What Not to Say or Do



By Bob Joseph at Indigenous
Corporate Training Inc.

Foreword

Handy practical tips to incorporate into that next meeting.

Bob Joseph



I train thousands of people every year and the issue that learners are most concerned about in their work with Indigenous Peoples is saying or doing the wrong thing. This guide is provided to help people avoid saying or doing the wrong things. It's based on content starting on page 174 of our [Working Effectively with Aboriginal Peoples®](#) book.

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Don't use colloquialisms

Few things will tarnish you faster than the thoughtless use of colloquialisms. Many colloquial expressions used in popular communication carry connotations that may offend at least some of the people you will meet.

Use these 8 colloquialisms at your peril!

1. Indian giver
2. Circle the wagons
3. Low man on the totem pole
4. Rain dance
5. Too many Chiefs, not enough Indians
6. Pow wow
7. Indian Summer
8. Indian Time

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Don't use acronyms

We have attended many meetings in First Nation communities and have witnessed first-hand the overuse of acronyms by other visitors, which may make great sense to the speaker, but not to those listening.

Remember where you are and who your audience is. Not only will many in your First Nation audience be unfamiliar with your acronyms, they may not even want to learn them. Or, worse yet, will think you're talking code so it's best to avoid using acronyms.

Don't use all technical terms

Much the same as the overuse of acronyms, overuse of technical terms will leave the same impression. First Nations people are like audiences anywhere in the sense that they want a presentation they can relate to and understand.

One comment we often hear First Nation community members say is, “How come the presenters have to use such big words?” Use plain language that everyone can understand.

A good presentation will include layperson and technical person information.

Don't use "stakeholders"

In your written and verbal communications

"Stakeholder" is a commonly used business term that should be avoided at all costs when working with First Nation communities. If the 'Rod and Gun Club' (a stakeholder) doesn't like what you are doing they can lobby their MP or MLA to try to effect changes. If a First Nation community doesn't like what you are doing they have the ability to launch legal action thereby putting your work in immediate jeopardy for a number of years.

In this context, First Nations people are not merely stakeholders - they have constitutionally protected rights and are used to dealing with Canada, provinces and territories on a **Nation-to-Nation** basis.

Consider these recommendations that we make in our courses. Use "rights holder" instead of "stakeholder". You could also say something along the lines of "we are reaching out to governments, Indigenous Peoples, and stakeholders to gather feedback for our work."

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Don't force your timelines

and tell them they have to meet them

Timelines are thorny issues in First Nation communities. A good working rule to incorporate is “our timeline is our problem”.

At present, most people who go to a community to do business have a timeline. Push too hard on meeting those timelines and you'll create resistance which in the end will stretch your timeline out even further.

Additionally, If you push for the sake of your timeline, you may find that it compromises future business opportunities in that community. Conversely, you will likely win respect and a more receptive hearing if you approach the community with an attitude marked by interest and willingness to listen, leaving your timeline back in the office.

There are ways to overcome timeline issues such as capacity building or **building long term relationships**.

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Don't use "equally"

As in "we have to treat you equally with others..."

"Equality" and "Equally" are terms that should be avoided when working with First Nations people. When they hear the term equality or equal they hear that they have to give up their **constitutionally protected rights** or they hear we can be equal only if **they** give up **their** human rights to be who they are as a People.

They have no interest in giving up their constitutional, legal, political, or human rights and will react strongly when these words are used.

Don't insist on dates to meet

It sounds obvious but this sometimes happens.

Don't tell the community what dates you should meet and then insist on it.

Your meeting is just one of many and may not be a priority for the community representatives who are very busy managing and addressing the needs of their communities.

There are also cultural, traditional and seasonal pursuits such as **hunting** and **fishing** that only happen at certain times of the year and these will take precedence over your meeting.

A more respectful strategy is to ask which dates would work best for their community.

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Don't name drop

As in "I just came from this other community and they liked me..."

Many people assume that it is okay to name drop as they move from community to community in their work. Such assumptions are risky and can be outright destructive. Everything can change as we move between communities, even when communities are in close proximity to one another. Ask yourself where the value is in adding this into a conversation. Here's an article on the pitfalls of this from our blog:

["First Nation Name Dropping - the Dead Cat Bounce"](#)

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Don't best friend it

As in "some of my best friends are Indigenous Peoples"

Personal connections are important and there are times we should bring them into a conversation. Bring them in too soon though and you risk being seen to be over compensating. Worse yet, you could name drop the wrong person or community, both of which can be disastrous for you. Give the relationship a little time before you "best friend" it.

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Don't discuss types of chiefs

Elected vs. Hereditary chiefs

This can be interpreted as disrespectful to the lineage of [hereditary chiefs](#) that dates back to time immemorial.

Some communities have elected chiefs. Others have elected and hereditary chiefs or other forms of traditional government leadership.

The system of having band chiefs and band elections every two years was forced upon First Nations in the *Indian Act*.

I would also encourage people to stay away from conversations around style of government. For example, "I prefer a municipal style of government."

Don't assume a Band is in its own territory

Throughout Canada, many bands' **reserves** have been relocated from their **traditional territories** for different reasons. Do your due diligence research and learn the history of the community you are working with or hope to work with. This will help you avoid talking to the wrong community or talking to communities in the wrong order.

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Don't make assumptions about the band's authority

In land use matters

Don't assume that the band Chief and Council are able to make land use decisions regarding their Peoples' territory.

We know of instances where the traditional leaders make land use decisions and the elected ones do housing, health care and education.

We have also seen instances where community members, who do not support a band council decision, go to great lengths to change the decision and/or the leaders who made those decisions.

Keep in mind the rights of First Nations peoples are collectively held in law and consultation with the broader community may be required.

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Don't go with a completed draft plan

Showing up with completed draft plans signals to the community that your project is a done deal and you are meeting with them only because it looks good - an item to be checked off on the list. Insincerity is easily detected.

Don't assume men rule

We see people go to communities from time to time with the assumption that they will be dealing with men and that the men rule.

Some communities have a matriarchal leadership while others have a patriarchal leadership structure. Do your research in advance find out what roles exist and who does what and when.

Don't cut cookies

or use the same old consultation process

Don't expect to consult with the same community in the same way on different issues. What worked last time may not work next time.

Different issues will have different concerns and impacts. Take the time to learn the concerns of a community - it could be providing employment or preserving culturally significant areas - and modify your approach to respect the individual issue. It's always good to avoid the cookie cutter approach when working with communities.

Potluck & Potlatch

The same right?

Don't confuse potlatch with potluck.

Potlatch is an ancient, traditional gathering held by many Northwest Coast First Nations that survived the best attempts of the government to banish it. It is a primary means for the communities to bear witness, to confirm in public any changes in status such as marriages, birth, death, and coming of age and so much more. The word itself is a Chinook Jargon word that means "to give".

At a potluck I bring the rice crispy squares and you bring the chicken wings.

Reserves & Reservations

The same right?

Don't confuse reserves with reservations.

Reserve is the Canadian term. Bands and their members are situated on reserves. Reservation is the American term for a place where Native American tribes live. So, in Canada, we don't have reservations except at hotels, restaurants and airlines.

There are also urban reserves, of which there are two types: one is a reserve that was **rural** but became urban when a neighbouring town expanded around it, while the second is created when a First Nation acquires a block of land in a city and works through the process of **acquiring reserve status** for the land.

Don't use bad terminology

What is the best terminology? Is it "Indian" or "Native" or "Indigenous"?

Our suggestion is to always go with what they are calling themselves. Call the band office after hours and they will tell you what they are calling themselves in their answering machine message. A little research goes a long way here.

I talk all about this subject in this short video.



Don't question Canadianness

I was at a community meeting one time where a curious participant asked the community members if they were going to be Canadian when the treaties and court cases were all done.

It's a good question if you are trying to start a bench clearing brawl. Do your own research rather than risk it. Treaties are attached to the Constitution. It makes Indigenous Peoples a part of Canada.

Court cases are fought in Canadian courts most of the time. If Indigenous Peoples were trying to not be Canadian, why would they fight court cases using a Canadian court? Many understand that to be Canadian.

I should note a small number of communities take a sovereignty perspective.

Don't impose eye contact

Don't impose or expect direct eye contact.

Many non-Indigenous people believe that it's important to maintain eye contact during conversation.

For many Indigenous Peoples, continuous eye contact may not be expected or appreciated. For [residential school](#) survivors, eye contact with school or church officials could have resulted in physical punishment.

For hunter societies, if they were spending all their time looking each other in the eye they could miss dinner walking by.

Don't overdress

Don't overdress for community meetings.

Along with any assumptions, you should also leave behind the business suit, Gucci bag or high heel shoes. This style of attire can send two wrong messages:

- 1) you have lots of money
- 2) your attire indicates a “defender of the empire” attitude.

Both of these messages can have serious ramifications for your meeting by setting a tone that may not accurately reflect you or your organization.

Don't fret meeting duration

Don't fret, stress, and obsess about the duration of a meeting.

Sometimes meeting agendas aren't adhered to if certain topics take longer to discuss or new ones arise. Be present in the moment. When you book a meeting with a community, try to keep a buffer of time between the expected ending of the meeting and your next appointment. Don't check your watch, and definitely turn off your phone or put it in quiet mode.

If you forget to turn it off and it buzzes or flashes lights don't pick it up, read and then start to reply as this is very rude.

Don't answer too soon

Don't feel that you must answer or fill the silent periods during discussions. These silent periods can be longer than you are accustomed to, and may be needed for thought formulation. Try to ensure the speaker has finished before you contribute to the conversation.

Thanks for reading

Thanks for reading. We hope you found these tips helpful for your work with Indigenous Peoples.

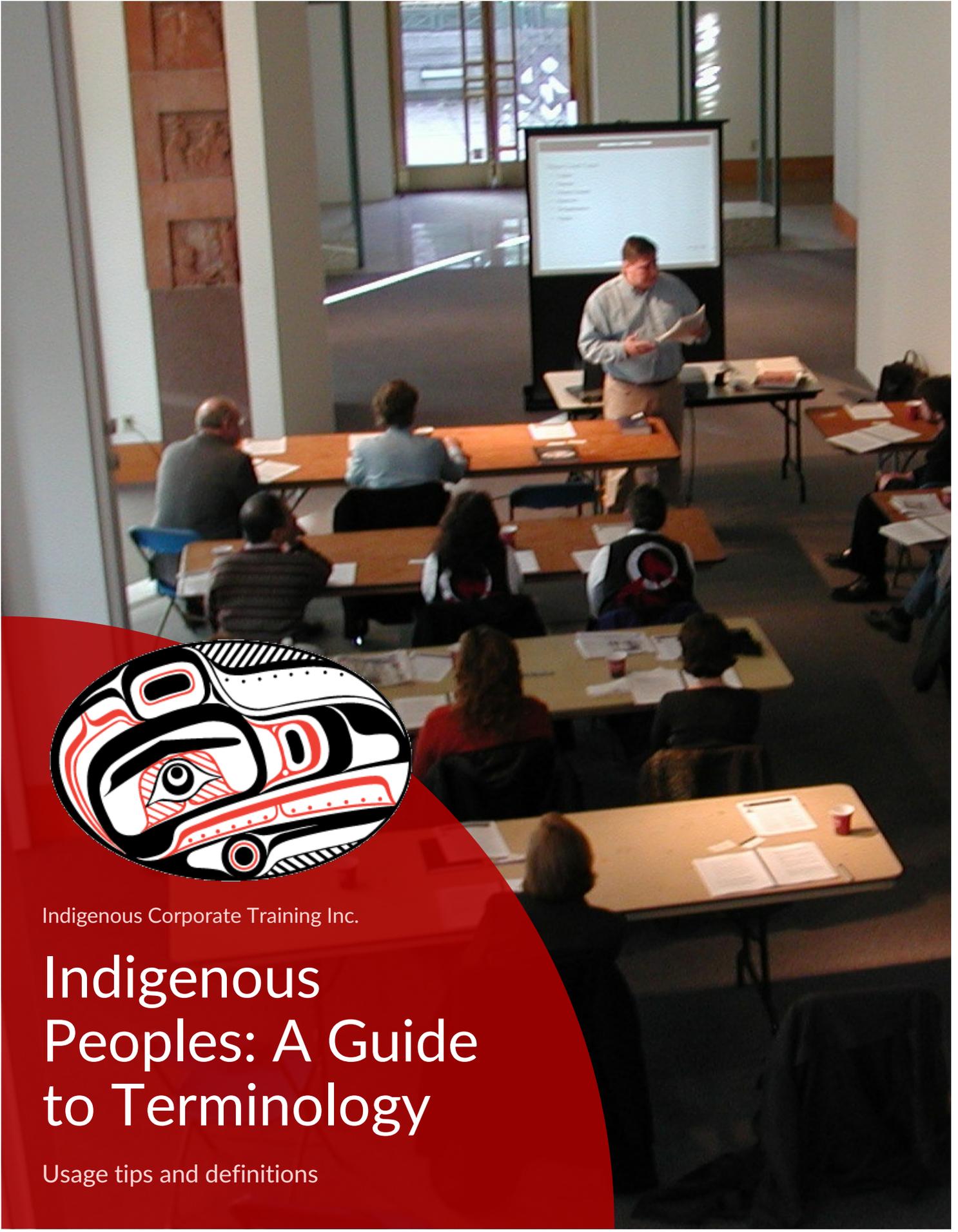
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Indigenous Corporate Training Inc.

Indigenous Peoples: A Guide to Terminology

Usage tips and definitions

Foreword



Hi there, I'm Bob Joseph, founder of Indigenous Corporate Training Inc., One of my personal and professional goals for over 20 years has been to help people and their organizations to work more effectively with Indigenous Peoples.

My Canadian clients include all levels of government, Fortune 500 companies, financial institutions, including the World Bank, small and medium sized corporate enterprises, and Indigenous Peoples.

I have worked internationally for clients in the United States, Guatemala, Peru, and New Caledonia in the South Pacific.

I hope you enjoy this ebook in which I provide some perspective on historical, political and community terminology, plus some definitions of common terms as well as tips regarding usage.

What is the definition of Indigenous Peoples?

Before we begin, a bit of context...the First Peoples of this land now known as Canada formerly had unique communities with unique names - there wasn't a need for collective nouns or complicated terminology. With European contact and ensuing colonization, the government required people to be defined and labeled for ease of governing.

As it stands, there is no generally accepted definition of Indigenous Peoples in a global context. Some countries refer to Indigenous Peoples as the people who were there first at contact. Others refer to Indigenous Peoples as the nomadic peoples within their borders.

In Canada, we seem to be using a definition of Indigenous Peoples that mirrors the constitutional terminology of Aboriginal Peoples as stated in [Section 35](#) that includes the Indian, Inuit, and Metis Peoples.

So when it comes to these two terms what's the best terminology? As always, my favorite answer is "it depends." It really depends on which hat people are wearing.

The federal government sent a strong signal that they prefer Indigenous Peoples in the victory speech, and in the changing of the name of the department of Aboriginal Affairs and Northern Development Canada to Indigenous and Northern Affairs Canada. So, if you are in the federal system, I think you would be okay to go with Indigenous Peoples.

What is the definition of Indigenous Peoples? cont'd

What about the provinces? Had you asked me a few years ago which province in Canada would be the first to go with the terminology “Indigenous Peoples” I wouldn't have picked Alberta but we now see that province going with this term. In Ontario recently we saw the Government of Ontario change the name of its ministry to Indigenous Relations and Reconciliation, signaling a direction from that province. Manitoba First Nations leadership has stated on occasion that they would be interested in dealing with anybody who referred to them as Indigenous peoples.

As for us here at Indigenous Corporate Training, we have begun the process of switching over our materials from Aboriginal Peoples to Indigenous Peoples. Certainly those companies who operate internationally should be going with the international term of Indigenous Peoples.

I think people will continue to ask for practical advice on this and I like to share with them a story about Wayne Gretzky and his philosophy when he was playing hockey. He stated something along the lines of, “I'm not worried about where the puck was. I'm not worried about where the puck is. What I am thinking about is where the puck will be in two plays from now and that's where I have to try to get to.” That's my advice for people working on Indigenous relations and reconciliation. Start moving to where the puck will be in two plays.

BTW: In this [youtube video](#), from a presentation at the Vancouver Board of Trade, I provide a short take on terminology.

Indigenous or Aboriginal?

Which is correct?

“Which is correct? Indigenous or Aboriginal” is a frequently asked question for us at Indigenous Corporate Training Inc.. We really appreciate the question and the motive behind the question - to respect Indigenous Peoples by using the correct terminology.

Usage of the word "Indian" in Canada is decreasing due to its incorrect origin and connections to colonial policies under the *Indian Act*, and government departments such as the Indian Department (precursor to INAC), Indian Agent, Indian residential schools etc.

Aboriginal Peoples moved into popularity as the correct collective noun for First Nations, Inuit and Métis and was widely adopted by government and many national groups. This distinction was made legal in 1982 when the *Constitution Act* came into being. **Section 35** (2) of the Act states:

In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

However, "Aboriginal Peoples" has met resistance to its usage from some groups, as discussed in "**Indigenous vs. Aboriginal**".

For some more information on the significance of the government embracing Indigenous, please read "**Back to the Future: PM-designate Justin Trudeau evokes the Royal Proclamation.**"

Indigenous Peoples terminology

Tips and guidelines for usage

So, now some tips and guidance on usage of "definitions" of Indigenous Peoples in Canada.

The following pages cover some guidelines for usage:

Aboriginal Peoples

Usage guidelines

Aboriginal Peoples

The collective noun used in the Constitution Act 1982 and includes the Indian (or First Nations), Inuit and Metis Peoples so legally it will always have a place at the terminology table.

Can:

- Use interchangeably with First Peoples
- Use interchangeably with First Nations
- Use interchangeably with Indigenous Peoples

Caution:

- If using interchangeably with First Nations note that some First Nations prefer not to be called Aboriginal Peoples
- If using this term, it should always be Aboriginal Peoples together as opposed to Aboriginal or Aborigines.

Indigenous Peoples

Usage guidelines

Indigenous Peoples

A collective noun for First Nations, Inuit, Métis and growing in popularity in Canada.

Can:

- Use interchangeably with First Peoples
- Use interchangeably with First Nations
- Use interchangeably with Aboriginal Peoples

Caution:

- If using interchangeably with First Nations as some may have more preference for Indigenous Peoples, for example First Nation communities in Ontario have expressed publicly and politically that they prefer Indigenous Peoples

First Nation(s)

Some usage guidelines

First Nation(s)

First Nation is a term used to identify Indigenous peoples of Canada who are neither Métis nor Inuit. This term came into common usage in the 1970s to replace the term “Indian” and “Indian band” which many find offensive. First Nations people includes both status and non-status Indians so there’s a need to careful with its usage, especially if in reference to programs that are specifically for status-Indians.

There is no legal definition for First Nation and it is acceptable as both a noun and a modifier.

Can:

- Use to refer to a single band or the plural First Nations for many bands
- Use “First Nation community” is a respectful alternative phrase
- Use instead of “Indian” when referring to an individual

Caution:

- If using interchangeably with Aboriginal Peoples as some First Nations people don’t like the term Aboriginal Peoples
- If using interchangeably with First Nations as some may have more preference for Indigenous Peoples, for example First Nation communities in Ontario have expressed publicly and politically that they prefer Indigenous Peoples

Indian

Some usage guidelines

Indian

“Indian” is the legal identity of an Indigenous person who is registered under the Indian Act.

One story about the origin of the term “Indian” dates back to **Christopher Columbus**, who mistakenly thought he had reached the East Indies, so referred to the people in the lands he visited as “indios” which is Spanish for Indian.

Can:

- "Use in direct quotations
 - Use when citing titles of books, works of art, etc.
 - Use in discussions of history where necessary for clarity and accuracy
 - Use in discussions of some legal/constitutional matters requiring precision in terminology
 - Use in discussions of rights and benefits provided on the basis of "Indian" status
 - Use in statistical information collected using these categories (e.g., the Census)"
- [1]

Caution:

- If using in front of individuals some may deem it as derogatory and outdated and call you out on it.

[1] Strategic Alliance for Broadcasters for Aboriginal Reflection

Indian (cont'd)

Some usage guidelines

Indian (continued)

There are categories of “Indian”:

Status Indians - are those who are registered under the **Indian Act**

Non-status Indians* - are those who generally speaking have two distinct qualities: (1) they lack status under the *Indian Act*; and (2) they have Indian heritage; in other words, they have **lost their status or whose ancestors were never registered or who lost their status under former or current provisions of the Indian Act

Treaty Indians - are those who are members of a community whose ancestors signed a **treaty** with the Crown and as a result are entitled to treaty benefits

* Non-status Indians and Métis historically were not covered by the Indian Act but as of the Supreme Court of Canada decision on April 14, 2016, they are now considered Indians; how this will affect their rights has not been determined at this time.

Inuit

Some usage guidelines

Inuit

Indigenous people in northern Canada, living mainly in Nunavut, Northwest Territories, northern Quebec and Labrador. Ontario has a very small Inuit population. Inuit are not covered by the *Indian Act*.

Can:

- Use Inuk when referring to an individual Inuit person
- Use Inuuk when referring to two people; for three or more people, it is Inuit
- Inuit People - in the Inuktitut language the term **Inuit** translates to "the people".

Caution:

- Eskimo as it is considered derogatory. Here's some more information on terminology related to **Inuit Peoples of the World**
- Inuit are not the same as Innu as Innu are an Indigenous group that primarily live in northeastern Quebec and southern Labrador

Métis Peoples

Some usage guidelines

Métis Peoples

Métis Peoples are people of mixed Indigenous and European ancestry. The Métis National Council adopted the following definition of “Métis” in 2002: *“Métis” means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.*”*Métis are now covered by the Indian Act.

Can:

- Use in reference to ‘persons whose ancestors inhabited Canada and received land grants and/or scrip’ [1]
- Use in reference to those who self-identify as Métis

Caution:

- Some people may refer to themselves as Métis but upon further research they might fit more into non-status Indian than Métis; for example, "Barbara" self-identifies as a Métis person but with some exploratory questions you discover she lost her status in 1981 upon marriage to a non-status Indian; Barbara doesn't meet the criteria as Métis person based upon the definition above

[1] Aboriginal Peoples: Terminology and Identity, Library of Parliament Research Publications

Native

Some usage guidelines

Native

A becoming gradually outdated collective term referring to Indians (Status, Non-status, Treaty), Métis, and Inuit but has largely been replaced by Indigenous. While some First Nations individuals refer to themselves as “Native” that doesn’t necessarily give non-Indigenous people license to do so.

Can:

- Use when working with organizations such as the Native Women’s Association of Canada
- Use when an individual self-identifies using this term.

Caution:

- Use it sparingly as some see it as derogatory and outdated. The term was popular in the colonial and settler era.

Punctuation

A couple of notes on punctuation:

- Always **capitalize** Indigenous, Aboriginal, First Nation, Inuit, Métis as a sign of respect the same way that English, French and Spanish etc are capitalized
- Avoid using possessive phrases like “Canada’s Indigenous Peoples” or “our Indigenous Peoples” as that has connotations of ownership. Perhaps go with “Indigenous Peoples of Canada”
- We’re not sure why, but the plural possessive for First Nations, Indigenous Peoples, Aboriginal Peoples does not generally use the apostrophe so you won’t see, for example, “First Nations’ land”
- Both Métis and Metis are in use. Go with what the people you are working with use.

We harken back to our main terminology training tip here which is “always go with what people are calling themselves”. It requires some research but it will be worth the effort.

You can watch this [Vancouver Board of Trade video](#) here to get my pro tip for research on this topic. Hint: it’s “call the community office after hours to listen to the recorded message.”

Aboriginal Consultation

Some frequently used terms

Aboriginal Consultation: The Crown has a legal duty to engage in meaningful consultation whenever it has reason to believe that its policies or actions, directly or indirectly, might infringe upon actual or claimed Aboriginal interests, rights or title.

Aboriginal Interest: A broad term referring to the range of rights and entitlements that may arise from long use and occupation of traditional territories by Aboriginal people. Application of common law, statute law, treaty provisions, and the Constitutional protection provided to “... the existing aboriginal and treaty rights of the Aboriginal people of Canada” by section 35 of *The Constitution Act, 1982*, to the facts of the particular case, determines the scope of “Aboriginal interest”.

Aboriginal people/persons: More than one Aboriginal person.

Aboriginal people: Entire body of Aboriginal persons in Canada.

Aboriginal Peoples: Defined in the *Constitution Act, 1982* to include all Indigenous people of Canada - Status Indians, Non-Status Indians, Métis and Inuit people.

Aboriginal Rights

Some frequently used terms

Aboriginal Rights:

- practices, traditions or customs which are integral to the distinctive culture of an Aboriginal society and were practiced prior to European contact, meaning they were rooted in the pre-contact society;
- must be practiced for a substantial period of time to have formed an integral part of the particular Aboriginal society's culture;
- must be an activity that is a central, defining feature which is independently significant to the Aboriginal society;
- must be distinctive, meaning it must be distinguishing and characteristic of that culture;
- must be given priority over all other land uses, after conservation measures;
- must meet a continuity requirement, meaning that the Aboriginal society must demonstrate that the connection with the land in its customs and laws has continued to the present day;
- may be the exercise in a modern form of an activity that existed prior to European contact;
- may be regulated by government, but only by legislation explicitly directed at a compelling and substantial objective such as the conservation and management of natural resources;
- do not include an activity that solely exists because of the influence of European contact; and
- do not include aspects of Aboriginal society that are true of every society such as eating to survive.

Aboriginal Title And Band

Some frequently used terms

Aboriginal Title: In general, “Aboriginal title” refers to the rights of Aboriginal Peoples to the occupation, use and enjoyment of their land and its resources. The classic legal definition was provided by the Supreme Court of Canada in *Delgamuukw v. British Columbia* [2]:

“... aboriginal title encompasses the right to exclusive use and occupation of land; second, aboriginal title encompasses the right to choose to what uses land can be put, subject to the ultimate limit that those uses cannot destroy the ability of the land to sustain future generations of Aboriginal Peoples; and third, that lands held pursuant to aboriginal title have an inescapable economic component.”

Band: The *Indian Act* defines “Band”, in part, as a body of Indians for whose use and benefit in common, lands have been set apart. Each Band has its own governing Band Council, usually consisting of a Chief and several councilors. The members of the Band usually share common values, traditions and practices rooted in their language and ancestral heritage. Today, many Bands prefer to be known as First Nations. Capitalize “Band” when it is part of a specific band, such as Osoyoos Indian Band, otherwise, use lowercase.

Band or First Nation Council

Some frequently used terms

Band Council or First Nation Council: The Band's governing body. Community members choose the Chief and councilors by election under section 74 of the *Indian Act*, or through traditional custom. The Band Council's powers vary with each band.

Chief: There are two classifications of Chief:

- **Band Chief:** A person elected by Band members to govern for a specified term. Under the specifications of the Indian Act, First Nations must have an election every two years.
- **Hereditary Chief:** A Hereditary Chief is a leader who has power passed down from one generation to the next along blood lines or other cultural protocols, similar to European royalty.

Chinook Jargon: Describes a language that was loosely based on the Chinook Peoples language. It developed as a trade language so that communication could take place between people who spoke different languages. It appeared in the 19th century from the Columbia River area and spread out into Washington, Oregon, British Columbia, and Alaska.

Elder, Extinguishment etc.

Some frequently used terms

Elder: Elders are recognized because they have earned the respect of their community through wisdom, harmony and balance of their actions in their teachings. Elders try to instill respect in their community members for the natural world and that the earth is their mother.

Enfranchisement: The process involved in giving up one's status as an Indian; predominate during era of Indian assimilation practices. In 1985, this practice was terminated by Bill C-31.

Extinguishment: The history of extinguishment of title has its roots in old or historic treaties which contained the words "cede, release, surrender" of their rights, title and privileges to the lands included within the limits of that particular treaty.

Fiduciary obligation: A legal duty described by the Supreme Court as the obligation of one party to look after the well-being of another. Canada has fiduciary obligations to Aboriginal people, meaning that Canada must consult and negotiate with Aboriginal people whenever their interests are concerned.

First Nations and Peoples

Some frequently used terms

First Nation: A term that came into common usage in the 1970s to replace the term “Indian band”, which many, not all, found offensive. The term “First Nation” has been adopted to replace the word “Band” in the name of many communities, and can refer to a single Band, many Bands, an Aboriginal governing body, organized and established by an Aboriginal community, or an Aboriginal community as a whole. First Nation is not applied to Inuit or Métis, who are distinct and separate.

First Peoples: Another, less frequently used collective term to describe the original peoples in Canada.

Impacts and Benefits Agreements (IBA): A broad term used to describe various contractual commitments related to development of land or resources subject to Aboriginal rights. IBAs usually impose negotiated limits on a project’s impacts on the environment, on fish and wildlife, on the land and First Nations traditional use and enjoyment of same; and IBAs usually define a range of negotiated economic and preferential benefits to flow to the First Nation(s) whose lands are to be impacted by the development.

Indian and Indian Act

Some frequently used terms

Indian: The origin of the term “Indian” dates back to Christopher Columbus, who mistakenly thought he had reached the East Indies, so referred to the people in the lands he visited as “indios” which is Spanish for Indian. Usage of the term has fallen out of favour to the point it is considered by many to be derogatory and has largely been replaced by Aboriginal Peoples.

Usage: Indian is still used in the following situations:

“• in direct quotations

- when citing titles of books, works of art, etc.
- in discussions of history where necessary for clarity and accuracy
- in discussions of some legal/constitutional matters requiring precision in terminology
- in discussions of rights and benefits provided on the basis of "Indian" status
- in statistical information collected using these categories (e.g., the Census)”

Strategic Alliance for Broadcasters for Aboriginal Reflection

Indian Act. The *Indian Act* is federal legislation that regulates Indians and reserves and sets out certain federal government powers and responsibilities toward First Nations and their reserved lands. The first *Indian Act* was passed in 1876, although there were a number of pre-Confederation and post-Confederation enactments with respect to Indians and reserves prior to 1876. Since then, it has undergone numerous amendments, revisions and re-enactments.

Indigenous Peoples

Some frequently used terms

Indigenous Peoples: The definition of “indigenous” is “native to the area” – so, in terms of Aboriginal people, they are indigenous to North America. As a collective term, it should be capitalized “Indigenous Peoples”.

a) “Peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;”

b) “Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.” *ILO 169, a respected international convention*

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Inherent Rights & Inuit

Some frequently used terms

Inherent Rights: Pre-existing rights that a person is born with into their nation; officially recognized by Canada under section 35 of the Constitution Act, 1982: Aboriginal peoples of Canada have the right to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their land and their resources.

Inuit: Aboriginal people in northern Canada, living mainly in Nunavut, Northwest Territories, northern Quebec and Labrador. Ontario has a very small Inuit population. Inuit are not covered by the *Indian Act*. The federal government has entered into several major land claim settlements with Inuit. *Usage: The word "Inuit" means "the people" in the Inuit language and is used when Inuit are referring to themselves as a culture. Inuit is also the plural form of "Inuk". Avoid using the term "Inuit people" or "the Inuit people" as that is redundant - "Inuit" is the preferred form.*

Land Claims

Land, Comprehensive, Specific & Agreement

Land Claims: In 1973, the federal government recognized two broad classes of claims – comprehensive and specific.

- Comprehensive Claims:

Comprehensive claims are based on the assessment that there may be continuing Aboriginal rights to lands and natural resources. These kinds of claims come up in those parts of Canada where Aboriginal title has not previously been dealt with by treaty and other legal means. While each claim is unique, frequently these claims include such things as land title, fishing, trapping, and resource rights and financial compensation – hence the “comprehensive”

- Specific Claims:

Specific claims declare grievances over Canada’s alleged failures to discharge specific obligations to First Nations groups.

Land claim agreement: A term used by the federal government to refer to a negotiated settlement with a First Nation on lands, land usage, and other rights.

Métis Peoples

Nation, Native, and Oral History

Métis Peoples: People of mixed Aboriginal and European ancestry. The Métis National Council adopted the following definition of “Métis” in 2002: *“Métis” means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.”*

Nation: People united by common descent, history, culture and language associated with a particular territory.

Native: Another outdated collective term referring to Indians (status and Non-status), Métis, and Inuit but has largely been replaced by Aboriginal.

Oral History: It has been suggested that if a culture didn't have a written language, then it was considered primitive. Aboriginal Peoples of North America have relied on oral histories, as opposed to written languages, since the dawn of time. History is frequently passed to future generations through stories, songs and oral communications.

Reserve & Scrip

Don't forget Self-Determination

Reserve: Defined by the *Indian Act* as “... tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band.” A result of the definition of reserve land in the *Indian Act* is that reserve land cannot be privately owned by the Band or Band members. “Reservation” is an American term.

Scrip: Certificates redeemable for land or money issued to Métis during the late 19th and early 20th centuries. Métis would have to apply for the scrip in order to qualify; it was a system designed to extinguish Métis Aboriginal title.

Self-determination: A major objective of Aboriginal Peoples, country-wide, is to gain control over who can become members. Currently, bands are required to maintain a registry with many of the rules governing membership mandated by the *Indian Act*. As we move into the future, the desire is for communities to decide who their members are, and not be directed by a bureaucrat in Ottawa. Self-determination is the right to decide who your people are.

Self-Government

Self-identification

Self-government: Long before Europeans arrived in Canada, First Peoples were self-governing. In 1876, when the *Indian Act* went into effect, traditional governance systems were dismantled and alien regulations were imposed in their place. When we take a look at the day-to-day operations of a band we see that all the actions of the band are directed in accordance with the *Indian Act*. This is a huge problem for bands, and their politicians, because it means that while they are elected by their people they are accountable to the department of Aboriginal Affairs and Northern Development of Canada. Their preference would be to change to a system where the governing leaders are elected and accountable to their people. Such models do exist and the communities with self-government agreements have done well in terms of the nation building process.

Self-identification: Self-identification refers to the voluntary, confidential, self-described declaration of Aboriginal identity.

Self-reliance: A key objective of Aboriginal Peoples. They want the ability to participate in the political, and more importantly, the economic mainstream without having to rely on federal funding to meet their community needs. In addition to business opportunities, they also want to get into the realm of taxes, royalties and revenue sharing on land developments which are viewed as key to the self-reliance puzzle.

Surrender, SEPA

TEK and Traditional Territory

Surrender: A formal agreement that confirms the conditions and terms when a First Nation exchanges part of its territory for equitable compensation.

Socio-Economic Participation Agreement (SEPA): A synonym for Impacts and Benefits Agreement.

Traditional Ecological Knowledge (TEK): “TEK” broadly describes systems for understanding one’s environment, based on detailed personal observation and experience, and informed by generations of elders. TEK is recognized and used around the world as an important environmental assessment tool.

Traditional Territory: The geographic area identified by a First Nation to be the area of land which they and/or their ancestors traditionally occupied or used.

Treaty and Treaty Rights

Treaty Settlement land and Tribal Council

Treaty: An agreement between government and a First Nation that defines the rights of Aboriginal Peoples with respect to lands and resources over a specified area, and may also define the self-government authority of a First Nation. Modern treaties, once ratified, become part of the law of the land.

Treaty Rights: Rights specified in a treaty. Rights to hunt and fish in traditional territory and to use and occupy reserves are typical treaty rights. This concept can have different meanings depending upon the context and perspective of the user. Treaty rights are constitutionally recognized and affirmed; the terms of treaties take precedence over the other laws and policies in Canada.

Treaty settlement land: The area of land that is part of a treaty and is therefore owned and managed by the First Nation that negotiated the Treaty.

Tribal Council: Not defined under the *Indian Act*, a Tribal Council usually represents a group of bands to facilitate the administration and delivery of local services to their members.

Urban Reserve

Usufructuary Rights

Urban reserve: There are two types of urban reserves: one is a reserve that was rural but became urban when a neighboring town expanded around them. An example is the Musqueam Reserve in Vancouver. The second type of reserve is created when a First Nation acquires a block of land in a city and works through the process of acquiring reserve status for the land.

Usufructuary Rights: Communal or community rights to share in the use of property. This concept has been used by the courts in attempting to distinguish between Crown title and Aboriginal title.

Thank you for your interest!

It is our hope that by learning more about the terms associated with Indigenous Peoples, you will be more comfortable in your personal and professional capacity, and in your day-to-day interactions with Indigenous Peoples.

If you have more questions than answers you may want to take one of our courses to get more proficient.

Gilakasla!

Bob & Cindy Joseph

ICT Training



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September 20, 2016

Ref: 168984

Mark Aston
 Chair
 Salt Spring Island Incorporation Study Committee
 664 Beddis Road
 Salt Spring Island, BC V8K 2E5

Dear Chair Aston:

I am pleased to write to you to provide a commitment of restructuring assistance to the Salt Spring Island Incorporation Study Committee on behalf of the Salt Spring Island community.

I understand that the Committee is engaging with the public on a final incorporation study which will examine the potential impacts of incorporating a new municipality for Salt Spring Island. Because of the timeline for completion of the study, I have decided to provide the provincial commitment of restructuring assistance now so that the community will be aware of the transitional funding available to assist in moving from a rural governance community to an island municipality.

The total amount of the restructure assistance commitment for Salt Spring Island, in the event that electors approve island incorporation, is nearly \$20 million for transition and implementation.

Transitional and Implementation Assistance Summary

Ministry of Community, Sport and Cultural Development		
Per-capita grant (est. 10,234 residents)	\$300 per capita	\$ 3,070,200
Restructure implementation grants		\$ 240,000
Ministry of Transportation and Infrastructure		
Annual road maintenance costs (272 km road network, 5 years)	\$1.14M annually	\$ 5,700,000
Annual line marking (5 years)	\$20,000 annually	\$100,000
Capital road rehabilitation – Fulford-Ganges Road		\$ 5,000,000
Capital road rehabilitation – Walkers Hook Road stabilization		\$ 1,000,000
Ministry of Public Safety and Solicitor General		
Annual police costs (5 years)	\$0.55M annually	\$ 2,755,000
Ministry of Finance		
Rural Tax Rebate	50% or 100% (shown at 100% for illustration)	\$ 1,950,000
Total Provincial Transitional Assistance		\$ 19,815,200

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Ministry of Community,
 Sport and Cultural Development and
 Minister Responsible for TransLink

Office of the Minister

Mailing Address:
 PO Box 9056 Stn Prov Govt
 Victoria BC V8W 9E2
 Phone: 250 387-2283
 Fax: 250 387-4312

Location:
 Room 310
 Parliament Buildings
 Victoria BC

www.gov.bc.ca/cscd

In the event a vote is held, and the electorate of Salt Spring Island approves island incorporation in such a vote, and Cabinet agrees to incorporate the island, the Government of British Columbia is committed to providing the new municipality with the restructuring assistance described in this letter.

In addition, if established the new municipality would also qualify for a range of conditional and unconditional grants. The estimated value of annual grants available to a Salt Spring Island municipality is \$875,855.

Annual Grant Summary

Ministry of Community, Sport and Cultural Development	
Small Community Grant	\$ 362,255
Traffic Fine Revenue Sharing	\$ 113,600
Renewed Gas Tax Agreement	\$ 400,000
Total Annual Grants	\$ 875,855

1. Municipal Restructure Assistance (Per Capita Grant)

If a new island municipality is incorporated, the Ministry of Community, Sport and Cultural Development (MCSCD) will provide a Restructure Assistance Grant for the new municipality pursuant to the *Local Government Grants Act* and Regulation. The amount of this Restructure Assistance Grant will be \$200 per capita based on the population of the island. This amount is higher than the current standard of \$150 per capita for municipal restructuring and it matches the amount offered by the Government to Salt Spring Island in 2000.

At the same time, I recognize the Committee’s concern with both the condition of the local road network and lack of suitable office space in one location for a municipal administration, and I am prepared to offer an additional \$100 per capita to seed a reserve fund for one or both purposes. While the Restructure Assistance Grant is discretionary, I would urge the new municipal council to establish a reserve fund (or funds) with the additional monies, which would total just over \$1 million within the five year time frame for transitional assistance.

This brings the total amount of the Restructure Assistance Grant to \$300 per person, which is the maximum amount allowable under the legislation. The following table illustrates the estimated amount of the Grant, based on the population of 10,234 from the 2011 Canada Census, to be paid over a five-year period. Please note that the exact amount of the Restructure Assistance Grant will be based on the population as determined from the 2016 Census, supplemented, if necessary, by a further local population enumeration.

Population	Per capita amount	Total	Per Capita Grant Payment Schedule by Fiscal Year				
			2016/17	2017/18	2018/19	2019/20	2020/21
10,234	\$200	\$2,046,800					
10,234	\$100	\$1,023,400	(potential capital reserve fund/s)				
			2016/17	2017/18	2018/19	2019/20	2020/21
	TOTAL	\$3,070,200	\$614,040	\$614,040	\$614,040	\$614,040	\$614,040

2. Ministry of Transportation and Infrastructure: Road Network Assistance

The Ministry of Transportation and Infrastructure (MoTI) normally continues to maintain local roads and bridges through its existing maintenance contractor for a five year period from the date of incorporation, or until the maintenance contract ends. If the maintenance contract ends before completion of the five year transitional period, a cash payment of equivalent value is typically offered by MoTI to the new municipality.

The current Provincial maintenance contract will expire in 2019, at which time MoTI will provide the municipality with the remaining (road maintenance) equivalent value based on the date of incorporation. The Island's road network is comprised of approximately 272 kilometres of roads, and the annual projected road maintenance costs are about \$1,140,000 annually, or \$5.7 million over five years.

MoTI has confirmed that Salt Spring Island has no eligible arterial roads. However, in addition to the standard five years road maintenance described above, MoTI has determined that capital road rehabilitation will also be provided as follows:

- Complete resurfacing of approximately 13 km of Fulford Ganges Road between Ganges Village and the ferry terminal, including a 1.2 m shoulder (estimated at \$5 million);
- Complete mitigation of the slope stability issues on Walkers Hook Road (estimated at \$1 million), and;
- Provide financial assistance to the new municipality to resolve the outstanding road tenure issue on Beddis Road, should this issue not be resolved prior to incorporation.

It is important to note that as a result of the recently completed road condition assessment report, MoTI will accelerate the resurfacing of Fulford Ganges Road which was outside of its five year rehabilitation plan. Slope mitigation of Walkers Hook Road is scheduled for the latter part of the five year transition period. In addition to the capital road rehabilitation, MoTI will also provide an annual contribution of \$20,000 towards line markings – thermoplastic and long lines – for five years (estimated at \$100,000).

The total amount of restructure assistance from MoTI is \$11.8 million. This is an extraordinary commitment of restructuring assistance; capital road rehabilitation has not been provided to a new municipality since MoTI's capital assistance program was cancelled in 1996.

3. Ministry of Public Safety and Solicitor General: Police Service Cost Assistance

Municipalities with a population of 5,000 or over - as confirmed by a Canada Census - are responsible for providing policing within their jurisdiction. If Salt Spring Island electors approve island incorporation, the first applicable Census for the new municipality would occur in 2021. Police services would continue to be provided by the RCMP Provincial Force until April 1, 2022, at which the newly incorporated municipality would enter into a Municipal Police Use Agreement (MPUA). At that time, the municipality will be responsible for 70 percent policing costs, including accommodation for the municipal detachment, civilian support staff, prisoner expenses and the direct cost of police officers.

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Once the MPUA is in place, a Salt Spring Island municipality would cease to be policed by the Provincial Force and the Ministry of Public Safety and Solicitor General (MPSSG) will provide the municipality with the equivalent value of the police cost deferral for the remainder of the five year transitional period based on the date of incorporation.

In 2007, the MPSSG introduced a police tax for rural areas and small municipalities and it is necessary to account for this initiative in the provision of police costs assistance to support the potential restructure. Until the MPUA takes effect, the Province will continue to recover the full rural police tax from the taxpayers of the new municipality in the same manner as other municipalities that are policed by the Provincial Force.

At current expenditure levels, the total amount of restructuring assistance from MPSSG would be at least \$551,000 annually, or \$2.75M over five years. This commitment will give the new municipality a significant benefit of police costs assistance for an extended period.

4. Provincial Rural Tax Refund

The new municipality will be entitled to receive an amount based on the Province's revenues under the *Taxation (Rural Area) Act* for the year during which the incorporation is implemented. The Minister of Finance pays an amount equivalent to 100 percent of that revenue if the date of incorporation is effective before July 1, or an amount equivalent to 50 percent of that revenue if the date of incorporation is after June 30 in any year. For 2016, the gross General Rural Property Taxes levied on Salt Spring island taxpayers was \$1.95 million.

5. Restructure Implementation Grants

If Salt Spring Island electors approve incorporation, MCSCD will provide Restructure Implementation Grants for a range of tasks associated with the incorporation of a new municipality as described below.

- *Election Administration* - If the electorate approves island incorporation, a grant of \$50,000 will be provided to the Capital Regional District to cover the costs of the election of the first municipal council of the new island municipality.
- *Interim Administration* - MCSCD will also provide resources to cover the costs of an Interim Corporate Officer (appointed by the CSCD Minister) to manage the start-up and establish ongoing administration for the new municipality. The estimated amount of this grant is \$100,000 and is paid via a contract for services.
- *Integration of Local Service Delivery* – I recognize the importance of integrating local service delivery through a single on-island administration, including an infrastructure planning framework, and will provide resources to enable the new municipal council to develop its priorities. A grant of up to \$40,000 will assist the municipality for this purpose.

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- *Improvement District Conversion* - In accordance with the MCSCD Improvement District Conversion Guide, grants totalling \$35,000 will be paid to the new municipality upon incorporation for the respective dissolutions of the North Salt Spring Waterworks District and Salt Spring Island Fire Protection District to assist with the administrative costs of the service transfers. The other three, smaller improvement districts may not be dissolved for three years; however, when dissolution takes place, a further total of \$15,000 would be paid to the municipality to assist with the costs of the service transfers.

Combined, these Restructure Implementation Grants represent a substantial commitment of \$240,000 to assist with the costs of the transition to municipal status.

6. Financial Transfer Programs (Annual Local Government Grant Funding)

There are several programs that will provide annual revenues for the new municipality, briefly reviewed below. The main objectives of the Financial Transfer Programs are to ensure the financial viability of smaller municipalities and provide affordable infrastructure.

Small Communities Grant (SCG) - municipalities with a population between 5,000 and 18,000 receive a grant based on a formula that accounts for population and property assessments. Based on the estimated population and assessments for a new Salt Spring Island Municipality, the estimated SCG is \$362,255.

In the first year of incorporation, a municipality will receive a pro-rated SCG based on the incorporation date. Should a municipality incorporate in fall, the SCG would be approximately 1/3 of the estimated amount noted above. In the first full calendar year after incorporation, and in subsequent years, the municipality will receive the full SCG annually, pursuant to the Local Government Grants Regulation.

Traffic Fine Revenue Sharing (TFRS) program - The new island municipality will be eligible to receive funds from TFRS. Under this program, 100 percent of net Provincial traffic fine revenues are shared with municipalities responsible for providing police services. Eligibility for the municipality to receive funds from this program is based on actual policing costs. Therefore, the TFRS program will provide annual revenue to the new municipality once it has assumed responsibility for policing. An estimate of the grant is \$113,600.

Federal-Provincial-Union of British Columbia Municipalities Program - commonly referred to as the "Renewed Gas Tax Agreement," this program will be another important revenue source for the new municipality. Following incorporation, the island municipality would be eligible to sign the *Gas Tax Community Works Fund* agreement. This agreement provides each signatory annual funding based on a per capita formula with a funding floor. The funding floor is \$50,000 to which the per capita amount is added. An estimate of the CWF grant is approximately \$400,000.

In summary the annual grants (totalling \$875,855) available to a Salt Spring Island municipality (in addition to transitional assistance) follow:

- Small Community Grant; estimated at \$362,255
- Traffic Fine Revenue Sharing; estimated at \$113,600 and
- Renewed Gas Tax Agreement; estimated at \$400,000.

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Impact of Incorporation on Current Service Providers

I recognize that there may be some transitional issues that the Capital Regional District and the Islands Trust may need to address in relation to their respective services, and other matters, if incorporation proceeds. While the precise nature of this work is not yet defined, it is important for the Committee to know that I am willing to work with and provide modest support, as feasible within overall budget limitations, to both the Capital Regional District and Islands Trust during transition from rural governance to an island municipality.

Process, Timing and Vote

With this commitment of restructuring assistance in place, and engagement with the public under way, the Committee is approaching the point of determining whether to recommend proceeding to a vote.

I recognize that this is not an easy decision for the Committee; however, it is important to acknowledge that a recommendation to proceed with an incorporation vote does not imply that the Committee supports the potential restructure. Rather, the Committee's role is to consider whether the concept of incorporation is of sufficient interest and importance to the community that electors should be given the opportunity to approve or reject that concept in a vote.

The timing for the remainder of the study process will be somewhat dependent on the timing of the Committee's recommendation to proceed with a vote — if, in fact, that turns out to be the Committee's recommendation — and completion of Provincial consultation with other ministries and stakeholders.

If a vote is to be held, MCSCD normally requires eight to ten weeks between the Minister's Order for the referendum and the date of the vote. If the vote were to be successful, an Order in Council (OIC) and Letters Patent incorporating the municipality would require Cabinet approval. Once approved, Letters Patent would authorize an inaugural election for the first municipal council prior to the incorporation date.

The OIC and Letters Patent would also initiate a number of sequential events to ensure that:

- an elected council and interim corporate officer is in place prior to the incorporation and inaugural council meeting;
- jurisdiction for services is transferred to the new municipality;
- current service providers continue to deliver services under the jurisdiction of the municipality for a transitional period; and
- the North Salt Spring Waterworks District and Salt Spring Island Fire Protection District are dissolved and transferred to the municipality upon incorporation.

There are several factors that would go into determining an appropriate schedule for vote and, if endorsed, incorporation. These include currency of the incorporation study findings relative to the vote date, conclusion of consultations with First Nations and discussions with affected service providers, and sufficient duration of the inaugural council's term of office to manage the first steps in establishing a new municipal administration.

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As a guide only for a suggested timetable, I am aware that the earliest possible opportunity for a vote would be February 2017. In light of the necessity of preparing for the election of a municipal council, the earliest reasonable time frame for incorporation would be November 2017. This would provide the inaugural council a single year before the general local election in October 2018.

Conclusion

I am very pleased to be able to make this commitment of restructuring assistance to the Salt Spring Island community. I believe the commitment is fair and reasonable and provides a generous degree of support that recognizes the significance of the potential incorporation. The total estimated value of the assistance described in this letter is almost \$20 million, which is an extraordinary commitment to the Salt Spring Island community if incorporation vote were endorsed by the electors.

Sincerely,



Peter Fassbender
Minister

pc: The Honourable Mike Morris, Minister of Public Safety and Solicitor General
The Honourable Todd Stone, Minister of Transportation and Infrastructure
Her Worship Mayor Barbara Desjardins, Chair, Capital Regional District
Wayne McIntyre, Director, Salt Spring Island Electoral Area, Capital Regional District
Peter Luckham, Chair, Islands Trust Council
George Grams, Trustee, Islands Trust
Peter Grove, Trustee, Islands Trust
Lisa Godenzie, Director, RCMP Contract, Policing and Security Branch, Ministry of Public Safety and Solicitor General
Janelle Erwin, Regional Deputy Director, South Coast Region, Vancouver Island District Office, Ministry of Transportation and Infrastructure
Marijke Edmondson, Director, Governance and Structure Branch

From: saanichinletprotectionsociety [mailto:saanichinletprotectionsociety@gmail.com]
Sent: Wednesday, September 21, 2016 9:50 AM
Subject: Saanich Inlet Roundtable 13 October 2016

Hello Everyone,

Thank you for attending and participating in the Saanich Inlet Roundtable Meetings. Valuable work has come from these Roundtables and there is still much to do. The next Saanich Inlet Roundtable meeting and location has been confirmed.

When: Thursday, October 13th from 2:00 to 4:30pm
Where: The SHOAL Centre, 10030 Resthaven Drive, Sidney, B.C.

The Municipality of North Saanich is hosting and the facilitator will be Alan Dolan of Alan Dolan & Associates. A draft agenda will be out shortly, and the following items are tentative agenda items. Please note that these are tentative and may change. If you would like to suggest any further matters or agenda items, please reply to this email.

1. Legal Framework for LNG Facilities.
2. Progress on creating the Salish Sea National Marine Conservation Area.
3. Management of the marine environment of Brentwood Bay.
4. Status of Federal government involvement.
5. Expansion and reactivation of Bamberton Quarry Site.

If you have any questions or concerns, please contact this email address.

Thank you and we look forward to your attendance.



September 21, 2016

Ref: 168782

Mr. Peter Luckham
and Councillors
Islands Trust
200 - 1627 Fort Street
Victoria, BC V8R 1H8



Dear Chair Peter Luckham and Councillors:

On behalf of the joint Provincial-Union of British Columbia Municipalities (UBCM) Green Communities Committee (GCC), we would like to extend our congratulations for successfully achieving your goal of corporate carbon neutrality for the 2015 reporting year.

As a signatory to the Climate Action Charter, you have demonstrated your commitment to work with the Province of British Columbia and UBCM to take action on climate change and to reduce greenhouse gas emissions in your community and corporate operations.

The work that local governments are undertaking to reduce their corporate emissions demonstrates significant climate leadership and sets the stage for broader climate action in the community. With the recent release of the B.C. Climate Leadership Plan, your leadership and commitment continues to be essential to building on progress already made and ensuring the achievement of our collective climate action goals. For more information about B.C.'s Climate Leadership Plan, please go to: <https://news.gov.bc.ca/releases/2016PREM0089-001501>.

The GCC was established under the Charter to support local governments in achieving their climate goals. In acknowledgement of the efforts of local leaders, the GCC is again recognizing the progress and achievements of local governments such as yours through the multi-level Climate Action Recognition Program. A description of this program is enclosed for your reference.

As a Charter signatory who has achieved Level 1 and Level 2 recognition, and additionally met the goal of corporate carbon neutrality for the 2015 reporting year, you have been awarded Level 3 recognition – 'Achievement of Carbon Neutrality'.

In recognition of your significant achievements, the GCC is very pleased to provide you with carbon neutral branding for use on websites and letterheads. An electronic file with the 2015 logo will be provided to your Chief Administrative Officer. Also enclosed is a 2015 Climate Action Community Carbon Neutral window decal, for use on public buildings.

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GCC Communiqué on the Climate Action Recognition Program

B.C. local governments continue to play a critical role in reducing GHG emissions across the province. In acknowledgment of the ongoing efforts of local leaders, the joint Provincial-UBCM Green Communities Committee (GCC) is pleased to be continuing the Climate Action Recognition Program for B.C. local governments for the 2015 reporting year. This is a multi-level program that provides the GCC with an opportunity to review and publicly recognize the progress and achievements of each Climate Action Charter (*Charter*) signatory.

Recognition is provided on an annual basis to local governments who demonstrate progress on their *Charter* commitments, according to the following:

Level 1: Progress on Charter Commitments

All local governments who demonstrate progress on fulfilling one or more of their *Charter* commitments will receive a letter from the GCC acknowledging their accomplishments.

Level 2: Measurement

Local governments who achieve Level 1 recognition, have completed a corporate carbon inventory for the reporting year, and demonstrate that they are familiar with the Community Energy and Emissions Inventory (CEEI) will receive a 'Climate Action Community 2015' logo, for use on websites, letter head and similar.

Level 3: Achievement of Carbon Neutrality

Local governments who achieve Level 1 and Level 2 recognition and achieve carbon neutrality in the reporting year will receive a 'Climate Action Community – Carbon Neutral 2015' logo, for use on websites, letter head and similar.

To be eligible for this program, local governments will need to complete a Climate Action Revenue Incentive Program (CARIP) Climate Action/Carbon Neutral Progress Survey and submit it online to the Province in accordance with the program guidelines. Determination of the level of recognition that each community will receive will be based on the information included in each local government's annual CARIP report. Additional information on CARIP reporting is available online at: www.cscd.gov.bc.ca/lgd/greencommunities/carip.htm.

From: Minister of Transport <TC.MinisterofTransport-MinistredesTransports.TC@tc.gc.ca>
Date: September 29, 2016 at 7:51:18 AM PDT
To: "pluckham@islandstrust.bc.ca" <pluckham@islandstrust.bc.ca>
Subject: **Proposal to establish new commercial anchorages off Gabriola Islands**

Mr. Peter Luckham
Chair
Islands Trust Council
pluckham@islandstrust.bc.ca

Dear Mr. Luckham:

Thank you for providing me with a copy of your correspondence of June 21, 2016, to the Prime Minister regarding the proposal to establish new commercial anchorages off Gabriola Islands. Please accept my apology for the delay in replying.

As a trading nation, Canada needs a safe, secure, efficient and environmentally sustainable marine transportation system. This system includes anchorages that are inherent to efficient shipping and navigation. This requirement is particularly critical in the west coast to support ongoing increases in trade with Asia-Pacific countries.

As you may be aware, Transport Canada has embarked on the development of a long-term agenda for the future of transportation in Canada, which includes a particular emphasis on Canada's marine transportation system. The engagement of coastal communities in this process is vital. To that end, a dedicated website has been launched where every citizen and community group such as yours can submit their ideas. Comments can be submitted by visiting <http://www.letstalktransportation.ca/marine>.

Thank you for writing.

Yours sincerely,

The Honourable Marc Garneau, P.C., M.P.
Minister of Transport



PART 1 - Executive Committee Work Program Top Priorities

Project No ¹	Top Priority No	Description	Date Initiated ²	Origin ³	Summary of Activity to Date ⁴	Owner	Target Completion Date	Status	SP ⁵	PS ⁶	ToR ⁷
TC Prep, Strategic Planning, Org. Improvements, TC Policy & Bylaw Development, Management Liaison, Governance(EXEC)											
EX-15-05	1	CAO Transition Planning/Orientation	2015 05		2016 01 15 Initial orientation complete 2015 11 initial orientation planning underway	LA/RH	June 2016	Complete	N	N	Y
EX-15-02	2	Islands Trust Transition Plan and Adaptation Strategy	2015 06 25	TC	2016-5-9 Agreement with Urban Systems for update of Impact Study 2015 12 08 TC approved (in principle) Principles and Objectives for Adaptation Strategy 2015 12 09 Draft Annotated ToC and Charter to TC 2015 12 01 Meeting with CRD staff 2015 11 18 Draft ToC and Charter to FPC 2015 11 05 Draft ToC provided to ministry 2015 10 21 Draft Table of Contents (ToC) prepared for EC comment 2015 10 20 Council workshop report completed 2015 09 15 Council workshop/ministry discussions 2015 08 19 Briefing and Council Session prepared 2015 07 Mgmt Team discussions 2015 06 25 TC resolution	RH	June 2016	In progress	Y	N	Y

¹ Numbered chronologically by group, year and next consecutive number

² Date of originating resolution – in the case of policy, provide date of policy

³ TC=Trust Council; EC=Exec Committee; R=resolution; P=policy; ITA=Islands Trust Act; L=litigation/legal

⁴ Summarize activity to date, in reverse chronological order

⁵ SP = Referenced in current Trust Council Strategic Plan

⁶ PS = Referenced in *Islands Trust Policy Statement*

⁷ ToR = Consistent with Executive Committee Terms of Reference of policy assignments

BOLD = non-discretionary (required by litigation, legislation or Trust Council policy)

Project No ¹	Top Priority No	Description	Date Initiated ²	Origin ³	Summary of Activity to Date ⁴	Owner	Target Completion Date	Status	SP ⁵	PS ⁶	ToR ⁷
					2015 06 04 Draft RFD to Trust Council 2015 05 01 Initial research re consultants 2015 04 22 Meeting scheduled with J. Schlosar to discuss 2015 03 Letter received from J. Schlosar						
EX-15-04	3	Amend Provincial Protocol re municipal incorporation	2015 06 25	TC	2016-5-4 Receipt of amendments from MCSCD 2015 09 Briefing to TC and BIM 2015 08 17 Draft amendments sent to MCSCD for review 2015 07 Discussions with ministry staff 2015 06 RFD to TC to initiate amendment process	RH	May 2016	complete	Y	N	Y
Communications, Advocacy, Policy Statement, Protocols, Inter-agency and Public Relations (TAS)											
	1	2015-2016 Annual Report		IT Act	Trust Council approval received. Now with graphic designer. Send to Minister.		Aug-2016 Oct 2016	In progress			
TA-12-01	2	Propose revisions to the protocol agreement and letters of understanding with the Province of British Columbia relating to interests in Crown Land.	2012-04-12 2014-06-19	EC TC	2016-07-28 Meeting held with BIM, LPS, TAS, CSCD and FLNRO 2016-06-09 TAS meeting with FLNRO 2016-05-03 LPS meeting with FLNRO 2015-06-01 TPC approved project charter 2015-04 BC, BIM and IT staff agree on draft project charter 2015-03 BIM agrees on involvement. FLNRO, BIM & IT Staff meet to complete project charter. 2015-02 TPC added to work program 2014 09 10 TC received RFD and added this topic to the strategic plan. 2014 06 TC asked EC to review resources needed to review protocol agreements/letters of understanding with the Ministry of Forests, Lands and Natural Resource Operations.	LG	Draft to BIM and Trust Council in 2016	In Progress	Y	N	Y
TA-14-03	3	Oil spill and shipping safety advocacy	2014 04	TC	<i>2016-08-17 Presentation to EC from Clear Seas</i> <i>2016-08-19 Chair presentation to Ministerial Panel for Trans Mountain</i>	LG	2018	In progress	Y 2.3 3.1	N	Y

Project No ¹	Top Priority No	Description	Date Initiated ²	Origin ³	Summary of Activity to Date ⁴	Owner	Target Completion Date	Status	SP ⁵	PS ⁶	ToR ⁷	
					<p><i>Pipeline Expansion Project</i></p> <p>2016-06 Trust Council marine shipping session, followed by letters to Prime Minister and Minister of Transportation</p> <p>2016-04 Drafted Chair letter supporting Particularly Sensitive Sea Area nomination for Salish Sea and sponsor workshop</p> <p>2016-04-08 AVICC resolution approved</p> <p>2016-04-11 - Chair presented re Government and Community Engagement at the Clear Seas workshop on Decision Making for Maritime Traffic Monitoring & Modelling. Policy Advisor to attend.</p> <p>2016-04-08 Vice-Chair Grams attended WESTAC Roundtable on West Coast Marine Spill Prevention, Preparedness & Response Capacity</p> <p><i>Deleted all prior tasks on April 21, 2016</i></p>							
Administration (ADMIN)												
		n/a										
LTC Assistance (LPS)												
	1	First Nations Relationship Building	2016-09-14	EC	Development of a Project Charter for Reconciliation Principles	DM	Ongoing	In progress	Y	N	Y	
Legislative Services, Procedures, Administrative Fairness (LS)												
LS-15-02	1	TC electronic meeting procedures	2015 09	TC	2016 03 22 Presentation to Trust Council re considerations for bylaw amendments; 2016 05 18 RFD to EC re TC meeting procedures bylaw amendment proposal	CT	Dec 2016	In progress	Y	N	Y	

Project No ¹	Top Priority No	Description	Date Initiated ²	Origin ³	Summary of Activity to Date ⁴	Owner	Target Completion Date	Status	SP ⁵	PS ⁶	ToR ⁷
LS-15-01	2	Staff support to CAOHC	2015 05	EC	2015 11 25 Briefing to EC re options; Meeting minutes and agendas for CAOHC meetings	CT	June 2016	Complete	N	N	Y

PART 2 - Executive Committee Work Program Long List

Project No	Long List Priority No	Description	Date Initiated	Origin	Summary of Activity to Date	Owner	Target Completion Date	Status	SP	PS	ToR
TC Prep, Strategic Planning, Org. Improvements, TC Policy & Bylaw Development, Management Liaison, Governance(EXEC)											
EX 12	4	Litigation Defence	2012	TC/EC	2015 11 Ongoing instructions to counsel re Ellis/Stoneman 2015 09 Instructions to counsel re Ellis/Stoneman and re Channel Ridge 2015 09 Instructions to counsel re Ellis/Stoneman 2015 09 Instructions to counsel re Channel Ridge 2015 08 18 Meeting with legal counsel re Channel Ridge claim 2015 08 Instructions to legal counsel re Channel Ridge claim 2012 -2015 Convey instructions to lawyers, communications (weekly input)				N	N	Y
EX-12-01	5	Seek legislative change regarding TFB name change	2012 09 12	TC-R	2015 11 03 Meeting with Minister 2015 06 29 Seek status from ADM 2015 05 12 EC Meeting with ADM 2015 03 26 Draft outline prepared re ADM meeting 2015 02 04 EC to seek meeting with ADM 2014 09 10 several minister meeting requests made – no response 2014 08 27 Minister meeting request completed 2014 07 21 CAO mtg with ADM 2014 05 30 Advice sought re timing of minister meeting 2013 09 10 Chair letter to Minister	RH	2015	On hold	Y 1.4.1	N	Y

Project No	Long List Priority No	Description	Date Initiated	Origin	Summary of Activity to Date	Owner	Target Completion Date	Status	SP	PS	ToR
					2013 Chair letter to Minister 2012 Initial discussion with ministry staff						
EX-14-01	6	Trust Council and Executive Committee orientation programs	2014 02 04	EC	2015 08 05 EC review of own orientation schedule and materials 2015 06 15 EC review of own orientation schedule 2015 05 13 Chair training session finalized 2015 03 26 Briefing to EC re Chair training session 2015 03 10-12 Orientation re community planning, strategic planning, First Nations, ethical conduct 2015 03 Finalize toolkits and print/distribute 2015 02 04 EC orientation discussions and finalize toolkits 2015 01 27-29 LGLA sessions 2015 01 26 EC orientation schedule revised 2015 01 23 EC orientation toolkits finalized 2014 12 19 EC orientation materials and schedule developed 2014 12 3 Trust Council orientation 2014 11 13 Final TC orientation materials prepared 2014 10 18 EC review of draft TC orientation materials 2014 10 07 EC review of TC, EC and Planning Team orientation schedules 2014 08 12 EC review of past orientation materials and trustee feedback 2014 07 29 EC endorsement of development schedule 2014 07 29 EC review of orientation development schedule 2014 02 04 EC review of 2011 TC orientation schedule and trustee evaluations						
EX-14-02	7	Manage Hwlitsum litigation case	2014 11 10	L	2015 11 on-going instructions to Counsel 2015 07 06 Instructions to Counsel	RH	2015 04	In progress	N	N	Y

Project No	Long List Priority No	Description	Date Initiated	Origin	Summary of Activity to Date	Owner	Target Completion Date	Status	SP	PS	ToR
					2015 05 Verbal update to TFB 2015 04 01 Verbal update to EC 2015 01/03 Instructions to lawyer 2014 12 05 Update to Trust Council 2014 11 12 Legal advice sought						
EX-12-06	8	Documentation about prep of RFDs and briefings	2012 12 08	EC-R	2014 08 06 Staff workshop held	RH	2015	Delayed by other priorities	N	N	Y
EX-15-05	9	Provide advice about amendments to Policy 2.2.1 (RFDs)	2015 02 15	EC-R		RH	2016	Not started	N	N	Y
EX-12-05	10	Policy/procedures regarding litigation defence	2012 12 08	EC-R		RH	2016	Not started	N	N	Y
EX-16-01	11	<i>Investigate the possibility of amendments to the Islands Trust Act to broaden the Islands Trust's ability to serve its communities and to strengthen its mandate to preserve and protect</i>	2016 05 18	SSILTC/EC		RH	2016	Not started	N	N	Y
Communications, Advocacy, Policy Statement, Protocols, Inter-agency and Public Relations (TAS)											
		n/a									
Administration (ADMIN)											
		n/a									
LTC Assistance (LPS)											
EX-16-03	2	<i>Rural status for southern LTC grant eligibility</i>	2015-11-02	EC	2016: staff to review and report back on options for legislative change 2016-03-09 – Briefing to EC 2015-11-25 – TAS Verbal advice to EC	DM (w CF)	2016	In progress	N	N	Y
LT-12-02	3	Review and report on process for development of RD/LTC protocol agreements	2012 08 12	EC	Work to begin in July and complete for August EC meeting.	DM		Not started	N	N	Y
LT-12-04	4	Provide advice re application sponsorship policy re sponsorship of gov. bodies	2012 11 20	EC		DM		Not started	N	N	N
LT-12-03	5	Review and report on provincial process regarding tenure referrals	2012 08 12	EC		DM		Not started	N	N	N
Legislative Services, Procedures, Administrative Fairness (LS)											
EX 12-04	3	Improve policy and procedure development process	2012 12 08	EC-R	2016 04 – Directors to review anomalies in policies which came to light as a result of updating numbering, etc. 2015 08 to 2015-09 Existing numbering in policies updated along with position	CT	2016	In progress	N	N	Y

Project No	Long List Priority No	Description	Date Initiated	Origin	Summary of Activity to Date	Owner	Target Completion Date	Status	SP	PS	ToR
					titles and references to ministries; and cross references checked to be in line with new scheme 2015 09 PPMRT meeting 2015 07 PPMRT meeting 2014 10 16 – Policy and Procedures Manuals Review Team (PPMRT) meeting. New Table of Contents and New template for operational procedures in development. 2014 09 Mgmt team meeting – new Table of Contents developed for integrated policy and procedures manual 2014 07 Mgmt team review of procedure manual 2014 06 20 2 nd draft of policy development framework prepared 2013 08 27 First draft of policy development framework prepared 2013 04 staff training plans started 2013 04 internal discussions and research						

Notes:

1. Tasks assigned by Trust Council, either by resolution (R) or policy (P) (e.g. Annual Report development) should normally appear as the highest priority projects from the date of initiative until complete, unless variance approved by EC resolution.
2. Cyclical tasks with defined deadlines (i.e. Preparation of Trust Council agenda package or orientation materials) will occasionally displace discretionary projects.