



Executive Committee Agenda

Date: Wednesday, January 18, 2017
Time: 8:45 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1 Introduction of New Items	
2.2 Approval of Agenda	
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3. ADOPTION OF MINUTES	
3.1 November 23, 2016	6 - 13
3.2 December 6, 2016	14 - 15
4. FOLLOW UP ACTION LIST AND UPDATES	
4.1 Follow Up Action List	16 - 19
4.2 Director/CAO Updates	
4.3 Local Trust Committee Chair Updates	
5. BYLAWS FOR APPROVAL CONSIDERATION	
5.1 North Pender Island Local Trust Committee Bylaw No. 203 (OCP Amendment), Bylaw No. 204 (LUB Amendment) and Bylaw No. 205 (Fees Amendment) THAT the Islands Trust Executive Committee approves Bylaw 203 cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016." THAT the Islands Trust Executive Committee approves Bylaw No. 204, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016." THAT the Islands Trust Executive Committee approves Bylaw No. 205, cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment Bylaw No. 1, 2016".	20 - 61

5.2	Galiano Island Local Trust Committee Bylaw No. 233 (OCP Amendment), Bylaw No. 234 (LUB Amendment) and Bylaw No. 261 (Housing Agreement)	62 - 125
	THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 233 cited as "Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011" in accordance with Section 27 of the Islands Trust Act.	
	THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 234 cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011" in accordance with Section 27 of the Islands Trust Act.	
	THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 261 cited as "Galiano Island Housing Agreement Bylaw No. 261" in accordance with Section 27 of the Islands Trust Act.	
5.3	Thetis Island Local Trust Committee Bylaw No. 97 (LUB Amendment)	126 - 143
	THAT the Islands Trust Executive Committee approve the Thetis Island Local Trust Committee Bylaw No. 97 cited as the "Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2015", under Section 24 of the Islands Trust Act.	
5.4	Salt Spring Island Local Trust Committee Bylaw No. 493 (OCP Amendment)	144 - 171
	THAT the Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 493, cited as "Piers Island Official Community Plan Bylaw, 1980, Amendment No. 1, 2016" under Section 24 of the Islands Trust Act.	
5.5	Bowen Island Municipality Bylaw No. 425	172 - 183
	THAT the Islands Trust Executive Committee approve Bylaw 425, cited as "Bowen Island Municipality Official Community Plan Bylaw No. 282, 2010, Amendment Bylaw No. 425, 2016".	
	THAT the Islands Trust Executive Committee request Staff to advise Bowen Island Municipality of the decision before February 10, 2017.	
6.	TRUST COUNCIL MEETING PREPARATION	
6.1	Post December Trust Council Joint Session	
	6.1.1 December Trust Council Minutes	184 - 197
	6.1.2 Roundtable	
	6.1.3 Trustee Comments / Feedback	
6.2	March Trust Council – Preliminary Schedule	198 - 198
6.3	Trust Council Follow Up Action List	199 - 203
6.4	Continuous Learning Plan	204 - 209
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 Chair's Report on Local Advocacy Topics	

8.1.2	2017 AVICC/UBCM resolutions - RFD	210 - 215
	THAT the Executive Committee direct staff to draft a resolution and backgrounder on _____ for submission to the Association of Vancouver Island and Coastal Communities 2017 convention for Executive Committee's consideration on February 15, 2017.	
8.1.3	EC First Nations Context - 30 minute training session	
8.1.4	Meeting with Malahat Nation – RFD	216 - 218
	THAT the Executive Committee direct staff to draft a letter for Chair's signature to Chief and Council of the Malahat Nation requesting a meeting.	
8.2	Local Planning Services	
8.2.1	Rezoning Process Flowchart	219 - 220
8.3	Administrative Services	
8.4	Executive/Trust Council	
8.4.1	Section 42 Roads / Tucker Bay Road	221 - 269
8.4.1.1	Islands Trust Correspondence re Tucker Bay Road	270 - 273
8.4.2	Reply All Emails on Resolutions Without Meeting and Electronic Voting Procedures - Briefing	274 - 277
8.4.3	Feb 1-3, 2017 LGLA Leadership Forum - Feb 1- 3	278 - 279
8.4.4	Review and Approval of 2017 Executive Committee meeting schedule	280 - 281
	THAT the Executive Committee adopt the revised 2017 Executive Committee meeting schedule as amended.	
9.	CLOSED MEETING (if applicable)	
	That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.	
10.	RISE AND REPORT DECISIONS FROM CLOSED MEETING (if applicable)	
11.	CORRESPONDENCE (for information unless raised for action)	
11.1	Harbour Authority of SSI re Dock Sewage Pumpout Support	282 - 283
11.2	Elizabeth Latta of Galiano re Micro cells and the UBCM	284 - 284
11.3	Jonathan Wilkinson, MP re Invitation to Woodfibre LNG Meeting	285 - 286
11.4	Trustee Tony Law re Islands Trust Act - First Nations	287 - 288
11.5	Trustee Tony Law re Provincial Funding for TFB	289 - 290
11.6	Office of the Prime Minister Response re Ocean Protection Plan Letter	291 - 294
12.	WORK PROGRAM	
12.1	Review and amendment of current work program	295 - 296
13.	NEXT MEETING - February 15, 2017, 9:30am, Salt Spring Island, BC	

14. ADJOURNMENT

Agenda No.	From	Context Notes
8.1.4	CAO	Fiona has been providing an overview of current First Nations issues, special places and priorities to staff and it is recommended that EC receive a similar update.
8.3	CAO	The Financial Planning Committee agenda of Jan 17 includes a report and proposed amendments to the purchasing policy. This work also includes matters relating to providing opportunities to address the use of local expertise when contracting for services which was the subject of previous direction by EC.
8.4.1.1	CAO	With regard Tucker Bay Road, the Islands Trust received a request for information from the PRRD Chair. Chair Luckham redirected the request to the LTC and appropriate staff. The relevant letters are attached here for context including the final response from the Lasqueti LTC via staff.
8.4.3	CAO	The LGLA conference deadline is approaching and as such it is attached for review and consideration by EC. One, perhaps two staff plan to attend as there is a particular focus on 'public communication and community outreach.'
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.



Executive Committee

Minutes of Regular Meeting

Date: November 23, 2016

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

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

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
Cindy Shelest, Director, Administrative Services
Lisa Gordon, Director, Trust Area Services
David Marlor, Director, Local Planning Services
Jas Chonk, Secretary
Emma Restall, Executive Coordinator (Recorder)

1. **CALL TO ORDER**
The meeting was called to order at 8:45 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**
None
 - 2.2 **Approval of Agenda**
By General Consent, the agenda was approved as presented.
 - 2.2.1 **Agenda Context Notes**
Provided for information.
3. **DELEGATIONS – 9:30 a.m.**
 - 3.1 **Tahirih Rockafella re Local Trust Committee meeting policies and process**
Provided delegation in regards to Galiano Island Local Trust Committee Bylaws 233 and 234.
 - 3.2 **Orissa Forest re Risk to trust communities when the local trust committee process breaks down**
Provided delegation in regards to Galiano Island Local Trust Committee Bylaws 233 and 234.
4. **ADOPTION OF MINUTES**
 - 4.1 **November 9, 2016 Executive Committee Meeting**
By General Consent, the Minutes of the November 9, 2016 Executive Committee Meeting were adopted as presented.
5. **FOLLOW UP ACTION LIST AND UPDATES**
 - 5.1 **Follow Up Action List**
Staff provided updates on outstanding items in the Follow Up Action List.

5.2 Director/CAO Updates

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

5.3 Local Trust Committee Chair Updates

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

6. BYLAWS FOR APPROVAL CONSIDERATION

6.1 Mayne Island Local Trust Committee Bylaw No. 170 (LUB Amendment)

EC-2016-178

It was MOVED and SECONDED,

that the Islands Trust Executive Committee approve Proposed Bylaw 170 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2016” under Section 24 of the *Islands Trust Act*.

CARRIED

6.2 Salt Spring Island Local Trust Committee Bylaw No. 492 (LUB Amendment)

EC-2016-179

It was MOVED and SECONDED,

that the Island Trust Executive Committee approves Proposed Bylaw 492 cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2016” under Section 24 of the *Islands Trust Act*.

CARRIED

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.1.1 December Trust Council Draft Schedule

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

7.1.2 Trust Council Regular Agenda

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

7.1.3 Chief Administrative Officer’s Report

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

7.1.4 Executive Committee Work Program Report

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

7.1.5 Continuous Learning Plan

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

7.1.6 Draft March 2017 Trust Council Program

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

7.1.7 Trust Council Follow Up Action List

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

7.1.8 Priorities Chart

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

7.1.9 Strategic Plan Updates

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

7.1.10 Proposed amendments to the Strategic Plan – RFD

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

7.1.11 Visioning Follow up Session

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

7.1.12 First Nations Legal Seminar

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

7.1.13 Closed Session Outline

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

7.1.14 Agricultural Land Commission Update – Briefing

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

7.1.15 Ministry of Transportation and Infrastructure Meeting Update

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

7.1.16 Referral response to Ministry re Salt Spring Island Incorporation - RFD

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

7.1.17 Community Presentations

7.1.17.1 Salt Spring Island Watershed Protection Authority

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

7.1.18 Delegations and Public Participation

7.1.18.1 Gulf Islands Alliance re 10 year anniversary

7.1.18.2 Mayne Island Conservancy re oil spill preparedness in the Trust Area

7.1.18.3 Salish Sea Trust re Salish Sea World Heritage Site

By General Consent, the Executive Committee approved all delegation requests. The Gulf Island Alliance was allotted 15 minutes; Mayne Island Conservancy and Salish Sea Trust were each allotted 10 minutes each. 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.

7.2 Local Planning Services

7.2.1 Director of Local Planning Services Report

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

7.2.2 Local Planning Committee Work Program Report

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

7.2.3 Bylaw Enforcement Report – Briefing

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

7.2.4 First Nations and Public Engagement – RFD EC-2016-180

It was MOVED and SECONDED,

that Islands Trust Staff add to Draft Policy 6.1.i under background, a 4th clause: The Islands Trust works with separate nations with different customs, history, culture and expectations of engagement.

CARRIED

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

7.2.5 Trustee Grams re Senior Freshwater Specialist - RFD

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

7.3 Administrative Services

7.3.1 Director of Administrative Services Report

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

7.3.2 Financial Planning Committee Work Program Report

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

7.3.3 September 30, 2016 Quarterly Financial Report – RFD

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

7.3.4 Financial Forecast to March 31, 2017 – Briefing

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

7.3.5 Staff Response to KPMG Information Systems Assessment Report – Briefing

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

7.4 Budget Session

7.4.1 Budget Session Outline

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

7.4.2 Budget Overview

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

7.4.3 Budget Assumptions and Principles

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

7.4.4 Budget Detail

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

7.4.5 Project Requests

7.4.5.1 Summary of all Projects

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

7.4.5.2 LTC Project Request Details

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

7.4.5.3 SSI Special Property Tax Requisition

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

7.4.5.4 Electronic Data Management

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

7.5 Trust Area Services

7.5.1 Director of Trust Area Services Report

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

7.5.2 Trust Programs Committee Work Program Report

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

7.5.3 Trust Fund Board Report

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

7.5.4 Audited Financial Statements of the Islands Trust Fund for 2015-16 - Briefing

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

7.5.5 Community Stewardship Policy Amendment 2.1.xi - RFD

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

7.5.6 Bylaw Checklist Policy Amendment 5.7.i – RFD

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

7.5.7 Marine Protection Tools - Briefing

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

7.5.8 Legislative Monitoring Chart - Briefing

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

The meeting recessed at 10:45 a.m. and resumed at 10:54 a.m.

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.2 Executive Committee Initiated

9. NEW BUSINESS

9.1 Trust Area Services

9.1.1 LTC Chairs Report on Local Advocacy Topics

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

9.1.2 Trustee Tony Law re Hornby Island Composting Facility

EC-2016-181

It was MOVED and SECONDED,

that the Executive Committee advise Trustee Law that the appropriate means of seeking support for the composting feasibility study is to prepare an Request for Decision to be presented to Trust Council in March 2017 that provides sufficient information for Trust Council to determine whether support is warranted.

CARRIED

9.1.3 Advocacy re Species at Risk engagement – RFD

EC-2016-182

It was MOVED and SECONDED,

that the Executive Committee request staff to draft a letter for the Chair commenting on the British Columbia Government's Species at Risk Engagement Topic Areas by November 30, 2016.

CARRIED

9.1.4 Trustee Crumblehulme re Mayne Island Oil Spill Response

EC-2016-183

It was MOVED and SECONDED,

that the Executive Committee approve sending an Islands Trust staff member to attend the first general inter-agency meeting convened by the Mayne Island Conservancy for the express purpose of developing a local response plan.

CARRIED

9.2 Local Planning Services

9.3 Administrative Services

9.4 Executive/Trust Council

9.4.1 Strategic Plan Amendments – recommendations from EC

Received for information.

10.

CLOSED MEETING

EC-2016-184

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 11:53 a.m. and resumed at 12:05 p.m.

11. RISE AND REPORT DECISIONS FROM CLOSED MEETING

No items to report.

The meeting recessed 12:05 p.m. and resumed at 12:39 p.m.

12. CORRESPONDENCE

12.1 Minister Fassbender re Islands Trust Transition Plan

Received for information.

**12.2 Gabriola LTC re Wilf and Isabel Caron -Ocean Dumping Permit
EC-2016-185**

It was MOVED and SECONDED,

that the Executive Committee add to Topic Review Inventory the option to ban ocean dumping.

CARRIED

EC-2016-186

It was MOVED and SECONDED,

that the Chair of Gabriola Island Local Trust Committee advise the local trust committee of Executive Committee's decision regarding ocean dumping.

CARRIED

**12.3 Mike Munro re Kinder Morgan Nanaimo Consultation
EC-2016-187**

It was MOVED and SECONDED,

that this item was referred to the December 2016 Trust Council meeting as presented, and staff will issue a response to the writer.

CARRIED

12.4 Timothy McCann DFO re Area Response Planning

Received for information.

13. WORK PROGRAM

**13.1 Review and Amendment of Current Work Program
EC-2016-188**

It was MOVED and SECONDED,

that the Executive Committee endorsed the Work Program dated November 18, 2016 as amended.

CARRIED

13. NEXT MEETING: December 6, 2016, at 12:00 pm Salt Spring Island BC

14. ADJOURNMENT

EC-2016-189

It was MOVED and SECONDED,

To adjourn the meeting.

CARRIED

The meeting adjourned at 12:47 p.m.

Peter Luckham, Chair

Certified Correct

Emma Restall, Recorder



Executive Committee

Minutes of Regular Meeting

Date: December 6, 2016

Location: Community Gospel Chapel
147 Vesuvius Bay Rd, Salt Spring Island, BC

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

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

Members Absent: Susan Morrison, Vice Chair

1. CALL TO ORDER

The meeting was called to order at 12:01 p.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

None

2.2 Approval of Agenda

By General Consent, the agenda was approved as presented.

2.2.1 Agenda Context Notes

Provided for information.

3. BYLAWS FOR APPROVAL CONSIDERATION

**3.1 Bowen Island Municipality Bylaw No. 430 (LUB Amendment)
EC-2016-190**

It was MOVED and SECONDED,

That the Executive Committee advise Bowen Island Municipality that the Bylaw 430, cited as "Bowen Island Municipality Land Use Bylaw No.57, 2002, Amendment Bylaw No. 430, 2016" is not contrary or at variance to the Islands Trust Policy Statement.

CARRIED

**3.2 Gambier Island Local Trust Committee Bylaw No. 131 (OCP Amendment)
EC-2016-191**

It was MOVED and SECONDED,

That the Islands Trust Executive Committee approve proposed Bylaw No. 131 cited as "Gambier Associated Islands Official Community Plan, 2009, Amendment No. 1, 2015."

CARRIED

3.3 Gambier Island Local Trust Committee Bylaw No. 132 (LUB Amendment)

EC-2016-192

It was MOVED and SECONDED,

That the Executive Committee approve the Gambier Island Local Trust Committee Bylaw No. 132, cited as "Gambier Associated Islands Land Use Bylaw, 2013, Amendment No. 1, 2015" under Section 24 of the *Islands Trust Act*.

CARRIED

4. TRUST COUNCIL MEETING PREPARATION

5. NEW BUSINESS

5.1 Review and Approval of 2017 Executive Committee meeting schedule

EC-2016-193

It was MOVED and SECONDED,

That the Executive Committee adopt the revised 2017 Executive Committee meeting schedule as amended.

CARRIED

EC-2016-194

It was MOVED and SECONDED,

That Executive Committee request staff to investigate holding the February 15 and November EC meetings in Nanaimo or another central island location.

CARRIED

5.2 Advocacy re Proposed Roberts Bank Terminal 2 Project - RFD

EC-2016-195

It was MOVED and SECONDED,

That the Executive Committee request staff to draft a letter for the Chair to the Prime Minister commenting on the federal government's approval of the Trans Mountain Pipeline Expansion project.

CARRIED

EC-2016-196

It was MOVED and SECONDED,

That the Executive Committee request staff to draft a letter for the Chair to the Premier of British Columbia making a case for withholding approval of the Trans Mountain Pipeline Expansion project.

CARRIED

6. NEXT MEETING: January 18, 2017 at 8:45 am Victoria BC

7. ADJOURNMENT

EC-2016-197

It was MOVED and SECONDED,

To adjourn the meeting.

CARRIED

The meeting adjourned
at 12:18 p.m.

Peter Luckham, Chair

Certified Correct

Emma Restall, Recorder

Follow Up Action Report

Executive Committee

Activity	Activity	Responsibility	Target Date	Status
09-Nov-2016	Ocean Protection Plan Announcement Staff to write a letter for the Chairs signature to the Prime Minister of Canada and copying the Minister of Transport in regards to the ocean protection plan announced by the federal government.	Pamela Hafey		Done

Chief Administrative Officer

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
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		On Going
26-Oct-2016	Strategic Plan - detailed review Staff to bring back Computer Application Support Technician (CAST) examples to the next EC meeting.	Russ Hotsenpiller Clare Frater		On Going
06-Dec-2016	Legislative Changes to the Islands Trust Act Investigate the principle of amending the Islands Trust Act and decide when it is appropriate to adding a priority to this.	Russ Hotsenpiller	10-Mar-2017	On Going

Director, Local Planning Services

Activity	Activity	Responsibility	Target Date	Status
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Follow Up Action Report

25-Nov-2015	9.2.4 Bring recommendations re Policy 4.1.ix (Bylaw referrals to adjacent LTCs) to future EC meeting	David Marlor	08-Feb-2017	On Going
06-Oct-2015	9.2.1 Develop draft flow chart illustrating Bylaw process decision-making for Chair toolkit	David Marlor Regina Robinson	08-Feb-2017	Done
06-Dec-2016	Bowen Island Municipality Bylaw No. 430 (LUB Amendment) advise Bowen Island Municipality that the Bylaw 430, cited as Bowen Island Municipality Land Use Bylaw No.57, 2002, Amendment Bylaw No. 430, 2016 is not contrary or at variance to the Islands Trust Policy Statement.	David Marlor		Done

Director, Trust Area Services

Activity	Activity	Responsibility	Target Date	Status
09-Nov-2016	Steelhead LNG position Staff to provide advice regarding a meeting with Malahat First Nation about the proposed Malahat LNG project and other matters and requests that the Chair advise Gary Holman, MLA, that the Executive Committee is taking measured consideration of this issue.	Clare Frater Fiona MacRaild		On Going
09-Nov-2016	Letter from BC Hydro Proposed Woodpole Maintenance Schedule Staff to advise BC Hydro that it is acceptable to proceed with the planned woodpole treatment plan in 2016/17 using boron/copper products only if BC Hydro advertises the program on the affected islands, and requests staff to work with BC Hydro and Bowen Island Municipality to prepare a briefing regarding potential cancellation of the Letter of Understanding Concerning the Use of Pesticides during the BC Hydro Woodpole Test and Treat Program.	Clare Frater		On Going
09-Nov-2016	AVICC Convention Staff to solicit resolution ideas from trustees and staff and return with advice in January.	Clare Frater	18-Jan-2017	On Going

**Follow Up Action Report**

23-Nov-2016	First Nations Public Engagement - RFD add to Draft Policy 6.1.i under background, a 4th clause: The Islands Trust works with separate nations with different customs, history, culture and expectations of engagement.	Clare Frater		Done
23-Nov-2016	Trustee Tony Law re: Hornby Island Composting Facility advise Trustee Law that the appropriate means of seeking support for the composting feasibility study is to prepare a Request for Decision to be presented to Trust Council in March 2017 that provides sufficient information for Trust Council to determine whether support is warranted.	Clare Frater		Done
23-Nov-2016	Advocacy re Species at Risk engagement - RFD request staff to draft a letter for the Chair commenting on the British Columbia Governments Species at Risk Engagement Topic Areas by November 30, 2016.	Clare Frater Pamela Hafey	30-Nov-2016	Done
23-Nov-2016	Trustee Crumblehulme re Mayne Island Oil Spill Response Islands Trust staff member to attend the first general inter-agency meeting convened by the Mayne Island Conservancy for the express purpose of developing a local response plan.	Clare Frater		On Going
23-Nov-2016	Gabriola LTC re Wilf and Isabel Caron - Ocean Dumping Permit add to Policy Statement Topic Review Inventory the option to ban ocean dumping and have Gabriola LTC advise the local trust committee of Executive Committees decision	Clare Frater		Done
06-Dec-2016	Advocacy re Proposed Trans Mountain Pipeline Expansion - RFD Staff to draft a letter for the Chair to the Prime Minister commenting on the federal governments approval of the Trans Mountain Pipeline Expansion project.	Clare Frater Pamela Hafey		Done

**Follow Up Action Report**

06-Dec-2016	Advocacy RE: Trans Mountain Pipeline RFD Staff to draft a letter for the Chair to the Premier of British Columbia making a case for withholding approval of the Trans Mountain Pipeline Expansion project.	Clare Frater Pamela Hafey	Done
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Executive Coordinator

Activity	Activity	Responsibility	Target Date	Status
06-Dec-2016	Review and Approval of 2017 Executive Committee meeting schedule staff to investigate holding the February 15 and November EC meetings in Nanaimo or another central island location.	Emma Restall Jas Chonk		On Going

Legislative Services Manager

Activity	Activity	Responsibility	Target Date	Status
09-Nov-2016	Emails re Reply All or Reply on RWMs Staff to provide advice on reply-all emails and on electronic procedures voting.	Carmen Thiel		On Going

Secretary

Activity	Activity	Responsibility	Target Date	Status
23-Nov-2016	Mike Munro re Kinder Morgan Nanaimo Consultation referred to the December 2016 Trust Council meeting as presented, and staff will issue a response to the writer.	Jas Chonk		Done



Bylaw Submission Staff Report

Date: December 14, 2016

To: Executive Committee
For the meeting of January 18, 2017

From: Justine Starke, Island Planner
Local Planning Services

Re: **North Pender Bylaws 203, 204, and 205**

Introduction:

The North Pender Island Local Trust Committee (NPI LTC) is pleased to submit proposed Bylaws No. 203, 204, and administrative Bylaw 205. The purpose of this briefing note is to provide the Executive Committee with a summary of the bylaws.

Purpose:

The purpose of this project is to provide opportunities for short term vacation rentals while considering the needs of neighbourhoods.

Background:

[Bylaw 203](#) is an amending bylaw to the North Pender Island Official Community Plan Bylaw 171. It provides enabling language for STVRs in the OCP and contains guidelines for Short Term Vacation Rentals (STVRs) to be permitted by a Temporary Use Permit. [Bylaw 204](#) is an amending bylaw to the North Pender Island Land Use Bylaw 103; if adopted it would permit STVRs as home businesses on North Pender Island. Under the home business regulations, STVRs would be permitted where the owner or operator also lives on the property in a permitted dwelling. [Bylaw 205](#) amends to the North Pender Island Fees Bylaw 173 to reduce the fee for STVR Temporary Use Permits from \$1100 to \$900.

Proposed Bylaw 203 was given third reading by the North Pender Island Local Trust Committee on November 27, 2016. As mentioned, it amends the Official Community Plan to clarify that STVRs would be permitted as accessory uses in the Rural Residential and Rural land use designations, and to provide STVR guidelines in *Section 6: Temporary Use Permits*. The bylaw also amends Section 6 to make it consistent with the updated British Columbia *Local Government Act*.

Proposed Bylaw 204 was given third reading by the North Pender Island Local Trust Committee on November 27, 2016. It amends the Land Use Bylaw to provide a definition for short term vacation rentals and to permit STVRs as an accessory home business use, where there is an operator or someone responsible for the use resident on the property.

The approach to permitting STVRs as home businesses where the owner/operator lives on the property, and requiring a Temporary Use Permit where this cannot be achieved,

u:\local trust committees\north pender\bylaws\bylaw package for ecl\bylaws no. 203 & 204 (stvr) 205 fees\bylaws 203, 204, 205 ec submission.doc

responds to community feedback heard through the consultation process. The approach also:

- Ensures that the owner or operator is resident on the property;
- Allows regulations to be incorporated in the home business provisions;
- Limits the outright use to properties that have a permitted second dwelling so there is an operator or someone responsible for the use resident on the property;
- Owners of properties with only one permitted dwelling can apply for a TUP; and new guidelines have been introduced to address this.
- Is generally consistent with the approach adopted recently on Galiano Island.

The NPI LTC held two community information meetings, structured as workshops, on North Pender Island (November 7, 2015 and February 6, 2016). Additional public feedback was generated through an on-line and paper questionnaire and through letters, emails, phone calls, and one on one meetings. A public hearing was held on November 5, 2016.

Feedback from the community consultation sessions indicated a desire to reduce the \$1100 application fee for STVR temporary use permits. Bylaw 205 would reduce the application fee to \$900 which would still provide cost recovery for the advertising and notification required for temporary use permits.

The LTC considered the Islands Trust Policy Statement on June 30, 2016 and passed the following resolution:

NP-2016-050

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee review the Islands Trust Policy Statement Directives Only Checklist and determine that Bylaw No. 203 and Bylaw No. 204 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Issues Relating To Provincial Interest:

None

Issues Relating To First Nations' Interest:

No responses received through consultation process.

Issues Relating To Enforcement or Resourcing:

Enforcement of STVRs on North Pender Island is an on-going cost. The bylaws will reduce the need for enforcement by offering two paths to compliance. Bylaw enforcement will continue to be required in response to complaints and to manage existing bylaw enforcement files.

Recommendation:

1. THAT the Islands Trust Executive Committee approves Bylaw 203 cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016."
2. THAT the Islands Trust Executive Committee approves Bylaw No. 204, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016."

3. THAT the Islands Trust Executive Committee approves Bylaw No. 205, cited as “North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment Bylaw No. 1, 2016”.



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: North Pender Island Local Trust Committee

Bylaw No.: NP-203

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 24-Nov-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



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: North Pender Island Local Trust Committee

Bylaw No.: NP-204

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 24-Nov-2016

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

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Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: North Pender Island Local Trust Committee

Bylaw No.: NP-205

Bylaw Type: Fees 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

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Signature: _____
Secretary

Date: _____

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Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: NP-203

Trust Area: North Pender Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: NP-203
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: No
Planner: Yes

Technical Staff: No

First Reading Date: 30-Jun-2016

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 04-Jul-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: 18-Oct-2016

File complete and ready for Public review: Yes

Public Hearings:

Location: North Pender Island Legion - 1344 McKinnon Road
Proofread By: Lloyd-deRosario, Sharon

Legal Paper: Gulf Island Driftwood
First Publish Date: 19-Oct-2016

Second Publish Date: 26-Oct-2016

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:
Second Reading Date: 22-Sep-2016

Delivery Notices: 19-Oct-2016
Date Public Hearing Held: 05-Nov-2016
Third Reading Date: 24-Nov-2016

Bylaw: NP-204

Trust Area: North Pender Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: NP-204
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: No
Planner: Yes

Technical Staff: No

First Reading Date: 30-Jun-2016

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 04-Jul-2016

Resolutions:

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

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Secretary's Signature: Lloyd-deRosario, Sharon

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Second Publish Date:

Mailout Date:
Second Reading Date: 22-Sep-2016

Delivery Notices: 19-Oct-2016
Date Public Hearing Held: 05-Nov-2016
Third Reading Date: 24-Nov-2016

Bylaw: NP-205

Trust Area: North Pender Island Local Trust Committee

Type: Fees Bylaw

Bylaw No.: NP-205

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk:
Planner:

Technical Staff:

First Reading Date: 27-Oct-2016

Bylaw Sent to Referrals:
Date Proposed Bylaw to Web:

Resolutions:

Resolution Waiving Public Hearing:
Resolution Authorizing Public Hearing:
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: 27-Oct-2016

Third Reading Date: 27-Oct-2016



Referrals: Bylaw NP-203

Agency	Sent	Received
Tsartlip First Nation PO Box 70: Harry, Karen Comment: at this time they are deferring comment to Cowichan Tribes whose title & governing authorities are directly affected.	24-Aug-2016	14-Nov-2016
Tsawout First Nation Box 121: Underwood, Floyd Comment:	24-Aug-2016	
Tsawwassen First Nation 1926 Tsawwassen Drive: McCarthy, Tom Comment:	24-Aug-2016	
Tseycum First Nation 1210 Totem Lane: Jones, Tanya Comment:	24-Aug-2016	
Malahat First Nation - Te'mexw Treaty Association 110 Thunder Road: Lewis, Lawrence Comment:	24-Aug-2016	
Stz'uminus First Nation 12611 A Trans Canada Hwy: Gauthier, Ray Comment:	24-Aug-2016	
Lake Cowichan First Nation 313B Deer Road: Chief, & Council Comment:	24-Aug-2016	
Lyackson First Nation 7973A Chemainus Road: Vacant, Contact Comment: at this time they are deferring comment to Cowichan Tribes whose title & governing authorities are directly affected.	24-Aug-2016	14-Nov-2016
Penelakut Tribe Box 360: James, Denise Comment:	24-Aug-2016	
Pauquachin First Nation 9010 West Saanich Road: Henry, Danny Comment:	24-Aug-2016	
Semiahmoo First Nation 16049 Beach Rd: Coordinator, Referrals Comment:	24-Aug-2016	
Songhees Nation 1500D Admirals Road: and Council, Chief Comment:	24-Aug-2016	
Cowichan Tribes Chief and Council: Flemming, Tracey	24-Aug-2016	

**Referrals: Bylaw NP-203**

Agency	Sent	Received
Comment:		
Halalt First Nation Chief and Council: Gladstone, Caroline Comment:	24-Aug-2016	
Capital Regional District - All Referrals J. Arnet 625 Fisgard Street: Arnet, Jessica Comment:	17-Aug-2016	
Magic Lake Estates Water & Sewer Local Services Committee 479 Island Highway: Sparanese, Peter Comment:	17-Aug-2016	
Galiano Island Local Trust Committee 200 - 1627 Fort Street: Busheiken, Laura Comment: Interests Unaffected by bylaw	17-Aug-2016	29-Aug-2016
Outer Gulf Islands RCMP 4419 Bedwell Harbour Road: Lesperance, Marc Comment:	17-Aug-2016	
Islands Trust, Bylaw Enforcement 200 - 1627 Fort Street: Drew, Miles Comment: Approval Recommended Subject to Conditions Outlined	17-Aug-2016	13-Oct-2016
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Luckham, Peter Comment: Interests Unaffected by Bylaw	17-Aug-2016	06-Sep-2016
Island Health Health Protection and Environmental Services: Laughlin, Christopher Comment:	17-Aug-2016	
BC Ferry Services Inc. Properties and Planning: Fontaine, Jocelyne Comment: Interests Unaffected by Bylaw	17-Aug-2016	12-Sep-2016
Capital Regional District - Environmental Services PO Box 1000, 625 Fisgard Street: Sparanese, Peter Comment:	17-Aug-2016	
Mayne Island Local Trust Committee Islands Trust: Grams, George Comment: Interests Unaffected by Bylaw	17-Aug-2016	12-Sep-2016
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Luckham, Peter Comment: Interests Unaffected by Bylaw	17-Aug-2016	08-Sep-2016
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Busheiken, Laura Comment: Interests Unaffected by Bylaw	17-Aug-2016	16-Sep-2016



Referrals: Bylaw NP-203

Agency	Sent	Received
BC Assessment Authority Policy, Audit and Legal Services: McIntyre, Cathie Comment:	17-Aug-2016	
Capital Regional District - Electoral Area Director Electoral Area: Howe, Dave Comment:	17-Aug-2016	
Capital Regional District Planning & Protective Services Building Inspection Division Headquarters: Gutierrez, Robert Comment:	17-Aug-2016	
North Pender Fire Protection Society 4423 Bedwell Harbour: Boyte, Charlie Comment:	17-Aug-2016	
North Pender Advisory Planning Commission 37187 Schooner: Watson, Pat Comment:	10-Aug-2016	



Referrals: Bylaw NP-204

Agency	Sent	Received
Tsartlip First Nation PO Box 70: Harry, Karen Comment:	24-Aug-2016	
Tsawout First Nation Box 121: Underwood, Floyd Comment:	24-Aug-2016	
Tsawwassen First Nation 1926 Tsawwassen Drive: McCarthy, Tom Comment:	24-Aug-2016	
Tseycum First Nation 1210 Totem Lane: Jones, Tanya Comment:	24-Aug-2016	
Malahat First Nation - Te'mexw Treaty Association 110 Thunder Road: Lewis, Lawrence Comment:	24-Aug-2016	
Stz'uminus First Nation 12611 A Trans Canada Hwy: Gauthier, Ray Comment:	24-Aug-2016	
Lake Cowichan First Nation 313B Deer Road: Chief, & Council Comment:	24-Aug-2016	
Lyackson First Nation 7973A Chemainus Road: Vacant, Contact Comment: at this time they are deferring comment to Cowichan Tribes whose title & governing authorities are directly affected.	24-Aug-2016	14-Nov-2016
Penelakut Tribe Box 360: James, Denise Comment:	24-Aug-2016	
Semiahmoo First Nation 16049 Beach Rd: Coordinator, Referrals Comment:	24-Aug-2016	
Songhees Nation 1500D Admirals Road: and Council, Chief Comment:	24-Aug-2016	
Cowichan Tribes Chief and Council: Flemming, Tracey Comment:	24-Aug-2016	
Halalt First Nation Chief and Council: Gladstone, Caroline Comment:	24-Aug-2016	



Referrals: Bylaw NP-204

Agency	Sent	Received
Capital Regional District - All Referrals J. Arnet 625 Fisgard Street: Arnet, Jessica Comment:	17-Aug-2016	
Pender Island Fire Rescue PO Box 61: Boyte, Charlie Comment:	17-Aug-2016	
Magic Lake Estates Water & Sewer Local Services Committee 479 Island Highway: Sparanese, Peter Comment:	17-Aug-2016	
Galiano Island Local Trust Committee 200 - 1627 Fort Street: Busheiken, Laura Comment: Interests Unaffected by bylaw	17-Aug-2016	29-Aug-2016
BC Assessment Authority Policy, Audit and Legal Services: McIntyre, Cathie Comment:	17-Aug-2016	
BC Ferry Services Inc. Properties and Planning: Elliott, Scott Comment: Interests Unaffected by Bylaw	17-Aug-2016	12-Sep-2016
Capital Regional District - Electoral Area Director Electoral Area: Howe, Dave Comment:	17-Aug-2016	
Capital Regional District Planning & Protective Services Building Inspection Division Headquarters: Gutierrez, Robert Comment:	17-Aug-2016	
Outer Gulf Islands RCMP 4419 Bedwell Harbour Road: Lesperance, Marc Comment:	17-Aug-2016	
Capital Regional District - Environmental Services PO Box 1000, 625 Fisgard Street: Sparanese, Peter Comment:	17-Aug-2016	
Mayne Island Local Trust Committee Islands Trust: Grams, George Comment: Interests Unaffected by Bylaw	17-Aug-2016	12-Sep-2016
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Luckham, Peter Comment: Interests Unaffected by Bylaw	17-Aug-2016	08-Sep-2016
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Busheiken, Laura Comment: Interests Unaffected by Bylaw	17-Aug-2016	16-Sep-2016
North Pender Advisory Planning Commission	17-Aug-2016	



Referrals: Bylaw NP-204

Agency	Sent	Received
37187 Schooner: Watson, Pat Comment:		
Islands Trust, Bylaw Enforcement 200 - 1627 Fort Street: Drew, Miles Comment: Approval Recommended Subject to Conditions Outlined	17-Aug-2016	13-Oct-2016
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Luckham, Peter Comment: Interests Unaffected by Bylaw	17-Aug-2016	06-Sep-2016
Island Health Health Protection and Environmental Services: Laughlin, Christopher Comment:	17-Aug-2016	



Referrals: Bylaw

Agency	Sent	Received
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Islands Trust

POLICY STATEMENT CHECK LIST (DIRECTIVES ONLY)

File No: NPI-6500-20 Housing: STVR
Bylaws 204 (OCP) and 203 (LUB)

PURPOSE- The following table provides planning staff with an efficient and effective means to evaluate bylaws to ensure that they are consistent with the policies within the Policy Statement.

POLICY STATEMENT - The Policy Statement (Consolidated April 2003) is comprised of several parts. Parts I and II, outline the purpose as well as the Islands Trust object and guiding principles. Parts II, 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 - statements about Trust Council's position or philosophy on various matters,
- Directive Policies - policies that direct Local Trust Committees and island municipalities to address certain matters, and
- Recommendations – recommendations to other government agencies, non-government organizations, property owners, residents and visitors.

POLICY CHECK LIST (DIRECTIVES ONLY) - The Policy Statement Checklist (Directives Only) is based on the Directive Policies from the Policy Statement. The Directive Policies require the Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and the island municipalities to address certain a matters in their official community plan in a way that implements the policy of Trust Council. Staff use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality applications and proposals for their consistency with the Island Trust Policy Statement. The table identifies whether or not the referral addresses and is consistent with the policies within the Policy Statement as follows:

- ✓ identifies that the bylaw is CONSISTENT with the policy from the Policy Statement.
- N/A means the policy is not applicable to the bylaw.
- ✗ identifies that the bylaw is INCONSTSTENT (contrary or at variance) with the policy from the Policy Statement.

Directive Policies: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following:

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	POLICY	POLICY
	3.1	Ecosystems
N/A	3.1.3	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	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	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	the protection of unfragmented forest ecosystems ¹⁵ 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	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	the protection of sensitive coastal areas.
N/A	3.4.5	the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	POLICY	POLICY
	4.1	Agricultural Land
N/A	4.1.4	the identification and preservation of agricultural land for current and future use.

¹⁵ Unfragmented Forest Ecosystem - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

N/A	4.1.5	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	the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	POLICY	POLICY
N/A	4.1.7	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	land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	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	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	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	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	The needs and locations for marine dependent land uses.

N/A	4.5.9	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	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	opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
N/A	4.6.3	Soils and Other Resources - the protection of productive soils.

Directive Policies: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following:

PART V: Policies for Sustainable Communities

CONSISTENT	POLICY	POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	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	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	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	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	the impacts of road location, design, construction and systems.
N/A	5.3.6	the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	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	the identification of acceptable locations for the disposal of solid waste.
	5.5	Recreation
N/A	5.5.3	the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	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.

Directive Policies: **Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following**

CONSISTENT	POLICY	POLICY
N/A	5.5.5	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	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	the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	the identification, protection, preservation and enhancement of local heritage.

N/A	5.6.3	the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	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	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:



Islands Trust

POLICY STATEMENT CHECK LIST (DIRECTIVES ONLY)

File No: NPI-6500-20 Housing: STVR
Bylaws 204 (OCP) and 203 (LUB)

PURPOSE- The following table provides planning staff with an efficient and effective means to evaluate bylaws to ensure that they are consistent with the policies within the Policy Statement.

POLICY STATEMENT - The Policy Statement (Consolidated April 2003) is comprised of several parts. Parts I and II, outline the purpose as well as the Islands Trust object and guiding principles. Parts II, 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:

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Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	POLICY	POLICY
	3.1	Ecosystems
N/A	3.1.3	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	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	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	the protection of unfragmented forest ecosystems ¹⁵ 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	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	the protection of sensitive coastal areas.
N/A	3.4.5	the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	POLICY	POLICY
	4.1	Agricultural Land
N/A	4.1.4	the identification and preservation of agricultural land for current and future use.

¹⁵ Unfragmented Forest Ecosystem - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

N/A	4.1.5	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	the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	POLICY	POLICY
N/A	4.1.7	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	land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	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	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	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	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	The needs and locations for marine dependent land uses.

N/A	4.5.9	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	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	opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
N/A	4.6.3	Soils and Other Resources - the protection of productive soils.

Directive Policies: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following:

PART V: Policies for Sustainable Communities

CONSISTENT	POLICY	POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	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	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	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	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	the impacts of road location, design, construction and systems.
N/A	5.3.6	the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	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	the identification of acceptable locations for the disposal of solid waste.
	5.5	Recreation
N/A	5.5.3	the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	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.

Directive Policies: **Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the following**

CONSISTENT	POLICY	POLICY
N/A	5.5.5	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	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	the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	the identification, protection, preservation and enhancement of local heritage.

N/A	5.6.3	the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	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	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: 24-Nov-2016

Reading:

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By:

Status

Date Resolution Referred to Exective Committee: 24-Nov-2016

Reading:

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Reading:

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 203

A BYLAW TO AMEND THE NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to amend the North Pender Island Official Community Plan Bylaw No. 171, 2007;

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

NOW THEREFORE the North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2016".

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 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 30th day of June , 2016.

READ A SECOND TIME this 22nd day of September , 2016.

| PUBLIC HEARING HELD this 5th day of November , 2016.

READ A THIRD TIME this 24th day of November , 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

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW No. 203**

SCHEDULE 1

The North Pender Island Official Community Plan No. 171, 2007 is amended as follows:

1. Amending Policy 2.1.1.2 by adding “except where authorized by a Temporary Use Permit” to the end of the sentence after the word “use.”
2. Inserting a new policy after Policy 2.1.1.2: “Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
3. Amending Policy 2.1.2.2 by adding “except where authorized by a Temporary Use Permit” to the end of the sentence after the word “use.”
4. Inserting a new policy after 2.1.2.2: “Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.”
5. Amending Section 6: Temporary Use Permits as follows:
 1. Delete the preamble in its entirety and replace with the following:

“An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.”
 2. Add a new Policy 6.4 as follows:
 - 6.4 “In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental permit:
 - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.
 - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence.
 - 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.
 - 6.4.4 The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a

condition of the permit. If the lot is served by a community water system, the application should be referred to the water system for information.

- 6.4.5 The landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.6 If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.7 The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.8 The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.
- 6.4.9 The permit should require the owner or manager provide neighbours within a 200 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit.
- 6.4.10 The permit should require the landowner post the following information for guests:
 - a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency service contact information, and to provide a means for contacting them;
- 6.4.11 The Local Trust Committee may consider issuing a permit to operate a short term vacation rental in an accessory building if the total floor area of all buildings on the property do not exceed 185 m², and if the building has received an occupancy permit for residential use under the BC Building Code.
- 6.4.12 In addition to any other conditions the LTC may consider appropriate, in some situations the permit may:
 - a) Limit the number of bedrooms that can be used for short term vacation rentals;
 - b) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
 - c) require the landowner/operator to post contact information and permit information at the entrance to the property;
 - d) prohibit camping or occupancy of RVs on the property;
 - e) prohibit the rental or provision of motorized personal watercraft;

- f) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- g) prohibit outdoor fires; and
- h) establish the dates during which the use may occur.

6.4.13 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.”

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 204

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW, 1996

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2016”.

2. North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1 Section 1.1 – Definitions, is amended to add the following:

“short term vacation rental” means the use of a dwelling or cottage, or a portion of a dwelling or cottage, as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a dwelling or *cottage* used as *short term vacation rental* shall be considered an accessory *home business*, subject to the regulations established in Section 3.5.

2.2 Section 1.1 – Definitions, is amended to Include “short term vacation rental” under the home business definition, so the new definition reads:

“home business” means an accessory commercial use conducted on a residential lot and includes: short term vacation rentals, bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.”

2.3 Section 3.5 – Home Business Regulations, is amended as follows:

3.5.1- add the word “cottage” so that it reads, “Home businesses must be conducted entirely within a dwelling, cottage or permitted accessory building except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or horticulture.”

3.5.2 – Add “with the exception of short term vacation rentals,” so the regulation reads, “With the exception of short term vacation rentals, the combined floor areas of all home businesses on a lot must not exceed 65 m².”

3.5.4 – For clarity, add “In the case of a short term vacation rental, the operator or another person responsible for the vacation rental must live in a permitted dwelling or cottage on the property.”

Add a new Section 3.5.11 – “No more than one dwelling or one cottage may be used for a short term vacation rental on a lot.”

READ A FIRST TIME THIS 30th DAY OF JUNE 2016

READ A SECOND TIME THIS 22nd DAY OF SEPTEMBER 2016

PUBLIC HEARING HELD THIS 5th DAY OF NOVEMBER 2016

READ A THIRD TIME THIS 24th DAY OF NOVEMBER 2016

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

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 205

A BYLAW TO AMEND NORTH PENDER ISLAND LOCAL TRUST COMMITTEE FEES BYLAW NO.173, 2007

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

A. North Pender Island Local Trust Committee Bylaw No. 173 cited as "North Pender Island Local Trust Committee Fees Bylaw No 173, 2007" is amended as follows:

1. Section 3.1, Table 2 - Permits is amended by:

1.1. Replacing Number 10, Column 1: "Temporary commercial and industrial use permit," with "Temporary Use Permit."

1.2. Adding a new line 11 as follows:

11. Temporary Use Permit in respect of a short term vacation rental	\$900
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1.3. Renumbering Number 11 as 12 and replacing Column 1: "Temporary commercial and industrial use permit renewal," with "Temporary Use Permit renewal (including in respect of a short term vacation rental)."

1.4. Renumbering subsequent lines accordingly

B. This bylaw may be cited as "North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment Bylaw No. 1, 2016".

C. 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 27th day of October, 2016.

READ A SECOND TIME this 27th day of October, 2016.

READ A THIRD TIME this 27th day of October, 2016.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this day of, 200_.

ADOPTED this day of, 200_.

Chair

Deputy Secretary



REQUEST FOR DECISION

Local Trust Committee Bylaw Submission

To: Executive Committee

For the Meeting of: January 18, 2017

From: Robert Kojima, Regional Planning Manager

Date: December 9, 2016

SUBJECT: GALIANO ISLAND LOCAL TRUST COMMITTEE – BYLAWS NO. 233, 234 AND 261

RECOMMENDATION:

1. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 233 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011” in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 234 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011” in accordance with Section 27 of the *Islands Trust Act*.**
3. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 261 cited as “Galiano Island Housing Agreement Bylaw No. 261” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTOR COMMENTS:

Galiano Island Local Trust Committee has referred Bylaws 233, 234 and 261 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaws as they are not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The LTC would be entering into a Housing Agreement with the Owner; however, the agreement is proposed to be administered by an arm’s length Community Management Committee (CMC). The LTC’s obligations would be limited to: consenting to individuals selected by the Owner for appointment to the CMC and consideration of any proposed strata fee increases that exceed CPI. The LTC may request copies of annual declarations and could be requested by staff to initiate litigation in event of any breaches of the housing agreement, covenant or zoning regulations.

FINANCIAL: no additional staff resources

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: None.

OTHER: None

1. Purpose:

The purpose of this Request for Decision is to provide the Executive Committee with a summary of the proposed amendments to the Galiano OCP and LUB and request approval of Bylaws 233, 243 and 261.

In general, Bylaw 233 (Attachment 6) would amend the Galiano Island Official Community Plan to redesignate the subject property to the Community Housing (CH) designation.

In general, Bylaw 234 (Attachment 7) would amend the Galiano Island Land Use Bylaw to rezone the subject property to the Community Housing 1 (CH1) zone and establish zone regulations that would permit up to 20 affordable housing units and twenty strata lots.

In general, Bylaw 261 (Attachment 8) is a Housing Agreement Bylaw that would restrict occupancy to Qualified persons, restrict rent and lease rates, control re-sale of affordable housing units, and establish administrative provisions for the project.

1.1 Background:

The application is to rezone a 10 acre (4 ha) parcel of land to permit a bare land strata subdivision and the construction of 20 affordable dwelling units, each with a maximum floor area of 100 sq. m. The proponent organization (Galiano Land and Community Housing Trust (GLCHT) / Galiano Green) owns the land and has successfully had the site excluded from the ALR. In order to ensure on-going affordability, and consistent with OCP policy, the proponents have agreed to enter into a housing agreement with the LTC. The proposal would result in a bare land strata subdivision of 20 lots, with 15 of the lots to be leased to Qualified individuals to construct dwellings. GLCHT will retain five of the lots and construct dwellings for rent to Qualified individuals. GLCHT would continue to own the strata lots and would be responsible for property management and the common property. Dwellings would be serviced by rainwater catchment systems, the well on the property would provide water to the common building. A Community Management Committee (CMC) would be established to screen applicants, review resale prices, receive statutory declarations, consider hardship appeals, and report any breaches. GLCHT will also grant the LTC a s. 219 covenant to regulate site layout, prohibit the drilling of additional wells or the connection of dwellings to the common well unless the owner provides a professional report consistent with the Potable Water Standards for Subdivision in the Land Use Bylaw to the satisfaction of LTC. The covenant would also provide for the LTC to review the effectiveness of the rainwater catchment systems upon completion of the first six units.

Relevant Islands Trust Policy Statement Directive Policies:

3.3.2 (Freshwater and Wetland Ecosystems and Riparian Zones): the Riparian DPA on the northern portion of the site would remain undeveloped common property or would be part of the required parkland dedication

4.1.6 (Agricultural Lands): a setback, buffer area, and fencing is established along lot line abutting adjacent agricultural land.

4.4.2 (Freshwater Resources) and related OCP policy III, 2(e): the applicant has provided a hydrologist's report based on the use and servicing proposed by Galiano Green which certifies that use of the well to supply the common facilities should have no detrimental effects on adjacent wells. The s.219 covenant would ensure that if individual wells are proposed to be drilled in the future, or connections proposed from the existing well to the dwellings, that a further professional report would be required meeting the intent of the policy.

1.2 Issues Relating To Provincial Interest:

None

1.3 Issues Relating To Resources and Enforcement:

Any reported breaches would be enforced upon the Owner consistent with current Enforcement policy and practices.

1.4 Issues Relating To First Nation Interest:

First Nations were engaged in the initial referral process in 2012. A second referral, targeted to First Nations, was undertaken in June 2016. Cowichan Tribes responded, were provided with some additional information on the proposal and the process, and subsequently did not respond further.

ATTACHMENTS:

1. EC Submission Form – Bylaw 233
2. EC Submission Form – Bylaw 234
3. EC Submission Form – Bylaw 261
4. Bylaw Progress Checklist – Bylaw 233
5. Bylaw Progress Checklist – Bylaw 234
6. Bylaw Progress Checklist – Bylaw 261
7. Bylaw Referrals Report – Bylaw 233
8. Bylaw Referrals Report – Bylaw 234
9. Bylaw Referrals Report – Bylaw 261
10. Islands Trust Policy Statement Checklist
11. EC Policy Checklist– Bylaw 233
12. EC Policy Checklist– Bylaw 234
13. EC Policy Checklist– Bylaw 261
14. Bylaw 233
15. Bylaw 234
16. Bylaw 261
17. First Nations follow-up Tracking

RELEVANT POLICY:

- Section 27 of the *Islands Trust Act*
- 1.3.i Policy Statement Implementation Policy

RESPONSE OPTIONS**Recommended:**

- THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 233 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 15, 2011” in accordance with Section 27 of the *Islands Trust Act*.
- THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 234 cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011” in accordance with Section 27 of the *Islands Trust Act*.
- THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw 261 cited as “Galiano Island Housing Agreement Bylaw No. 261” in accordance with Section 27 of the *Islands Trust Act*.

Alternatives:

- Advise the Galiano Island Local Trust Committee in writing that the Executive Committee considers that Bylaw 233, 234, or 261 is contrary to or at variance with the Islands Trust Policy Statement for other specified reasons, and advise the Galiano Island Local Trust Committee on steps it needs to take to address the specified issues.

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date:



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-233

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 05-Dec-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



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-234

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 05-Dec-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



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-261

Bylaw Type: Housing Agreement Procedure Bylaw

Date of resolution referring bylaw to Executive Committee: 05-Dec-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

Bylaw: GL-233

Trust Area: Galiano Island Local Trust Committee

Type: Official Community Plan Bylaw

Bylaw No.: GL-233

Application No.: GL-RZ-2011.1

Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 10-Jul-2012

Bylaw Sent to Referrals: Yes

Date Proposed Bylaw to Web: 09-Jul-2012

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: 31-Aug-2016

File complete and ready for Public review: Yes

Public Hearings:

Location: Galiano Island S. Community Hall

Proofread By: Lloyd-deRosario, Sharon

Legal Paper: Gulf Island Driftwood

First Publish Date: 07-Sep-2016

Second Publish Date: 14-Sep-2016

Alternate Paper: The Active Page

First Publish Date: 01-Sep-2016

Second Publish Date:

Mailout Date: 30-Aug-2016

Delivery Notices: 06-Sep-2016

Date Public Hearing Held: 19-Sep-2016

Second Reading Date: 08-Sep-2014

Third Reading Date: 07-Nov-2016

Bylaw: GL-234

Trust Area: Galiano Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: GL-234
Application No.: GL-RZ-2011.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 09-Jul-2012

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 10-Jul-2012

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: 31-Aug-2016

File complete and ready for Public review: Yes

Public Hearings:

Location: Galiano Lions Park Hall
Proofread By: Lloyd-deRosario, Sharon

Legal Paper: Gulf Island Driftwood
First Publish Date: 07-Sep-2016

Second Publish Date: 14-Sep-2016

Alternate Paper: The Active Page
First Publish Date: 01-Sep-2016

Second Publish Date:

Mailout Date: 29-Aug-2016
Second Reading Date: 08-Sep-2014

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Date Public Hearing Held: 19-Sep-2016
Third Reading Date: 07-Nov-2016

Bylaw: GL-261

Trust Area: Galiano Island Local Trust Committee
Type: Housing Agreement Procedure Bylaw
Bylaw No.: GL-261
Application No.: GL-RZ-2011.1
Trust Initiated: Yes

Proofread By:

Clerk: No
Planner: Yes

Technical Staff: No

First Reading Date: 05-Dec-2016

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

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

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Secretary's Signature: ,

Date:

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Legal Paper:
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Mailout Date:

Delivery Notices:
Date Public Hearing Held:

Second Reading Date: 05-Dec-2016

Third Reading Date: 05-Dec-2016



Referrals: Bylaw GL-233

Agency	Sent	Received
Galiano Island Parks & Recreation commission 1 - 720 Active Pass Drive: Kennedy, Betty Comment: Approval Recommended with a proposal for picnic tables	29-Jun-2016	12-Jul-2016
Tsawwassen First Nation 1926 Tsawwassen Drive: McCarthy, Tom Comment:	29-Jun-2016	
Stz'uminus First Nation 12611 A Trans Canada Hwy: Gauthier, Ray Comment:	29-Jun-2016	
Cowichan Tribes 5760 Allenby Rd: Flemming, Tracey Comment: no pressing concerns, however expect consultation prior to proposed developments.	29-Jun-2016	23-Aug-2016
Lake Cowichan First Nation 313B Deer Road: Chief, & Council Comment:	29-Jun-2016	
Penelakut Tribe Box 360: James, Denise Comment:	29-Jun-2016	
Lyackson First Nation 7973A Chemainus Road: Vacant, Contact Comment:	29-Jun-2016	
Semiahmoo First Nation 16049 Beach Rd: Coordinator, Referrals Comment:	29-Jun-2016	
Halalt First Nation Chief and Council: Gladstone, Caroline Comment:	29-Jun-2016	
Penelakut Tribe Box 360: James, Denise Comment: Have concerns about the proposed development. Request further information and discussion (see attached)	20-Dec-2011	27-Jan-2012
Ministry of Transportation and Infrastructure Saanich Area Office: Sherratt, Grace Comment: No objections to the proposed rezoning	20-Dec-2011	21-Dec-2011
Mayne Island Local Trust Committee Islands Trust: Grams, George Comment: Interests unaffected	20-Dec-2011	01-Feb-2012
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Luckham, Peter	20-Dec-2011	31-Jan-2012

**Referrals: Bylaw GL-233**

Agency	Sent	Received
Comment: Interests are unaffected by the proposal.		
Thetis Island Local Trust Committee Northern Office: Susan, Morrison Comment: interests unaffected	20-Dec-2011	09-Feb-2012
Lyackson First Nation 7973A Chemainus Road: Vacant, Contact	20-Dec-2011	
Halalt First Nation 7973 Chemainus Rd: Gladstone, Caroline	20-Dec-2011	
Lake Cowichan First Nation 313B Deer Road: Chief, & Council	20-Dec-2011	
Cowichan Tribes 5760 Allenby Rd: Flemming, Tracey Comment: Verbal response - interests unaffected	20-Dec-2011	26-Jan-2012
Agricultural Land Commission Rm. 133 4940 Canada Way: Bednard, Gordon Comment: No objections. Made additional comments (see attached)	20-Dec-2011	04-Jan-2012
Capital Regional District Planning & Protective Services Building Inspection Division Headquarters: Gutierrez, Robert	20-Dec-2011	
Island Health Health Protection and Environmental Services: Dyck, Erwin	20-Dec-2011	
Galiano Advisory Planning Commission 176 Guston Road: Anderson, Sheila Comment: Approval recommended subject to conditions (see attached)	20-Dec-2011	30-Jan-2012
Tsawout First Nation PO Box 121, 7725 Tetayut Road: Underwood, Gwen	20-Dec-2011	
Stz'uminus First Nation 12611 A Trans Canada Hwy: Gauthier, Ray	20-Dec-2011	
Ministry of Community, Sport and Cultural Development Intergovernmental Relations and Planning Division: Nicholls, Eric	20-Dec-2011	
Pauquachin First Nation 9010 West Saanich Road: Henry, Danny	20-Dec-2011	



Islands Trust

Print Date: December 6, 2016

Referrals: Bylaw GL-233

Agency	Sent	Received
Tsartlip First Nation PO Box 70: Harry, Karen	20-Dec-2011	
Tsawwassen First Nation 1926 Tsawwassen Drive: McCarthy, Tom	20-Dec-2011	



Referrals: Bylaw GL-234

Agency	Sent	Received
Galiano Island Parks & Recreation commission 1 - 720 Active Pass Drive: Kennedy, Betty Comment: Approval Recommended with a proposal for picnic tables	29-Jun-2016	12-Jul-2016
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Halalt First Nation 7973 Chemainus Rd: Gladstone, Caroline Comment:	29-Jun-2016	
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**Referrals: Bylaw GL-234**

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Islands Trust

Print Date: December 6, 2016

Referrals: Bylaw GL-234

Agency	Sent	Received
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Tsawwassen First Nation 1926 Tsawwassen Drive: McCarthy, Tom	20-Dec-2011	



Referrals: Bylaw

Agency	Sent	Received
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Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: 233, 234 and 261

Review and endorsed June 6, 2016 (GL-2016-048)

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
✓	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.
✓	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
✓	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.
✓	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.
✓	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
✓	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: 05-Dec-2016

Reading:

Executive Committee

Policy Checklist

Checklist Key:

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Completed By:

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Completed By:

Status

Date Resolution Referred to Executive Committee: 05-Dec-2016

Reading: 05-Dec-2016

First Reading

Executive Committee

Policy Checklist

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Completed By:

Status

Date Resolution Referred to Executive Committee: 05-Dec-2016

Reading: 05-Dec-2016

Second Reading

Executive Committee

Policy Checklist

Checklist Key:

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Comments

Completed By:

Status

Date Resolution Referred to Exective Committee: 05-Dec-2016

Reading: 05-Dec-2016

Third Reading

**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 26, except sections 932 to 937 and 939, 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. 15, 2011."

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 9th DAY OF July , 2012
READ A SECOND TIME THIS 8th DAY OF September , 2014
PUBLIC HEARING HELD THIS 1st DAY OF October , 2016.
READ A THIRD TIME THIS 7th DAY OF November , 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.

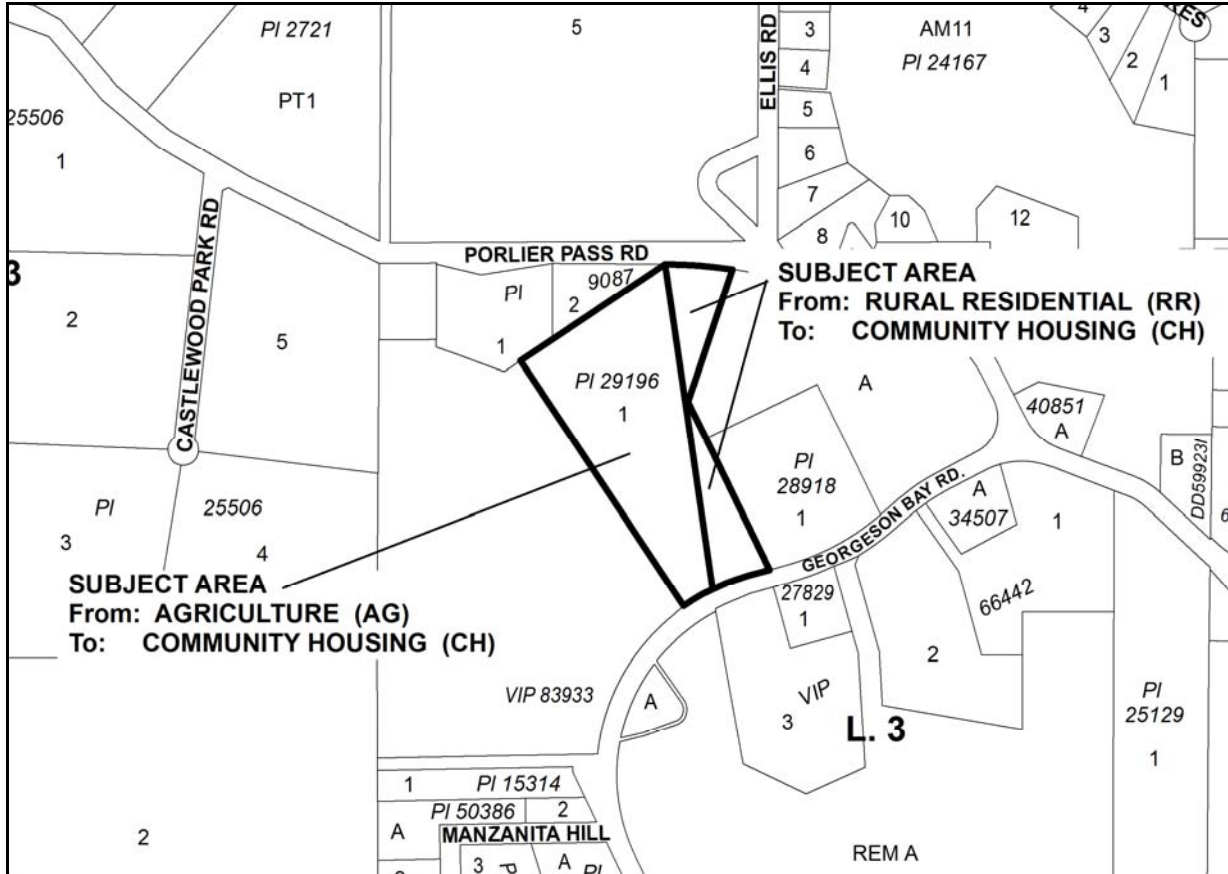
ADOPTED THIS DAY OF , 20.

DEPUTY SECRETARY

CHAIR

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 233
SCHEDULE 1**

1. Schedule B (Land Use Designations) is amended for a portion of the lands legally described Lot 1, District Lot 3, Galiano Island, Cowichan District, Plan VIP29196 as depicted on the map below.



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:

1. Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999” is amended as follows:
 - a) By adding “Community Housing 1 (CH1)” in Section 4.1 after “Health and Wellness (HW)”.
 - b) By adding the following after Section 8.5:

“8.6 Community Housing 1 – CH1

Permitted Uses

8.6.1 In the Community Housing 1 zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses are prohibited.

8.6.1.1 Dwellings for the provision of affordable housing, subject to a housing agreement under Section 483 of the Local Government Act.

8.6.1.2 Home occupations

Permitted Density

8.6.2 One dwelling is permitted on each lot.

8.6.3 Maximum floor area of a dwelling must not exceed 100 square metres.

8.6.4 One accessory building not exceeding a floor area of 10 square metres is permitted in respect of each permitted dwelling.

8.6.5 Two communal accessory buildings not exceeding a total combined floor area of 278 square metres.

Permitted Height

8.6.6 No building or structure for a use permitted by this section may exceed 9 metres in height.

Minimum Setbacks

8.6.7 Buildings and structures must be sited

8.6.7.1 at least 1.5 metres from any bare land strata lot line; and

8.6.7.2 at least 7.5 metres from any other lot line.

- 8.6.8 Buildings and structures used for human habitation or occupancy and not located within the Agriculture (AG) zone must be sited at least 15 metres from the boundary of the Agriculture (AG) zone.

Average Lot Size

- 8.6.9 No subdivision may be approved unless the lots created by subdivision have an average area of at least 0.19 hectares.

- c) Section 13.22 is amended by adding the words “or in an area zoned Community Housing 1” immediately following the words “on Schedule C”.
- d) Section 14.1 (Parking Regulations) is amended by inserting a new subsection 14.1.16 as follows:

14.1.16	Dwellings for the provision of affordable housing in the CH1 zone	1 per dwelling and 6 visitor spaces for a maximum of 26 spaces.
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- e) Map Schedule “B”, is amended as follows:

- (i) By changing the zoning of a portion of the lands legally described as Lot 1, District Lot 3, Plan 29196, Galiano Island, Cowichan District from the Rural Residential - (RR) zone to the Community Housing 1 (CH1) zone as shown on Plan No. 1 which is attached to and forms part of this bylaw.
- (ii) By adding Community Housing 1 (CH1) to the map legend.

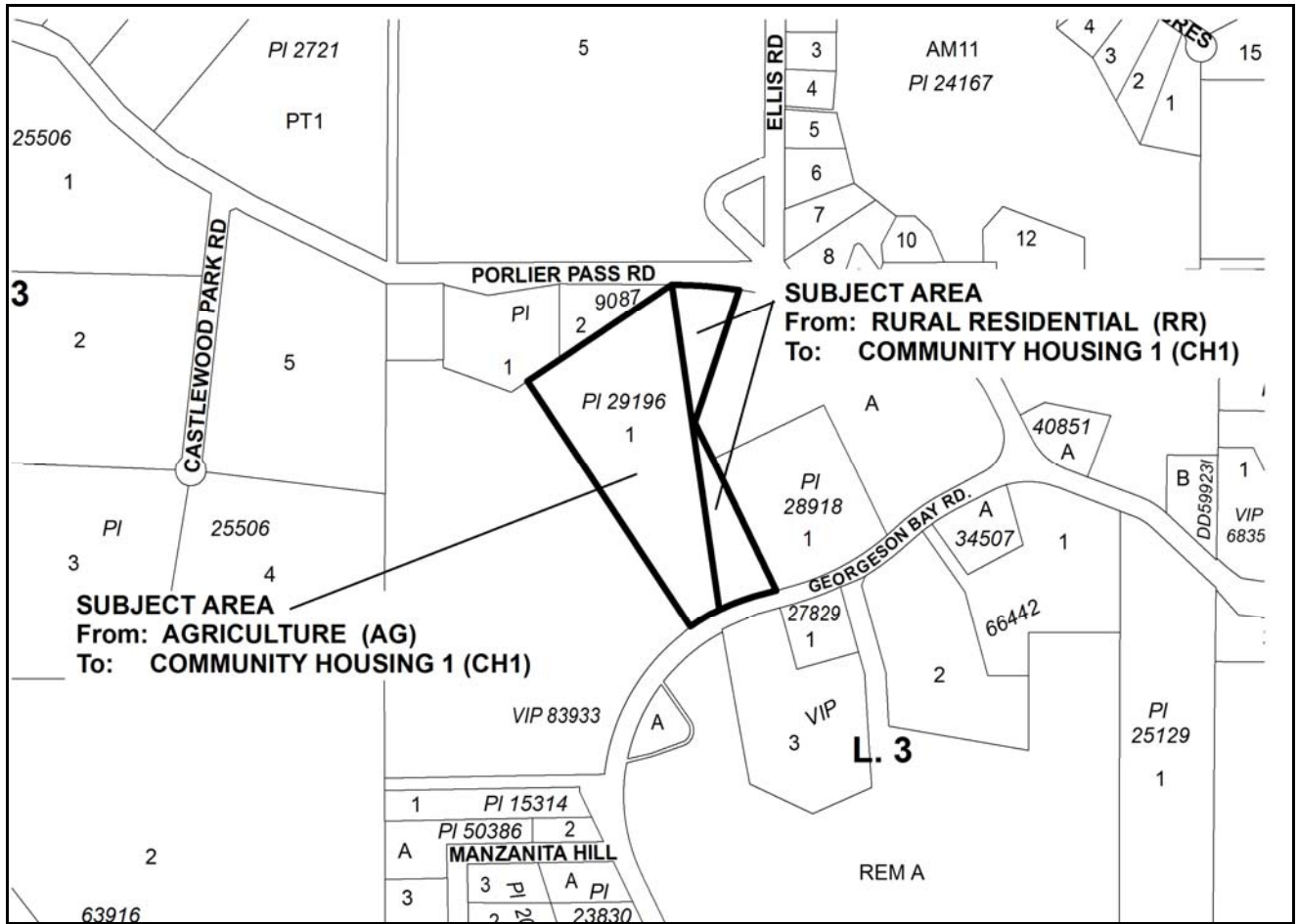
- B. This bylaw may be cited for all purposes as the “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 4, 2011”.

READ A FIRST TIME THIS	9 th	DAY OF	July	2012
READ A SECOND TIME THIS	6 th	DAY OF	June	2016
PUBLIC HEARING HELD THIS	1st	DAY OF	October	2016
READ A THIRD TIME THIS	7 th	DAY OF	November	2016
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		20
ADOPTED THIS		DAY OF		20

DEPUTY SECRETARY

CHAIRPERSON

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234
PLAN NO. 1**



GALIANO GREEN AFFORDABLE HOME OWNERSHIP PROJECT

BYLAW NO. 261

APPENDIX 1

Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE the day of , 2016 is

BETWEEN:

GALIANO LAND AND COMMUNITY HOUSING TRUST, a society incorporated in British Columbia under No. S-0037495
Suite 2A – 33 Manzanita
Galiano Island B.C. V0N 1P0

(the “Owner”)

AND

GALIANO ISLAND LOCAL TRUST COMMITTEE, a local trust committee under the *Islands Trust Act* of British Columbia
2nd Floor, 1627 Fort Street
Victoria, B.C. V8R 1H8

(the “Local Trust Committee”)

WHEREAS:

1. The Owner and the Local Trust Committee wish to create a residential community that provides affordable housing units to moderate income individuals and families residing on Galiano Island and in accordance with the Galiano Island Official Community Plan Bylaw No. 108, 1995 Section 1.6 Community Housing Policies;
2. The Owner is the registered owner of those Lands situated on Galiano Island, British Columbia and legally described as:

PARCEL IDENTIFIER: 001-416-987
LOT 1, DISTRICT LOT 3, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 29196

(the “Lands”)

3. The Owner is a not-for-profit society under the *Society Act* of British Columbia and has as one of its objects the creation of an affordable housing community on Galiano Island;
4. The Owner has applied to the Galiano Island Local Trust Committee for a rezoning of the Lands by way of Galiano Island Land Use Bylaw 233 which amends OCP Bylaw #108, 1995, and Bylaw 234 which amends LUB #127, 1999 to permit a bare land strata subdivision of up to 20 strata lots with a single family house located on each strata lot, as well as two community buildings to be located on the Lands;

5. The Owner intends to develop housing that is affordable for individuals and families earning less than 90% of the median income of Capital Electoral Area G, either by way of leasehold agreements of up to 15 bare land strata lots, at an affordable rate to individuals, so that individuals may construct homes on those bare land strata lots, and by way of the rental of at least 5 constructed homes at an affordable rent;
6. The Local Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons and dwelling units located on the Lands;
7. The Owner and the Local Trust Committee wish to enter into this Agreement on the terms and conditions set out in this Agreement;
8. The Local Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement; and
9. The Owner agrees that the requirements of this Agreement are reasonable given the public interest in maintaining housing affordability on and restricting the occupancy and disposition of the Lands.

THIS AGREEMENT is evidence that in consideration of \$2.00 paid by the Local Trust Committee to the Owner, the receipt and sufficiency of which are acknowledged by the Owner, and in consideration of the promises exchanged below, the Local Trust Committee and the Owner agree, as a housing agreement between the Owner and the Local Trust Committee under s. 483 of the *Local Government Act*, as follows:

DEFINITIONS

1. In this Agreement:
 - (a) “Affordable Housing Units” means 20 single-family dwellings, each constructed on a Strata Lot, in respect of which the tenure, rental, and occupancy are restricted in accordance with sections 3 through 7 of this Agreement;
 - (b) “CMC” means a community management committee or organization which administers this Agreement, as more particularly described in Schedule “F”;
 - (c) “CPI” means the Consumer Price Index for the Capital Region as calculated by Statistics Canada.
 - (d) “household” means an one or more individuals;
 - (e) “Income” means income from all sources as defined in Schedule “A”.
 - (f) “Leasehold” means the leasehold interest in a Strata Lot, pursuant to a lease agreement entered into between the Owner and a Qualified Leaseholder, which

interest includes the right to construct, alter, maintain, and alter an Affordable Housing Unit on a Strata Lot;

- (g) “Maximum Monthly Rent” means the monthly rent agreed to by the Owner and a Qualified Renter to rent a Rental Unit which shall not exceed thirty percent (30%) of the total monthly Income of the Qualified Renter at the time the Rental Unit is occupied by the Qualified Renter;
- (h) “Moderate Income” means an annual Income that is less than 90% of the median income of the Southern Gulf Islands Electoral Area (Capital Area G) calculated from the most recent census data and as adjusted annually for the CPI.
- (i) “Qualified Leaseholder” means a household which meets the eligibility criteria for ownership of a Leasehold, as set out in Schedule “A”, or which met the eligibility criteria for ownership of a Leasehold at the time the household acquired a legal interest in the Leasehold;
- (j) “Qualified Person” means a Qualified Leaseholder or a Qualified Renter;
- (k) “Qualified Renter” means a household which meets the eligibility criteria for a residential tenancy of a Rental Unit, as set out in Schedule “A”;
- (l) “Rental Unit” means an Affordable Housing Unit which is rented by the Owner to a household, in accordance with the terms of this Agreement;
- (m) “Strata Lot” means one of the bare land strata lots to be created upon the filing of a bare land strata plan for the Lands, as generally shown as Schedule “E”;
- (n) “Stipulated Maximum Price” means the price of an Affordable Housing Unit located on a Strata Lot determined as follows:
 - (i) if the Affordable Housing Unit is one of the first three units constructed on the Lands, then the Stipulated Maximum Price shall be \$130 per square foot of Affordable Housing Unit;
 - (ii) if the Affordable Housing Unit is constructed after the first three units on the Lands, then the Stipulated Maximum Price shall be:
 - (A) the actual cost of construction of the unit, which cost shall include construction materials, labour, on-site septic tank, plumbing and electrical costs, septic and electric connections, permits and fees; or
 - (B) the replacement cost of the Affordable Housing Unit, as determined by a certified appraiser, the cost of which appraisal shall be borne by the Owner,

but in no case shall the Stipulated Maximum Price ever exceed \$130 per square foot of Affordable Housing Unit, except for annual adjustments for the CPI.

2. The Owner covenants and agrees with the Local Trust Committee that, in perpetuity:
 - (a) the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any development permit issued by the Local Trust Committee, any building permit issued by the Capital Regional District and this Agreement;
 - (b) the Owner must at all times ensure that the Lands are used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement; and
 - (c) the Lands, including any lots into which the Lands may be subdivided, either by way of a subdivision under the *Land Title Act* or the deposit of a bare land strata plan, shall not be sold or otherwise transferred separately from any other portion of the Lands. For certainty, this prohibition does not prevent the sale of an Affordable Housing Unit or the granting, transfer or assignment of a Leasehold interest in accordance with this Agreement.

LEASEHOLDS

3. Except as provided in section 6, the Owner covenants and agrees that it shall not enter into a Leasehold agreement or grant a Leasehold interest for any part of the Lands to any person, or allow any person to occupy any part of the Lands, except for:
 - (a) a Qualified Leaseholder and that person's spouse, children, parents and grandparents; and
 - (b) the guest of such a Qualified Leaseholder.
4. The Owner covenants and agrees:
 - (a) that prior to entering into a Leasehold agreement with any person, the Owner shall obtain written confirmation from the CMC that a prospective person is a Qualified Leaseholder;
 - (b) that the monthly payment amounts for a Leasehold shall not exceed those amounts shown in the following table, provided however that the Owner may adjust the maximum monthly lease payment every 5 years in accordance with prevailing interest and mortgage rates, with notice to the Local Trust Committee of the amount of the adjustment:

Affordable Housing Unit Size (square feet)	Maximum Monthly Lease Payment
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500 square feet and smaller	\$136.66
501 to 600 square feet	\$156.18
601 to 700 square feet	\$175.70
701 to 800 square feet	\$195.23
801 to 900 square feet	\$214.75
901 square feet and larger	\$234.27

- (c) that the monthly payment strata fee amounts for a Leasehold shall not exceed those amounts shown in the following table, provided however that maximum monthly strata fees may increase from the previous year in an amount no greater than CPI and every year thereafter as determined by the Owner, or at a greater amount if agreed to in writing by the Local Trust Committee and only if the Local Trust Committee, in its sole discretion, considers that such an increase would not compromise the affordability objectives of this Agreement;

Affordable Housing Unit Size (square feet)	Maximum Monthly Strata Fees
500 square feet and smaller	\$40.00
501 to 600 square feet	\$45.00
601 to 700 square feet	\$50.00
701 to 800 square feet	\$55.00
801 to 900 square feet	\$60.00
901 square feet and larger	\$65.00

- (d) not to require any Leaseholder to pay any extra charges or fees for use of any common area, or for common sanitary sewer, common storm sewer, common water utilities, or common property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, gas or electricity utility fees or charges, or septic infrastructure located on a bare land strata lot, including holdings tanks;
- (e) to include in every Leasehold agreement all of the following:
- (i) a clause prohibiting subletting and assignment to any person who is not a Qualified Leaseholder and who has not been approved by the CMC,

which clause shall entitle the Owner to terminate the Leasehold in the event of any breach of that prohibition;

- (ii) a clause stipulating the maximum Leasehold payments as contemplated in section 4(b);
- (iii) a clause stipulating the maximum strata fee payments as contemplated in section 4(c); and
- (iv) a clause referencing the requirements of this Housing Agreement, and to attach a copy of this Agreement to the Leasehold agreement.

5. The parties agree as follows:

- (a) if one of the individual comprising a Qualified Leaseholder in possession of an Affordable Housing Unit dies, that individual's Spouse or adult children residing in the Affordable Housing Unit at the time of the Qualified Leaseholder's death, may continue to lease and reside in the Affordable Housing Unit for the remainder of the Spouse or adult child's life, in accordance with this Agreement;
- (b) a Qualified Leaseholder may sell their Leasehold interest, including the Affordable Housing Unit, provided:
 - (i) the CMC has provided written confirmation that the purchaser is a Qualified Leaseholder;
 - (ii) the purchase and sale price shall not exceed the Stipulated Maximum Price, less the estimated cost of reasonable repairs necessary to bring the Affordable Housing Unit in good working condition, as agreed between the purchaser and the seller, or where the parties are unable to reach agreement, as determined by an arbitrator in accordance with the *Arbitration Act*, the cost of whom shall be borne equally between the purchaser and the seller;
 - (iii) any Qualified Leaseholder who intends to sell their Leasehold interest, including the Affordable Housing Unit, shall provide notice of such intent to the Owner before listing the property for sale. During a period of 2 months from the date of notice provided by the Leaseholder, the Owner will have the option to purchase the Leasehold interest, Affordable Housing Unit, and other improvements at the price specified in s. 5(b)(ii); and
 - (iv) if, for a period greater than 60 days, a Qualified Leaseholder is in arrears on mortgage payments for their Affordable Housing Unit, then the Owner may purchase the Leasehold interest and Affordable Housing Unit for the price specified in s. 5(b)(ii), less the amount of mortgage arrears, and the

Owner shall be responsible for the mortgage arrears and all costs associated therewith.

RESIDENTIAL TENANCIES

6. Except as provided in section 3, the Owner covenants and agrees that it shall not rent any Strata Lot, Rental Unit or other dwelling to any person, or allow any person to occupy any Strata Lot, Rental Unit or other dwelling, other than a Qualified Renter.
7. The Owner covenants and agrees that:
 - (a) of the 20 Affordable Housing Units to be constructed on the Lands, a minimum of 5 Affordable Housing Units shall be constructed by the Owner and used as Rental Units;
 - (b) prior to entering into a residential tenancy agreement with any person, the Owner shall obtain written confirmation from the CMC that a prospective person is a Qualified Renter;
 - (c) the monthly rent for a Rental Unit will not be more than the Maximum Monthly Rent at any time during the term of the tenancy;
 - (d) all residential tenancy agreements shall be fixed term tenancies for 6 months, and shall include the following:
 - (i) an end date for the tenancy on which the Qualified Renter will be required to vacate the Rental Unit if a new tenancy agreement is not entered into;
 - (ii) a clause stating that a new tenancy agreement will not be entered into if the tenant no longer satisfies the criteria for a Qualified Renter; and
 - (iii) a clause prohibiting subletting and assignment to any person who is not a Qualified Renter, and upon breach of said term, the Owner shall be permitted to terminate the tenancy agreement in accordance with the *Residential Tenancy Act*; and
 - (iv) a clause permitting monthly rental increases in accordance with the *Residential Tenancy Act*, provided that the monthly rent shall never exceed the Maximum Monthly Rent;
 - (e) the Owner shall not require any Qualified Renter to pay any extra charges or fees for use of any common area, or for common sanitary sewer, common storm sewer, common water utilities, or common property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges; and

- (f) if one of the individuals comprising a Qualified Renter who rents a Rental Unit dies, that individual's Spouse or adult child residing in the Rental Unit at the time of the Qualified Renter's death may continue to rent the Rental Unit for the longer of:
 - (i) the balance of the fixed term under the tenancy agreement; or
 - (ii) twelve (12) months on the same terms, including monthly rent, set out in the tenancy agreement.

OWNER'S FURTHER OBLIGATIONS

8. The Owner shall:

- (a) deliver to the Local Trust Committee or the CMC a true copy of any Leasehold agreement or residential tenancy agreement in respect of any Affordable Housing Unit within 5 days of any request by the Local Trust Committee or CMC to do so;
- (b) obtain by the end of January of each year, a completed statutory declaration for each and every Leasehold and tenancy of a Rental Unit, substantially in the form attached as Schedule "B", sworn by the Qualified Leaseholder, or Qualified Renter, as the case may be;
- (c) deliver to the CMC by the end of February of each year a completed statutory declaration, substantially in the form attached as Schedule "C", sworn by the Owner, in relation to each and every Leasehold and tenancy of a Rental Unit. In addition, the Local Trust Committee or the CMC may request the statutory declaration up to four times in any calendar year, and the Owner must complete and supply the completed statutory declaration within 14 calendar days of receiving a request from the Local Trust Committee or the CMC. The Owner irrevocably authorizes the Local Trust Committee or the CMC to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement;
- (d) permit representatives of the Local Trust Committee or the CMC to inspect the Lands at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*;
- (e) not transfer the Lands, other than to another non-profit organization or society incorporated under the *Society Act*, having as its object the management of affordable housing. The Local Trust Committee must approve any transfer prior to its finalization, and that until a new organization is found, no further Leaseholds or residential tenancies may be granted on the Lands; and

- (f) maintain its standing as a society under the *Society Act*, and must not amend its Constitution, a copy of which is attached to this Agreement as Schedule “D”, without the written approval of the Local Trust Committee, which approval may be withheld if the Local Trust Committee in its absolute discretion considers that the proposed amendment would affect the tenure of occupancy of the Lands.
9. The Owner further covenants, agrees and acknowledges:
- (a) that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Local Trust Committee, within a reasonable amount of time stated in any notice of default provided to the Owner by the Local Trust Committee;
 - (b) that the Local Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction for any breach of this Agreement, in view of the public interest in restricting the use and occupancy of the houses;
 - (c) that a breach of this Agreement may constitute a breach of the Local Trust Committee’s land use bylaw, as amended from time to time; and
 - (d) that the Owner has sought its own legal advice and is not relying, in any way, on the advice of the Local Trust Committee or the Local Trust Committee’s solicitors with respect to this Agreement.

THE PARTIES’ OBLIGATIONS

10. If, for reasons of hardship, the Owner, a Qualified Leaseholder, or Qualified Renter cannot comply with the requirements of this Agreement in relation to any Affordable Housing Unit, the Owner, a Qualified Leaseholder, or a Qualified Renter may request a temporary waiver by the CMC of certain terms of this Agreement in respect of that Affordable Housing Unit. The request must be delivered to the CMC in writing (with a copy to the Local Trust Committee) and explain the nature and circumstances of the hardship involved and the reasons why the Owner, the Qualified Leaseholder, or the Qualified Renter cannot comply. The Owner agrees that the CMC is under no obligation to grant any relief and may proceed with all remedies available under this Agreement and at law and in equity, despite the Owner, the Qualified Leaseholder, or the Qualified Renter’s request, and the relief, if any, is to be determined by the CMC at its sole discretion.

GENERAL PROVISIONS

11. **Not Binding on CMHC.** This Agreement shall not be binding on the Canada Mortgage and Housing Corporation (“CMHC”) or any mortgagee of the Lands which is an “Approved Lender”, as defined in the *National Housing Act*, R.S.C. 1985, C.N-11, who holds a mortgage insured pursuant to the *National Housing Act*. If, during foreclosure by an Approved Lender, the court approves a sale of the Lands or part of the Lands (the

“Foreclosed Lands”) to CMHC or any arm’s length bona fide purchaser, then the Local Trust Committee agrees that this Agreement will not apply to the Foreclosed Lands from the time of foreclosure to the expiry of the Leasehold interest for the Foreclosed Lands.

12. **Term.** This Agreement shall be effective in perpetuity.
13. **Subdivision.** The Lands shall not be subdivided by subdivision plan, strata plan, or otherwise except for a bare land strata plan in accordance with Schedule “E”, provided however that the layout shown in Schedule “E” may be modified or changed with the written consent of the Director of Local Planning Services or his or her delegate.
14. **Housing Agreement.** The Owner acknowledges and agrees that this Agreement constitutes a housing agreement under s.483 of the *Local Government Act* and that the Local Trust Committee will register a notice of this housing agreement against title to the Lands.
15. **Delegation or Assignment by Local Trust Committee.** The Owner acknowledges that the Local Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and in that event, any reference in this Agreement to the Local Trust Committee shall be interpreted as a reference to that party provided that the Local Trust Committee has so advised the Owner.
16. **Indemnity.** The Owner shall indemnify and save harmless the Local Trust Committee and each of its elected officials, officers, directors, employees and agents from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.
17. **Release.** The Owner releases and forever discharges the Local Trust Committee and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
18. **Survival.** The obligations of the Owner set out in sections 16 and 17 shall survive any termination of this Agreement.
19. **Local Trust Committee Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or the common law, impose on the Local Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
20. **No Public Law Duty.** Where the Local Trust Committee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a

determination or give its consent, the Local Trust Committee is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

21. **Notice.** Notice required or permitted to be served under this Agreement is sufficiently served if delivered in person or mailed to the postal address of the Owner or the Local Trust Committee, as the case may be, at the address set out above, and in the case of mailed notice shall be deemed to have been received on the third day following mailing.
22. **Enurement.** This Agreement is binding upon, and enures to the benefit of parties and their respective successors and permitted assigns.
23. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable it shall be severed from this Agreement and the remainder shall remain in full force and effect.
24. **Remedies and Waiver.** All remedies of the Local Trust Committee under this Agreement are cumulative, and may be exercised in any order or concurrently, any number of times. Waiver of or delay by the Local Trust Committee in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.
25. **Sole Agreement.** This Agreement represents the entire agreement between the parties respecting the tenure, use and occupancy of the houses, and there are no representations, conditions or collateral agreements on the part of the Local Trust Committee other than those set out in this Agreement.
26. **Further Assurance.** The Owner must forthwith do all acts and execute such instruments as may be reasonably necessary in the opinion of the Local Trust Committee to give effect to this Agreement.
27. **Covenants Binding.** This Agreement is binding on the Owner and all persons who acquire an interest in the Lands.
28. **No Joint Venture.** Nothing in this Agreement will constitute the Local Trust Committee as the joint venturer, agent or partner of the Owner or give the Owner any authority to bind the Local Trust Committee in any way.
29. **Modification.** This Agreement may be modified or amended from time to time, by consent of the Owner and a bylaw duly passed by the Local Trust Committee and thereafter if it is signed by the Local Trust Committee and the Owner.
30. **Owner's Representations, Warranties and Covenants** – The Owner hereby represents and warrants to the Local Trust Committee that the following are true:

- (a) the Owner has taken all necessary or desirable actions, steps and other proceedings to approve or authorize, validly and effectively, the entering into, and the execution, delivery and performance of this Agreement; and
 - (b) the Owner has the power and capacity to enter into and carry out the obligations provided for in this Agreement.
- 31. **Agreement for Benefit of Local Trust Committee Only.** The Owner and the Local Trust Committee agree that:
 - (a) this Agreement is entered into only for the benefit of the Local Trust Committee;
 - (b) this Agreement is not intended to protect the interests of the Owner, any Qualified Leaseholder, any Qualified Tenant, or any future owner, lessee, occupier or user of the Lands or the buildings or any portion thereof, including any Affordable Housing Unit; and
 - (c) the Local Trust Committee may at any time release this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.
- 32. **Deed and Contract.** By executing and delivering this Agreement the Owner intends to create a contract executed and delivered under seal.
- 33. **Time of Essence.** Time shall be of the essence of this Agreement.
- 34. **Interpretation.** In this Agreement:
 - (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
 - (f) the provisions of section 25 of the Interpretation Act with respect to the calculation of time apply;
 - (g) time is of the essence;

- (h) all provisions are to be interpreted as always speaking;
- (i) reference to a “party” is a reference to a party to this Agreement and to that party’s respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a “party” also includes a Tenant, agent, officer and invitee of the party;
- (j) reference to a “day”, “month”, or “year” is a reference to a calendar day, calendar month, calendar or calendar year, as the case may be, unless otherwise expressly provided; and
- (k) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.

As evidence of their agreement to be bound by the above terms, the parties have executed this agreement below.

GALIANO LAND AND COMMUNITY HOUSING TRUST
by its authorized signatories:

Name:

Name:

GALIANO ISLAND LOCAL TRUST COMMITTEE
by its authorized signatories:

Name:

SCHEDULE A

Criteria for determining Qualified Persons

Households meeting the following criteria are qualified to occupy Affordable Housing Units, as either Qualified Leaseholders or Qualified Renters as the case may be, together with their spouses, children, parents, and grandparents:

1. A person who provides satisfactory evidence to the Local Trust Committee, the CMC, or its designate that:
 - (a) The person's household which resides or intends to reside in the Affordable Housing Unit has a Moderate Income;
 - (b) At least one adult, being between the age of 19 and 65, in the household is employed or self-employed or will be employed or self-employed for not less than twenty (20) hours per week within the Galiano Island Local Trust Area;
 - (c) if not currently employed, any adult in the household has accepted an offer of employment that will commence in the next six (6) months;
 - (d) all adults in the household will make the Affordable Housing Unit their principal residence;
 - (e) no adult in the household owns any other property anywhere in the world unless exempted by the Local Trust Committee on a permanent, temporary or conditional basis; and
 - (f) no adult in the household, nor the household as a whole has assets in excess of \$100,000.00 anywhere in the world at the time of application.
2. Calculating a Household's Income. For the purpose of this Agreement, "Income" means the total income before tax from all sources of all persons residing or intending to reside in the Affordable Housing Unit including, without limitation:
 - (a) all income from earnings, including commission and tips;
 - (b) all income from all public and private pension plans, old age security and guaranteed income supplement;
 - (c) all income received under the British Columbia *Employment and Assistance Act* and the British Columbia *Employment and Assistance for Persons with Disabilities Act*;
 - (d) disabled veteran's allowance;
 - (e) alimony;

- (f) child support;
- (g) workers' compensation benefits;
- (h) employment insurance;
- (i) Income from Assets (see s.3 below); or
- (j) such other sources of income as the Local Trust Committee may designate from time to time;

but excluding the following:

- (k) child tax benefits;
 - (l) capital gains, such as insurance settlement, inheritances, disability awards and sale of effects in the year they are received;
 - (m) the earnings of a person aged 18 years or under;
 - (n) student loans, student loan equalization payments and student grants but excluding non-repayable training allowances, research fellowships or similar grants;
 - (o) shelter aid for elderly renters (SAFER) or rental assistance program (RAP) payments received prior to purchasing an Affordable Housing Unit;
 - (p) GST rebates;
 - (q) taxable benefits received through employment;
 - (r) government provided daycare allowance;
 - (s) payments for foster children, or child in home of relative (CIHR) income under the British Columbia *Employment and Assistance Act*; or
 - (t) such other sources of income as the Local Trust Committee or its designate may designate from time to time.
3. Income from Assets. With respect to Section 3 of this Schedule A, "Income from Assets" means computing income from assets of all persons intending to live in the Affordable Housing Unit but excluding the first ten thousand dollars (\$10,000) of income from assets earned by such person or such other greater dollar figure as the Local Trust Committee or its designate may specify from time to time.
 4. A person must provide to the Owner, the CMC, and/or the Local Trust Committee financial records showing current income, financial assets and debts, and other documentation determined by and in the sole discretion of the Owner, the CMC, or the

Local Trust Committee, proving the ability and/or financial means to construct a house and pay lease payments.

SCHEDULE B

Leaseholder and Qualified Renter Statutory Declaration

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT WITH THE GALIANO
PROVINCE OF	)	ISLAND Local Trust Committee
BRITISH COLUMBIA	)	("Housing Agreement")

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

1. I am the tenant of / the owner of a leasehold interest in [circle one] the lands and improvements located at on Site # _____, at the address 409 Porlier Pass Rd., Galiano Island.
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement.
4. For the period from _____ to _____ the land and improvements were occupied only by myself and the following members of my family: _____.
5. The land lease charged each month was as follows:
 - (a) the monthly lease payment on the date 365 days before this date of this statutory declaration was \$_____ per month;
 - (b) the lease payment on the date of this statutory declaration is \$_____;
 - and
6. *[If applicable]* If the house was rented or sublet, the payment amounts charged each month were as follows:
 - (a) the monthly payment amount on the date 365 days before this date of this statutory declaration was \$_____ per month;
 - (b) the monthly payment amount on the date of this statutory declaration is \$_____;
 - and
7. At no time during the last year has the house been used as a Short Term Vacation Rental.
8. I acknowledge and agree to comply with all Qualified Renter or Leaseholder's obligations under the Housing Agreement, and other charges in favour of Galiano Land

and Community Housing Trust registered in the land title office against the land on which the house is situated and confirm that I have complied with all of Qualified Renter or Leaseholder's obligations under these Agreements.

9. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

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

A Commissioner for taking Affidavits in
British Columbia

Signature of person making declaration

SCHEDULE C

Owner Statutory Declaration

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT WITH THE GALIANO
PROVINCE OF	)	ISLAND LOCAL TRUST COMMITTEE
BRITISH COLUMBIA	)	("Housing Agreement")

1. I, _____ of _____, British Columbia, do solemnly declare that:
2. I am the [*director, officer, employee*] of the Galiano Land and Community Housing Trust, the owner of the land known as 409 Porlier Pass Road, Galiano Island, legally described as PID: 001-416-987, Lot 1 District Lot 3, Galiano Island, Cowichan District, Plan 29196 (the "Lands").
3. I make this declaration to the best of my personal knowledge.
4. This declaration is made pursuant to the Housing Agreement registered against the Lands.
5. For the period from _____ to _____ all Affordable Housing Units were occupied only by Qualified Persons (as defined in the Housing Agreement).
6. At no time during the last year have any of the Affordable Housing Units been used as a Short Term Vacation Rental.
7. The leasehold or rental payments charged for each Affordable Housing Unit were in compliance with the Housing Agreement, and are listed in the attached.
8. Rental Units are rented in compliance with the Housing Agreement.
9. In respect of sublets, each Affordable Housing Unit was in compliance with the Housing Agreement.
10. I acknowledge and agree to comply with all the Owner's obligations under this Agreement, and other charges registered against the Lands and confirm that the the Owner has complied with all the Owner's obligations under these Agreements.
11. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

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

A Commissioner for taking Affidavits for
British Columbia

Signature of person making declaration

<u>Unit Number</u>	<u>Names of Occupants</u>	<u>Monthly payment amount</u>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
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14		
15		
16		
17		
18		
19		
20		

Schedule D

Constitution of the Owner

Galiano Land and Community Housing Trust Constitution

April 8, 2008

1. The name of the society is Galiano Land and Community Housing Trust.
2. The purposes of the society are:
 - a. To provide permanently affordable access to land and housing for community members.
 - b. To promote and encourage education about affordable housing initiatives.
 - c. To develop and implement responsible land-use models for affordable housing giving full consideration to the land's natural attributes.
 - d. To promote and encourage or carry out research to help meet community housing needs in an efficient, economic, ecological and socially sound manner.
 - e. To raise money or acquire funds and other assistance, and to own, acquire and take by purchase, donation, devise or otherwise, land or personal property, and sell, exchange, lease, improve or develop same for the purpose of the society.
 - f. To do everything incidental and necessary to promote and attain the foregoing purposes and periodically reassess these purposes.
 - g. To operate a charitable institution (without profit to its members) for the purpose of raising money or other assistance for constructing, providing, maintaining, leasing, owning and managing one or more affordable housing projects.
3. The Directors shall serve without remuneration, and the Directors shall not receive, directly or indirectly, any profits from their position as Directors, but may be paid expenses incurred by them in performance of their duties. This clause shall be unalterable.
4. The Society shall be carried on without any purpose of gain for its members, and no part of any income of the Society shall be payable or otherwise available for personal benefit of the

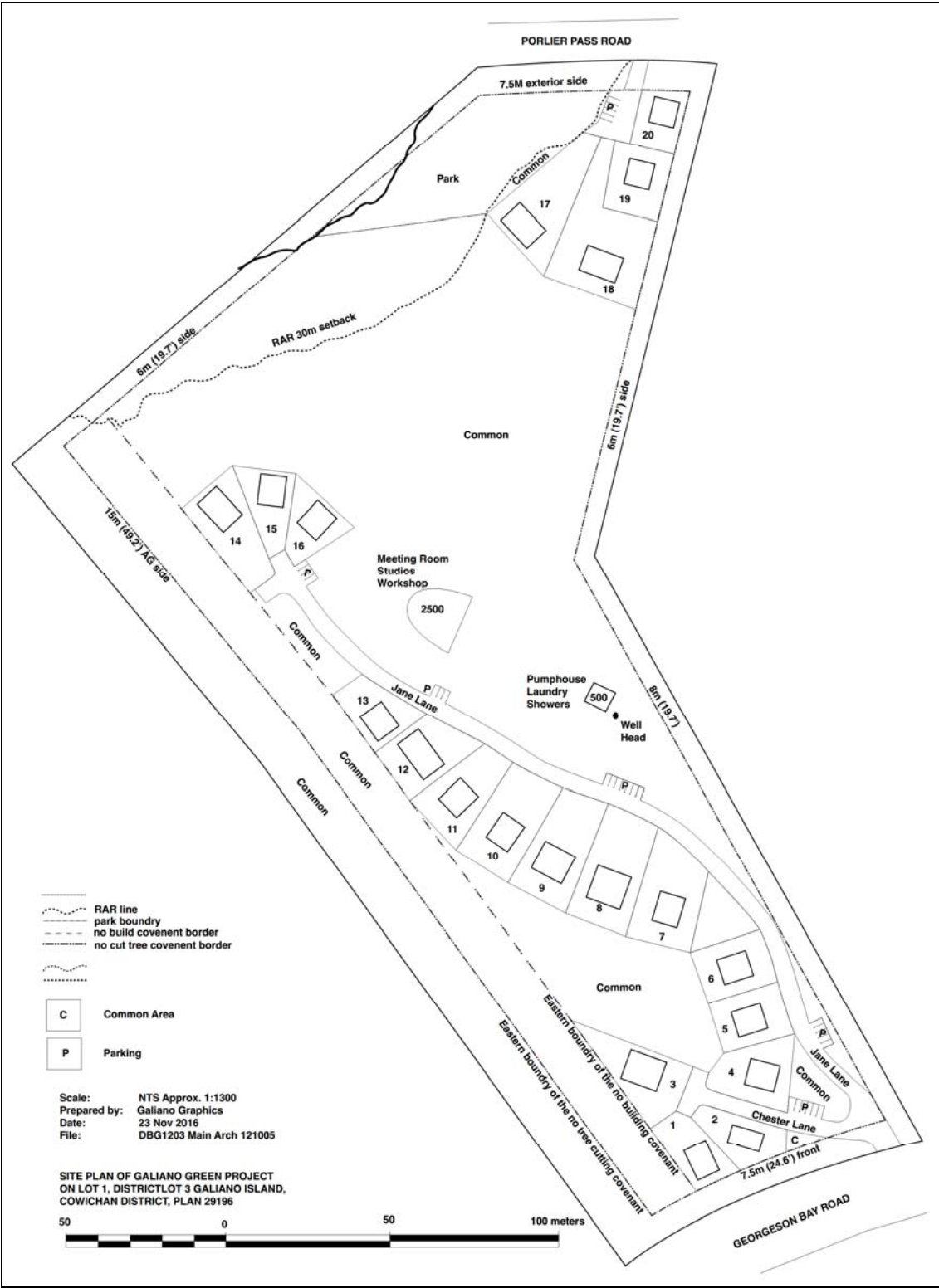
members thereof, and any profits or other accretions to the Society shall be used for promoting its purposes. This clause is unalterable.

5. On winding up and dissolution of the Society, the assets remaining after the payment of all costs, charges and expenses properly incurred in the wind-up, including remuneration of a liquidator, and after payment to employees of the Society of any arrears of salaries or wages, and after payment of any other debts of the Society, shall be distributed to a charitable organization (or organizations) in Canada, registered under the provisions of the Income Tax Act, which shall be designated by the Board of Directors. This clause is unalterable.

6. The Society shall carry on works exclusively of a charitable nature. This clause is unalterable

Schedule E

Site Plan



Schedule F

Community Management Committee

1. General Principles –

- a. The Community Management Committee (“CMC”) will be responsible for administering this Agreement, in accordance with the terms of this Agreement and generally guided by the following practices and principles in this Schedule.
- b. The CMC is a separate and independent arm’s length committee.
- c. The CMC, in undertaking all of its business, will operate in an open manner, consistent with the principles of procedural fairness, and including having all meetings open to the public, and consistent with Robert’s Rules of Order.

2. Composition of the first CMC

- a. The CMC will initially be comprised of five (5) individuals selected by the Owner and consented to by the LTC, on a reasonable basis, prior to the issuance of any occupancy permit for the Lands.
- b. The Owner will publish in a local newspaper a notice requesting applications for the CMC.
- c. Individuals selected for the first CMC will serve consecutive terms of one year, which, where a member is willing continue to serve, will automatically renew, subject to section 3(a) below.
- d. Individuals selected for the first CMC will meet the following criteria (the “CMC Member Qualifications”):
 - i. Resident on Galiano Island for at least the preceding three (3) years;
 - ii. Active in community affairs;
 - iii. Interested in promoting affordable housing;
 - iv. Knowledgeable about affordable housing issues on Galiano Island;
 - v. Not a member of the Local Trust Committee, or staff of the Islands Trust; and
 - vi. Not a director, member, or affiliate of the Galiano Land and Community Housing Trust.

3. Continuing composition of CMC

- a. Following the expiry of a given one year term of the initial members of CMC, the CMC may be comprised of Qualified Leaseholders resident on the Lands. Qualified Leaseholders may replace initial members of the CMC on a rolling basis as a Qualified Leaseholder becomes a resident of the Lands, and following the expiry of a given one year term.
- b. If at any time fewer than three (3) Qualified Leaseholders are available or willing to serve on the CMC, the Owner shall select, with the consent of the LTC, individuals who are not Qualified Leaseholders but who otherwise meet the CMC Member Qualifications.
- c. Members of the CMC will serve terms of one year.
- d. Quorum of the CMC shall be three (3) members.

4. Responsibilities of the CMC

- a. The CMC will receive, by February 15 of each year, statutory declarations from Qualified Leaseholders, Qualified Renters and the Owner, and where requested by the Local Trust Committee, forward same.
- b. The CMC will report to the Local Trust Committee any breaches of this Agreement in a timely manner.
- c. The CMC will cooperate with all requests of the Local Trust Committee with respect to the administration of this Agreement.
- d. Without limiting the generality of any obligations of the CMC contemplated in this Agreement, the CMC will be responsible for reviewing applications for Qualified Leaseholders and Qualified Renters and selecting same based on the criteria articulated herein.
- e. The CMC will endeavour to approve or deny applications for Qualified Leaseholders and Qualified Renters within two weeks of receiving same.

END OF DOCUMENT

First Nation Engagement

Referral of: Galiano Bylaw No. 233 & 234 (OCP & LUB Amendments)
Re: GL-RZ-2011.1

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
June 29, 2016	Emailed referral package & Letter	SLD
August 23, 2016	Phoned & spoke with contact – resent referral. Responded - No pressing concerns, however would like consultation prior to development.	SLD

First Nation: Halalt

Date	Comment/Action	Initial
June 29, 2016	Emailed referral package & Letter	SLD
August 23, 2016	Phoned & left a msg with contact advising of Public Hearing & invited him to respond prior to PH – waiting for reply	SLD

First Nation: Lake Cowichan

Date	Comment/Action	Initial
June 29, 2016	Emailed referral package & Letter	SLD
August 23, 2016	Phoned & Left a message to advise of Public Hearing & ask for comments – awaiting response	SLD

First Nation: Lyackson

Date	Comment/Action	Initial
June 29, 2016	Emailed referral package & Letter	SLD
August 23, 2016	Phoned & left msg advising of Public Hearing & ask for comments – awaiting response	SLD
August 24, 2016	Contact returned my call – I resent the referral to new contact person for review – awaiting response	SLD

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
June 29, 2016	Emailed referral package & Letter	SLD
August 23, 2016	Phoned & left msg with reception to have contact call me back. comments – awaiting response	SLD

First Nation: Semiahmoo

Date	Comment/Action	Initial
June 29, 2016	Emailed referral package & Letter	SLD
August 23, 2016	Phoned & Left a message to advise of Public Hearing & asked for comments – waiting for reply	SLD

First Nation: Stz'uminus

Date	Comment/Action	Initial
June 29, 2016	Emailed referral package & Letter	SLD
August 23, 2016	Phoned & Left a message to advise of Public Hearing & asked if they had any concerns to respond – waiting for reply	SLD

First Nation: Tsawwassen

Date	Comment/Action	Initial
June 29, 2016	Emailed referral package & Letter	SLD
August 23, 2016	Phoned & Left a message to advise of Public Hearing & asked if they had any concerns to respond – waiting for reply	SLD

U:\LOCAL TRUST COMMITTEES\Galiano\Bylaws\Referrals\2016\BLs 233 & 234 (re-referral)\FN Referral\First Nation Followup tracking.docx



Bylaw Submission Briefing Note

Date: December 13, 2016

To: Executive Committee

From: Marnie Eggen
Island Planner
Local Planning Services

Re: **Proposed Bylaw No. 97, a Bylaw to Amend the Thetis Island
Land Use Bylaw No. 89, 2011**

The Thetis Island Local Trust Committee is pleased to submit for your approval proposed Bylaw No. 97.

Purpose:

The proposed bylaw amendment amends the Thetis Island Land Use Bylaw No. 89 by changing the zoning classification of approximately 8.2 ha (20.3 ac) of unsurveyed Crown foreshore or land covered by water being part of the bed of Clam Bay, Cowichan District from Water 4 (W-4) to Water 5 (W-5) to allow for a proposed mariculture operation. This bylaw amendment is a result of a rezoning application, applied for in 2015, by Penelakut Seafoods Ltd.

Background:

A referral from Front Counter BC for a Crown land license of occupation application was responded to by the Northern Office, which indicated that the proposal required a rezoning, including an amendment to the Official Community Plan. The applicant proposes to expand their existing mariculture operation adjacent to Penelakut Island to include a marine area within the Thetis Island Planning Area.

The Islands Trust Policy Statement Checklist was endorsed by the LTC at the meeting of November 24, 2015.

Bylaw No. 96 that amends the Thetis Official Community Plan Bylaw No. 88 was approved by the Ministry of Community, Sport and Cultural Development on November 17, 2016 and adopted by the LTC November 29, 2016.

Issues Relating To Federal and Provincial Interests:

No referral comments were received from provincial interests. Transport Canada indicated that their interests were unaffected and no other referral comments were received from federal interests.

Issues Relating To First Nation Interest:

Four referral comments were received:

- Lyackson First Nations deferred to Penelakut First Nations.
- Cowichan Tribes recommended approval.
- Stz'uminus First Nation have no issues with bylaw amendment and support Penelakut First Nations.
- Halalt First Nation have no objection.

No other referral comments were received from other First Nations.

Issues Relating To Community Interest:

There is community concern that the change in zoning would impede access through the navigational channel known as “the cut” between Penelakut Island and Thetis Island. In response, staff was directed by the LTC to obtain confirmation from the Department of Fisheries and Oceans, the Ministry of Forests, Lands and Natural Resource Operations and Transport Canada that the navigational channel will continue to be protected, and that if future dredging of the navigational channel is necessary that agencies wouldn't be basing their decision solely on the fact that there is a licence of occupation for the purposes of mariculture. In addition, staff was also directed by the LTC to seek support from the applicant, regarding maintaining navigation through “the cut” and future dredging.

Transport Canada responded by clarifying that the *Navigation Protection Act* authorizes and regulates interferences with the public right in waterways, and that it is unlikely that Transport Canada would authorize a work (a human made structure, fill, or excavation) that would obstruct the use of ‘the cut.’ Also, any proposed dredging would require authorization unless it was considered a “minor works.” Ministry of Forests, Lands and Natural Resource Operations clarified that a licence of occupation does not allow the tenure holder to restrict public access, and that the *Land Act* would not prevent dredging, particularly if there is a navigation concern. And Department of Fisheries and Oceans clarified that there is nothing in an aquaculture licence that would prevent dredging activities from occurring provided DFO Fisheries Protection authorizes the activity. Dredging activities in a marine area would require DFO Fisheries Protection authorization regardless of any aquaculture licence, licence of occupation, or zoning in place.

The Chief Administrative Officer for Penelakut Tribe (on behalf of Penelakut Seafoods Ltd.) responded that the ‘cut’ is currently used by the Penelakut community and Penelakut Seafoods Ltd, and that the Board cannot commit to

providing a letter of support for potential future dredging of “the cut” as it cannot fetter the discretion of the Board in the absence of details of any ‘proposed’ dredging. Such a decision would involve consultation with the Penelakut community and site specific details to be considered by all interested agencies.

The LTC was satisfied with the responses and considered third reading as the information provided post public hearing is not considered ‘new information.’

Recommendations:

1. THAT the Islands Trust Executive Committee approve the Thetis Island Local Trust Committee Bylaw No. 97 cited as the “Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2015”, under Section 24 of the *Islands Trust Act*.



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Thetis Island Local Trust Committee

Bylaw No.: TH-097

Bylaw Type: Land Use Bylaw

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

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

Recieved by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: TH-097

Trust Area: Thetis Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: TH-097
Application No.: TH-RZ-2015.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 24-Nov-2015

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 08-Dec-2015

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 27-Apr-2016

File complete and ready for Public review: Yes

Public Hearings:

Location: Thetis Community Hall (Forbes Hall), Main Rd, Thetis
Proofread By: Eggen, Marnie

Legal Paper: Ladysmith - Chemainus Chronicle
First Publish Date: 27-Apr-2016 Second Publish Date: 04-May-2016

Alternate Paper:
First Publish Date: Second Publish Date:

Mailout Date: 19-Apr-2016 Delivery Notices:
Second Reading Date: 24-May-2016 Date Public Hearing Held: 09-May-2016
Third Reading Date: 29-Nov-2016

**Referrals: Bylaw TH-097**

Agency	Sent	Received
Cowichan Tribes 5760 Allenby Rd: Flemming, Tracey Comment: Approval Recommended - in support of Penelakut Economic Initiative	26-Jan-2016	27-Jan-2016
Lyackson First Nation 7973A Chemainus Road: Vacant, Contact Comment: defer to Penelakut	15-Dec-2015	18-Nov-2015
Ministry of Forests, Lands and Natural Resource Operations - Ecosystems Branch 2080 Labieux Road: Roden, Jacqueline Comment:	14-Dec-2015	
School District #79 - Cowichan Valley 2557 Beverly St: Arnet, Jessica Comment:	14-Dec-2015	
Gabriola Island Local Trust Committee 700 North Road: Arnet, Jessica Comment: Interests Unaffected	14-Dec-2015	14-Jan-2016
Parks Canada 2220 Harbour Road: Morash, Marcia Comment:	14-Dec-2015	
Stz'uminus First Nation 12611A Trans Canada Hwy: Akey, Chenoa Comment:	14-Dec-2015	
Semiahmoo First Nation 16049 Beach Rd: Coordinator, Referrals Comment:	14-Dec-2015	
Transport Canada Marine Safety: Gowe, Bob Comment: Interests Unaffected	14-Dec-2015	27-Jan-2016
Island Health Health Protection and Environmental Services: Yu, Gloria Comment:	14-Dec-2015	
Ministry of Forests, Lands and Natural Resource Operations - Water Protection # 142 - 2080A Labieux Road: , Frontcounter BC Comment:	14-Dec-2015	
Ministry of Environment 2080A Labieux Road: Andres, Selina Comment:	14-Dec-2015	
Department of Fisheries and Oceans	14-Dec-2015	18-Apr-2016



Referrals: Bylaw TH-097

Agency	Sent	Received
Habitat Management Branch: Referrals, Bylaw Referrals Comment: Does not have regulatory role.		
Galiano Island Local Trust Committee 200 - 1627 Fort Street: Lloyd-deRosario, Sharon Comment: Interests Unaffected	14-Dec-2015	01-Feb-2016
Town of Ladysmith 410 Esplanade, PO Box 220: Brinkman, Lisa Comment: Interests Unaffected	14-Dec-2015	04-Mar-2016
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Olivier, Claire Comment: Interests Unaffected	14-Dec-2015	14-Mar-2016
Halalt First Nation 7973 Chemainus Rd: Chief, & Council Comment:	14-Dec-2015	
Penelakut Tribe Chief and Council: James, Denise Comment:	14-Dec-2015	
Lake Cowichan First Nation 313B Deer Road: Chief, & Council Comment:	14-Dec-2015	
Cowichan Valley Regional District 175 Ingram Street: Tippet, Mike Comment: Interests Unaffected	14-Dec-2015	06-Jan-2016
Environment Canada - Pacific and Yukon Region 201 - 401 Burrard Street: Name, No Contact Comment:	14-Dec-2015	
Ministry of Community, Sport and Cultural Development Intergovernmental Relations and Planning Division: Nicholls, Eric Comment:	14-Dec-2015	
Ministry of Forests, Lands & Natural Resource Operations -Archaeology Site Inventory PO Box 9816 Stn. Prov. Govt.: Cooper, Diana Comment:	14-Dec-2015	
Hulquminum Treaty Group 200-200 Cowichan Way: Anderson, Al Comment:	14-Dec-2015	
Islands Trust 700 North Road: Drew, Miles Comment:	14-Dec-2015	



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: TH-RZ-2015.1 (Penelakut Seafoods Ltd.)

The following symbols in the table indicate:

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

Explanatory notes are added in bold and italics text

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.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas
✓	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
✓	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.
N/A	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

	5.3	Transportation and Utilities
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.
✓	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.
✓	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
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: Becky McErlean

Status

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

Reading:

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 97

A BYLAW TO AMEND THETIS ISLAND LAND USE BYLAW, 2011

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

1. Citation

This bylaw may be cited for all purposes as “Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2015”.

2. Thetis Island Local Trust Committee Bylaw No. 89, cited as “Thetis Island Land Use Bylaw, 2011,” is amended as follows:

2.1 Schedule “C” – Zoning Map, is amended by changing the zoning classification of the unsurveyed Crown foreshore or land covered by water being part of the bed of Clam Bay, Cowichan District from Water 4 (W-4) to Water 5 (W-5), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “C” of Bylaw No. 89 as are required to effect this change.

READ A FIRST TIME THIS 24TH DAY OF NOVEMBER , 2015

PUBLIC HEARING HELD THIS 9TH DAY OF MAY , 2016

READ A SECOND TIME THIS 24TH DAY OF MAY , 2016

READ A THIRD TIME THIS 29TH DAY OF NOVEMBER , 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20__

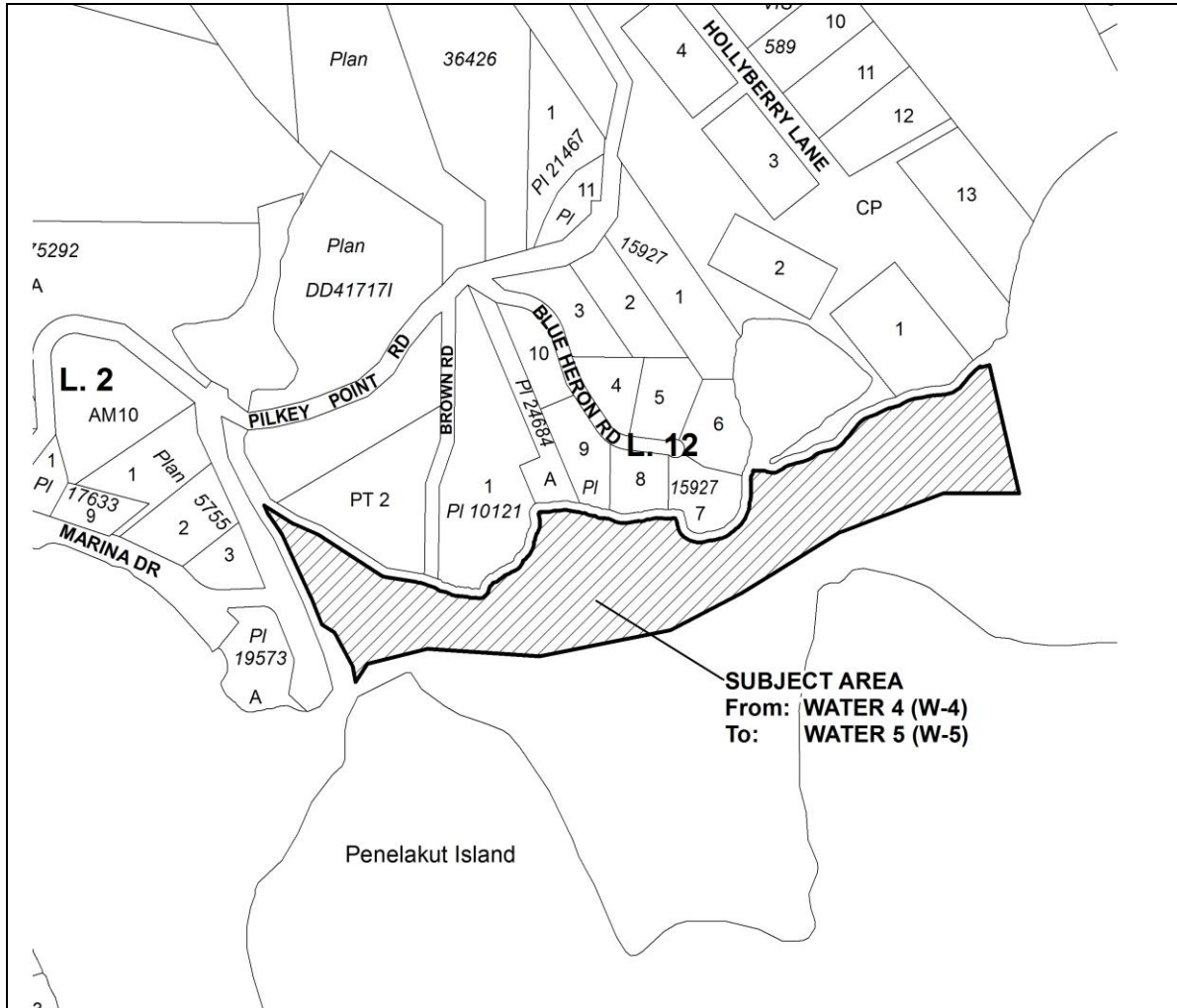
ADOPTED THIS _____ DAY OF _____ , 20__

Chair

Secretary

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 97

Plan No. 1



First Nation Engagement

Referral of: TH-RZ-2015.1 (Penelakut Seafoods Ltd) Bylaw Nos. 96 and 97

First Nation: Lyackson First Nation

Date	Comment/Action	Initial
October 21, 2015	(Early referral) Quarterly referral meeting; deferred to Penelakut First Nation, and reserved the right to comment in the future.	ME
December 2015	Formal referrals sent by email.	BM/ME
January 20, 2016	Staff attended Monthly Referral Meeting organized by Lyackson FN, and received verbal confirmation that Lyackson First Nation defers to Penelakut First Nation. K. Johnnie indicated that she would try to contact other First Nations to solicit a supportive referral response for the Penelakut First Nation project.	ME

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
October 21, 2015	(Early referral) Quarterly referral meeting; deferred to Penelakut First Nation	ME
December 2015	Formal referrals sent by email.	BM/ME
January 27, 2016	Received a formal referral response: "Approval Recommended"	ME

First Nation: Semiahmoo First Nation

Date	Comment/Action	Initial
December 2015	Formal referrals sent by email.	BM/ME
March 16 2016	Called and spoke to Joanne Charles: She indicated their archeologist has been busy and will look into this.	BM
August 31, 2016	Sent Email asking for comment	BM
Sept 8, 2016	Called and left message and emailed regarding any response?	BM

First Nation: Stz'uminus First Nation

Date	Comment/Action	Initial
December 2015	Formal referrals sent by email.	BM/ME
February 9, 2016	Lyackson First Nation solicits supportive response from FN via email.	K. Johnnie
March 16 2016	Called – generally supportive but will have to check regarding formal response.	BM
Sept 8, 2016	Called and left message regarding further response?	BM

August 31, 2016	Called - they have no issues and support the Penelakut. Will not be sending anything further.	BM Chenoa Akey
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First Nation: Halalt First Nation

Date	Comment/Action	Initial
December 2015	Formal referrals sent by email.	BM/ME
February 9, 2016	Lyackson First Nation solicits supportive response from FN via email.	ME
March 11, 2016	Follow up call and email.	ME
March 16, 2016	Called, may respond by March 22	BM
August 31, 2016	Received response - Given that the area in question is within Penelakut primary area we have no objections to the application.	BM/ME

First Nation: Lake Cowichan First Nation

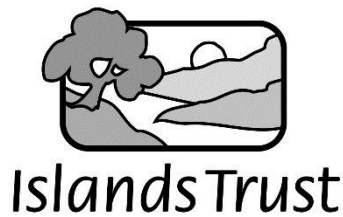
Date	Comment/Action	Initial
December 2015	Formal referrals sent by email.	BM/ME
February 9, 2016	Lyackson First Nation solicits supportive response from FN via email.	K. Johnnie
March 16 2016	Left message with office	BM

First Nation: Penelakut First Nation

Date	Comment/Action	Initial
December 2015	Formal referrals sent by email.	BM/ME
February 9, 2016	Lyackson First Nation solicits supportive response from FN via email.	K. Johnnie
March 16 2016	Left message with office	BM

First Nation: Hul'Qumi'num Treaty Group

Date	Comment/Action	Initial
December 2015	Formal referrals sent by email – for information only	BM/ME



Bylaw Submission Staff Report

Date: December 14, 2016

To: Executive Committee
For the meeting of January 18, 2017

From: Seth Wright, Planner II

Re: **Salt Spring Island Local Trust Committee Bylaw No. 493**
(Piers Island OCP Amendment for Climate Change)

Introduction:

The Salt Spring Island Local Trust Committee is pleased to submit proposed Bylaw No. 493, which is a bylaw to amend the Piers Island Official Community Plan (Salt Spring Island Local Trust Committee Bylaw No. 51) to include Greenhouse Gas (GHG) emission reduction objectives, policies, and actions in accordance with Subsection 473(3) of the Local Government Act. The purpose of this briefing note is to provide the Executive Committee with a summary of the bylaw.

Purpose:

Proposed Bylaw 493 would introduce a greenhouse gas emission reduction commitment, four corresponding objectives, 12 associated policies, and five supporting actions to the Piers Island Official Community Plan (OCP). The bylaw also contains various technical amendments, including replacing a reference to the Municipal Act with the Local Government Act, replacing goals with objectives, striking imprecise imperial measurements, and replacing the land use designation map with a more legible version.

Background:

On December 17, 2015, the Salt Spring Island Local Trust Committee (LTC) passed a resolution to update the Piers Island Official Community Plan to include climate change considerations and allocated project funds to engage a contract planner to draft a bylaw with consultation of the Piers Island community.

On March 31, 2016, the LTC received a draft bylaw and directed staff to organize a town hall, to refer the draft bylaw to First Nations, and deemed that the draft bylaw is not contrary or at variance with the Islands Trust Policy Statement. Following referral, the bylaw received first reading and staff were directed to prepare a public hearing and review the emission reduction targets for achievability.

On October 3, 2016, a special (town hall) meeting and public hearing were held on Piers Island. On December 1, 2016, the LTC further amended the bylaw, gave the bylaw second and third reading and directed staff to forward the bylaw to the Executive Committee for approval

Issues Relating To Provincial Interest:

Over the week of April 11th-18th, 2016, the bylaw was referred to thirteen First Nations and two treaty groups. Concurrently, a First Nations' Engagement Strategy was referred to staff in the Ministry of Community, Sport, and Cultural Development and endorsed.

Lake Cowichan First Nation identified the area as Level 3, which indicates "Lake Cowichan had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Lake Cowichan's highest S. 35 interests and would require the high end of the Haida spectrum consultation. ...Should Lake Cowichan First Nation identify any interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected." The Lyackson First Nation recommended approval of Bylaw 493 subject to items discussed. The following comments were noted from discussion: green walls and green roofs are supported and encouraged; a reduction in the number of docks is encouraged, a reduction in the length of docks [piers] is encouraged; and the use of community docks is preferred to private docks. The Penelakut Tribe responded with a general caution that interests would arise if any activity causes soil disturbance. Stz'uminus First Nation responded indicating that their interests are unaffected.

Issues Relating To Enforcement or Resourcing:

The bylaw should have no impact on enforcement or resourcing.

Recommendation:

That the Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 493, cited as "Piers Island Official Community Plan By-law, 1980, Amendment No. 1, 2016" under Section 24 of the *Islands Trust Act*.

Attachments:

1. Submission for EC Approval
2. Agency Referral Checklist
3. Directives Only Checklist
4. EC General Bylaw Checklist
5. Bylaw at 3rd Reading
6. First Nations Referral Strategy



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Salt Spring Island Local Trust Committee

Bylaw No.: SS-493

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 01-Dec-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



Referrals: Bylaw SS-493

Agency	Sent	Received
Islands Trust Fund 200, 1627 Fort Street: Eliason, Jennifer Comment:	22-Apr-2016	
Tsawout First Nation PO Box 121, 7725 Tetayut Road: Underwood, Gwen Comment:	18-Apr-2016	
Pauquachin First Nation 9010 West Saanich Road: Henry, Danny Comment:	18-Apr-2016	
Tsartlip First Nation PO Box 70: Harry, Karen Comment:	18-Apr-2016	
Mayne Island Local Trust Committee Islands Trust: Nichols, Kris Comment: Interests Unaffected	18-Apr-2016	30-May-2016
Halalt First Nation 7973 Chemainus Rd: Chief, & Council Comment:	18-Apr-2016	
Penelakut Tribe Chief and Council: James, Denise Comment: Verbal caution from D. James concerning soil disturbance	18-Apr-2016	30-Jun-2016
Lake Cowichan First Nation 313B Deer Road: Chief, & Council Comment: See response from Carole Livingstone dated May 9, 2016.	18-Apr-2016	09-May-2016
Lyackson First Nation 7973A Chemainus Road: Vacant, Contact Comment: Approval recommended subject to conditions, see summary from Planner Wright.	18-Apr-2016	27-Apr-2016
Stz'uminus First Nation 12611 A Trans Canada Hwy: Akey, Chenoa Comment: Interests unaffected verbal response.	18-Apr-2016	25-Apr-2016
Ministry of Energy Land Use Coordination Branch: , Comment:	18-Apr-2016	
North Pender Island Local Trust Committee Islands Trust: Starke, Justine Comment: Interests Unaffected	18-Apr-2016	06-May-2016
Cowichan Tribes Chief and Council: and Council, Chief	18-Apr-2016	19-Apr-2016



Referrals: Bylaw SS-493

Agency	Sent	Received
Comment: Approval recommended for reasons as follows: proposal does not appear to have any potential adverse impacts to Cowichan Tribes aboriginal interests in the Piers Island area.		
Capital Regional District - All Referrals J. Arnet 625 Fisgard Street: , Comment: Responded that CRD have no comments.	18-Apr-2016	01-Jun-2016
Te'Mexw Treaty Association 13D Cooper Road: , Comment:	18-Apr-2016	
Galiano Island Local Trust Committee 200 - 1627 Fort Street: Lloyd-deRosario, Sharon Comment: Interests Unaffected	18-Apr-2016	02-May-2016
Capital Regional District - SSI Building Inspection 206-18 Fulford-Ganges Road: , Comment:	18-Apr-2016	
Capital Regional District - SSI Director 145 Vesuvius Bay Road: , Comment:	18-Apr-2016	
Capital Regional District - Env. Engineering Division 625 Fisgard Street: , Comment:	18-Apr-2016	
Capital Regional District - SGI Small Craft Harbours Commission 145 Vesuvius Bay Road: , Comment:	18-Apr-2016	
Ministry of Transportation and Infrastructure Vancouver Island District Office: ., . Comment: No objections	18-Apr-2016	03-May-2016
Ministry of Forest Lands Resource Operations - Environment O Box 9428 Stn Prov Govt: ., . Comment:	18-Apr-2016	
Front Counter BC FrontCounterBC@gov.bc.ca: , Comment:	18-Apr-2016	
Hulquminum Treaty Group PO Box 21028: ., . Comment:	18-Apr-2016	
Malahat First Nation 110 Thunder Road, RR4: , Comment:	18-Apr-2016	
Tseycum First Nation 1210 Totem Lane: ,	18-Apr-2016	



Referrals: Bylaw SS-493

Agency	Sent	Received
Comment:		
Semiahmoo First Nation 16049 Beach Rd: , Comment:	18-Apr-2016	
BC Ferry Services Inc. Properties and Planning: ., . Comment:	18-Apr-2016	
Salt Spring Island Ferry Advisory Committee 1000 Long Harbour Road: ., . Comment:	18-Apr-2016	
Vancouver Island Health Authority 1952 Bay Street: Laughlin, Christopher Comment: Interests Unaffected	18-Apr-2016	28-Apr-2016
BC Assessment Authority Policy, Audit and Legal Services: McIntyre, Cathie Comment:	18-Apr-2016	
Ministry of Community, Sport and Cultural Development Intergovernmental Relations and Planning Division: Nicholls, Eric Comment:	18-Apr-2016	



POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Salt Spring Island Local Trust Committee Bylaw #493
Piers Island OCP Update Climate Change

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:

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III: Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
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.
✓	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.
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

CONSISTENT	NO	DIRECTIVE POLICY
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.
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		

CONSISTENT	NO.	DIRECTIVE POLICY
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.
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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.
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		

Islands Trust Policy Statement Directives Only Checklist

CONSISTENT	NO.	DIRECTIVE POLICY
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: 01-Dec-2016

Reading:

PROPOSED

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 493**

A BYLAW TO AMEND PIERS ISLAND OFFICIAL COMMUNITY PLAN BY-LAW, 1980

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

1. Citation

This bylaw may be cited for all purposes as “Piers Island Official Community Plan By-law, 1980, Amendment No. 1, 2016”.

2. Salt Spring Island Local Trust Committee Bylaw No. 51, cited as "Piers Island Official Community Plan By-law, 1980," is amended as shown on Schedules No. 1 and No. 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 21ST DAY OF JULY 2016

PUBLIC HEARING HELD THIS 3RD DAY OF OCTOBER 2016

READ A SECOND TIME THIS 1ST DAY OF DECEMBER 2016

READ A THIRD TIME THIS 1ST DAY OF DECEMBER 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

____ DAY OF _____ 20____

ADOPTED THIS

DAY OF 20

Chair

Secretary

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 493

SCHEDULE NO. 1

1. Schedule “A”, is amended as follows:

1.1 The provision entitled “Purpose”, second paragraph is amended by deleting the words “Municipal Act” and replacing them with the words “*Local Government Act*”.

1.2 The provision entitled “Goals” is amended as follows:

1.2.1 by deleting the heading “Goals” and replacing it with the word “Objectives”;

1.2.2 by adding the following three objectives:

“7. To limit greenhouse gas emissions.

8. To maximize energy efficiency.

9. To maintain and enhance current levels of carbon sequestration.”

1.3 PART 1 – PROPOSALS FOR THE ISLAND, Section POLICIES, Sub-Section 1, Article (a) is amended by deleting the bracketed measurement “(400 sq. ft.)”.

1.4 PART 1 – PROPOSALS FOR THE ISLAND, Section POLICIES, Sub-Section 2 is amended by deleting the bracketed measurement “(0.4 acres)”.

1.5 PART 1 – PROPOSALS FOR THE ISLAND, Section POLICIES, Sub-Section 3 is amended by deleting the bracketed measurement “(2 acres)”.

1.6 PART 1 – PROPOSALS FOR THE ISLAND, Section POLICIES, Sub-Section 9 is amended by deleting the bracketed measurement “(50 ft.)”.

1.7 PART 1 – PROPOSALS FOR THE ISLAND is amended by inserting a new Section 10 as follows:

“10. Climate Change Adaptation and Greenhouse Gas Emissions Reduction

In response to climate change, the Provincial Government gave Royal Assent to Bill 27 “*Local Government (Green Communities) Statutes Amendment Act, 2008*” on May 29, 2008. Bill 27 amends the *Local Government Act* and other provincial regulations to provide new tools for local governments. Bill 27 requires local governments to include Green House Gas emission reduction targets – and policies and actions to achieve those targets – in their Official Community Plans.

The Piers Island community is committed to maintain a light footprint on the island, to conserve energy and to minimize Green House Gas emissions.

10.1 Target

The following target is established to ensure that the reduction of Greenhouse Gas emissions and the impact of climate change are considered in land use planning for Piers Island:

This Plan commits to a reduction in greenhouse gas emissions. Within the planning area, in cooperation with the Salt Spring Island Local Trust area, this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land-use policies and regulations.

10.2 Objectives

The following objectives are provided to reduce greenhouse gas emissions and maximize energy efficiency:

- (a) To consider the impacts of climate change as a central factor in land-use decision-making.
- (b) To support actions to minimize greenhouse gas emissions.
- (c) To recognize the importance of forested lands as a carbon sink.
- (d) To work with other agencies and levels of government to support actions that limit greenhouse gas emissions.

10.3 Policies

- a) The Salt Spring Island Local Trust Committee supports the retention and enhancement of forested areas and vegetation as a carbon sink;
- b) The Salt Spring Island Local Trust Committee supports the composting of food scraps and yard waste to minimize burning and disposal in landfill;
- c) The Salt Spring Island Local Trust Committee supports the limited number of fossil fuel vehicles on the island;
- d) The Salt Spring Island Local Trust Committee supports the reuse and recycling of surplus items rather than sending them to landfill;
- e) The Salt Spring Island Local Trust Committee supports an annual chimney-sweep program.

10.4 Advocacy Policies

- (a) The Salt Spring Island Local Trust Committee encourages preparation for sea-level rise by promoting provincial best practices and Islands Trust regulations for building setbacks from the natural boundary of the sea and for minimum elevations for construction.
- (b) The Salt Spring Island Local Trust Committee encourages the use of a private ferry service, boat sharing, and the creation of a public ferry service.

- (c) The Salt Spring Island Local Trust Committee encourages walking and bicycling on the island;
- (d) The Salt Spring Island Local Trust Committee encourages solar orientation in the siting and design of houses and the use of renewable energy such as photovoltaic solar panels and solar hot water.
- (e) The Salt Spring Island Local Trust Committee encourages residents to select clean-burning wood stoves and retrofit old inefficient wood stoves.
- (f) The Salt Spring Island Local Trust Committee encourages other levels of government and agencies to provide assistance for recycling programs.
- (g) The Salt Spring Island Local Trust Committee encourages the Islands Trust Council to provide resources to assist Piers Island to achieve its greenhouse gas emission targets.

10.4 Actions

- (a) The Piers Island Association is supported in protecting and caring for the community forest in order for it to continue to sequester carbon.
- (b) The Piers Island community is supported in sharing the community tractor.
- (c) The Piers Island Fire Department is supported in organizing and supervising regular burning of wood waste when weather conditions are suitable.
- (d) The Piers Island community is supported in using the community website to share information, services, errands and goods.
- (e) The Piers Island community is supported in using any private or public ferry service between Piers Island and Vancouver Island.”

1.8 PART 1 – PROPOSALS FOR THE ISLAND, Section 11. Zoning Regulations is amended by deleting the words “Plan Map” and replacing it with the words “Map 1-Plan Area with Land and Shoreline Use Designation”.

1.9 By making such consequential numbering alterations to effect these changes.

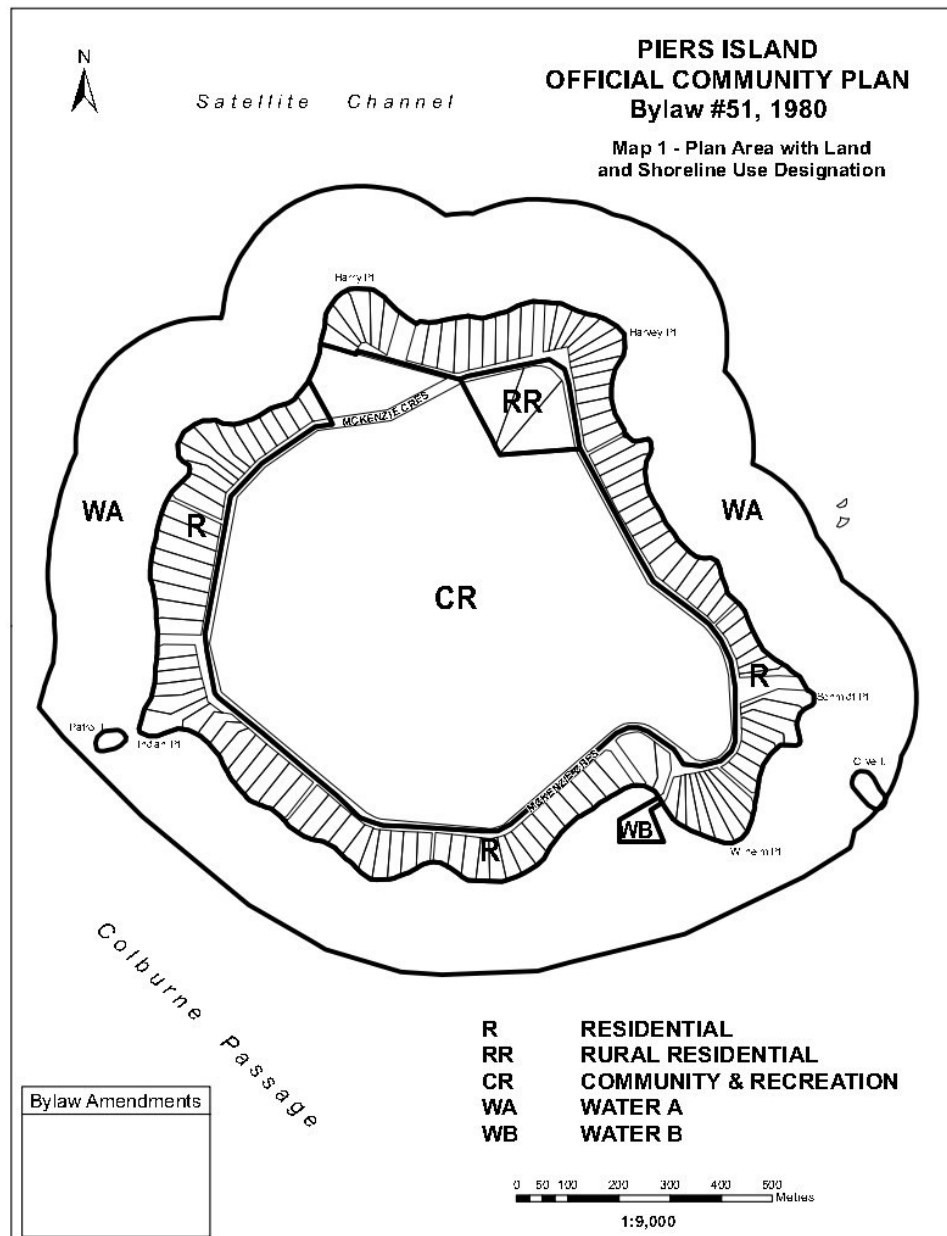
PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 493

SCHEDULE NO. 2

2. Schedule "A", is amended as follows:

2.1 By deleting the "Plan Map" and replacing it with the following new "Map 1 – Plan Area with Land and Shoreline Use Designation".



Engagement Strategy for: Piers Island Official Community Plan Bylaw No. 493

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the *Local Government Act*.

Schedule:

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .		
Step 1	April 11, 2016	Legislative Clerk Claire Olivier (LC) sends <u>preliminary</u> Bylaw Referral including referral form, staff report, draft bylaw via email to First Nations and Tribes listed below.
Step 2	April 11, 2016	LC sends engagement strategy plan to Eric Nicholls at CSCD
Step 3	April 25, 2016	Follow up phone call from LC to all parties to ensure receipt of the referral and to provide a base explanation.
Step 4	Completed	LC refers any issues to Planner Seth Wright (PW)
Step 5	Completed	PW responds as required to FN and Tribes and consults with E. Nicholls at CSCD as needed.
Step 6	Not Required	PW may provide FU email to all FN and Tribes if a broader clarification is required.
Step 7	N/A	PW coordinates further FN, Tribe engagement per CSCD if required.
Step 8	July 21, 2016	PW presents staff report and bylaw to Salt Spring Island Local Trust Committee (SSI LTC) for consideration of First Reading and possible Public Hearing.
Step 9	N/A	PW may recommend a resolution to initiate a subsequent referral to FN and Tribes if considerable changes were made to the bylaw after preliminary referral.
Step 10	Completed	Steps 1 to 7 are repeated if a further referral is necessary
Step 11	Dec 1, 2016	PW presents a post-public hearing staff report for consideration of third reading to the SSI LTC.
Step 12	Dec 22, 2016	LC forwards Bylaw at 3 rd Reading to the Islands Trust Executive Committee for their consideration.
Step 13		Once Executive Committee approval received, LC forwards bylaw referral to E. Nicholls at CSCD.
Step 14		Once CSCD approves, and bylaw is subsequently adopted, LC sends file closure correspondence to FN and Tribes.

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Cowichan Tribes			
First Nation Contact Name(s) and Position/Title(s): Candace Charlie, Referral Coordinator			
Phone: 250-748-3196		Fax:	Email: Candace.charlie@cowichantribes.com
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
Apr 19, 2016	Response received, interests unaffected		
Apr 25, 2016	Follow up call along with other bylaws		

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Halalt First Nation			
First Nation Contact Name(s) and Position/Title(s): Elie Enns			
Phone: 250-246-4736		Fax:	Email: manager@halalt.org
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Follow up call – left a message		Not in till Wed April 27th

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Lake Cowichan First Nation			
First Nation Contact Name(s) and Position/Title(s): Carol Livingstone			
Phone: 250-749-3301		Fax:	Email: adminlkcw@shaw.ca
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Follow up call, left message	phone	
May 5, 2016	Uploaded referral to Community KnowledgeKeeper database		Received referral confirmation.
May 9, 2016	Response received	Email	See response for details, Level 3 rights area identified.

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Lyackson First Nation			
First Nation Contact Name(s) and Position/Title(s): Kathleen Johnnie			
Phone: 250-246-5019		Fax:	Email: kathleen.johnnie@lyackson.bc.ca
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	Advised Kathleen Johnnie no longer with Lyackson as of April 30 th – changed referral contact to Cory Thomas, Lands Assistant
April 27, 2016	Meeting with Lyackson office 7973A Chemainus Rd		See response summarized by Planner S. Wright

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Malahat Nation			
First Nation Contact Name(s) and Position/Title(s): Robert Sagmeister			
Phone: 250-743-3231		Fax:	Email: referrals@malahatnation.com
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Verbal follow up phone message with reception	phone	
June 30, 2016	Follow up call	phone	

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Pauquachin First Nation			
First Nation Contact Name(s) and Position/Title(s): no referral coordinator specifically			
Phone: 250-656-0191		Fax:	Email: reception@pauquachin.com
Date	Notification Package sent	Method (e.g.	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Chief Rebecca not at office, left a phone message with Bonnie Seward Admin Assistant.	phone	
June 30, 2016	Follow up call, resent full bylaw referral	Phone and email	To office assistant Bonnie (bonnie@pauquachin.com)

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Penelakut Tribe			
First Nation Contact Name(s) and Position/Title(s): Denise James			
Phone:	250-246-2321	Fax:	Email: denisej@penelakut.ca
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Left message with receptionist	phone	
June 30, 2016	Follow up call, resent full bylaw referral	Phone and email	verbal comment from D. James – general caution interests would arise if any activity causes soil disturbance.

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Hul'quminum Treaty Group (For Information Only)			
First Nation Contact Name(s) and Position/Title(s): Robert Morales			
Phone:	250-245-4660	Fax:	Email: htg-rmorales@shaw.ca
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Semiahmoo First Nation			
First Nation Contact Name(s) and Position/Title(s): Joanne			
Phone: 604-536-3101		Fax:	Email: semiahmoojoanne@gmail.com
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Follow up call to Joanne, briefly explained bylaw amendment, they will review	Phone	

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Stz'uminus First Nation			
First Nation Contact Name(s) and Position/Title(s): Chenoa			
Phone: 250-924-2444		Fax:	Email: referrals@coastsalishdevcorp.com
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Spoke to Chenoa, referral coordinator Interests unaffected	Phone	

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Tsartlip First Nation			
First Nation Contact Name(s) and Position/Title(s): Karen Harry			
Phone: 250-652-3988		Fax:	Email: admin@tsartlip.com
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Follow up phone message to Karen Harry	phone	

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Tsawout First Nation			
First Nation Contact Name(s) and Position/Title(s): Gwen Underwood			
Phone: 250-652-9101		Fax:	Email: shaysema@tsawout.ca
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Follow up phone message to Gwen Underwood	Phone	

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Tsawwassen First Nation			
First Nation Contact Name(s) and Position/Title(s): Sonya Howard			
Phone: 604-943-2112		Fax:	Email: reception@tsawwassenfirstnation.com
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
Apr 18, 2016	E. Nichols, Ministry of CSCD advises referral outside of jurisdiction, did not include in referral mail out to FN		

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Tseycum First Nation			
First Nation Contact Name(s) and Position/Title(s): Chief Tanya Jimmy			
Phone: 250-656-0858		Fax:	Email: chief@tseycum.ca
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	
April 25, 2016	Spoke to Tanya Jimmy's assistant Letha and Emailed referral package again to her for Tanya's attention	Phone and Email	

Engagement Topic/Proposal: To amend Piers Island Official Community Plan Bylaw No. 51 to include climate change considerations (GHG emission reduction targets, policies & actions per Section 473(3) of the <i>Local Government Act</i> .			
First Nation: Te'Mexw Treaty Association (for information only)			
First Nation Contact Name(s) and Position/Title(s): Stacey Joseph			
Phone: 250-360-2202		Fax:	Email: sjoseph@temexw.org
Date	Notification Package sent	Method (e.g. phone/email)	Comments / Follow-up (e.g. identified interests, proposed measures)
April 18, 2016	Sent bylaw, staff report and referral form	Email	

REQUEST FOR DECISION

To: Executive Committee

For the Meeting of: January 18, 2017

Date: January 12, 2017

SUBJECT: BOWEN ISLAND – OCP AMENDMENT BYLAW 425 – S.38(1) ISLANDS TRUST ACT

RECOMMENDATION:

THAT the Islands Trust Executive Committee approve Bylaw 425, cited as “Bowen Island Municipality Official Community Plan Bylaw No. 282, 2010, Amendment Bylaw No. 425, 2016”.

THAT the Islands Trust Executive Committee request Staff to advise Bowen Island Municipality of the decision before February 10, 2017.

DIRECTOR OF LPS COMMENTS: Bowen Island Municipality has referred its Official Community Plan amendment to the Islands Trust Executive Committee for approval under Section 38.1 of the *Islands Trust Act*. The Executive Committee commented on a draft of this OCP in August 2016, noting that based on information received to date, the draft bylaw was not contrary or at variance with the Islands Trust Policy Statement. A review by Islands Trust staff indicates that the proposed OCP is fully compliant with the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Communication to Bowen Island Municipality before February 10, 2017 on the Executive Committee decision.

OTHER: None

1.0 BACKGROUND:

1.1 Bowen Island Municipality OCP Amendment Bylaw 425 – Background

The Bowen Island Municipality is in the process of amending the Bowen Island Official Community Plan Bylaw No. 282, 2010 and the Bowen Island Municipality Land Use Bylaw (LUB) No. 57, 2002 in order to rezone and redesignate Municipal owned land called Lot 3 – Community Surplus Lands. The intent of Municipality is to relocate the main fire hall and construct a new emergency operations centre on the subject properties (a total of 1.6 ha in area). The Municipality is also looking to provide public parking on a portion of the property as it is the nearest available municipal owned land to the village area.

The proposed OCP Amendment Bylaw No. 425 would redesignate the portion of Lot 3a from Village Residential (VR) to Institutional/Village Residential (I/VR). This would redesignate the entire Lot 3a parcel as I/VR. The OCP designation for Lot 3b remains the same. A LUB Amendment Bylaw No. 422 also accompanies proposed Bylaw No. 425.

The Executive Committee first received a referral of Bylaw 425 under Section 14.3 of the Letters Patent in August 2016 after First Reading of the proposed bylaw. The purpose of the initial bylaw referral to the Executive Committee was to not approve the proposed OCP amendment bylaw, but to advise if the bylaw was or was not contrary to or at variance to the Islands Trust Policy Statement (ITPS).

The following is the resolution from the August 17, 2016 Executive Committee meeting:

EC-2016-117

"That the Executive Committee advise Bowen Island Municipality that the Bylaw 425, cited as "Bowen Island Municipality Official Community Plan Amendment Bylaw No. 425, 2016" is not contrary or at variance to the Islands Trust Policy Statement."

Bowen Island Municipality held a Public Hearing for proposed Bylaw 425 on November 30, 2016 and then gave the bylaw Third Reading. Bowen Island staff commented that at the Public Hearing nine speakers spoke to the proposed bylaws. Five speakers expressed support for the new fire hall, while speakers also expressed concern with, or opposition to the parking area.

2.0 REPORT/DOCUMENT:

2.1 Bylaw 425 – Analysis

The Bowen Island OCP includes policies that are applicable to the proposed bylaw:

- *Policy 94 - Snug Cove Village will contain a mix of residential, commercial, marine transportation and community facility land uses nestled within the natural setting created by Snug Cove and the surrounding lands within Crippen Regional Park. The mix of land uses will contribute to a village atmosphere that is socially interactive, commercially vibrant, pedestrian-oriented, artistically and culturally diversified, aesthetically pleasing, and environmentally sustainable.*
- *Policy 95 - The objective of the Village Periphery area is to provide a compatible transition between the Village Core and the adjacent rural lands. Careful land management will support the objectives of compact development and a 'walkable village'. Multi-family development will be designed and sited to preserve the surrounding green space. The land between Miller Road and the Bowen Island Community School is a suitable location for civic uses, including a community centre, museum, archives, municipal hall and other community uses. A variety of multiple residential unit types and secondary commercial development, including office and medical clinic uses, are also supported on this site.*
- *Policy 100 - The Municipality will manage the Community Surplus Lands to advance the policies of the OCP, including the provision of land for affordable housing and diversity of housing forms.*
- *Policy 175 - Direct new commercial development to the existing commercial areas within the Village Commercial designated area on Schedules C and C – 1A, and avoid the creation of new commercial areas outside the Village Commercial area. New areas within the Village Commercial area that will be considered for future commercial development include:*
 - *the northern corners of the Miller Road/Bowen Island Trunk Road intersection.*
- *Policy 178 - Encourage and accommodate mixed use commercial / residential buildings within the area designated Village Commercial.*
- *Policy 268 - Adequate off-street parking will be encouraged.*
- *Policy 275 - Parking in Snug Cove will be reviewed as part of the Snug Cove Implementation Plan*
- *Policy 277 - Short-term commuter parking requirements will be provided within the village and longer term parking demands will be provided on the village periphery.*

Policy 278 - Short term and commuter parking lots will serve other functions such as park visitors or special community events.

- *Policy 279 - Grouped, off-street parking will be encouraged to serve the village centre.*

As stated in the policies above, the OCP supports the development of the lands for commercial purposes as they are located within the vicinity of the village area. More specifically, Policy 175 encourages new commercial development on Lot 3 which is located at the northern corners of Miller Road/Bowen Island Trunk Road. The Municipality intends to permit Parking Areas out right within the Village Commercial 1 and Village Civic zones. The locations of these zones are within the parameters of the village area which is compliant with OCP Policies 277 and 279. The location of grouped off street parking is also encouraged within the village.

Islands Trust staff is of the opinion that the proposed OCP bylaw amendment meets the objectives and policies in the Bowen Island Municipality Official Community Plan based on information provided in the Bowen Island Municipality staff reports dated July 14, 2016 and December 23, 2016.

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 425.

- **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 425.

- **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 Bylaws 425 is consistent with the Growth and Development Policies 5.2.4 and 5.2.5; Economic Opportunities Policy 5.7.2; 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.

2.3 Staff Comments

Based on a review of the proposed bylaw, staff reports and correspondence with Bowen Island staff, Islands Trust staff are of the opinion that proposed Bylaw No. 425 is not contrary to or at variance with the Islands Trust Policy Statement and recommends the Islands Trust Executive Committee approve proposed Bylaw No. 425.

2.4 Public Comments to Executive Committee

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

ATTACHMENTS:

1. Bylaw Approval Process and Authority
2. Islands Trust Policy Statement - Directives Only Checklist
3. Bylaw 425 – OCP Amendment

KEY ISSUE(S)/CONCEPT(S):

- Referral of the Bylaw 425 under s.38 of the Islands Trust Act
- Referral is after Third Reading and before Adoption
- Written response to Bowen Island Municipality required by February 10, 2017 (one month after date of receipt of the referral on January 11, 2017)
- Comments from Executive Committee limited to whether or not Bylaw 425 is contrary to or at variance with the ITPS
- Staff considers that Bylaw 425 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

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 Islands Trust Executive Committee approve Bylaw 425, cited as “Bowen Island Municipality Official Community Plan Bylaw No. 282, 2010, Amendment Bylaw No. 425, 2016”.

THAT the Islands Trust Executive Committee request Staff to advise Bowen Island Municipality of the decision before February 10, 2017.

Alternatives:

- Advise The Municipality in writing that the Executive Committee considers that Bylaw 425 is contrary to or at variance with the Islands Trust Policy Statement for other specified reasons, triggering a range of options for Bowen Island Municipality, as outlined in the Protocol Agreement.

Prepared By: Kim Stockdill, Island Planner

Reviewed By/Date: David Marlor, DLPS
January 13, 2017

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.

Islands Trust Act

The relevant sections of *Island Trust Act* related to the Executive Committee’s responsibilities in consideration of municipal bylaws are summarized as follows:

- Section 38.1 of the *Islands Trust Act* requires an island municipality to submit bylaws for approval of the Executive Committee if they adopt Official Community Plans (or amendments to an OCP) for land in the trust area, or if they apply to land in the trust area for which there is no Official Community Plan.
- Section 39.1 of the *Islands Trust Act* requires that a municipality have regard for the Islands Trust object when it is adopting a bylaw, issuing a permit or a licence.

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 regard 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 OCP Referral Process

Referral of an Official Community Plan from the Municipality is a two-step process. This referral is a referral under the second step.

Step 1 – First step must be in accordance with Section 14.3 of the Bowen Island Municipality Letters Patent. At this step, which is after First Reading but before a Public Hearing, the Executive Committee has an opportunity to review the updated OCP and advise the Municipality in writing if it deems any provision in the updated OCP to be contrary to or at variance with the Islands Trust Policy Statement. In the event that the Executive Committee deems that there is a provision contrary to or at variance with the Islands Trust Policy Statement, under the provisions of the Letters Patent, then The Municipality must meet with the Islands Trust to review the updated OCP.

Step 2 - The second step must be in accordance with Section 38(1)(a) of the Islands Trust Act, and occurs after public hearing and before The Municipality considers adoption of the bylaw.

The referral and approval process is outlined in Schedule A of the Protocol Agreement between the Islands Trust Council and Bowen Island Municipality, available at <http://islandstrust.bc.ca/tc/pdf/orgagrsep142010oth.pdf>

Executive Committee Consideration

The *Islands Trust Act* sets out the time limits on the process for a referral after third reading and before adoption. The Executive Committee has one month from the date of receipt of the OCP referral to provide written comments to The Municipality.

The Municipality referred the Bylaw for approval to the Islands Trust Executive Committee on January 11, 2017. A response is required to be received by the Municipality no later than the end of the day on Friday, February 10, 2017.

The *Islands Trust Act* requires that the Executive Committee, or the Trust Council, must not approve a bylaw if it is contrary to or at variance with the Islands Trust Policy Statement. The *Act* refers to the requirement for Executive Committee approval for municipal OCP bylaws only. The *Act* does not refer to other types of municipal bylaws (non-OCP bylaws) except for indicating that the municipality itself must have regard for the object in adopting such bylaws

The Executive Committee may:

1. approve the bylaw
2. return the bylaw with reasons and directions as to changes to the bylaw that would be required for approval
3. refuse the bylaw and give reasons for the refusal

The Municipality's Considerations

If no comments are received from the Islands Trust within one month of the referral (by the end of the day on February 10, 2017), the Executive Committee is deemed to have approved the Bylaw.

Should the Executive Committee return the bylaw with reasons and directions as to changes that would be required for approval, the Municipality may resubmit the bylaw with the changes to the Executive Committee or refer the bylaw to Trust Council for approval.

If Trust Council returns or refuses to approve the bylaw, the Municipality may submit the bylaw to the Minister for approval.



Islands Trust POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw: BIM 425

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
n/a	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	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:	



Islands Trust Council Minutes of Quarterly Meeting

Date:	December 6-8, 2016
Location:	Community Gospel Chapel, 147 Vesuvius Bay Road, Salt Spring Island, BC
Members Present:	
Executive Committee:	Peter Luckham, Chair (Thetis) Laura Busheikin, Vice Chair (Denman) George Grams, Vice Chair (Salt Spring)
Local Trustees:	David Critchley, Denman Melanie Mamoser, Gabriola Heather O'Sullivan, Gabriola George Harris, Galiano Sandy Pottle, Galiano (Dec. 6 & 7) Dan Rogers, Gambier Kate Louise Stamford, Gambier Alex Allen, Hornby Tony Law, Hornby Tim Peterson, Lasqueti Brian Crumblehulme, Mayne Jeanine Dodds, Mayne Dianne Barber, North Pender Derek Masselink, North Pender Peter Grove, Salt Spring Paul Brent, Saturna Lee Middleton, Saturna (Dec. 6 & 7) Bruce McConchie, South Pender (Dec. 6 & 7) Ken Hunter, Thetis Island (Dec. 7 & 8)
Municipal Trustees:	Sue Ellen Fast, Bowen Alison Morse, Bowen
Regrets:	Susan Morrison, Vice Chair (Lasqueti) Wendy Scholefield, South Pender
Staff Present:	Russ Hotsenpiller, Chief Administrative Officer Miles Drew, Bylaw Enforcement Manager (Dec. 7 & 8) Jennifer Eliason, Manager, Islands Trust Fund (Dec. 7) Clare Frater, Director, Trust Area Services (incoming) Lisa Gordon, Director, Trust Area Services (outgoing) Fiona MacRaid, Senior Intergovernmental Policy Advisor (Dec. 7)

David Marlor, Director, Local Planning Services
Emma Restall, Executive Coordinator
Cindy Shelest, Director Administrative Services (Dec. 6 & 7)
Mark van Bakel, Manager, Information Systems (Dec. 7)
Carmen Thiel, Legislative Services Manager/Recorder

1. CALL TO ORDER

The meeting was called to order at 1:45 p.m.

Chair Luckham acknowledged:

- National Day of Remembrance and Action on Violence Against Women (also known as White Ribbon Day) to commemorate the anniversary of the 1989 École Polytechnique killing of 14 women;
- The retirement of Lisa Gordon and her choice to promote fundraising for Fairy Slipper Forest on Thetis Island; and
- The recent appointment of Emma Restall to the position of Executive Coordinator.

Trustees Grove and Grams welcomed Trust Council to Salt Spring Island.

The Chair acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. GENERAL BUSINESS ARISING

3.1 Resolutions Without Meeting

Resolutions Without Meeting TC-RWM-2016-004 and TC-RWM-2016-005 were provided for information.

3.2 September 13-15, 2016 Trust Council Draft Minutes

By general consent the Islands Trust Council adopted the minutes of the September 13-15, 2016 Trust Council meeting.

3.3. Trust Council Follow Up Action List

Provided for information.

Trustee Mamoser entered the meeting at 2:05 p.m.

3.4 Trustee Round Table

Trustees participated in a round table session to discuss common issues, concerns and successes.

The meeting recessed for a break at 3:15 p.m. and reconvened at 3:30 p.m.

4. EXECUTIVE

4.1 Chief Administrative Officer's Report

CAO Hotsenpiller reviewed internal and external organizational matters, including recognition of Lisa Gordon's retirement. He announced Clare Frater's appointment as the successful candidate to fill the position of Director, Trust Area Services. It was also reported that Emma Restall has joined the Islands Trust as Executive Coordinator.

There was discussion about public reporting of advocacy topics, work and results on the Islands Trust website. Director Gordon noted that there is information on marine advocacy on the Islands Trust website and available to subscribers, as well as reporting within the annual report and in legislative monitoring.

4.2 Executive Committee Work Program

The top priorities in the work program were:

1. Islands Trust Act amendments;
2. Oil spill and shipping safety;
3. Revisions to Crown Land protocol agreements and letters of understanding; and
4. First Nations relationship building.

Chair Luckham indicated that the Executive Committee has drafted a letter to the Prime Minister and Premier Clark expressing Islands Trust's disappointment of approval of the Kinder Morgan Trans Mountain pipeline. The Chair indicated input from trustees on the letter could be considered.

By general consent the Islands Trust Council approved the top priorities of the Executive Committee Work Program Report.

4.3 Continuous Learning Plan

Trust Council reviewed the Continuous Learning Plan and suggested the following additions:

- A presentation by Richard Hebda on Mitigating and Adapting to Climate Change through the Conservation of Nature;
- Archaeological site protection and effective advocacy - for March Trust Council meeting; and
- Blue Ecology Practitioners Guide and working together with First Nations – Trustee Fast to forward details to Executive Committee.

4.4 Revised Trust Council 2017 Quarterly Meetings Schedule

TC-2016-094

MOVED by Trustee Brent, SECONDED by Trustee Grove,

that staff seriously consider alternatives to meeting in Victoria and alternatives for 2017 meetings in the Trust Area.

CARRIED

Staff was requested to prepare a report on logistics and costs related to the motion.

TC-2016-095

MOVED by Trustee Peterson, SECONDED by Trustee Critchley,

that the Islands Trust Council establish the following *revised* meeting schedule for 2017:

March 14-16, 2017 – Gabriola Island

June 20-22, 2017 - Lasqueti Island

September 13-14, 2017 – Denman Island

December 5-7, 2017 – Victoria

CARRIED

4.5 Strategic Plan Quarterly Update December 2016

Review and discussion ensued on the report provided for information.

4.6 Trust Council Strategic Plan

CAO Hotsenpiller reviewed proposed changes.

TC-2016-096

MOVED by Trustee Crumblehulme, SECONDED by Trustee Grams,

that the Islands Trust Council endorse the amendments to the Strategic Plan activities in the attachment dated November 23, 2016.

CARRIED

4.7 Agricultural Land Commission Island Panel Meeting

Briefings were provided on a meeting between the Executive Committee and the Agricultural Land Commission (ALC) Island Panel held on October 17, 2016. Discussion on the meeting included the following comments and suggestions:

- Interesting to see reference to discussion about housing and alternatives to mobile homes for farm worker housing, i.e. stick frame housing;
- Provisions for regular meetings between the Islands Trust and ALC staff and review of agreement(s) with the ALC; and
- Bowen Island Municipality (BIM) was not mentioned in the material and BIM planners would benefit from being made aware of the meeting.

4.8 Ministry of Transportation and Infrastructure (MOTI) Meeting Update from the Chair

Chair Luckham reported on a meeting between the Executive Committee and MOTI held on October 12, 2016. The following points were raised during the discussion:

- concerns about prioritizing private interests over public access regarding public road access to Tucker Bay on Lasqueti Island and the applicability of *Transportation Act* section 42 *Travelled roads becoming highways* for non-gazetted roads;
- send out executive summary of such meetings to trustees;
- ensure that the agreement with MOTI is attached to meeting materials;
- provide reports on road conditions and specific problems for each island to make a case to MOTI when such meetings take place; document where there are safety issues on each island, which would then become a liability issue; and
- refer MOTI to the open and responsive rapport the Executive Committee recently had with Agricultural Land Commission representatives and how the Executive Committee advocates on behalf of local trust committees.

5. VISIONING FOLLOW UP SESSION

CAO Hotsenpiller reviewed the outcome of the September 2016 visioning session and provided suggestions on how to get the key themes from the visioning work into the public domain.

There was discussion on potential amendments to the visioning and how it could be realized, e.g. through a vision statement, inclusion in the Strategic Plan, through public processes associated with the Policy Statement and discussion on density/nodes in official community plans.

The meeting recessed for the day at 5:15 p.m.

Wednesday, December 7, 2016

The meeting reconvened at 8:30 a.m. with 23 trustees present. Absent: Trustees Susan Morrison (Lasqueti), Wendy Scholefield (South Pender) and Ken Hunter (Thetis).

5. VISIONING FOLLOWING UP SESSION (cont'd.)

The Chair indicated that this topic will be brought back to Trust Council in March and noted that Trustee Law had drafted a visioning statement, which could be shared with Trust Council, along with the CAO's PowerPoint presentation. There was consideration of how often Trust Council's vision statement should be revisited.

6. NEW BUSINESS

6.1 Referral Response to Ministry re Salt Spring Island Incorporation

Discussion ensued on the draft referral response, including the topic of how and where lesser islands which currently fall under the Salt Spring Island Local Trust Area would be transferred to other local trust areas, should incorporation take place.

TC-2016-097

MOVED by Trustee Law, SECONDED by Trustee Crumblehulme,

that the letter providing Trust Council's recommendations on developing Letters Patent for possible incorporation of Salt Spring Island be amended to include a recommendation that consideration be given to requiring a municipality to include reference to its inclusion in the Islands Trust in its electronic and written communication.

CARRIED

During consideration of recommendations to assign islands and islets currently within the Salt Spring Island Local Trust Area to other specific local trust areas, in the event of Salt Spring Island's incorporation, staff noted that the assignments will be done by regulation and that Ministry staff is seeking advice so they can advise the Minister.

TC-2016-098

MOVED by Trustee McConchie, SECONDED by Trustee Critchley,

that Trust Council recommend that the letter dated November 16, 2016, attached as Appendix A (as amended), providing input by the Islands Trust to the development of Letters Patent for the potential incorporation of Salt Spring Island, be sent to the Ministry of Community, Sport and Cultural Development.

CARRIED

6.2 Legislative Changes to the *Islands Trust Act*

Trustee Middleton reviewed the trustee sponsored request noting that it is integrally linked to the vision for the Islands Trust including sustainable ecology and economy.

TC-2016-099

MOVED by Trustee Critchley, SECONDED by Trustee Brent,
that Trust Council approve in principle a review of the *Islands Trust Act*.

Discussion included the history of past requested changes to the Act, the capacity for the review to be added to the work program, the timing of the request, the desire for sustained provincial funding to support the Trust Fund Board and the opportunity to ask for tools in order for Islands Trust to be more effective.

The question on the motion was then called,

CARRIED

Trustees Pottle, Crumblehulme and Fast Opposed

TC-2016-100

MOVED by Trustee Busheikin, SECONDED by Trustee Brent,
that Trust Council add to the 2014-2018 Strategic Plan the project of investigating the principle of amending the *Islands Trust Act* and assign the project to the Executive Committee.

It was indicated that the Executive Committee would decide when it was appropriate to assign a priority to this.

CARRIED

Trustees Rogers, Pottle, Allen, Peterson, McConchie, Crumblehulme and Fast Opposed

6.3 Senior Freshwater Specialist – Temporary Proposal

Trustee Grams spoke to the proposal to look at water in a co-ordinated way throughout the Trust Area, with other agencies, and in recognition of the *Water Sustainability Act*. He emphasized the need to collect data on which to base land use decisions and that funding for the position would come from the Reserve Fund.

TC-2016-101

MOVED by Trustee Grams, SECONDED by Trustee Dodds,
that Trust Council approve adding \$83,670 in the 2017-2018 budget to fund a temporary, full-time Senior Freshwater Specialist position from June 1, 2017 to March 31, 2018.

Debate on the motion ensued. Speaking in support of the motion, several trustees emphasized that water resources are crucial to local trust committee land-use decisions and their vision for the future. Those speaking against the motion cited concerns with the resulting budget increase, determining the most appropriate way to understand water supply, including drilling more monitoring wells, whether a hydrogeologist should be sought instead of a hydrologist, and the possibility of seeking contributions from regional districts to help resolve water issues on the islands.

The question on the motion was then called,

CARRIED

Trustees Masselink, Law, Crumblehulme, Busheikin, Morse, McConchie, Peterson, Allen, Rogers, O'Sullivan and Mamoser Opposed

The Chair recognized MLA Gary Holman in the visitors' gallery.

7. 2017/18 DRAFT BUDGET SESSION

7.1 Budget Overview

Trustee Grove invited Director Shelest to provide an overview of the draft 2017-2018 budget.

7.2 Budget Assumptions and Principles

Director Shelest provided an overview of the budget assumptions and principles, highlighted proposed changes to revenue and expenses and responded to questions.

7.3 Budget Detail

A question and comment period ensued.

TC-2016-102

MOVED by Trustee Crumblehulme, SECONDED by Trustee Brent,
that the Financial Planning Committee and the Trust Programs Committee review the expenditures related to budget item TPC Water and Marine Conservation project and investigate potential reductions for 2017-2018.

CARRIED

Opposed Trustees Masselink, Rogers, Busheikin and Luckham

7.4 Project Requests

A summary of project requests was reviewed by Director Shelest, including LTC project request details, Salt Spring Island special property tax requisition and electronic data management.

The meeting recessed for a break at 10:55 a.m. and reconvened at 11:17 a.m.

8. FIRST NATIONS LEGAL SEMINAR

A seminar on legal principles associated with local government and First Nations governance was presented by Reece Harding, Young Anderson. Topics included a review of the *Constitution Act* and several court decisions re aboriginal title and rights; the duty to consult and accommodate First Nations; and the relevance of these concepts from a local government perspective.

A question period followed.

Fiona McRaidl gave a presentation on Douglas Treaties and the Gulf Islands. Trustees were asked to send their questions to Fiona McRaidl.

Trustee Ken Hunter arrived at the meeting at 12:58 p.m. The meeting recessed for lunch at 1 p.m. and reconvened at 1:25 p.m.

STAFF RECOGNITION AWARDS

CAO Hotsenpiller presented the 10th annual staff recognition award in the Legacy Award Category to Jennifer Eliason of the Islands Trust Fund for increasing protected land on Thetis Island (a 60-hectare parcel and a second parcel of 20 hectares). Honourable mention was made regarding Barb Dashwood and her role in mapping and GIS for the Islands Trust.

9. COMMUNITY PRESENTATIONS

9.1 Salt Spring Island Watershed Protection Authority (SSIWPA)

Representatives from SSIWPA, Dr. Shannon Cowan and Dr. Don Hodgins, P. Eng. expressed the gratitude of SSIWPA, which exists largely because of Trust Council's support. They reviewed the SSIWPA mission; its membership, the formation and work of sub-committees, and SSIWPA's history and experience in seeking a shared solution regarding water quality, water use, implications of climate change, how to make conservation effective and steps that have been taken. It was noted that sustained funding is an issue.

10. DELEGATIONS AND TOWN HALL

10.1 Gulf Islands Alliance re 10-year anniversary

A Gulf Islands Alliance representative presented a video on the history of the Islands Trust Area and the impact of the *Islands Trust Act*. Chair Luckham thanked the Gulf Islands Alliance for producing the film.

10.2 Mayne Island Conservancy re oil spill preparedness in the Trust Area

Malcolm Inglis, president of the Mayne Island Conservancy Society spoke regarding the local capacity to respond to petroleum spills in the Salish Sea and the Conservancy's continuing work in advocating for solutions.

He asked Trust Council to join the Conservancy in advocating for a separation of the marine response function from the risk creators, to eliminate the potential for conflicts between corporate interests and public interests in relation to the Trans Mountain pipeline project. He also noted the Conservancy's recent announcement of a conservation opportunity to purchase St. John Point, a 64-acre parcel of prime Coastal Douglas-fir ecosystem on Mayne Island with over two kilometres of undeveloped shoreline. Trust Council was asked to spread the word to islanders about this land protection proposal to help the Conservancy reach its goal.

10.3 Salish Sea Trust re Salish Sea World Heritage Site

Laurie Gourlay referred to books regarding the Salish Sea and provided a presentation on the application and qualifications for designation of the Salish Sea as a world heritage site. He indicated that multiple international designations for this area as a reserve and heritage site complement each other and are not at odds with each other.

Town Hall – there were no speakers.

The meeting recessed at 2:40 p.m. for a break and reconvened at 3 p.m.

It was agreed to consider item 15.4 ahead of item 11.

15.4 Disposition of Delegations and Town Hall Requests

With regard to the World Heritage Site proposal, it was noted that the Islands Trust is receiving a report on tools for marine protected areas and there are likely to be some recommendations coming forward in March 2017.

TC-2016-103

MOVED by Trustee Law, SECONDED by Trustee Harris,

that the Chair be requested to write to the Premier and the Minister of Community, Sport and Cultural Development to present them with copies of the “Islands in Trust” DVD.

CARRIED

11. ADMINISTRATIVE SERVICES

11. Director of Administrative Services Report

Provided for information.

11.2 Financial Planning Committee Work Program Report

The top three priorities in the work program were:

1. First Draft of the 2017-2018 budget;
2. Complete the 2016-2017 forecast; and
3. Propose revisions to Trust Council Policy 6.5.i General Revenue Surplus Fund.

TC-2016-104

MOVED by Trustee Grove, SECONDED by Trustee Peterson,

that the Islands Trust Council approve the top priorities of the Financial Planning Committee Work Program Report.

CARRIED

11.3 September 30, 2016 Quarterly Financial Report

TC-2016-105

MOVED by Trustee Grove, SECONDED by Trustee Crumblehulme,

that the Islands Trust Council approve the September 30, 2016 Quarterly Financial Report as presented.

CARRIED

11.4 Financial Forecast to March 31, 2017 Year End and Updated with September 2016 Actual Results

Provided for information.

11.5 Staff Response to KPMG Information Systems Assessment Report

Director Shelest introduced Mark van Bakel, Manager, Information Services, who provided a detailed overview of Information Systems team members, their internal strategic review, the

recommendations made by KPMG during its review and the staff responses to address the points raised. It was also noted that mandatory security awareness training will be rolled out for trustees and staff.

12. LOCAL PLANNING SERVICES

12.1 Local Planning Services Report

Provided for information.

12.2 Local Planning Committee Work Program Report

The top three priorities in the work program were:

1. Community Housing Needs;
2. Shoreline Marine Planning; and
3. Protect Coastal Douglas-fir and Associated Ecosystems

TC-2016-106

MOVED by Trustee Brent, SECONDED by Trustee Grams,

that the Islands Trust Council approve the top priorities of the Local Planning Committee Work Program Report.

CARRIED

12.3 First Nations and Public Engagement

The proposed policy was reviewed and discussed.

TC-2016-107

MOVED by Trustee Rogers, SECONDED by Trustee Fast,

to amend Policy 6.1.i, section D, to read "Islands Trust refers to all Islands Trust bodies except island municipalities"; and to amend section F, policy 2, policy 3 and policy 4 to replace the words "islands trust municipalities" with "island municipalities"; and to amend section D by adding the words "for the purpose of this policy" immediately after the title.

CARRIED

TC-2016-108

MOVED by Trustee Busheikin, SECONDED by Trustee Morse,

1. that the Islands Trust Council adopt Policy 6.1.i "First Nations Engagement Principles" as amended.

CARRIED

TC-2016-109

MOVED by Trustee O'Sullivan, SECONDED by Trustee Allen,

2. that the Islands Trust Council approve in principle the "First Nations and Public Engagement Project Charter".

CARRIED

TC-2016-110

MOVED by Trustee Grams, SECONDED by Trustee Crumblehulme,

3. that the Islands Trust Council approve the amendments to Section 9.1 of the Strategic Plan as illustrated in updated version of the Plan (Attachment 4 to the report), dated November 8, 2016.

CARRIED

The Chair indicated that he would like to advance items 14.5-14.7 after the item 12.4.

12.4 Bylaw Enforcement Report

Miles Drew presented the report for information.

14.5 Community Stewardship Award Policy Amendments

TC-2016-111

MOVED by Trustee Crumblehulme, SECONDED by Trustee Grams,
that the Islands Trust Council amend Policy 2.1 xi Community Stewardship Awards
Program dated September 9, 2014 with Policy 2.1.xi Community Stewardship Awards
Program dated December 7, 2016.

CARRIED

Trustee Masselink was thanked for his time chairing the Trust Programs Committee and it was noted that Trustee Crumblehulme is now the Chair.

14.6 Bylaw Checklist Policy Amendments 5.7.i - To be brought back in March 2017.

14.7 Marine Protection Tools

Provided for information. Discussion points included:

- look to First Nations to see what they think is a priority;
- local governments in Howe Sound have supported the biosphere designation approach;
- determine the appropriate Council committee to consider and make recommendations on which marine tool(s) to support and how Islands Trust would liaise with First Nations on the matter; and
- confer with the senior intergovernmental policy advisor who is tasked with marine issues on recommendations to move forward and bring a report to Trust Council.

TC-2016-112

MOVED by Trustee Law, SECONDED by Trustee Fast,
that the Executive Committee be requested to review the briefing on marine protection tools
and to make recommendations to Council with respect to possible amendments to the
Strategic Plan and other follow up actions.

CARRIED

The meeting recessed for the day at 5:05 p.m.

Thursday, December 8, 2016

The meeting was called to order at 8 a.m. with 21 trustees present. Absent were Trustees Susan Morrison (Lasqueti), Wendy Scholefield (South Pender), Lee Middleton (Saturna), Bruce McConchie (South Pender) and Sandy Pottle (Galiano).

13. CLOSED MEETING

TC-2016-113

MOVED by Trustee Grams, SECONDED by Trustee Grove,

that the Islands Trust Council meeting be closed to the public subject to Section 90(1) of the *Community Charter* in order to consider matters related to:

- (c) labour relations or other employee relations,
 - (g) litigation affecting the Islands Trust; and
 - (i) receipt of advice that is subject to solicitor-client privilege;
- and that CAO Russ Hotsenpiller be invited to attend the closed session.

CARRIED

Trust Council closed the meeting at 8:32 a.m. and reconvened in open meeting at 8:44 a.m. without report.

The Chair asked if there was any further direction re Marine Protection Tools briefing. There was consideration about following up with a reference on page 255 of the agenda.

TC-2016-114

MOVED by Trustee Busheikin, SECONDED by Trustee Crumblehulme,
that staff provide an update on any emerging discussions with First Nations with regard to areas of shared marine protection priorities at the March 2017 Trust Council meeting.

CARRIED

14. TRUST AREA SERVICES

14.1 Director of Trust Area Services Report

Director Gordon highlighted several points in the report, which was provided for information.

There was discussion about BC Ferries consideration of replacing existing Islands Trust signs at ferry docks and whether Bowen Council and Gambier and Lasqueti islands would also be interested in the Islands Trust signage.

14.2 Trust Programs Committee Work Program Report

The top three priorities in the work program were:

1. Amend Crown Land Cooperation Agreements (Strategic Plan 8.1);
2. Review the Islands Trust Policy Statement (Strategic Plan 9.1); and
3. Protect Quality and Quantity of Water Resources (Strategic Plan 4.3).

TC-2016-115

MOVED by Trustee Crumblehulme, SECONDED by Trustee Fast,
that the Islands Trust approve the top priorities of the Trust Programs Committee Work Program Report.

CARRIED

14.3 Trust Fund Board Report

Trustee Law presented the highlights of the report

14.4 Audited Financial Statements of the Islands Trust Fund for 2015/16

Provided for information.

A picture of Fairy Slipper Orchids was presented to Director Gordon in recognition of her valued contribution and dedicated service to Islands Trust and Trust Council. Director Gordon reflected on her years at the Islands Trust with gratitude, and spoke about her plans for retirement activities. She also reviewed the current donations to the Fairy Slipper Forest Fund by staff and trustees.

15. SUMMARY / UPDATES

15.1 Trustee Updates

15.1.1 BC Ferries (Ferry Advisory Committee Chairs)

Reports included the following points:

- support for lowering the top-up on the BC Experience Card as it can be a hardship for some community members. It was noted that BC Ferries has been asked if it would consider maintaining the initial top-up load with subsequent loads being at a lower monetary level. Trustees were asked to bring this issue to their Ferry Advisory Committees (FAC) to ask for their support to work with other FACs on this initiative;
- medically assured loading issue – explore how the program can be better managed so valid people are not treated with suspicion;
- reinstatement of Gabriola Island afternoon sailing on the weekends;
- BC Experience card - concern that a frequent user discount can be used by non-frequent users;
- the loss of sailings for Denman/Hornby Islands and their socio-economic impact;
- Bowen Island has a medically assured parking area; Bowen Island Municipality (BIM) has a medical assured tab on the BIM website; and
- Bowen Island has lost weekend sailings, monitored the impact and relayed that to BC Ferries.

15.1.2 First Nations

Topics included:

- Trustee Crumblehulme has received emails and a letter from First Nations re oil and increased tanker traffic e.g. Kinder Morgan approval and LNG proposal asking him to join them in opposition; and
- Lyackson contact Kathleen Johnny has retired and been replaced by Linda Aidnell.

15.1.3 Gulf Islands National Park Reserve Advisory Committee (Trustee Masselink)

Trustee Masselink noted the advisory committee's intent to meet in January. He indicated that at the June 2016 meeting he brought a suggestion to the Committee to work with the McConnell Foundation in support of a training process to bridge issues and build trust with First Nations in this area.

15.1.4 Salt Spring Island Watershed Protection Authority (SSIWPA) (Vice Chair Grams)

Trustee Grams spoke to SSIWPA's 2016 and 2017 goals and noted that by the end of 2017 they hope to have enough data to review the Salt Spring Island Official Community Plan to see if it is compatible with water resources. He also indicated that SSIWPA's annual report is on its website.

15.1.5. Howe Sound Community Forum

Report provided for information.

15.1.6 Update from Trust Council Select Committee for Review of Victoria Office Location
Trustee Rogers referred to the briefing report distributed by email on December 6 and noted that the Select Committee will be reporting to Trust Council in March, 2017.

By general consent the report was received for information.

15.2 Priorities Chart

By general consent the priorities chart was received for information.

15.3 Proposed March 2017 Trust Council Agenda Program
Provided for information.

15.4 Disposition of Delegations and Town Hall request

By general consent the Chair was directed to write letters thanking delegates.

16. CORRESPONDENCE

16.1 Mike Munro re Kinder Morgan Nanaimo Consultation

By general consent the letter was received for information.

17. NEXT MEETING: March 14-16, 2017 on Gabriola Island

18. ADJOURNMENT

By general consent the meeting adjourned at 9:55 a.m.

Peter Luckham, Chair

Certified Correct

Carmen Thiel, Legislative Services Manager (Recorder)

Trust Council Quarterly Meeting Schedule
March 14-16, 2017
The Haven – Auditorium, 240 Davis Road, Gabriola Island

DRAFT

Tuesday, March 14	Wednesday, March 15	Thursday, March 16
	7:30 Breakfast –	7:30 Breakfast –
Ferries to Gabriola Island: From Nanaimo Harbour (25 minute sailing) 9:25 am 10:40 am 11:55 am	8:30 New Business Items* 9:00 Archaeological Site Protection 10:30 Break 11:00 Effective Advocacy 12:30 Lunch 1:30 Community Presentations 2:00 Delegations & Town Hall 3:00 Break 3:30 Administrative Services Director's Report * FPC Work Program Report 4:00 Trust Area Services Director's Report * TPC Work Program Trust Fund Board Report 5:00 Adjourn for the day 6:00 Dinner	8:30 Closed meeting 9:15 Water Sustainability Act 10:00 Summary/Updates Trustee Updates Priorities Chart Proposed March TC Draft Agenda Program 12:00 Lunch – 12:30 Correspondence 1:00 Adjournment (approx.) Ferries from Gabriola Island: To Nanaimo Harbour (25 minute sailing) 1:50 pm 3:05 pm
12:00 Executive Committee Meeting 1:00 Lunch – 1:30 Call to Order and Approval of Agenda RWMS * Adoption of Minutes FUAL Trustee Round Table 2:30 Break 3:00 2017/18 Budget Overview and Discussion 4:30 Executive CAO's Report * EC Work Program Continuous Learning Plan 4:45 Local Planning Services Director's Report * LPC Work Program Bylaw Enforcement Briefing 5:15 Adjourn for the day 6:00 Dinner with Former Trustees		

* 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

Chief Administrative Officer

Activity	Activity	Responsibility	Target Date	Status
10-Jun-2015	First Nations First Nations training and workshops	Russ Hotsenpiller David Marlor Clare Frater Cindy Shelest	31-Mar-2016	On Going
10-Jun-2015	Develop IT adaptation strategy regarding Salt Spring Island Incorporation	Russ Hotsenpiller Cindy Shelest David Marlor Clare Frater Carmen Thiel	15-Jun-2016	On Going
06-Dec-2016	Trust Council 2017 Consider alternatives to meeting in Victoria and alternatives for 2017 meetings in the Trust Area	Russ Hotsenpiller Emma Restall		On Going
06-Dec-2016	Strategic Plan Make Trust Council-approved amendments to the Strategic Plan.	Russ Hotsenpiller Emma Restall		Done
06-Dec-2016	Visioning Session Follow Up ·Develop PB pictograph ·Email PowerPoint and graphic (public survey, state of the islands report, survey of trustees and pictograph) to Trustees. ·Bring topic back to TC in March 2017 ·Incorporate Trustee Laws visioning statement into March 2017 presentation	Russ Hotsenpiller	03-Mar-2017	On Going

**Follow Up Action Report**

06-Dec-2016	Legislative Changes to the Islands Trust Act Assign the task of investigating the principle of amending the Islands Trust Act to the Executive Committee Add this project to the Strategic Plan	Russ Hotsenpiller Emma Restall	16-Dec-2016	Done
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Director, Administrative Services

Activity	Activity	Responsibility	Target Date	Status
13-Sep-2016	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.	Cindy Shelest David Marlor		On Going
06-Dec-2016	Budget Detail Review expenditures related to budget item TPC Water and Marine Conservation project and investigate potential reductions for 2017/18.	Cindy Shelest	10-Mar-2017	On Going

Director, Local Planning Services

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

**Follow Up Action Report**

13-Sep-2016	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.	David Marlor Cindy Shelest		On Going
13-Sep-2016	Community Housing 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.	David Marlor		On Going
13-Sep-2016	Community Housing Explore and report back on the potential for Islands Trust entities to hold land for housing purposes.	David Marlor		On Going
06-Dec-2016	Senior Freshwater Specialist - Temporary Proposal The addition of \$83,670 to the 2017-18 budget to fund a temporary, full-time Senior Freshwater Specialist position from June 1, 2017 - March 31, 2018 has been approved. Begin recruiting process.	David Marlor	01-May-2017	On Going
06-Dec-2016	First Nations and Public Engagement Amend Policy 6.1.i, Section D to read Islands Trust refers to all islands trust bodies except island municipalities. Amend Section F of Policies 2, 3 and 4 to replace the words islands trust municipalities with island municipalities. Amend Section D by adding the words for the purpose of this policy immediately after the title.	David Marlor	23-Dec-2016	Done

Director, Trust Area Services

Activity	Activity	Responsibility	Target Date	Status
16-Sep-2015	Freighter anchorages Identify and act on opportunities re freighter anchorages	Clare Frater	30-Jun-2016	On Going



Follow Up Action Report

22-Mar-2016	Particularly Sensitive Sea Area Designation for the Salish Sea Chair to send a letter of support to the federal Minister of Transport.	Clare Frater Peter Luckham		On Going
22-Mar-2016	Disposition of Delegations and Town Hall Requests Executive Committee to review legislative tools, programs and processes that could advance Islands Trust Policy Statement policies 3.4.2 and 3.4.6 to protect marine areas and protect and enhance populations of native marine species (including in the context of the federal governments goal of increasing the proportion of Canadas marine /coastal areas that are protected) to 5% by 2017 and 10% by 2020 and to report back to Trust Council by December 2016 with recommendations.	Clare Frater Pamela Hafey Fiona MacRaid	17-Nov-2016	Done

Executive Coordinator

Activity	Activity	Responsibility	Target Date	Status
06-Dec-2016	Next Trust Council Mar 2017 Dec 2016 Follow Up Action Lists to Trustees and Staff Dec 2016 Council meeting decision highlights to website News Release and Agenda for Mar 2017 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	Emma Restall	04-Feb-2017	On Going
06-Dec-2016	Referral Response to Ministry re Salt Spring Incorporation Amend letter to ADM Faganello to include a recommendation that consideration be given to requiring a municipality to include reference to its inclusion in the Islands Trust in its electronic and written communication. Send letter to Ministry	Emma Restall	16-Dec-2016	Done

**Follow Up Action Report**

06-Dec-2016	Budget Detail Assign FPC and TPC the task of reviewing expenditures related to budget item TPC Water and Marine Conservation project and investigate potential reductions for 2017/18	Emma Restall	10-Mar-2017	Done
06-Dec-2016	Marine Protection Tools Assign Executive Committee to review the briefing on marine protection tools and make recommendations to council with respect to possible amendments to the Strategic Plan and other follow up actions	Emma Restall	16-Dec-2016	Done

Legislative Services Manager

Activity	Activity	Responsibility	Target Date	Status
22-Mar-2016	Consequential amendments to Policy Statement Amendment Policy amendments 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.	Carmen Thiel Clare Frater		On Going

Manager, Islands Trust Fund

Activity	Activity	Responsibility	Target Date	Status
14-Jun-2016	NAPTEP Certificate Issue subject to survey, covenant and baseline report.	Jennifer Eliason		On Going



Islands Trust Council Plan for Continuous Learning 2014-2018

(What other topics would trustees like to propose?)

2017-01-12

Year		Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2017	March (Denman)		BC Water Sustainability Act session	Archaeological Site Protection	Effective Advocacy
	June (Lasqueti)			Species at Risk	Regional Districts
	September (Gabriola)				
	December (Victoria)				San Juan County U.S. and Canadian Consul Generals
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 Seminar	Visioning follow-up	Report out of EC meeting with Island ALC Panel

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
- Strata Property Act/Bare Land Strata Regulations implications
- Agricultural Land Commission/Islands Trust Relationship Session

	<i>SESSIONS/ITEMS COMPLETED IN 2015-18</i>				
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	December (Victoria)	Intro to Budget Session Strategic Plan Discussion	General Orientation Governance (G. Cuff)	General Orientation	General Orientation
2009	Mar (Gabriola)	Annual Budget Session	Strategic Planning Legal Session	Intro to land use planning	
	June (N. Pender)		Procedural Fairness	Introduction to land use planning – part 2	Farm Industry Review Board San Juan County
	September (Mayne)	Climate Change – GHG Emission Reduction Targets		GHG Emission Reduction – planning policies actions	
	December (SaltSpring)	Intro Budget Session History of the Trust	Litigation 101	Comm. Housing Task Force Bill 27 Update	Trust Fund Board
2010	March (Hornby)	Strategic Plan Review Annual Budget Session	Update regarding court case	Comm. Housing Task Force Bill 27 Update	
	June (Saturna)	Marine Shipping Safety	Refresher on Orientation Topics	Refresher on Temporary Use Permits	San Juan County Parks Canada
	Sept (Bowen)	Strategic Plan Update and Review		Food Security through Land Use Planning RAR – QEP perspective	Bowen Island Council
	Dec (Victoria)	Intro Budget Session Strategic Plan Update		Good Planning Practice (Randall Arendt)	Trust Fund Board Regional Conservation Plan (RCP)
2011	March (Galiano)	Annual Budget Session		MAP IT demo Implementing RCP w/ LTCs	
	June (Denman)	Conservation Offsets	Operational Carbon Neutrality and Offsets	Rural By Design Practical examples	Electoral Area Director – Cortes Strathcona RD
	Sept (SaltSpring)	Term & Strategic Plan Review Advice to Incoming Council	Elections Period Best Practice		San Juan County



REQUEST FOR DECISION

To: Executive Committee

For the Meeting of: January 18, 2016

From: Clare Frater

Date: January 12, 2016

SUBJECT: **AVICC/UBCM RESOLUTION SELECTION** (Annual Item)

RECOMMENDATION:

That the Executive Committee direct staff to draft a resolution and backgrounder on _____ for submission to the Association of Vancouver Island and Coastal Communities 2017 convention for Executive Committee's consideration on February 15, 2017.

SENIOR STAFF COMMENTS: Submitting resolutions to AVICC and UBCM has historically been an effective advocacy method. Successful resolutions trigger advocacy support from UBCM staff and usually result in a well-considered response from the affected Ministry. Depending on the resolution(s) submitted, the Executive Committee may wish to consider additional advocacy such as a proposing a related session for UBCM or a meeting with a minister.

Staff considers that the topics "Provincial/ federal affordable housing funding program for low density, rural communities", "Preventing Styrofoam pollution from docks", and "More resources for Water Sustainability Plans" are most likely to be endorsed at the AVICC and UBCM conventions. All are aligned with the Strategic Plan or ongoing initiatives at the Islands Trust. The "Preventing Styrofoam pollution from docks" topic is the resolution most likely to be acted on by the Province as it does not require significant financial resources.

ORGANIZATIONAL: Drafting a resolution and preparing a one-page backgrounder will take up to one day of the Director of Trust Area Service's time for each topic selected. Some topics may require other staff time to research or proofread and even legal advice. There is no significant project that would be displaced by this work if only one topic is chosen.

POLICY: No implications for existing policy.

FINANCIAL: Legal advice possible.

IMPLEMENTATION/COMMUNICATIONS: If the Executive Committee selects a resolution, staff will include a draft resolution and backgrounder on the February 15, 2016 Executive Committee agenda. The resolution must be submitted to AVICC by February 21, 2017.

BACKGROUND

On November 1, 2016, the Islands Trust received the annual AVICC call for resolutions and nominations (attached). As per section 4.1 of the Islands Trust policy 6.12.ii on UBCM/AVICC Membership and Resolutions, Trust Area Services staff solicited resolution ideas from senior staff, planners and Trust Fund Board staff.

In past years the Islands Trust has suggested successful resolutions such as:

- Assessment and Mitigation of Marine Shipping Risks and Impacts in the Salish Sea (2017)
- Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) funding (2015);
- Derelict & Abandoned Vessels (2013);
- Industry Funding for Oil Spill Prevention, Preparedness & Response (2012);
- Southern Strait of Georgia National Marine Conservation Area Reserve (2010) and Derelict & Abandoned Vessels, Barges & Docks (2010);
- A Minor Routes Strategy for Coastal Ferry Service (2007); and

It is possible for Islands Trust to submit more than one resolution. Staff do not recommend proposing more than two resolutions in any one year due to the resulting workload and the difficulty in advocating for more than two topics at one convention. In the past the Executive Committee has supported selected resolutions by suggesting/organizing complementary AVICC/UBCM sessions and by requesting and/or attending Minister meetings to discuss the proposed topic. When selecting a resolution, the Executive Committee should be guided by section 4.2 of the Islands Trust policy 6.12.ii on UBCM/AVICC Membership and Resolutions:

All Islands Trust bodies that develop resolutions for consideration at AVICC and UBCM conventions must ensure that their resolutions address topics within their legislated jurisdiction and are consistent with the Islands Trust Policy Statement.

Executive Committee members should also consider that UBCM guidelines suggest that issues identified in resolutions should be relevant to other local governments across the province.

The following topics were suggested for Islands Trust's 2016 resolution(s):

Source	Topic	Rationale Provided	Staff advice
Trustee Laura Busheikin, Denman Island LTA	Provincial/ federal affordable housing funding program for low density, rural communities	Low-density rural communities need more affordable housing resources to be specifically directed to their unique circumstances.	The Executive Committee considered a similar request from Trustee Busheikin in 2016 and received staff advice that the topic would be best considered once LPC completes its community housing workshop in 2016. UBCM has not previously considered a motion for a funding program dedicated to rural affordable housing, but has endorsed many resolutions relating to affordable housing.
Trustee Dan Rogers, Gambier Island LTA	Preventing Styrofoam pollution from docks	Styrofoam from decaying docks, ramps and floats break up in storms to pose a threat to the marine environment. FLNRO and DFO could play a role in preventing this type of marine pollution by developing strict construction standards for docks and floats.	The topic is consistent with Strategic Plan item 2.4 <i>Advocate for management of derelict and abandoned vessels</i> . It would build on the 2010 resolution calling for the timely and adequate removal of all types of derelict and abandoned vessels, barges and docks. UBCM has not previously considered a motion to prevent Styrofoam pollution from docks.
Stefan Cermak, RPM, SSI	Joint enforcement on the Salish Sea	More resources and coordination of enforcement of marine laws and regulations would benefit the environment and encourage compliance. An on-water marine enforcement group could work together on a comprehensive approach to enforcement actions for liveaboards and other topics requiring a multi-agency response. The group could be a partnership could include First Nations, Parks Canada, Coast Guard, Transport Canada and others.	To be successful, advocacy on this topic requires advance work with partners prior to advancing a AVICC/UBCM resolution. UBCM has not previously considered a motion on joint marine enforcement.
Gabriola LTC	Amending the BC Building Code to accommodate custom-built tiny homes on	The Gabriola LTC has been hearing comments from islanders about the need to amend the BC Building Code to authorize the use of custom-built tiny homes without permanent foundations as long-term dwellings.	Through conversations with provincial Building and Safety Standards Branch staff, staff understand that seeking formal standards for tiny homes on wheels will likely result in less flexibility and

	a trailer	The belief is that this would allow more housing flexibility and affordability as a resident could use the tiny home in one location and then move it to a different location to accommodate changing housing needs.	affordability. Advocacy via UBCM is not the appropriate method to request a Building Code variation or amendment as there are processes established through the <i>Building Act</i>. UBCM has not previously considered a motion on micro-homes
Trustee Laura Busheikin, Denman Island LTA	Alternative building code	The BC Building Code is seen as a barrier to affordable housing.	Requests for alternative building standards would be better directed towards regional districts as there is already a process for local governments to apply for variations through Section 7 of the <i>Building Act</i>. Individuals can also request a variation for innovative building proposals, on a cost-recovery basis. In addition, both individuals and local governments can request minor or major changes to the Building Code through section 3 of the <i>Building Act</i>.
Trustee Laura Busheikin, Denman Island LTA	Creation of housing agencies	Creating housing agencies with administrative capacity to apply for funding and pull together community groups to develop affordable housing would promote solutions to affordable housing.	Requests for new housing agencies or capacity funding for existing housing agencies would be better directed to BC Housing or regional districts at this time. If this approach proved unsuccessful it would provide evidence to support a request for provincial/leadership.
Trustee Tony Law, Hornby Island LTA	More resources for Water Sustainability Plans	There is a need for the Province to more quickly advance implementation of the <i>Water Sustainability Act</i> , including development of Water Sustainability Plans with adequate resources for planning and action at the community level.	This resolution would be consistent with previous advocacy regarding groundwater regulation. The Province has provided additional funding for the new groundwater licencing regime but there appears to be a lack of funding for planning. The <i>Water Sustainability Act</i> website states that the next priorities for fully implement the <i>Water Sustainability Act</i>, include work on the following topics, among others:

			• Water Objectives • Water Sustainability Plans • Designated areas • Alternative governance approaches.
Trustee Sue Ellen Fast, Bowen Island	Support for nomination for Howe Sound as a UNESCO Biosphere Region	Bowen Island Municipal Council has supported, in principle, the ongoing initiative to nominate Howe Sound as a UNESCO Biosphere Region. In its resolution voicing support Bowen Island Municipality stated that UNESCO Biosphere Regions are effective tools for implementing UN Conventions including the UN Declaration on the Rights of Indigenous Peoples, contribute to the conservation of landscapes, ecosystems, species and genetic variation; provide a development function - to foster economic and human development which is socio culturally and ecologically sustainable; and a logistic function - to provide support for research, monitoring, education and information exchange related to local, national and global issues of conservation and development.	Trust Council has not yet developed a position on the Howe Sound Biosphere proposal so it is premature for the Executive Committee to advance a resolution requesting AVICC/ UBCM support. UBCM has not previously considered a resolution relating to development of a Comprehensive Management Plan for Howe Sound

REPORT/DOCUMENT:

- 1) AVICC Call for resolutions and nominations, 2017

KEY ISSUE(S)/CONCEPT(S): Advocacy, Cooperation with others

RELEVANT POLICY:

- [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.
- [Policy 6.12.ii UBCM/AVICC Membership and Resolutions](#)

DESIRED OUTCOME: Selection of an AVICC/UBCM resolution topic that is relevant to the Islands Trust mandate and likely to receive broad support by AVICC/UBCM members.

RESPONSE OPTIONS

Recommended:

That the Executive Committee direct staff to draft a resolution and backgrounder on _____ for submission to the Association of Vancouver Island and Coastal Communities 2017 convention for Executive Committee's consideration on February 15, 2017.

Alternatives:

- 1) That the Executive Committee not propose a resolution to AVICC/UBCM.
- 2) That the Executive Committee select different resolutions for AVICC/UBCM

Prepared By: Clare Frater, Director, Trust Area Services, January 12, 2016

Reviewed By/Date: Russ Hotsenpiller, CAO, January 13, 2016



REQUEST FOR DECISION

To: Executive Committee

For the Meeting of: January 18, 2016

From: Clare Frater

Date: January 12, 2016

SUBJECT: MEETING WITH MALAHAT NATION

RECOMMENDATION:

THAT the Executive Committee direct staff to draft a letter for Chair's signature to Chief and Council of the Malahat Nation requesting a meeting.

SENIOR STAFF COMMENTS: Meeting with the Malahat Nation will provide an opportunity to discuss issues of importance to both parties. Meeting with Malahat Nation's Chief and Council prior to developing a position on the Malahat Nation's LNG project is consistent with the First Nations Engagement Principles Policy and Administrative Fairness Policy. The meeting demonstrates that Islands Trust is concerned about doing due diligence on issues like this before taking a position.

ORGANIZATIONAL: Drafting and sending the letter will require about half a day of TAS staff time and a meeting with the Malahat Nation could involve up to a day of the CAO's time.

POLICY: No implications for existing policy, however it is possible that work on a Protocol Agreement with Malahat Nation may emerge from this initial meeting.

FINANCIAL: Executive Committee travel expenses for the meeting will be paid from the Executive Committee travel budget. Funds for a gift will be paid from the Executive Committee meeting expense budget.

IMPLEMENTATION/COMMUNICATIONS: Staff will draft a letter with the following messages:

- The Executive Committee has learned of the Malahat Nation's staff's interest in meeting to discuss the the proposed Fulford marina expansion as well as the proposed incorporation of Salt Spring Island as a municipality.
 - Malahat has been told that the referral file has closed but the planner will be forwarding the concerns raised by other First Nations that had site visits so Malahat has an opportunity to submit additional concerns that may not have been addressed
 - Malahat has also been told that, with regard to the proposed incorporation, they should communicate with the Islands Trust CAO (Salt Spring office staff communicate this to all requests for information on the proposed incorporation)

- The Executive Committee would like to meet with Malahat Nation's Chief and Council to :
 - Learn more about the proposed Malahat LNG project and why the Malahat Nation is pursuing the project so as to better understand and respect that position when considering the Islands Trust overall public-facing position on LNG projects in general;
 - Discuss the Malahat Nation's preferences for local governments interactions;
 - Ask if the Malahat Nation is interested in developing a protocol agreement with Islands Trust (as an example, see Attachment 1 *Protocol Agreement with Snuneymuxw First Nation*)
 - Explain the Islands Trust Council's role in the potential Salt Spring Island referendum and incorporation processes; and
 - Any other matters of interest to the Malahat Nation

BACKGROUND

On November 9, 2016, the Executive Committee received a briefing about the proposed Malahat LNG project and requested staff to provide advice regarding a meeting with the Malahat First Nation about the proposed Malahat LNG project and other matters.

On December 15, 2016, Shannon Ralfs, Coordinator, Land Referral System, Malahat Nation wrote to Claire Olivier, Legislative Clerk, Islands Trust to request a meeting in regards to the Fulford Harbour expansion as well as the proposed Municipality change on Salt Spring Island. She indicated a willingness to meet on Salt Spring and said there were additional people in her department interested in attending a meeting.

REPORT/DOCUMENT: None

KEY ISSUE(S)/CONCEPT(S): Initiating and maintaining respectful relationships with First Nations communities.

RELEVANT POLICY:

- [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](#)

- [First Nations Engagement Principles Policy 6.1.i](#)
 - The following principles that now underpin all Islands Trust activities:
 1. Islands Trust is committed to becoming aware of what it does not know or understand about First Nations.
 2. Islands Trust is committed to proving sincere desire for reconciliation.
 3. Islands Trust is committed to integrating, where possible, activities that support First Nations reconnecting with the Trust Area lands and waters.
- [Administrative Fairness Principles Policy 7.1.i](#)

DESIRED OUTCOME: A respectful relationship with Malahat Nation and a better understanding of the proposed Malahat LNG project

RESPONSE OPTIONS:

Recommended:

THAT the Executive Committee direct staff to draft a letter for Chair's signature to Chief and Council of the Malahat Nation requesting a meeting.

Alternatives:

- 1) That the Executive Committee request additional staff advice.
- 2) No action

Prepared By: Clare Frater, Director, Trust Area Services, January 13, 2016

Reviewed By/Date: Russ Hotsenpiller, CAO, January 13, 2016

To: Executive Committee

For the Meeting of: January 18, 2017

From: David Marlor

File No.:

SUBJECT: REZONING PROCESS FLOWCHART

DESCRIPTION OF ISSUE:

To improve understanding of the rezoning application process.

BACKGROUND:

On October 6, 2015 the Executive Committee requested staff to develop a flow chart showing the bylaw process decision making for the chair toolkit.

The attached flowchart shows the roles of the applicant, local trust committee, Islands Trust Staff, Advisory Planning Commissions and other agencies. The attachment, which is based on the rezoning guide that is available to the public on our website, shows the all the steps in decision making for the creation of bylaws.

ATTACHMENT(S):

Draft Rezoning Application Procedure Flowchart

AVAILABLE OPTIONS:

Receive for information.

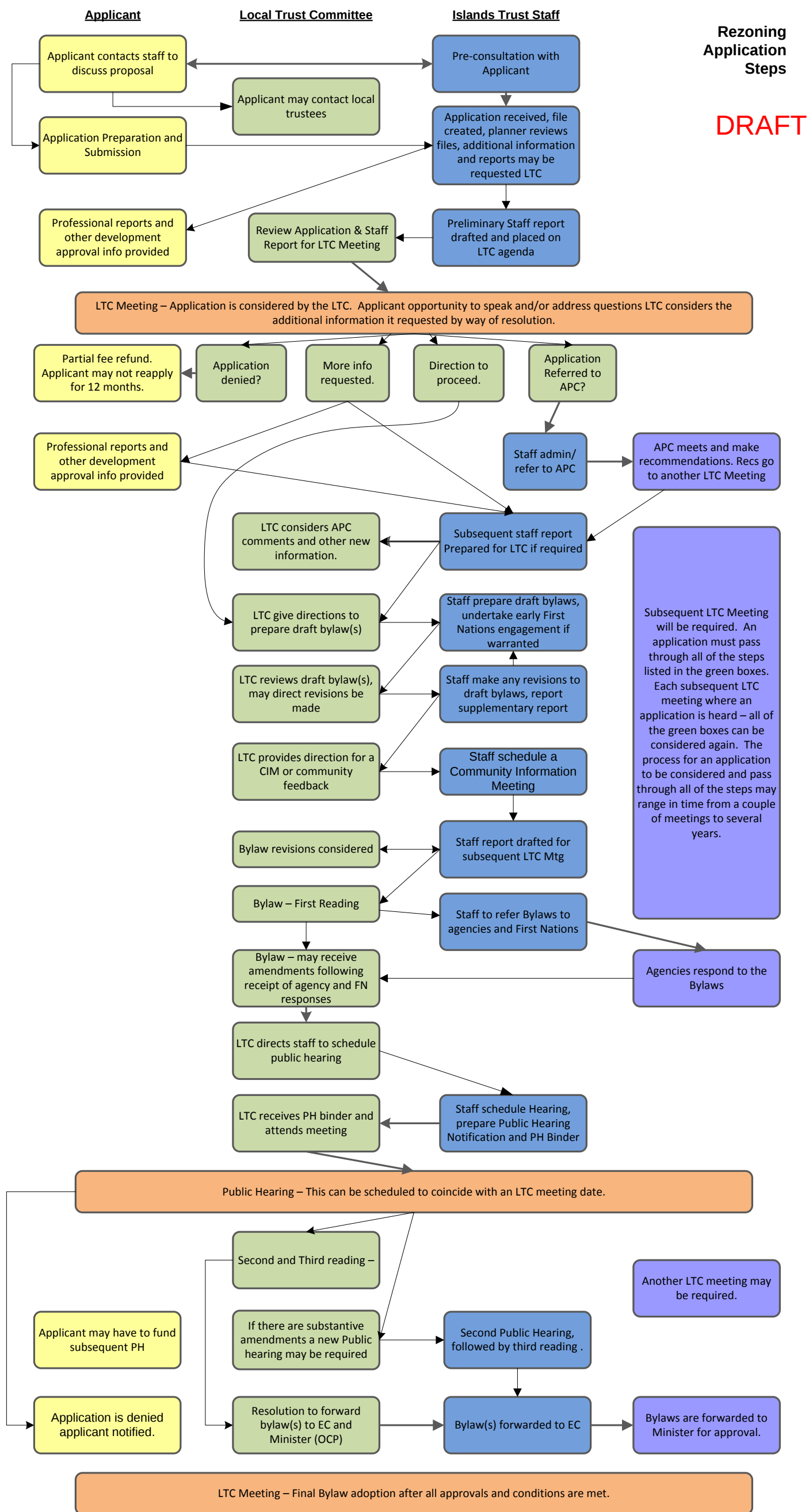
FOLLOW-UP:

Finalise the chart and add to the chair toolkit and orientation materials.

Prepared By: David Marlor

Reviewed By: Russ Hotsenpiller, CAO

Date: January 9, 2017



**Evidence of
Location and Public Ownership of
Tucker Bay Road and
Associated Water Access Sites**

By

Lasquetians Concerned about Public Water Access

January 7, 2015

Updated September 18, 2016

to include newly uncovered evidence

Disclaimer: this document does not represent a legal opinion

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Overview

Background

Tucker Bay Road is one of the earliest and most important roads on Lasqueti Island. Since the early 1900s, people of B.C. have used the public road and public water accesses at Tucker Bay for commercial, private and recreational use. This location provides the only publicly accessible deep-water site on the northeast coast of Lasqueti, and is important for emergency response and boat-access only residents. Public federal funds were expended to build a pier wharf in 1912. An adjacent ramp and float were later constructed. Both facilities were maintained by public funds for many decades. At the same time the Provincial government allocated and spent public monies on the public road to the wharf and float, today known as Tucker Bay Road, road registry #00103, area 2, sub-area BL. Since the establishment of the public wharf, ramp, float and road, these water access sites and associated roadway have been used continuously by the public and public funds have been repeatedly used for repairs and maintenance.

According to the Transportation Act, Tucker Bay Road is a Section 42 road. This means that the road bed and shoulder are deemed to be public because (a) significant public funds have been spent building and maintaining the road, and (b) there has been significant public use of the road.

Issue

There is a dispute over the public nature of Tucker Bay Road.

In late 2014 the land adjacent to the Tucker Bay Road, wharf site and ramp/float area was purchased, and the new owner physically blocked public access to a portion of Tucker Bay Road and the water accesses by parking an excavator in the middle of the travel lane of Tucker Bay Road. The Ministry of Transportation and Infrastructure was immediately notified and began investigating the situation. As of the first of January 2015, the new land owners continue to block public access to Tucker Bay Road and water access sites.

There has been significant support for maintaining and clarifying public ownership of Tucker Bay Road and the associated water accesses. The Ministry of Transportation and Infrastructure has been contacted and received letters voicing concern and urging support for public access from local representatives from the Islands Trust and the Powell River Regional District, local organizations such as the Lasqueti Community Association and Lasqueti Island Nature Conservancy, and many individuals. Two petitions have requested the province to uphold the public interest on this issue: a physical, local petition currently has nearly 200 signatures, while an on-line petition has at least 280 signers.

Evidence to Help Resolve Issue

To resolve this dispute, evidence is required. This document outlines evidence that proves that Tucker Bay Road has been publicly maintained and used for over 100 years, and that this road was constructed to provide access to two separate water locations: a public wharf and a public float & ramp. The evidence identifies the exact location of these two public water accesses. The evidence is presented with citations to simplify finding the source files and records.

This evidence is provided to the Ministry of Transportation and Infrastructure to help them support the public interest in keeping Tucker Bay Road and its two associated water access sites public, in particular to seek a declaration that Tucker Bay Road is a public highway pursuant to Section 42(1) of the Transportation Act.

Discussion and Implications of Decision Options

This issue can likely either be resolved via negotiation or through the courts. Given the geography of this location, and the public response to date, solutions acceptable by the public must include maintaining public access to both water access locations at the end of Tucker Bay Road, including adequate room to safely turn around and park with a small craft trailer.

If this issue can only be resolved in the courts, the Ministry of Transportation and Infrastructure can choose to side in part or full with the land owner, or to uphold the public interest in the full length of Tucker Bay Road.

There are many risks if the Ministry decides to side in part or full with the land owner. Given the public and political interest, a dispute can be expected over any outcome that attempts to eliminate any historic or contemporary public use areas of Tucker Bay Road. Further, given the level of evidence available, such a decision would go against existing case law and could be seen as attempting to set a precedent regarding other public water access locations in B.C.

If the Ministry decides to uphold the public interest in the full length of Tucker Bay Road and the two associated water access sites, there is adequate evidence to support application of Section 42(1) of the Transportation Act in terms of public expenditures, public use, and the location of the travelled road. Further, the long history of use and maintenance, as well as former public facilities, imply acquiescence of past owners of the adjacent land that the road is public, if this is needed to apply Section 42(1). Formalizing the public nature of Tucker Bay Road and its two associated water access sites can demonstrate that the Ministry represents the public interest, and can provide a long-term resolution to this issue.

1. Federal government expenditures on pier wharf and floats

Note: Federal records only fully available digitally before 1930, and recent years.

(a) 1912-13: pier wharf construction.

In 1911-12 estimates for 1912-13, Harbours and Rivers BC [FedGov1912]:

Tucker Bay – wharf: \$4,000

In report by the chief engineer on harbour works [FedGov1914c]:

TUCKER BAY

The following are the dimensions of the wharf built at Tucker Bay: Main wharf, 40 by 70 feet; approach 12 by 120 feet; freight shed, 12 x 20 feet.

This work was done by Messrs. James McDonald & Company, who built it for a fixed price of \$29 per pile driven in place, and \$36 per M. for lumber in places, including fastenings, etc.

The total cost was \$3,969.85, and the work was commenced on September 1 and completed on September 19.

In report by the auditor general [FedGov1914a]:

Tucker Bay: Wharf.

Macdonald, Jas. & Co.: piles in place, 94 at \$29; lumber, 30 M ft. at \$38; shingles, 4 M at \$5: \$3,886

Detailed with Harbours Generally, British Columbia (Page V-323): \$83.85

Total, carried to page V-16: \$3,969.85

In public expenditures, Harbours and Rivers BC [FedGov1914b]:

Tucker Bay – wharf: \$3,969.85

(b) 1913-14: wharf repairs.

In report by the chief engineer on harbour works [FedGov1915b]:

LASQUETI ISLAND

Lasqueti Island, Comox-Atlin district, is situated in the Straits of Georgia, about 90 miles northwest of the city of Vancouver. A public wharf affords a means for the settlers to ship cattle and hay to different markets on the coast.

Some slight repair work, consisting of a replanking of the inclined slip, was carried out at a cost of \$21.85.

In amounts expended as reported by the chief accountant [FedGov1915a]:

Lasqueti, wharf, repairs \$21.85

- (c) 1916-17: In amounts expended as reported by the chief accountant on harbour works [FedGov1918]:

Tucker Bay – wharf repairs: \$1,224.68

- (d) 1919-20: new float construction.

In report by the chief engineer on harbour works [FedGov1921a]:

LASQUETI ISLAND

A new float was installed at Tucker Bay, 20 by 30 feet, of cedar logs with cross-ties and planking, with gangway from wharf 4 by 32 feet, anchored to wharf by boom logs. A new slip was built in the wharf 10 by 26 feet, and six bearing posts replaced under approach.

The work was done during June 24 to August 23.

In amounts expended as reported by the chief accountant [FedGov1921b]:

Tucker Bay – float repairs: \$611.63

- (e) 1920-21: In amounts expended as reported by the chief accountant on harbour works [FedGov1922]:

Tucker Bay – float repairs: \$1.50

- (f) 1921-22: In amounts expended as reported by the chief accountant on harbour works [FedGov1923]:

Tucker Bay (Lasqueti Isld.) – wharf repairs: \$498.94

- (g) 1922-23: In amounts expended as reported by the chief accountant on harbour works [FedGov1924]:

Tucker Bay (Lasqueti Isld.) – wharf repairs: \$362.75

- (h) 1923-24: In amounts expended as reported by the chief accountant on harbour works [FedGov1925]:

Tucker Bay – wharf repairs: \$1,794.80

- (i) 1925-26: renewal of float.

In report by the chief engineer on harbour works [FedGov1927a]:

TUCKER BAY

As the existing float was in need of renewal, the logs being badly eaten by teredo, a new float was built 30 feet long by 20 feet wide, with logs having a minimum diameter of 30 inches. The work was done by day labour.

In amounts expended as reported by the chief accountant [FedGov1927b]:

Tucker Bay, float (old), repairs \$460.92

- (j) 1928-29: float repairs.

In report by the chief engineer on harbour works [FedGov1930a]:

Repairs were made to the following works: ... Tucker Bay, wharf and float;

In amounts expended as reported by the chief accountant [FedGov1930b]:

*Tucker Bay, float repairs: \$63.10
Tucker Bay, wharf repairs: \$425.54*

- (k) 1938-39: In report by the auditor general on harbour works [FedGov1940]:

Tucker Bay, float: labour \$319.60; materials, etc., \$300.98: total: \$620.58

2. Provincial government expenditures on Tucker Bay Road, location of road, and purposes of road

- (a) 1919 BC Government Survey [BCLS1920; BCGov1920]:

The McDiarmid, BCLS, survey details a traverse along the full length of Tucker Bay Road to the end of the wharf ([BCLS1920]; Figure 1). Details identify the road as a government “trail” to Tucker Bay in multiple places, and show that one reason for the road was to reach the wharf. The road is presently located as in the survey.

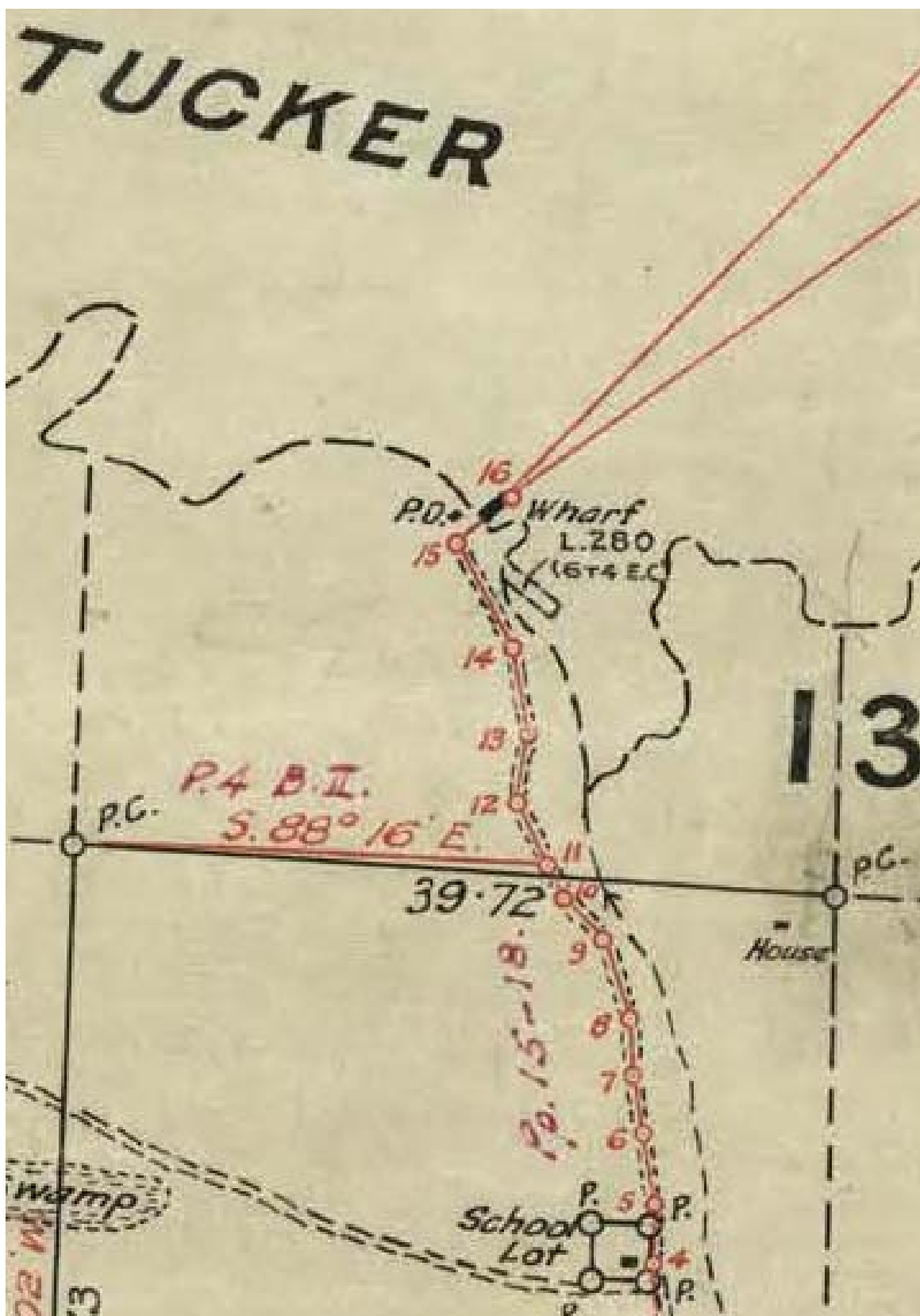


Figure 1. Portion of plan of surveys, 1919, McDiarmid, BCLS.

This survey is discussed in the Annual Report of the Minister of Lands of the Province of BC for the Year Ending 31st December 1919 [BCGov1920]. On page 94, in Survey Branch, Report of Surveyors to the Surveyor General, there is a sub-section on *Lasqueti Island and Vicinity*, By S.S. McDiarmid that refers to the above survey and states:

"There are two main trails on the island upon which Government grants have been spent, and therefore described as "roads" by the settlers. One runs from False Bay easterly to Squeti Harbour; the other runs from Tucker Bay southerly to Boat Cove, at the foot of Mount Jenkins."

(b) In archives of the B.C. Legislature, 1922 [BCGov1922]:

Minister of Public works account of money spent in fiscal year 1921-22 on Lasqueti for a new trail to float at Tucker Bay (included in the \$618.04 for road and trail work on Lasqueti)

(c) In the Annual Reports of the Minister of Public Works of the Province of BC:

- Fiscal Year 1925-26
Public funds spent on Trail with Reg. No. 103 Tucker Bay: \$961.47
- Fiscal Year 1926-27
Public funds spent on Road with Reg. No. 103 Tucker Bay: \$1075.66
- Fiscal Year 1928-29
Public funds spent on Maintenance and Minor Betterments: Roads, Trails and Streets, Road with Reg. No. 103 Tucker Bay: \$899.35
- Fiscal Year 1929-30
Capital Account, BC Loan Act, 1929, Roads: Road with Reg. No. 103 Tucker Bay (Lasqueti Island): \$1,799.27

Public funds spent on Maintenance and Minor Betterments: Roads, Trails and Streets, Road with Reg. No. 103 Tucker Bay (Lasqueti Island): \$283.40
- Fiscal Year 1930-31
Capital Account, BC Loan Act, 1930, Roads: Roads with Reg. No. 102-103 Tucker Bay and Main Roads: \$1,799.29

Public funds spent on Maintenance and Minor Betterments: Roads, Trails and Streets, Road with Reg. No. 103 Tucker Bay (Lasqueti Island): \$247.97
- Fiscal Year 1931-32
Public funds spent on Maintenance and Minor Betterments: Roads, Trails and Streets, Road with Reg. No. 103 Tucker Bay (Lasqueti Island): \$371.78

These items provide evidence of substantial public money spent on Tucker Bay Road, in addition to the other public expenditures identified in the public evidence document.

Note also that the Road Registry Number for Tucker Bay Road is #103 in the above records as well as in the current Road Features Inventory (02-B-L-00103).

- (d) 1939 survey of adjacent property used as reference plan for 1943 subdivision [LTA1943]:

This survey identifies Tucker Bay Road as Tucker Bay Wharf Road, and marks it as 1 chain wide, crossing and entering the property adjacent to the lower portion of the road towards the water accesses (Figure 2).

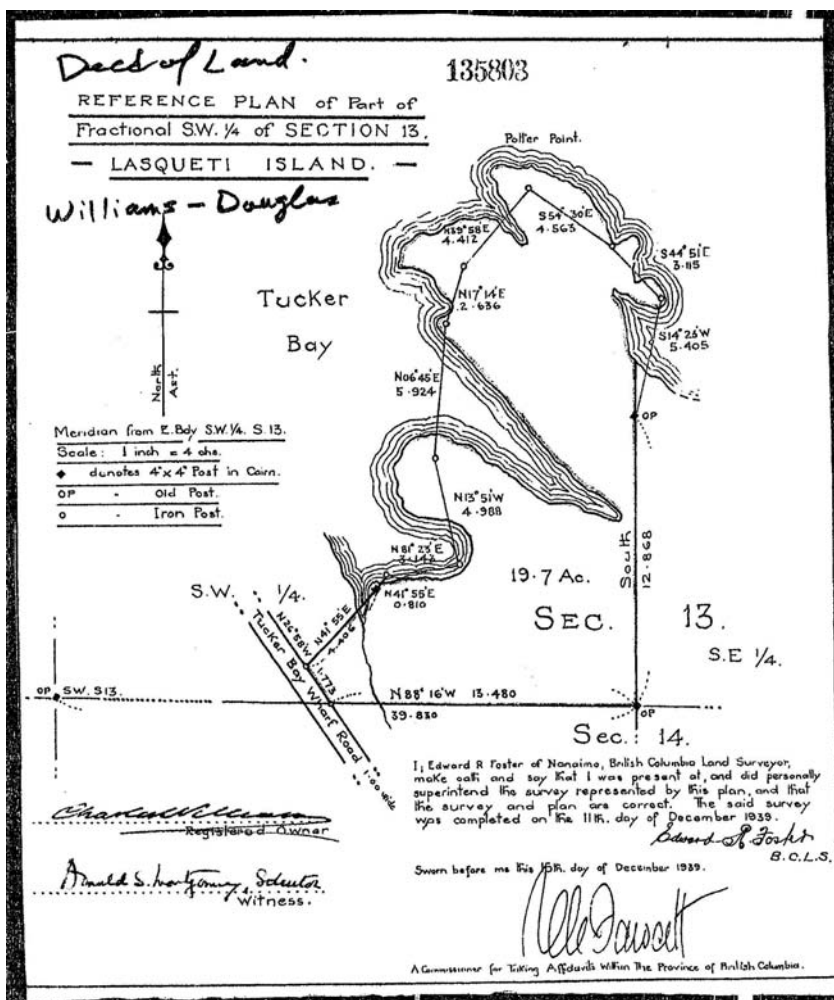


Figure 2. 1939 survey of plan 610R in southwest 1/4 section 13, with Tucker Bay Wharf Road.

(e) Road work log books from Ministry employee [Darwin1]:

Road work log books of Ministry of Transportation and Infrastructure road maintenance employee Nichols, from 1954 to 1980 (Figure 3). Log books have numerous references to Tucker Bay Road (e.g. Figure 4). This demonstrates funds spent on road maintenance by the province.



Figure 3. Some of the log books from Ministry of Transportation and Infrastructure road maintenance employee Nichols.

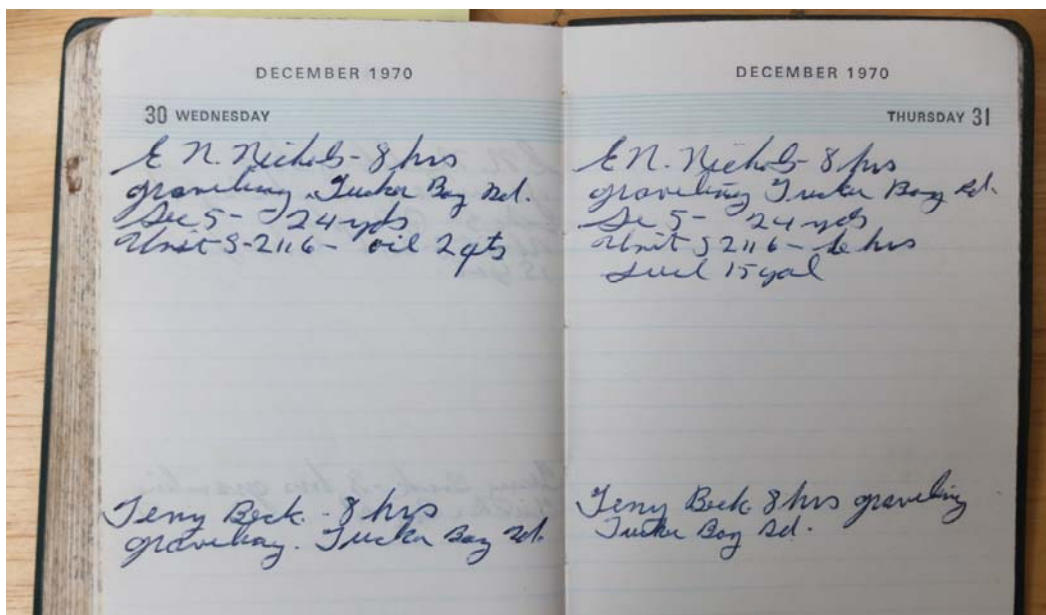


Figure 4. Example of work expended on Tucker Bay Road from a log book of Ministry of Transportation and Infrastructure road maintenance employee Nichols.

- (f) Current road maintenance contract:

The current road maintenance contract between the province and Emcon, as well as prior contracts for road maintenance, demonstrate funds spent on road maintenance for approximately 840m of Tucker Bay Road by the province.

3. Location of government deep-water pier wharf

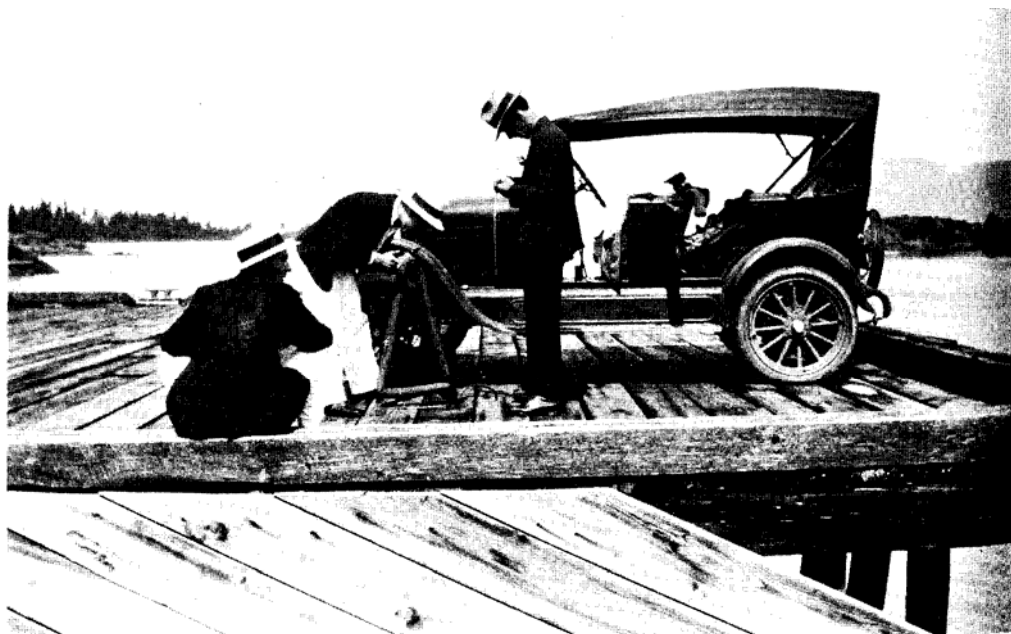
- (a) 1919 BC Government Survey [BCLS1920]:

The field book from the 1919 McDiarmid, BCLS survey shows bearings along road to wharf, and from end of wharf to Jarvis Island (Figure 1). This pinpoints exactly where the wharf was located, as well as the road approach to the wharf.

- (b) Historic photos [Mason1976]:

There are two photos of the wharf in the first edition of the Elda Mason book. The photo of the car on the wharf faces northwest, and shows how a series of points of land line up on the westward side, along with how Larson Islet and Texada Island line up on the eastward side (Figure 5). The photo of the co-operative store shows Jarvis Island and nearby islets (Figure 7).

The Elda Mason photos were used to locate the wharf platform by lining up the same features from the water. New photos taken from the location match the Mason photos. The photo in Figure 6 shows the view to the northwest, and with the full resolution photo, one can verify that the points of land on the westward side, and Larsen Islet/Texada Island on the eastward side match with the Mason photo with the car. The photo in Figure 8 is 90 degrees eastward, in a northeast direction. This is consistent with the Mason photo of the co-operative store (but not with the same level of certainty). The photo in Figure 9 points towards shore to indicate location relative to the shoreline, directly offshore from the clearing through the trees.



Fixing a blow-out on Tucker Bay wharf, 1930.
David Livingstone, Owens Copley, Laurie Mason.

MASON COLLECTION

Figure 5. Photo of car on wharf from 1930 [Mason1976]. Printed with permission.



Figure 6. View to northwest from approx. location in photo of “car on wharf” in [Mason1976].



Figure 7. Photo of co-operative building at Tucker Bay Wharf in 1921, from [Mason1976]. Printed with permission.



Figure 8. View to northeast from approx. location in photo of “car on wharf” in [Mason1976].



Figure 9. View towards shore from approx. location in photo of “car on wharf” in [Mason1976].

(c) Canadian Hydrographic Service charts [BritAd1863, BritAd1928, CHS1934]:

In 1860, Captain Richards surveyed the Strait of Georgia and produced a chart, first published in 1863 [BritAd1863]. This chart was periodically updated based on Canadian Hydrographic Service (CHS) surveys, which also produced local harbour plans, for many decades.

The earliest versions of the Richards chart had a coarse inset of Tucker Bay. In 1924, this inset was updated based on a CHS survey done by HD Parizeau on the *Lillooet* [BritAd1928]. The 1928 CHS chart shows the wharf, as well as “P.O.” and “Store” (Figure 10).

The CHS chart update in 1934 also shows the wharf, P.O., Store and float (Figure 11; [CHS1934]). Note also that in 1934, the chart states “NOTE: 15 feet is least depth at the wharf”.

In CHS chart updates in 1946 (Figure 12) and 1962 (Figure 13), the wharf is drawn, but indicated as ruins.



Figure 10. Portion of Tucker Bay inset from 1924 Canadian Hydrographic Service survey.

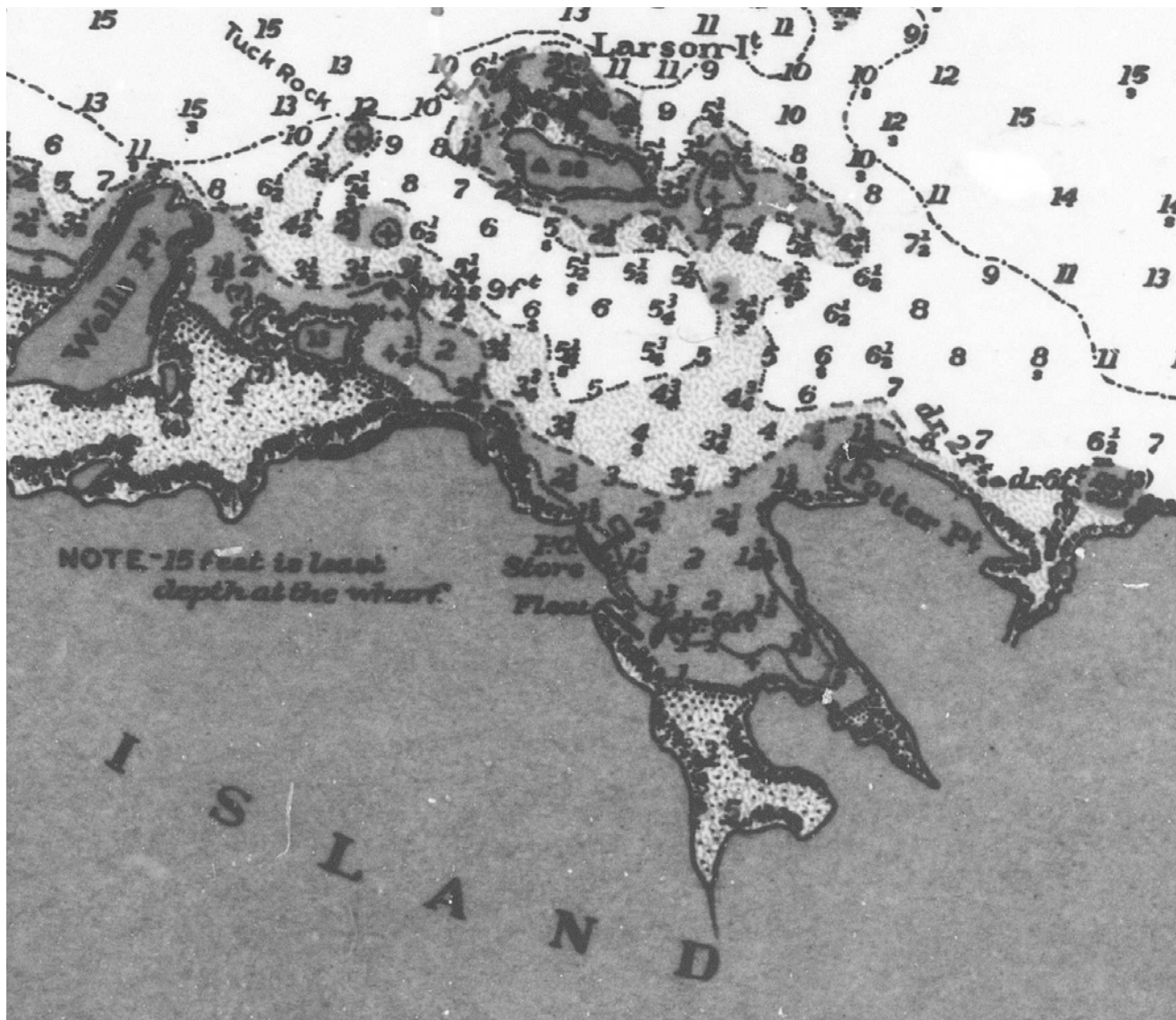


Figure 11. Portion of Tucker Bay inset from 1934 Canadian Hydrographic Service survey.

(d) Physical evidence on site:

The 1919 road survey, photo comparison, and hydrographic survey all identify the same location. At this location, there is physical evidence of a wharf, including a cut through trees where the approach started, metal in the rock, and concrete.

4. Location of government float and ramp

- (a) Canadian Hydrographic Survey charts [CHS1934, CHS1946, CHS1962]:

The float (at a separate location from the wharf) is shown on Canadian Hydrographic Service (CHS) surveys of Tucker Bay in 1934 (Figure 11), 1946 (Figure 12) and 1962 (Figure 13).



Figure 12. Portion of Tucker Bay inset from 1946 Canadian Hydrographic Service survey.



Figure 13. Portion of Tucker Bay inset from 1962 Canadian Hydrographic Service survey.

(b) Log book of *Santiago* barge [Darwin2]:

The barge *Santiago* (Figure 14) used the ramp at Tucker Bay frequently from 1948 to 1950, as noted in the log books (Figure 15).

REPORT OUTWARD COASTWISE
For a Registered Coasting Vessel or Boat proceeding from one Port to another
in the Dominion of Canada

Port of Vancouver Mar 15th 19 48

Name of Vessel Santiago Port of Registry Vancouver

Kind of Vessel and Rig Lamp. Barge Registered Tonnage 20 Tons. Crew No. 2

Master's Name J. H. Quinn Whither Bound Lasqueti Isl.

I, the undersigned, Master of the above-named vessel, do solemnly declare that I am bound for and will proceed directly to the Port of Lasqueti Isl. and that I will not, during the said voyage, touch at any foreign port, nor take on board, nor land, nor put off from said vessel any goods liable to Customs duty or other Revenue Impost, before arriving at the above-named port of destination.

Declared and signed this 15th day of Nov, 19 48, and clearance granted.

J. H. Quinn
Collector of Customs and Excise.

NOV 17 1948
VANCOUVER, B.C.

NOV 15 1948
VANCOUVER, B.C.

Figure 14. Documentation of movement of MV Santiago from Vancouver to Lasqueti.

PILOT HOUSE

Log of Steamer Santiago Voy. Lasqueti Date Feb 5

TIME BY CLOCK	NAME OF HEADLAND OR PLACE	TIME FROM PLACE TO PLACE		PILOT HOUSE COMPASS
		HOURS	MINUTES	
2:05 PM	Tucker Bay			
4:11 PM	Pt. Marmora			
5:44 PM	Marmora Light			
9:51 PM	Twin Islands			
11:17 PM	White Lake			
3:30 PM	W. Adair Point			
6:26 PM	Pt. Atkinson			
10:10 PM	False Creek			

Figure 15. Example of call log at Tucker Bay Road from log book of barge MV Santiago.

- (c) Air Photos from 1950 and 1952 show float [AirPhoto1950, AirPhoto1952]:

Air photos were taken of Lasqueti in 1950 and 1952. The float can be seen in both sets of photos. At this time, the wharf had been removed.

- (d) Photo from 1953 logging operation in Tucker Bay [Darwin3]:

A photo of the logging operation shows the float and a barge on the ramp at low tide (Figure 16).



Figure 16. Logging operations at Tucker Bay in 1953, showing float and barge on ramp. Photo by S. Williams (née Mason). Printed with permission.

- (e) District lot 280: federal foreshore reserve [BCLS1920, BCLS1957]:

Lot 280 (shown variously as district lot 280, L280 and DL280) is a foreshore lot, approximately 50 feet by 210 feet located at the ramp and float site. This lot appears as a crown provincial lot (DL280), with no present tenures, on the provincial mapping tool iMapBC and in Tantalus/GATOR.

Lot 280 is drawn on the 1919 McDiarmid survey [BCLS1920] (Figure 1).

Lot 280 was surveyed in 1956 by Matthews, BCLS, for the Canadian Department of Public Works (Figure 17). This survey was done explicitly for lot 280, which is identified with two capped pins at the high water mark. The plan for the survey states “Public Works of Canada, Site of Foreshore Reserve at Tucker Bay, B.C.” (Figure 18). This survey also notes down the centre of the lot “Lines of rotted pilings” (Figure 17).

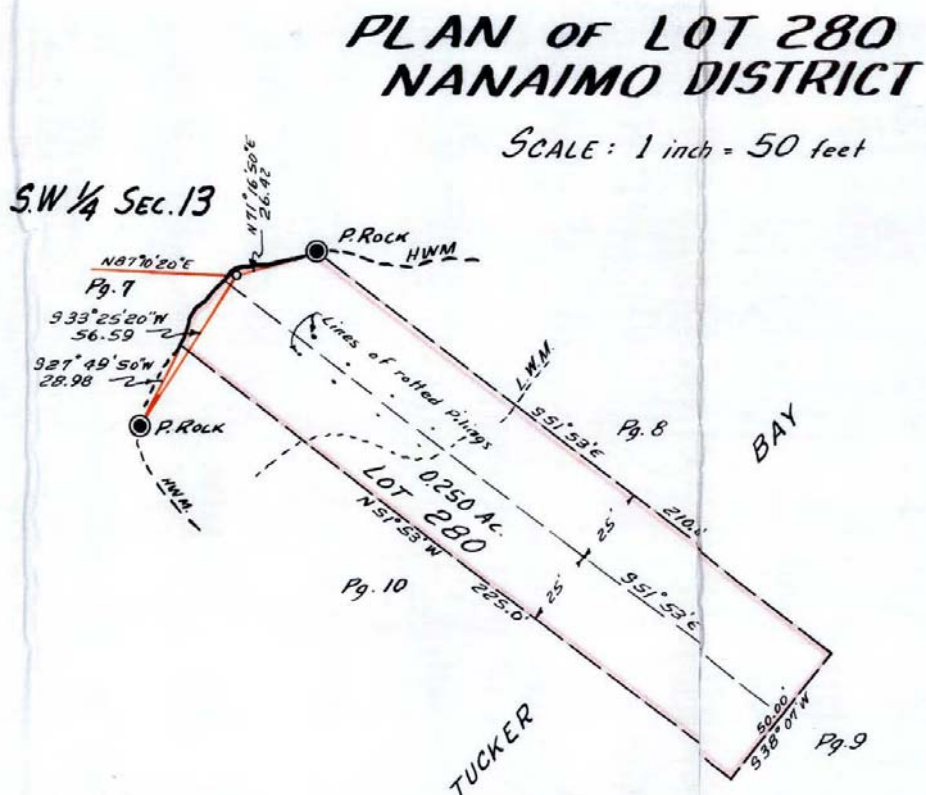


Figure 17. Portion of site plan from Matthews, BCLS, 1956 survey of lot 280.

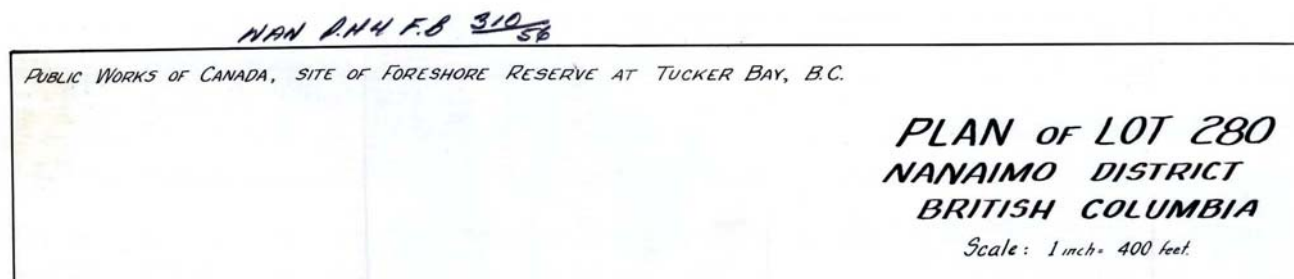


Figure 18. Portion of site plan from Matthews, BCLS, 1956 survey of lot 280.

(f) Witness accounts:

There are a number people who recall where the float was located. The ramp is still in existence and being used.

5. Evidence of public use

(a) Presence of public wharf and float, plus post office:

Public facilities, such as a public wharf, a public float and ramp, and a post office, need to be accessed by a public road. The Union Steamships carried passengers, cargo and post to Lasqueti at the wharf in Tucker Bay, and the barge Santiago carried cargo to the ramp.

(b) In book on Union Steamships [UnionSS1997]:

"The Cowichan and the Comox I were servicing Lasqueti Island but not on a regular basis. In 1913 a wharf was built at Tucker Bay on Lasqueti enabling large ships to dock there. A post office followed and soon a regular steamship service was established. However, in 1923, the Cowichan hit a rock on its approach to Tucker Bay. The Union Steamship Co. surveyed the bay and decided the entrance was too dangerous and the regular service was cancelled."

(c) Published media [Wrigleys1918]:

"... a post office and ranching settlement on Tucker Bay, Lasqueti Island, Gulf of Georgia, between Nanaimo and Union Bay. Comox Provincial Electoral District, reached by Union S. S. Co's boats from Vancouver, distant 60 miles."

This demonstrates public post office served by steamship via wharf.

(d) In Geological Survey of Lasqueti in 1921 [GeolSurvey1921]:

"There are small settlements at Tucker bay, on the east coast, and at False bay, at the northwest end of the island, where there is also a salmon cannery. A coasting steamer calls once a week at Tucker bay, and a regular service is maintained by gasoline launch between that bay and Pender Harbour on the mainland."

This demonstrates public use of the Tucker Bay facilities served by steamship (wharf) and a power boat (float).

(e) Historic accounts:

Old records provide ample evidence of public use to access the wharf (e.g. 1921 Fall Fair, Figure 7), float and ramp (e.g. [Mason1976]).

(f) Current business and non-profit society use:

Commercial uses of the water access at Tucker Bay include mussel spat pick-up, access to clam mariculture leases, access to a boat-access-only mussel and algae aquaculture facility, services for small islands (including off-grid power services). Non-profit society use includes access for

Lasqueti Internet Access Society (LIAS) to service hubs on Texada Island. LIAS is the primary internet service provider on Lasqueti.

(g) Witness accounts and boat access-only places:

There are numerous uses of the water access at Tucker Bay, including use by boat access-only places on the northeast side of Lasqueti and associated islands. A long-time resident recalls at least 50 boat access-only users over the years. People use the accesses for swimming and nature appreciation. The ramp is the primary and safest launch point for small water craft heading to Jedediah Island Provincial Park, including educational trips by False Bay School, as well as for emergency access to/from the water.

6. Supporting case law

Section 42 of the Transportation Act states that if public money is spent on a travelled road, the road is deemed to be a public highway, unless otherwise prescribed by the regulations. To support a case for a road to be public, evidence is needed for: (a) *public money* spent, and (b) the *travelled* portion of the road.

Section 42 has been applied in a number of B.C. Supreme Court cases that bear some similarities to the Tucker Bay Road issue, and in which the courts held in favour of the road in question being public (e.g. [BCSC642_1996, BCSC195_2013, BCSC2055_2013]). Since evidence of a similar nature and of at least the same magnitude as in the above cases are available for Tucker Bay Road, these cases provide precedent rulings for the Tucker Bay Road issue.

The case of 452195 *B.C. Ltd. v. Abbotsford (City)* [BCSC2055_2013, HG2013] is particularly relevant. In this case, a land owner disputed a long-used and maintained road, claiming a part of it as their property. The City of Abbotsford provided evidence (including aerial photographs, maps, land title plans, and recollections of long-time residents) that the disputed section of road had formed part of a well-travelled public highway for at least a century prior to 2010. The City of Abbotsford also provided public expenditures on the road. As with Tucker Bay Road, prior owners allowed both significant expenditures of public funds and significant public use to occur, implying acquiescence that the road is public. The Supreme Court of B.C., citing many prior cases, held in favour with the City of Abbotsford, and declared that the disputed section of road formed part of a public highway. The court relied, in part, upon the common law maxim “once a highway, always a highway.” According to [HG2013], “*What makes the decision noteworthy is the court’s review of the previous case law respecting section 42.*” The extensive review is documented in the section “Law on s. 42(1) of the Transportation Act” of the reasons for judgement for the case [BCSC2055_2013].

7. Summary

The evidence shows that the conditions of Section 42 of the Transportation Act are abundantly met over the full length of Tucker Bay Road. Tucker Bay Road has been travelled and maintained as a public road for over 100 years, with acquiescence from adjacent land owners, to access the water at the wharf location and the float & ramp location. The province, public and prior land owners have all accepted this road and water accesses as public since their construction. Approximate locations of the two water access sites are shown in Figure 19, based on surveys and capped pin locations.



Figure 19. Image from Google Earth showing approximate location of wharf (upper lines, drawn based on McDiarmid survey [BCLS1920]) and lot 280 (float and ramp; lower lines, based on Matthews survey [BCLS1957] and capped pin locations). Tucker Bay Road approaches these two water access locations from the southeast (indicated with an arrow), near the shore, and enters the open area near the approaches to the wharf and float sites.

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PROPERTY DISCLOSURE STATEMENT

RURAL PROPERTY - LAND ONLY


 Date of Disclosure: May 21, 2008

 PAGE 1 of 2 PAGES

The following is a statement made by the seller concerning the property located at:

ADDRESS TUCKER BAY LASQUETI ISLAND

THE SELLER IS RESPONSIBLE for the accuracy of the answers on this property disclosure statement and where uncertain should reply "do not know." This property disclosure statement constitutes a representation under any Contract of Purchase and Sale if so agreed, in writing, by the seller and the buyer.

THE SELLER SHOULD INITIAL THE APPROPRIATE REPLIES.

1. PROPERTY	YES	NO	DO NOT KNOW	DOES NOT APPLY
A. Indicate the water system(s) the property uses: Well ☒ Community ☐ Private ☐ Municipal ☐ Other _____ ☐ Not Connected ☐	JP			
B. Are you aware of any problems with the water system?	JP			
C. Are records available regarding the quantity and quality of the water available?		JP		
D. Are you aware of any uncapped or unclosed water wells on the property?	JP			
E. Are you aware of any water licences affecting the property?		JP		
F. Indicate the waste disposal system(s) the property uses: Septic ☐ Lagoon ☐ Holding Tank ☐ Community ☐ Municipal ☐ Other: _____ ☐			JP	
G. Are you aware of any problems with your waste system?	JP			
H. If the system is septic or lagoon and installed after May 31, 2005, are maintenance records available?				JP
I. Are there any equipment leases or service contracts (i.e., septic maintenance)?		JP		
J. Are you aware of any underground oil storage tanks anywhere on the property?		JP		
K. Are you aware of any fuel storage anywhere on the property, past or present?	JP			
L. Are you aware of any chemical storage anywhere on the property, past or present?		JP		
M. Are you aware of any fill materials anywhere on the property?		JP		
N. Are you aware of any waste sites, past or present, excluding manure storage anywhere on the property?	JP			
O. Are you aware of any encroachments, unregistered easements or unregistered rights-of-way?	JP			
P. Are you aware of any current or pending local improvement levies/charges?		JP		
Q. Have you received any other notice or claim affecting the property from any person or public body?	JP			
R. Has the property been logged in the last five years?			JP	
(i) If yes, was a timber mark/licence in place?			JP	
(ii) If yes, were taxes or fees paid?			JP	

ADDRESS ▶

TUCKER BAY

LASQUETI ISLAND

1. PROPERTY (continued)	YES	NO	DO NOT KNOW	DOES NOT APPLY
S. Is the property managed forest lands?			JP	
T. Is the property in the Agricultural Land Reserve?		JP		
U. Is there a plot plan/sketch plan available showing the location of wells, septic systems, crops and building improvements?		JP		
V. Is there a survey certificate available?		JP		
W. Are you aware if the property has been used as a marijuana grow operation or to manufacture illegal drugs?		JP		
X. Are you aware of any material latent defect as defined in the Real Estate Council of British Columbia Rule 5-13(1)(a)(i) in respect of the property?	JP			
Y. Are you aware of any material latent defect as defined in the Real Estate Council of British Columbia Rule 5-13(1)(a)(ii) in respect of the property?	JP			

For the purposes of Clauses 1.X. and 1.Y. of this form, Council Rule 5-13(1)(a)(i) and (ii) is set out below.

5-13 Disclosure of latent defects

(1) For the purposes of this section:

Material latent defect means a material defect that cannot be discerned through a reasonable inspection of the property, including any of the following:

(a) a defect that renders the real estate

(i) dangerous or potentially dangerous to the occupants

(ii) unfit for habitation

2. ADDITIONAL COMMENTS AND/OR EXPLANATIONS: (Use additional pages if necessary.)

Please see the attached six pages which are incorporated into this Property Disclosure Statement.

The seller states that the information provided is true, based on the seller's current actual knowledge as of the date on page 1. Any important changes to this information made known to the seller will be disclosed by the seller to the buyer prior to closing. The seller acknowledges receipt of a copy of this property disclosure statement and agrees that a copy may be given to a prospective buyer.

PLEASE READ THE INFORMATION PAGE BEFORE SIGNING.

SELLER(S)

SELLER(S)

The buyer acknowledges that the buyer has received, read and understood a signed copy of this property disclosure statement from the seller or the seller's brokerage on the _____ day of _____ yr. _____. The prudent buyer will use this property disclosure statement as the starting point for the buyer's own inquiries.

The buyer is urged to carefully inspect the property and, if desired, to have the property inspected by an inspection service of the buyer's choice.

BUYER(S)

BUYER(S)

The seller and the buyer understand that neither the listing nor selling agencies or their representatives warrant or guarantee the information provided about the property.

DRAFT

Property Disclosure Statement Attachment

Date of Disclosure: May 21, 2008

I have not visited the property for at least 17 years. Therefore my knowledge of its condition is out of date. Prospective purchasers should make their own inspection of the property.

The size of the property, approximately 38 acres, is based on information provided by third parties. I am not able to verify that information, since there is no survey.

The letters beside the following comments refer to the corresponding question on the Property Disclosure Statement.

A. There is a shallow well located uphill of the cottage. There used to be a wooden cover over the well and a plastic waterline connecting the well to the cottage.

B. I do not know the present condition of the well, cover, or the waterline.

D. I do not know if the wooden well cover referred to in A above still exists. Apart from this well, I am not aware of any other uncapped or unclosed water wells on the property.

F & G. There used to be a toilet in a small shed adjoining the cottage. I do not know if it was connected to a septic field, holding tank, or something else. The waterline from the well was not connected to the toilet. I and other family members used to flush it with buckets of sea water.

K. My family used to store one or two metal cylinders of propane in the shed referred to in F & G above. This propane was used as fuel for a small refrigerator in the cottage. We also used to keep one or two plastic containers of fuel for a small outboard boat engine, a chainsaw, and Coleman lanterns. I do not know if any of these items are still on the property. Otherwise, I am not aware of any fuel storage anywhere on the property.

N. My family used the cottage from approximately 1973 to approximately 1990 on a seasonal, recreational basis. Sometime during that period we dug a pit west of the public road and south of the cottage for disposal of some household garbage. Other than that, I am not aware of any waste sites on the property.

O. There is a public road on the property that provides access to the existing cottage. I am attaching copies of a letter from Daymore Holdings Ltd. to the B.C. Ministry of Transportation e-mailed on April 13, 2008, and the reply from the Ministry of Transportation to Daymore dated April 16, 2008. This correspondence clarifies the status

of the road. Except for this public road, I am not aware of any encroachments, unregistered easements or unregistered rights-of-way.

Q. There are two archaeological sites on the property. I attach a letter from Mr. John McMurdo, Coordinator, Archaeological Information Services, dated April 17, 2008, providing more details. Mr. McMurdo included a six page Resource Management Report and a map with his letter, which I am not attaching by reason of its length but will provide to Daymore's realtor. Any prospective purchaser may obtain a copy from the realtor.

R. I am not aware of any logging in the last five years. However, as noted above, I have not visited the property during this period. Certainly Daymore has never authorized anyone to log on the property.

T. In 2002, Daymore received a letter from Mr. K. B. Miller on behalf of the Land Reserve Commission dated August 30, 2002, advising that the property is not located within the Agricultural Land Reserve. Since that date, Daymore has not received any information from the Agricultural Land Commission or anyone else indicating that this has changed.

X & Y. When I last visited the property, the cottage referred to above was in existence. I have no knowledge of its present condition, but it is likely unfit for habitation due to disrepair and neglect. Prospective purchasers should visit the property and form their own opinion. Except for the cottage, and the well (and well cover), I am not aware of any material latent defect in the property.

Daymore Holdings Ltd.

John Perry, President and Authorized Signatory

British Columbia Ministry of Transportation
VANCOUVER ISLAND DISTRICT
3rd Floor - 2100 Labieux Rd
Nanaimo BC, V9T 6E9

Attention: Mr. Peter Wrightman, District Manager, Transportation, Vancouver Island District

I am the President and a director of Daymore Holdings Ltd. Daymore is the registered owner of a waterfront parcel of land on Lasqueti Island at the end of Tucker Bay Road. The legal description is:

Section 13, Nanaimo Land District, except Plan 610R, SW ¼ of Section 13,
Lasqueti Island
PID: 011-751-304

Daymore intends to sell this property, but before doing so we need any information or documents you may have as to the legal status and precise location of this public road on or adjoining our property.

For your information, the public road provides access to a cottage on the northeast part of the property. This cottage has been in existence for many years.

On September 25, 1973, a Mr. Thompson, on behalf of the Department of Highways, wrote a letter to Daymore indicating the Department's intention to resume a portion of Daymore's property for a road right-of-way. That letter enclosed part of a plan dated July 31, 1973, prepared by the Department of Highways, and showing the location of the proposed right-of-way on Daymore's property.

At the time, my parents (on behalf of Daymore) wrote to the Department of Highways objecting to this proposal. After my father's death in 1991, I telephoned the Ministry of Transportation and Highways, Nanaimo office, to find out whether the government had ever proceeded with its proposed resumption. I spoke with a Ms. Gerry Schuller, who told me that the Ministry had not taken any further action with respect to Mr. Thomson's 1973 letter. She also said that the road is not gazetted and remains a "section 4 road" (I assume this reference was to section 4 of the then **Highways Act**.) It appears that section 42(1) of the current **Transportation Act** is the successor provision to section 4 of the former **Highways Act** (now repealed). Section 42(1) reads:

42 (1) Subject to subsection (2), if public money is spent on a travelled road that is not a highway, the travelled road is deemed and declared to be a highway.

I am aware of the Crown's right to resume a small portion of the property for road purposes, as set out in the original Crown Grant, and subject to the limits stated in the Crown Grant.

Would you kindly provide Daymore with any information or documents that you may have as to the legal status and precise location of this public road on or adjoining Daymore's property. In particular, but without limiting the generality of the foregoing request for information, please provide Daymore with any information or documents you have relating to:

1. the location of the road in relation to the existing cottage;
2. any current or anticipated plans that you may have to exercise the Crown's right of resumption under the original Crown grant; and
3. any current or anticipated plans on your part to expropriate any part of the property.

Please provide me with your written response at your earliest convenience. If you have any questions, feel free to telephone John Perry at 604-469-0246 or to e-mail John Perry. Thank you for your help.

Yours truly,

Daymore Holdings Ltd.
John Perry, President

2312 Sonora Drive
Coquitlam, B.C.
V3J 6Y5

Subject FW: Daymore Holdings Ltd.
From "Beaumont, Doug R TRAN:EX" <Doug.Beaumont@gov.bc.ca>
Date Wednesday, April 16, 2008 2:55 pm
To JLPERRY53@shaw.ca
Cc "Thomas, Barbara R TRAN:EX" <Barbara.Thomas@gov.bc.ca>

Good Afternoon Mr. Perry,

I have had the opportunity to review the file and confirm there has been no action further to your advice in 1991. Tucker Bay Road within your property is claimed pursuant to Section 42 of the Transportation Act. This is the travelled part of road and shoulder. You should be able to determine the road and shoulder proximity to your cottage on site. Our "policy" is that we do not resume right of way anymore. I am not aware of any current construction plans for the subject road and if there were we would be required to purchase the land based on a current property appraisal. Given this location I would expect it unlikely we would expropriate unless there was a great public interest. This would only be considered as a last resort if mutual agreement could not be achieved.

Please feel free to contact me should you wish to discuss this further or require more information.

Yours Truly,

D.R.(Doug) Beaumont, RI
Regional Property Acquisition Coordinator,
Ministry of Transportation,
Vancouver Island, South Coast Region,
3rd Floor - 2100 Labieux Road,
Nanaimo, B.C.
V9T 6E9
Telephone: (250) 751-3273 Fax: (250) 751-3288
e mail address: doug.beaumont@gov.bc.ca

From: Thomas, Barbara R TRAN:EX
Sent: Monday, April 14, 2008 5:03 PM
To: 'JLPERRY53@SHAW.CA'; Beaumont, Doug R TRAN:EX
Subject: FW: Daymore Holdings Ltd.

Hello John,
Peter Wightman is away and I am acting on his behalf.

I have forwarded your letter to our properties manager, Doug Beaumont for consideration and response. Doug will be able to research and answer the questions you have raised. if you would like to contact Doug directly, his email is Doug.Beaumont@gov.bc.ca and his phone number is 250-751-3273.

In the meantime, you are welcome to contact me again at barbara.thomas@gov.bc.ca or by phone at 250-751-3126.

yours truly,

Barbara Thomas

Barbara Thomas, P.Eng.

Subject Archaeological Review: PID: 011-751-304
From "McMurdo, John TSA:EX" <John.McMurdo@gov.bc.ca>
Date Thursday, April 17, 2008 2:19 pm
To jlperry53@shaw.ca

Good Afternoon John,

There are two archaeological sites on this property, our reference numbers DjSb-16 and DjSb-17. I have attached relevant site information and a map. If any major land altering activity was to occur in the specific area of these sites an archaeological impact assessment would be required prior to the commencement of work.

Archaeologists may be contacted through the British Columbia Association of Professional Archaeologists at www.bcapca.bc.ca or through the local yellow pages.

If you have additional questions, you may wish to check the Archaeology Branch website (www.tsa.gov.bc.ca/archaeology) or contact the Manager of our Permitting Section, Ray Kenny, at (250) 953-3348 or Ray.Kenny@gov.bc.ca.

Regards,

John McMurdo, M.A.

Coordinator, Archaeological Information Services

Archaeology Branch

Ministry of Tourism, Sport and the Arts

Phone: 250-953-3343

Fax: 250-953-3340

Visit our Website at: <http://www.tsa.gov.bc.ca/archaeology/>

From: jlperry53@shaw.ca [mailto:jlperry53@shaw.ca]
Sent: Monday, April 14, 2008 8:53 PM
To: ARCWEB FEEDBACK TSA:EX
Subject: Data Request: John Perry - President and Director, Daymore Holdings Ltd.

Terms and Conditions Accepted	Yes
Name	John Perry
Affiliation	President and Director, Daymore Holdings Ltd.
Address	2312 Sonora Drive
City	Coquitlam
Province	B.C.
Postal Code	V3J 6Y5
Phone Number	604-469-0246
Fax Number	
Email	jlperry53@shaw.ca
Why Site Information is Required	Daymore Holdings Ltd., the registered owner of the property identified below, intends to sell this property. For the purposes of the sale, we need to know if there are any archaeological sites on it.

Subject Archaeological Review: PID: 011-751-304
From "McMurdo, John TSA:EX" <John.McMurdo@gov.bc.ca>
Date Thursday, April 17, 2008 2:19 pm
To jlperry53@shaw.ca

MY NOTES:

NATURAL RESOURCES
OPERATIONS
ARCHAEOLOGY BRANCH

WWW.ARCH DATA REQUEST
TCA.GOV.BC.CA

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Regards,

~~John McMurdo, M.A.~~ NOW: DIANA COOPER
Coordinator, Archaeological Information Services

Archaeology Branch

Ministry of Tourism, Sport and the Arts

Phone: 250-953-3343

Fax: 250-953-3340

Visit our Website at: <http://www.tsa.gov.bc.ca/archaeology/>

1 800 663 7867

ENQUIRY B.C.

250-953-3334

MAIN NUMBER

→ DATA ADMIN. DIANA COOPER

PERMITTING & ASSESSMENT
MANAGER

RAY KENNY

250 953 3348

From: jlperry53@shaw.ca [mailto:jlperry53@shaw.ca]

Sent: Monday, April 14, 2008 8:53 PM

To: ARCWEB FEEDBACK TSA:EX

Subject: Data Request: John Perry - President and Director, Daymore Holdings Ltd.

Terms and Conditions Accepted

Yes

Name

John Perry

Affiliation

President and Director, Daymore Holdings Ltd.

Address

2312 Sonora Drive

City

Coquitlam

Province

B.C.

Postal Code

V3J 6Y5

Phone Number

604-469-0246

Fax Number

Email

jlperry53@shaw.ca

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Regards,

~~John McMurdo, M.A.~~ *DIANA COOPER*

Coordinator, Archaeological Information Services

Archaeology Branch

Ministry of Tourism, Sport and the Arts

Phone: 250-953-3343

Fax: 250-953-3340

Visit our Website at: <http://www.tsa.gov.bc.ca/archaeology/>

From: jlperry53@shaw.ca [mailto:jlperry53@shaw.ca]

Sent: Monday, April 14, 2008 8:53 PM

To: ARCWEB FEEDBACK TSA:EX

Subject: Data Request: John Perry - President and Director, Daymore Holdings Ltd.

Terms and Conditions Accepted

Yes

Name

John Perry

Affiliation

President and Director, Daymore Holdings Ltd.

Address

2312 Sonora Drive

City

Coquitlam

Province

B.C.

Postal Code

V3J 6Y5

Phone Number

604-469-0246

Fax Number

Email

jlperry53@shaw.ca

Why Site Information is Required

Daymore Holdings Ltd., the registered owner of the property identified below, intends to sell this property. For the purposes of the sale, we need to know if there are any archaeological sites on it.

Resource Management Report

Borden Number: DjSb-16

Protected by Legislation: YES

Map Reference:

GIS Populated

Latitude	Longitude	UTM Easting	UTM Northing	UTM Zone
49 30'4"	-124 16'37"	407507	5483990	10

Historic Source

Latitude	Longitude	UTM Easting	UTM Northing	UTM Zone
493005	1241630			

Map Sheet

Number	Spatial Accuracy
92F.059	1:10K
92F/09	1:10K

Site Location:

Location

Description

Site Access

ON BOTH SIDES OF SMALL COVE OFF S. OF BAY
IMMED. S. OF WELLS POINT, NEAR MOUTH OF
SOUTHERN ENTRANCE.

Street Address:

Street Number	Street Name	City	Postal Code

Site Dimensions:

Length (m)	Width (m)	Site Area
2	1	

Tenure/Reserves:

Jurisdiction	Tenure/Reserves Type	Description	Tenure Remarks
GIS LandDistricts		Nanaimo District	
GIS Municipalities		Powell River, Subd. A	
GIS RegionalDistrict		Powell River	

Resource Management Report

Borden Number: DjSb-16

Site Typology:

<i>Class</i>	<i>Type</i>	<i>Sub Type</i>	<i>Descriptor</i>
PRECONTACT	Cultural Material	Subsurface	Shell Midden

Feature Description Table

<i>Feature #</i>	<i>Length</i>	<i>Width</i>	<i>Dia.</i>	<i>Depth</i>	<i>DBS from</i>	<i>DBS To</i>	<i>Shape</i>	<i>Orientation</i>	<i>Berm/Rim</i>	<i>Colour</i>
<i>Feature Remarks</i>										

Resource Management Report

Borden Number: DjSb-16**Site Visit:**

Type	Date of Visit	Affiliation	Permit	Permit Type	Issuing Agency	Permit Holder
Recording	25/Jul/1971	B.C. Provincial I	1971 30	Pre-1995	Arch	Abbott, Donald N.
Remarks						

Project Description

A Survey of Archaeological Resources in Provincial Parks and Map Reserves in the Southern Coastal Area of British Columbia. Probably recorded under this permit. Specific site numbers are not listed in report and some sites are outside Parks boundaries.

Remarks:

Date	Remarks
	N.I.A. (SEE DJSB-1 FOR MAP)

Resource Management Report

Borden Number: DjSb-17

Protected by Legislation: YES

Map Reference:

GIS Populated					Historic Source				
Latitude	Longitude	UTM Easting	UTM Northing	UTM Zone	Latitude	Longitude	UTM Easting	UTM Northing	UTM Zone
49 30'4"	-124 16'23"	407857	5483877	10	493000	1241615			
Map Sheet									
Number	Spatial Accuracy								
92F.059	1:10K								
92F/09	1:10K								

Site Location:

Location

Description	Site Access
ON W. SIDE OF WESTERNMOST INLET IN TUCKER BAY.	

Street Address:

Street Number	Street Name	City	Postal Code

Site Dimensions:

Length (m)	Width (m)	Site Area
25	10	

Tenure/Reserves:

Jurisdiction	Tenure/Reserves Type	Description	Tenure Remarks
GIS LandDistricts		Nanaimo District	
GIS Municipalities		Powell River, Subd. A	
GIS RegionalDistrict		Powell River	

Resource Management Report

Borden Number: DjSb-17

Site Typology:

<i>Class</i>	<i>Type</i>	<i>Sub Type</i>	<i>Descriptor</i>
PRECONTACT	Cultural Material	Subsurface	Shell Midden

Feature Description Table

<i>Feature #</i>	<i>Length</i>	<i>Width</i>	<i>Dia.</i>	<i>Depth</i>	<i>DBS from</i>	<i>DBS To</i>	<i>Shape</i>	<i>Orientation</i>	<i>Bern/Rim</i>	<i>Colour</i>
<i>Feature Remarks</i>										

Resource Management Report

Borden Number: DjSb-17

Site Visit:

Type	Date of Visit	Affiliation	Permit	Permit Type	Issuing Agency	Permit Holder
Recording	25/Jul/1971	B.C. Provincial I	1971 30	Pre-1995	Arch	Abbott, Donald N.
Remarks						

Project Description

A Survey of Archaeological Resources in Provincial Parks and Map Reserves in the Southern Coastal Area of British Columbia. Probably recorded under this permit. Specific site numbers are not listed in report and some sites are outside Parks boundaries.

Sp-12

009721142

DjSb-15

DjSb-15

DjSb-16

DjSb-16

38 ACRES
TUCKER Bay

009721142

011751304

DjSb-17

00818256

00818256

DjSb-1

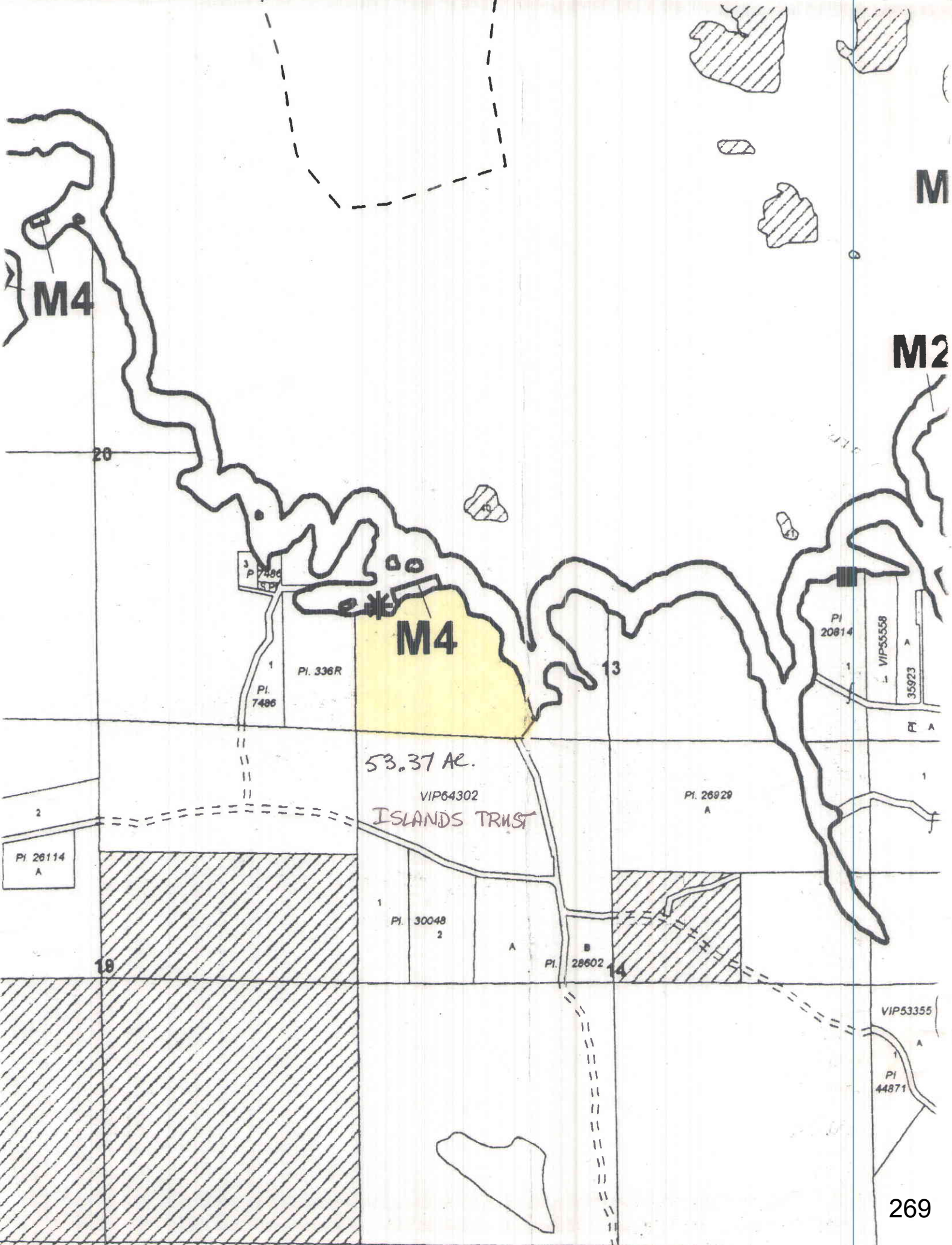
DjSb-10

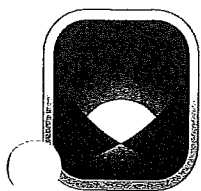
008182566

009721053

023586877

009719652





POWELL RIVER REGIONAL DISTRICT

#202 - 4675 Marine Avenue, Powell River, BC V8A 2L2
Telephone: 604-485-2260 Fax: 604-485-2216
Email: administration@powellriverrd.bc.ca
Website: www.powellriverrd.bc.ca

"Genetically Engineered Free Crop Area"

October 28, 2016

Peter Luckham
Chair, Islands Trust Council
Islands Trust
200 - 1627 Fort St
Victoria, BC V8R 1H8

Dear Chair Luckham:

The Powell River Regional District Board is currently seeking that Minister Todd Stone declare Tucker Bay Road on Lasqueti Island (Electoral Area E) as a Section 42 highway.

According to the *Transportation Act*, "highway" means a public street, road, trail, lane, bridge, trestle, tunnel, ferry landing, ferry approach, any other public way or any other land or improvement that becomes or has become a highway by any of the following:

- (a) deposit of a subdivision, reference or explanatory plan in a land title office under section 107 of the Land Title Act;
- (b) a public expenditure to which section 42 applies;
- (c) a common law dedication made by the government or any other person;
- (d) declaration, by notice in the Gazette, made before December 24, 1987;
- (e) in the case of a road, colouring, outlining or designating the road on a record in such a way that section 13 or 57 of the Land Act applies to that road;
- (f) an order under section 56 (2) of this Act;
- (g) any other prescribed means.

Section 42 of the *Act* states:

Travelled roads becoming highways

42 (1) Subject to subsection (2), if public money is spent on a travelled road that is not a highway, the travelled road is deemed and declared to be a highway.

(2) Subsection (1) does not apply to any road or class of roads, or to any expenditure or class of expenditures, that is prescribed by the regulations.

On or about the year 2014 a subject property, Fractional S.W. 1/4 of Section 13 except for Plan 610R, came under new ownership. Shortly after that the use of Tucker Bay Road as a public access to the beach became difficult and confrontational. The new

owners blocked the road, put up threatening signs and chased would be passersby off the access claiming that it was a private road and that they were trespassing.

Residents were upset over this as access to the beach via this route had gone on for as long as anyone could remember. Some committed individuals took it upon themselves to research and obtained hard fact evidence that public monies had been spent on Tucker Bay Road and thus qualifying it as a Section 42 highway. The researchers gathered together a 227 page report which is enclosed. It includes 1914 and 1915 government documents referring to a wharf at Tucker Bay. A 1919 provincial survey of Tucker Bay Road. As well as annual provincial reports from 1925 – 32 demonstrating public monies being spent on Tucker Bay Road. It also includes log books of road maintenance from 1965 – 87.

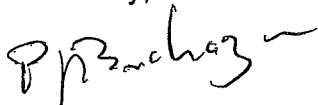
Staff have discovered a report, which is also enclosed, indicating that Tucker Bay Road was clearly in the province's inventory. It was assigned a road class of 6D and its length was measured to be .840 kilometers. Thus, open admission and confirmation that public monies had been and were being spent on Tucker Bay Road. An enclosed map supports this.

In the Board's estimation there is only one event that could possibly now stop this road from being declared a Section 42 highway. That is if the province sold it to the new property owner. As part of our continued research, the Board raises the following questions:

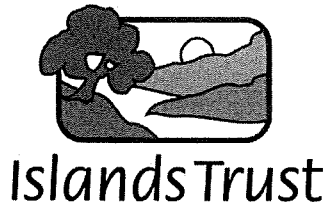
- 1) As the planning agency for Lasqueti Island, did you or your planners receive any referrals regarding a potential road closure and/or sale of Tucker Bay Road?
- 2) Are you or your planners aware of any public engagement on Lasqueti Island relative to a potential road closure and/or sale of Tucker Bay Road?
- 3) Are you or your planners aware of any subdivision and/or lot amalgamations related to Fractional S.W. 1/4 of Section 13 except for Plan 610R?
- 4) If the answer is yes to any of the above, what was the position taken or recommendation made by Islands Trust and what public engagement was performed with the residents on Lasqueti Island?

Thank you for your time and we look forward to your reply.

Sincerely,



Patrick Brabazon, Chair

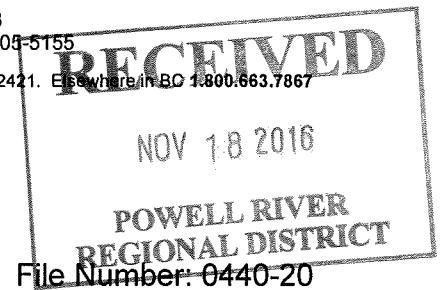


200 - 1627 Fort St., Victoria, BC V8R 1H8
Telephone (250) 405-5151 Fax (250) 405-5155

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



November 17, 2016

Via Email: administration@powellriverrd.bc.ca

Patrick Brabazon, Chair
Powell River Regional District

Dear Patrick Brabazon:

Re: October 28, 2016 Letter – Tucker Bay Road on Lasqueti Island

I am writing in regards to your October 28, 2016 letter addressed to me as the Chair of Islands Trust Council. I would like to inform you that Tucker Bay Road on Lasqueti Island falls under the land use planning jurisdiction of the Lasqueti Island Local Trust Committee.

I have forwarded your correspondence to the Lasqueti Island planning staff for a reply to the specific questions in your letter.

Please make a note to direct all future correspondence in regards to planning issues on Lasqueti Island to the Lasqueti Island Local Trust Committee.

Yours sincerely,

Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

pc: Lasqueti Island Local Trust Committee
Ann Kjerulf, Regional Planning Manager



700 North Road, Gabriola Island, BC V0R 1X3
Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

November 22, 2016

VIA Email: administration@powellriverrd.bc.ca

Patrick Brabazon
Chair
Powell River Regional District

Dear Chair Brabazon:

Re: Tucker Road, Lasqueti Island

The Lasqueti Island Local Trust Committee (LTC) reviewed your correspondence at the LTC regular business meeting on November 21, 2016. Thank you for compiling the comprehensive package of information regarding the public use of Tucker Bay Road, on Lasqueti Island.

The PRRD Board raised a number of questions in your correspondence. Please be advised that:

1. The Lasqueti Island Local Trust Committee (as the planning agency for Lasqueti) nor the planning staff are in receipt of any referrals regarding potential road closure and/or sale of Tucker Road.
2. The LTC nor planning staff are aware of any public engagement on Lasqueti Island related to a potential road closure and/or sale of Tucker Bay Road.
3. The LTC nor planning staff are aware of any subdivision and/or lot amalgamations related to Fractional S.W. 1/4 of Section 13 except for Plan 610R.

It is our understanding that PRRD Direction Merrick Anderson and LTC Trustee Tim Peterson are scheduled to meet with a representative of the Ministry of Transportation and Infrastructure on Thursday December 1, 2016 regarding this matter. We trust that this meeting will result in greater clarity on the current status of Tucker Bay Road.

Best Regards,

Laura Busheikin, Chair
Gabriola Island Local Trust Committee

Copy:
Lasqueti Island Local Trust Committee

To: Executive Committee

For the Meeting of: January 18, 2017

From: Carmen Thiel

File No.:2925-20-01

SUBJECT: REPLY-ALL EMAILS ON RESOLUTIONS WITHOUT MEETING AND ELECTRONIC VOTING PROCEDURES

DESCRIPTION OF ISSUE:

Need for clarity on reply-all emails in relation to Resolutions Without Meeting (RWM) and on electronic voting procedures.

BACKGROUND:

At its meeting on November 9, 2016, the Executive Committee requested advice on reply-all vs. reply emails in relation to RWMs and on electronic voting procedures.

Resolutions Without Meeting

- Section 26 RWMs are for decisions not requiring any discussion or debate by a committee or Trust Council;
- Approval of a Section 26 RWM is given where a majority of the members of the committee or Trust Council entitled to vote on the resolution inform the Secretary of their approval in person or by telecommunication;
- Voting in response to RWMs is done primarily via email;
- As part of the procedure for 'conducting the vote' on an RWM, trustees are advised to use the reply-all email feature when voting by email. This practice offers transparency in the voting process and is included in the *Procedures for Local Trust Committee Section 26 RWMs*. It provides an indication to all members on how other members voted, as afforded in an in-person meeting setting, and leaves no room for anyone to doubt the result of the vote.

Electronic Voting Procedures

- Trust bodies for which electronic meetings (voting) are authorized by bylaw are: Islands Trust Council and Council committees, Executive Committee, Trust Fund Board, Ballenas-Winchelsea Local Trust Committee (Executive Committee), Gambier Island Local Trust Committee, Lasqueti Island Local Trust Committee and Salt Spring Island Local Trust Committee;
- In all instances where a trust body has adopted a bylaw to allow for electronic participation, members who use electronic communication facilities to participate in a meeting conducted in accordance with the bylaw are deemed to be present at the meeting;

- The procedure for electronic voting in a committee meeting that is entirely electronic or where certain members are participating electronically is outlined in Appendix A – Protocol for Electronic (Phone) Committee Meetings at Islands Trust.

ATTACHMENT(S): SCHEDULE A - Protocol for Electronic (Phone) Committee Meetings at Islands Trust

FOLLOW-UP: N/A

Prepared By: Carmen Thiel

Reviewed By: [Click here to enter text.](#)

Date: [Click here to enter a date.](#)

SCHEDULE A

Protocol for Electronic (Phone) Committee Meetings at Islands Trust

Chair starts with roll call of members, by last name, to acknowledge all participants.

During the meeting:

Chair announces an agenda item and, depending on the type of item, follows one of two processes:

1. The item is introduced (or the members briefed) by staff/the report author. General discussion will follow, with the speakers managed as described below. At the conclusion of the discussion, once there is a sense that consensus has been reached or the committee is ready to refer the item to Trust Council where applicable, the Chair will ask for the motion to be moved and seconded.
2. A motion on the item is moved and seconded right away to frame the discussion as people speak to the motion.

In either case the Chair will follow the process below in managing the speakers' list and ensuring that every member gets a chance to speak.

Chair asks for first list of speakers:

1. Chair notes the names out loud and each member gets a chance to speak (two minute time limit?) based on the order of the speakers' list.
2. Members participating electronically either indicate their wish to speak through the electronic system, e.g. Go-to-meeting feature, or state their name and indicate that they wish to speak; the same process is followed where members wish to speak for a second time after all members who so wish have spoken for a first time;
3. As an alternative, if more than four people indicate that they want to speak, the Chair may call on all members in alphabetical order by last name
4. Those members who don't wish to speak will say "pass" when they are called.

Chair asks for second list of speakers with anything new to add to the discussion/debate and the process followed for first list of speakers, above, is repeated.

Chair asks "Are there any more speakers to the motion?"

Voting

The procedure for electronic voting in a meeting that is entirely electronic or where certain members are participating electronically is:

1. When it is time for the vote to be taken:
 - a. Chair states the motion on the floor.
 - b. Chair asks: "All those in favour?" Members present at the meeting who are in favour raise their hand(s) or say "aye"; members participating electronically who are in favour say "aye" or "in favour".

- c. Chair asks: "All those opposed?" Members present at the meeting who are opposed raise their hand(s) or say "nay"; members participating electronically who are opposed say "nay" or "opposed".
- d. If "ayes" or "nays" are unanimous, then the motion follows the vote.
- e. If one or the other is in the majority, then the Chair asks for the names of those not in majority (e.g. if mostly nays, then ask who voted in favour and the names are recorded in the minutes).
- f. If it is not clear who is in the majority, then the chair takes a roll call of the members (may be in alphabetical order) and the minute taker records each vote in the minutes.
- g. If a member wishes to raise a point of order, then the member states their name and "Point of Order".
- h. If there is no specific agenda item being discussed, i.e. an unstructured part of the meeting, and a member wishes to speak, the member should say their name and "I wish to speak". The Chair acknowledges hearing the member and says "you have been added to the speakers' list after ____" or "I will call on you to speak when ____ is completed".
- i. In the event that a ballot is required for electing a committee chair/vice chair, members participating electronically will cast their ballot by emailing the name of their candidate of choice to the presiding officer of the election, following prearranged instructions.

In all instances where a trust body has adopted a bylaw to allow for electronic participation, members who use electronic communication facilities to participate in a meeting conducted in accordance with the bylaw are deemed to be present at the meeting.

2017 LGLA Leadership Forum

**“Communication: Listening,
Connecting, Leading”**

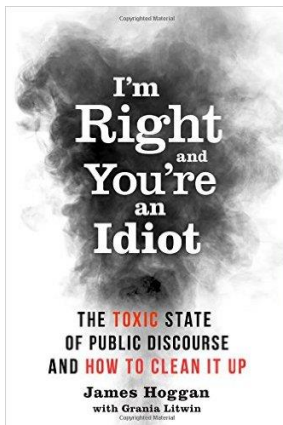
February 1-3, 2017
Radisson Hotel, Richmond, BC



Join us this February 1-3 for the Annual LGLA Leadership Forum – one of very few opportunities to gather with elected officials and senior staff from all over the province to discuss issues and learn about timely topics of importance in local governance. This year our theme is:

Communication: Listening, Connecting, Leading

We have speakers with expertise in public speaking, communication styles, Aboriginal awareness, bullying and bad behaviour, governance ethics, local government communication tools, engaging diverse audiences, graphic recording, and more...



We are also very excited to introduce our **new keynote speaker, JAMES HOGGAN**, President of Hoggan & Associates, the award-winning corporate communications and public affairs agency and best selling author of *I'm Right and You're an Idiot: The Toxic State of Public Discourse and How to Clean it Up* (May 2016).

Although we were sorry to learn that Richard Wagamese will be unable to join us to present on *The Power of Storytelling*, we know you will want to hear Jim's well-timed message that the most pressing environmental problem we face today is not climate change. It is pollution in the public square.

In *I'm Right and You're an Idiot*, Hoggan grapples with this critical issue, conducting interviews with outstanding thinkers from the Himalayas to the House of Lords. Drawing on the wisdom of such notables as Thich Nhat Hanh, Noam Chomsky, and the Dalai Lama, his comprehensive analysis explores:

- How trust is undermined and misinformation thrives in today's public dialogue;
- Why facts alone fail – the manipulation of language and the silencing of dissent;
- The importance of reframing our arguments with empathy and values to create compelling narratives and spur action.

Remember, both elected officials (mayors, chairs, chiefs, councillors, directors) and senior staff from local governments and First Nations are welcome to attend the forum. We will have delegates from small towns, big cities, rural areas and from all regions of the province. This is a key opportunity to meet your colleagues and peers, learn from one another, share your

experiences, and return home refreshed, recharged, and ready to tackle all of the challenges that accompany local governance.

The registration deadline is January 18! Cost is \$310, which includes all forum sessions, two hot breakfasts, lunch on day two, and refreshment breaks throughout. We have a range of exciting presentations and lots of networking opportunities. We will be joined by the Minister of Community, Sport & Cultural Development as well as the Opposition Spokesperson for Local Government. Don't miss this opportunity to join your colleagues from around British Columbia for this exciting event!

Register here: <https://www.civicinfo.bc.ca/event/2017/LGLA-LeadershipForum>

And visit our event page online at <http://lgla.ca/events/2017-leadership-forum-2/> for all the details.

We hope to see you there...

Please contact emorrison@lgla.ca with your questions.



BRIEFING

To: Executive Committee

For the Meeting of: January 18, 2016

From: Emma Restall

Date: January 13, 2016

SUBJECT: 2017 EXECUTIVE COMMITTEE MEETING SCHEDULE

DESCRIPTION OF ISSUE:

At the December 6, 2016 Executive Committee meeting, the following resolution was passed:

EC-2016-194

It was MOVED and SECONDED,

THAT Executive Committee request staff to investigate holding the February 15 and November EC meeting in Nanaimo or another central island location.

BACKGROUND:

Staff were required to investigate available venue options, budgetary restraints and whether or not Executive Committee members were required to attend any other meetings in each location on the same day.

The Grand Hotel in Nanaimo has many meeting rooms available for both dates. The rental fee will come out of the Executive Committee meeting budget, and costs will likely balance out with Trustee travel and accommodation savings. There have been no meetings arranged to coincide with the February 15, 2017 or the November 1, 2017 Executive Committee meeting dates and locations.

ATTACHMENT: Revised 2017 Executive Committee Meeting Schedule

AVAILABLE OPTIONS:

THAT the Executive Committee adopt the revised 2017 Executive Committee meeting schedule as amended.

Prepared By: Emma Restall, Executive Coordinator, January 13, 2016

Reviewed By/Date: Russ Hotsenpiller, CAO, January 13, 2016



Islands Trust Executive Committee Revised 2017 Meeting Schedule

Revised January 12, 2016

All meetings will be held in the Islands Trust Victoria office (#200, 1627 Fort Street) on Wednesdays, starting at 8:45 a.m., unless otherwise noted.

January 18

February 15, 9:30 am (Nanaimo)

March 1

March 14, 12:00 pm (Gabriola – Trust Council)

April 5, 10:00 am (Gabriola Office)

May 3

June 7

June 20, 12:00 pm (Lasqueti – Trust Council)

July 19,

August 16, 9:30 am (Salt Spring Office)

August 30

September 12, 12:00 pm (Denman – Trust Council)

October 4

November 1, 10:00 am (Nanaimo)

November 22

December 5, 12:00 pm (Victoria – Trust Council)

Trust Council Meetings

March 14-16, 2017 – Gabriola

June 20-22, 2017 – Lasqueti

September 12-14, 2017 – Denman

December 5-7, 2017 – Victoria

Council Committee Meetings

TPC – Feb 20, May 29, Aug 21, and Nov 6

LPC – Feb 16, May 24, Aug 17 and Nov 16

FPC – Jan 17, Feb 28, May 31, Aug 23, Oct 18, and Nov 15

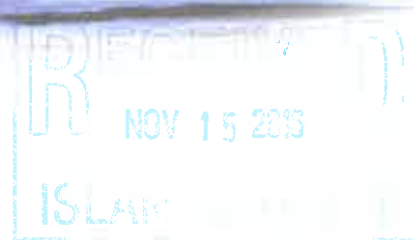


Harbour Authority of Salt Spring Island



Distribution List

10 November 2016



DOCK SEWAGE PUMPOUT SUPPORT

The Harbour Authority of Salt Spring Island (HASSI) takes the health of our marine environment very seriously. We witness firsthand the impacts changing weather and increased marine traffic have. We are committed to making sure Salt Spring and the Southern Gulf islands have the facilities required to minimize boaters impact on the environment.

We regularly update our Environmental Management Plan. Beyond the requirement to comply with government pollution regulations, HASSI is a strong proponent of environmental stewardship, within its capacity to fund, staff and manage such activities. Our waste oil tank, garbage dumpster and black water pump out station are examples of these activities; not mandated but the right thing to do.

HASSI provides a period of free moorage to visiting boaters during the working day, an arrangement which simplifies visiting boaters desire to spend and use services in the local community, while increasing marine transient traffic.

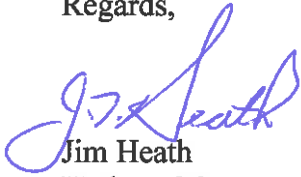
Salt Spring Island has seen significant increases to our already large boating population. As the island continues to encourage increased activity as a boating destination of choice in the Gulf Islands, a publically accessible pump out station is a key component of an environmentally responsible harbour. HASSI was very pleased to see a marina development proposal for Fulford Harbour include as one of the approval conditions, the installation of a pump out station. However, at this time, the marine traffic to the islands marinas and those anchored in our bays have no other option than our facility. We maintain this pump-out for far more customers than those using our facilities.

The demand on our pump out, the only operational one in the Gulf Islands, is high. This user group includes those whose main reason for visiting Ganges is to access the pump out. Should our system break down there would be a negative impact on Gulf Island boaters and the environment. With this in mind, HASSI deemed it prudent to procure a replacement pump, at a cost of \$3,700.00, and would gratefully receive any contributions to offset the cost of

maintaining this essential redundancy. HASSI is not requesting funds to maintain the operating of the station, just the cost of having a spare pump on hand. We do not want to have to increase costs of the pump-out as this may discourage use.

Your consideration of this request is appreciated.

Regards,



Jim Heath
Harbour Manager

Distribution

Action:

Chair, Islands Trust Council
Islands Trust
200 - 1627 Fort Street
Victoria, BC
V8R 1H8

Electrical Area Director
Capital Regional District
#5-105 Rainbow Road
Salt Spring Island, BC
V8K 2V5

Info

Ange Hill
Program Officer
Small Craft Harbours, Fisheries and Oceans Canada
Suite 200 - 401 Burrard Street
Vancouver, BC
V6C 3S4

From: Doug & Elizabeth Latta <delatta@telus.net>
Sent: Tuesday, January 03, 2017 10:02 AM
To: EC
Subject: Micro cells and the UBCM

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Members of the Executive Committee,

It has come to my attention that small cell towers are being placed on hydro/telephone poles throughout the province, with the thought that higher cell towers will no longer be necessary to transmit existing and upcoming 5G transmission for wireless transmission. I am aware that the Islands Trust has enabled commissions on each island to prepare protocol for the placement of new, standard towers (over 15 metres), subject to Industry Canada approval. The UBCM fought hard to ensure that municipalities had some control of such infrastructure in their communities by ensuring that all towers over 15 metres should be vetted in this protocol. This new initiative by the telecommunications companies make this hard won 15 metre concession no longer viable as a control.

Inasmuch as it seems to me that you are our municipal government, I would ask that you endeavour to bring this up at the next UBCM. Control over our Electro Magnetic environment is an issue for the 21st century that needs to be intelligently addressed. San Francisco has been successful in passing legislation to ban the unauthorized proliferation of these devices.

I am concerned about the future of the environment and believe that excessive Electro Magnetic Radiation has a harmful effect on all life. Thank you for considering my request.

Yours Truly,
Elizabeth Latta
Galiano Island

From: Jonathan.Wilkinson.C1A@parl.gc.ca
Sent: Friday, January 06, 2017 9:23 AM
To: byng_giraud@wlng.ca; chief.wsparrow@musqueam.bc.ca; chief@twnation.ca; bill_williams@squamish.net; ian_campbell@squamish.net; info@scrd.ca; info@slrd.bc.ca; council@lionsbay.ca; Emma Restall; pheintzman@squamish.ca; mskeels@bimbc.ca; Jordan.Sturdy.MLA@leg.bc.ca; Sharon.Thompson@leg.bc.ca; Pam.Goldsmith-Jones.C1@parl.gc.ca; msmith@westvancouver.ca
Cc: vivian.au@ceaa-acee.gc.ca; michael.shepard@gov.bc.ca; egeorge@twnation.ca; abruce@ratcliff.com; David.Rafael@scrd.ca; jean.stevens@scrd.ca; lflynn@slrd.bc.ca; cao@lionsbay.ca; Clare Frater; sbicego@westvancouver.ca; rfung@westvancouver.ca; cwyckham@squamish.ca; GBuxton@squamish.ca; lgenday@squamish.ca; bbrokenshire@bimbc.ca; klalonde@bimbc.ca; lisa.walls@ceaa-acee.gc.ca; suzanne.manahan@gov.bc.ca; brian.murphy@bcogc.ca; nathan.braun@gov.bc.ca; heather.smith@ceaa-acee.gc.ca; regina.wright@ceaa-acee.gc.ca; Michelle.Carr@gov.bc.ca
Subject: INVITATION: Woodfibre Meeting January 27, 2017
Attachments: AGENDA January 27 2017 Woodfibre LNG Meeting (2).pdf

Dear Mayors, Chiefs, and officials:

On behalf of myself and British Columbia's Parliamentary Secretary to the Minister of Environment, Jordan Sturdy, M.L.A., I would like to invite you to a meeting of local government and Indigenous leaders regarding the Woodfibre LNG Project.

The meeting will be held on January 27, 2017, between 9:30 a.m. and 11:30 a.m. at the District of Squamish Municipal Hall. The Municipal Hall is located at 37955 Second Avenue in Squamish.

An agenda for the meeting is attached. Our objective at the meeting will be to provide you with up-to-date information on the Project and the status of federal and provincial environmental assessment and regulatory requirements. We hope that the meeting will enhance transparency with respect to progress of the project. The meeting will include presentations from federal and provincial officials as well as from the Project proponent, Woodfibre LNG Ltd.

Please confirm your attendance at the meeting with Vivian Au at the Canadian Environmental Assessment Agency via email at vivian.au@ceaa-acee.gc.ca or by telephone at (604) 666-2458. Should you not be able to attend personally, you may send a designate. Please provide your designate's name and contact information to Ms. Au.

We thank you in advance for your time and look forward to meeting with you on January 27.

Sincerely,

Jonathan Wilkinson, M.P.

Parliamentary Secretary to the Minister of Environment and Climate Change

From: Tony Law
Sent: Saturday, December 10, 2016 9:39 PM
To: Emma Restall
Cc: Peter Luckham; Susan Morrison; Laura Busheikin; George Grams; David Critchley; Lee Middleton; Russ Hotsenpiller; Clare Frater; Fiona MacRaild
Subject: EC - Islands Trust Act - First Nations

Follow Up Flag: Follow up
Flag Status: Flagged

To: Executive Committee
c/o Emma Restall
From: Trustee Tony Law

re: Islands Trust Act - First Nations

At the December 2016 Trust Council meeting a resolution was passed with respect to a review of the *Islands Trust Act*.

The background document to the Request for Decision identified a number of possible changes to the *Act*.

However, this list did not include the following potential amendment to the *Act* agreed to unanimously by Trust Council at its September 2015 meeting:

8.1 Advocacy to Amend the Islands Trust Act

TC-2015-125

MOVED by Trustee Law, SECONDED by Trustee Morrison,

1. That the Islands Trust Council support in principle amending the Islands Trust Act to add "First Nations" to the list of those with whom we work "in co-operation."

CARRIED

TC-2015-126

MOVED by Trustee Law, SECONDED by Trustee Morrison,

2. That the Islands Trust Council request the Executive Committee to consider asking the Minister of Community, Sport and Cultural Development to make this amendment, at an appropriate time with respect to available resources and the potential for the amendment to be achieved.

CARRIED

May I suggest that this be included in any list of possible changes to the *Islands Trust Act*

Thank you.

Tony Law

Hornby Island Local Trustee

Chair, Trust Fund Board

tlaw@islandstrust.bc.ca

(250-335-1155)

From: Tony Law
Sent: Saturday, December 10, 2016 1:38 PM
To: Emma Restall
Cc: Peter Luckham; Susan Morrison; George Grams; Lee Middleton; Laura Busheikin; Russ Hotsenpiller; Clare Frater; Jennifer Eliason
Subject: EC - Provincial Funding for TFB

Follow Up Flag: Follow up
Flag Status: Flagged

To: Executive Committee
(c/o Emma Restall, Executive Coordinator)
From: Tony Law, Chair, Trust Fund Board

re: Provincial Funding for Trust Fund Board

At the December 2016 Trust Council meeting a resolution was passed with respect to a review of the *Islands Trust Act*.

The background document to the Request for Decision identified a number of possible changes to the *Act* including :

To seek funding for the Trust Fund Board through a provincial levy rather than a local one.

- Currently islanders alone fund the preservation and protection work that is undertaken through the Trust Fund Board. The Trust Fund board's work is of provincial and national importance and should be funded accordingly.

I will be requesting that this proposal be included in the agenda of the next meeting of the Trust Fund Board (7 February, 2017) with a view to the Board providing information and suggestions to the Executive Committee with respect to this issue.

Here are some initial personal thoughts:

1. It is my understanding that it is extremely unusual for provincial Acts to include commitments for present or future governments to provide funding. The *Islands Trust Act* does not even include any provision with respect to government funding of the Islands Trust as a whole. I fear that seeking an amendment to the *Act* to specify government funding for the Trust Fund Board will lead to a dead end. It might be more appropriate to pursue provincial funding for the Trust Fund Board through approaches other than requesting a legislative change.

2. The object of the Islands Trust states that preservation and protection of the trust area and its unique amenities and environment be carried out "*for the benefit of the residents of the trust area and of British Columbia generally*". With respect to the work of the Trust Fund Board there are benefits for

both residents of the trust area and for those of BC generally.

....Residents of the trust area benefit from the fact that most projects of the Trust Fund Board support aspirations and initiatives of island residents including property owners, conservation organizations and others. A current example is the residents of Thetis Island whose goal of protecting the Fairy Slipper Forest is being actively supported by the Islands Trust Fund staff and resources and will be supported into the future by the Trust Fund Board holding the land as a nature reserve. It is my sense that many residents feel as good about tax dollars supporting the Trust Fund Board's work as they do about taxes supporting any other aspect of the Islands Trust's work.

....Residents of British Columbia benefit from the fact that achievements of the Trust Fund Board also support provincial objectives such as with respect to Coastal Douglas Fir Ecosystems, Species at Risk, and Climate Change. (TFB is working in a unique context compared with the rest of the Province in that a high proportion of natural areas are on private rather than public land.)

This suggests that it might be more reasonable - and more potentially achievable - to seek provincial funding for an appropriate portion of TFB's budget rather than for all of it (as the suggested legislative change proposes).

3. Section 43(1)(a) of the *Islands Trust Act* states that: **Property acquired by the trust fund board is the property of the government.** This provides a sound basis for proposing that the province cover the property management portion of the Islands Trust Fund Budget in that this work involves looking after Crown property. I believe this would also address the concern that some members of Trust Council have articulated with respect to Trust Fund Board acquisitions leading to future obligations for their management. There are possible options for provincial support which include an annual contribution or the provision of an endowment.

Tony Law
Hornby Island Local Trustee
Chair, Trust Fund Board
tlaw@islandstrust.bc.ca
(250-335-1155)

From: Prime Minister/Premier Ministre <PM@pm.gc.ca>
Sent: Tuesday, January 10, 2017 8:24 AM
To: Emma Restall
Cc: Catherine McKenna; Dominic LeBlanc; Marc Garneau; James Gordon Carr
Subject: Office of the Prime Minister / Cabinet du Premier ministre
Attachments: 1769_Letter_to_Prime_Minister_re_Ocean_Protection_Plan.pdf

Dear Mr. Luckham:

On behalf of the Right Honourable Justin Trudeau, I would like to acknowledge receipt of your correspondence regarding the recently announced Oceans Protection Plan and the expansion of the TransMountain pipeline.

Please be assured that your comments, offered on behalf of the Islands Trust Council, have been carefully reviewed. As the matters you raise fall more directly under the purviews of the Honourable Marc Garneau, Minister of Transport, the Honourable Dominic LeBlanc, Minister of Fisheries and Oceans and the Canadian Coast Guard, the Honourable Catherine McKenna, Minister of Environment and Climate Change, and the Honourable James Carr, Minister of Natural Resources, I have forwarded your email to the Ministers for their information and consideration.

Thank you for writing to the Prime Minister.

S. Russell
Executive Correspondence Officer
Agent de correspondance
de la haute direction

>>> From : Emma Restall erestall@islandstrust.bc.ca Received :
22 Dec 2016 01:29:08 PM >>>

>>> Subject : Letter from Islands Trust Council to Prime Minister re
Ocean Protection Plan >>>>

Good morning

Please see attached correspondence sent on behalf of Peter Luckham, Chair of the Islands Trust Council.

Thank you
Emma Restall
Executive Coordinator
Islands Trust
200-1627 Fort St.
Victoria BC V8R 1H8
In Victoria 250-405-5161
Enquiry BC Toll-free call 1-800-663-7867 or from the lower mainland 604-660-2421

Websites: www.islandtrust.bc.ca<<http://www.islandtrust.bc.ca/>> |
www.islandtrustfund.bc.ca<<http://www.islandtrustfund.bc.ca/>>

Preserving Island communities, culture and environment since 1974



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 22, 2016

File No.: 5450-30

Via email: pm@pm.gc.ca

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister of Canada
80 Wellington Street
Ottawa ON K1A 0A2

Dear Prime Minister:

Re: National Oceans Protection Plan

I am writing on behalf of the Islands Trust Council to thank you for the recently announced National Oceans Protection Plan and your commitment to the ecological health of Canada's coasts.

The theme of our advocacy for the prevention of oil spills has been that the quality of the safety net should rise with the risk. As one of the most biologically rich and productive marine ecosystems in the world, the Salish Sea requires enhanced levels of oil spill prevention and response. We rely on the federal government to assign the resources and enact the regulations needed to reduce the risks associated with increased vessel traffic.

Trust Council is encouraged to see the Oceans Protection Plan includes funding for research into the impacts of increased shipping on marine ecosystems and new oil spill response methods. We look forward to a presentation by Transport Canada at an upcoming meeting of the Trust Council to learn about the Plan's local implementation.

At the same time, I want to reiterate that Trust Council continues to oppose the Trans Mountain Pipeline Expansion Project as it poses unacceptable risks to the ecologically and economically significant Salish Sea that no safety net can mitigate. We have significant doubts about the success of cleaning up diluted bitumen after a spill.

There are 37 First Nations who have asserted Aboriginal interests in the Trust Area – 10 of these are Douglas Treaty Nations with established fishing and harvesting rights in the Gulf Islands. Although we copy First Nations on all correspondence such as this, we have not directly heard their positions on the Oceans Protection Plan. Given our commitment to establishing and maintaining a mutually respectful relationship with First Nations, we offer the Islands Trust position while being ready to respectfully consider their positions.

The Islands Trust was created by provincial legislation in 1974 in recognition of the unique fragility of the ecology of the 470 or so Gulf Islands in the Salish Sea. Twenty-five thousand people live within the Islands Trust Area. Another 13,000 are non-resident property owners. The Strait of Georgia is among the most productive marine ecosystems in the world.

We cherish this place and govern it in trust for all British Columbians.

We look forward to hearing from you.

Sincerely,
Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc: Aitchelitz First Nation
Beecher Bay First Nation
Campbell River First Nation
Cape Mudge First Nation
Chemainus First Nation
Cowichan Tribes
Esquimalt First Nation
Halalt First Nation
Hwiltsun First Nation
K'omoks First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat Nation
Matsqui First Nation
Musqueam First Nation
Nanaimo First Nation
Nanoose First Nation
Pauquachin First Nation
Penelakut First Nation
Popkum First Nation
Qualicum First Nation
Seabird Island First Nation
Sechelt First Nation
Semiahmoo First Nation
Skawahlook First Nation
Skowkale First Nation
Sliammon First Nation
Songhees First Nation
Squamish First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Tsleil-Waututh First Nation
Sooke First Nation
Tzeachten First Nation
Yakwekwioose First Nation
Islands Trust Area MPs
Bowen Island Municipal Council

Projects

Executive Committee

Description	Activity	R/Initiated
Seek legislative change regarding TFB name	2015 11 03 Meeting with Minister	12-Sep-2012
Provide advice about amendments to Policy 2.2.1 (RFDs)	Explore what changes are required	15-Feb-2015
Rural Status for Southern LTC Grant Eligibility	Ask staff to review and report back on options for legislative change.	02-Nov-2015
Application Sponsorship Policy	Provide advice on amendments to the Application Sponsorship Policy in relation to government bodies.	20-Nov-2012
Provincial Tenure Referrals Process	Review and report on current provincial process regarding tenure referrals	12-Aug-2012

**Top Priorities****Executive Committee**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Islands Trust Act Amendments	Investigate possibility of amendments to the Islands Trust Act to broaden the Islands Trusts ability to serve its communities and to strengthen its mandate to preserve and protect.	26-Oct-2016	Russ Hotsenpiller	
2	Oil Spill and Shipping Safety	Chair letters and participation on inter-agency working groups	01-Apr-2014	Clare Frater	30-Nov-2016
3	Revisions to Crown Land protocol agreements and letters of understanding	Meeting held with BIM, LPS, TAS, CSCD and FLNRO.	19-Jun-2014	Clare Frater	31-Jan-2017
4	First Nations Relationship Building	Development of Project Charter for Reconciliation Principles Development of Project Charter for Archaeology advocacy	31-Aug-2016	David Marlor	01-Dec-2016