



Executive Committee Agenda

Date: Tuesday, January 15, 2019
Time: 8:30 am
Location: Coast Bastion Hotel
11 Bastion Street, Nanaimo, BC

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1 Introduction of New Items	
2.2 Approval of Agenda	
3. FOLLOW UP ACTION LIST AND UPDATES	
3.1 Follow Up Action List	2 - 6
4. BYLAWS FOR APPROVAL CONSIDERATION	
4.1 Mayne Island LTC Bylaw No. 176 (Fees Amendment)	7 - 15
4.2 Thetis Island LTC Bylaw No. 106 (Fees Amendment)	16 - 21
4.3 Ballenas-Winchelsea BEN Bylaw No. 34 (Bylaw Enforcement Notification)	22 - 33
4.4 Lasqueti Island LTC Bylaw No. 95 (LUB amendment)	34 - 51
5. TRUST COUNCIL MEETING PREPARATION	
6. NEW BUSINESS	
7. CORRESPONDENCE (for information unless raised for action)	
7.1 Minister Response re Bowen Island rural designation	52 - 77
8. NEXT MEETING	
January 30, 2019 - location TBD	
9. ADJOURNMENT	

Follow Up Action Report

Executive Committee

Chief Administrative Officer

No	Activity	Activity	Responsibility	Target Date	Status
1	12-Sep-2017	Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.	Russ Hotsenpiller	05-Dec-2017	On Going
2	19-Jun-2018	Trust Council maintain the status quo (re council committees) and direct that specific improvements: trustee remunerations, maintaining working groups and electronic communications, be considered within the current structure to improve various service elements.	Russ Hotsenpiller	11-Sep-2018	On Going
3	14-Nov-2018	That the Executive Committee request staff email all trustees on behalf of the Executive Committee with information about quorum and online email discussions and the dangers there of.	Russ Hotsenpiller	28-Nov-2018	Done
4	12-Dec-2018	Email trustees on the emerging issue of the by-election explaining why the process has taken so long.	Russ Hotsenpiller	07-Jan-2019	Done
5	12-Dec-2018	January Trust Council Strategic Planning session to include values discussion, assumptions/principles as presented by CAO.	Russ Hotsenpiller	03-Jan-2019	Done
6	12-Dec-2018	Letter to Minister re: Islands Trust Act Amendments proceed with letter as presented.	Russ Hotsenpiller	07-Jan-2019	Done
7	12-Dec-2018	Amend meeting decorum poster as discussed and bring a script.	Russ Hotsenpiller	30-Jan-2019	On Going

Follow Up Action Report

8	12-Dec-2018	Follow-up/make calls to those concerned regarding MRDT- DMMO Consultation with SSI-SGI Islands Trust. CAO to work with Vice Chair Patrick.	Russ Hotsenpiller	15-Jan-2019	Done
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Director, Administrative Services

No	Activity	Activity	Responsibility	Target Date	Status
1	28-Nov-2018	That Executive Committee support continued use of the laptops as the primary communications device of Trust Council along with Option 2(b) Bring Your Own Device (BYOD), without Stipend as the adopted model to address trustee concerns related to the laptops issued at Trust Council in November. Medical accommodations allowing for a different solution may be made on a case-by-case basis.	Julia Mobbs	15-Jan-2019	Done

Director, Local Planning Services

No	Activity	Activity	Responsibility	Target Date	Status
1	14-Nov-2018	Director Marlor will bring back a report/matrix on local trust committee fee structure.	David Marlor	30-Jan-2019	On Going
2	12-Dec-2018	Indigenous Place Names Project added to EC work program. Advise Denman LTC	David Marlor		Done
3	12-Dec-2018	Sea Level Rise workshop - circulate interactive link to Executive Committee	David Marlor	24-Dec-2018	On Going

Follow Up Action Report

Director, Trust Area Services

No	Activity	Activity	Responsibility	Target Date	Status
1	21-Jun-2017	With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Introduction, Part I, Part II and Schedule 1.	Clare Frater	31-Mar-2019	On Going
2	13-Sep-2016	Explore the potential for expanding its advocacy role to other levels of government for increased funding for affordable housing in the Islands Trust Area.	Clare Frater	31-Mar-2019	On Going
3	11-Apr-2018	That the Executive Committee request staff to prepare an explanatory leaflet articulating its position with regard to the application of special property tax requisitions within local trust areas.	Clare Frater Julia Mobbs	15-Jan-2019	On Going
4	15-Aug-2018	Prepare a Chair opinion editorial about anchorage issues for local and regional newspapers.	Clare Frater	30-Nov-2018	On Going
5	15-Aug-2018	Organize roundtable meeting about anchorages to bring together interested community groups, First Nations, industry, Transport Canada and stakeholders.	Clare Frater	14-Dec-2018	On Going
6	12-Dec-2018	Add Chief Ian Campbell to the First Nations session at the January Trust Council meeting and include Thanking Session for outgoing SIPA McRaid.	Clare Frater David Marlor	07-Jan-2019	Done
7	12-Dec-2018	Write to Minister Fraser followup from UBCM on exploring funding options for reconciliation efforts.	Clare Frater	30-Jan-2019	On Going
8	12-Dec-2018	Draft resolutions and backgrounder for AVICC to include ticketing for DPA's and cumulative effects planning to include marine environment.	Clare Frater	25-Jan-2019	On Going
9	12-Dec-2018	San Juan County joint meeting, create summary brief on the asks from the Dec 11th meeting for January Trust Council.	Clare Frater Russ Hotsenpiller	04-Jan-2019	On Going

Follow Up Action Report

10	12-Dec-2018	Draft response from Chair to Garneau letter regarding anchorages.	Clare Frater	21-Jan-2019	On Going
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Executive Coordinator

No	Activity	Activity	Responsibility	Target Date	Status
1	08-Nov-2018	Add in-camera session to January Trust Council meeting.	Lori Foster	28-Nov-2018	Done
2	14-Nov-2018	That the EC draft meeting schedule be adopted as presented.	Lori Foster	28-Nov-2018	Done
3	28-Nov-2018	That the Executive Committee endorse the Trust Council November Decision Highlights for distribution to Trustees, staff and subscribers.	Lori Foster	12-Dec-2018	Done
4	28-Nov-2018	That the Executive Committee authorize the Chair to determine which delegations will present at the January Trust Council.	Lori Foster	15-Jan-2019	Done
5	12-Dec-2018	Contact BIM staff to set up annual protocol meeting early in the new year.	Lori Foster	07-Jan-2019	On Going
6	12-Dec-2018	Arrange accommodations for 3 EC and 1 staff to attend AVICC Powell River.	Lori Foster	25-Jan-2019	On Going
7	12-Dec-2018	EC meeting start times now changed to 9:45 AM.	Lori Foster	30-Jan-2019	Done
8	12-Dec-2018	Robinson, Horgan, Garneau correspondence from previous EC meeting circulated to Trustees.	Lori Foster	04-Jan-2019	On Going
9	12-Dec-2018	Adopt Nov 28th minutes as amended.	Lori Foster	30-Jan-2019	Done
10	12-Dec-2018	Proceed with RWM for TC to switch the March TC from Galiano to Gabriola and June TC from Gabriola to Galiano.	Lori Foster	21-Dec-2018	On Going

Follow Up Action Report

Legislative Services Manager

No	Activity	Activity	Responsibility	Target Date	Status
1	15-Feb-2017	Amend Policy 2.2.ii and Policy 7.4.2 (DONE) to require advance submission of speaker/delegation material intended for presentations at a Trust Council or Council Committee meeting so that all policies are consistent.	Carmen Thiel Lori Foster	24-Oct-2018	On Going
2	14-Nov-2018	That Executive Committee request staff conduct a resolution without meeting vote for Trust Council members to ratify the council committee appointments from the November 8th business meeting in accordance with s. B.1.2 of Trust Council Policy 2.3.1. where policy indicates that, for these appointments to be final, they should be ratified by Trust Council.	Carmen Thiel	21-Nov-2018	Done



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: MALTC Fees Bylaw amendment

DATE OF MEETING: January 15, 2019
TO: Islands Trust Executive Committee
FROM: Robert Kojima, Regional Planning Manager
SUBJECT: Mayne Island Local Trust Committee – Fees Bylaw Amendment

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No 176, cited as Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018 in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Mayne Island Local Trust Committee has referred Bylaw No. 176 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

None

Financial

The proposed amendment would establish a \$2000 fee for referrals of cannabis retail applications from the Liquor and Cannabis Regulation Branch to cover the costs associated with community consultation.

Policy

None

Implementation/Communications

Communication to Mayne Island Local Trust Committee regarding the Executive Committee decision by January 22, 2019 .

Other

None

PURPOSE

Mayne Island Local Trust Committee Bylaw No. No 176, cited as Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018 would amend the fees bylaw to add a fee for cannabis retail referrals and would also correct numbering in the subsequent subsections.

BACKGROUND

Mayne Island Local Trust Committee Bylaw No. 176

At the October meeting, the MALTC adopted a standing policy regarding processing of notices of retail cannabis applications that may be received from the Liquor & Cannabis Regulation Branch and requested that an amendment to the fees bylaw be drafted which would establish a fee of \$2000 for reviewing such referrals.

Subsequently, at the November meeting, the LTC gave three readings to this amendment to the fees bylaw - as an administrative bylaw a public hearing is not part of the legislative process for such a bylaw, and referred the bylaw to Executive Committee for approval.

Issues Relating To Provincial Interest

The provincial regulations have established a referral process to local governments for retail cannabis applications. This bylaw would authorize the LTC to obtain fees from applicants consistent with the costs of processing such referrals.

Issues Relating To First Nation Interest

None

Issues Relating To Resources and Enforcement

Any applications for retail cannabis sales will be referred to the LTC and the LTC has endorsed a policy for community consultation.

Public Comments

None

Staff Comments

Local trust committees must be referred notice of any cannabis license proposals, and are obligated to respond to such notices. Because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff have recommended that LTCs amend their fees bylaws to include a specific fee for LCRB cannabis retail applications, which is distinct from and higher than liquor license applications.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Section 15(4) of the *Islands Trust Act*

ALTERNATIVE

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

THAT the Executive Committee request that staff advise Mayne Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 176, cited as Mayne Island Local Trust Committee Fees Bylaw No. 145, 2007, Amendment No. 1, 2018 is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Mayne Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Robert Kojima, Regional Planning Manager	December 12, 2018
Concurrence:	David Marlor, Director, Local Planning Services	December 19, 2018

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. EC Policy Checklist
4. Bylaw No. 176



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Mayne Island Local Trust Committee

Bylaw No.: MA-176

Bylaw Type: Fees Bylaw

Date of resolution referring bylaw to Executive Committee: 26-Nov-2018

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

Recieved by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: MA-176

Trust Area: Mayne Island Local Trust Committee
Type: Fees Bylaw
Bylaw No.: MA-176
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: No
Planner: Yes

Technical Staff: No

First Reading Date: 26-Nov-2018

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

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: ,

Date:

File complete and ready for Public review: No

Public Hearings:

Location:
Proofread By: ,

Legal Paper:
First Publish Date:

Second Publish Date:

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:
Date Public Hearing Held:

Second Reading Date: 26-Nov-2018

Third Reading Date: 26-Nov-2018

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By:

Status

Date Resolution Referred to Exective Committee: 26-Nov-2018

Reading:

Mayne Island Local Trust Committee

Bylaw No. 176

Schedule 1

1. Part 3, **Application Fees**, Section 3.1, **TABLE 4 – Other Applications**, is amended by deleting row 3 and replacing it with the following new rows:

3.	Liquor & Cannabis Regulation Branch – Liquor Licensing Applications	\$825
4.	Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License Applications	\$2,000

2. Part 3, **Application Fees**, Sections 3.3 through 3.6 are renumbered as Sections 3.2 through 3.5.



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-03 (Bylaw 106)
(Thetis Fees Bylaw)

DATE OF MEETING: December 13, 2018
TO: Islands Trust Executive Committee
FROM: Ann Kjerulf, Regional Planning Manager
SUBJECT: Thetis Island Local Trust Committee – Fees Bylaw No. 106

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Thetis Island Local Trust Committee Bylaw No. 106, cited as "Thetis Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

The Thetis Island Local Trust Committee has referred Bylaw No. 106 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is consistent with Islands Trust Council Policy 5.6.i. – Application Processing Services.

IMPLICATIONS OF RECOMMENDATION

Organizational: Thetis Island LTC Bylaw No. 106 would add fees for the processing of BC Liquor and Cannabis Regulation Branch (LCRB) license applications.

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

Policy: The proposed fees are consistent with Islands Trust Council Policy 5.6.i – Application Processing Services.

Implementation/Communications: Communication to Thetis Island Local Trust Committee regarding the Executive Committee decision by January 22, 2019

PURPOSE

Thetis Island Local Trust Committee Bylaw No. 106, cited as "Thetis Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", (Attachment 6) is intended to amend the Thetis Island LTC Fees Bylaw to include fees for processing LCRB license applications.

BACKGROUND

Thetis Island Local Trust Committee Bylaw No. 106

On August 28, 2018, the LTC Resolution TH-2018-042 requested that staff prepare a draft bylaw to amend the Thetis Island LTC Fees Bylaw. Bylaw No. 106 was given three readings by the Thetis Island LTC on December 12, 2018 (Attachment 3).

Issues Relating To Provincial Interest: The LCRB is the licensing authority for non-medical cannabis retail license applications. Subsequent to the introduction of the federal *Cannabis Act*, the LCRB is now the licensing authority for non-medical cannabis retail license applications. The LCRB routinely refers applications to local government and, in the case of non-medical cannabis retail license applications, has indicated it will rely on the recommendations of local government in making its decisions.

Issues Relating To First Nations Interests: None

Issues Relating To Resources and Enforcement: Proposed fees are intended to offset both direct and indirect costs of processing applications for LCRB applications.

Public Comments: None

Staff Comments

The current Thetis LTC fee for liquor license applications is \$825, consistent with the Trust Council Model Application Fee Schedule. The proposed fee for non-medical cannabis retail license applications is \$2,000, comprised of a base application fee of \$1,000 and a public consultation fee of \$1,000. The base fee of \$1,000 is equivalent to \$825 adjusted for inflation (approximately 19% from 2007 to 2018). The additional \$1,000 would partially offset direct and indirect costs associated with public consultation required in accordance with the LTC Standing Resolution (i.e. costs for public consultation including advertising and holding a community information meeting).

Proposed Bylaw No. 106 is consistent with Islands Trust council Policy 5.6.i, which is intended to distinguish services along a continuum from property tax subsidy to applicant cost responsibility. It provides the parameters for application processing services by which service levels can be distinguished as a basis for preparing the Fees Bylaw and Schedule. The policy directs staff to provide a processing service to applicants in response to applications primarily funded by fees paid by applicants. While the actual costs of processing an application may be less than or greater than the established fee for that application, the policy directs that application fees be based on the average processing costs for various application types. These costs are calculated as the product of staff labour costs multiplied by processing time, adding to this other direct costs such as mapping expenses, advertising costs, meeting and minute taker costs, and travel costs, and indirect costs such as general administration and overhead.

KEY ISSUES/CONCEPTS

- Fairness
- Fiscal responsibility

RELEVANT POLICY

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

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	December 14, 2018
Concurrence:	David Marlor, MCIP, RPP Director of Planning Services	December 19, 2018

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Proposed Bylaw No. 106



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Thetis Island Local Trust Committee

Bylaw No.: TH-106

Bylaw Type: Fees Bylaw

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

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Trust Area: Thetis Island Local Trust Committee

Type: Fees Bylaw

Bylaw No.: TH-106

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: Yes

Technical Staff: No

Planner: Yes

First Reading Date: 11-Dec-2018

Bylaw Sent to Referrals: No

Date Proposed Bylaw to Web: 17-Dec-2018

Resolutions:

Resolution Waiving Public Hearing: No

Resolution Authorizing Public Hearing: No

Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 17-Dec-2018

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: 11-Dec-2018

Third Reading Date: 11-Dec-2018

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 106

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

The Thetis Island Local Trust Committee, being the Local 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 Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”.

2. Thetis Island Local Trust Committee Bylaw No. 83, cited as “Thetis Island Local Trust Committee Fees Bylaw, 2007” is amended as shown on Schedule No. 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 11TH DAY OF DECEMBER , 2018

READ A SECOND TIME THIS 11TH DAY OF DECEMBER , 2018

READ A THIRD TIME THIS 11TH DAY OF DECEMBER , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 201X

ADOPTED THIS DAY OF , 201X

Chair

Secretary

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 106

Schedule No. 1

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

TABLE 4 – Other Applications	
Column 1	Column 2
1. Board of Variance	\$990
2. Strata Conversion	\$1100
3. Liquor & Cannabis Regulation Branch – Liquor License	\$825
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License	\$2000
5. Liquor & Cannabis Regulation Branch – Temporary License Change	\$100

2. **Part 3, Application Fees, Sections 3.3, 3.4, 3.5, and 3.6 are deleted in their entirety and replaced with the following:**
 - 3.2 An application administration fee in the amount of \$110.00 being a portion of the fee referred to in Table 1 is not refundable in any event.
 - 3.3 An application administration fee in the amount of \$55.00 being a portion of the fee referred to in Table 2, Table 3 and Table 4 is not refundable in any event.
 - 3.4 Subject to Section 3.3 and Section 3.4, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.
 - 3.5 In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,650.



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

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

DATE OF MEETING: January 15, 2019
TO: Islands Trust Executive Committee
FROM: Ann Kjerulf, Regional Planning Manager
SUBJECT: Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) –
Bylaw No. 34 - Bylaw Enforcement Notification

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) Bylaw No. 34, cited as Islands Trust Executive Committee Acting as a Local Trust Committee Bylaw Enforcement Notification Bylaw No. 34, 2018”, in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTOR’S COMMENTS

The Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) (LTC) has referred Bylaw No. 34 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is consistent with Islands Trust Council Policy and current best practices for bylaw enforcement.

IMPLICATIONS OF RECOMMENDATION

Organizational: Bylaw No. 34 establishes Islands Trust Executive Committee Acting as a Local Trust Committee Bylaw Enforcement Notification (BEN) in the Ballenas-Winchelsea Islands Local Trust Area and the BEN Bylaw is consistent with the current LTC land use bylaw.

Financial: Bylaw No. 34 reduces fines to zero for persons who agree to comply with applicable regulations.

Policy: Bylaw No. 34 is consistent with Islands Trust Council Policy 5.5.i (Bylaw Enforcement), and seeks to facilitate voluntary compliance with applicable land use regulations.

Communication to the **Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands)** regarding the Executive Committee decision is requested by **March 6, 2019**.

PURPOSE

To establish a Bylaw Enforcement Notice and Dispute Adjudication System for the Ballenas-Winchelsea Local Trust Area.

BACKGROUND

On July 7, 2016, the LTC directed Staff to request the Province to designate the LTC as a local government under the *Local Government Bylaw Notice Enforcement Act* and to enact a Regulation under Section 29 of the *Local Government Bylaw Notice Enforcement Act* applying the Act to the Ballenas-Winchelsea Local Trust Area, and to prepare a Bylaw Enforcement Notice Bylaw (BEN) for consideration by the LTC. The LTC has been designated a local government under the Act and as such the Executive Committee Acting as a Local Trust Committee (Ballenas-Winchelsea Islands) may now adopt a BEN bylaw.

Bylaw Enforcement Notification Bylaw No. 34, 2018 The LTC gave first, second and third readings to Bylaw No. 34 on December 12, 2018.

Issues Relating To Provincial and First Nation Interests: N/A

Issues Relating To Resources and Enforcement: Bylaw No. 34 is consistent with current policy and best practices for bylaw enforcement.

Public Comments to Executive Committee: N/A

Staff Comments: Staff is recommending that Executive Committee approve Bylaw No. 34 as it will make ticketing available as an enforcement tool in dealing with violations of the Ballenas-Winchelsea Land Use Bylaw

Key Issues/Concepts

- Voluntary bylaw compliance
- Efficient use of staff resources

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Council Policy 5.5.i (Bylaw Enforcement)

Submitted By:	Ann Kjerulf, MCIP RPP Regional Planning Manager	December 14, 2018
Concurrence:	David Marlor, MCIP RPP Director, Local Planning Services	December 19, 2018

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw No. 34



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Executive Committee

Bylaw No.: EC-034

Bylaw Type: Notice Enforcement Bylaw

Date of resolution referring bylaw to Executive Committee: 12-Dec-2018

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: EC-034

Trust Area: Executive Committee
Type: Notice Enforcement Bylaw
Bylaw No.: EC-034
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 12-Dec-2018

Bylaw Sent to Referrals: No
Date Proposed Bylaw to Web: 17-Dec-2018

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 06-Dec-2018

File complete and ready for Public review: Yes

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: 12-Dec-2018

Third Reading Date: 12-Dec-2018

PROPOSED

EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE (BALLENAS-WINCHELSEA ISLANDS) BYLAW NO. 34, 2018

A BYLAW IN RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE (BALLENAS-WINCHELSEA ISLANDS) LOCAL TRUST AREA

WHEREAS the Executive Committee Acting as a Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Executive Committee Acting as a Local Trust Committee Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Executive Committee Acting as a Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Executive Committee Acting as a Local Trust Committee Local Trust Area;

NOW THEREFORE the Executive Committee Acting as a Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as “Islands Trust Executive Committee Acting as a Local Trust Committee Bylaw Enforcement Notification Bylaw No. 34, 2018”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the Islands Trust established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Executive Committee Acting as a Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedule “A” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedule “A” as attached to this bylaw;

PROPOSED

- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty Amount set out in column A2 of Schedule "A" as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Penalty Amount set out in column A3 of Schedule "A" as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule "A" as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.

5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the Act.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the Act to resolve disputes in relation to bylaw violation notices.

6.2 The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8.

6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are designated classes of person that may be appointed as screening officers:

PROPOSED

- (1) Regional Planning Manager;
- (2) Bylaw Enforcement Manager;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedule "A" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedule "A" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Enforcement Manager;
- (b) Bylaw Enforcement Officer.

PROPOSED

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the Act.

10.0 SCHEDULES

The following schedule is attached to and forms part of this bylaw:

- (a) Schedule A – Executive Committee Acting as a Local Trust Committee Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013 Contraventions and Penalties.

READ A FIRST TIME THIS 12TH DAY OF DECEMBER , 2018

READ A SECOND TIME THIS 12TH DAY OF DECEMBER , 2018

READ A THIRD TIME THIS 12TH DAY OF DECEMBER , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 201X

ADOPTED THIS DAY OF , 201X

SECRETARY

CHAIR

Schedule A
EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE
(BALLENAS-WINCHELSEA ISLANDS)
BALLENAS-WINCHELSEA ISLANDS LAND USE BYLAW NO. 28, 2013
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Early Payment Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.1	Non Permitted Use/Building/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(1)	Non Permitted Junkyard, Auto-wrecking and/or Storage of Derelict Vehicles	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(2)	Disposal/Storage Of Hazardous Or Toxic Waste	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(3)	Non Permitted Sale of Commercial Storage of Personal Watercraft Breakwater	\$350.00	\$262.50	\$525.00	Yes	100%
3.2(4)	Non Permitted Residential Use Of Vessel	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(5)	Non Permitted Finfish Aquaculture	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(6)	Non Permitted Structure Connecting Any Island To Another Island Or Mainland	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(7)	Non Permitted Water Utility Lines Connecting Any Island to Another Island or Mainland	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(8)	Non Permitted Marinas	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(9)	Non Permitted Wind Generators	\$350.00	\$262.50	\$525.00	Yes	100%
3.2(10)	Non Permitted Dog Breeding and Boarding Kennels	\$350.00	\$262.50	\$525.00	Yes	100%
3.2(11)	Non Permitted Storage of Unusable, Stripped, Non-functional or Abandoned Vehicles, Vessels, Trailers or Campers	\$350.00	\$262.50	\$525.00	Yes	100%
3.2(12)	Non Permitted Commercial Uses	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(13)	Non Permitted Industrial Uses	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(2)	Non Permitted Building/Structure Encroaching in Setback	\$350.00	\$262.50	\$525.00	Yes	100%

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BALLENAS-WINCHELSEA ISLANDS LAND USE BYLAW NO. 28, 2013
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Early Payment Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.3(3)	Non Permitted Building/Structure Encroaching Setback From the Sea	\$350.00	\$262.50	\$525.00	Yes	100%
3.3(4)	Non Permitted Building/Structure Encroaching Setback From Any Natural Watercourse or Wetland	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(1)	Dwelling Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(2)	Accessory Building Exceeding Maximum Permitted Height	\$350.00	\$262.50	\$525.00	Yes	100%
3.5(1)	Fence Exceeding Maximum Permitted Height	\$200.00	\$150.00	\$300.00	Yes	100%
3.6(1)	Non Permitted Use of Accessory Building for Human Habitation	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(2)	More Than Two (2) Accessory Buildings and/or Exceeding Total Accessory Building Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(3)	More Than One (1) Non-residential Building prior to Construction of Dwelling or Residential Use	\$350.00	\$262.50	\$525.00	Yes	100%
3.7(1)	Non Permitted Home Occupation	\$200.00	\$150.00	\$375.00	Yes	100%
3.7(2)	Fail to Operate Home Occupation Within Permitted Building	\$200.00	\$150.00	\$375.00	Yes	100%
3.7(3)	Exceed Maximum Home Occupation Floor Area	\$200.00	\$150.00	\$300.00	Yes	100%
3.7(4)	Fail to Operate Home Occupation Without Operator or Employee Present on Property	\$200.00	\$150.00	\$300.00	Yes	100%
3.7(5)	Fail to Meet Home Occupation Employee Regulations	\$200.00	\$150.00	\$300.00	Yes	100%
3.7(6)	Fail To Store Home Occupation Materials/Commodities/Finished Products Within Permitted Building	\$200.00	\$150.00	\$300.00	Yes	100%

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CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Early Payment Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.7(7)	More than One (1) Sign For All Home Occupations on Lot	\$200.00	\$150.00	\$300.00	Yes	100%
3.7(8)	Excessive Noise From Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
3.7(9)	Exceeding Maximum Permitted Bedrooms and Beds in Guest Accommodation Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
5.1(1)	Non Permitted Use In Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.1(2)	More Than One (1) Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
5.1(3)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(4)	Exceed Maximum Permitted Dwelling Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(5)	Building/Structure Encroaching Into Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(1)	Non Permitted Use In Community Service Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2(2)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(3)	Building/Structure Encroaching Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(1)	Non Permitted Use In Conservation Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.3(2)	More Than One (1) Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
5.3(3)	Exceed Maximum Permitted Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(1)	Non Permitted Use In Park Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.5(1)	Non Permitted Use and/or Building/Structure In Nature Protection Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(1)	Non Permitted Use In Marine General Zone	\$350.00	\$375.00	\$750.00	Yes	100%
5.6(2)	More Than One (1) Dock	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(3)	Structure Encroaching into	\$350.00	\$262.50	\$525.00	Yes	100%

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BALLENAS-WINCHELSEA ISLANDS LAND USE BYLAW NO. 28, 2013
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Early Payment Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Setback					
5.6(4)	Mooring Buoys Located Outside of 100 Metres of Upland Lot	\$200.00	\$150.00	\$300.00	Yes	100%
5.6(5)	Ramp/Walkway/Pier Exceeding Maximum Permitted Width	\$200.00	\$150.00	\$300.00	Yes	100%
5.6(6)	Float/Piers Exceeding Maximum Permitted Area	\$200.00	\$150.00	\$300.00	Yes	100%
5.6(7)	Permitted Structures Exceeding Maximum Height and Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(8)	Non Permitted Building On Float/Dock/Pier/Breakwater	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(9))	Non Permitted Dock Construction Material	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(1)	Non Permitted Use In Marine Protection Zone	\$500.00	\$375.00	\$750.00	Yes	100%
6.1	Non Permitted Sign	\$200.00	\$150.00	\$300.00	Yes	100%
6.2	Non Permitted Sign	\$200.00	\$150.00	\$300.00	Yes	100%
6.3	Sign Exceeding Maximum Height	\$200.00	\$150.00	\$300.00	Yes	100%
6.4	Fail to Remove Obsolete Sign	\$200.00	\$150.00	\$300.00	Yes	100%
6.5	Exceed Maximum Number and/or Permitted Sign Size	\$200.00	\$150.00	\$300.00	Yes	100%



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.:

LA-6500-20
(Subdivision)

DATE OF MEETING: January 15, 2019
TO: Islands Trust Executive Committee
FROM: Sonja Zupanec, Island Planner
SUBJECT: Lasqueti Island Local Trust Committee – Bylaw No. 95

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Lasqueti Island Local Trust Committee Bylaw No. 95, cited as “Lasqueti Island Land Use Bylaw No. 78, 2005, Amendment No. 1, 2017”, in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

The Lasqueti Island Local Trust Committee (LTC) has referred Bylaw No. 95 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement and complies with the Lasqueti Island Official Community Plan (OCP).

IMPLICATIONS OF RECOMMENDATION

Organizational: The key aspect of Bylaw No. 95 is that it will amend the current Lasqueti Island Land Use Bylaw No. 78 to correct the existing subdivision regulations by specifying minimum lot sizes for each subdivision district and comply with the intent of the OCP.

Financial: No financial implications anticipated.

Policy: Bylaw No. 95 is consistent with the Lasqueti Island Land Use Bylaw and Islands Trust Policy Statement (see attachment 4).

Implementation/Communications: Communication to the Lasqueti Island Local Trust Committee regarding the Executive Committee decision by February 21, 2019.

PURPOSE

The purpose of this Request for Decision is to provide the Executive Committee with a summary of the proposed amendments to Lasqueti Island Local Trust Committee Bylaw No. 95, cited as “Lasqueti Island Land Use Bylaw No. 78, 2005, Amendment No. 1, 2017” and request approval of this bylaw.

Lasqueti Island Local Trust Committee Bylaw No. 95 (attachment 6), provides for:

- Amendments to the existing subdivision regulations of Section B.4 of the Lasqueti Island Land Use Bylaw; and
- Text amendments and mapping clarity to 'Schedule C – Subdivision District' of the Lasqueti Land Use Bylaw.

BACKGROUND

Lasqueti Island Local Trust Committee Bylaw No. 95

The LTC gave first reading to Bylaw No. 95 by RWM-2018.6, May 10, 2018 and passed resolution by RWM-2018.7, May 11, 2018, stating that Bylaw No. 95 is “not contrary to or at variance with the Islands Trust Policy Statement”. After incorporating agency feedback, Planning Staff suggested minor amendments and the LTC gave second reading, as amended, at the LTC meeting July 23, 2018. The LTC held a public hearing on December 17, 2018, gave third reading after the public hearing, and then requested Bylaw No. 95 be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

Issues Relating To Provincial Interest:

Bylaw No. 95 was referred to the provincial Ministry of Transportation and Infrastructure (MOTI) for comment and MOTI identified that their interests were unaffected by the proposed changes.

Issues Relating To Resources and Enforcement:

No additional resources or enforcement are anticipated as a result of adoption of Proposed Bylaw No. 95.

Issues Relating To First Nation Interest:

Bylaw No. 95 was referred to Tla’amin Nation for comment and no response was available by the close of the public hearing.

Staff Comments

Staff is recommending approval of Bylaw No. 95. Bylaw No. 95 is deemed to be consistent with the *Islands Trust Act* and *Local Government Act* and the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

- Open and transparent governance
- Public engagement in local government decision-making

RELEVANT POLICY

- Section 38 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- 1.3.i Policy Statement Implementation Policy

ALTERNATIVE

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

THAT the Executive Committee request that staff advise Lasqueti Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 95, cited as “Lasqueti Island Land Use Bylaw No. 78, 2005, Amendment No. 1, 2017”, is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Lasqueti Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Sonja Zupanec, Island Planner	December 18, 2018
Concurrence:	David Marlor, Director, Local Planning Services	Select Date.

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 95
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Lasqueti Island Local Trust Committee

Bylaw No.: LA-095

Bylaw Type: Land Use Bylaw

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

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: LA-095

Trust Area: Lasqueti Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: LA-095
Application No.:
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 10-May-2018

Bylaw Sent to Referrals: No
Date Proposed Bylaw to Web: 23-Jul-2018

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: 06-Dec-2018

File complete and ready for Public review: Yes

Public Hearings:

Location: Judith Fisher Centre, #1 China Cloud Rd, Lasqueti
Proofread By: Zupanec, Sonja

Legal Paper: Parksville Qualicum Beach News
First Publish Date: 06-Dec-2018 Second Publish Date: 13-Dec-2018

Alternate Paper:
First Publish Date: Second Publish Date:

Mailout Date: Delivery Notices:
Date Public Hearing Held:
Second Reading Date: Third Reading Date: 17-Dec-2018



Referrals: Bylaw LA-095

Agency	Sent	Received
BC Assessment Authority Policy, Audit and Legal Services: McIntyre, Cathie	24-May-2018	
Ministry of Agriculture BC Access Centre: Hatfield, Jill Comment: Approval Recommended Subject to Conditions Outlined Below:	24-May-2018	06-Jul-2018
Bylaw No, 95 does not specifically correlate with the Ministry of Agriculture interests however below are suggestions on providing better clarity around agriculture zoning on Lasqueti Island. The Lasqueti Island Local Trust Committee Land Use Bylaw 78, 2005 does not have a single "agriculture" zone that includes all ALR land which would provide greater clarity to the general public, local government staff, and elected officials that the intended use within the ALR is agriculture, and more effectively establishes the ALC's jurisdiction with respect to land uses within the ALR. Furthermore, a single agriculture zone can help reduce expectations that uses not permitted under the ALCA and Regulation will be allowed on specific properties in the ALR. The lack of a single zone for properties in the ALR creates confusion with respect to Subdivision potential and minimum lot sizes. Zoning in District A, which may include land within the ALR, in which case the 4 hectares minimum lot size might be an expectation, The ALC does not prescribe minimum lot sizes realizing different farm operations require parcel sizes reflective of their specific production type. The use of minimum lot sizes without the ALR specific zone denoted could create unrealistic expectations with respect to subdivision. The Ministry of Agriculture is willing to participate in discussions around the creation of an ALR specific land use zone for property in the ALR in future zoning bylaw amendments for areas within the Island's Trust jurisdiction.		
School District No. 69 PO Box 430: Koop, Rolie	24-May-2018	
Islands Trust Fund 200, 1627 Fort Street: Eliason, Jennifer	24-May-2018	
Agricultural Land Commission Rm. 133 4940 Canada Way: Bednard, Gordon	24-May-2018	
Sliammon First Nation RR #2, Sliammon Road: Smith, Denise	24-May-2018	
Ministry of Transportation and Infrastructure Courtenay Area Office: Pirozzini, Bryce	24-May-2018	26-Jun-2018



Referrals: Bylaw LA-095

Agency	Sent	Received
Comment: The proposal does not fall within Section 52 of the Transportation Act and will not require Ministry of Transportation and Infrastructure formal approval. The Ministry has no objections to the proposal.		
Powell River Regional District 5776 Marine Avenue: Department, Planning	24-May-2018	04-Jul-2018
Comment: THAT THE Board advise the Lasqueti Island Local Trust Committee that the Powell River Regional District supports proposed Bylaw No. 95 to amend Lasqueti Island Land Use Bylaw No. 78, 2005. THAT the Board advise the Lasqueti Island Local Trust Committee that the Powell River Regional District requests future amendments to Lasqueti Island Land Use Bylaw No. 78, 2005 be initiated to recognize and permit community service and facility uses (fire halls, recycling centers) on lands zoned Land Based (LB)		



PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
n/a	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
n/a	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
n/a	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
n/a	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
n/a	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
√	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.
√	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
√	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
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
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Sonja Zupanec

Status

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

Reading:

PROPOSED

LASQUETI ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 95

A BYLAW TO AMEND LASQUETI ISLAND LAND USE BYLAW NO. 78, 2005

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

1. Citation:

This bylaw may be cited for all purposes as “Lasqueti Island Land Use Bylaw No. 78, 2005, Amendment No. 1, 2017”.

2. Lasqueti Island Local Trust Committee Bylaw No. 78, cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is amended as shown on Schedule 1, attached to and forming part of this bylaw:

READ A FIRST TIME THIS 10TH DAY OF MAY , 2018

READ A SECOND TIME THIS 23RD DAY OF JULY , 2018

PUBLIC HEARING HELD THIS 17TH DAY OF DECEMBER , 2018

READ A THIRD TIME THIS 17TH DAY OF DECEMBER , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 201X

ADOPTED THIS DAY OF , 201X

Chair

Secretary

Lasqueti Island Local Trust Committee

Bylaw No. 95

Schedule 1

1. Schedule “A” of Lasqueti Island Land Use Bylaw No. 78 cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is amended as follows:

- a. Part 3 – GENERAL PROVISIONS, Section 3.11 SUBDIVISION REGULATIONS, is deleted in its entirety and replaced with:

“3.11 Subdivision Regulations

INFORMATION NOTE: *Subdivision of land in the Agricultural Land Reserve (ALR) in any subdivision district is subject to approval by the provincial Agricultural Land Commission.*

Parcel Area and Frontage

- (1) The minimum area of a parcel that is created by subdivision is:

- (a) in Subdivision District A designated in Schedule C: 4 hectares.
 - (b) in Subdivision District B designated in Schedule C: 8 hectares.
 - (c) in Subdivision District C designated in Schedule C: 65 hectares.

- (2) The minimum parcel areas specified in 3.11(1) do not apply:

- (a) to the consolidation of two or more parcels into a single parcel;
 - (b) to a subdivision that adjusts the boundary between two parcels, and if a boundary adjustment subdivision would increase the area of any parcel to the point where the new parcels created could, taken together, be subdivided into more parcels than would be permitted under this Bylaw without the boundary adjustment, the applicant must grant a covenant complying with Section 2.6 in respect of every such parcel, prohibiting further subdivision of the parcel;
 - (c) if the parcel is being dedicated to the Crown or designated as an ecological reserve under the Ecological Reserve Act; or
 - (d) if the parcel being created is to be used as a park; for ambulance or fire protection facilities; or solely for the unattended equipment necessary for the operation of a community water system or a community sewer system, and the applicant grants a covenant complying with Section 2.6 limiting the use of the parcel to the specific use that makes it eligible for this exception.

- (3) No *parcel* having an area less than 4 hectares may be subdivided under Section 514 of the *Local Government Act* to provide a *residence* for a relative of the owner.

- (5) The frontage on a highway of any parcel created by subdivision must be at least 10 percent of its perimeter, and in no case may the frontage be less than 20 metres.

Information Note: *The Local Trust Committee has jurisdiction to exempt a lot or a subdivision from the minimum highway frontage requirement.*

Highway Standards

Information Note: For information on the standards for roads in new subdivisions, see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996.

Parcel Shape

(6) No parcel having a depth greater than five times its width may be created by subdivision, and for this purpose the width of a panhandle parcel shall be measured at the point where the panhandle connects with the main portion of the parcel.

Boundary Adjustment Subdivisions

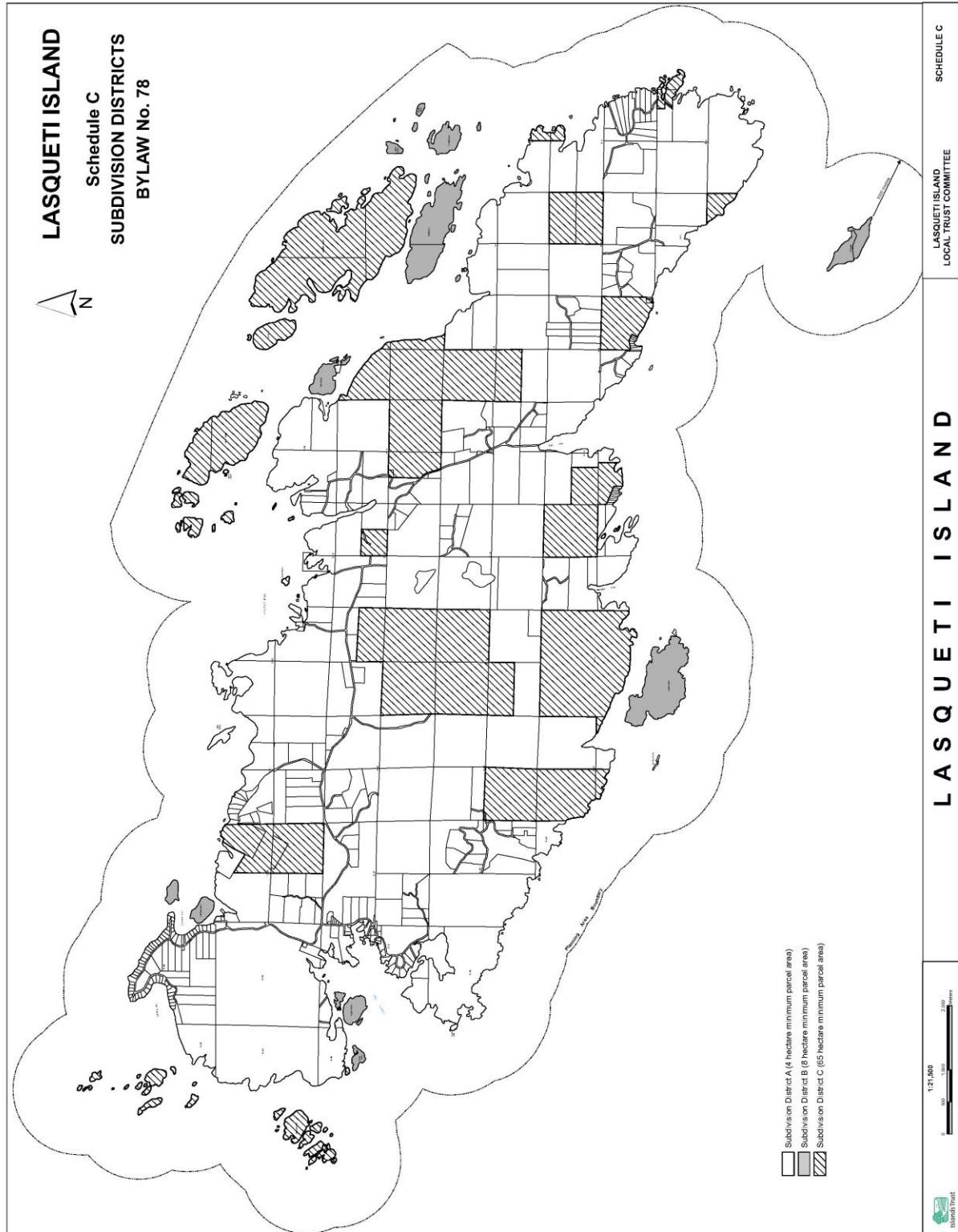
(7) A subdivision that adjusts the boundary between two parcels and thereby creates a *parcel* lying in two or more *zones* is prohibited.”

2. Schedule “C” of Lasqueti Island Land Use Bylaw No. 78 cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is deleted and replaced with Plan 1 attached to and forming part of this Bylaw.

Lasqueti Island Local Trust Committee

Bylaw No. 95

Plan 1



First Nation Engagement

Referral of: Bylaw No. 95

First Nation: Tla'amin Nation (Sliammon)

Date	Comment/Action	Initial
May 24, 2018	Formal referrals sent by email	BM/SZ
December 16, 2018	No Comment	SZ



DEC 21 2018

Ref: 143379

Mr. Sav Dhaliwal
Chair
Metro Vancouver Board
4730 Kingsway
Burnaby, BC V5H 0C6

Dear Mr. Dhaliwal:

I am writing in response to the October 24, 2018 letter from the former Metro Vancouver Board Chair, Mr. Greg Moore. The letter is regarding a request that the Ministry of Jobs, Trade and Technology designate Bowen Island as a rural community for the purposes of grant eligibility, specifically with respect to the Island Coast Economic Trust (ICET), following the adoption on September 28, 2018 of a resolution by the Metro Vancouver Board of Directors in support of the same.

Government has moved forward in several areas that can help address the challenges Bowen Island faces in developing its local economy. The Rural Dividend Program amended its criteria to make Bowen Island eligible for the most recent intake. As you noted in your letter, my colleague, the Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNR), has responsibility for this program. I can confirm that a review of the program is currently underway by FLNR, including consideration of eligibility requirements, which will be completed in early 2019 and will help ensure that the Rural Dividend Program continues to meet the needs of rural stakeholders.

Two new programs were also announced at the most recent Union of British Columbia Municipalities convention, under the larger Investing in Canada Infrastructure Program (ICIP). The Community, Culture and Recreation fund will provide access to funding for projects that upgrade and build sports facilities, trails, local community centres and spaces for arts and culture, while the Rural and Northern Communities fund will support small communities' infrastructure priorities, including broadband connectivity, reliable energy, and road, air and marine projects, among others.

.../2

Mr. Sav Dhaliwal
Page 2

Under this fund, with a population under 5,000 people, Bowen Island will be eligible for combined provincial and federal funding up to 100 percent. The ICIP also has Green Infrastructure and Public Transportation funding streams.

These funds are part of government's commitment to strengthening local economies, delivering important services people rely on, and creating opportunities in every part of the province. More information can be found at the following website: <http://www.gov.bc.ca/Investing-in-Canada-Infrastructure-Program>.

I would like to advise that the three economic initiative trusts, including ICET, were established in 2005/06 to operate independently of government in support of regional economic development and diversification. Unlike programs such as the Rural Dividend which strictly target rural communities, the trusts provide support to a range of sectors across the entirety of their respective service areas, including urban centres.

Evidence suggests that the economy and transportation links of Bowen Island are more closely aligned with Metro Vancouver than with Vancouver Island or the Sunshine Coast, with over 500 workers and 200 students commuting daily. As ICET funds economic development initiatives in the Vancouver Island and Sunshine Coast areas, and the region it serves is set out in regulation, at this time we will not be proceeding with changing the regulation to include Bowen Island.

This government is committed to building a strong, sustainable, innovative economy, and to ensuring that all British Columbians can share in the prosperity of our province.

Thank you again for writing and for your commitment to the constituents you serve.

Sincerely,



Bruce Ralston
Minister

pc: Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations and Rural Development

His Worship Mayor Gary Ander
And Members of Council
Bowen Island Municipality

Mr. Peter Luckham
Chair
Islands Trust Council



143379

OCT 20 2018

Min ☐ DM's ☐ Info ☐ ADM ☐ FYI ☐
Sig Sig File Reply

ROUTE TO

Office of the Chair

Tel. 604 432-6215 Fax 604 451-6614

OCT 24 2018

File: CR-12-01

Ref: RD 2018 Sep 28

Honourable Bruce Ralston
Minister of Jobs, Trade and Technology
Room 137 Parliament Buildings
Victoria, BC V8V 1X4
VIA EMAIL: bruce.ralston@mla.leg.bc.ca

Dear Honourable Ralston:

Re: Bowen Island – Support for Rural Designation for Grant Eligibility

Please accept this correspondence as Metro Vancouver's formal request that your Ministry designate Bowen Island as a rural community for the purposes of grant eligibility.

At its September 28, 2018 regular meeting, the Board of Directors of Metro Vancouver Regional District (Metro Vancouver) adopted the following resolution:

That the MVRD Board:

- a) *write a letter in support of designating Bowen Island as an eligible rural community to:*
 - i. *the Minister of Forests, Lands, Natural Resource Operations and Rural Development, with respect to the BC Rural Dividend Program;*
 - ii. *the Minister of Jobs, Trade and Technology, with respect to the Island Coastal Economic Trust; and*
 - iii. *the federal Minister of Innovation, Science and Economic Development, with respect to Community Futures funding; and*
- b) *write a letter to the Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting a review of the BC Rural Dividend Fund eligibility criteria which specifically excludes communities within the Metro Vancouver Regional District.*

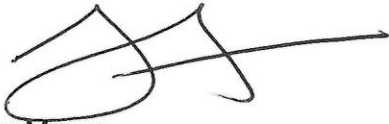
As described in the attached staff report to the MVRD Board dated September 10, 2018, Bowen Island's location within the boundaries of the MVRD has made it ineligible for the Island Coastal Economic Trust, the BC Rural Dividend Program, and by extension, for federal Community Futures funding. This is in spite of Bowen Island's resemblance to neighbouring rural communities and its being governed under the *Islands Trust Act*, which establishes an obligation to preserve and protect the islands and their rural character.

Bowen Island's exclusion from these funding programs suggests that using regional district boundaries to determine whether a community is rural for the purposes of grant eligibility may be too coarse a tool to assess individual communities. Therefore, on behalf of the MVRD Board, I respectfully ask that your Ministry designate Bowen Island as a rural community for the

27032161

aforementioned grant programs and undertake a review of the BC Rural Dividend Fund eligibility criteria, which specifically exclude communities within the MVRD, to determine their appropriateness for future grant intakes.

Yours sincerely,



Greg Moore
Chair, Metro Vancouver Board

GM/CM/mp

cc: Mayor Murray Skeels, Bowen Island Municipality
Councillor Maureen Nicholson, Metro Vancouver Director
MP Pamela Goldsmith-Jones, West Vancouver – Sunshine Coast – Sea to Sky Country
MLA Jordan Sturdy, West Vancouver – Sea to Sky
Chair Peter Luckham, Islands Trust Council

Encl: Staff report titled “Bowen Island – Support for Rural Designation for Grant Eligibility” (*orbit* #26757507)

27032161

To: Finance and Intergovernment Committee

From: Dean Rear, Director, Financial Planning and Operations, Financial Services
Marcin Pachcinski, Division Manager, Electoral Area and Environment,
Parks, Planning and Environment

Date: September 10, 2018 Meeting Date: September 21, 2018

Subject: **Bowen Island – Support for Rural Designation for Grant Eligibility**

RECOMMENDATION

That the MVRD Board:

- a) write a letter in support of designating Bowen Island as an eligible rural community to:
 - i. the Minister of Forests, Lands, Natural Resource Operations and Rural Development, with respect to the BC Rural Dividend Program;
 - ii. the Minister of Jobs, Trade and Technology, with respect to the Island Coastal Economic Trust; and
 - iii. the federal Minister of Innovation, Science and Economic Development, with respect to Community Futures funding; and
 - b) write a letter to the Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting a review of the BC Rural Dividend Fund eligibility criteria which specifically excludes communities within the Metro Vancouver Regional District.
-

PURPOSE

To provide the MVRD Board the opportunity to consider sending a letter in support of designating Bowen Island a rural community for the purposes of provincial and federal rural grant programs.

BACKGROUND

At its July 18, 2018 meeting, the Finance and Intergovernment Committee reviewed two pieces of correspondence (Attachments 1 and 2) related to Bowen Island's eligibility in provincial and federal rural grant programs. Following deliberation, the Committee adopted the following resolutions:

- a) *refer to staff Items 6.3 and 6.4 of the July 18, 2018 Committee agenda as follows:*
 - i) *correspondence dated June 25, 2018 from Bowen Island Municipality to Greg Moore, MVRD Board Chair, requesting MVRD Board support for the Islands Trust Council resolution seeking that the Province designate all islands in the Islands Trust Area eligible for the Rural Dividend Program and other granting programs for rural communities including the Island Coastal Economic Trust, and*
 - ii) *correspondence dated July 4, 2018 from The Honourable Jordan Sturdy, MLA, West Vancouver – Sea to Sky, in support of Bowen Island's designation request; and*
- b) *direct staff to report back to the Committee with recommendations.*

In response to the Committee's direction, this report provides the Committee with recommendations for consideration related to supporting Bowen Island's eligibility in provincial and federal grant programs aimed at rural communities. Additional correspondence received after the July 18, 2018 Committee meeting is found in Attachment 3.

BC RURAL DIVIDEND PROGRAM

Program Summary

The BC Rural Dividend provides \$25 million a year to assist rural communities with a population of 25,000 or less in addressing the unique challenges they face to diversify their economies beyond natural resources. The Dividend is used to support projects that help rural communities navigate changes impacting their economies, such as attracting and retaining youth, improvements to social and environmental conditions, using innovation to drive economic growth, and developing new and effective partnerships to support shared prosperity.

The BC Rural Dividend Program includes four broadly defined project categories: community capacity building, workforce development, community and economic development, and business sector development. To fund projects in these categories, the Program provides three funding streams:

1. Project Development (max. \$10,000) – for preliminary work (e.g. feasibility assessments and business cases).
2. Single Applicant (max. \$100,000) – to support implementation of community-driven projects.
3. Partnerships (max. \$500,000) – to support implementation of community-driven projects with at least one eligible partner.

To be eligible, the benefiting community must either:

- have a population of 25,000 or less and must be located outside the geographic boundaries of Metro Vancouver and the Capital Regional District (however, communities within the Capital Regional District's Juan de Fuca Electoral Area, Salt Spring Island Electoral Area, and the Southern Gulf Islands Electoral Areas are eligible); or
- be an unincorporated area with a population of 25,000 people or less.

Eligible applicants are local governments, First Nations, and not-for-profit organizations. For-profit entities can serve as partners with an eligible applicant as long as the proposed project identifies broad community benefits and does not negatively impact other businesses. The Rural Dividend is administered by the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

Eligibility of Metro Vancouver Municipalities

The letter dated November 15, 2017 from Bowen Island Mayor Murray Skeels to the Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations & Rural Development, sets out the rationale for why Bowen Island should be designated as a rural community for eligibility purposes in rural grant programs. The rationale includes the following points:

- Given its geographical remoteness and reliance on BC Ferries, Bowen Island more closely resembles and has the capacity of other small, rural islands and coastal communities on the Sunshine Coast.

- The *Islands Trust Act* establishes an obligation to preserve and protect the islands and their rural character on behalf of all the people of British Columbia.
- Bowen Island is the only island municipality in the Province. (If it were unincorporated, as all other islands, it would be eligible for the BC Rural Dividend Program.)

Bowen Island has a population of 3,680 (2016 Census), but is ineligible under the current criteria because it is an incorporated community within the Metro Vancouver Regional District. This illustrates the issue that the use of regional district boundaries may be too coarse a tool to assess individual communities as rural or urban for grant purposes. In the case of the BC Rural Dividend Program, which sets a 25,000 population threshold, the fact that communities elsewhere in the Province with populations up to six times that of Bowen Island would be considered rural while Bowen Island would not is problematic. The current eligibility criteria have disqualified Bowen Island from accessing rural grant opportunities at the provincial level and have had the compounding effect of disqualifying the Island from federal Community Futures funding.

In addition to Bowen Island, five other Metro Vancouver jurisdictions that can be thought of as rural would also not be eligible using the current population criteria (using 2016 Census data): Anmore (2,210), Belcarra (643), Lions Bay (1,334), Pitt Meadows (18,573), and Tsawwassen First Nation (816). While rural parts of the Electoral Area A would meet the eligibility criteria for population, it is unclear whether UBC or the University Endowment Lands would qualify given their distinct legislation and the intent of the BC Rural Dividend.

In evaluating support for Bowen Island's designation, the Committee may wish to consider recommending that provincial and federal ministries employ a more granular set of assessment criteria before excluding entire regional districts from grant programs, as it may have bearing on the eligibility of other Metro Vancouver jurisdictions, such as smaller municipalities and Electoral Area A, in accessing future grant opportunities.

ISLAND COASTAL ECONOMIC TRUST

Program Summary

The Island Coastal Economic Trust was created by the Province through legislation in 2006 and initially capitalized by the Province at the same time. The Trust is independently governed by a Board of Directors and two Regional Advisory Committees which include more than 50 locally elected officials, MLAs and appointees from the Island and Coast. To date, over \$50 million in funding has been approved to support more than 180 economic infrastructure and economic development readiness projects. In early 2018, the Province provided the Island Coastal Economic Trust with a new funding infusion of \$10 million to pursue its work in the region and support the development of a robust technology and innovation sector.

The Island Coastal Economic Trust invests its funds primarily through its two grant programs, the Economic Infrastructure Program and the Economic Development Readiness program. It also provides regional funding and capacity building support through select sponsorship of events, bursaries and internships.

Eligibility of Metro Vancouver Municipalities

The specific region where the Trust may invest is defined by legislation and regulation, and is shown on the map in Reference 1. Bowen Island is not within the area defined for investment eligibility, though nearby Gambier Island and communities on the Sunshine Coast Regional District mainland are within the eligible area. Passage Island and Bowyer Island, which are part of Electoral Area A, are the other two Metro Vancouver communities that are part of the Islands Trust but not eligible for the Island Coastal Economic Trust.

In the case of the Island Coastal Economic Trust, Bowen Island's exclusion from eligibility because it lies within the Metro Vancouver Regional District while nearby Gambier Island and mainland Sunshine Coast communities are eligible indicates undo weight is given to jurisdictional boundaries at the expense of examining individual community characteristics and an assessment of their needs.

COMMUNITY FUTURES

Program Summary

Community Futures is a network of non-profit offices across Canada that provide small business services to people living in rural communities. Each office delivers small business loans, tools, training and events for people wanting to start, expand, franchise or sell a business. In western Canada, Community Futures operations are funded by Western Economic Diversification Canada, which is a federal institution that is part of the Innovation, Science and Economic Development portfolio.

According to the letter dated January 4, 2018 from Capital Regional District Board Chair Steve Price to The Honourable John Horgan, Premier of British Columbia, the Federal Government follows the Provincial classification of 'rural' to determine which communities are eligible for Community Futures funding.

Eligibility of Metro Vancouver Municipalities

Because Bowen Island is not designated as rural for provincial grant programs aimed at rural communities, it is ineligible for Community Futures funding. Using the BC Rural Dividend Program as an example, a number of Metro Vancouver communities might become eligible for Community Futures funding if the Province were to revise what it considers to be an eligible rural community and if the federal grant programs relied on such classifications.

ALTERNATIVES

1. That the MVRD Board:
 - a) write a letter in support of designating Bowen Island as an eligible rural community to:
 - i. the Minister of Forests, Lands, Natural Resource Operations and Rural Development, with respect to the BC Rural Dividend Program;
 - ii. the Minister of Jobs, Trade and Technology, with respect to the Island Coastal Economic Trust; and
 - iii. the federal Minister of Innovation, Science and Economic Development, with respect to Community Futures funding; and
 - b) write a letter to the Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting a review of the BC Rural Dividend Fund eligibility criteria which specifically excludes communities within the Metro Vancouver Regional District.

2. That the MVRD Board receive for information the report dated September 10, 2018, titled “Bowen Island – Support for Rural Designation for Grant Eligibility” and provide alternate direction to staff.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report. Bowen Island and potentially other Metro Vancouver member jurisdictions may become eligible for additional grant opportunities should provincial and federal ministries revise their rural grant eligibility criteria in the future.

SUMMARY / CONCLUSION

At its July 18, 2018 meeting, the Finance and Intergovernment Committee reviewed two pieces of correspondence (Attachments 1 and 2) related to Bowen Island’s eligibility in provincial and federal rural grant programs and directed staff to report back with recommendations. The three rural grant opportunities that Bowen Island is currently not eligible for are the BC Rural Dividend Program (provincial), Island Coastal Economic Trust (provincial), and Community Futures (federal). Bowen Island’s ineligibility is a result of the criteria used by the Province in designating a community rural in these programs, which in part is based on a community’s location within MVRD boundaries.

The rationale provided in support of designating Bowen Island as a rural community for the purposes of provincial and federal grant programs aimed at rural communities includes its resemblance to neighbouring rural communities and its being governed under the *Islands Trust Act*, which establishes an obligation to preserve and protect the islands and their rural character. Metro Vancouver staff also note that the current use of regional district boundaries to determine whether a community is rural for the purposes of grant eligibility may be too coarse a tool to assess individual communities, and one which does not consider each community’s characteristics or their needs. Staff recommend Alternative 1.

Attachments

1. Correspondence from Bowen Island Municipality re: Island Trust Resolutions for Rural Dividend – June 25, 2018
2. Correspondence from Jordan Sturdy, MLA re: Bowen Island Municipality Eligibility for Rural Dividend Funding – July 4, 2018
3. Correspondence from Ministry of Municipal Affairs and Housing re: BC Rural Dividend and Island Coastal Economic Trust – August 23, 2018

Reference: [Island Coastal Economic Trust Map](#)

26757507

BOWEN ISLAND Municipality

ATTACHMENT 1

June 25, 2018

Greg Moore, Chair
Metro Vancouver Regional District
4730 Kingsway
Burnaby BC V5H 0C6

By email: Greg.Moore@metrovancover.org

Dear Chair Moore,

We are writing to request that the Directors of Metro Vancouver Regional District formally support the following resolutions adopted by the Islands Trust Council on June 20, 2018:

That Trust Council request the Chair to write to the Premier of British Columbia to request that the Province designate all islands in the Islands Trust Area as permanently eligible for Rural Dividend Program funding and other granting programs for rural communities, including the Island Coastal Economic Trust.

That Trust Council request the Chair to write to the federal Minister of Innovation, Science and Economic Development, responsible for Western Economic Diversification of Canada, to request that the Minister designate all islands in the Islands Trust Area as eligible for Community Futures funding and other granting programs for rural communities.

These resolutions reflect an ongoing issue for Bowen Island: our ineligibility to apply for funding that supports economic development and infrastructure projects in rural communities, an ineligibility resulting in part from our inclusion within the Metro Vancouver Regional District.

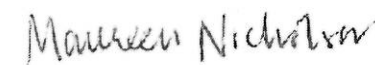
The attached documents explain the situation in more detail. We should note that Bowen Island has recently received an exemption to allow us to apply to the fifth intake of the Rural Dividend Program. While this exemption is welcome, it does not deal with the ongoing issue of the misclassification of our community as urban.

We would be happy to provide additional information if needed and would very much appreciate Metro Vancouver support in this matter.

Sincerely,



Mayor Murray Skeels
Bowen Island Municipality
mskeels@bmibc.ca



Councillor Maureen Nicholson
Metro Vancouver Director
maureen.nicholson@bmibc.ca

cc. Pamela Goldsmith-Jones, MP, West Vancouver – Sunshine Coast – Sea to Sky Country
Pam.Goldsmith-Jones@parl.gc.ca
Jordan Sturdy, MLA, West Vancouver – Sea to Sky jordan.sturdy.mla@leg.bc.ca
Peter Luckham, Chair, Islands Trust Council pluckham@islandstrust.bc.ca
Carol Mason, CAO, Metro Vancouver carol.mason@metrovanancouver.org

Attachments:

Request for Decision from Trustees Peter Grove, Sue Ellen Fast, and Alison Morse, to the Islands Trust Council, "Rural Designation," dated June 1, 2018.

Letter from the Chair, Capital Regional District, to Premier John Horgan, "Re: Distribution of Federal and Provincial Funding Through Grant Programs to Support Rural Areas and Smaller Communities," dated January 4, 2018.

Letter from MLA Adam Olsen to the Minister Selina Robinson, "Urban Classification of the Islands," dated November 22, 2017.

Letter from Mayor Murray Skeels to Minister Doug Donaldson, "Reconsideration of the Rural Dividend Fund Eligibility Criteria," November 15, 2017.

Letter from Minister Doug Donaldson to Mayor Murray Skeels, "Response to Reconsideration of the Rural Dividend Fund Eligibility Criteria," December 27, 2017.

Letter from Mayor Murray Skeels to Minister Doug Donaldson, "Response Regarding Continuing Ineligibility for the Rural Dividend Fund," January 15, 2018.



Islands Trust

TRUSTEE SPONSORED REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** June 20, 2018
From: Peter Grove, Sue Ellen Fast, **Date Prepared:** June 1, 2018
 Alison Morse
SUBJECT: Rural Designation

RECOMMENDATIONS:

1. That Trust Council request the Chair to write to the Premier of British Columbia to request that the Province designate all islands in the Islands Trust Area as rural and eligible for Rural Dividend Program funding and other granting programs, including the Islands Coastal Economic Trust.
2. That Trust Council request the Chair to write to the Minister of Western Economic Diversification of Canada to request that the Minister designate all islands in the Islands Trust Area as rural and eligible for Western Economic Diversification Program funding.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: This request will initiate advocacy on a new topic for the Islands Trust. The topic is not mentioned in Trust Council's Strategic Plan but staff does not recommend amending the plan at this point in the term to accommodate this topic. While this request can be accommodated with existing staff resources, any new advocacy requests pulls TAS time from the Policy Statement amendment project.

1 PURPOSE:

To express support for provincial and federal classification of all islands in the Islands Trust Area as rural, so that they may qualify and receive the benefits from provincial and federal government programs that are directed at rural communities.

2 BACKGROUND:

Currently some Trust Area islands are not eligible for economic development and infrastructure programs intended for rural communities as they are within the Capital Regional District or the Metro Vancouver Regional District. Bowen Island is not eligible for the provincial Rural Dividend Program funding, while many other Trust islands are. Similarly, many Trust Area islands are not eligible for federal funding through the Community Futures program, funded through Western Economic Diversification Canada.

Community Futures offers a variety of services and tools to help entrepreneurs and small business owners achieve their goals, including business support services, business planning advice, loans and self-employment assistance. Community Futures provides financing alternatives to small and medium enterprises when access to credit is a challenge to starting or growing their

business. Different than a bank, Community Futures uses different lending criteria, focusing on rural development and providing business financing to small local businesses. They also work in partnership with other business lenders, educational institutions, not-for-profits and community governments to grow and diversify the local economy.

The BC Rural Dividend provides \$25 million a year to assist rural communities with a population of 25,000 or less to reinvigorate and diversify their local economies. It was developed to recognize both the contribution rural communities have made to B.C.'s economy, and the unique challenges they face to diversify beyond natural resources. The program is focused on supporting worthy projects that help rural communities navigate changes impacting their economies, such as attracting and retaining youth, using innovation to drive economic growth, and developing new and effective partnerships to support shared prosperity.

Island Coastal Economic Trust (ICET) was established through provincial legislation in 2006 and capitalized by the Province. It is independently governed by a Board of Directors and two Regional Advisory Committees which include more than 50 locally elected officials, MLAs and appointees from the Island and Coast. Through a community centered decision-making process, funding is invested in a wide range of economic development and community building initiatives in the Vancouver Island and Sunshine Coast region for. To date, over \$50 million in funding has been approved to support more than 180 economic infrastructure and economic development readiness projects. In early 2018, the Province of British Columbia provided the Island Coastal Economic Trust with a new funding infusion of \$10 million to pursue its work in the region and support the development of a robust technology and innovation sector. The specific region where the ICET may invest is defined by provincial regulation and is shown on this map.

Without access to these funding sources, Trust Area islands are subject to ongoing development without community infrastructure and facilities such as trails and community halls. If islands near large urban centers are to remain rural for the benefit of all British Columbians, and not become seasonal resorts or bedroom suburbs, they need some help to do so.

Within British Columbia the distribution of federal and provincial funding through grant programs is critical to support rural areas and smaller communities. The federal and provincial governments have recognized that rural areas lack the service capacity or base to sustain services and have established specific grant programs or grant criteria and policy to enable rural areas to access these funds.

The Salt Spring Island and Southern Gulf Islands electoral areas of the Capital Regional District (CRD) have been classified as urban centers due to their inclusion with the Capital Regional District. As you know, the decision to exclude these rural districts from rural programs and funding does not reflect their geography, land use or capacity to sustain services. The inclusion of the electoral areas with the CRD does not provide for subsidies or the redistribution of funds to support local services. Further, the *Islands Trust Act* establishes an obligation to preserve and protect the islands and their rural character on behalf of all the people of British Columbia.

In 2016, UBCM passed a resolution asking the Provincial Government to officially recognize and classify the three CRD electoral areas as rural communities. The three CRD electoral areas are now eligible for the Rural Dividend Program.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Approximately one day of Trust Area Services staff time to implement the recommendation. The Chair's time would be required to review and approve the letters.

FINANCIAL: None

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: Staff will draft the letters for the Chair's approval, send out via email with cc's and post to the Islands Trust website. The cc's will include the Capital Regional District Board and the Metro Vancouver Regional District Board.

FIRST NATIONS: First Nations will be cc'd on the letter.

OTHER: None.

4 RELEVANT POLICY(S):

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.

Advocacy Policy 6.10.iii

5 ATTACHMENT(S):

- 1) January 4, 2018 letter from Capital Regional District Chair to Premier Horgan re Distribution of federal and provincial funding through grant programs to support rural arenas and smaller communities.
- 2) November 22, 2017 letter from MLA Adam Olsen to Minister of Municipal Affairs and Housing re urban classification of the islands.
- 3) November 15, 2017 letter from Bowen Island Municipality Mayor to Minister of Forests, Lands, Natural Resource Operations and Rural Development re Rural Dividend Fund eligibility criteria.
- 4) December 27, 2017 letter from Minister of Forests, Lands, Natural Resource Operations and Rural Development to Bowen Island Municipality Mayor re Rural Dividend Fund eligibility criteria.
- 5) January 15, 2018 November 15, 2017 letter from Bowen Island Municipality Mayor to Minister of Forests, Lands, Natural Resource Operations and Rural Development re Rural Dividend Fund eligibility criteria.

RESPONSE OPTIONS

Recommendation:

1. That Trust Council request the Chair to write to the Premier of British Columbia to request that the Province designate all islands in the Islands Trust Area as rural and eligible for Rural Dividend Program funding and other granting programs, including the Islands Coastal Economic Trust.
2. That Trust Council request the Chair to write to the Minister of Western Economic Diversification of Canada to request that the Minister designate all islands in the Islands Trust Area as rural and eligible for Western Economic Diversification Program funding.

Alternative:

- 1) Request a letter with a revised message.
- 2) Request that Executive Committee submit a resolution to UBCM on this topic. (June 30 deadline).
- 3) Do not request a message.

Prepared By: Peter Grove, Sue Ellen Fast

Reviewed By/Date: Clare Frater, Director, Trust Area Services, June 1, 2018
Russ Hotsenpiller, CAO, June 4, 2018
Executive Committee, June 6, 2018



Executive Services
625 Fisgard Street
Victoria BC V8W 2S6

T 250.360.3126
F 250.360.3075
www.crd.bc.ca

January 4, 2018

File: 0400-50 Premier

Premier John Horgan
West Annex Parliament Buildings
Victoria, BC V8V 1X4

Dear Premier Horgan:

RE: DISTRIBUTION OF FEDERAL AND PROVINCIAL FUNDING THROUGH GRANT PROGRAMS TO SUPPORT RURAL AREAS AND SMALLER COMMUNITIES

Within British Columbia the distribution of Federal and Provincial funding through grant programs is critical to support rural areas and smaller communities. The Federal and Provincial governments have recognized that rural areas lack the service capacity or base to sustain services and have established specific grant programs or grant criteria and policy to enable rural areas to access these funds.

The Juan de Fuca, Salt Spring Island and Southern Gulf Islands electoral areas of the Capital Regional District (CRD) have been wrongfully classified as urban centers due to their inclusion with the CRD. As you know, the decision to exclude these rural districts from rural programs and funding does not reflect their geography, land use or capacity to sustain services. The inclusion of the electoral areas with the CRD does not provide for subsidies or the redistribution of funds to support local services. Further, the Islands Trust Act applicable to the Salt Spring Island and Southern Gulf Islands electoral areas establishes an obligation to preserve and protect the islands and their rural character on behalf of all the people of British Columbia.

The CRD Board has considered this issue and has resolved to request that your government correctly classify the CRD's three electoral areas as rural, so that they may qualify and receive the benefits from Provincial and Federal Government programs that are directed at rural communities.

Currently the CRD's three electoral areas are excluded from the provincially funded Island Coastal Economic Trust (I.C.E.T) and the federally funded Community Futures program. I.C.E.T. alone has contributed over 50 million dollars to coastal communities from Lake Cowichan to Port Hardy and from Gabriola Island to Lund. Every Gulf Island and rural community outside the CRD has been included. Although Nanaimo is considered a rural center, Salt Spring Island, Mayne Island, Pender Island, Port Renfrew, Shirley and Otter Point are considered urban.

In addition to I.C.E.T., programs such as the HST exclusion on rural cottages, BC Rural Dividend grant program and specific grant programs directed at Provincial rural communities have specifically excluded the three electoral areas of the CRD. Community Futures, sponsored by the Federal Government has excluded the three electoral areas because they follow the Provincial classification.

In 2016, UBCM passed a resolution asking the Provincial Government to officially recognize and classify the three CRD electoral areas as rural communities. I would respectfully ask that your government include the Juan de Fuca, Salt Spring and Southern Gulf Islands electoral areas in I.C.E.T., include them in all rural programs and grant opportunities and inform the Federal Government of your re-classification so that they may receive the benefits of the Community Futures program.

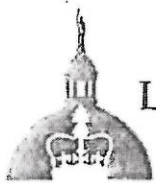
I understand that you have arranged for the Minister of Municipal Affairs and Housing to meet with the Juan de Fuca Electoral Area Director, Mike Hicks, to discuss this request and that he has invited the other two electoral area Directors and our CAO to attend. On behalf of the CRD Board we appreciate your quick action to resolve this issue.

Sincerely,



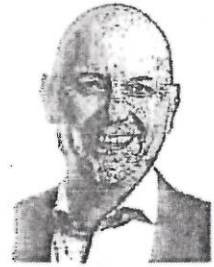
Steve Price
Board Chair, Capital Regional District

cc: The Honourable Selina Robinson, Minister of Municipal Affairs and Housing
Mike Hicks, Director, Juan de Fuca Electoral Area, CRD
David Howe, Director, Southern Gulf Islands Electoral Area, CRD
Wayne McIntyre, Director, Salt Spring Island Electoral Area, CRD
Robert Lapham, Chief Administrative Officer, CRD



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

Attachment 2



Nov 22, 2017

Honourable Selina Robinson
Minister of Municipal Affairs and Housing

Adam Olsen MLA
Saanich North and the Islands

Dear Minister Robinson,

Thank you for meeting with me and my staff on November 2, 2017. I appreciate the opportunity to discuss certain issues facing Saanich North and the Islands. I write to you today as a follow-up to that meeting.

A major source of frustration for my constituents in the Southern Gulf Islands is the "urban" classification of the islands. The mandate of the Islands Trust is to preserve and protect the natural environment. The Gulf Islands are rural but they are, in some cases, classified as "urban" due to their membership in the Capital Regional District.

As you know, the populations on each of the islands are all quite small - Salt Spring has the largest population of just over 10,000. The island communities all require significant travel on the ferry system and much of the islands are without cell service or high-speed internet capability. Suffice to say that Ganges is more rural than Duncan, yet Duncan is considered a rural community while Ganges does not always have that classification.

This arbitrary distinction is having a profound impact on access to grant funds for communities in my riding. For example, my understanding is that because of their association with the CRD they are excluded from participating in the Island Coastal Economic Trust program and the federal Community Futures program - both of which are programs targeted to help rural communities, and could substantially help with needed infrastructure funding and economic programs in the Gulf Islands.

The distinction is also troubling for important services like the community libraries. For example, the Ministry of Education's Libraries Branch has refused the request of the Salt Spring Public Library Association to change their classification to rural in order to be able to better serve their community. On the other hand, Pender Island's community library is classified as rural.

The confusion around the classification is compounded by the rural-dividend program that Salt Spring and the Southern Gulf Islands have qualified for in the past. In this case, it appears an exception has been made despite their association with the CRD.

It is frustrating for gulf islanders that in some cases they are considered rural and in some cases they are not. I am not aware of a definition of "rural" in either the Local Government Act or the Community Charter, yet under the Interpretation Act of 1996, a 'rural area' is defined as "territory that is not in a municipality." The Salt Spring Island Electoral Area and the Southern Gulf Islands Electoral Area clearly fall into this definition.

Constituency Office

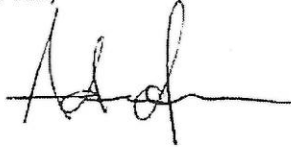
215 - 2506 Beacon Avenue
Sidney, BC V8L 4T9
T 250-655-5600
F 250-655-7398

Legislative Office

Room 028 Parliament Buildings
Victoria, BC V8V 1X4
T 250-387-8347
Adam.Olsen.MLA@leg.bc.ca

In 2016, there was a unanimous motion at UBCM to support rural status for three CRD electoral areas: Juan de Fuca, Southern Gulf Islands, and Salt Spring. This issue has been discussed for a number of years now and I am asking your ministry to find a resolution at the earliest possible opportunity.

HÍ SW KE,



Adam Olsen

MLA for Saanich North and the Islands

Cc. Minister Bruce Ralston (Jobs, Trade and Technology)

Minister Donaldson, (Forest Lands Natural Resource Operations and Rural Development)

Wayne McIntyre, Electoral Area Director Salt Spring

Dave Howe, Electoral Area Director Southern Gulf Islands

Steve Price, Capital Regional District Chair

Peter Luckham, Islands Trust Chair

Elizabeth May, MP, Saanich Gulf Islands



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

Adam Olsen MLA
Saanich North and the Islands

BOWEN ISLAND Municipality

Attachment 3

November 15, 2017

VIA E-MAIL: FLNR_Ministere@gov.bc.ca

Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations & Rural Development
Government of British Columbia
PO Box 9049, Stn Prov Govt
Victoria BC V8W 9E2

Dear Minister Donaldson:

I am writing to request reconsideration of the Rural Dividend Fund eligibility criteria, which currently exclude Bowen Island Municipality.

Bowen Island is the only island municipality in the province. While the Island is a member municipality of Metro Vancouver, it is outside of the Urban Containment Boundary and is therefore effectively defined as "rural" by the regional district.

Bowen Island Municipality is not a signatory to the Metro Vancouver Regional Growth Strategy because the island is within the Islands Trust and subject to the Islands Trust Policy Statement.

Many of the opportunities for regional district partnering on infrastructure projects and consequent economies of scale are not available to Bowen Island because of our geography and inclusion within the Islands Trust. For example, under the Trust Policy Statement, Bowen is expected to be self-sufficient in water and consequently is not part of the Metro Vancouver Water District. However, we are part of the Metro Vancouver Regional District and therefore hold a unique and disadvantaged position when seeking funding support because the Island is a rural community that is generally not recognized as rural for funding purposes.

As well, community capacity building and community economic development are constrained by our small tax base and transportation costs. The Island is a small community located within Howe Sound, accessed by a 20-minute BC Ferries ride from Horseshoe Bay Terminal in West Vancouver. The Island has a permanent population of approximately 3,700, with an estimated additional seasonal influx of up to 1,500 residents.

Given our geographical remoteness and reliance on BC Ferries, the Island more closely resembles and has the capacity of other small, rural islands and coastal communities on the Sunshine Coast.

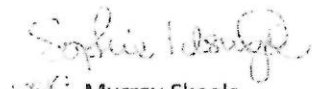
981 Artisan Lane, Bowen Island, BC V0N 1G2 bimbc.ca
Tel: 604-947-4255 Fax: 604-947-0193 bim@bimbc.ca

Metro Vancouver Regional District

Bowen Island secured a one-time eligibility exemption in 2016. We are now seeking a continuing exemption as has been granted to the Salt Spring Island Electoral District, which, like Bowen, is part of a regional district and the Islands Trust.

If any further information is required to enable your decision, please contact me at 604-947-4255 or mskeels@bimbc.ca.

Sincerely,


per: Murray Skeels
Mayor

cc. Carol Mason, CAO, Metro Vancouver carol.mason@metrovanancouver.org
Cheryl McLay, Regional Manager, South Vancouver Island/Coast (Victoria), Regional Economic
Operations Branch, FLNRO Cheryl.McLay@gov.bc.ca
Greg Moore, Chair, Metro Vancouver greg.moore@metrovanancouver.org



Reference: 234047

December 27, 2017

VIA EMAIL: mskeels@bimbc.ca

His Worship Mayor Murray Skeels
Bowen Island Municipality
981 Artisan Lane
Bowen Island, British Columbia
V0N 1G2

Dear Mayor Skeels:

Thank you for your letter of November 15, 2017, regarding the eligibility of the Bowen Island Municipality to apply for funding through the Rural Dividend Program.

The program is part of the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development's mandate to support community and economic development in rural regions throughout the province.

Communities within the geographic boundaries of Metro Vancouver are not eligible applicants for the program. As the Bowen Island Municipality is located within Metro Vancouver, it is not an eligible applicant.

We are unable to make an exception to this criteria at this time; however, we will take your request under advisement when we complete a review of the Rural Dividend Program following the completion of the fourth intake period. This review will focus on options and opportunities to improve our support to rural stakeholders in pursuing economic and community development projects in the future.

Thank you again for your letter.

Sincerely,

Doug Donaldson
Minister

BOWEN ISLAND Municipality

Attachment 5

January 15, 2018

VIA E-MAIL: Minister.FLNR@gov.bc.ca

Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations & Rural Development
Government of British Columbia
PO Box 9049, Stn Prov Govt
Victoria BC V8W 9E2

Dear Minister Donaldson:

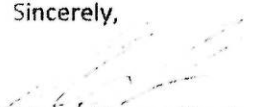
Thank you for your letter of December 27, 2017 (Reference 234047), regarding our continuing ineligibility at this time for the Rural Dividend Program.

We understand that the basis for our ineligibility results from our inclusion within the geographic boundaries of Metro Vancouver. Communities within the geographic boundaries of the Capital Regional District are also deemed ineligible; however, the Juan de Fuca Electoral Area, Salt Spring Island Electoral Area, and the Southern Gulf Islands Electoral Areas have all been permitted to apply and receive funding support for infrastructure projects (see p. 3 of the program guide). Moreover, with each of the intakes of the Rural Dividend Fund, the eligibility criteria have been broadened.

We do not understand why the only island municipality in the province, located outside of the Metro Vancouver Urban Containment Boundary, is not considered sufficiently rural to be deemed eligible to apply.

We look forward to participating in the planned review of the Rural Dividend Program and ask for your support in our efforts to resolve this inequity in the program.

Sincerely,


Mayor Murray Skeels
Bowen Island Municipality

cc. Greg Moore, Chair, Metro Vancouver greg.moore@metrovanancouver.org
Jordan Sturdy, MLA West Vancouver–Sea to Sky jordan.sturdy.mla@leg.bc.ca
Bowen Island Municipal Council mayorandcouncil@bimbc.ca
Carol Mason, CAO, Metro Vancouver carol.mason@metrovanancouver.org
Cheryl McLay, Regional Manager, South Vancouver Island/Coast (Victoria), Regional Economic Operations Branch, FLNRO Cheryl.McLay@gov.bc.ca

981 Artisan Lane, Bowen Island, BC V0N 1G2 bowenislandmunicipality.ca
Tel: 604-947-4255 Fax: 604-947-0193 bim@bimbc.ca



LEGISLATIVE ASSEMBLY
OF BRITISH COLUMBIA

Jordan Sturdy MLA West Vancouver - Sea to Sky

July 4, 2018

The Honourable John Horgan, Premier of British Columbia
Office of the Premier
Parliament Buildings
501 Belleville St
Victoria, BC
V8V 1X4

Sent by Email:

Premier@gov.bc.ca

Premier Horgan,

RE: BOWEN ISLAND MUNICIPALITY ELIGIBILITY FOR RURAL DIVIDEND FUNDING

As MLA for West Vancouver – Sea to Sky I write to request that you consider directing that Bowen Island be designated as permanently eligible for Rural Dividend Program funding and other granting programs for rural communities, including the Island Coastal Economic Trust.

Bowen Island is currently not eligible to apply for development funds due to its inclusion in the Metro Vancouver Regional District. Bowen Island was recently granted an exemption to allow it to apply to the fifth intake of the Rural Dividend program. While the exemption is appreciated, the ongoing misclassification of Bowen Island should be addressed so that Bowen Island may qualify and receive the benefits from Provincial and Federal programs that are directed at rural communities.

The BC Rural Dividend was developed to recognize the contributions that rural communities make to B.C.'s economy and the challenges they face in supporting economic growth and development. Without access to Provincial and Federal funding sources, Bowen Island is experiencing ongoing development pressures without community infrastructure programs accessible in other similar jurisdictions.

Capacity building and community economic development are limited by Bowen Island's small tax base and its dependence on BC Ferries. The Island resembles rural and coastal communities on the Sunshine Coast more than it does the urban ones in Metro Vancouver.

West Vancouver - Sea to Sky Constituency Office

6650 Royal Avenue
West Vancouver BC V7W 2B8
T 604-922-1153 F 604-922-1167
jordan.sturdy.mla@leg.bc.ca

Legislative Office

Room 201 Parliament Buildings
Victoria BC V8V 1X4
T 250-387-3445 F 250-387-9100

Metro Vancouver Regional District



August 23, 2018

Ref: 238906

Jordan Sturdy, MLA
West Vancouver-Sea to Sky
6650 Royal Ave
West Vancouver BC V7W 2B8

Dear Mr. Sturdy:

Thank you for your letter addressed to the Honourable John Horgan, Premier, requesting that the Bowen Island Municipality be permanently eligible for Rural Dividend Program (RDP) funding and other grant programs for rural communities, including the Island Coastal Economic Trust (ICET). As Minister responsible for the local government system, I am pleased to respond and apologize for the delay.

The Province of British Columbia is committed to meeting the unique needs of small, rural and remote communities. As such, the RDP was developed to recognize both the contributions rural communities have made to British Columbia's economy, and the unique challenges that they face to diversify beyond natural resources. On the other hand, the ICET was created by the Province to bring economic diversification, planning and regional revitalization to Vancouver Island and the Sunshine Coast.

It is important to note that the RDP and the ICET are not under the responsibility of the Ministry of Municipal Affairs and Housing. The RDP is under the responsibility of the Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resources Operations and Rural Development. The ICET is under the responsibility of the Honourable Bruce Ralston, Minister of Jobs, Trade and Technology and is governed by an independent board.

Similar concerns have been brought forward from other small communities in or adjacent to urban areas on how senior government grant programs may exclude communities that have been previously considered urban for purposes of eligibility, but in fact have all the characteristics of rural areas. The RDP established criteria for small municipalities to request an extension. I understand that Bowen Island has received approval to apply in two rounds of the program including the most recent fifth round, which closed on July 31, 2018.

2

Ministry of Municipal Affairs
and Housing

Office of the Registrar

Mailing Address:
P.O. Box 9096, Stn. Prov. Govt
Victoria BC, V8W 9E2
Toll-free: 1-800-387-7283
Fax: 250-387-4212

Location:
Room 310
Chabment Building
Victoria BC, V8W 1X4

<http://www.gov.bc.ca/mah>

Despite being a member of the Metro Vancouver Regional District Bowen Island is truly a rural community albeit not generally recognized as one for grant and funding eligibility purposes.

I respectfully request that you consider permanent eligibility for Bowen Island for the BC Rural Dividend program and other Provincial funding opportunities.

Regards

Jordan Sturdy, MLA
West Vancouver – Sea to Sky

c.c. The Honourable Selina Robinson, Minister of Municipal Affairs and Housing

selinaminister@gov.bc.ca

c.c. The Honourable Doug Donaldson, Minister of Forests, Lands, and Natural Resource Operations and Rural Development

FLNR.minister@gov.bc.ca

c.c. Mayor and Council, Bowen Island Municipality mayorandcouncil@bimbc.ca

c.c. Peter Luckham, Chair, Islands Trust Council pluckham@islandstrust.ca

c.c. Carol Mason, CAO, Metro Vancouver carol.mason@metrovancover.org