



Executive Committee Agenda

Date: September 8, 2021
Time: 9:00 am
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Pages

1. CALL TO ORDER
2. APPROVAL OF AGENDA
 - 2.1. Introduction of New Items
 - 2.2. Approval of Agenda
3. RISE AND REPORT DECISIONS FROM PREVIOUS CLOSED MEETING

None
4. ADOPTION OF MINUTES
5. FOLLOW UP ACTION LIST AND UPDATES
 - 5.1. Follow Up Action List/Director/CAO Updates 5 - 13
 - 5.2. Local Trust Committee Chair Updates
 - 5.3. Islands Trust Conservancy Liaison Update
 - 5.3.1. ITC Report Highlights of August 24, 2021 Board Special Meeting 14 - 15
6. BYLAWS FOR APPROVAL CONSIDERATION

None
7. TRUST COUNCIL MEETING PREPARATION
 - 7.1. Executive
 - 7.1.1. September Trust Council DRAFT schedule
Pending late item
 - 7.1.2. September Trust Council DRAFT agenda
Pending late item
 - 7.1.3. July Trust Council Special Meeting DRAFT minutes 16 - 21
 - 7.1.4. Trust Council Follow-up Action List 22 - 28
 - 7.1.5. Chief Administrative Officer's Report 29 - 31

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	Pending late item.	
7.4.4.	Legislative Monitoring - Briefing	322 - 348
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8.	RECESS	1:45 PM - 2:20 PM
9.	EXECUTIVE COMMITTEE PROJECTS	
9.1.	Trust Council Initiated	
9.1.1.	Executive	
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10.2.1.	LTC Chairs Report on Local Advocacy Topics	
10.3.	Local Planning Services	
10.4.	Administrative Services	
11.	CORRESPONDENCE (for information unless raised for action)	
11.1.	J. Eastick email dated August 24, 2021 re: request to council	374 - 374
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13.	NEXT MEETING	
	The next Executive Committee meeting is scheduled September 20, 2021, to be held electronically.	
14.	CLOSED MEETING (if applicable)	
	That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.	
15.	ADJOURNMENT	



Follow Up Action Report

Executive Committee

Bylaw Enforcement Officer

Activity	Responsibility	Dates	Status
1 that Executive Committee endorse the proposed amendments to Trust Council Policy 5.5.1 and request staff draft a Request for Decision for the September 2021 Trust Council meeting.	David Marlor Warren Dingman	Meeting: 04-Aug-2021 Target: 02-Sep-2021	In Progress
2 that Executive Committee direct staff to draft amendments to the Trust Council Bylaw Compliance and Enforcement Policy (5.5.1) to include the following: a) Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.	David Marlor Warren Dingman	Meeting: 04-Aug-2021 Target: 02-Sep-2021	In Progress

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 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. By general consent , at its Dec 16, 2020 meeting, Executive Committee put this item on hold pending review by Trust Programs Committee.	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
2 THAT Executive Committee direct that staff develop draft policy regarding the provision of electronic meetings for application by Trust Council and Committees for when the Provincial State of Emergency is concluded.	Carmen Thiel Russ Hotsenpiller	Meeting: 30-Sep-2020 Target: 08-Sep-2021	In Progress
3 That the report Potential legislative and procedure change by the Islands Trust in relation to forest protection - Briefing be brought to a future Executive Committee meeting for next steps.	Russ Hotsenpiller	Meeting: 18-Nov-2020 Target: 03-Feb-2021	In Progress
4 That Executive Committee ask staff to write a letter to our minister respecting possible follow-up actions regarding the meeting with K'òmoks and Minister Conroy.	Russ Hotsenpiller	Meeting: 26-May-2021 Target: 23-Jun-2021	In Progress
5 Trust Council referred the matter of electronic meetings back to Executive Committee for further consideration including cost/benefits and all comments at Trust Council.	Russ Hotsenpiller	Meeting: 09-Jun-2021 Target: 21-Sep-2021	In Progress
6 Provide options to include a discussion of forestry issues at the next EC meeting	Russ Hotsenpiller	Meeting: 04-Aug-2021 Target: 02-Sep-2021	Completed

Director, Administrative Services

Activity	Responsibility	Dates	Status



Follow Up Action Report

Executive Committee

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed "overspends" for any particular budget item.	Carmen Thiel Julia Mobbs	Meeting: 21-Oct-2020	In Progress
2 Staff review the sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor Julia Mobbs	Meeting: 14-Apr-2021 Target: 16-Jun-2021	In Progress
3 That more information be brought back regarding the financial implications of Employee & Family Assistance Plan EFAP if the deductible changed to further consider if staff should enrol the new term of trustees in the Union of British Columbia Municipalities (UBCM) enhanced benefits plan with the Employee & Family Assistance Plan add-on.	Julia Mobbs	Meeting: 26-May-2021 Target: 14-Jul-2021	In Progress
4 that the expenses for the Chair to attend the celebration of the Alt'ka7tsem/Howe Sound Biosphere Reserve announcement be covered by the Executive Committee.	Julia Mobbs Nancy Roggers	Meeting: 04-Aug-2021 Target: 30-Sep-2021	In Progress

Director, Local Planning Services

Activity	Responsibility	Dates	Status



Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
1 That Executive Committee request staff to continue this discussion (Local Planning Services Renewal Status Report - Briefing) to a future Executive Committee meeting and the pros and cons of reducing the projects per local trust committee to one.	David Marlor	Meeting: 03-Feb-2021 Target: 08-Sep-2021	In Progress
2 Staff review the sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor Julia Mobbs	Meeting: 14-Apr-2021 Target: 16-Jun-2021	In Progress
3 that Executive Committee endorse the proposed amendments to Trust Council Policy 5.5.1 and request staff draft a Request for Decision for the September 2021 Trust Council meeting.	David Marlor Warren Dingman	Meeting: 04-Aug-2021 Target: 02-Sep-2021	In Progress
4 that Executive Committee direct staff to draft amendments to the Trust Council Bylaw Compliance and Enforcement Policy (5.5.1) to include the following: a) Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.	David Marlor Warren Dingman	Meeting: 04-Aug-2021 Target: 02-Sep-2021	In Progress

Director, Trust Area Services

Activity	Responsibility	Dates	Status



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 31-Mar-2020	In Progress
2 Authorize a grant of \$4,500 (from History and Heritage Grants) to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman and Gabriola Islands, subject to support of local trustees and affected local trust committees. Screening on HOLD due to COVID.	Clare Frater	Meeting: 26-Feb-2020 Target: 31-Mar-2021	In Progress
3 That staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to a Dust n Bones screening event on Salt Spring Island. On HOLD due to COVID.	Clare Frater	Meeting: 10-Mar-2020 Target: 31-Mar-2021	In Progress
4 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 31-Mar-2021	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
5 The Executive Committee request staff to provide a Learning at Home series on the Murdered and Missing Indigenous Women and Girls Calls for Justice.	Clare Frater	Meeting: 05-Aug-2020 Target: 31-Mar-2021	In Progress
6 That Executive Committee request Director of Trust Area Services Frater invite the Coast Guard to make a presentation at Trust Council or, an education session to be arranged regarding oil spill response planning.	Clare Frater	Meeting: 30-Sep-2020 Target: 09-Jun-2021	Completed
7 Collaborate with Bowen Island Municipal staff on an insert for the tax notice and a delay for a year would be appropriate.	Clare Frater	Meeting: 14-Apr-2021 Target: 01-Feb-2022	In Progress
8 Staff to investigate the benefits and opportunities for the Islands Trust to cooperate with others in the anticipated Fall 2021 grant intake for the Government of Canada Nature Smart Climate Solutions Fund.	Clare Frater	Meeting: 05-May-2021 Target: 04-Aug-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
9 That Executive Committee direct staff to obtain third party advice to develop the next phase of the policy statement public engagement recognizing: ·that participative democracy is a best practice method of public engagement and likely the most suitable for building trust and reducing polarization across the Trust Area, ·that public input plays an integral part in the next draft of the Trust Policy Statement. ·that engagement may need to be tailored to different islands' needs.	Clare Frater	Meeting: 21-Jul-2021 Target: 02-Sep-2021	Completed
10 That Executive Committee recommends staff investigate preparing a discussion guide to support and facilitate public engagement on the draft policy statement.	Clare Frater	Meeting: 21-Jul-2021 Target: 02-Sep-2021	In Progress
11 That the Executive Committee approve up to \$15,000 from the Islands 2050 public engagement budget to be used for capacity funding for First Nations early and ongoing referral engagement of the draft new Policy Statement.	Clare Frater	Meeting: 21-Jul-2021 Target: 04-Aug-2021	In Progress
12 Contact MLA Olsen's office to enquire as to the status of a possible private member's Bill in regards to forestry	Clare Frater	Meeting: 04-Aug-2021 Target: 02-Sep-2021	Completed

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
13 that Executive Committee request Trust Area Services staff to work closely with the Howe Sound Biosphere Region Initiative organization regarding a joint communications plan and strategy for the Biosphere.	Clare Frater	Meeting: 04-Aug-2021 Target: 14-Sep-2021	In Progress
14 that the Chair work with staff to prepare a response to Trustee Johnston's correspondence of July 22, 2021.	Clare Frater	Meeting: 04-Aug-2021 Target: 02-Sep-2021	In Progress

Finance Officer

Activity	Responsibility	Dates	Status
1 that the expenses for the Chair to attend the celebration of the Alt'ka7tsem/Howe Sound Biosphere Reserve announcement be covered by the Executive Committee.	Julia Mobbs Nancy Rogers	Meeting: 04-Aug-2021 Target: 30-Sep-2021	In Progress

Legislative Services Manager

Activity	Responsibility	Dates	Status
1 THAT Executive Committee direct that staff develop draft policy regarding the provision of electronic meetings for application by Trust Council and Committees for when the Provincial State of Emergency is concluded.	Carmen Thiel Russ Hotsenpiller	Meeting: 30-Sep-2020 Target: 08-Sep-2021	In Progress

Follow Up Action Report

Executive Committee

Legislative Services Manager

Activity	Responsibility	Dates	Status
2 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed "overspends" for any particular budget item.	Carmen Thiel Julia Mobbs	Meeting: 21-Oct-2020	In Progress
3 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council.	Carmen Thiel	Meeting: 03-Feb-2021 Target: 01-Dec-2021	In Progress



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY AUGUST 24, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

*NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit
<https://islandstrust.bc.ca/whats-happening/meetings-and-events/>*

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Board thanked Donald Clarke for his service as an appointed member of the ITC Board from August 2019 to August 2021. Don Clarke is a member of the Black River First Nation, and has spent over 25 years working in over 50 First Nations communities (throughout Western Canada) in the area of political advising, negotiations, administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, economic and cultural development. His expertise provided important insights to Board decision-making and he will be missed.
- The Minister of Municipal Affairs has reappointed Linda Adams to the ITC Board for a term ending in August 2023. Linda Adams has served on the Board since August 2018. She is an educator, land use planner, local government consultant and the former Chief Administrative Officer (CAO) of Islands Trust. Linda is currently on the faculty of Capilano University's School of Public Administration, where she coordinates a course for Chief Administrative Officers in BC local governments.
- The ITC Board thanked Devin Hentschel for his work as the ITC Conservation Technician. Devin joined ITC as a summer co-op student and assisted the ITC with annual property monitoring, restoration projects and the Species at Risk Program. Devin is returning to study Biology at the University of Victoria.
- The ITC Board thanked Erin Coulson for her work with ITC as a part-time Communications Specialist. Erin assisted with the ITC Annual Report, the Heron Newsletter and with issuing ITC News Releases and she will be missed.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received and approved its audited financial statements. These are available at islandstrust.bc.ca/about-us/accountability/finance/
- The Minister of Municipal Affairs will be posting a notice of position for a vacant seat at the ITC Board. Staff will circulate the notice of position to trustees and the Bowen Island Municipality and will post it to the Islands Trust website at islandstrust.bc.ca/whats-happening/expressions-of-interest/.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board considered land conservation proposals in the in camera portion of its meeting.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board reviewed the Sidney Island Ecological Restoration Project Plan, including the Sidney Island Forest Restoration Strategy and Fallow Deer Eradication on Sidney Island. The Sidney Island Ecological Restoration Project is a joint project with First Nations, Parks Canada, the Province of BC and the Sallia Forest Strata. More information about the project is available at pc.gc.ca/en/agence-agency/bib-lib/rapports-reports/core-2018/ouest-west/ouest-west11
- The ITC Board approved Property Management Fund Guidelines. These guidelines will provide direction for use of the Property Management Fund

5. COMMUNICATIONS AND OUTREACH

- The 2020/2021 Annual Report process has been completed and the final report will be posted to the website at islandstrust.bc.ca/about-us/accountability/annual-report/ shortly.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- There were no updates regarding fundraising and conservancy support, but those interested in donating to ongoing Conservancy campaigns can find information at islandstrust.bc.ca/conservancy/current-campaigns/
- Islands Trust Conservancy is now participating in the Willpower campaign. Information about gifts in your will can be found at willpower.ca/charities/islands-trust-conservancy/

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

Trust Council Minutes of Special Meeting

Date: July 8, 2021
Location: Electronic meeting

Executive Present: Peter Luckham, Chair, Thetis Island (Victoria Boardroom)
Sue Ellen Fast, Vice Chair, Bowen Island Municipality
Laura Patrick, Vice Chair, Salt Spring Island
Dan Rogers, Vice Chair, Gambier/Keats Island

Members Attending: Michael Kaile, Bowen Island Municipality
Laura Busheikin, Denman Island
David Critchley, Denman Island
Scott Colbourne, Gabriola Island
Kees Langereis, Gabriola Island
Tahirih Rockafella, Galiano Island
Jane Wolverton, Galiano Island
Kate-Louise Stamford, Gambier Island
Alex Allen, Hornby Island
Grant Scott, Hornby Island
Peter Johnston, Lasqueti Island
Timothy Peterson, Lasqueti Island
Jeanine Dodds, Mayne Island
David Maude, Mayne Island
Ben McConchie, North Pender Island
Deb Morrison, North Pender Island
Peter Grove, Salt Spring Island
Paul Brent, Saturna Island
Lee Middleton, Saturna Island
Cameron Thorn, South Pender Island
Steve Wright, South Pender Island
Doug Fenton, Thetis Island

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (Victoria Boardroom)
David Marlор, Director, Local Planning Services
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director, Administrative Services
Carmen Thiel, Legislative Services Manager (Victoria Boardroom)
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Dilani Hippola, Senior Policy Advisor
Lori Foster, Executive Coordinator (Victoria Boardroom)

There were between 24-38 webinar attendees present throughout the meeting. It was reported that there were 270 live-stream views during the meeting.

1. LAND ACKNOWLEDGMENT / CALL TO ORDER

At 9:00 a.m., Chair Luckham called the meeting to order and humbly stated gratitude to live and work on Coast Salish First Nations traditional and treaty territory.

2. APPROVAL OF AGENDA

TC-2021-062

It was Moved by Trustee Brent and Seconded by Trustee McConchie,
That we add under business item 4.0, trustee roundtable.

Discussion ensued.

TC-2021-063

It was Moved by Trustee Peterson and Seconded by Trustee Fast,
To amend motion **TC-2021-062**; that item 4.0 be changed to 4.2.

CARRIED

The question on **TC-2021-062**, as amended by **TC-2021-063**, was put.

CARRIED

TC-2021-064

It was Moved by Trustee Fast and Seconded by Trustee Wright,
That the agenda be approved as amended.

CARRIED

3. ADOPTION OF MINUTES

3.1 June 8-9, 2021 draft Trust Council meeting minutes

TC-2021-065

It was Moved by Trustee Allen and Seconded by Trustee Wright,
That the June 8-9, 2021, draft Trust Council meeting minutes be adopted as presented.

CARRIED

4. BUSINESS ITEMS

4.1 Trustee Critchley – Motion

Trustee Critchley introduced the motion as presented in the agenda package.

TC-2021-066

It was Moved by Trustee Critchley and Seconded by Trustee Busheikin,

That Trust council affirms its understanding that preservation and protection of the environment is central to the mandate of the Islands Trust and that this responsibility must be given special and profound consideration in all our decisions and in all we do.

Discussion followed.

Trustee Brent questioned Trustee Critchley, “do you consider human beings as part of the natural environment?”

Trustee Critchley responded, “Certainly”.

Trustee Brent requested his question and Trustee Critchley’s response be recorded in the minutes.

Discussion continued.

TC-2021-067

It was Moved by Trustee Scott and Seconded by Trustee Fast,

That motion **TC-2021-066** be amended to read “That Trust Council affirms its understanding that preservation and protection of the ***natural, terrestrial and marine environment*** is central to the mandate of the Islands Trust and that this responsibility must be given special and profound consideration in all our decisions and in all we do.”

Discussion followed.

Trustee Brent questioned the mover of the motion - Trustee Scott, “Was it your intention by adding the word “*and marine*” to diminish the importance of humans as part of the natural environment?”

Trustee Scott responded, “Not a bit.”

Trustee Brent requested his question and Trustee Scott’s response be recorded in the minutes.

The question on motion **TC-2021-067** was put.

CARRIED

The question on **TC-2021-066** as amended by **TC 2021-2021-067** was put.

CARRIED

Chair Luckham paused to note the passing of Louise Bell, long serving Denman trustee and Trustee Brent acknowledged Harvey Janzen’s passing, long serving Saturna trustee.

4.2 Islands Trust Policy Statement Draft Bylaw No. 183 Consideration of First Reading and Next Steps for Engagement – RFD

A “Trustee Roundtable” where each trustee spoke for approximately 2 minutes, as resolved by **TC-2021-062**, ensued.

All trustees shared perspectives heard from their constituents regarding consideration of first reading of Policy Statement draft Bylaw No. 183 via recently received correspondence, social media streams, and local trust area community conversations.

The meeting recessed for a break at 10:35 a.m. and reconvened at 10:45 a.m.

Trustee roundtable continued.

Following the roundtable, Trustee Morrison, as Chair of Trust Programs Committee, introduced the request for decision (RFD) outlining process for potential amendments.

TC-2021-068

It was Moved by Trustee Rockafella and Seconded by Trustee Fast,
That the Islands Trust Council Bylaw No. 183, cited as “Islands Trust Policy Statement Bylaw, 2021” be read a first time.

DEFEATED

The meeting recessed for lunch at 12:20 a.m. and reconvened at 12:50 a.m.

TC-2021-069

MOVED by Trustee Morrison, SECONDED by Trustee Peterson,
That the Islands Trust Council postpone consideration of first reading of Bylaw No. 183, cited as “Islands Trust Policy Statement Bylaw, 2021” to December 2021.

CARRIED

TC-2021-070

MOVED by Trustee Morrison, SECONDED by Trustee Peterson,
That the Islands Trust Council ask all Trustees to share the draft Trust Policy Statement with their Local Trust Area constituents between now and September, asking for feedback to be provided to Islands2050@islandstrust.bc.ca.

TC-2021-071

MOVED by Trustee Fast, SECONDED by Trustee Patrick,
That motion **TC-2021-070** be tabled until a motion about the overall consultation is voted on.

CARRIED

TC-2021-072

MOVED by Trustee Morrison, SECONDED by Trustee Langereis,
That the Islands Trust Council request staff to develop a revised project charter for public engagement on the draft new Policy Statement for approval and implementation by the Islands Trust Executive Committee by the end of August 2021.

CARRIED

TC-2021-073

MOVED Trustee Morrison, **SECONDED** by Trustee Rockafella,

That the Islands Trust Council request that the draft new Policy Statement be referred to First Nations, Bowen Island Municipality, Local Trust Committees, the Islands Trust Conservancy Board, Regional Districts, Improvement Districts, School Districts and Provincial and Federal government agencies or departments having jurisdiction in the Trust Area.

TC-2021-074

MOVED by Trustee Rogers, **SECONDED** by Trustee Brent,

That motion **TC-2021-073** be amended to insert the words “receive the draft new Policy Statement and” between the words “That the Islands Trust Council” and “request”.

CARRIED

The question on the following motion, as amended, was then called:

That the Islands Trust Council receive the draft new Policy Statement and request that the draft new Policy Statement be referred to First Nations, Bowen Island Municipality, Local Trust Committees, the Islands Trust Conservancy Board, Regional Districts, Improvement Districts, School Districts and Provincial and Federal government agencies or departments having jurisdiction in the Trust Area.

CARRIED

TC-2021-075

MOVED by Trustee Peterson, **SECONDED** by Trustee Johnston,

That motion **TC-2021-070** be lifted from the table:

That the Islands Trust Council ask all Trustees to share the draft Trust Policy Statement with their Local Trust Area constituents between now and September, asking for feedback to be provided to Islands2050@islandstrust.bc.ca.

CARRIED

Debate ensued on the motion.

TC-2021-076

MOVED by Trustee Busheikin, **SECONDED** by Trustee Fast,

That the motion be amended to add the words “as part of a comprehensive consultation plan and supported by contextual material created by staff” after the word “constituents”.

DEFEATED

The question on the original motion was then called,

CARRIED

TC-2021-077

MOVED by Trustee Rogers, SECONDED by Trustee Langereis,

That Trust Council approve an additional transfer of up to \$75,000 from the general revenue surplus fund in fiscal 2021/2022 for enhanced community and First Nations engagement on the draft new Policy Statement subject to approval of the revised engagement project charter by Trust Council.

CARRIED

5. **NEW BUSINESS** - None

6. **ADJOURNMENT**

TC-2021-078

MOVED by Trustee Kaile, SECONDED by Trustee Busheikin,

That the meeting be adjourned at 3:00 p.m.

CARRIED

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder



Follow Up Action Report

Trust Council

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.	Clare Frater Kate Emmings Russ Hotsenpiller	Meeting: 17-Sep-2019 Target: 01-Dec-2020	In Progress
2 Trust Council approved a comprehensive performance review of the Islands Trust's governance, management and operations.	Russ Hotsenpiller	Meeting: 03-Dec-2020 Target: 31-Dec-2021	In Progress
3 That Trust Council refer the matter of electronic meetings back to Executive Committee for further consideration including cost/benefits and all comments at Trust Council.	Russ Hotsenpiller	Meeting: 09-Jun-2021 Target: 22-Sep-2021	In Progress

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 That Trust Council request staff to recommend amendments to Trust Council Policy 6.3.2 to address the use of unspent special property tax requisition funds on new programs or initiatives when the original program or initiative remains ongoing.	Carmen Thiel David Marlor Julia Mobbs	Meeting: 15-Sep-2020 Target: 21-Sep-2021	In Progress



Follow Up Action Report

Trust Council

Director, Local Planning Services

Activity	Responsibility	Dates	Status
1 Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.	Clare Frater David Marlor	Meeting: 12-Mar-2020 Target: 10-Jun-2020	In Progress
2 Staff to work with the Regional Planning Committee to review policies and fees related to the Agricultural Land Commission Exclusion Regulation which comes into effect October 1, 2020.	David Marlor	Meeting: 15-Sep-2020 Target: 21-Sep-2021	In Progress
3 That Trust Council request staff to recommend amendments to Trust Council Policy 6.3.2 to address the use of unspent special property tax requisition funds on new programs or initiatives when the original program or initiative remains ongoing.	Carmen Thiel David Marlor Julia Mobbs	Meeting: 15-Sep-2020 Target: 21-Sep-2021	In Progress
4 Trust Council asked staff to provide recommendations about how to broaden engagement and capacity building within local communities, particularly with respect to involving First Nations, in the work of the Islands Trust Area.	Clare Frater David Marlor	Meeting: 10-Mar-2021 Target: 21-Sep-2021	In Progress
5 That Trust Council repeal Policy 5.6.1 "Application Process Services", Policy 5.6.2 "Cost Recovery Agreements", and Policy 5.6.3 "Extraordinary Processing Services Guidelines" and replace them with Policy 5.6.1 "Application Processing Services".	David Marlor	Meeting: 09-Jun-2021 Target: 22-Sep-2021	In Progress



Follow Up Action Report

Trust Council

Director, Local Planning Services

Activity	Responsibility	Dates	Status
6 That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 "Application Processing Services".	David Marlor	Meeting: 09-Jun-2021 Target: 22-Sep-2021	In Progress

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.	Clare Frater Kate Emmings Russ Hotsenpiller	Meeting: 17-Sep-2019 Target: 01-Dec-2020	In Progress
2 Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.	Clare Frater David Marlor	Meeting: 12-Mar-2020 Target: 10-Jun-2020	In Progress
3 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to Bowen Island's Municipality First Nations consultation.	Clare Frater	Meeting: 17-Jun-2020 Target: 15-Sep-2020	In Progress

Follow Up Action Report

Trust Council

Director, Trust Area Services

Activity	Responsibility	Dates	Status
4 Cooperate and work with Dr. Tara Martin's delegation re data sharing of Coastal Douglas-fir.	Clare Frater	Meeting: 17-Jun-2020 Target: 21-Sep-2021	In Progress
5 Chair to write to My Sea to Sky indicating commitment to participate as pilot communities for the Climate Action Report Card tool project being developed by My Sea to Sky Society and partners, subject to review of the project and endorsement by the Trust Programs Committee.	Clare Frater	Meeting: 16-Sep-2020 Target: 21-Sep-2021	Completed
6 That Islands Trust request the Province enhance the Trust's jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under section 8 of the Community Charter.	Clare Frater	Meeting: 16-Sep-2020 Target: 21-Sep-2021	Completed
7 THAT the Islands Trust Council suspended the Community Stewardship Awards Program and will revisit the decision at the end of 2021. Issue news release (DONE).	Clare Frater	Meeting: 16-Sep-2020 Target: 01-Dec-2021	In Progress
8 That Trust Council issue a NAPTEP certificate for the Moss Mountain property (Parcel Identifier 006-760-112) subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.	Clare Frater	Meeting: 03-Dec-2021 Target: 21-Sep-2021	In Progress
9 That Trust Council issue a NAPTEP certificate for the R. Leader property (Parcel Identifier 000-395-081) subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.	Clare Frater	Meeting: 03-Dec-2020 Target: 21-Sep-2021	In Progress



Follow Up Action Report

Trust Council

Director, Trust Area Services

Activity	Responsibility	Dates	Status
10 Trust Council asked staff to provide recommendations about how to broaden engagement and capacity building within local communities, particularly with respect to involving First Nations, in the work of the Islands Trust Area.	Clare Frater David Marlor	Meeting: 10-Mar-2021 Target: 21-Sep-2021	In Progress
11 That the Islands Trust Council request the Secretary issue a Natural Area Protection Tax Exemption Certificate (NAPTEP) for the covenanted portion of the property on North Pender Island described as "3209 Armadale Road, Parcel Identifier 029-414- 890, and 3210 Clam Bay Road, Parcel Identifier 000-543-527" subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.	Clare Frater	Meeting: 09-Jun-2021 Target: 22-Sep-2021	In Progress
12 That the Islands Trust Council approve the 2020/21 Draft Annual Report for submission to the Minister of Municipal Affairs.	Clare Frater	Meeting: 09-Jun-2021 Target: 22-Sep-2021	In Progress

Legislative Services Manager

Activity	Responsibility	Dates	Status
1 That Trust Council request staff to recommend amendments to Trust Council Policy 6.3.2 to address the use of unspent special property tax requisition funds on new programs or initiatives when the original program or initiative remains ongoing.	Carmen Thiel David Marlor Julia Mobbs	Meeting: 15-Sep-2020 Target: 21-Sep-2021	In Progress



Follow Up Action Report

Trust Council

Legislative Services Manager

Activity	Responsibility	Dates	Status
2 That Trust Council adopt amended Trust Council Policy 2.3.1 Council Committee System (Attachment 1).	Carmen Thiel	Meeting: 09-Jun-2021 Target: 22-Sep-2021	Completed
3 That Trust Council amend draft policy 7.4.1 to include the word "addressed" in the definition of correspondence, and in the definition of webmail to change the word "mail" to "email".	Carmen Thiel	Meeting: 09-Jun-2021 Target: 22-Sep-2021	Completed
4 That Trust Council adopt amended Policy 7.4.1 Incoming Local Trust Committee Correspondence (Attachment 1), and as amended by TC-2021-048.	Carmen Thiel	Meeting: 09-Jun-2021 Target: 22-Sep-2021	Completed
5 That Trust Council adopt amended Policy 2.1.6 - Legal Advice (Attachment 1).	Carmen Thiel	Meeting: 09-Jun-2021 Target: 22-Sep-2021	Completed
6 That Trust Council adopt amended Policy 6.9.2 - Legal Services Access and Management (Attachment 3).	Carmen Thiel	Meeting: 09-Jun-2021 Target: 22-Sep-2021	Completed
7 That Trust Council repeal Policy 6.9.1 - Legal Services Management.	Carmen Thiel	Meeting: 09-Jun-2021 Target: 22-Sep-2021	Completed
8 That staff be directed to draft amendments to the Trust Council Meeting Procedures Bylaw 101 regarding electronic regular meetings once anticipated legislative changes are approved.	Carmen Thiel	Meeting: 09-Jun-2021 Target: 22-Sep-2021	In Progress

Follow Up Action Report

Trust Council

Manager, Islands Trust Conservancy

Activity	Responsibility	Dates	Status
1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.	Clare Frater Kate Emmings Russ Hotsenpiller	Meeting: 17-Sep-2019 Target: 01-Dec-2020	In Progress



CHIEF ADMINISTRATIVE OFFICER
2021-2022 QUARTERLY REPORT

Updated September 3, 2021

COVID 19

The region is currently experiencing a 4th wave of the pandemic, with rising case loads at time of writing. While we are currently operating under Stage 3 of the Provincial Restart Plan, there has been a return to masking in public places and for public organizations to adhere to their communicable disease prevention plans. Under this plan we are able to host in-person public meetings and public hearings. We are waiting for new legislation from the province that will enable electronic meetings on an ongoing basis instead of relying on Bill 192 which has provided the authority for electronic public meetings during the course of the pandemic. That temporary authority is due to expire at the end of September 2021. Unless there is a change in direction from the Medical Health Officer we will be conducting our LTC meetings as live on island meetings that are - at a minimum - recorded and posted to the website.

UBCM

The [UBCM](#) is being hosted electronically from September 14-17. The theme this year is Obstacles to Opportunities. The Islands Trust has sponsored the following resolution which was endorsed by AVICC. Concurrently staff have been in discussion with MUNI staff regarding specific elements of the current notification process that are inconvenient or inefficient to the Islands Trust and how the process could be improved.

Electronic Permit and Public Hearing Notification

Islands Trust

Whereas the *Local Government Act*, Part 14, Divisions 3 and 8, requires that local governments give notice of public hearings in two consecutive issues of a gazette newspaper, and temporary use permits in one issue of a gazette newspaper;

And whereas many small communities no longer have local newspapers, or a newspaper that meets the definition of gazette in the Interpretation Act:

Therefore be it resolved that AVICC and UBCM call upon the Ministry of Municipal Affairs to update the *Local Government Act* to allow temporary use permit and public hearing notifications to be provided electronically, via an application or website if the local government can demonstrate equal or greater ability to reach relevant constituents than a regular printed local newspaper

Convention Decision:

Minister meetings

We have requested a meeting with the Honourable Murray Rankin Minister of Indigenous Relations and Reconciliation scheduled for September 8. Executive Committee will have attended the meeting and

will be able to report the outcome to Trust Council. The focus of the conversation is our Reconciliation and engagement work and the development of reconciliation policy in the Policy Statement.

Grant funding

Our record setting grant approvals team has done it again. On September 1, the Islands Trust received confirmation of approval of our application under the Local Government Development Approvals Program for \$367,795. This grant is for an update to our development application service delivery process, including technology improvements. The program is not matching so we will not have taxation implications. We have two years to complete the work.

Policy Statement

The last quarter has seen significant effort directed towards developing a robust engagement planning process in response to Trust Council direction from the July 8 Special Trust Council meeting and direct requests from community for a more vigorous and thorough process. We have hired *think MODUS*, a planning and public engagement firm, to develop a strategy which, if endorsed by Trust Council, will form the basis for Stage 3 of our public engagement. Trust Council will select the forms of engagement and the funding they wish to allocate to this work in support of the Policy Statement achieving first reading and ultimately passage of the final bylaw. We have concurrently referred the current Policy Statement document to First Nations and other government agencies for review. Those results are pending. As trustees are no doubt aware, the Policy Statement amendment project is occupying a significant amount of Trust resources, particularly within Trust Area Services, which may affect our ability to deliver on other strategic planning projects.

On a related note, trustees will be aware of Ministerial Order No. M329 signed by the Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development, effective August 24, 2021 to August 23, 2023. The effect of this order is that no new applications for Crown Lands may be made within a specified area (predominantly the southern region of the Trust Area) for private moorage except for water access lots. This of course, is similar in some ways to the proposed language in the draft Policy Statement that limits new dock approvals along LTA coastlines. While we at the Islands Trust are aware that the province has been working on this file for over 4 years, the Ministerial Order did not inform the Policy Statement development process. Certainly, this situation describes a trend in concern for coastline health protection and cumulative effects.

Cultural Heritage Overlay Initiative

Trust Council committed within the current fiscal to undertake an initiative called the Cultural Heritage Overlay (CHO). The contract was awarded to Inlailawatash (<https://inlailawatash.ca/>) an Indigenous owned company with extensive experience in working with governments, partners, and First Nations. The CHO Initiative in phase 1 will undertake to identify data, methodology, and the framework for a toolbox for heritage management within the Islands Trust Area. Phase 1 will provide a report that assists planners and provides the public with positive education about cultural heritage and the work being undertaken to protect and preserve cultural heritage by the each LTC and Islands Trust as a whole. The plan is to develop permitting processes that meeting the needs of First Nations, and provide greater certainty to applicants. Islands Trust senior staff have met with Inlailawatash to being the process for a report to be delivered by December 2021 outlining the methodology, toolbox, and public education pieces.

At the staff level we anticipate a very active fall with the Policy Statement, long range planning work, water strategy, meeting procedures and reconciliation efforts all at high output. The Conservancy is operating at full capacity both in the field and in developing our land protection capacity. Turn over during COVID has lead to a situation where some staff have never met....something we will need to address as soon as we reasonably can. Daily work can sometimes overwhelm longer term goals and providing the opportunity for staff to access training both internal and external to the Trust will be a focus of the coming months. Again, I would like to acknowledge the work of staff and thank Trustees for their support over the last three months.

R Hotsenpiller
CAO



Policy Statement Goal A: 'To Foster preservation and protection of the Trust Area's ecosystems'

1. LAND STEWARDSHIP

Preserve, protect and advocate for forest and terrestrial ecosystems

Strategy	Responsibility	Funding	Comment	Implementation
1.1. Map contiguous tracks of the Coastal Douglas fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems.	Regional Planning Committee	2019/20 - \$15,300	Completed.	complete
1.2. Create a model development permit for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas fir zones throughout the Trust Area.	Regional Planning committee		\$5,000 Work expected to start in fall 2021.	Not started
1.3. Amend legislation to increase the percentage of the Natural Area Protection Tax Exemption Program (NAPTEP) to act as an incentive for the protection of forest cover for climate change mitigation and adaptation in the Islands Trust Area.	Executive		<i>Ministry officials have referred the Islands Trust to the Ministry of Finance for further information, which has not yet been scheduled.</i>	In progress
1.4. Create forestry initiatives including establishment of development permit areas, tree cutting authority advocacy, enforcement of development permits related to forestry and advocacy associated with the <i>Private Managed Forest Land Act</i> .	Executive		Added March 2021 by amendment of Trust Council. Trust Council session on potential tree-cutting powers added to September 2021 scheduled. Advocacy has happened re PMFL Act changes.	In progress

2. MARINE AND FRESHWATER STEWARDSHIP

To preserve and protect marine ecosystems

Strategy	Responsibility	Funding	Comment	Implementation

Policy Statement Goal A: 'To Foster preservation and protection of the Trust Area's ecosystems'

2. MARINE AND FRESHWATER STEWARDSHIP

To preserve and protect marine ecosystems

Strategy	Responsibility	Funding	Comment	Implementation
2.1. Advocate to minimize the impact of commercial activities on the marine environment and participate in Canada's Southern Resident Killer Whale (SRKW) recovery plan.	Trust Area Services		Saturna LTC has requested advocacy letter. Staff liaising with Trustee Middleton. No progress since June Trust Council meeting but staff have done some related Facebook posts.	In progress
2.2. Map the extent of eelgrass and kelp beds throughout the Trust Area.	Regional Planning Committee	2020/21 - \$50,000	Contract awarded to Moran Coastal and Ocean Resources. Level 1 (aerial and orthophoto interpretation. New imagery flow as part of contract may be used for other shoreline work. Level 1 mapping to be completed by December 2021. Level 2 will be by need and future funding.	Cancelled for FY2020/21
2.3. Undertake a review of Local Trust Committee-Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore.	Regional Planning Committee	2020/21 - \$10,000	Consultant report to TC for circulation - September 2021	In Progress

Protect quality and quantity of fresh water resources of the Trust Area

Strategy	Responsibility	Funding	Comment	Implementation
2.4. Develop a regional freshwater management strategy that addresses responsibilities under the Water Sustainability Act, identifies water resources throughout the Trust Area, integrates water resource management into land use decision-making, and accounts for the impacts of climate change on island water resources.	Regional Planning Committee	2020/21 - \$20,000 (TC), \$30,000 (Grant) = total \$50,000	Project underway. Draft strategy expected in June, and final strategy by September.	In Progress

Policy Statement Goal A: 'To Foster preservation and protection of the Trust Area's ecosystems'

2. MARINE AND FRESHWATER STEWARDSHIP

Protect quality and quantity of fresh water resources of the Trust Area

Strategy	Responsibility	Funding	Comment	Implementation
2.5. Map and develop water budgets for groundwater aquifers in the Trust Area.	Regional Planning Committee	2019/20 - \$37,992 2020/21 - \$50,000	Work underway on Hornby, Denman and Gabriola. Completion expected by March 31, 2021. \$50,000 from Trust Council for this project. Regional Planning Committee has requested \$50,000 for FY2021/22 to undertake mapping on Lasqueti, Bowen, Keats and Gambier islands.	In progress
2.6. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling.	Regional Planning Committee		\$5,000 included in FY2021/22 draft budget. work expected to begin in fall of 2021	Not started

Policy Statement Goal B: 'To ensure that human activity and the scale, rate and type of development in the Trust Area are compatible with maintenance of the integrity of trust area ecosystems'

3. CLIMATE CHANGE

Mitigate and adapt to climate change impacts

Strategy	Responsibility	Funding	Comment	Implementation
3.1. Amend the Islands Trust Policy Statement to add climate change mitigation, adaptation and resiliency policies.	Trust Area Services		Policy Statement Amendment Project is underway. TPC working groups have concluded their work. The Islands Trust released a "What we heard" public engagement report in July 2020 and Trust Council received the Policy Directions survey results in 2021. There was a virtual open house for the project in March 2021 and Trust Council held a discussion related to the project in March 2021, informed by a discussion paper. Trust Council chose not to proceed with first reading in July 2021 pending more public engagement and will consider a draft public engagement plan in September. First Nations engagement continues through the project.	In progress
3.2. Amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas fir, foreshore and nearshore environments and groundwater.	Local Planning Services		Awaiting model bylaw from RPC- item 2 above. This is not budgeted for FY2020/21. budget request would be for FY 2022/23	Not started

Policy Statement Goal B: 'To ensure that human activity and the scale, rate and type of development in the Trust Area are compatible with maintenance of the integrity of trust area ecosystems'

3. CLIMATE CHANGE

Mitigate and adapt to climate change impacts

Strategy	Responsibility	Funding	Comment	Implementation
3.3 Develop i) a set of climate change, demographic and environmental data and ii) performance criteria in order to identify the effects of climate change in the Trust Area and to measure mitigation and adaption efforts.	Trust Area Services	2020/21 - \$5,000; 2021/22 - \$25,000	Trust Programs Committee received a contracted report about climate indicators at the August 2020 meeting which it forwarded to Trust Council. TPC plans to undertake climate indicator work in 2021/22. Staff are working with My Sea to Sky Society, BCIT and other partners to examine the possibility of Islands Trust participating as a pilot region in the development of a standardized Climate Action Report Card Tool for local governments across Canada to track and report greenhouse gas emissions every year.	In progress

Policy Statement Goal C: 'To sustain island character and healthy communities'

4. COMMUNITY AND COMMUNICATION

Improve community engagement and participation in Islands Trust work

Strategy	Responsibility	Funding	Comment	Implementation
4.1. Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council.	Executive Admin-IT	2020/21 - \$19,000	Technology: Understanding of tech requirements to broadcast meetings (ie: livestream outwards in real time) and provide remote meeting attendance is complete. In light of coming legislative changes which would allow for remote public meetings, staff and EC are discussing the option of not just broadcasting meetings, but continuing to provide fully electronic meetings for the public to attend and participate remotely. It is recommended by the CAO that one staff member still physically attend all public meetings, and as such remote attendance is geared most heavily towards the public and trustee participation. Legislative: Provisions of the <i>Freedom of Information and Protection of Privacy Act</i> (re: collection, storage and disclosure of personal information) and defamation law apply to broadcasting (streaming) meetings. One recommended practice, regardless of whether a meeting is conducted in person, or electronically, is that Islands Trust bodies notify the public that a meeting will be recorded and the recording posted online. Notification is now being provided to the public through Chairs opening remarks and meeting notices that LTC meetings are being recorded and the recording posted online.	In progress

Policy Statement Goal C: 'To sustain island character and healthy communities'

4. COMMUNITY AND COMMUNICATION

Improve community engagement and participation in Islands Trust work

Strategy	Responsibility	Funding	Comment	Implementation
4.2. Develop a new website and initiate a social media program.	Trust Area Services	2019/20 - \$69,512 2020/21 - \$45,000, 2021/22 - \$7,000	New website was soft launched at end of April 2021 with ongoing work to refine the site and develop maintenance processes and checklists. Promotion planned for when site improvements are largely complete. Facebook is being updated as time permits.	In progress
4.3. Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area.	Trust Area Services	2020/21 - \$15,000; 2021/22 - \$24,000	Trust Programs Committee has delivered a water conservation webinar, an eelgrass webinar and an ecosystem adaptation webinar. TPC has approved a project charter for a "Living in the Islands Trust Area" program for people new to the region. Progress delayed in 2021 due to Policy Statement Amendment Project work.	In progress

Strengthen housing affordability throughout the Islands Trust Area

Strategy	Responsibility	Funding	Comment	Implementation
4.4 Implement the following high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council.	Trust Area Services/Local Planning Committee		See following	See following
4.4. i. Review the Islands Trust Policy Statement and give consideration to: a) giving affordable housing a greater profile for its role in sustainable communities b) including a reference to affordable housing in its policy direction to LTCs and municipalities.	Trust Area Services		As described above the Policy Statement Amendment Project is underway. Engagement with First Nations continues.	In progress

Policy Statement Goal C: 'To sustain island character and healthy communities'

4. COMMUNITY AND COMMUNICATION

Strengthen housing affordability throughout the Islands Trust Area

Strategy	Responsibility	Funding	Comment	Implementation
4.4. ii. Review the Islands Trust Policy statement to ensure that it: a) includes clear and well-thought out definition of affordability b) includes clearly articulated vision, goal and objectives for affordable housing c) gives affordable housing a greater profile for its role in sustainable communities d) includes a reference to affordable housing in its policy direction to LTCs and municipalities.	Trust Area Services	See items22	As described above the Policy Statement Amendment Project is underway. The TPC affordable housing working group's discussions informed the development of the Policy Directions report and the discussion paper for Trust Council's March 2021 meeting. Engagement with First Nations continues.	In progress
4.4. iii. Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws.	Regional Planning Committee	2020/21 - \$10,000	Consultants report to TC for circulation - September 2021	In progress
4.4. iv. Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws.	Regional Planning Committee		\$10,000 for FY2021/22 for this project. Work expected to begin in Fall 2021	Not started
4.4. v. Develop model bylaws to address the use of building stratas as a tool for affordable housing.	Regional Planning Committee		Consideration for FY2022/23 through RPC.	Not Started

Strengthen relations with First Nations

Strategy	Responsibility	Funding	Comment	Implementation
4.5 Adopt a Reconciliation Declaration.	Trust Council		Adopted March 2019, 2 year progress report attached to March 2021 Trust Council agenda.	Completed

Policy Statement Goal C: 'To sustain island character and healthy communities'

4. COMMUNITY AND COMMUNICATION

Strengthen relations with First Nations

Strategy	Responsibility	Funding	Comment	Implementation
4.6. Adopt and implement a Reconciliation Action Plan.	EXEC/TAS/LPS	2020/21 - \$17,550; 2021/22 - \$16,950	See 2 year progress report on March 2021 Trust Council agenda. Islands Trust has convened the first advisory panel of Cultural Knowledge Holders for the Freshwater Sustainability Strategy and convened a number of intergovernmental meetings with First Nations, ministers and agencies focused on reconciliation, protocol agreements and cultural heritage protection.	In progress
4.7. Develop a Trust Area-wide archaeological impact strategy and establish a Cultural Working Group.	Trust Area Services		See 2 year progress report on March 2021 Trust Council agenda. Training continues and work is underway to consider options regarding archaeological impacts.	In progress
4.8 Develop heritage preservation overlay mapping for the Trust Area and model heritage regulatory bylaws for protection of potential heritage and cultural sites.	Regional Planning Committee		Contract awarded to Inlalawatash for stage 1 and stage 2 work (relationship building and determination of methodology). Work to be completed by October for grant funded portion, and March for remainder.	In progress

Policy Statement Goal D: 'Effective, efficient and collaborative governance'

5. GOVERNANCE

To improve and modernize the ability of the Islands Trust to regulate land use activity and work with others

Strategy	Responsibility	Funding	Comment	Implementation
5.1. Amend the Islands Trust Act or other legislation to: i. Allow for entry warrants ii. Grant authority to use municipal ticketing for development permit enforcement iii. Enable adoption of development approval information bylaws by local trust committee iv. Add First Nations to the list of bodies with whom the Trust works in cooperation v. Enable delegation to staff the issuance of development permits vi. Clarify foreshore zoning authority	Executive/LPC		i. Indication Province is not going to make any changes. ii. At this time the indication is that the Province is not going to make any changes based on the belief enforcement is possible if guidelines are part of the LUB. iii. Being considered by the Province. iv. We have received positive indications from the Province that this item is pending. v. Being considered by the Province. vi. Being considered by the Province. As of March 2021 there has been no update from the Ministry regarding this initiative. Contact has been made with the new Deputy Minister and a request for an update has been made by staff.	In progress

Policy Statement Goal D: 'Effective, efficient and collaborative governance'

5. GOVERNANCE

To improve and modernize the ability of the Islands Trust to regulate land use activity and work with others

Strategy	Responsibility	Funding	Comment	Implementation
5.2. Provide a secretariat role to forums within the Trust Area.	Trust Area Services	2020/21 - \$12,000; 2021/22 - \$12,000	Trust Council adopted the Secretariat Services policy in 2020. Trust Programs Committee co-hosted the Baynes Sound Lambert Channel Forum on May 30, 2020 and delivered support to coordination groups. In May 2021, TPC requested the Director of Trust Area Services to allocate a maximum of 70 hours of staff time for direct provision of secretariat services to support the Southern Gulf Islands Forum, the Baynes Sound Lambert Channel Ecosystem Forum, and the Rural Island Economic Forum, and allocated: - \$3,000: Southern Gulf Islands Forum, - \$2,500: Baynes Sound Lambert Channel Ecosystem Forum, - \$3,000: Coastal Douglas-fir Conservation Partnership, and - \$3,500: Howe Sound Atli"ka7tsem Community Forum. Work is underway to implement this direction.	In progress
5.3. Undertake a Governance and Management Review	Executive	\$75,000 FY 2021/22	added March 2021 by amendment of Trust Council. Project underway, final reporting extended to March 2022 Trust Council.	budget approved March 2021
5.4 Implement a Trust Council Policy analysis, review, and amendment of deemed top priorities for consideration and approval by Trust Council.	Executive		added March 2021 by amendment of Trust Council	In progress
5.5. Request additional funding from the Province	Executive		added March 2021 by amendment of Trust Council.	In progress

Policy Statement Goal D: 'Effective, efficient and collaborative governance'

5. GOVERNANCE

To amend the Policy Statement

Strategy	Responsibility	Funding	Comment	Implementation
5.6. Amend the Policy Statement introductory and definitions sections.	Trust Programs Committee	2019/20 - \$39,820, 2020/21 - \$45,000, 2021/22 \$10,000	<i>As described above the Policy Statement Amendment Project is underway. Engagement with First Nations continues.</i>	In progress
5.7. Determine if additional changes to the Policy Statement are desired by Trust Council.	Trust Programs Committee		Pending review of First Reading draft.	In progress



Islands Trust Council Plan for Continuous Learning

2018-2022 Term

Updated September 2021

Year	Trust Council Meeting	Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2021	December				
	September				Coast Guard Oil Spill Response Vessel Drift Analysis San Juan County
	June	NA	NA	NA	NA
	March	NA	NA	NA	NA
2020	December	NA	Bill Buholzer – Closed Session Best Practices for Governance/Staff Relations Kevin Ramsay - Presenter	NA	NA
	September	Dr. Richard Hebda/tabled	NA	NA	NA
	June	Conducting electronic meetings	NA	NA	NA
	March	FOI – Open Meetings Conflict of Interest – closed session, March 11, 2020	NA	Water License Branch session- via webinar on March 3, 2020	Climate change related topics including enforcement, bylaw sharing associated with climate change

Year	Trust Council Meeting	Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2019	December (Victoria)	Strategic Plan Residential/Industrial schools session	NA	NA	National Marine Conservation Area Reserve
	September (Bowen)	Strategic Plan	Role of the Executive Committee	NA	Indigenous Law
	June (Galiano)	Strategic Plan	What Elected Officials Need to Know about FOI & Protection of Privacy Training (LGMA) June 25 th webinar.	NA	Chair, Vice Chair, Committee Chairs & ITC Chair training
	March 2019 (Gabriola)	Strategic Plan	Young/Anderson Introduction Bill Buholzer	NA	NA
	January 2019 Nanaimo	Strategic Plan	Orientation	NA	NA

POTENTIAL TOPICS/AGENCY LIAISON FOR CONSIDERATION FOR FUTURE SESSIONS: Suggestions arising during 2018-2022 Term:

1. West Coast Environmental Law re foreshore jurisdiction **added December 2019**
2. Coast Guard re spill response plan missed consultation with Trust Council and local trust committees **added December 2019**
3. Bylaw enforcement processes **added December 2019**
4. Department of Fisheries and Oceans re fish stocks in dire straits **added December 2019**
5. Elected officials and/or staff on how the political government works **added December 2019**
6. Foreshore erosion and middens **added December 2019**
7. Community engagement for stewardship **added December 2019**
8. First Nations return to the lands and water **added December 2019**
9. Climate change related topics including enforcement, bylaw sharing associated with climate change
10. Private Managed Forest Lands (PMFL)
11. Housing agreements and how they work
12. First Nations relationship building
13. How we measure Preserve and Protect
14. Engagement tools associated from IAP2
15. Agency liaison such as Agricultural Land Commission
16. Business type training including Microsoft products
17. ALC session with CEO and Chair - aim for September TC
18. How to craft a resolution
19. Dr. Richard Hebda webinar or presentation **added March 2020**
20. Managing the opportunity of change in the COVID moment **added June 2020**

21. Training Session on cannabis production issues and regulation added November 9, 2020

22. Jessica Wood (ADM with MIRR) and/or Merle Alexander to speak added March 24, 2021

BRIEFING

To:	Trust Council	For the Meeting of:	September 21, 2021
From:	CAO	Date Prepared:	September 1, 2021
SUBJECT:	Update on development of electronic meetings capability for Local Trust Committee, Trust Council and Council Committees		

PURPOSE: To provide Trust Council an update on the development of the Islands Trust ability to provide electronic meeting technology to Trust Council and Local Trust Area meetings.

BACKGROUND: At the end of September 2021 it is anticipated that the Islands Trust, along with local governments, will see the interim effects of Ministerial Order 192 conclude. This order allowed for electronic public meetings during the COVID crisis. The Province is currently developing legislation to provide an ongoing ability to host a combination of electronic and live meetings, but that legislation is pending. Therefore, at the end of September we will be moving towards live meetings for LTCs and Trust Council. As trustees know, we have a current project to develop a standard process to host a combination of a live and electronic meeting on an ongoing basis. This is a one of a series of reports to advance this project.

At the July meeting, Trust Council received a report that detailed an approach to achieving a fully flexible (Option 3) process for Local Trust Committee meetings that combined a 'live'/on island meeting with an electronic ZOOM meeting allowing for members of the public to participate from remote locations. Included in the recommendation was an increased budget for a Q2N video and audio recorder technology and administrative support in the form of 1 full-time employee (FTE) to organize meetings on a permanent basis. Trust Council responded with the following direction:

TC-2021-055

It was Moved by Trustee Rogers and Seconded by Trustee Wolverton,

That Trust Council refer the matter of electronic meetings back to Executive Committee for further consideration including cost/benefits and all comments at Trust Council.

CARRIED

TC-2021-056

It was Moved by Trustee Johnston and Seconded by Trustee Busheikin,

That staff be directed to draft amendments to the Trust Council Meeting Procedures Bylaw 101 regarding electronic regular meetings once anticipated legislative changes are approved.

CARRIED

Following the direction of Council from June, staff have continued efforts to refine the processes, technology and staffing configurations in order to advance this work. At that time, Trust Council was

considering a recommendation to attempt to provide hybrid, electronic and live participation for all LTC meetings.

Recap: Please remember we have three options available:

- **Option 1:** Record, and if possible Stream (Basic option)
- **Option 2:** Record, and if possible Stream with remote Staff participation via ZOOM (Partial flexibility)
- **Option 3:** Record, and if possible Stream with remote Staff and public participation via ZOOM (full flexibility).

Since the June Meeting, we have made the following determinations:

1. We do not have certainty that we can provide fully flexible meetings in all facilities where Local Trust Committees are traditionally held due to variable access to WIFI/cell service.
2. We have located an enhanced technology that is an improvement on what was proposed in June 2021.
3. We need to further field-test both the equipment and locations for functionality.
4. Until there is greater certainty Trust Council is not prepared to fund a further staff position to administer electronic meetings and further, there is a belief amongst trustees that there are local resources that can deliver technology services in the absence of an additional FTE.

Current Actions

- We have continued to test a variety of technologies and as a result have changed our recommendation. Initially the Biamp Devio digital signal processor was proposed, but concerns surrounding cost and transportability encouraged staff to explore more affordable all-in-one solutions. Bench testing of the highly portable Q2N video and audio recorder failed to meet quality expectations. We also tested a range of wide angle web cameras and concluded the technology was insufficient to meet the needs of a LTC meeting. Upon further product review and consultation with suppliers we discovered the Logitech Meetup which we now believe will provide an all-in-one portable solution, including wide angle camera, beamforming microphone and speakers. There remain concerns surrounding echo in large meeting halls, which we believe can be controlled by reducing the broadcast volume, but we do not know what the volume level expectations of local attendees will be. We suggest proceeding with the deployment as is, and if the echo proves to be a challenge we can add external speakers, positioning them closer to the public attendees and trustees in an effort to lower the needed volume.
- Given that the new technology is more compact and transportable we have moved to an implementation model where the Vice Chairs of the LTCS transport and set up the meeting hardware. This saves us having to purchase multiple kits for each island and to hire on island set up personnel.
- We are reasonably certain that we can provide staff attendance via ZOOM for live LTC meetings.
- We are less certain that we can provide a fully interactive ZOOM webinar to include public participation. Delivering webinars requires that a staff person organize and monitor the meetings and is the basis for the request for a full-time position. To record a meeting or

conduct a ZOOM meeting with staff involvement requires less administration and possibly less than a full FTE.

- In order to be sure that we can deliver a reasonable level of service it is recommended that the Islands Trust test its ability at LTC meetings over the next 6 months and then determine whether added technology costs and human resource costs are appropriate. At that time a business case would be included in the 2022-2023 Budget Process.

Proposal

We propose to proceed with purchasing and deploying 4 kits to the LTC Chairs, establishing Option 1 as a standard, and testing Options 2 & 3, as these present their own technical and administrative challenges. We will not purchase 7 kits and store them on island at this time as was previously proposed.

If the common unknown/risk associated with this approach proves to be supportable/sustainable then we know that extensive deployment of Option 3 presents additional administrative costs, and an FTE, OR consideration of a comprehensive island based solution would be presented via a business case for the 2022/23 budget process.

If this approach proves overly challenging, we can revisit the overall strategy of 4 kits with its high reliance on the LTC Chairs for transport, setup and administration.

The cost per Audio/Visual Capture Kit (minus speakers) is as follows:

QTY	DESCRIPTION	UNIT PRICE	COMMENTS
1	Logitech MeetUp Camera	\$1,271.67	• 120 degrees wide angle lens • Omnidirectional microphone • Built in Speakers • Digital Sound Processing
1	Laptop	\$0	Existing Inventory
1	Tripod	\$137.49	
1	Custom tripod Mounting Plate	\$40	
1	Cellular WIFI Hub	\$0	Existing Inventory
1	Power Bar and Extension Cable	\$50	
1	USB Extender - 15'	\$50	
1	Travel Case	\$195	
1	Gaffer Tape	\$20	
	Total	\$1,764.16	

The total cost of deploying 4 kits (option 1) to the LTC Chairs is as follow:

ITEM	Units Required	Cost per Unit	Total Cost
Audio/Visual Capture Kit	4	\$1,764.16	\$7,056.64
Trust Council Camera	1	\$1,660	\$1,660
Private Streaming Service & Storage	1	\$11,200	\$11,400
Zoom Webinar License	2	\$636	\$1,272
Projector/Screen	1	\$1,200	\$1,200
TOTAL			\$22,588.64

- Accommodates both Trust Council and LTC meetings.
- Each kit to include open source (free) encoding software, enabling offline recording of meetings.
- Private Streaming Service & Storage adjusted to accommodate 2 additional streaming channels
- Estimate includes additional Projector/Screen @ \$1,200. There are 3 in current inventory. Exact number required dependent on demand, but additional unit included in estimate to demonstrate potential full cost.

ATTACHMENT(S): None

FOLLOW-UP: Field testing from September through January, report to Executive Committee and Trust Council on progress and viability.

Prepared By: Chief Administrative Officer, R Hotsenpiller
Information Services Manager, M Van Bakel

Reviewed By/Date: September 1, 2021

BRIEFING

To:	Trust Council	For the Meeting of:	September 21, 2021
From:	CAO	Date Prepared:	August 25, 2021
SUBJECT:	Backgrounder for Trust Council session on tree cutting authority		

PURPOSE: To provide Trust Council with information in support of a structured discussion on the potential for the Islands Trust to adopt an authority to regulate tree cutting similar to the Section 8, Community Charter authority currently available to municipalities in British Columbia.

CONTEXT:

Trust Council has amended its Strategic Plan to include a number of forestry related initiatives:

- Establishment of development permit areas for Coastal Douglas-fir ecosystems
- Enforcement of developments via municipal ticketing
- Advocacy to increase community input to the Private Managed Forest Land program
- The development of heritage overlay mapping for cultural heritage sites, which includes discussions with FLNRORD regarding Crown Lands
- Seeking a tree cutting authority under S 8 of the Community Charter, similar to municipal governments in BC

This briefing and related Trust Council session is focused upon potentially the most significant project, that being the request to the province for a tree cutting authority. Islands Trust has made a request for such a power to the Minister as per Trust Council direction and has discussed the matter with ministry staff. To assist in advancing this request the Islands Trust needs to provide further information on its need to exercise a tree cutting authority and a proposal for how it would implement a tree cutting regulatory program.

Accordingly, a session has been organized for September Trust Council to allow trustees to discuss the core concerns that they have with forestry activity in their local trust areas, to contemplate what outcomes could be possible with the application of this regulatory power, and to consider how it would organize and implement such a program. These questions were the subject of a trustee roundtable at a previous Trust Council meeting; however, a deeper discussion is needed to focus our request and further this goal. The results of this discussion will be built into the problem definition statement provided to the Ministry of Municipal Affairs.

Key considerations: The following are some foundational questions for trustees to consider:

- What are the activities that are causing concern with regard to habitat and biodiversity loss in your local trust area?
- What do you want to protect generally?
- Specifically would you envision an authority that focuses upon:
 - Protected species of trees
 - Big trees
 - Area-based contiguous areas protection
 - Small lots, large lots.

- Scope: would a bylaw apply to your entire local trust area or selected areas?
- If your local trust area and the region implemented a regulatory authority for trees, how would you measure success?
- What would be acceptable exemptions to a tree cutting bylaw?
- Given that a new regulatory process would need to be implemented are you in favor of additional staff resources including forestry expertise be added to the Islands Trust?
- What would be some benefits of such a regulatory power in connection with wildfire risk, resiliency, and healthy forests?
- How could this authority assist with culturally modified tree protection in your local trust area?

BACKGROUND:

By way of information the following provides a brief review of the key elements of a potential Section 8 Community Charter authority. Much of this has been provided to trustees under an earlier report.

Limits on Section 8 of the Community Charter Bylaws

A bylaw enacted under Section 8 of the Community Charter cannot prohibit the uses permitted in the zoning bylaw. If the tree protection bylaw does prohibit the use, the landowner would be entitled to compensation. The Section 8 bylaw also has no effect on Crown lands, woodlots, and Private Managed Forest Lands.

Municipalities

In municipalities, trees located on private lots, road rights-of-way and in municipal parks have an aesthetic quality, as well contributing to the character of the place. Trees also act to reduce heat and retain moisture in the built environment. Municipalities use the authority under Section 8 of the Community Charter to protect these trees. There are a variety of approaches to doing this, from outright prohibiting cutting of trees over a certain size without a permit, to prohibiting cutting, topping or pruning of certain species of trees. Because Section 8 bylaws are not limited in the approach or reason for the bylaw, the local government may consider a wide variety of approaches to the tree protection.

Most municipalities are made up of private land and land owned by the municipality or regional district, and a tree protection bylaw can be applied to all of these ownerships. If there is Crown land inside a municipality (woodlot, BC park, Federal park for examples), the tree protection bylaw would have no effect on those lands.

Local Trust Committees

If the Ministry amends legislation to give local trust committees the same power as municipalities to regulate trees under Section 8 of the Community Charter, then:

1. Local trust committees would have ability to draft bylaws to protect trees for any reason in their local trust areas, provided that the restrictions did not prohibit uses as permitted in the zoning bylaw; and
2. Local trust committees could draft bylaw to prohibit tree cutting, regulate tree cutting, and/or require a permit for the cutting or modifications of trees, but would have no effect on woodlots, land in under the *Private Managed Forest Land (PMFL) Act*, or land covered under the *Forest Act* (e.g. Crown land, community woodlots, road rights-of-way owned by the Ministry of Transportation and Infrastructure).

The tree protection bylaw under Section 8 could not prohibit the uses permitted on the land. For example, for land zoned residential, tree removal would likely be required and would need to be permitted under the bylaw to allow the land to be used as per the zoning. Land in the Agricultural Land Reserve (ALR) may need to be cleared to permit the agricultural use of the

property; this use is protected in the *Agricultural Land Commission Act* and local bylaws cannot prohibit the agricultural uses.

Enacting a Tree Protection Bylaw

To enact a tree protection bylaw under Section 8 of the Community Charter, if the power was granted to local trust committees, the local trust committee would go through the bylaw process to adopt a tree protection bylaw for all or part of the islands, recognizing that such a bylaw cannot prevent the property being used for the zoned purpose, cannot prevent tree cutting on PMFL land, cannot prevent tree cutting on a woodlot, cannot prevent tree cutting on Crown land (including the road rights-of-way) and cannot prevent clearing for agricultural purposes in the ALR. The bylaw could be specific in types of trees and whether a permit would be required or not. Exemptions could be included for things like firewood gathering, pruning trees, trees under a certain size or any other.

Administration and Enforcement in the Islands Trust Areas

Such a bylaw could then apply to all other land, or on targeted locations. On larger lots, enforcement of the bylaw could be problematic; a clear cut would be obvious and likely warrant enforcement action, but removal of a few trees selectively may have little impact and not worth the resources to enforce the bylaw.

Tree protection bylaws would require staff support for administration and enforcement. Likely a tree protection bylaw would have a permit system included, where a permit would be issued to allow cutting or tree modification in certain instances. Therefore, there would likely be the need to allocate staff resources to a tree protection bylaw program.

Development permit vs tree cutting bylaw

Development permits can protect trees, but only for the reasons provided in the justification for the particular development permit (protection of natural environment, protection of development from hazardous conditions, landscaping for multi-family, commercial, industrial and intensive residential uses, reduction of green-house gas emissions). Some of the protections available under Section 8 for trees could be done by development permit areas. However, Section 8 tree protection bylaws are less restricted on the reasons for the protection, and could be applied more widely. For example, Section 8 of the Community Charter tree protection bylaw could be purely for aesthetic or visual landscape reasons.

A Section 8 of the Community Charter tree protection bylaw wouldn't do anything much different to using a development permit (other than not as limited in reason for the protection), and is subject to the same restrictions on use, PMFL, woodlots and Crown lands. A tree cutting bylaw could expand on the reason for tree protection, whereas a development permit would need to be for one of the specified objectives. So a tree cutting bylaw could deal with aesthetics, whereas a DPA (other than form and character for commercial, industrial and multi-family development) could not.

Given this, the tree protection bylaw would likely be more limited to situations where protection of trees is for a reason that cannot be covered by the development permit area designations.

ATTACHMENT(S):

1. **Appendix 1. Benefits, Costs and Risks to the Islands Trust**
2. **Development of a tree cutting authority for implementation by Islands Trust – session outline**

FOLLOW-UP:

Prepared By: Chief Administrative Officer, Russ Hotsenpiller

Reviewed By/Date: September 2, 2021

APPENDIX 1: Benefits, Costs and Risks to the Islands Trust

Excerpt from “*Tree Protection Bylaw Authority: Discussion Paper*”, attached to report to Executive Committee “*Potential legislative and procedure change by the Islands Trust in relation to forest protection*” dated November 18, 2020.

1. Benefit to the Islands Trust

The question arises as to what greater benefit could be derived from granting the Islands Trust the same authority as a Municipality under Section 8 (3) (c). While local trust committees may currently adopt tree cutting bylaws in relation to hazardous land or for screening, they do not have the same broad discretion as municipalities. In addition to the ability to regulate tree removal in hazardous areas as per s. 500 of the *LGA*, to regulate screening or landscaping for the purposes noted in s. 527 of the *LGA*, and to designate DPAs which may result in tree protection, the broader power to protect, prohibit or regulate the removal of trees could provide the following benefits:

- Greater control during site development (e.g. establishment of requirements for a minimum treed area or specification of types of trees to be planted, or requirement for disturbed areas to be replanted);
- The ability to regulate the volume or rate of tree removal (e.g. general permission to landowners to remove two trees per year);
- The ability to protect specific varieties of trees, wildlife trees, heritage or culturally-significant landmark trees;
- The ability to require compensation for trees that are removed either through tree replacement or through financial compensation; and
- Greater control over the visual appearance or rural aesthetic qualities of islands, which is intrinsically related to both islanders’ quality of life and local economics (i.e. tourism, the arts, recreation, etc.).

2. Costs of change, including general resource considerations.

Provided local trust committees would wish to adopt tree protection bylaws, this would require a community consultation process. Such bylaws should reflect community goals and objectives for tree protection and, more broadly, conservation. Community consultation would logically be led by Islands Trust planners or consultants.

Once adopted, tree protection bylaws would need to be administered by Islands Trust staff. This would ideally include a certified arborist to review tree permits and to conduct any necessary inspections prior to or following tree removal or planting. On the applicants’ side, it is anticipated that professionals such as arborists or foresters would need to be retained in order to advise on tree health assessment, and removal, retention and replanting options and plans.

Furthermore, tree protection bylaws would require a combination of education and enforcement in order to be effective.

3. Risks or challenges of change.

A significant challenge would be obtaining public buy-in regarding the adoption of tree protection bylaws. Many islanders believe that they are already good stewards of their land and do not wish to have further regulations imposed upon them. In fact, many islanders may have moved to the islands where they believe there are less onerous requirements or costs related to land development.

Particular challenges would need to be overcome dealing with waterfront property owners with entrenched property rights as they relate to their ability to maintain views as justified by their property values and taxes.

In un-serviced areas such as Lasqueti Island, there is a particular challenge related to the use of trees as a source of heat energy. It is expected that many islanders would be opposed to a tree protection bylaw that would limit their ability to cut trees for firewood.

There is a risk that if tree protection bylaws are proposed, this may have the unintended consequence of land-clearing where property owners attempt to beat the clock by cutting their trees before they need to apply and pay for a permit.

There is also a challenge with enforcement of tree protection bylaws. It should be expected that bylaw violation complaints would rise in response to illegal cutting or clearing. In some cases, it may be challenging for Islands Trust staff to follow-up on bylaw complaints due to the remoteness of some islands or because of perceived personal safety risks.



Islands Trust

September 21, 2021

Islands Trust Council

Development of a tree cutting authority for implementation by Islands Trust

Background: Trust Council has petitioned the Minister of Municipal Affairs to provide the Islands Trust the authority to regulate tree cutting throughout the Trust Area.

Purpose: To discuss and refine trustees understanding and intentions for the delivery of a tree cutting authority and service in support of the request to the Minister.

Resources: Senior staff

TIME	TOPIC	WHO
3:45 p.m.	Introduction to S 8 Community Charter tree cutting authority, examples of current municipal tree service parameters.	CAO Hotsenpiller DLPS Marlor DTAS Frater DAS Mobbs
4:00 p.m. – 500 p.m.	Process: Break out groups: Trust Council will divide into 4 break out groups which will be facilitated by senior staff. Trustees will discuss a number of core questions and the session will be taped and notes taken to capture outcomes of the discussion. In order to provide public attendance, there will be a need to organize 4 separate ZOOM meetings for the session. Details will be provided to all Trustees. Questions - What are the activities that are causing concern with regard to habitat and biodiversity loss in your local trust area? - Specifically, would you envision an authority that focuses upon: - Protected species of trees - Big trees - Area-based contiguous areas protection - Small lots, large lots Scope: would a bylaw apply to your entire local trust area or selected areas? - If your local trust area and the region implemented a regulatory authority for trees how would you measure success? - What would be acceptable exemptions to a tree cutting bylaw? - Given that a new regulatory process would need to be implemented are you in favor of additional resources including forestry expertise be added to the Islands Trust? - What would be some benefits of such a regulatory power in connection with wildfire risk, resiliency, and healthy forests? - How could this authority assist with culturally modified tree protection in your local trust area?	

REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 22, 2021
From: Carmen Thiel, Leg. Serv. Mgr. **Date Prepared:** September 2, 2021
SUBJECT: Amendments to Trust Council Policy 2.1.2 Standards of Conduct

RECOMMENDATION: That Trust Council adopt amended Policy 2.1.2 Standards of Conduct (attachment 1).

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

As part of the Trust Council policy review project, proposed amendments to Policy 2.1.2 will bring Trust Council's Standards of Conduct policy more in line with the expectations for conduct and behavior set out in the model code of conduct developed by a working group of the Union of BC Municipalities (UBCM) and the Local Government Management Association (LGMA). The amendments also expand on the review process to be followed, should a breach of the standards arise.

1 PURPOSE: To update Trust Council's Standards of Conduct policy 2.1.2

2 BACKGROUND:

A code of conduct is one tool that can be used by a local government to promote or further responsible conduct. It sets expectations for conduct and behaviour for how elected members and appointed officers should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their communities.

The model code of conduct UBCM/LGMA document and several other recently adopted municipal and regional district codes of conduct were reviewed to refresh Trust Council's Standards of Conduct policy that was first adopted in September 1992 and amended several times since then.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Proposed amendments to the policy include:

- Replacing gender specific pronouns with gender neutral pronouns;
- Adding definitions for members, trustees and trust officials;
- Removing reference to appointed officers (senior staff);
- Including language about expectations during election campaign periods;
- Adding a new section 5 about expectations, conduct and behavior at meetings;
- Flushing out section 6 regarding the Standards of Conduct Review Panel to include detail about how potential breaches of the standards will be handled; and
- Requiring that the Standards of Conduct policy be reviewed during orientation of trustees following elections.

FINANCIAL: There are no financial implications directly related to the amendments.

POLICY: The intention of the proposed amendments is to build on the existing foundational principles of responsible conduct in the policy, which address integrity, accountability, honesty, respect, leadership and collaboration, all of which are essential to good governance.

IMPLEMENTATION/COMMUNICATIONS: Once approved, the amended policy will be posted to the Islands Trust website, where it will be available for trustee guidance. The policy will also be reviewed as part of the orientation sessions for newly elected trustees following the quadrennial elections.

FIRST NATIONS: N/A

OTHER: N/A

- 4 **RELEVANT POLICY(S):** 2.1.1 Statutory Rules of Conduct
 2.1.2 Standards of Conduct (current)
 Islands Trust Act
 Community Charter
 Local Government Act

5 **ATTACHMENT(S):**

- **Attachment 1:** Proposed Policy 2.1.2 as amended
- **Attachment 2:** Track changes version of current Policy 2.1.2 showing amendments

RESPONSE OPTIONS

Recommendation: That Trust Council adopt amended Policy 2.1.2 Standards of Conduct (attachment 1).

Alternative: That Trust Council request further or different amendments to Policy 2.1.2 prior to adoption.

Prepared By: Carmen Thiel, Leg. Serv. Mgr., September 2, 2021

Reviewed By/Date: Russ Hotsenpiller, CAO – September 2, 2021
 Executive Committee – September 2 and 8, 2021



Policy:	2.1.2
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	December 6, 1997; June 17, 2000; December 5, 2003; December 8, 2010; December 6, 2017
Policy Holder:	Chief Administrative Officer

STANDARDS OF CONDUCT

Purpose

A trustee elect, by their declaration is obliged to execute the duties of their office. The purpose of this policy is to present standards of conduct to guide elected officials in carrying out their duties to ensure: impartial and equal service to all, faithful discharge of their duties without fear or favour, and democratic processes which are duly responsible to the public and which foster public confidence in the Islands Trust's integrity. These standards are in addition to those established in provincial law.

A. Definitions

Member(s) means local trustees and municipal trustees who comprise Trust Council, the Executive Committee and a local trust committee.

Trustee means a local trustee or a municipal trustee as defined in the *Islands Trust Act*.

B. Policy

Certain ethical principles shall govern the conduct of any elected official of the Islands Trust organization, who shall:

1. Performance of Duties

- 1.1 Recognize that the chief functions of a Trustee are to serve the public, advocate the Trust mandate, and adhere to the Trust Policy.
- 1.2 Avoid situations that could impair their judgement in the performance of their duties, or give that impression to others.
- 1.3 Conduct them self in a manner that does not detract from the image, integrity or responsibilities of the Islands Trust.
- 1.4 Carry out their duties with impartiality and equality of service to all.
- 1.5 Discharge their duties without fear or favour.
- 1.6 Be truthful, honest and open in all dealings with members, staff and the public.

2. Organizational Responsibility

- 2.1 Respect the opinions of other organizational members, encourage others to utilize their individual strengths in a cooperative fashion, and make informed and responsible decisions.
- 2.2 Be committed to strive for excellence and quality service in implementing Islands Trust policies and directions.
- 2.3 Refrain from deliberately undermining Trust officials or staff.
- 2.4 As an elected official, respect management's authority to direct staff.
- 2.5 Direct requests for action by staff to either the Chief Administrative Officer (CAO) or Manager involved and/or to staff by way of an appropriate resolution.
- 2.6 As an elected official, respect local autonomy and refrain from becoming publicly involved in the local politics or controversial issues that are local in nature in an area outside a local trust area or island municipality that they represent unless the local political issue could affect other Local Trust Areas or the Trust as a whole.
- 2.7 Clearly communicate Trust Council's consensus on decisions when and as differentiated from individual member opinions.
- 2.8 When they becomes aware of reasonable grounds to believe that transgression of the Standards of Conduct is taking place on the part of any other member, report the transgression to the Standards of Conduct Review Panel in accordance with Section 6 of this policy.

4. Personal Interests

- 4.1 Maintain the highest ideals of honour and integrity in the discharge of their duties.
- 4.2 Avoid lobbying activities toward any Trust body on behalf of another leaving office for personal interests or profit and/or for any other person.
- 4.3 Declare to the relevant Chair and/or CAO their direct or indirect interest or the known interests of any close relatives in any enterprise that proposes to transact business with the Islands Trust.
- 4.4 Declare their interest, direct or indirect, or the known interests of any close relatives in any property that is subject to an application to the Islands Trust, to the Executive Committee.
- 4.5 Avoid situations, related to their duties, which could result in securing special privileges, favours or exemptions for themselves, or any other person.

- 4.6 Not commit organizational resources of any kind for activities that are not directly related to the official business of the Islands Trust.
- 4.7 Not undertake election campaign related activities on Islands Trust property during regular working hours unless specifically organized by the Islands Trust (i.e. candidate procedures, all candidate orientation, etc.).
- 4.8 Not request or use any Islands Trust resources or property for election campaign work including staff time, equipment such as photocopiers and computers, supplies, facilities or email lists, etc.

5. Meetings

- 5.1 Members must adequately prepare for and regularly attend meetings of trust bodies to which they have been elected or appointed. Elected officials have an obligation to attend meetings and the expectation is that trustees will attend meetings for the duration of the meeting, unless they notify Trust Council that they are ill or have compelling reasons which prevent them from attending.
- 5.2 Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.
- 5.3 During meetings, members shall listen courteously and attentively to all discussions before the body, and focus on the issues and facts.
- 5.4 The diverse perspectives of each member, as they reflect the interest of their own communities, will be respected.
- 5.5 When making decisions, members must consider all relevant facts, opinions, debate and analyses of which they should be reasonably aware.
- 5.6 Disagreements and conflicts will be seen as a natural part of Council and committee work. Such disagreements will not be taken personally, nor made personal.
- 5.7 Members can expect courteous behaviour from each other. Trustees shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the trust body.
- 5.8 When speaking publicly and at trust body meetings, members will avoid inflammatory language. They are expected to speak in an objective manner.
- 5.9 No member shall disclose or release to any member of the public, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the trust body to do so.

- 5.10 No member shall disclose the substance of deliberations of an in-camera meeting until the trust body discusses the information at a meeting that is open to the public or releases the information to the public.
- 5.11 Confidential information includes discussion regarding the property, personnel or legal affairs of the Islands Trust and information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:
 - 5.11.1 disclosed or discussed at an in-camera meeting of the trust body;
 - 5.11.2 that is circulated to members and marked “confidential”; or
 - 5.11.3 that is given verbally in confidence in preparation for or following an in-camera meeting.
- 5.12 Cell phones should be turned off during meetings. However if an urgent matter necessitates that a trustee take a call or respond to an email during the meeting, the cell phone shall be kept on silent or vibrate and the trustee shall leave the meeting to respond to the call or email.

6. Review Process

- 6.1 The Standards of Conduct Review Panel dealing with matters related to trustees shall be comprised of the Executive Committee, with the CAO and/or legal counsel acting in an advisory capacity.
- 6.2 Members are expected to adhere to and follow these Standards of Conduct. Should a member or staff become aware of a potential breach of the defined Standards of Conduct the following process will be used. The purpose of this section is to resolve disputes or breaches in good faith, recognizing that rancour does not facilitate good governance.
 - 6.2.1 An alleged breach of these Standards of Conduct may be submitted by a member or staff. Complaints shall be submitted simultaneously in writing to the Executive Committee and the CAO within three (3) months of the last alleged breach. The Executive Committee and the CAO are authorized to extend this deadline if circumstances warrant an extension.
 - 6.2.2 In the event that any member of the Executive Committee is the subject of, or is implicated in the complaint, the complaint shall be addressed to the remaining Executive Committee members and the CAO unless any of these individuals are the subject of, or implicated in the complaint.
 - 6.2.3 Upon receipt of a complaint under section 6.2.1, the Executive Committee and the CAO shall, if they are not able to resolve the matter informally,

within thirty (30) days appoint legal counsel, acting in an advisory capacity, or another independent third party identified and agreed between the Complainant(s) and the Respondent(s) who has the necessary professional skills, knowledge and experience to investigate the complaint (the “Third Party Investigator”).

- 6.2.4 If the parties cannot agree on the choice of investigator, a single nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator. If this nominee cannot select the Third Party Investigator, the Islands Trust legal counsel will select this person.
- 6.2.5 Legal Counsel/The Third Party Investigator must conduct a preliminary assessment of the complaint, at the conclusion of which legal counsel/the investigator may determine whether to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond the jurisdiction of the Standards of Conduct policy or unlikely to succeed.
- 6.2.6 If legal counsel/The Third Party Investigator determines to continue the investigation, they shall:
 - 6.2.6.1 Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
 - 6.2.6.2 Provide an investigation update within sixty (60) days of their appointment to the Executive Committee and to the Complainant and the Respondent;
 - 6.2.6.3 Provide a written, confidential report (the “Report”) of the findings of the investigation, including findings as to whether there has been a breach of these Standards of Conduct, to the Executive Committee, and to the Complainant and the Respondent; and,
 - 6.2.6.4 Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
 - 6.2.6.4.1 dismissal of the complaint;
 - 6.2.6.4.2 censure;
 - 6.2.6.4.3 removal from Trust Council standing or select committee membership;
 - 6.2.6.4.4 a recommendation that an apology be given;
 - 6.2.6.4.5 counselling and/or coaching; or,

6.2.6.4.6 such other recommendations as are deemed appropriate in the judgment of legal counsel/the Third Party Investigator.

- 6.2.7 The Executive Committee shall provide the Report or a summary of the Report to Trust Council.
- 6.2.8 If a Report or a summary of a Report is presented to Trust Council, Trust Council will decide whether the recommendations in the Report, whether in whole or part, will be imposed.
- 6.2.9 The Director of Administrative Services, as head of the Human Resources Unit, will receive and retain all Reports.
- 6.2.10 Where a member alleges a breach of these Standards of Conduct by another member, all members of the trust body shall refrain from commenting on such allegations at open meetings of the trust body, pending the conclusion of the Report and any decision of Trust Council on the Report.
- 6.2.11 The Standards of Conduct policy will be reviewed in detail at orientation sessions for new/returning trustees following each election or by-election. Persons elected will be requested to sign a statement affirming they have read and understand the Code.

C. Legislated References

Policy and Procedures Manual:

Statutory Rules of Conduct (2.1.1)

Governance Principles (2.1.3)

Local Trust Committee Procedural Bylaw

Trust Council Procedural Bylaw

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

UBCM/LGMA Model Code of Conduct:

<https://www.lgma.ca/responsible-conduct-of-local-government-elect>



Policy:	2.1.2
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	December 6, 1997; June 17, 2000; December 5, 2003; December 8, 2010; December 6, 2017
Policy Holder:	Chief Administrative Officer

STANDARDS OF CONDUCT

Purpose

A trustee elect, by his/her/their declaration, ~~and/or a staff person, by way of employment,~~ is obliged to execute the duties of his/her/their office. The purpose of this policy is to present standards of conduct to guide elected officials ~~and appointed officers~~ in carrying out their duties to ensure: impartial and equal service to all, faithful discharge of their duties without fear or favour, and democratic processes which are duly responsible to the public and which foster public confidence in the Islands Trust's integrity. These standards are in addition to those established in provincial law.

A. Definitions

Member(s) means local trustees and municipal trustees who comprise Trust Council, the Executive Committee and a local trust committee.

Trustee means a local trustee or a municipal trustee as defined in the *Islands Trust Act*.

B. Policy

Certain ethical principles shall govern the conduct of any elected official, ~~appointed official or staff member~~ of the Islands Trust organization, who shall:

1. Performance of Duties

- 1.1 Recognize that the chief functions of a Trust~~ee-official~~ are to serve the public, advocate the Trust mandate, and adhere to the Trust Policy.
- 1.2 Avoid situations that could impair his/her/their judgement in the performance of his/her/their duties, or give that impression to others.
- 1.3 Conduct him/herself/them self in a manner that does not detract from the image, integrity or responsibilities of the Islands Trust.
- 1.4 Carry out his/her/their duties with impartiality and equality of service to all.
- 1.5 Discharge his/her/their duties without fear or favour.
- 1.6 Be truthful, honest and open in all dealings with members, staff and the public.

2. Organizational Responsibility

- 2.1 Respect the opinions of other organizational members, encourage others to utilize their individual strengths in a cooperative fashion, and make informed and responsible decisions.
- 2.2 Be committed to strive for excellence and quality service in implementing Islands Trust policies and directions.
- 2.3 Refrain from deliberately undermining Trust officials or staff.
- 2.4 As an elected ~~or appointed official~~, respect management's authority to direct staff.
- 2.5 Direct requests for action by staff to either the Chief Administrative Officer (CAO) or Manager involved and/or to staff by way of an appropriate resolution.
- ~~2.6 — As a staff person, refrain from becoming involved in the politics of governance—policy setting, decision making and constituent representations; and, as an elected/appointed official, refrain from becoming involved in management—operational supervision, personnel matters and approved budgeted resource allocations.~~
- 2.76 As an elected official, respect local autonomy and ~~avoid~~refrain from becoming publicly involved in the local politics or controversial issues that are local in nature in an area outside a local trust area or island municipality that ~~he or she~~they represents unless the local political issue could affect other Local Trust Areas or the Trust as a whole.
- 2.87 Clearly communicate Trust Council's consensus on decisions when and as differentiated from individual member opinions.
- 2.98 When ~~he/she~~they becomes aware of reasonable grounds to believe that transgression of the Standards of Conduct is taking place on the part of any other ~~official, member,~~ report the transgression to the Standards of Conduct Review Panel in accordance with Section 6 of this policy. Executive Committee and/or the CAO.

34. Personal Interests

- 34.1 Maintain the highest ideals of honour and integrity in the discharge of ~~his/her~~their duties.
- 34.2 Avoid lobbying activities toward any Trust body on behalf of another leaving office for personal interests or profit and/or for any other person.

- 34.3 Declare to the relevant Chair~~person~~ and/or CAO his/her/their direct or indirect interest or the known interests of any close relatives in any ~~enterprise~~ which enterprise that proposes to transact business with the Islands Trust.
- 34.4 Declare his/her/their interest, direct or indirect, or the known interests of any close relatives in any property that is subject to an application to the Islands Trust, to the Executive Committee.
- 34.5 Avoid situations, related to his/her/their duties, which could result in securing special privileges, favours or exemptions for themselves, or any other person.
- 34.6 Not commit organizational resources of any kind for activities that are not directly related to the official business of the Islands Trust.
- 4.7 Not undertake election campaign related activities on Islands Trust property during regular working hours unless specifically organized by the Islands Trust (i.e. candidate procedures, all candidate orientation, etc.).
- 4.8 Not request or use any Islands Trust resources or property for election campaign work including staff time, equipment such as photocopiers and computers, supplies, facilities or email lists, etc.

5. Meetings

- 5.1 Members must adequately prepare for and regularly attend meetings of trust bodies to which they have been elected or appointed. Elected officials have an obligation to attend meetings and the expectation is that trustees will attend meetings for the duration of the meeting, unless they notify Trust Council that they are ill or have compelling reasons which prevent them from attending.
- 5.2 Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.
- 5.3 During meetings, members shall listen courteously and attentively to all discussions before the body, and focus on the issues and facts.
- 5.4 The diverse perspectives of each member, as they reflect the interest of their own communities, will be respected.
- 5.5 When making decisions, members must consider all relevant facts, opinions, debate and analyses of which they should be reasonably aware.
- 5.6 Disagreements and conflicts will be seen as a natural part of Council and committee work. Such disagreements will not be taken personally, nor made personal.
- 5.7 Members can expect courteous behaviour from each other. Trustees shall not interrupt other speakers, make personal comments or comments not germane to

the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the trust body.

5.8 When speaking publicly and at trust body meetings, members will avoid inflammatory language. They are expected to speak in an objective manner.

5.9 No member shall disclose or release to any member of the public, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the trust body to do so.

5.10 No member shall disclose the substance of deliberations of an in-camera meeting until the trust body discusses the information at a meeting that is open to the public or releases the information to the public.

5.11 Confidential information includes discussion regarding the property, personnel or legal affairs of the Islands Trust and information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:

5.11.1 disclosed or discussed at an in-camera meeting of the trust body;

5.11.2 that is circulated to members and marked “confidential”; or

5.11.3 that is given verbally in confidence in preparation for or following an in-camera meeting.

5.12 Cell phones should be turned off during meetings. However if an urgent matter necessitates that a trustee take a call or respond to an email during the meeting, the cell phone shall be kept on silent or vibrate and the trustee shall leave the meeting to respond to the call or email.

46. Review Process

46.1 The Standards of Conduct Review Panel dealing with matters ~~related to~~ ~~of~~ trustees or ~~appointed officials of Trust Council~~ shall be comprised of the Executive Committee, with the CAO and/or legal counsel acting in an advisory capacity.

~~4.6.2 Matters of a staff nature shall be dealt with by the CAO, with legal counsel and/or the appropriate manager in accordance with established employee union candidates (see BC Government Standards of Conduct Policy).~~

6.23 Members are expected to adhere to and follow these Standards of Conduct. Should a member or staff become aware of a potential breach of the defined Standards of Conduct the following process will be used. The purpose of this section is to resolve disputes or breaches in good faith, recognizing that rancour does not facilitate good governance.

- 6.32.1 An alleged breach of these Standards of Conduct may be submitted by a member or staff. Complaints shall be submitted simultaneously in writing to the Executive Committee and the CAO within three (3) months of the last alleged breach. The Executive Committee and the CAO are authorized to extend this deadline if circumstances warrant an extension.
- 6.32.2 In the event that any member of the Executive Committee is the subject of, or is implicated in the complaint, the complaint shall be addressed to the remaining Executive Committee members and the CAO unless any of these individuals are the subject of, or implicated in the complaint.
- 6.32.3 Upon receipt of a complaint under section 6.2.1, the Executive Committee and the CAO shall, if they are not able to resolve the matter informally, within thirty (30) days appoint legal counsel, acting in an advisory capacity, or another independent third party identified and agreed between the Complainant(s) and the Respondent(s) who has the necessary professional skills, knowledge and experience to investigate the complaint (the “Third Party Investigator”).
- 6.32.4 If the parties cannot agree on the choice of investigator, a single nominee of the Complainant(s) and the Respondent(s) shall jointly select a suitable Third Party Investigator. If this nominee cannot select the Third Party Investigator, the Islands Trust legal counsel will select this person.
- 6.32.5 Legal Counsel/The Third Party Investigator must conduct a preliminary assessment of the complaint, at the conclusion of which legal counsel/the investigator may determine whether to continue the investigation or make a written recommendation that the complaint be dismissed as unfounded, beyond the jurisdiction of the Standards of Conduct policy or unlikely to succeed.
- 6.32.6 If legal counsel/The Third Party Investigator determines to continue the investigation, they shall:
- 6.32.6.1 Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
 - 6.32.6.2 Provide an investigation update within sixty (60) days of their appointment to the Executive Committee and to the Complainant and the Respondent;
 - 6.32.6.3 Provide a written, confidential report (the “Report”) of the findings of the investigation, including findings as to whether there has been a breach of these Standards of Conduct, to the Executive Committee, and to the Complainant and the Respondent; and,

6.32.6.4 Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:

6.32.6.4.1 dismissal of the complaint;

6.32.6.4.2 censure;

6.32.6.4.3 removal from Trust Council standing or select committee membership;

6.32.6.4.4 a recommendation that an apology be given;

6.32.6.4.5 counselling and/or coaching; or,

6.32.6.4.6 such other recommendations as are deemed appropriate in the judgment of legal counsel/the Third Party Investigator.

6.2.7 The Executive Committee shall provide the Report or a summary of the Report to Trust Council.

6.2.8 If a Report or a summary of a Report is presented to Trust Council, Trust Council will decide whether the recommendations in the Report, whether in whole or part, will be imposed.

6.2.9 The Director of Administrative Services, as head of the Human Resources Unit, will receive and retain all Reports.

6.2.10 Where a member alleges a breach of these Standards of Conduct by another member, all members of the trust body shall refrain from commenting on such allegations at open meetings of the trust body, pending the conclusion of the Report and any decision of Trust Council on the Report.

6.2.11 The Standards of Conduct policy will be reviewed in detail at orientation sessions for new/returning trustees following each election or by-election. Persons elected will be requested to sign a statement affirming they have read and understand the Code.

C. Legislated References

Policy and Procedures Manual:

Statutory Rules of Conduct (2.1.1)

Governance Principles (2.1.3)

Local Trust Committee Procedural Bylaw

Trust Council Procedural Bylaw

~~BC Government Standards of Conduct Policy~~

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

UBCM/LGMA Model Code of Conduct:

<https://www.lgma.ca/responsible-conduct-of-local-government-elect>

REQUEST FOR DECISION

To: Trust Council

For the Meeting of: September 22, 2021

From: Carmen Thiel, Legislative Services Mgr.

Date Prepared: August 31, 2021

SUBJECT: REVISED POLICY 2.2.3 TRUST COUNCIL RESOLUTIONS WITHOUT MEETING

RECOMMENDATION:

That Trust Council adopt revised Policy 2.2.3 Trust Council Resolutions Without Meeting (attachment 1).

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

The *Islands Trust Act* provides Islands Trust bodies with the option of passing some resolutions outside of regularly constituted meetings. The policies and procedures that guide the administration of such Trust Council resolutions were adopted in 1992 and have not been amended since then. Proposed revision of Policy 2.2.3 is part of the Trust Council policy review project.

1. PURPOSE: To revise Policy 2.2.3 to provide greater clarity, update language, move detailed procedures to an operational procedure document and recognize the use of email in processing resolutions without meeting (RWM) voting.

2. BACKGROUND:

As part of the Trust Council (TC) policy review project, revision of Policy 2.2.3 (attachment 1) is based substantially on the Local Trust Committee Section 26 RWM policy adopted in 2015. The revised policy includes principles on the appropriate use of RWMs and a section on issues where voting by RWM is restricted. Also included is provision for Trustees to propose that consideration of an RWM be postponed until the next regular or special meeting of Trust Council, if a Trustee believes that the motion requires debate and discussion.

The following concepts are included in the revised policy:

- the principles of giving all trustees notice of the proposed resolution, the ability to view background information on the subject, allow the Chair to call for the vote and allow members to vote on the resolution;
- the principle that RWMs are to be used for items not requiring any discussion or debate by TC;
- criteria for when RWMs should and should not be used;
- the legislated requirement for open and transparent meetings, i.e. unlike voting at an open public meeting, voting by RWM does not allow for discussion or debate of the resolution by TC members, nor for public observance or participation;

- where a majority of TC members consider that an RWM would best be dealt with at a meeting, (e.g. due to the fact that it requires discussion and debate), provision for a "motion to postpone" so that consideration of the RWM is moved to the next regular or special meeting;
- procedural fairness in conducting RWMs;
- the requirement to report RWMs in open meeting or closed meeting as applicable, and to file RWMs with TC minutes; and
- the requirement for a trustee to declare a conflict of interest where the trustee considers that they are not entitled to participate in a particular RWM.

Detailed procedures (attachment 3), some of which were formerly included as part of the policy, have been drafted as a separate document for approval by the Islands Trust management group. These procedures provide guidance to staff on the process for conducting TC RWMs. As part of revisions to the existing procedures, direction and clarification is provided on:

- where a trustee(s) asks for further information than that initially provided by staff, the information will be copied to all TC members;
- updating the language to refer to "written responses", which would include email, as a way of communicating between trustees and staff during the RWM process;
- TC Chair, whenever possible, allowing other trustees the opportunity to move and second RWMs;
- a process whereby members of TC may move and second a subsidiary resolution to have consideration of the RWM postponed until the next regular or special meeting if debate and discussion is deemed essential;
- providing a time frame and follow-up procedures where a trustee has not seconded a resolution within 48 hours of transmittal;
- providing for a follow up telephone call from staff where a trustee(s) has not responded to the conducting of the vote within 24 hours of transmittal by staff and indicating what the record should show if a trustee does not respond after 48 hours;
- including the requirement that trustees use the "reply all" feature when voting on RWMs by email; and
- providing that the Recording of the Vote form indicate when a TC member did not participate in the vote due to a conflict of interest declaration or where the member is deemed absent.

3. IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Greater clarity in the policy and updated procedures that guide the use of RWMs is expected to reduce the amount of staff time required to administer these processes or to address related concerns.

FINANCIAL:

There are no financial implications as a result of adopting the amended policy.

POLICY:

Section 4 and Appendix "B" of Policy 2.1.1 Statutory Rules of Conduct applies to this policy and addresses the filing of conflict of interest declarations with regard to voting on RWMs.

IMPLEMENTATION/COMMUNICATIONS:

If revised Policy 2.2.3 is adopted as presented, or amended and adopted, the policy will be communicated to Executive office staff and trustees (through the orientation process for incoming trustees), as a guideline for handling TC RWMs.

FIRST NATIONS: N/A

OTHER: N/A

4. RELEVANT POLICY: Islands Trust Act, Section 13- excerpt:

Corporate procedure

“(2) Subject to subsections (4) and (5), a resolution approved in accordance with subsection (3) is as valid as if it had been voted on and passed at a properly called and constituted meeting of the trust council.

(3) For the purposes of subsection (2), approval of a resolution is given if a majority of the members of the trust council entitled to vote on the resolution inform the secretary of their approval in person or by telephone or other means of telecommunication.

(4) Subsection (2) does not apply to resolutions

(a) giving second or third reading to a bylaw, or

(b) respecting a decision under section 16 (1) (b) in relation to a bylaw referred to the trust council for approval under section 27 (3) or 38 (3).

(5) For a resolution giving first reading to or adopting a bylaw under section 10, approval is given if 2/3 of the members of the trust council entitled to vote on the resolution approve the resolution in accordance with subsection (2).”

5. ATTACHMENTS:

Attachment 1: *Revised* Policy 2.2.3 Trust Council Section 13 Resolutions Without Meeting

Note: Tracked changes not included due to comprehensive nature of changes.

Attachment 2: Current Policy 2.2.3 Trust Council Section 13 Resolutions Without Meeting

Attachment 3: DRAFT Operational Procedures for Trust Council Sec. 13 RWMs

RESPONSE OPTIONS

Recommended: That Trust Council adopt revised Policy 2.2.3 Trust Council Resolutions Without Meeting (attachment 1).

Alternative:

That Trust Council amend and adopt revised Policy 2.2.3 Trust Council Resolutions Without Meeting (attachment 1).

Prepared By: Carmen Thiel, Legislative Services Manager

Reviewed By/Date: Russ Hotsenpiller, Chief Administrative Officer – September 3, 2021
Executive Committee – September 8, 2021



Policy:	2.2.3
Approved By:	Trust Council
Approval Date:	
Amendment Date(s):	
Policy Holder:	Legislative Services Manager

TRUST COUNCIL RESOLUTIONS WITHOUT MEETING

Background

Section 13 of the *Islands Trust Act* allows Trust Council (TC), to obtain, count votes and pass or defeat resolutions on Council or committee issues without the necessity of holding a regular or special meeting. A resolution approved in accordance with Section 13 is as valid as if it had been voted on and passed at a properly called and constituted meeting of the TC. The provisions of this policy also apply to Trust Council's standing and select committees wherever applicable.

Principles

1. It is preferable for most TC resolutions to be voted on at properly called and constituted meetings. However, where an issue is deemed to be urgent (i.e., where the issue in question requires immediate action as a result of unforeseen circumstances and must be dealt with before the next regular meeting of the TC) a Section 13 Resolution Without Meeting (RWM) may be conducted.
2. Section 13 RWMs are for decisions not requiring any discussion or debate by the TC.
3. TC resolutions on issues which may be considered controversial, sensitive, complex or otherwise benefitting from discussion and debate, should be voted on at a properly constituted meeting wherever possible.
4. The Section 13 RWM process is dependent on the timely contribution and response of trustees.

A. Definitions

"Secretary" means the person appointed by Trust Council under Section 17(1)(a) of the *Islands Trust Act* and includes a Deputy Secretary.

"Telecommunication" means communication over a distance and includes electronic mail (email), telephone and facsimile.

B. Policy

1. Legislative Requirements

- 1.1 Approval of a Section 13 RWM is given where a majority of the members of the Trust Council entitled to vote on the resolution inform the Secretary (or their designate) of their approval in person or by telecommunication.

- 1.2 Only for a Trust Council resolution giving first reading or adopting a bylaw, approval is given where 2/3 of the members of Trust Council entitled to vote on the resolution approve the resolution.

2. Issues Where Voting by RWM Is Restricted

- 2.1 The Trust Council cannot vote by RWM in the following cases:
 - 2.1.1 when giving second or third reading to a bylaw; or,
 - 2.1.2 when making a decision on a bylaw referred to it under section 27(3) of the *Islands Trust Act*. This section prescribes that where the Executive Committee returns or refuses to approve a bylaw submitted to it by a Local Trust Committee, the Local Trust Committee may refer the bylaw to Trust Council for approval, and Council cannot make a decision about that bylaw without holding a properly-called and constituted meeting of Trust Council.
- 2.2 If a trustee considers that they are not entitled to participate in a vote pursuant to Section 100(2) of the *Community Charter* (regarding a perceived conflict of interest), the trustee must make a declaration using the “Section 100(2) *Community Charter* Declaration” form (Attachment 3 to the Procedures for Trust Council Section 13 Resolutions Without Meeting), giving the general reason(s) and must withdraw from voting. The completed declaration form must be submitted to the Secretary.

3. Conduct of the Vote

- 3.1 All members of TC will be given simultaneous notice of a Section 13 RWM and any trustee may request to receive relevant background information on the subject of the resolution where available.
- 3.2 The TC Chair will call for the vote on a Section 13 RWM that has been moved and seconded, and members will be entitled to vote on the resolution.
- 3.3 The TC Chair should not vote on the Section 13 RWM prior to the “Conducting of the Vote” phase.
- 3.4 A trustee may vote either “in favour”, “opposed”, or abstain from voting. Legislation regulates that an abstention vote is recorded in the affirmative (“in favour”), but a notation will be made beside the name of the trustee who abstained.
- 3.5 Any member of the TC may propose to have consideration of a Section 13 RWM postponed until the next regular meeting or a special meeting of the TC where the trustee believes that the motion requires debate and discussion.

- 3.6 Whenever possible, the TC Chair should allow other trustees the opportunity to move and second Section 13 RWMs. An exception would be where the Section 13 RWM is being put forward by the Chair.

4. Results of the Vote

- 4.1 Once the vote has been conducted, and the vote received by the Secretary, the TC Chair will declare the vote to be carried or defeated in accordance with the results. The TC members are notified of the results of the vote. The vote is recorded as a Section 13 RWM of the TC.
- 4.2 A report on each completed Section 13 RWM will be placed on the agenda of the next regular open or closed TC meeting and recorded in the minutes of that meeting.

C. Legislated References

Islands Trust Act: Section 13

Community Charter: Section 100

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

Operational Procedures for Trust Council Section 13 Resolutions Without Meeting



Policy:	2.2.3
Approved By:	Trust Council
Approval Date:	December 5, 1992
Amendment Date(s):	
Policy Holder:	Legislative Services Manager

TRUST COUNCIL RESOLUTIONS WITHOUT MEETING

Purpose

Section 13 of the *Islands Trust Act* allows Trust Council to obtain, count votes and pass or fail resolutions on Council issues without the necessity of holding a regular or special meeting.

A. Definitions

n/a

B. Policy

1. Legislative Requirements

- 1.1 Approval of a resolution is given where a majority of the members of the Trust Council entitled to vote on the resolution inform the corporate secretary or his/her designate of their approval in person, or by telephone, or by other means of telecommunication. A trustee may vote either "yes", "no", or abstain from voting. An abstention vote is recorded as "yes", but there is also a notation of the name of the trustee who abstained. A trustee may also withdraw from voting if there is a perceived conflict of interest. Only for a Council resolution giving first reading or adopting a bylaw, approval is given where 2/3 of the members of Trust Council entitled to vote on the resolution approve the resolution.
- 1.2 Once the vote has been conducted, the Chair of Trust Council shall declare the vote to have passed or failed in accordance with the results. The vote shall be recorded as a Resolution Without Meeting of Trust Council.

2. Issues Where Voting Is Restricted

- 2.1 The Islands Trust Council cannot vote by Resolution Without Meeting in the following cases:
 - 2.1.1 when giving second or third reading to a bylaw, or
 - 2.1.2 when making a decision on a bylaw referred to it under section 27(3) of the *Islands Trust Act*. This section prescribes that where the Executive Committee returns or refuses to approve a bylaw submitted to it by a Local Trust Committee, the Local Trust Committee may refer the bylaw to Trust Council for approval, and Council cannot make a decision about that bylaw without holding a properly-called and constituted meeting of Trust Council.

C. Procedure

1. Designation to Conduct a Resolution Without Meeting Vote

The Secretary of the Islands Trust may designate Islands Trust staff to conduct voting for Trust Council Resolutions Without Meeting (RWM).

2. Background Material

Any local trustee may, before a Council RWM is conducted, request to receive relevant background information on the issue either by mail, by telephone, or by facsimile.

3. Resolution Without Meeting Form (Attachment 1)

- 3.1 Part 1 of the RWM form shall state the names of the Mover and the Seconder, along with the resolution to be considered.
- 3.2 Part 2 of the RWM form shall show the names of the trustees contacted, the dates and times they were contacted, and their votes.
- 3.3 Part 3 of the RWM form shall show the names of the trustees who could not be contacted.
- 3.4 Part 4 of the RWM form shall show the final vote, and the number of votes "In Favour" and "Opposed" to the motion.
- 3.5 Part 5 of the RWM form shall show the Islands Trust Chair's signature and the date the RWM was declared, passed or failed. The date when the resolution is declared, passed or failed is the date when a majority vote is reached.
- 3.6 If the RWM was conducted by phone, part 6 of the RWM form shall show the signature of the staff person who conducted and recorded the telephone vote.

4. How the Resolution Without Meeting Vote is to be Conducted

- 4.1 Each member of Council is to be contacted by either:
 - 4.1.1 telephone or other means of telecommunication, or
 - 4.1.2 delivery, including by delivery in writing, by facsimile transmission or other means of electronic transmission, or other means by delivery in electronic form.
- 4.2 The following steps shall be followed when a RWM is conducted by a TELEPHONE/FAX/EMAIL VOTE:
 - 4.2.1 Each trustee shall vote by informing the designated staff person conducting the vote ("voting conductor") of their approval or disapproval of the resolution.

- 4.2.2 The voting conductor shall record each trustee's vote on a RWM form and include the dates when the trustees' votes were attained.
- 4.2.3 After the voting conductor has made all reasonable attempts to contact each trustee and, after a majority has been attained, the Chair of the Islands Trust shall be informed of the results, and shall declare the vote to have passed or failed in accordance with those results.
- 4.3 The following steps shall be followed when a RWM is conducted by a DELIVERY VOTE:
 - 4.3.1 The voting conductor shall deliver (see section 4.1.2 of these procedures) the RWM form to each trustee.
 - 4.3.2 Each trustee shall record their vote on a RWM form (Attachment 1) including the date and time of voting.
 - 4.3.3 Each trustee shall sign their name beside their vote.
 - 4.3.4 After a majority has been reached, the Chair of the Islands Trust shall be informed of the results, and shall declare the vote to have passed or failed in accordance with those results.
 - 4.3.5 The Deputy Secretary shall type a RWM Minute (Attachment 2). All RWM forms which were delivered to trustees shall be attached to the RWM Minute, and the Chair shall sign and date that RWM Minute.
- 4.4 The Deputy Secretary shall ensure that the Chair signs and dates the completed RWM form.
- 4.5 The completed RWM form shall be logged and numbered, and placed in the Council Minutes Binder.
- 4.6 Each trustee shall receive a copy of the completed RWM form.
- 4.7 Copies of completed RWM forms, signed by the Chair, shall be forwarded to the Executive Coordinator who ensures that these are to be recorded in the minutes of the next regular Trust Council meeting.

C. Legislated References

Islands Trust Act: Section 13

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

n/a

Attachments

- 1. Attachment 1: Resolution Without Meeting Form
- 2. Attachment 2: Resolution Without Meeting Minute

ATTACHMENT 1

ISLANDS TRUST COUNCIL

RESOLUTION WITHOUT MEETING

RESOLUTION WITHOUT MEETING NO. _____ (Staff to complete)

It was Moved by _____ and Seconded by _____

THAT

TRUSTEES CONTACTED

DATE CONTACTED

VOTE

TRUSTEES NOT CONTACTED

FINAL VOTE COUNT

_____ In Favour

_____ Opposed

THE CHAIR DECLARED THE ABOVE RESOLUTION (Carried or Defeated), PURSUANT TO SECTION 13 OF THE
ISLANDS TRUST ACT ON _____ (Date) .

CHAIR'S SIGNATURE

DATE

Signature of Recorder

ATTACHMENT 2

ISLANDS TRUST COUNCIL

RESOLUTION WITHOUT MEETING MINUTE

RESOLUTION WITHOUT MEETING NO. _____ (Staff to complete)

The Chair declared that the following Resolution was (Carried or Defeated), pursuant to Section 13 of the *Islands Trust Act* on _____ (Date) _____:

“THAT (Wording of Resolution)

CHAIR

DATE

Procedure:	
Approved By:	Management
Approval Date:	
Amendment Date(s):	
Policy Holder:	Legislative Services Manager



Islands Trust

Procedures for Trust Council Section 13 Resolutions Without Meeting (RWM)

Purpose

To provide guidance to staff on the process for conducting Trust Council (and Council Standing and Select Committee) Section 13 RWMs in accordance with Trust Council Policy 2.2.3.

Scope

Applicable to Executive Office staff.

A. Definitions

N/A

B. Procedures

1. AUTHORIZATION TO RECEIVE A SECTION 13 RESOLUTION WITHOUT MEETING VOTE

- 1.1 The Secretary (or their designate) shall receive votes for a Trust Council Section 13 RWM.

2. ROLES/AUTHORITY

- 2.1 In addition to receiving the vote, the Secretary processes the call for a RWM, conducts the vote, records the vote and signs all applicable forms related to these procedures.
- 2.2 The TC Chair directs that the vote be conducted and declares the result of the vote.

3. BACKGROUND MATERIAL

- 3.1. Trustees should not discuss a Section 13 RWM with other members of the Trust Council because the process takes place outside of a properly called and constituted meeting.
- 3.2 Any Trust Council member may, before a Section 13 RWM Conducting of the Vote form/email is received and completed, request relevant background information from staff on the issue.

- 3.3 Any background information regarding a Section 13 RWM vote that is provided to a Trustee, whether or not it is in response to a request, will be copied to all members of the Trust Council for their information.

4. HOW THE SECTION 13 RESOLUTION WITHOUT MEETING IS CONDUCTED

- 4.1 In order to facilitate a timely response from Trustees and the completion of the Section 13 RWM process, the onus is on Trustees to check their Islands Trust email account regularly and respond in a timely manner to Section 13 RWM email requests. If a Trustee expects to be absent and not able to access their Islands Trust email account, they should use the Automatic Replies (Out of Office) Outlook email feature to notify others that they are not available to respond to email messages.
- 4.2 The process includes the three elements of passing a resolution at a regular meeting:
- 4.2.1 calling for a resolution
 - 4.2.2 conducting the vote
 - 4.2.3 recording the vote.
- 4.3 The procedure is described as follows:
- 4.3.1 **Calling for a Resolution:**
- 4.3.1.1 When a Section 13 RWM is required, a Trustee will contact the designated staff person (or in some cases, staff will contact Trustees), and the designated staff person will draft a resolution.
 - 4.3.1.2 The Secretary will transmit the Section 13 RWM using the Calling for a Resolution format (**Attachment 1**) to the Trust Council members, requesting the Trustee initiating the resolution to respond in writing or by telephone as the "MOVER", and requesting a second Trustee to respond as the "SECONDER". If the Section 13 RWM has not been Seconded within 24 hours following transmission of the Call for a Resolution, staff will send an email to the Trust Council to request the status of the RWM. At that point the Chair may second the RWM.
 - 4.3.1.3 If a Trustee considers that they are not entitled to vote on an RWM due to conflict of interest with the matter being considered by the RWM, they must make a declaration (using **Attachment 3** form) under Section 100 of the *Community Charter* regarding conflict of interest. The completed declaration form must be submitted to the Secretary and will be filed with the completed Calling for a Resolution and Conducting of the Vote forms.
- 4.3.2 **RWM to Postpone**
- 4.3.2.1 After a Section 13 RWM has been Moved and Seconded, any member of the Trust Council may, using a **new** Section 13 RWM, move to have the main (original) Section 13 RWM postponed until the next regular meeting of the Trust Council, or until a special meeting of the Trust Council can be convened (see sample *resolution to postpone* in **Attachment 4**).

- 4.3.2.2 If the Section 13 RWM to postpone is Seconded, the Chair will call for a vote on that Section 13 RWM, in accordance with steps 4.3.3.1-4.3.3.3 of this procedure. In the interim the processing of the main (original) Section 13 RWM is halted.
- 4.3.2.3 If the TC Chair declares that the result of the vote on the Section 13 RWM to postpone is in the affirmative, the main (original) Section 13 RWM is forwarded to the agenda of the next regular or special Trust Council meeting for consideration.
- 4.3.2.4 If the result of the vote on the Section 13 RWM to postpone is that it is defeated, the Conducting of the Vote process resumes immediately on the main (original) Section 13 RWM.

4.3.3 **Conducting the Vote**

- 4.3.3.1 Once the Secretary receives verification of the MOVER and the SECONDER, the Secretary will notify the Chair, informing them of the status of the Calling for a Resolution
- 4.3.3.2 The Chair will instruct the Secretary, either in person or by telecommunication to conduct the vote by distributing the "Conducting of the Vote" format (**Attachment 2**) to all members of the Trust Council.
- 4.3.3.3 Staff will not accept the Chair's vote on a Section 13 RWM prior to the "Conducting of the Vote" phase.
- 4.3.3.4 Trustees should use the Reply All email feature when voting by email.
- 4.3.3.5 In the event that one or more of the Trust Council members has not responded to the Conducting of the Vote within 24 hours of transmittal by staff, the Secretary will attempt to contact the Trustee(s) by telephone, which may include a cellular phone, and if not successful, will leave a voice message regarding the nature of the call. The exception to this practice is where the Trustee has notified staff that he or she expects to be absent or unavailable for the period of time during which the vote is being conducted. If the end of the 24 hour period following transmission of the Conducting of the Vote falls on a Saturday, Sunday or statutory holiday, staff will contact the Trustee(s) by telephone on the next regular business day.
- 4.3.3.6 If a Trustee has not yet responded to the Conducting of the Vote process 48 hours after it was transmitted to Trustees by staff, and a majority of Trust Council members have responded, then the Trustee who has not responded will be deemed to be absent from the voting process and a notation will be made to that effect on the completed Recording of the Vote form. If staff receives a majority of votes in favour of the Section 13 RWM, it is deemed to have passed. In the instance where 2/3 approval is required, staff must receive 2/3 of the votes in favour for the RWM to pass. If there are an equal number of votes in favour and against, then the vote is defeated. The unrecorded vote is deemed to be absent.

4.3.4 **Recording the Vote**

- 4.3.4.1 Once the Trust Council members confirm their vote with the Secretary, either in person or by telecommunication, and the vote is complete, the Secretary will complete the Recording of the Vote portion of the form.
- 4.3.4.2 The Recording of the Vote is officially received and signed by the Secretary.
- 4.3.4.3 The Recording of the Vote portion of the form (**Attachment 2**) will indicate:
- a. when a Trust Council member did not participate in the vote due to a declaration under Section 100(2) of the *Community Charter* (**Attachment 3**);
 - b. 'Absent' where a Trust Council member has not responded to the Conducting of the Vote as noted in Section 4.3.3.6; or
 - c. Abstained from the vote if the Trustee has so indicated.
- 4.3.4.4 The Secretary will distribute the completed Recording of the Vote form to the Trust Council members informing them of the result of the vote.
- 4.3.4.5 Data from the forms used for a Section 13 RWM shall be logged and numbered in the applications data base by the Secretary and the completed forms placed in the Trust Council minutes file.
- 4.3.4.6 After entering the vote in the applications data base, the Secretary will produce a Section 13 RWM report for inclusion on the agenda of the next regular meeting of the Trust Council.

E. ATTACHMENTS:

- Attachment 1:** "CALLING FOR A RESOLUTION" form
- Attachment 2:** "CONDUCTING OF THE VOTE" AND "RECORDING OF THE VOTE" form
- Attachment 3:** "SECTION 100(2) COMMUNITY CHARTER DECLARATION" FORM (regarding conflict of interest)
- Attachment 4:** **SAMPLE RESOLUTION TO POSTPONE – to be drafted**

Island Trust Council

CALLING FOR A RESOLUTION**(SECTION 13 RESOLUTION WITHOUT MEETING)**It was **MOVED** and **SECONDED**

THAT

ALL MEMBERS OF TC NOTIFIED OF RWM this [dd] day of [Mmm.] 20yy

MOVER's Signature

or

Approval in writing or by phone

SECONDER's Signature

or

Approval in writing or by phone

Date of Approval

(Complete by either:

- signing and returning the Calling for a Resolution Form - Attention: Secretary; or
- replying to the Secretary in writing (by email), in person or by phone

Date of Approval**THE CHAIR DIRECTS STAFF TO CONDUCT A VOTE ON THE ABOVE NOTED RESOLUTION.**_____
Chair's Signature

or

Approval in writing or by phone

Date of Approval_____
Signature of Recording Staff
(if applicable)

Island Trust Council

CONDUCTING OF THE VOTE**FOR A****SECTION 13 RESOLUTION WITHOUT MEETING**

Section 13 RWM No.

(Staff to complete)

Date Chair Directs Conduct of Vote
(Staff to complete)

It was **MOVED** and **SECONDED** THAT

All members of TC requested to vote: _____

Date transmitted to Trustees

PLEASE VOTE ON THE ABOVE MOTION BY COMPLETING THE BALLOTS BELOW:**IN FAVOUR**☐**IN FAVOUR**☐**IN FAVOUR**☐**OPPOSED**☐**OPPOSED**☐**OPPOSED**☐

Signature or
Response in writing or by phone

Signature or
Response in writing or by phone

Signature or
Response in writing or by phone

Date

Date

Date

 Signature of Staff Recording Vote (*if applicable*)

/2

RECORDING OF THE VOTE**FOR A****SECTION 13 RESOLUTION-WITHOUT-MEETING**

1. RECEIVED BY ISLANDS TRUST SECRETARY THIS _____ DAY OF _____,
20 ____.

Secretary's signature

2. SECRETARY TO COMPLETE ONLY WHERE SECTION 4.3.4.3 - (referenced below) APPLIES:

4.3.4.3 The Recording of the Vote portion of the form will indicate:

- a) when a Trust Council member did not participate in the vote due to a declaration under Section 100(2) of the *Community Charter*;
- b) 'Absent' where a Trust Council member has not responded to the Conducting of the Vote as noted in Section 4.3.3.6; or
- c) Abstained from the vote if the Trustee has so indicated.

a) Trustee _____ did not participate in the vote on RWM _____ due to a declaration under Section 100(2) of the *Community Charter*. (Declaration attached)

b) Trustee _____ was deemed absent from the vote as they did not respond to the Conducting of the Vote as noted in Section 4.3.3.5.

c) Trustee _____ indicated that they abstained from the vote.

3. CHAIR DECLARES VOTE COMPLETE AND TC MEMBERS NOTIFIED OF THE RESULTS OF THE VOTE THIS
[dd] ____ DAY OF ____ [Mmm.] ____, 20 [yy] ____.

Secretary's signature

ATTACHMENT 3

ISLANDS TRUST

SECTION 100(2) COMMUNITY CHARTER DECLARATION FORM

(Disclosure of direct or indirect pecuniary interest, or another interest in the matter that constitutes conflict of interest or perceived conflict of interest)

FOR A

SECTION 13 RESOLUTION WITHOUT MEETING

Note:

- This form must be completed when a Trustee declares that he or she is not entitled to vote on a matter being considered by Resolution Without Meeting; or having made such a declaration subsequently determines on the basis of legal advice that he or she may in fact vote;
- This form complies with the requirements of Section 100 of the *Community Charter*, and applies to Trust Council, Islands Trust Conservancy Board and Executive Committee Resolutions Without Meeting.

Under Section 100(2) of the *Community Charter*, I declare that I will not participate or vote on the matter contained in the draft resolution as shown in the attached RWM No.

_____ **for the following reason(s):**

[insert no.]

OR

Under Section 100(4) of the *Community Charter*, I declare that I have obtained legal advice and have determined that I am entitled to participate and vote on the matter that was the subject of my declaration of conflict of interest dated _____ for the following reason(s):

Name of Corporate Entity

Trustee's/Islands Trust Conservancy Board Member's Name

Trustee's/Islands Trust Conservancy Board Member's Signature, Email (attach copy) or Telephone No.

Date and Time of Declaration

Name of Recorder (if applicable)

Staff to complete the section below:

RECEIVED BY THE ISLANDS TRUST SECRETARY THIS _____ DAY OF
_____, 20____.

Secretary's signature

RWM No: _____

DRAFT

ISLANDS TRUST COUNCIL

RESOLUTION WITHOUT MEETING

RESOLUTION WITHOUT MEETING NO. _____ (Staff to complete)

It was Moved by _____ and Seconded by _____

THAT

TRUSTEES CONTACTEDDATE CONTACTEDVOTETRUSTEES NOT CONTACTED

FINAL VOTE COUNT

_____ In Favour

_____ Opposed

THE CHAIR DECLARED THE ABOVE RESOLUTION (Carried or Defeated), PURSUANT TO SECTION 13 OF THE
ISLANDS TRUST ACT ON _____ (Date) .

 CHAIR'S SIGNATURE

 DATE

 Signature of Recorder

To be reviewed and confirmed

ISLANDS TRUST COUNCIL

RESOLUTION WITHOUT MEETING MINUTE

RESOLUTION WITHOUT MEETING NO. _____ (Staff to complete)

The Chair declared that the following Resolution was (Carried or Defeated), pursuant to Section 13 of the *Islands Trust Act* on _____ (Date) :

“THAT (Wording of Resolution)

CHAIR

DATE

REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 22, 2021
From: Carmen Thiel, Leg. Serv. Mgr. **Date Prepared:** September 3, 2021
SUBJECT: Amendments to Trust Council Policy 7.6.1 FOI Policy and 7.6.2 FOI Procedure

RECOMMENDATION:

1. That Trust Council adopt amended Trust Council Policy 7.6.1 Freedom of Information and Protection of Privacy (attachment 1).
2. That Trust Council adopt amended Trust Council Policy 7.6.2 Freedom of Information and Protection of Privacy Procedure (attachment 3).

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The review and amendments to these policies and procedures is part of Trust Council's policy review project. Proposed amendments bring Policy 7.6.1 and 7.6.2 up to date in accordance with the FOIPP Act and current procedures.

- 1 **PURPOSE:** To update Trust Council's policy and procedure regarding Freedom of Information (FOI) and Protection of Privacy administration.

- 2 **BACKGROUND:**

Policy 7.6.1 was adopted in 1994 and last amended in 2003. Minor amendments to the policy include:

- addition of a Local Government Management Association FOI toolkit as a reference document;
- addition of a definition of trust body as it applies to the policy;
- inclusion of email as a way for receiving requests; and
- making section 2. regarding agenda packages more generic; currently it only applies to local trust committees but has been expanded to include other trust bodies;

Policy 7.6.2 was adopted in 1994 and last amended in 1995. This procedural document is a companion to Policy 7.6.1 and sets out the steps to process an FOI request. It is based on the requirements and timelines set out in the Freedom of Information and Protection of Privacy Act (the Act).

Amendments to Policy 7.6.2 include:

- clarification that a request under the Act is for "records" and not for "information";
- addition of a definition for "day" which excludes weekends and holidays and basically amounts to working or business days; and
- clarification of some procedures and timelines to bring them in line with requirements under the Act.

See attachments 2 and 4 for track changes versions of the above described amendments.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Amendments to Trust Council's FOI policy and procedures bring them up to date with the Act and current procedures.

FINANCIAL: N/A

IMPLEMENTATION/COMMUNICATIONS: Once approved, the amended policy and procedure will be brought to the attention of staff who process FOI requests and posted to the Islands Trust website where they will be available for viewing by the public and as guidance to staff and trustees.

FIRST NATIONS: N/A

OTHER: N/A

- 4 **RELEVANT POLICY(S):** FOIPP Act
Trust body FOI Bylaws and resolutions
FOI procedures manuals (Ministry of Citizens' Services and LGMA Toolkit)

5 **ATTACHMENT(S):**

- **Attachment 1:** Proposed Policy 7.6.1 as amended
- **Attachment 2:** Track changes version of current Policy 7.6.1 showing amendments
- **Attachment 3:** Proposed Policy 7.6.2 as amended
- **Attachment 4:** Track changes version of current Policy 7.6.2 showing amendments

RESPONSE OPTIONS

Recommendation:

1. That Trust Council adopt amended Trust Council Policy 7.6.1 Freedom of Information and Protection of Privacy (attachment 1).
2. That Trust Council adopt amended Trust Council Policy 7.6.2 Freedom of Information and Protection of Privacy Procedure (attachment 3).

Alternative:

That Trust Council request further or different amendments to Policy 7.6.1 and 7.6.2 prior to adoption.

Prepared By: Carmen Thiel, Legislative Services Manager, September 3, 2021

Reviewed By/Date: Russ Hotsenpiller, CAO, September 3, 2021
Executive Committee, September 8, 2021



Policy:	7.6.1
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 9, 1995; December 5, 2003
Policy Holder:	Legislative Services Manager

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Purpose

For the purposes of administering the principles of the *Freedom of Information and Protection of Privacy Act* (the Act), the Islands Trust adopts the Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedure Manual, to be used in conjunction with the Islands Trust's Freedom of Information and Protection of Privacy bylaws, resolutions and procedures adopted by Trust Council, Executive Committee, and all Local Trust Committees and the most recent edition of the Local Government Management Association Freedom of Information and Protection of Privacy Act Toolkit for Local Government Organizations.

The Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedure Manual is intended to assist staff in meeting their responsibilities under the Act. It provides policies that interpret and offer guidance on the intent of the legislation to assist in implementing and administering the Act.

A. Definitions

"Trust body" in the context of this policy means the trust council, the executive committee and a local trust committee.

B. Policy

1. Confidentiality of Applicants Making a Request for Information

- 1.1 All Freedom of Information (FOI) requests must be in writing and received by the Head or Deputy Secretary either in person, by mail, by electronic mail or by facsimile. In a case where another staff person or trustee receives a written FOI request, that request must be immediately forwarded to the designated Deputy Secretary.
- 1.2 The personal information of a requester must not be disclosed, unless disclosure is necessary to:
 - 1.2.1 further the search for records to satisfy the request;
 - 1.2.2 obtain necessary information to compile a summary during the mediation procedure; or

1.2.3 obtain necessary information to compile documentation supporting the Head's decision in a formal inquiry or judicial review.

1.3 The personal information of a requester must not be disclosed to the Ombudsperson Office, unless disclosure is requested under the *Ombudsperson Act*.

2. Agenda Packages and Protection of Privacy

Information in the agenda package of a regular trust body meeting becomes public information once it is brought into the public forum.

2.1 Any correspondence addressed to a Trustee, a trust body, or Trust staff, that is not marked confidential, may be included in an agenda package.

2.2 Any personal information in correspondence marked "confidential", and that is addressed to any of the above, should not be included in the agenda package.

2.3 Any personal information (i.e. something identifying an individual including name, address and phone number) in correspondence from the general public not addressed to a Trustee, a trust body, or Trust staff, should not be included in an agenda package. Note that personal information about an employee's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff may be disclosed.

2.4 Personal information on any application form that does not relate to the property affected by the application should not be included in agenda packages. This includes an individual's phone number and address, if the address is different from the address of the property affected (i.e., Sever the applicant's "c/o address" or "alternative address" besides that of the property).

2.5 Any personal information in correspondence which has been compiled as part of an investigation into a possible violation of law (i.e., bylaw infraction), except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

3. Retention and Collection of Personal Information

3.1 The Islands Trust may not collect personal information unless:

3.1.1 the collection is authorized under an act;

3.1.2 the information is collected for the purposes of law enforcement; or

3.1.3 the information relates directly to, and is necessary for, an operating program or activity of the Islands Trust (e.g. collecting personal information from a rezoning applicant).

- 3.2 All recorded information collected by the Islands Trust and containing personal information must be retained by the Islands Trust for one year if the information collected is used to make a decision about a person that directly affects that person.
- 3.3 The methods of collecting and retaining personal information include audio, visual, and written.

4. Requests for Documents vs. Requests for Research and Opinions

- 4.1 Requests under the *Freedom of Information and Protection of Privacy Act* are limited to requests for records (i.e., any form of recorded information) in the custody or under the control of the Islands Trust. Requests under the Act are responded to per Freedom of Information and Protection of Privacy procedures. Staff will make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
- 4.2 Requests for research and opinions, and requests for answers to enquiries, do not fall under the provisions of the *Freedom of Information and Protection of Privacy Act*. When staff receives a request of this nature, they will assist the applicant by:
 - 4.2.1 reviewing the correspondence;
 - 4.2.2 responding when it is possible to do so; and
 - 4.2.3 providing the applicant with available existing information.

C. Legislated References

- 1. [Freedom of Information and Protection of Privacy Act](#)
- 2. Trust Council and Local Trust Committee Freedom of Information and Protection of Privacy Bylaws
- 3. Islands Trust Conservancy Board and Executive Committee Freedom of Information and Protection of Privacy resolutions
- 4. Freedom of Information and Protection of Privacy procedures
- 5. [Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedures Manual](#)

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

n/a



Policy:	7.6.1
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 9, 1995; December 5, 2003
Policy Holder:	Legislative Services Manager

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Purpose

For the purposes of administering the principles of the *Freedom of Information and Protection of Privacy Act* (the Act), the Islands Trust adopts the Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedure Manual, to be used in conjunction with the Islands Trust's Freedom of Information and Protection of Privacy bylaws, resolutions and procedures, adopted by Trust Council, Executive Committee, and all Local Trust Committees and the most recent edition of the Local Government Management Association Freedom of Information and Protection of Privacy Act Toolkit for Local Government Organizations.

The Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedure Manual is intended to assist staff in meeting their responsibilities under the Act. It provides policies that interpret and offer guidance on the intent of the legislation to assist in implementing and administering the Act.

A. Definitions

n/a "Trust body" in the context of this policy means the trust council, the executive committee and a local trust committee.

B. Policy

1. Confidentiality of Applicants Making a Request for Information

- 1.1 All Freedom of Information (FOI) requests must be in writing and received by the Head or Deputy Secretary either in person, by mail, by electronic mail or by facsimile. ~~E-mailed requests will not be accepted.~~ In a case where another staff person or ~~local~~ trustee receives a written FOI request, that request must be immediately forwarded to the designated Deputy Secretary.
- 1.2 The personal information of a requester must not be disclosed, unless disclosure is necessary to:
 - 1.2.1 further the search for records to satisfy the request;
 - 1.2.2 obtain necessary information to compile a summary during the mediation procedure; or

1.2.3 obtain necessary information to compile documentation supporting the ~~H~~Head's decision in a formal inquiry or judicial review.

1.3 The personal information of a requester must not be disclosed to the Ombudsperson Office, unless disclosure is requested under the *Ombudsperson Act*.

2. Agenda Packages and Protection of Privacy

Information in the agenda ~~binder package~~ of a regular ~~Local Trust Committee~~trust body meeting becomes public information once it is brought into the public forum.

2.1 Any correspondence addressed to a ~~Local~~Trustee, a ~~Local Trust Committee~~trust body, or Trust staff, that is not marked confidential, may be included in an agenda ~~binder package~~.

2.2 Any personal information in correspondence marked "confidential", and that is addressed to any of the above, should not be included in the agenda ~~binder package~~.

2.3 Any personal information (ie. something identifying an individual including name, address and phone number) in correspondence from the general public not addressed to a Trustee, a ~~Local Trust Committee~~trust body, or Trust staff, should not be included in an agenda ~~binder package~~. Note that personal information about an employee's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff may be disclosed.

2.4 Personal information on any application form that does not relate to the property affected by the application should not be included in agenda ~~binder packages~~. This includes an individual's phone number and address, if the address is different than the address of the property affected (i.e., Sever the applicant's "c/o address" or "alternative address" besides that of the property).

2.5 Any personal information in correspondence which has been compiled as part of an investigation into a possible violation of law (i.e., bylaw infraction), except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

3. Retention and Collection of Personal Information

3.1 The Islands Trust may not collect personal information unless:

3.1.1 the collection is authorized under an act;

3.1.2 the information is collected for the purposes of law enforcement; or

3.1.3 the information relates directly to, and is necessary for, an operating program or activity of the Islands Trust (e.g. collecting personal information from a rezoning applicant).

- 3.2 All recorded information collected by the Islands Trust and containing personal information must be retained by the Islands Trust for one year if the information collected is used to make a decision about a person that directly affects that person.
- 3.3 The methods of collecting and retaining personal information include audio, visual, and written.

4. Requests for Documents vs. Requests for Research and Opinions

- 4.1 Requests under the *Freedom of Information and Protection of Privacy Act* are limited to requests for records (i.e., any form of recorded information) in the custody or under the control of the Islands Trust. Requests under the Act are responded to per Freedom of Information and Protection of Privacy procedures. Staff will make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
- 4.2 Requests for research and opinions, and requests for answers to enquiries, do not fall under the provisions of the *Freedom of Information and Protection of Privacy Act*. When staff receives a request of this nature, they will assist the applicant by:
 - 4.2.1 reviewing the correspondence;
 - 4.2.2 responding when it is possible to do so; and
 - 4.2.3 providing the applicant with available existing information.

C. Legislated References

- 1. [Freedom of Information and Protection of Privacy Act](#)
- 2. Trust Council and Local Trust Committee Freedom of Information and Protection of Privacy Bylaws
- 3. Islands Trust Conservancy Board and Executive Committee Freedom of Information and Protection of Privacy resolutions
- 4. Freedom of Information and Protection of Privacy procedures
- 5. [Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedures Manual](#)

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

n/a



Procedure:	7.6.2
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 9, 1995
Policy Holder:	Legislative Services Manager

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY PROCEDURE

Purpose

To outline the required steps to process a formal request to access records in compliance with the *Freedom of Information and Protection of Privacy Act* (the “Act”).

A. Definitions

“Day” does not include a Saturday, a Sunday or a holiday

B. Procedure

1. Before a formal request is logged, the initial contact with an applicant is made by frontline staff. In consultation with the Deputy Secretary, frontline staff determines if the request is for routinely available records, or is a formal Freedom of Information (FOI) request. If a formal FOI request, the request must be received in writing (either on an official request form or by written letter or email) and submitted to the Deputy Secretary. If a trustee receives a formal FOI request, it must be forwarded to the Deputy Secretary.

30 WORKING DAY CLOCK STARTS ()

2. BY DAY 3

- 2.1 The Deputy Secretary reviews the request to confirm that it is a formal access request. The request should be further defined or clarified at this time, if necessary, and any changes to the scope of the request must be documented. Request is logged, file is established, and a decision is made to determine if the request should be transferred to another public body.
- 2.2 Deputy Secretary forwards an acknowledgement letter to the applicant (if transferring request, notify applicant of transfer), and the request is assigned to appropriate staff.

3. DAY 4 - 8

- 3.1 Deputy Secretary retrieves and copies records requested where possible. If more clarification is required, call applicant. Liaison with staff or trustees may be required at this point to request copies of the responsive records or to determine the location of files/documents being requested.

4. DAY 9

- 4.1 Deputy Secretary conducts a preliminary assessment of the records and:
 - 4.1.1 Considers fee estimate. If fee deposit is applicable, Deputy Secretary sends notice to applicant, and suspends processing until deposit is received.
 - 4.1.2 Considers transferring request to another public body. Within 20 working days after a request for records is received the final decision on whether to transfer request to another public body must be made. Deputy Secretary sends notice of transferring an access request at this time, if required.
 - 4.1.3 Considers if third party notice is required. Deputy Secretary sends notice to third parties if required in accordance with Section 23(3) of the Act. The third party has 20 working days to respond.
- 4.2 If third party notice is required, the time limit under Section 24 of the Act is in effect. If applicable, third party records must be provided to the applicant within 30 working days from the date of third party notice.
- 4.3 If a fee deposit is required, the response time clock stops until the fee deposit is received.

5. DAY 13

- 5.1 By end of 13th working day, the preliminary assessment should be complete, and any decisions on fees, consultations, and time extensions should be made.

6. DAY 14 - 18

- 6.1 Deputy Secretary performs a detailed line by line review of records and applies any exceptions in the Act. In considering records, the Deputy Secretary must decide if, at this time, there should be any further consultations with third parties or if additional internal and external public bodies should be consulted.

7. DAY 19 - 29

- 7.1 Day 29 is the deadline for responses from third parties. Complete review of third party representations by the end of day 29.
- 7.2 Deputy Secretary performs a final analysis of records being provided to applicant. In the case of complex requests, the Deputy Secretary should confer with the Head in making the final decision on the response.
- 7.3 At this time, exceptions in records are severed by the Head, if necessary.

8. DAY -29 - 30

- 8.1 Deputy Secretary sends response letter to applicant and encloses records. Applicant should be informed of any severing decisions which were made.

- 8.2 Day 27 is the last day on which a request for permission for an additional time extension can be sent to the Commissioner.
- 8.3 At this time, collect fee balance owing (if applicable) - suspend processing until fee balance is received (response time clock stops until fee balance received).

9. REVIEW OF HEAD'S DECISION BY COMMISSIONER

- 9.1 A request for a review of a decision of the Head by the Commissioner must be delivered to the Commissioner by the applicant within 30 days after the person asking for the review is notified of the decision of the Head. Once the Commissioner's Office receives a request for review, the Commissioner must give a copy to the Head of the Islands Trust and to any other person that the Commissioner considers appropriate.
- 9.2 If an appeal has not been requested by the applicant after 30 days of the Head's decision regarding an applicant's access request, the file is closed.
- 9.3 If the applicant requests an appeal or submits a complaint to the Commissioner within the 30 day notification period, the following takes place:
 - 9.3.1 A Portfolio Officer in the Commissioner's Office will contact the Deputy Secretary, and ask for a summary of the Islands Trust's decision relating to the request. The Deputy Secretary will contact the necessary staff and/or trustees to obtain relevant input and provide a comprehensive summary to the Portfolio Officer.
 - 9.3.2 Background information from trustees, staff or legal counsel may be provided to the Portfolio Officer along with the summary.
 - 9.3.3 If the appeal or complaint is settled through mediation with the Portfolio Officer, the Deputy Secretary closes the file, and informs the necessary staff and/or trustees.
 - 9.3.4 If the appeal or complaint is not settled through mediation, the Commissioner must conduct an inquiry. The Commissioner has broad discretion to determine how the inquiry will be conducted. The following applies:
 - 9.3.4.1 On receiving a request for a review, the Commissioner must give a copy of the request to the Islands Trust and any other person that the Commissioner considers appropriate.
 - 9.3.4.2 The Commissioner must conduct an inquiry and may decide all questions of fact and law arising in the course of the inquiry.
 - 9.3.4.3 The inquiry may be conducted in private.
 - 9.3.4.4 The person who asked for the review, the FOI Head of the Islands Trust, and any person given a copy of the request for review, must be given an opportunity to make representations of the Commissioner

during the inquiry. Assistance from Islands Trust legal counsel may be sought to prepare Islands Trust's formal response to the inquiry.

9.3.4.5 The Commissioner may decide

9.3.4.5.1 whether representations are to be made orally or in writing, and

9.3.4.5.2 whether a person is entitled to be present during, or to have access to, or to comment on, representations made to the Commissioner by another person.

9.3.4.6 The person who asked for the review, the Head of the Islands Trust, and any person given a copy of the request for review, may be represented at the inquiry by legal counsel or an agent.

9.3.4.7 An inquiry into a matter under review must be completed within 90 days after receiving the request for the review. The Head must comply with the Commissioner's orders within 30 days, unless an application for judicial review of the order is brought before that period ends.

C. Legislated References

1. [*Freedom of Information and Protection of Privacy Act*](#)
2. Freedom of Information and Protection of Privacy Bylaws and Resolutions
3. Policy Manual: [Freedom of Information and Protection of Privacy Policy \(7.6.1\)](#)
4. [Ministry of Citizen Services Freedom of Information and Protection of Privacy Policy and Procedure Manual](#)

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

n/a

Procedure:	7.6.2
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 9, 1995
Policy Holder:	Legislative Services Manager

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY PROCEDURE

Purpose

To outline the required steps to process a formal request to access records ~~information access request~~ in compliance with the *Freedom of Information and Protection of Privacy Act* (the "Act").

A. Definitions

~~n/a~~ "Day" does not include a Saturday, a Sunday or a holiday

B. Procedure

1. Before a formal request is logged, the initial contact with an applicant is made by frontline staff. In consultation with the Deputy Secretary, frontline staff determines if the ~~information~~ request is for routinely available ~~information~~records, or is a formal Freedom of Information (FOI) request. If a formal FOI request, the request must be received in writing (either on an official request form or by written letter or email) and submitted to the Deputy Secretary. If a trustee receives a formal FOI request, it must be forwarded to the Deputy Secretary.

30 CALENDARWORKING DAY CLOCK STARTS (~~Max. 23 Working days~~)

2. BY DAY 31

- 2.1 The Deputy Secretary reviews the request to confirm that it is a formal access request. The Rrequest should be further defined or clarified at this time, if necessary, and any changes to the scope of the request must be documented. Request is logged, file is established, and a decision is made to determine if the request should be transferred to another public body.
- 2.2 Deputy Secretary forwards an acknowledgement letter to the applicant (if transferring request, notify applicant of transfer), and the request is assigned to appropriate staff.

3. DAY 24 - 58

- 3.1 Deputy Secretary retrieves and copies records requested where possible. If more clarification is required, call applicant. Liaison with ~~other~~ staff or trustees may be required at this point to request copies of the responsive records or to determine the location of files/documents being requested.

4. DAY 69

- 4.1 Deputy Secretary conducts a preliminary assessment of the records and:
 - 4.1.1 Considers fee estimate. If fee deposit is applicable, Deputy Secretary sends notice to applicant, and suspends processing until deposit is received.
 - 4.1.2 Considers transferring request to another public body. Within End of 620th working days after a request for records is received is the final decision on whether to transfer request to another public body must be made. Deputy Secretary sends notice of transferring an information access request at this time, if required.
 - 4.1.3 Considers if third party notice is required. Deputy Secretary sends notice to third parties if required in accordance with Section 23(3) of the Act. The third party has 20 working days to respond.
- 4.2 If third party notice is required, the time limit under Section 24 of the Act ~~time limit~~ is in effect. — If applicable, Rthird party records must be provided to the applicant within 30 calendar working days or a maximum of 23 working days from the date of third 3rd party notice ~~to respond~~.
- 4.3 If a fee deposit is required, the response time clock stops until the fee deposit is received.
5. **DAY 137—8**
 - 5.1 By end of 813th working day, the preliminary assessment should be complete, and any decisions on fees, 3rdthird party notice, consultations, and time extensions should be made.
6. **DAY 914 - 1218**
 - 6.1 Deputy Secretary performs a detailed line by line review of records and applies any exceptions in the Act. In considering records, the Deputy Secretary must decide if, at this time, there should be any further consultations with third parties or if additional internal and external public bodies should be consulted.
7. **DAY 193 - 1929**
 - 7.1 Day 1529 is the deadline for responses from third parties. Complete review of third party representations by the end of day 129.
 - 7.2 Deputy Secretary performs a final analysis of records being provided to applicant. In the case of complex requests, Tthe Deputy Secretary should confer with the Head in makingmakes the final decision on the response.
 - 7.3 At this time, exceptions in records are severed by the Head, if necessary.
8. **DAY 21—2329 - 30**

- 8.1 Deputy Secretary sends response letter to applicant and encloses records. Applicant should be informed of any severing decisions which were made.
- 8.2 Day ~~22~~7 is the last day on which a request for permission for an additional notice of a time extension can be sent to the Commissioner.
- 8.3 At this time, collect fee balance owing (if applicable) - suspend processing until fee balance is received (response time clock stops until fee balance received).

9. REVIEW OF HEAD'S DECISION BY COMMISSIONER

- 9.1 A request for a review of a decision of the ~~H~~Head by the Commissioner must be delivered to the Commissioner by the applicant within 30 days after the person asking for the review is notified of the decision of the ~~H~~Head. Once the Commissioner's Office receives a request for review, the Commissioner must give a copy to the HHead of the Islands Trust and to any other person that the Commissioner considers appropriate.
- 9.2 If an appeal has not been requested by the applicant after 30 days of the ~~H~~Head's decision regarding an applicant's access request, the file is closed.
- 9.3 If the applicant requests an appeal or submits a complaint to the Commissioner within the 30 day notification period, the following takes place:
 - 9.3.1 A Portfolio Officer in the Commissioner's Office will contact the Deputy Secretary, and ask for a summary of the Islands Trust's decision relating to the request. The Deputy Secretary will contact the necessary staff and/or trustees to obtain relevant input and provide a comprehensive summary to the Portfolio Officer.
 - 9.3.2 Background information from trustees, staff or legal counsel may be provided to the Portfolio Officer along with the summary.
 - 9.3.3 If the appeal or complaint is settled through mediation with the Portfolio Officer, the Deputy Secretary closes the file, and informs the necessary staff and/or trustees.
 - 9.3.4 If the appeal or complaint is not settled through mediation, the Commissioner must conduct an inquiry. The Commissioner has broad discretion to determine how the inquiry will be conducted. The following applies:
 - 9.3.4.1 On receiving a request for a review, the Commissioner must give a copy of the request to the Islands Trust and any other person that the Commissioner considers appropriate.
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9.3.4.5.1 whether representations are to be made orally or in writing, and

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9.3.4.6 The person who asked for the review, the ~~h~~H Head of the Islands Trust, and any person given a copy of the request for review, may be represented at the inquiry by legal counsel or an agent.

9.3.4.7 An inquiry into a matter under review must be completed within 90 days after receiving the request for the review. The ~~h~~H Head must comply with the Commissioner's orders within 30 days, unless an application for judicial review of the order is brought before that period ends.

C. Legislated References

1. [Freedom of Information and Protection of Privacy Act](#)
2. Freedom of Information and Protection of Privacy Bylaws and Resolutions
3. Policy Manual: [Freedom of Information and Protection of Privacy Policy \(7.6.1\)](#)
4. [Ministry of Citizen Services Freedom of Information and Protection of Privacy Policy and Procedure Manual](#)

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

n/a

From: Stephen MacLean
Subject: Re: Delegation Sept 21

Here is the finished delegation:

"There seems to be some conflicting information circulating around the Islands Trust Policy Statement Revision. Most recently, I attended a Q&A with my trustee, Kees Langereis. If I understood Kees correctly, there is no requirement for LTCs to implement PS directives into their island's OCP. Yet, when your CAO received the petition to delay the first reading, he stated that trustees would need to rewrite their OCPs in response to PS revisions.

What is the actual requirement and where is the language that legislates this, and is there currently an intention to change or advocate for changing this requirement?

There also seem to be contradictions in the details of what is written and the verbal messages of trustees. One example is tree cutting. The PS states that the IT shall advocate for authority to regulate All tree cutting. Yet multiple trustees have stated that the intention is to regulate clear-cutting only or to regulate 'forests not trees.' Why does the PS revision ask for more authority than trustees seem to feel is needed. It seems like an excessive expansion of bureaucracy to regulate more than that which is perceived to be necessary. Tree cutting is regulated in urban areas for altogether different reasons: namely safety, such as closing a road during removals.

There also seems to be some vague directives, which could be exploited for unintended uses. One example is the emissions directives for housing. What is the intention? New housing only? If applied to existing housing, only new installations?

If policy is to be based on the 'precautionary principle,' the primary if not exclusive focus should be on industry. Residents and home owners cannot afford to be overburdened by excess regulation and restriction.

These are just a few examples as I don't have the time to reread the entire unwieldy document, especially with such a short timeline. Perhaps you should start over with a document that specifically and clearly states what you intend to change and why.

That might help restore some of my faith in a bureaucracy that I only recently learned to be so top heavy and unrepresentative of its electors and sources of funding. I am also wondering why the amendments planned for the draft haven't yet been brought forward. It seems like we will be engaging with a draft doesn't represent the final intentions of Trust Council."

Delegation to Islands Trust Council

SEPTEMBER 2021

Presented by:

Shauna Doll, Gulf Islands Forest Project Coordinator

Raincoast Conservation Foundation



Presentation Overview

- 1.Trust Policy Statement review
- 2.Ongoing advocacy to province
- 3.Tree bylaw report
- 4.Education opportunities



Trust Policy Statement review

- The TPS must be:
 - Scientifically-informed
 - Operational
 - Aspirational

“Human influence has warmed the climate at a rate that is unprecedented in at least the last 2000 years... Climate change is already affecting every inhabited region across the globe with human influence contributing to many observed changes in weather and climate extremes” (IPCC, 2021)

Legal Measures to Protect the Gulf Islands Coastal Douglas-fir Zone

Recommendation #1 The Islands Trust should formally request that the Province amend s. 29 of the *Islands Trust Act* to give the Islands Trust the authority to establish Development Permit Areas to protect forest ecosystems and regulate forest practices on private lands.

Recommendation #2 The Islands Trust should request that the Province enhance and clarify the power of local governments to enforce Development Permit Area requirements and Development Permit conditions – by explicitly enabling local governments to enforce contraventions by way of prosecution, ticketing and issuance of bylaw enforcement notices.

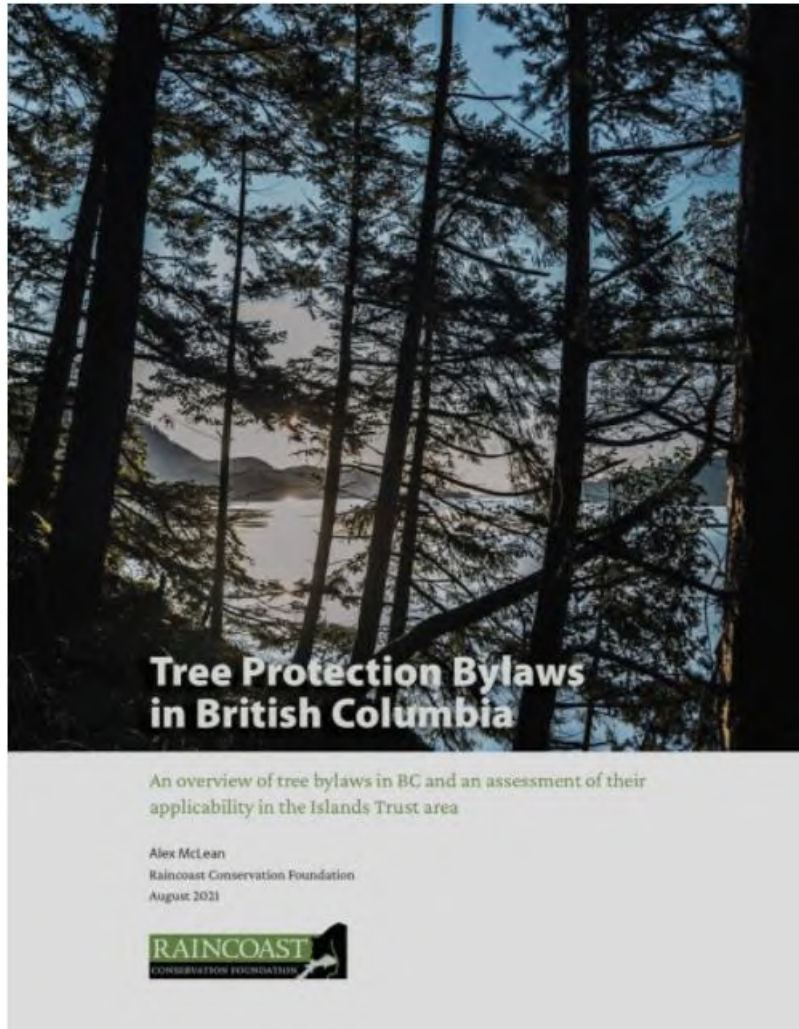
Recommendation #5 The Islands Trust should ask the Province to enhance the Trust's jurisdiction over tree cutting bylaws, to make its jurisdiction equal to that of municipalities under s. 8 of the Community Charter.

Recommendation #7 The Islands Trust should seek amendment of the *Private Managed Forest Land Act*, to allow for the Islands Trust to legislate forestry protection measures on Private Managed Forest Lands.

Provincial advocacy

The province needs to do better to allow the Trust to do better

Introducing:



Education & engagement

- Encourage folks listening to subscribe to the Islands Trust mailing list if they haven't already
- Tree bylaws webinar July 28
 - More webinars to come
- S'DÁYES Flycatcher Forest information session September 24



Questions?

Contact: shauna@raincoast.org



Delegation Islands Trust Council

September 2021

Presented by: Shauna Doll, Gulf Islands Forest Project Coordinator

Slide One: Intro

- Quick Intro
- Explain: This is an important platform to reach the entire Islands Trust community, so while I intend the information I share in these presentations to motivate the Trust to mobilize, it is also to encourage Trust residents to participate in the process of preserving and protecting the unique ecosystems of the Trust area and pursuing reconciliation.

Slide Two: Overview

Slide Three: TPS

- Speak to issues of private land ownership
- Continuing to advocate for scientific and actionable directive policies

Slide Four: Provincial advocacy

- Reminders about the recommendations made in the ELC report. It has been over a year, where are we now?

Slide Five: Introducing *Tree Protection Bylaws Report*

- Overview of key findings

Slide Six: Education

- Encourage folks listening to subscribe to the Islands Trust mailing list if they haven't already
- Tree bylaws webinar
 - More webinars to come
- S'DAYES Flycatcher Forest engagement session



SALISH SEA INSTITUTE

WESTERN WASHINGTON UNIVERSITY

Ginny Broadhurst
Director





2022 Salish Sea Ecosystem Conference

Administrative home:
Salish Sea Institute with WWU Conference Services

The
Shared Marine Waters
of
British Columbia
and
Washington

1994.

Report to the British Columbia / Washington Environmental Cooperation Council by the
British Columbia / Washington Marine Science Panel



The Shared Marine Waters of British Columbia and Washington

A Scientific Assessment of Current Status and
Future Trends in Resource Abundance and
Environmental Quality in the Strait of Juan De Fuca,
Strait of Georgia, and Puget Sound

Report to the British Columbia / Washington
Environmental Cooperation Council by the
British Columbia / Washington Marine Science Panel
August, 1994



Province of British Columbia



The State of Washington



state of the
SALISH SEA

By Kathryn L. Sobocinski
Released May 25, 2021



“Thorough and credible, the State of the Salish Sea report is a long-overdue, evidence-based assessment of the condition of the Salish Sea ecosystem. Perhaps the greatest accomplishment is that Dr. Sobocinski’s team captured the wakening of scientists, managers, and citizens to the fact that the Georgia and Juan de Fuca Straits and Puget Sound comprise one integrated ecosystem.”

— Ronald Thom, Immediate Past President of the Washington State Academy of Sciences and staff scientist emeritus of the Coastal and Estuarine Research Laboratory at Pacific Northwest National Laboratory



Photo: NASA 2021

New series of
maps by
Dr Aquila
Flower, WWU

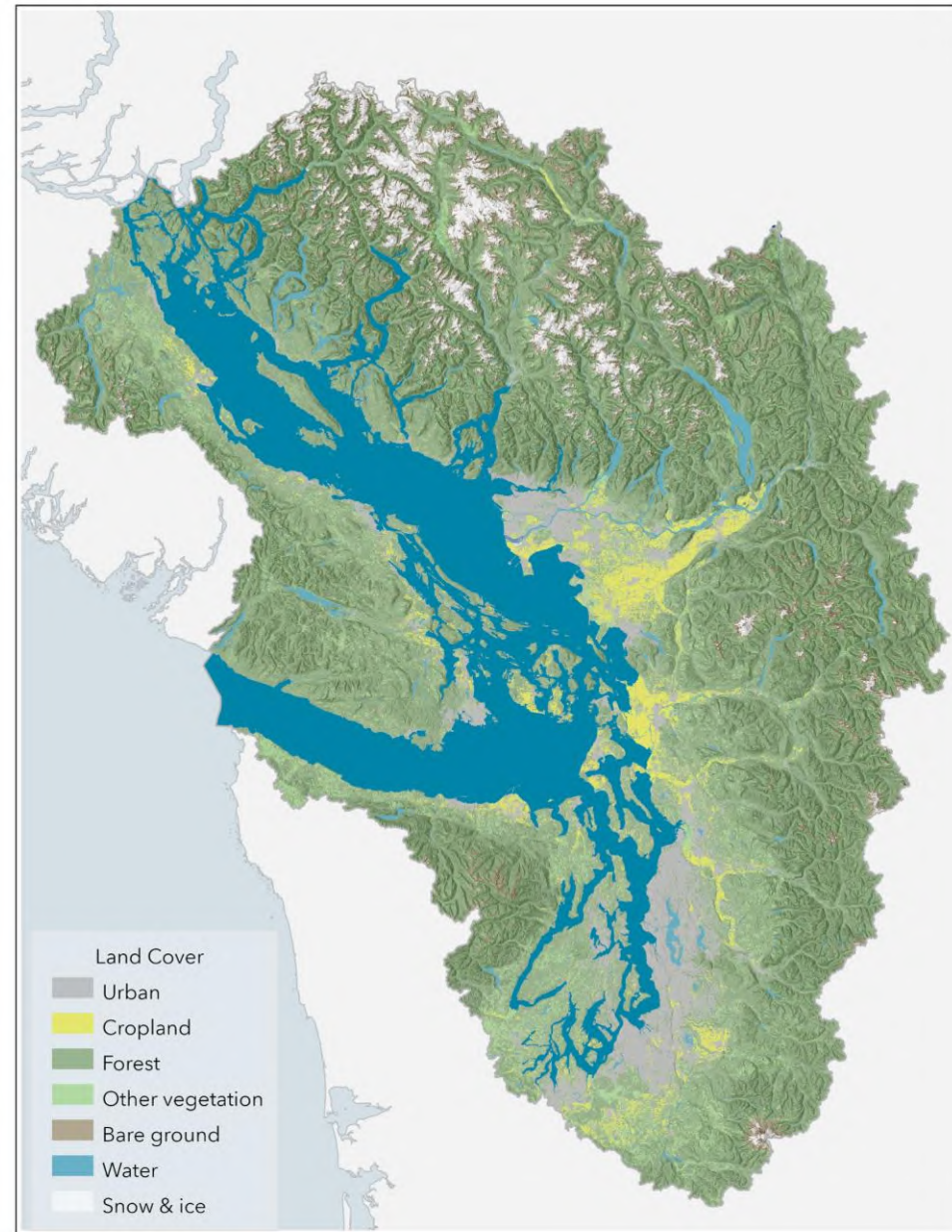


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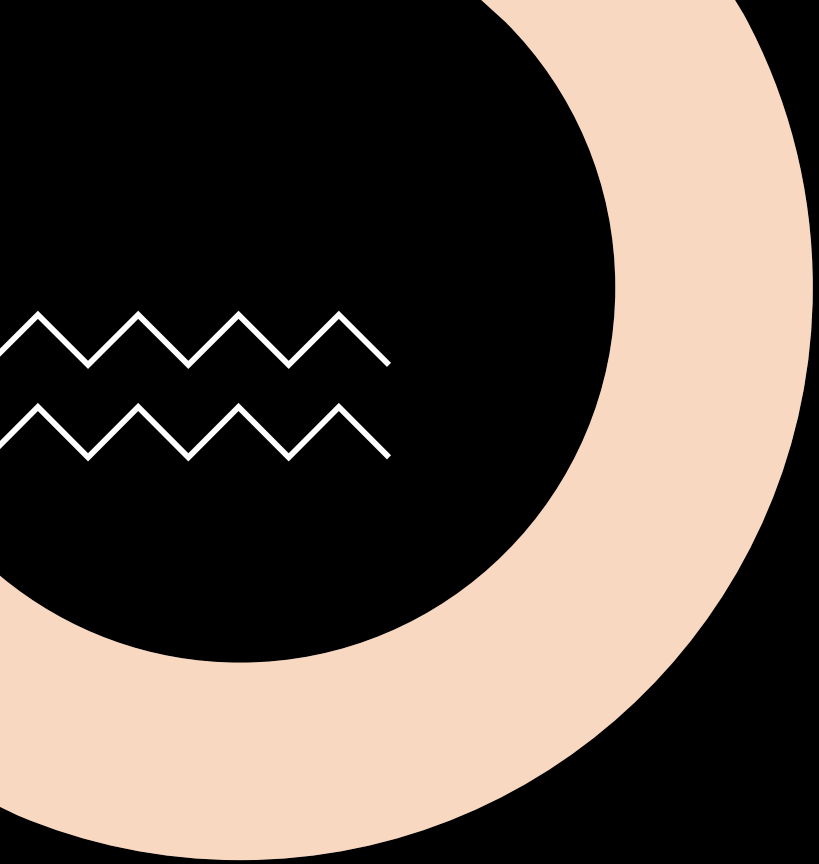
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Cover Photo

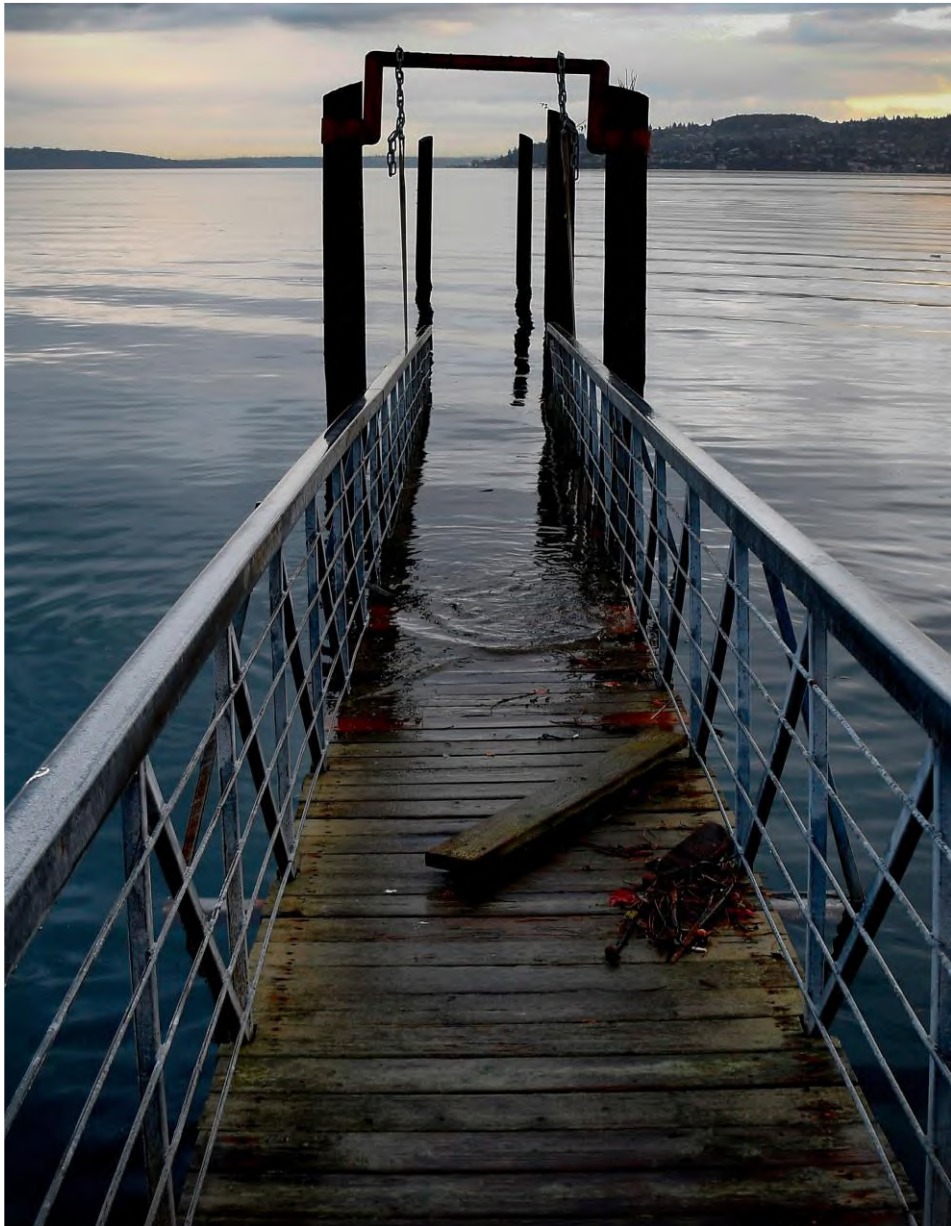
Squamish Sunset
Yuri Choufour

Color Palette

Jake Lawlor, Starfish
Inspired by Low Tide in the San Juan Islands



In short, the Salish Sea is under relentless stress from an accelerating convergence of global and local environmental stressors, some of which are well understood, and many that remain unknown and/or difficult to predict. Therein lies a core purpose of this report: assemble a compendium of information and lines of evidence that describe the dominant stressors and current state of the Salish Sea. Not since The Shared Waters Report (Copping et al. 1994) has there been a holistic assessment of the Salish Sea as an integrated international ecosystem.



King Tide in Tacoma, WA
Photo: Ryan Dicks via MyCoast



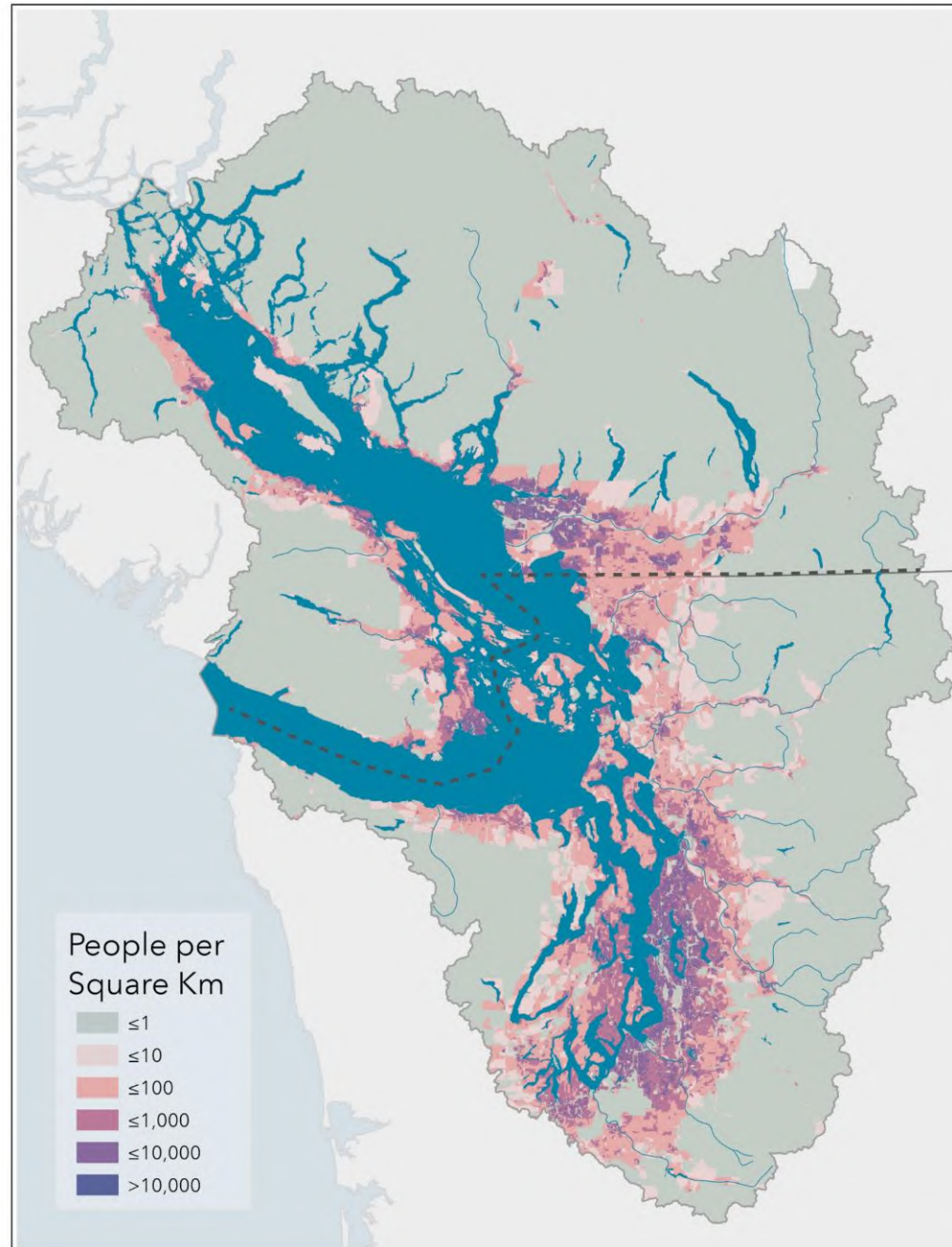
Summer wildfire smoke in Bellingham, WA
Photo: Ginny Broadhurst

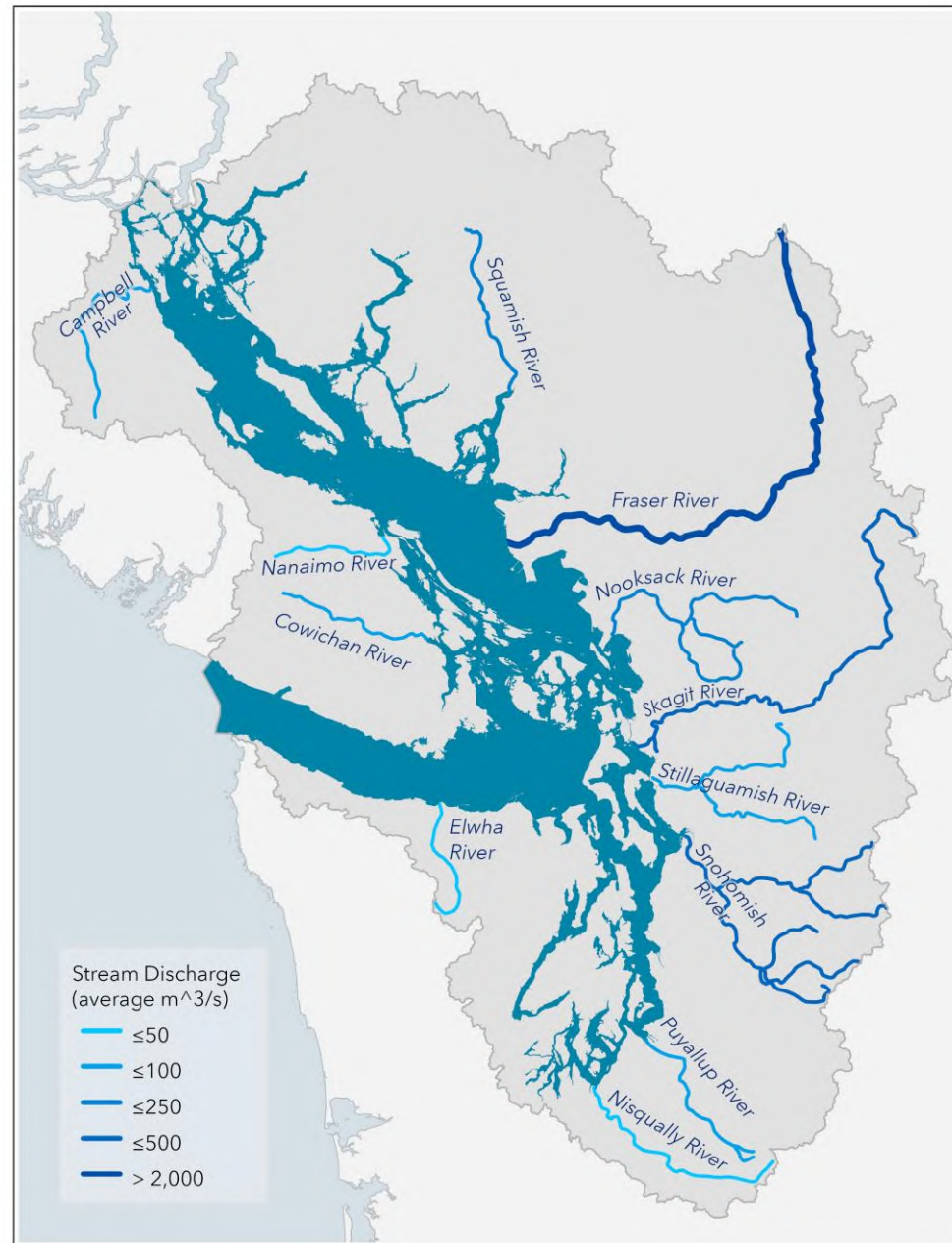


“I think here in our waters in... the Salish Sea, we’re caught a bit in a vice grip. One arm is rapid climate change – our waters are warming and they’re becoming more acidified. At the same time, we’re piling on human population. Those two factors act synergistically, and both put a lot of stress on our marine ecosystem. Both factors contribute to... problems with sustainable ecosystems.”

Dr. Drew Harvell

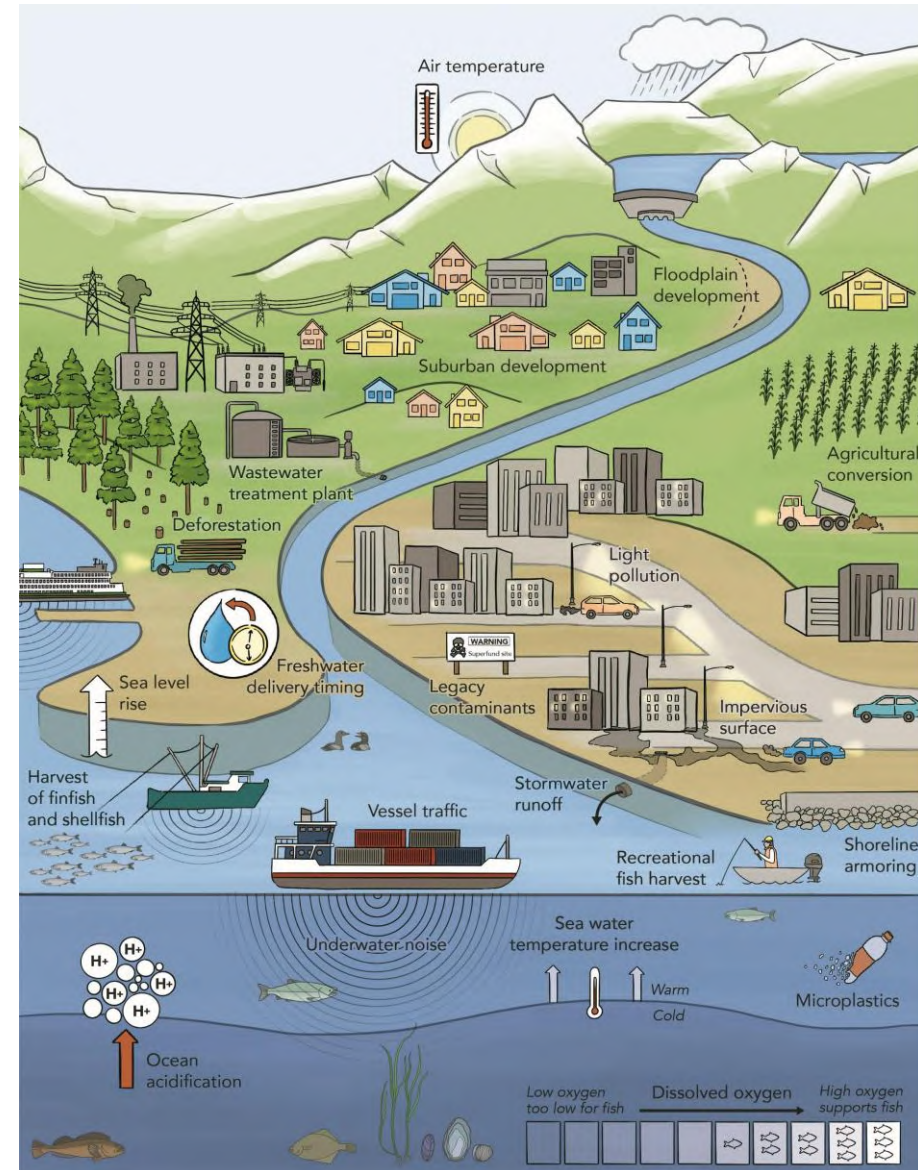
Professor of Marine Ecology at Cornell University
and affiliate faculty at the University of Washington
School of Aquatic and Fishery Sciences





An illustration of cumulative effects.

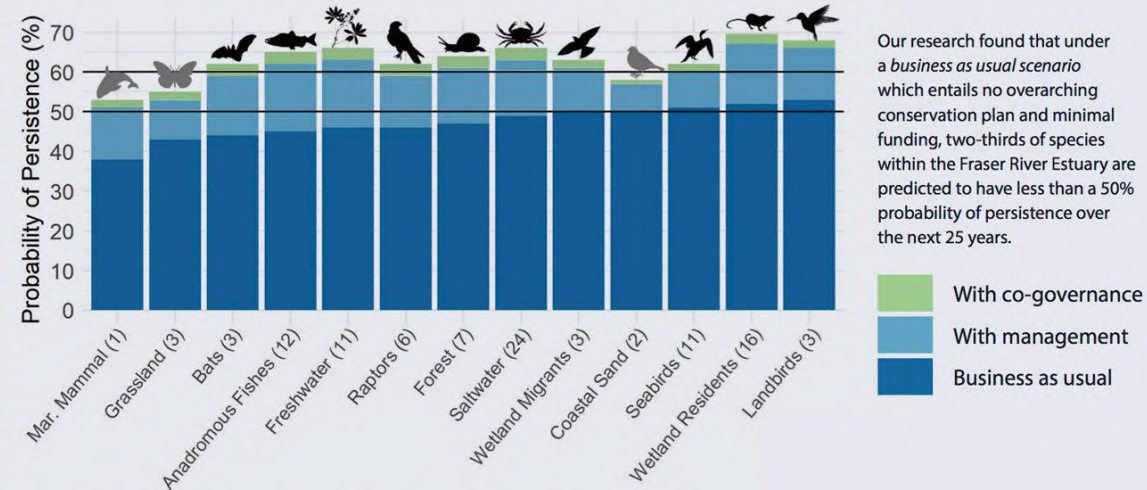
Source: Emily M. Eng for the Salish Sea Institute.





○ The cost of doing nothing is staggering

Priority management and co-governance are crucial for species recovery.



○ Loss of 8 of 13 species groups representing 67 species, including Southern Resident killer whales.

○ Loss of whale tourism worth \$26M per year.

○ Loss of Fraser river fishery worth \$300M per year.

Source: Kehoe et al. (2021).

*Science gives us
knowing, but caring
comes from someplace
else.*

Robin Wall Kimmerer, Braiding
Sweetgrass





A few suggestions

- Continue to seek out opportunities to collaborate across the border – similar issues, similar solutions
- Use maps that have ecological borders rather than political boundaries as appropriate
- Establish big goals for your contributions to Salish Sea recovery

Salish Sea Institute



Distribute and disseminate
the report



Convene State of Salish Sea
Symposia to share science
and more



Convene and facilitate policy
conversations



State of the Salish Sea symposia
will resume in September

Copies of the report available for free
download or purchase in hard copy

www.uv.edu/Salishsea

@wwusalishsea on FB and Twitter

**Delegation submission to the Islands Trust Council from Michael Sketch
for an electronic quarterly meeting at 7 P.M., Tuesday, 21 September, 2021**

a rewritten trust policy statement bylaw V.3.3 29Aug2021

Councilors – I speak to key deficiencies in your current draft trust policy statement council bylaw which is given by staff as version 2, updated 15 July, 2021. There is remedy in the appendix with a fresh rewrite which corrects the structure and improves the preserve and protect content. I'll refer to council's trust policy statement bylaw as a TPS bylaw.

The rewrite TPS follows directly from S.15 of the Act and does not presume flexibility of policy implementation, for there is no such flexibility given or implied in the Act. But current and staff draft TPS bylaws delegate implementation from federal to local trust governance levels. They both rely on a flexible implementation policy 1.3.1 which has been in effect for decades. Worse, policy 1.3.1 wasn't disclosed in the bylaw now being amended and hasn't been subject to ministerial review. The staff draft TPS not only discloses implementation policy 1.3.1 but acknowledges that 1.3.1 isn't subject to ministerial review. But that doesn't correct the fault of not including implementation within the bylaw.

Canada is also a federation. Is there policy to enable the provinces to pick and choose compliance with select federal law? Of course not.

In the rewrite TPS, policy implementation is entirely within the TPS bylaw. Section 1 policies are binding for the entire trust area. A local trust area can petition council to be excused from one or more section 2 policies.

If council adopts the rewrite, trust area policies would be effectively implemented in the day to day business of each local trust area and TPS implementation policy 1.3.1 would be redundant.

The rewrite TPS gives policy instruction to implement a hierarchical two level federal governance structure as per the Act, so as to give effective trust area services oversight for local area staff services. The check and balance benefit of federal governance would be realized at last.

The schedule gives implementation detail, which in part specify a trust area regulatory bylaw for select policies as determined by council. The need for trust area regulation may be more clear once the current trust area services federal governance level is enhanced to give science based oversight for the local area staff services.

Duties of care and to consult are stipulated. Trust body meeting minutes are published and are to be consistent with Roberts Rules of Order. Meeting minutes shouldn't be barebones and edited. They should be a record of what was said as well as what was done. The public deserves to know.

You may ask why these elements aren't in the structure and content of the staff draft TPS bylaw.

In part, I think the answer is that when amendment to your policy statement was mooted, no one asked the foundation question: does the current TPS bylaw follow directly from S.15 of the Act? In and of itself, does the current TPS bylaw carry out – that is implement – the object of the trust? Had council deliberated, a quorum should have directed a TPS rewrite.

As has happened, the staff TPS draft is an amendment to content of the current bylaw, not a rewrite. Some say the current TPS has stood the test of decades without significant question. But at the least, implementation of trust area policies should have been questioned, should have been corrected. There have been too many examples where the public has seen development recommended, or a bylaw adopted, despite contrary trust area policy. Coupled with TPS implementation policy 1.3.1, the policy statement checklist doesn't survive scrutiny.

Policy statement structure hasn't changed for decades. There is obvious rationale for a rewrite.

Equally, there is rationale to rewrite the content. The staff draft TPS is rich with history, trust goals, good intentions and opportunity for advocacy. The 18 months and more of staff investment deserves a home. Particularly in the face of public reservations about content and the perception of an unwarranted rush to first reading, staff and the council chair have recommended the TPS "cover to cover". The advice is appropriate for an ongoing "Trust Area Workbook", published and maintained on the trust website. The public could follow preserve and protect initiatives as they evolve. The next TPS amendment would be forecast.

But a "Trust Area Workbook" shouldn't be conflated with the council TPS bylaw.

This rewrite content begins with new section 1 policies which, taken together, give credibility to the trust area intention to preserve and protect. In particular, there is policy clarity for the word "environment".

The climate crisis is manifest and trust policies should look forward to the time when elements of the natural environment must be given rights to continue without anthropogenic harm. A cornerstone of preserve and protect for future residents of the trust area.

Witness a Canadian first this year, where a Québec river now has rights as a person would have to respond to an existential threat.

Section 2 policies in this TPS rewrite are grouped by topic, as have been directive policies in the current bylaw. Note that although TPS amendment was to have addressed the climate change crisis, there are no directive policies in the staff draft TPS. There are in the rewrite section 2 policies.

Section 3 lists the unique amenities to be preserved and protected that have been identified to date by council in inter agency agreements, council resolution, or other.

Please, councilors, consider this draft TPS carefully. It differs significantly from both the current TPS bylaw and staff draft version 2. The difference will enable council to realize the potential of the Act. The trust area environment will be grateful and Canada's protected areas will benefit from your example.

Thank you for considering my submission.

Michael Sketch

North Pender Island
ph: 250-629-8393
email: mgmsketch@cablelan.net

Appendix – A draft trust policy statement council bylaw which corrects the structure of both current and staff draft bylaws and improves the preserve and protect content.

The Islands Trust Act establishes a federal governance wherein trust council presides over a union of local area land use jurisdictions, each with authority over land use conferred by the local government act.

Council's trust policy statement bylaw is required at Section 15 of the act and is a general statement of council's policies to carry out the object of the trust.

Council may establish different policies for different parts of the trust area.

The trust policy statement is a regional plan for the trust area.

For this trust policy statement bylaw; each of trust council, trust executive and local trust committee are known as a trust body. Trust council is known as council and is a trust body. The islands trust act is known as the act.

Content

TPS rewrite mgms V. 3.3 29Aug2021

1. Policies for the entire trust area

- 1.1.1 all policies and policy implementation contained in this trust policy statement bylaw
- 1.1.2 federal governance to be implemented
- 1.1.3 adherence to trust area policies
- 1.1.4 persons and entities affected by changes in land use
- 1.1.5 duty of care to persons
- 1.1.6 duty of care to entities
- 1.1.7 duty to consult
- 1.1.8 trust area environment
- 1.1.9 climate change
- 1.1.10 trustees to speak for persons and entities that can not speak for themselves
- 1.1.11 assessment of harmful effects of changes in land use
- 1.1.12 carrying capacity
- 1.1.13 rural built environment to predominate
- 1.1.14 priority to preserve and protect
- 1.1.15 community need
- 1.1.16 precaution
- 1.1.17 adherence to trust policy in day to day actions
- 1.1.18 paramountcy
- 1.1.19 meeting minutes
- 1.1.20 trust bodies to cooperate with first nations and shared jurisdiction authorities
- 1.1.21 service provision by a regional district
- 1.1.22 regional context statement
- 1.1.23 amendment to this council trust policy statement bylaw

2. Policies for the trust area, save where council excuses one or more local trust areas

- 2.1 environmental integrity policies
- 2.2 freshwater stewardship policies
- 2.3 forest stewardship policies
- 2.4 agriculture land stewardship policies
- 2.5 soil stewardship policies
- 2.6 coastal and marine stewardship policies
- 2.7 climate change policies
- 2.8 heritage preservation and protection policies
- 2.9 rural island planning policies
- 2.10 policies for land zoned residential and housing policies
- 2.11 transportation policies
- 2.12 utilities policies
- 2.13 discarded materials management policies

3. Unique amenities of the trust area

Schedule: implementation policies for policies of this trust policy statement bylaw and trust area regulation

1. Policies for the entire trust area

For the entire trust area, council holds and recommends to the conservancy board that:

1.1 General policies to carry out the object of the trust, subject to implementation policy in the schedule for this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

1.1.1 All policies and procedures to implement trust area policies in the trust area are contained in this trust policy statement bylaw.

1.1.2 Federal governance to be implemented. Council shall ensure that the trust staff administrative structure implements a two level hierarchical federal governance intended by the Act. The trust area services federal administrative level shall include sufficient assessment expertise that all proposals for changes in land use can be effectively evaluated and monitored in the entire staff process from receipt of applications for changes in land use to bylaw adoption and that relevant guidance and instruction be given to the local planning service for local trust areas in order to carry out the object of the trust.

1.1.3 Adherence to trust area policies is first in council's federal oversight responsibilities for local trust areas. Council shall ensure that island municipalities have regard for the trust object and trust policy statement in respect of all actions of the municipality.

1.1.4 The persons and entities whose interests may be affected by changes in land use in the trust area are:

- (a) the natural environment
- (b) unique amenities of the trust area
- (c) the predominantly rural built environment
- (d) first nations
- (e) residents
- (f) future residents
- (g) the people of British Columbia generally.

1.1.5 Duty of care to persons. Trust bodies and the employees of trust council shall exercise a duty of care to persons whose interests are affected by land use changes in the trust area.

1.1.6 Duty of care to entities. Acknowledging the first nations way of knowing, trust bodies and the employees of trust council shall exercise a duty of care to entities whose interests are affected by land use changes in the trust area; in particular but not limited to the interests of the natural environment, which can not speak for themselves. Trust bodies shall favour presumed rights of natural entities to continue without anthropogenic harm, anticipating decisions in the courts to give such rights in law.

1.1.7 Duty to consult. When considering changes in land use, trust bodies shall first deliberate whether or not consultation is needed and where indicated, shall meaningfully consult with those whose interests are affected. Consultation shall be early and ongoing. Where the interests of the natural environment are deemed affected, consultation shall begin with full disclosure to those who can speak on behalf of the natural environment.

1.1.8 Trust area environment. For purposes of this bylaw, the trust area environment is the sum of its parts and is subdivided for policy clarification as follows:

trust area environment				
1a) built			1b) natural	
2(a) first nations structures	2b) mainly rural	2c) more dense urban	2d) anthropogenically modified	2e) unmodified

1.1.9 Climate change. In that evidence of climate change is manifest in the science and measurements relied on by the provincial ministry of the environment, the trust object and indigenous ways of knowing confer an obligation on trust bodies to acquire local knowledge based on observation of critical changes in the natural environment and to use that local knowledge in their deliberations and decisions on land use which are expected to protect against adverse consequences of climate change. In those deliberations and decisions, trust bodies shall favour presumed rights of natural entities to continue without anthropogenic harm, anticipating decisions in the courts to give such rights in law.

1.1.10 Trustees to speak for persons or entities that can not speak for themselves. In carrying out the object of the trust and mindful of indigenous ways of knowing, trustees of the Islands Trust shall speak for persons or entities whose interests are affected by changes in land use but can not speak for themselves; in particular but not limited to the natural environment.

1.1.11 Assessment of potential harmful effects of changes in land use. In order to carry out the object of the trust, trustees of the Islands Trust shall be mindful of indigenous ways of knowing and diligent in assessing potential for harmful effects of changes in land use, in order that the persons and entities whose interests are affected by changes in land use will not be adversely affected. Assessment shall be guided by, but not limited to, science based assessment,

1.1.12 Carrying capacity. Carrying capacity for a part of, or for the entire of, a trust area island, or within a municipality, is the upper limit of built environment density, beyond which sustained evidence of damage to the natural environment, or to the anthropogenically modified natural environment, is manifest. Evidence of damage includes but is not limited to salt water intrusion in potable water wells, reduced water levels in drilled or surface wells, large tracts of deforested land with consequent erosion or reduced groundwater recharge, and reduced capability of soil and land for agriculture.

1.1.13 Rural built environment to predominate. Where there is built environment, a small scale, rural, built environment shall predominate in the trust area; despite a more dense, urban, built environment in nearby areas.

1.1.14 Priority to preserve and protect. When considering changes in trust area land use which would augment the built environment at the expense of the natural environment, trust bodies shall give priority to the preservation and protection of the natural environment, in particular but not limited to the maintenance of biodiversity and the protection and restoration of rare species and species at risk.

1.1.15 Community need. Trust bodies shall not support changes in land use justified by community need, where the community need rationale is seen to take precedence over preservation and protection of elements of the natural environment and ecosystems.

1.1.16 Precaution. Where there is perception but not necessarily certainty, that the built environment will prejudice the ability of the natural environment to sustain development, then precaution shall inform limitation of growth of the built environment.

1.1.17 Adherence to trust policy in day to day actions. In order that this regional plan for the trust area be effective in carrying out the object of the trust and given that trust bodies are continued for the purpose of carrying out the object of the trust, policies of the trust policy statement shall be adhered to in the day to day actions of trust bodies and their employees. For certainty, policies of this trust policy statement shall be adhered to by land use planning staff in staff report and other advice to decision makers in the entire development and deliberation of draft bylaws pertaining to applications for changes in land use.

1.1.18 Paramountcy. Where there is conflict between policies of the trust policy statement and policy or regulation of a local trust area, trust policy statement policies shall prevail and local trust area policy or regulation, or both, shall be inoperative to the extent that they conflict with policies of the trust policy statement.

1.1.19 Meeting minutes. To further accountability and transparency in the day to day actions of trust bodies and their employees, the written meeting minutes for all trust bodies shall be published and be consistent with Roberts Rules of Order for meeting minutes which are to be published. For certainty, meeting minutes shall be a comprehensive written record of what was said, in addition to a strict record of what was done.

1.1.20 Trust bodies to cooperate. Trust bodies and their employees shall be diligent in respecting and cooperating with first nations and with shared jurisdiction authorities, including but not limited to regional districts, the agricultural land commission and the ministry of forests, lands, natural resource operations and rural development. In deliberating bylaws, trust bodies shall be mindful of the legislated requirement that a regional district board must not adopt a bylaw respecting the trust area, issue a permit respecting the trust area, or undertake work respecting the trust area if the bylaw, permit or work is contrary to or at variance with a bylaw of a local trust committee.

1.1.21 Service given by a regional district. Where, by referendum, the electorate in a local trust area or a part thereof, agrees to provision of a service, which might otherwise be given by the regional district, by means of transfer of property tax revenue to a local trust area community service group, then the relevant local trust area policy and regulatory bylaws shall provide direction for provision of said service.

1.1.22 Regional context statement. The official community plan, or, if none, other policy bylaw for each local trust area jurisdiction or sub jurisdiction; shall include a regional context statement, which acknowledges both i) first nations traditional use of trust area land and ii) council's trust policy statement bylaw as a regional plan for the trust area.

1.1.23 Amendment to this council trust policy statement bylaw shall be instituted by resolution of council. On proposal for each amendment, council will assign responsibility for day to day oversight of the amendment process to a committee of councillors whose first responsibility is to represent the broad council interest in carrying out the object of the trust.

2. Policies for the trust area, save where council excuses one or more local trust areas from compliance

For the entire trust area, save where council excuses specific local trust areas or an island municipality from compliance upon application to council; council holds and recommends to the conservancy board that:

2.1 Environmental Integrity Policies

2.1.0 Environmental stewardship policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.1.1 In collaboration with the islands trust conservancy board, local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration of the following elements, utilizing the best available quantitative and qualitative data, inclusive of indigenous ways of knowing and community input:

- (a) networks of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems
- (b) sensitive ecosystems, including but not limited to cliff, freshwater, herbaceous, old and mature forest, riparian, wetland, and woodland ecosystems
- (c) contiguous, unfragmented forests and associated ecosystems
- (d) freshwater networks and groundwater recharge areas
- (e) eelgrass meadows, kelp forests, and forage fish spawning areas
- (f) species and ecosystems at risk
- (g) indigenous cultivation and harvesting areas such as clam gardens, camas meadows

2.1.2 Land use and development shall be regulated in order to minimize i) green house gas and other harmful gaseous emissions and ii) limit disposal of organic or inorganic waste materials, which may be harmful to air, land or water.

2.2 Freshwater Stewardship Policies of the Trust Policy Statement

2.2.0 Freshwater stewardship policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.2.1 Excepting Piers Island in the Capital Regional District, trust area islands shall be self-sufficient in their supply of freshwater.

2.2.2 Anticipating both i) sea level rise and ii) prolonged summer drought as a consequence of climate change; council policy shall be precautionary and will anticipate the cumulative adverse effects on groundwater quality and quantity. Adverse effects include but are not limited to iii) an inward migration from the coast of the freshwater – saltwater transition for trust area island aquifers and iv) saltwater intrusion for groundwater wells.

2.2.3 Cognizant of adverse effects of i) the built environment and of ii) anticipated increase of the built environment, on both quantity and quality of freshwater, including but not limited to disposal of human and livestock organic and inorganic waste; means to prevent further loss or degradation of iii) watershed ecosystems, iv) freshwater networks, v) groundwater recharge areas, and vi) forest ecosystems which sustain watersheds and groundwater recharge and vii) freshwater aquatic species in the trust area; shall be identified and implemented in precautionary local trust area policy and any or all of zoning, restrictive covenant, development permit and regulation.

2.2.4 Groundwater recharge areas shall be identified, ground truthed, mapped and published for islands of the trust area. Groundwater recharge areas shall be given priority for preservation and protection of the natural or modified natural environment parts therein, with restoration to a modified natural environment where indicated. Preservation and protection of groundwater recharge areas is best served by i) restrictive covenant and ii) ownership of part of, or parts of, or the whole of a groundwater recharge area, by iii) council as a community benefit land trust or by iv) the islands trust conservancy as conserved land.

2.2.5 Given the certainty of climate change and the adverse consequence for groundwater recharge, groundwater observation wells shall be established on trust area islands in addition to those as may have been established by the Ministry of the Environment, in sufficient number and appropriate location that the quality and quantity of island groundwater can be monitored and trends identified. The monitored data shall be published. For certainty, observation wells are to enable meaningful assessment of groundwater quality and quantity for both areas i) of current built environment and ii) anticipated for a future built environment. As a condition of approval for new subdivision, iii) one or more observation wells must be established and iv) groundwater quality and quantity data collected and published.

2.2.6 Where there is evidence that freshwater consumption on a trust area island, or a part thereof, exceeds the rate of rainwater recharge, the consumption of freshwater in the built environment of that part of the trust area island shall be subject to precautionary local trust area regulation. Evidence of consumption exceeding recharge includes, but is not limited to, reduced year to year average levels in local observation wells and saltwater intrusion in wells.

2.2.7 As a consequence of climate change or other, where council determines there is evidence that consumption exceeds recharge in the greater part of the trust area, council may, by council bylaw, regulate freshwater consumption for the entire of the trust area. Evidence of consumption exceeding recharge includes, but is not limited to, reduced year to year average levels in local observation wells and saltwater intrusion in wells.

2.2.8 Cognizant of both i) current seasonal variation and ii) anticipated, water supply and demand; in precautionary trust body deliberations and land use decisions which directly affect, or may indirectly affect, the quantity or quality of groundwater from current drilled or dug wells, neither the density nor intensity of land use shall be increased in areas where the quantity or quality of groundwater is likely to be compromised, inadequate or unsustainable with increased groundwater extraction.

2.2.9 Cognizant of both i) current seasonal variation and ii) anticipated, water supply and demand; in precautionary trust body deliberations and land use decisions which directly affect, or may indirectly affect, the quantity or quality of surface water; neither the density nor intensity of land use shall be increased in areas where the quantity or quality of surface water which may be used as potable water is likely to be compromised, inadequate or unsustainable with increased surface water extraction.

2.2.10 A regulated groundwater management area for a buffer zone contiguous with the natural boundary of trust area islands shall be considered by trust bodies. Regulation will include provision to:

- (a) meter the rate and total of groundwater extraction and publish said data
- (b) limit the density of drilled wells and where indicated by i) evidence of salt water intrusion or ii) other indicators that groundwater consumption exceeds recharge; preclude new drilled wells
- (c) require a local trust area register of drilled wells in the groundwater management area adjacent the natural boundary
- (d) require the report of a registered professional hydrogeologist for new wells, wherein the pump down test record of water quantity shall include a record of extracted water salinity and be done during the time of summer drought and at a low tide. For certainty, pump down tests to demonstrate water quantity shall not be done at a time of rising tide such that the rising tide has the effect of augmenting an apparent well recharge capability.

2.2.11 A regulated groundwater management area for the interior of trust area islands, contiguous with the natural boundary buffer zone of policy 2.2.10, may be considered by trust bodies. Regulation will include provision to:

- (a) meter the rate and total of groundwater extraction and publish said data
- (b) limit the density of drilled wells and where indicated by i) evidence of salt water intrusion or ii) other indicators that groundwater consumption exceeds recharge; preclude new drilled wells
- (c) require a local trust area register of drilled wells in the groundwater management area
- (d) require the report of a registered professional hydrogeologist for new wells, wherein the pump down test record of water quantity shall include a record of extracted water salinity and be done during the time of summer drought.

2.2.12 The transition between the natural boundary buffer groundwater management area of policy 2.2.10 and the island interior groundwater management area of policy 2.2.11 will be determined by a transition from a positive correlation between daily sea tide levels and the static water level in drilled wells, in the natural boundary buffer groundwater management area and a lack of such correlation for the contiguous island interior groundwater management area. Where a positive correlation persists for wells in the interior of the island, then the entire island shall be part of the natural boundary buffer groundwater management area of policy 2.2.10.

2.2.13 Applications for increased density should not be supported where the source of potable water is a drilled well and i) the subsurface must be artificially fractured in order that adequate quality and quantity be proven, or ii) where a pump down test cannot be done due to probable adverse effect on the quality and quantity of potable water in nearby wells.

2.2.14 Before an application for increased density proceeds, where the source of potable water is a drilled well and the subsurface has already been artificially fractured in order to prove sufficient water quality and quantity, the onus shall be on the applicant to demonstrate no adverse effect of artificial fracturing on the quality and quantity of potable water in nearby wells for each of i) a duration and ii) the proximity to nearby wells; which is established by regulation.

2.2.15 In applications for changes in land use where the source of potable water is or has been, in part or entirely, a drilled well or wells, registering the well or wells with the ministry of the environment and fixing a well identification plate to the subject well or wells should be a condition of approval for said change in land use.

2.2.16 Policy and regulation of freshwater use in the trust area shall minimize potential for adverse effects to i) the quality of water in ponds, lakes, streams and wetlands and to ii) in-stream uses including, but not limited to, fish and fish habitat uses, indigenous cultural and spiritual use and to iii) aesthetic and recreational uses.

2.2.17 Trust body deliberation and decisions respecting both i) ocean source and ii) land source brackish water desalination plants, shall give priority to alternative land based sources of potable water. If a water desalination plants is deemed necessary, priority shall be given to environmentally responsible disposal of the effluent concentrate, in particular but not limited to, adverse effects on the ecosystems of the water or land receiving the effluent concentrate. The design and implementation of desalination plants and associated infrastructure shall be regulated.

2.3 Forest Stewardship Policies of the Trust Policy Statement

2.3.0 Forest stewardship policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.3.1 Council is encouraged to develop a forest management plan for the trust area which will enable sustainable small scale extraction while giving priority to the long term health of forest ecosystems; in part by protecting unfragmented forest ecosystems, on a scale of forest stands and landscapes, from adverse consequences of the built environment.

2.3.2 Large land holdings and parcel sizes shall be retained to enable sustainable forest harvesting practices. The location of roads and utility corridors shall be directed so as to minimize the fragmentation of forests.

2.3.3 Guided by the provincial ministry of the environment's assessment of ecosystem health and species at risk, protected forest ecosystem reserves may be designated where extraction will be limited in order that the preservation of native biodiversity and corridors not be compromised.

2.4 Agricultural Land Stewardship Policies of the Trust Policy Statement

2.4.0 Agriculture policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.4.1 Landowners engaged in best practices agriculture are valued for their contributions to food security and as stewards of trust area land.

2.4.2 Given the certainty of a climate emergency and the potential for uncertainties of transportation and distant sources of food, the 13% of trust area lands which are in the provincial agricultural land reserve shall be protected in the long term as a reserve and not treated as a resource for development.

2.4.3 Food sovereignty. Acknowledging first nations cultural heritage and ways of knowing, council affirms the right of residents of the trust area to healthy and culturally appropriate food produced through ecologically sound and sustainable methods and the right to define their own food and agriculture systems.

2.4.4 Agricultural capability shall be encouraged in the trust area where farming operations are small scale and give priority to local area food security, including but not limited to encouragement for vegetable gardens on land zoned for residential use.

2.4.5 Productive agricultural soils shall be protected, particularly but not limited to protection through bylaws relating to soil removal and deposit.

2.4.6 Regenerative agriculture. Farming based on of i) building soil health and fertility, ii) improved water percolation and retention, iii) increased biodiversity and ecosystem health and iv) reduced green house gas emissions; is encouraged for the trust area.

2.4.7 Road systems and servicing corridors shall be designed and constructed so as to minimize the fragmentation of agricultural lands.

2.4.8 Agricultural land shall be identified and preserved for current and future use, including but not limited to, preservation by support for inclusion in the agricultural land reserve.

2.4.9 The permitted land uses on adjacent properties shall minimize any adverse affects on agricultural land.

2.4.10 Applications to trust bodies or referrals by trust bodies for other use than agriculture shall not be supported on trust area land in the agricultural land reserve which is shown in mapping relied on by the agricultural land commission to include prime improved agricultural capability class 1 - 3 soils.

2.4.11 Applications to trust bodies or by trust bodies for exclusion from the agricultural land reserve shall not be supported where the subject land which is shown in mapping relied on by the agricultural land commission to include prime improved agricultural capability class 1 - 3 soils.

2.4.12 Land uses and activities that support the economic viability of farms, without compromising the agriculture capability of agricultural land, are encouraged for land in the agricultural land reserve which does not include prime improved agricultural capability class 1 - 3 soils shown in mapping relied on by the agricultural land commission.

2.5 Soil Stewardship Policies of the Trust Policy Statement

2.5.0 Soil stewardship policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.5.1 Productive soils in the trust area shall be preserved, protected and restored where necessary to restore productive capability.

2.5.2 In part, productive soils in the trust area shall be preserved and protected by regulatory bylaws related to soil removal and deposit.

2.5.3 Removal or excavation of soil or fill from middens or foreshore areas that have been identified as culturally significant areas, shall be prohibited.

2.6 Coastal and Marine Stewardship Policies of the Trust Policy Statement

2.6.0 Coastal and marine ecosystem preservation and protection policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.6.1 Appropriate locations for marine dependent land uses and means to prevent further loss or degradation of coastal and marine ecosystems; shall be identified.

2.6.2 Local trust area policies shall be given that preserve, protect, and support the restoration of eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, and coastal wetlands, acknowledging their multifaceted roles in supporting carbon capture and storage, soft shoreline protection, and the provision of habitats and spawning areas for coastal and marine aquatic species.

2.6.3 The location of buildings and structures in the trust area shall be directed such that they do not:

- (a) adversely impact sensitive coastal and marine ecosystems, naturally occurring stocks of shellfish, eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, coastal wetlands, middens, or archaeological sites
- (b) interfere with natural coastal processes
- (c) restrict first nations' access to traditional coastal and marine harvesting sites
- (d) restrict public access to, from, or along the marine shoreline

2.6.4 Establishment of commercial aquaculture tenures shall be dissuaded. The location and operation of commercial aquaculture tenures shall be directed so as to be away from areas:

- (a) of cultural, spiritual, archaeological, or recreational significance;
- (b) where an aquaculture operation would conflict with established or designated upland land uses, anchorages or moorages.

2.6.5 Opportunities shall be identified for the sharing of facilities such as docks, wharves, floats, jetties, boathouses, boardwalks and causeways.

2.6.6 Applications for new private docks shall be subject to demonstration by the applicant that dock construction and maintenance won't disadvantage marine environment ecosystems or public access to crown land below the natural boundary. Applications for new private docks should not be supported where a shared dock facility is available with road access to the upland parcel for the subject private dock application and where the island is served by B.C. Ferries. Applications for new private docks shall not be supported where restrictive ministerial order of forest lands, natural resource operations and rural development M329, effective 24 August, 2021 to 23 August 2023, or a successor restrictive order, has force and effect.

2.6.7 Applications for seawall and other hard shoreline armouring in the trust area shall be assessed to determine whether i) soft or ii) hard, shoreline structures or measures are appropriate to give erosion protection while minimizing adverse environmental effects. Soft shoreline protection is preferable in the Trust Area and the onus shall be on the applicant to demonstrate that hard shoreline protection is necessary.

2.7 Climate Change Policies

2.7.0 Directive climate change policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw.

2.7.1 Land use planners and trust area decision makers will accept and include in their advice and deliberations; the science and measurements relied on by the provincial ministry of the environment for the cumulative effects of i) geology and other in the long term and ii) climate change in the short term which indicate that the current rate of increase of iii) annual average and iv) peak seasonal ocean levels in the trust area is expected to rise more rapidly in the scale of a human lifetime.

2.7.2 Anticipating i) increased development pressure and drawdown of groundwater and both ii) sea level rise and iii) prolonged summer drought as a consequence of climate change; precautionary council policy will anticipate the cumulative adverse effects on groundwater quality and quantity. Adverse effects include but are not limited to iv) an inward migration from the coast of the freshwater – saltwater transition for trust area island aquifers and v) saltwater intrusion for groundwater wells.

2.7.3 Anticipating more intense winter rainfall and summer drought, storage of surface water is encouraged.

(a) Where water storage is a pond or lake which may be used as a source of potable water, there shall be a setback buffer free of built environment.

(b) Where new subdivided lots will be adjacent water storage under subsection (a) the buffer land contiguous with the water storage and the subdivided lots shall be owned by the regional district and shall be both i) protected by restrictive covenant and ii) regulated, so as to preclude public access.

(c) Where agricultural land use is contiguous with water storage under subsection (a), the buffer land shall not be fertilized and shall be fenced to prevent livestock access to the potable water.

2.7.4 Anticipating more intense winter rainfall, applications for changes in land use will be assessed for adverse effects, including but not limited to potential for flooding and land erosion. Where adverse effects would be exacerbated by tree and vegetation removal, precautionary protective measures such as restrictive covenant and regulation shall be considered by advice givers and by decision makers.

2.7.5 Anticipating ocean level rise as a consequence of climate change, a buffer is required between the natural boundary and the built environment, which will minimize risk to the built environment within reasonable estimates of the duration of functional usefulness for structures. The buffer will have sufficient horizontal extent to accommodate storm surges and landward migration of the natural boundary.

2.7.6 Means shall be identified to reduce the climate vulnerability of communities, including nature-based solutions and actions that prioritize:

- (a) protection of the carbon capture and storage capacity of natural areas
- (b) low-carbon housing, buildings, transportation and agriculture
- (c) preservation, protection, and restoration of biodiversity
- (d) freshwater sustainability
- (e) wildfire risk mitigation

2.8 Heritage Preservation and Protection Policies

2.8.0 Heritage preservation and protection policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.8.1 Natural heritage sites shall be identified, preserved, protected and the restoration thereof supported.

2.8.2 In cooperation with first nations and other government agencies, indigenous cultural heritage shall be identified, preserved, protected and the restoration thereof supported.

2.8.3 Local community heritage shall be identified, preserved, protected and the restoration thereof supported.

2.9 Rural Island Planning Policies

2.9.0 Rural island planning policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.9.1 Land use planning techniques appropriate to urban design, particularly for those lands subject to a regional district growth plan, are not necessarily appropriate to trust area island land use planning.

2.9.2 New development shall not be encouraged which is based on a compact, complete and connected urban fringe development model, or a conservation subdivision model, or similar model which concentrates the built environment for other than special needs housing. Each model establishes a contiguous area free of built environment at the time of development, protected from further development by means of a restrictive covenant. Typically, the covenant signatories are landowner and local trust committee; each with potential future cause to reduce or eliminate the covenant restrictions. Each model has the effect of concentrating groundwater access and sewage disposal, so increasing potential for reduced groundwater access and sewage disposal in adjacent lands. Decision makers must recognize the unspoken advantage of concentrating the built environment - namely preservation and protection of development potential - and carry out the trust object instead.

2.9.3 Given that the built environment on many trust area islands already includes areas of more dense and less dense residential development with a density ratio of tenfold or more, new development shall not concentrate dense development so as to minimize the sociodiversity implicit in a wide range of residential densities now available on most islands.

2.9.5 Appropriate density limits shall be established for sustainable use of the land base which will safeguard protected ecosystem areas, freshwater sustainability, a healthy marine environment and indigenous cultural heritage in the trust area.

2.9.6 Areas hazardous to development shall be identified, including areas subject to flooding, erosion or slope instability and strategies given to direct development away from such hazards.

2.9.7 Appropriate local trust area locations shall be identified with safe public access to:

- (a) educational, institutional, health-related, community and recreational facilities and services
- (b) bicycle, pedestrian, and equestrian trail systems
- (c) community marinas, boat launches, docks, and anchorages that are small scale, sustainable, and that do not compromise the integrity of protected areas, terrestrial and aquatic ecosystems, indigenous cultural heritage, or indigenous access to coastal and marine harvesting areas.

2.9.8 Destination gaming facilities such as casinos and commercial bingo halls shall be prohibited in the trust area.

2.10 Policies for Land Zoned Residential and Housing Policies

2.10.0 Policies for land zoned residential and housing policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.10.1 Where land is zoned residential and the residence is unbuilt, the necessary environmental impact of a residence may be avoided for a willing landowner by giving the landowner a reasonable use of land for structures on a part of the unbuilt land with requirement for screening of structures if indicated.

2.10.2 Where land is zoned for both residential and agriculture principal uses and neither principal use is implemented, the environmental impacts of a residence and agriculture may be avoided for a willing landowner by giving the landowner a reasonable use of land for structures on a part of the land which would have been used for a residence and agriculture, with requirement for screening of structures if indicated.

2.10.3 Decision makers shall address land use for special needs housing by identifying appropriate locations where density increases consistent with the local government act could support special needs housing, while safeguarding predominantly rural character, protected area networks, freshwater sustainability, a healthy marine environment, and indigenous cultural heritage.

2.10.4 Commercial use of trust area land zoned for residential use shall be regulated in order that the effectiveness of the principal residential use for housing long term local residents not be compromised. If short-term rental for residential use of a part of, or the entire of; a residence where i) the owner is not resident on the parcel or ii) the parcel does not include the owner's principal residence, or both i) and ii); said rental shall be dissuaded by effective regulation and enforcement of regulation.

2.10.5 The effects of trust area residence floor area on consequent greenhouse gas emissions, sociodiversity and biodiversity, climate vulnerability, indigenous cultural heritage and the cumulative effects thereof shall be assessed and where indicated, regulation shall limit floor area to carry out the object of the trust.

2.10.6 Trust area businesses shall be encouraged to acquire and use existing residences to house employees of said businesses, subject to:

(a) Where the need for employees would require an extent of land zoned for residential use, which may disadvantage the residential zone land use expectations of adjacent property owners, then the subject business owners shall be encouraged to provide employee housing within the land area zoned for the business.

(b) Where business use of land is anticipated by application, decision makers shall consider the application more favourably where employee housing will be provided within the land area to be zoned for the business.

(c) Where there is an application for business use of land and the number of employees disclosed in the business plan are such that the criteria of subsection (a) are anticipated, then the owner shall be required to provide employee housing within the land area zoned to be for the business.

2.11 Transportation Policies

2.11.0 Transportation policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.11.1 Community groups shall be encouraged to prepare a transportation plan for land use in each local trust area which connects inter-island ocean transport including but not limited to that given by B.C. Ferries with island road and trail networks.

2.11.2 Community groups shall be encouraged to prepare a transportation plan for land use in each local trust area which will recommend trail routes both adjacent to roads and off road for the primary purpose of transportation and secondary purpose of recreation. Said plan will give preferred design criteria for the trails, including trail width and permeable surfacing material appropriate for lower speeds than on island roads and intended primarily for trail sharing by pedestrian, horse and non motorized vehicles. Where appropriate and safe for other pedestrian, horse and non motorized vehicles; trail design for electric motor powered two and three wheeled vehicles may be accommodated. Said plan will also address shared vehicle use on roads so as to encourage reduction of the number of island private vehicles. Said plan will encourage the transition of vehicles from fossil fuel power to electric power, by means such as land zoned for charging stations and other amenities favourable to both shared vehicle and electric vehicle use.

2.11.3 For deliberation on applications to change land use, decision makers in local trust areas shall be cognizant that road location, construction and maintenance, including maintenance of utilities as may accompany roads, do not adversely impact the integrity of protected ecosystems, contiguous forests, watershed ecosystems, freshwater networks, groundwater recharge areas, agricultural lands, coastal and marine areas, or indigenous cultural heritage in the trust area.

2.11.4 A classification system of rural roadways, including scenic or heritage road designations shall be developed.

2.11.5 Appropriate locations for the landing of emergency helicopters shall be identified.

2.12 Utilities Policies

2.12.0 Utilities policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.12.1 In applications for changes in land use which would require provision of utilities which are usually placed overhead on poles, burying the same utility below ground may be considered as a condition of approval for said change in land use; for the purpose of minimizing both initial construction disturbance and ongoing maintenance disturbance to trees and vegetation, as well as minimizing the adverse aesthetic consequence of utility provision.

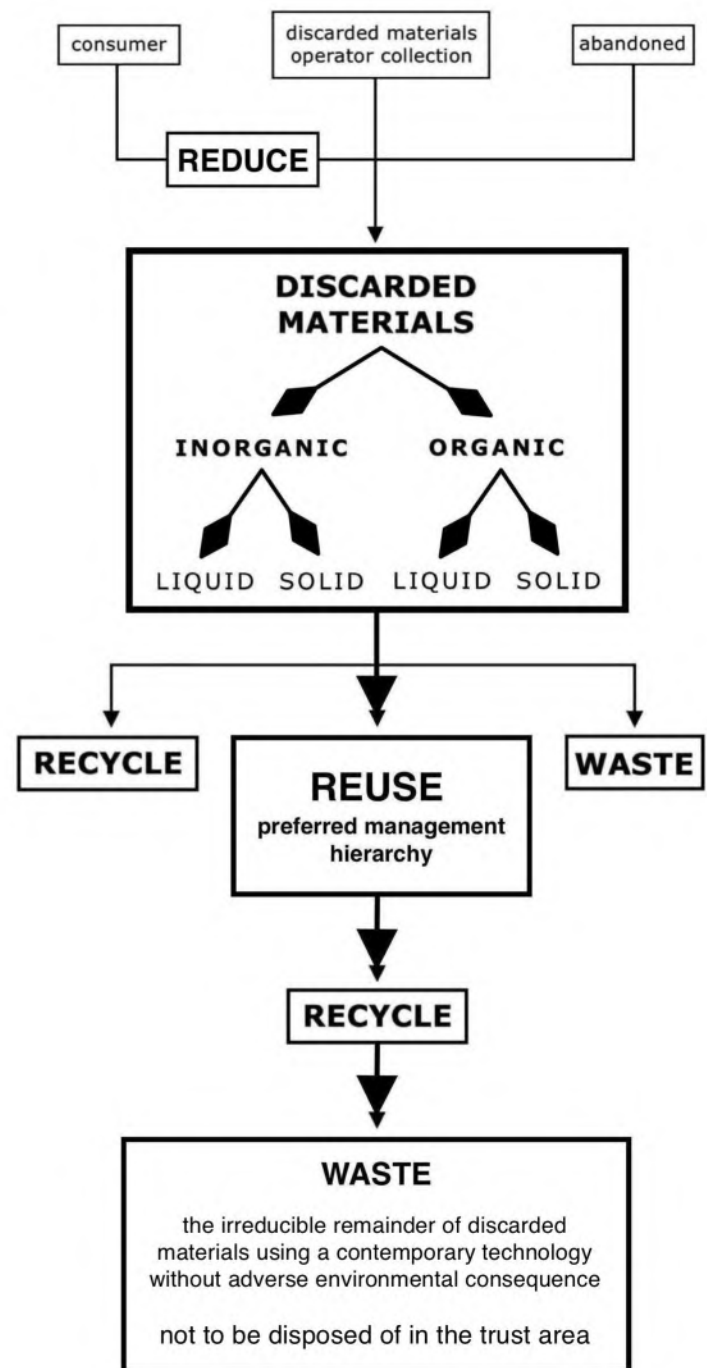
2.13 Discarded Materials Policies

2.13.0 Discarded materials policies of the trust policy statement are subject to the implementation policies of the schedule attached to this trust policy statement bylaw and where policies are named directive, subject to trust area regulation.

2.13.1 Solid and liquid discarded materials, be they organic or inorganic, shall be regarded as a resource to be managed in appropriately zoned land for the purpose in each local trust area. Discarded materials shall not be assumed to be waste simply because they have been discarded. See Figure 2.13 – 1.

Before the Islands Trust, discarded goods were usually regarded as "waste" and disposed of in personal or municipal landfills.

Today, the societal and provincial imperative is for the consumer to reduce consumption, to enable reuse of goods where practical and if not, to recycle the goods or their parts. The irreducible remainder using contemporary technology is "waste".



2.13.2 The source of discarded materials on a trust area island may be any of, but not limited to: abandoned materials, residential, commercial, institutional or excavated roadworks spoils.

2.13.3 Discarded materials may be managed by the use of land, buildings and structures to receive, sort, store, process, compact and transfer said discarded materials.

2.13.4 Discarded materials should be hierarchically managed with reuse the first consideration and recycling the second. See Figure 2.13 – 1.

2.13.5 Where discarded materials are suitable for reuse or recycling, there should be provision for the retail sale of reusable or recycled discarded materials in those local trust area industrial zones designated for the management of discarded materials.

2.13.6 Where discarded materials have been managed and designated as waste, said waste shall not be disposed of in the trust area and local trust area land shall not be zoned for the purpose.

2.13.7 Where discarded materials have not been managed to maximize the reuse and recycling components but are nevertheless considered de facto waste, said materials shall not be disposed of in the trust area.

2.13.8 Local trust area land considered for a discarded materials management use shall not be viable farmland and for certainty, shall not be in the agricultural land reserve and shown in mapping relied on by the agricultural land commission to include prime improved agricultural capability class 1 - 3 soils.

2.13.9 Local trust area land considered for a discarded materials management use shall not be in a groundwater recharge area where the soil has a relatively high permeability for water flow.

2.13.10 Local trust area land considered for a discarded materials management use shall be regulated to ensure discarded liquid material does not leach to the soil.

3. Unique amenities of the trust area

3.0 Unique amenities are identified in inter agency agreements, council resolution, or other. The unique amenities of the trust area identified in this trust policy statement bylaw will be used to interpret the trust object.

3.1 The small scale of built environment in predominantly rural communities, which does not detract from the scenic attributes of the trust area, is one of the unique amenities of the trust area to be preserved and protected.

3.2 Indigenous cultural heritage is one of the unique amenities of the trust area.

3.3 Consistent with the object of the trust and recitals of the 1996 protocol agreement on agricultural land reserve lands in the trust area, the agricultural land reserve is one of the unique amenities of the trust area.

Schedule for the Trust Policy Statement bylaw

Implementation Policies for policies of the Trust Policy Statement

- i) Policies of Section 1 of this bylaw are to be implemented in the entire trust area by trust bodies and by the employees of council in the day to day business of the trust, including but not limited to staff advice to decision makers and the deliberations and decisions of decision makers.
- ii) Policies of Section 2 of this bylaw are to be implemented by trust bodies and by the employees of council in the day to day business of the trust, including but not limited to staff advice to decision makers and the deliberations and decisions of decision makers; save and except where a local trust area has petitioned council to absolve, given a 2/3 majority council vote, the local area jurisdiction from responsibility to implement the subject policy, or a part thereof, for the entire of the petitioning local trust area, or a part thereof.
- iii) Policies of both Section 1 and Section 2 of this bylaw which are indicated as directive policies are subject to a council regulatory bylaw corresponding to this trust policy statement bylaw.
- iv) Where this trust policy statement bylaw, or an amendment thereto, contains directive policies, council shall adopt a regulatory bylaw corresponding to this trust policy statement bylaw within two years of council's adoption of this trust policy statement bylaw, or the amendment thereto.
- v) All staff reports which advise decision makers respecting a change in land use or a policy change, shall detail relevant trust area policies and where applicable, the corresponding address in official community plan and regulatory bylaws of the local trust committee or island municipality jurisdiction.
- vi) Where a trust area policy requires an action not within the local trust committee or island municipality jurisdiction, implementation for that policy shall consist of advocacy in official community plan policy which quotes the subject policy and details the necessary statutory changes or inter-agency agreements for the subject policy to be implemented.
- vii) Where a local trust committee or island municipality refuses instruction from trust council to implement one or more policies, then trust council reserves the right to withhold sums from the budget allotment to the local area jurisdiction and to the responsible land use planning authority, until such time as the instruction is carried out.

From: Niall Parker <ginpr@movingaroundpender.ca>
Sent: Wednesday, September 1, 2021 12:14 PM
To: Lori Foster <lfoster@islandstrust.bc.ca>
Subject: Trust Council delegation

Hello Lori,

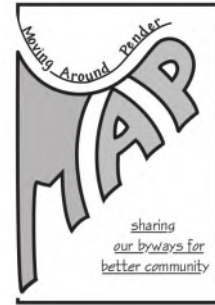
It has been suggested that Moving Around Pender provide a delegation to the upcoming Trust Council Quarterly meeting on Sept. 21. Please see the attached proposal that I've circulated previously to our LTC and MLA, I think it could be useful throughout the Islands Trust area.

How much time is available for a delegation ? Let me know if this is useful and I can put together a couple of slides to summarize for presentation.

Thanks.

... Niall Parker (Chair, MAP)

Rationalization of Road Right of Ways



Abstract:

There is a need to improve transportation infrastructure to better support non-motorized modes. Sub-optimal road dedications occur when uses change over time. It is recommended that existing road dedications be reviewed and a policy adopted to rationalize and improve them when possible.

Background:

The present road system in the province has been designed for and largely optimized for use by motorized vehicles such as cars, trucks and buses. For individuals wishing to use more environmentally friendly modes of transportation such as walking, cycling and horses, it is often the case that their safety and comfort is compromised when required to share the often narrow roadways. Motor vehicle users can be delayed and/or attempt dangerous passing situations when the road surface is not wide enough to accommodate all the different users.

While shared use of existing roadways is possible and indeed the most efficient use of resources where the traffic density is low enough, the development of dedicated infrastructure is needed where there is more traffic (often on major arterial routes). Current road design standards typically allow for road allowances on the order of 20 m wide, and when the roads are constructed close to the centerline of the allowance there is usually sufficient space to provide roadside or off road trails without impinging on private property. Unfortunately this is not always the case and there are instances (especially on Pender) where there is no room to build roadside or off road trails for pedestrians and cyclists. Where such trails are necessary, a pre-condition before building is negotiating with the adjacent landowners. In some cases they can be very supportive while in others the landowners value their privacy over a public trail.

As a rule, there is little political appetite for expropriation to force through trails and so these projects are delayed or abandoned, leaving the public with the original issue of crowded roads that discourage environmentally friendly transportation modes. More people choose to

drive, causing increased congestion and resource consumption, with the whole community suffering as a result.

Proposed Solution:

The problem of inadequate road allowances is not one that will be solved quickly, but unless some steps are taken now, we can not look forward to any improvements. A suggested approach is to adopt a policy at the provincial and/or local government level that all future property sales will be subject to a potential boundary adjustment. In any location where the property being sold includes land within 10 m of the road centerline, a new property line will be drawn and the portion close to the road will be purchased at the same rate as the rest of the property by the province and added to the road allowance. The seller is free to negotiate their property price according to the market, and all buyers would enter into the negotiations knowing that any piece too close to the road is not included and not available for sale.

In the interest of expediting this road allowance rationalization, it would be a good idea that the province offer to buy these frontage slices to any property owner with land within the target road allowance. Valuation could be based on previous sale prices or land assessed values. Extra land, where the road allowance includes land greater than 10 m from the road centerline could be offered for sale by the province on the same terms to local landowners and would provide partial funding for this program.

It is very likely that there will be a net cost to the provincial government to implement this program but it should be recognized the tremendous value to the people of the province a rational road allowance would provide. Proponents of roadside trails could then deal directly with a single authority tasked with transportation responsibility. Private landowners will be fairly compensated for the transfer of their land to the public, and we all get a chance to get around in a healthier and more environmentally friendly way.

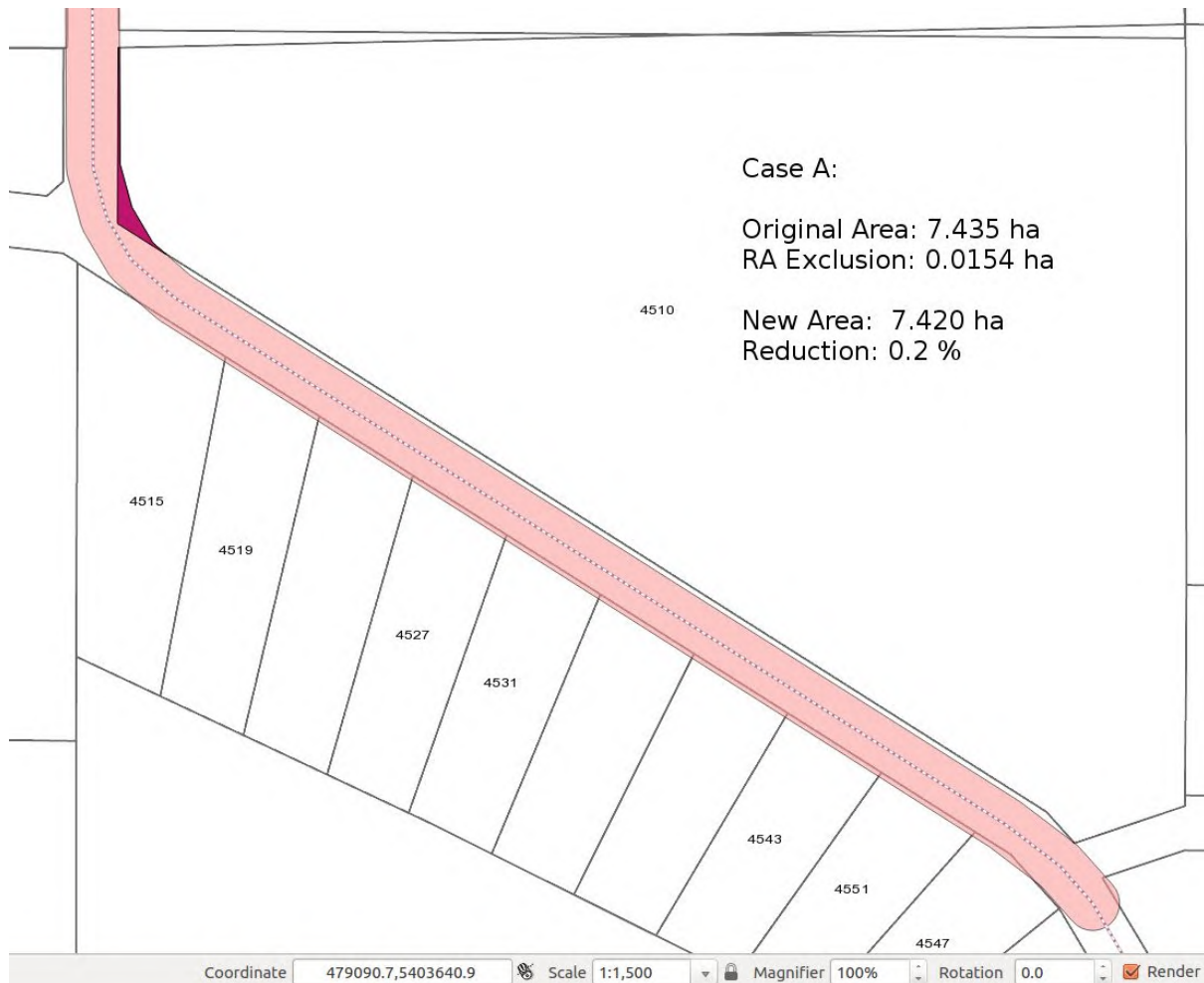
Example Application

A property currently on the market that would benefit from the application of this policy is 4510 Bedwell Harbour Rd., Pender Island. The property lies just north of the Driftwood Centre and on the designated 'Magic Ferry' route. It has a 2019 assessed value of \$729k and a current asking price of \$888k. Total assessed area is 18.5 acres = 7.48 hectares.



Case 1: CRD Boundaries accurate

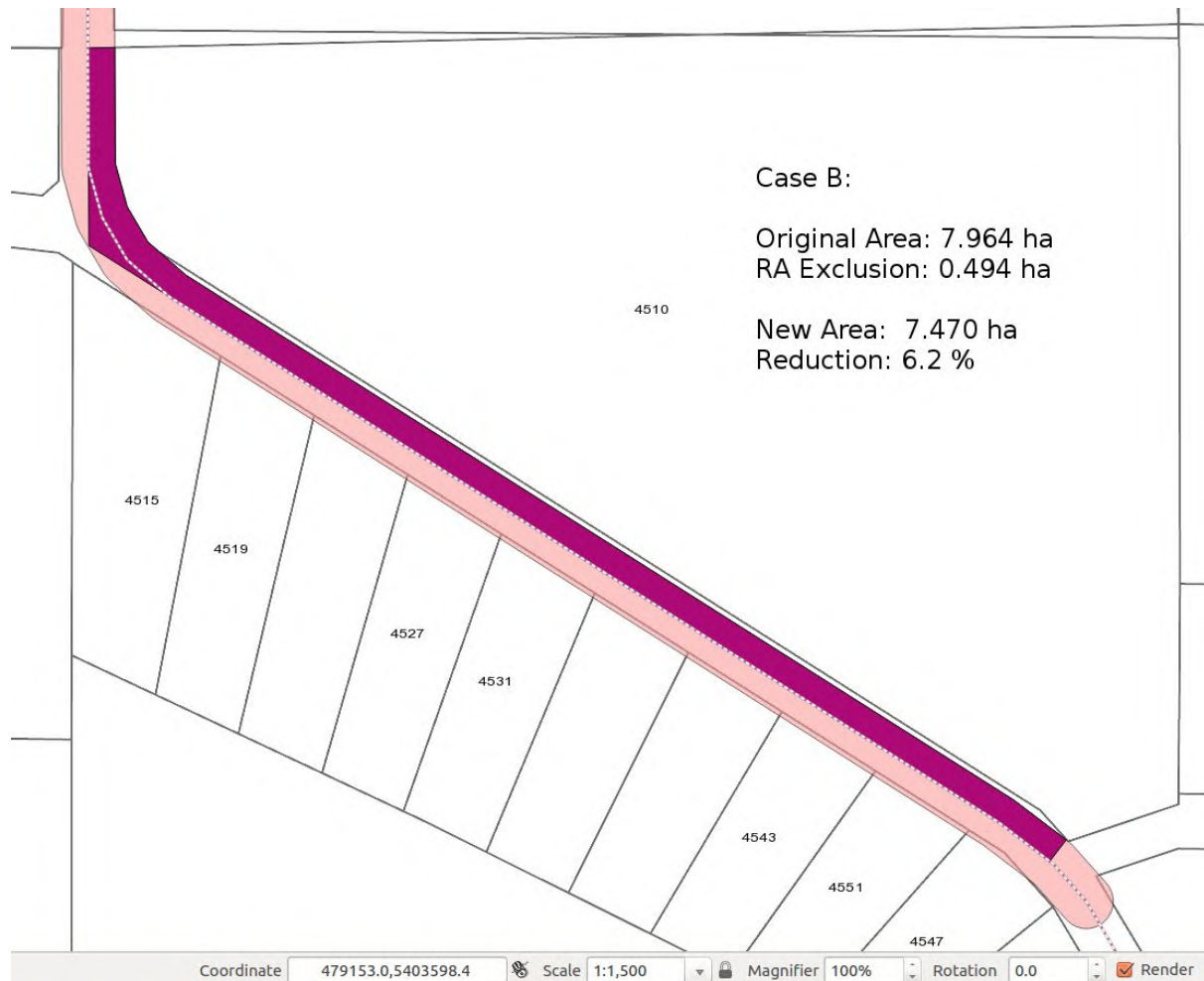
Using data from the CRD Natural Area Atlas property boundaries, we can see that the property intersects the rational road allowance (10 m) at the corner and that by dividing it when sold would give the community significant benefit for minimal outlay.



If sold for the asking price, the portion to be purchased by the province would be valued at \$1776 (re-surveying the boundaries is likely to be more expensive)

Case 2: Property Boundary to Road Centerline

It is presently unclear whether the CRD data can be relied upon, it is claimed by the owners that their property boundary actually extends to the road centerline. If this is the case then land area to be purchased will be larger but still not unreasonable given the value to the community.



In this case, assuming the asking price is met, the cost to the province¹ would be \$54950 plus survey costs.

¹ It should be noted that the reduced area corresponds closely to the actual assessed area and it may be possible that the land transfer has already occurred.

Possible Issues:

The goal of this proposed policy is that landowners can still get the full value for their land when they go to sell it, even though it will consist of two separate transactions. It will likely be claimed (and may be true in some instances) that the overall market value of the property is reduced. Landowners will naturally be opposed to losing value and key to the minimization of any possible loss in value would be the consistent application of this policy throughout the province.

There are a few ways in which landowners may feel their property value is decreased. Land parcels that go down in size may cross existing cutoffs for land use. Cooperation with local governments to preserve existing density and zoning would minimize the downsides of the road allowance rationalization. While most jurisdictions already have setback requirements that would preclude building within the transferred zone, it may be necessary to grandfather or adjust the bylaw wording for the measuring of setback distances so existing and new landowners do not lose development rights. This is another area where coordination with local government would be useful. Decisions about heritage values will also play a role, we may wish to retain some older buildings that are too close to the existing roads and will need to consider alternatives to achieve the continuous ROW that is the goal of this policy.

Next Steps:

Next steps should include a review of the applicable legislation and policy. If land within the road allowance area has not been taxed as part of overall property then it can reasonably be treated as public going forward, regardless of the legal property boundaries. If it turns out that property within the allowance has been treated and taxed as private land then the owners will expect compensation to transfer it to the public domain. Value based on the fraction of property area as described above is a simple and reasonably fair approach.

A review of existing roads and road allowances should be completed to determine how widely this rationalization can be applied. An estimate should be made of the net cost of implementation both on the total amount of land to be exchanged as well some expectation of the annual budget required given the rate of property sales. Some estimate of the special costs associated with heritage buildings and the extent to which this is likely to apply would also be useful.



September 22, 2021
10:45 a.m. - 12:00 p.m.
Islands Trust Council

Oil Spill Planning in the Islands Trust Area

Background: The Canadian Coast Guard has been undertaking planning for the Islands Trust Area. They have developed three area plans: Greater Vancouver, Georgia Strait, and Juan de Fuca

Purpose: To provide an update to Trust Council about oil spill response planning work in the Trust Area

Resources:

Stephanie Hawkins, Regional Project Manager –Planning for Integrated Environmental Response, Canadian Coast Guard

Corey Maciver, Regional Project Manager - Planning for Integrated Environmental Response, Canadian Coast Guard

Clare Frater, Director, Trust Area Services

TIME	TOPIC	WHO
10:45 AM	Welcome and introductions	Clare Frater
10:55 AM	Overview of Area Planning Processes	Stephanie Hawkins Corey Maciver,
11:30 AM	Questions	



**September 22, 2021
1:00 p.m. - 2:15 p.m.
Islands Trust Council**

Vessel Drift and Response Analysis

Background: San Juan County commissioned modeling of disabled vessel drift times before grounding and an analysis of an emergency response towing vessel response.

Purpose: 1) To present the results to Trust Council of the Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia modeling study undertaken by San Juan County, in partnership with Nuka Research & Planning Group LLC and the UW Puget Sound Institute Salish Sea Modeling Center.

2) To give a brief update from San Juan County Council.

Resources:

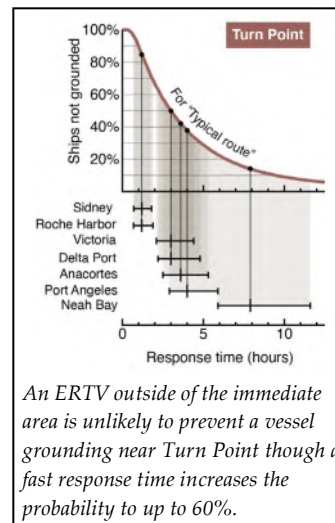
Marta Green, Puget Sound Recovery Coordinator, San Juan County
Jamie Stephens, Council Member District 3, San Juan County
Clare Frater, Director, Trust Area Services

TIME	TOPIC	WHO
1:00 PM	Welcome and introductions	Clare Frater
1:05 PM	Overview of the inland waters Vessel Drift and Response Analysis	Marta Green Jamie Stephens
1:45 PM	Questions	
2:05 PM	Update from San Juan County Council	Jamie Stephens

Attachment 1: Puget Sound National Estuary Program – Inland Waters Vessel Drift and Response Analysis

INLAND WATERS VESSEL DRIFT AND RESPONSE ANALYSIS— Strait of Juan de Fuca to the Southern Strait of Georgia

San Juan County contracted with [Nuka Research & Planning Group, LLC](#) to analyze the time available to rescue a disabled vessel adrift in the inland waters extending from the Strait of Juan de Fuca to Burrard Inlet before it grounds, and the time that it would take for an emergency response towing vessel (ERTV) to rescue ships adrift on the north and west sides of the County, thus reducing the risk of an oil spill. Nuka Research previously conducted a vessel drift and response analysis for Canada's west coast and this study extends the modeling to inland waters.



Area That Vessel Drifts From Typical Shipping Route	Percent of Vessels Potentially Rescued From Grounding	
	Neah Bay	Sidney Roche Harbor
Boundary Pass	30%	75% - 80%
Turn Point	15%	85%
N Haro Strait	40%	90% - 95%
S Haro Strait	65%	90% - 95%

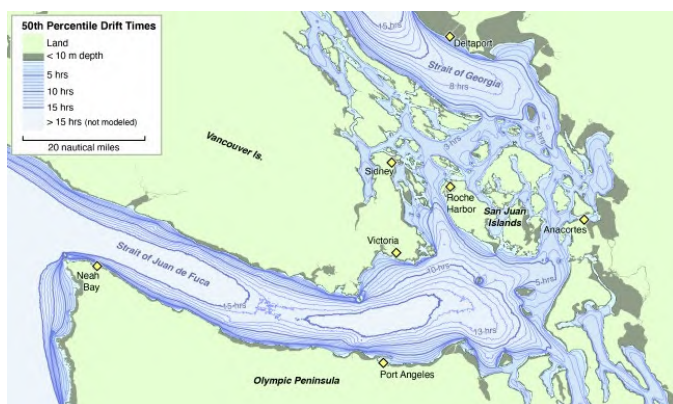
An ERTV stationed in Sidney or Roche Harbor providing the mid-range response time modeled may be effective in preventing 75-95% of disabled vessel groundings in these waterways, significantly improving the rescue capability from Neah Bay.

Project Outcomes

The project team combined Nuka Research's Zone of No Save model and the Puget Sound Institute [Salish Sea Modeling Center](#)'s current and wind models to estimate how long it would take a drifting containership to ground based on the winds and currents measured from 2014-2017. Project Contributors represented:

Dept of Ecology Spills Program	Clear Seas Centre for Responsible Marine Shipping
Port Gamble S'Kallam Tribe	Marine Exchange of Puget Sound
Wave Consulting	Friends of the San Juans
San Juan County Council	SJC marine & clean water committees

Project Contributors provided input to the analysis but may not concur with the approach, parameters, or results.



More than 6,500 model runs yielded 15.6 billion estimates of drift times. The wind and currents producing the median (50th percentile) and bad case (95th percentile) drift times were further analyzed.

The ERTV response analysis focused on the shipping route through Haro Strait, Turn Point, and Boundary Pass. Rescue times were calculated for a hypothetical ERTV positioned at six locations: Sidney, Roche Harbor, Victoria, Delta Port, Anacortes, and Port Angeles, plus Neah Bay. The study contemplated the response time of a dedicated ERTV with the power, equipment, and trained crew to save a large ship. The only such ERTV in the region today is stationed at Neah Bay. Other towing vessels in the area may not have this capability or may be engaged in other duties.

Based on a range of travel speeds and distances, rescue times were bracketed as fast, mid-range, and slow. Analyzing drift times relative to rescue times determined the percent of disabled vessels that may be rescued before grounding. An ERTV located in Sidney or Roche Harbor would have the best chance of a successful rescue for over 75% of mid-range and over 90% of fast response cases modeled. An ERTV outside the immediate area would have a lower probability of arriving in time to rescue a vessel transiting this shipping route.



FOR MORE INFORMATION

Marta Green
Puget Sound Recovery Coordinator
martag@sanjuanco.com
(360) 370-7587
Project Based on Near Term Action 2018-0863

April 30, 2021 - [Full Report](#)



From: Peter Johnston <pjohnston@islandstrust.bc.ca>
Sent: Thursday, September 2, 2021 8:35 PM
Subject: Xwe'etay/Lasqueti Archaeology Project report

The Lasqueti Archaeology Project had its first in-person inter-community event when the Lands department of the Tla'amin Nation came to Lasqueti August 19-20. Six or seven people, aged 10 to mid-forties, came by ferry and road and chartered boat, were met by the hosts who billeted them, and then attended a meal with a dozen or two Lasqueti community members. The next day was spent, at low tide, exploring a site with an elaborately constructed fish trap and pond, a small clam garden, and extensive village-site at what we think was largely human-constructed lagoon. About 80 or 90 Lasqueti people attended and seemed very attentive and interested to hear our resident archaeologist and the Tla'amin knowledge-holder talk about what we were seeing from below the high-tide line. The public attendance at the site was astonishing and hugely encouraging.

On the way for the guests to catch the late-afternoon ferry to Vancouver Island and back home, we visited a site adjacent to False Bay where several house platforms are clearly visible and appear (again, from below high-tide line) to be undisturbed. The main site in False Bay, and an unknown number of other sites, have been very much disturbed since non-Indigenous people (explorers, traders, settlers) arrived on Lasqueti. What was a good place to live is also an attractive place to settle, and we have increasingly had far greater technology available to quickly make our marks upon the land.

Our next event is a week-long in-person gathering planned for the end of September, at which we hope members from five (and possibly seven) Nations will be able to attend and participate in some actual archaeological work, as well as discuss issues around respecting them and their heritage and cultural sites, and generally for us to begin to get to know each other.

I was invited to attend an event on Texada Island, organized by the Tla'amin Nation and designed to celebrate the shoreline cleanup project that they and Lasqueti has been involved, coordinated and facilitated by Ocean Legacy. As well as socializing and sharing a meal, there was a talk and guided walk by the archeologist who had done a survey where the qathet Regional District wanted to

rebuild a residence and service kiosk that had burned down some years ago at their Shelter Point regional park. The archaeologist discovered that there had been an extensive village there, partly bulldozed, but with three rows of houses paralleling the shore and extending onto the private property beyond the park boundary. The Tla'amin Nation and qRD together built a shelter structure, reflecting traditional construction style. I learned that Texada people, up till the time of the archaeological work, largely believed that First Nations people had not lived on Texada, and only visited to gather berries and shellfish, etc. The excavation and exploration at the site changed this view, I am told, and the Tla'amin were proud to host this event on part of what is now recognized on Texada as part of their traditional territory.

This is the same story that has happened, with different details, on Lasqueti. Since so many sites have been discovered and knowledge of them made public, and the Reconciliation process has begun, there is wide-spread recognition and increasing respect for First Nations sites and connections with our Islands and their surrounding waters. The purpose of the project is to foster these connections, decrease the fears that linger, and to increase the protection (and decrease the destruction) of the archaeological and cultural heritage by engaging residents and public knowledge and involvement about it, rather than keeping it secret and hoping that it stays undisturbed

I was very pleased that when I talked with two landowner/residents to ask their permission to access the site neighbouring their property close to False Bay, both readily agreed and consented to us crossing their property with the Tla'amin representatives.

For more information on the Lasqueti/Zwe'etay Archaeology Project see <https://www.lasquetiarc.ca/>

For a report by project founders Dana Lepofsky and Sean Markey (both from SFU) see <https://www.lasquetilocal.ca/lasqueti-e> which is from The Lasqueti Local September newsletter

For information about Lasqueti generally, see <https://lasqueti.ca/>

If you have any questions or comments, please contact me. Peter Johnston Lasqueti Island local trustee

MEMORANDUM

File No.: 2960-20-06
Summary & Trustee Update

DATE OF MEETING: September 23, 2021
TO: Trust Council
FROM: David Maude, Mayne Island Local trust Area
SUBJECT: BC Ferries Advisory Committee Chairs update

PURPOSE

As a member of the BC Ferry Advisory Committee Chairs, update Trust Council on recently attended meetings and current issues.

1. BC Ferries continues to take delivery of further Island Class ferries, the two that will service Quadra Island are on the coast and being commissioned, the two for Gabriola Island will soon be arriving and both sets of ships will be in service in 2022. The Island Class are battery-equipped ships designed for full electric operation. The ships are fitted with hybrid technology that bridges the gap until shore charging infrastructure becomes available. From the exterior details to the engines, the design of the new vessels reduces underwater radiated noise, lowers emissions and improves the customer experience on board.
2. 'Salish 4' – the newest build of a Salish class vessel will be delivered in late 2021, entering service in early 2022. Serving the Southern Gulf Islands, this year users have seen regular overloads on this route and the additional capacity is very much welcome.
3. The BC Cabinet out into place over the past year priority loading for 'essential service providers on all routes (Ministerial Order 84). The "essential" providers are defined as being **suppliers/purveyors of food and beverages, gas and fuel, pharmaceuticals and medical supplies, and sanitation services**. Unfortunately that order was rescinded in July and the heavy traffic and resulting overloads have resulted in some stress on these providers. There have been times when restaurants had to close, food stores did not get their orders and medical supplies were delayed as deliveries were delayed as trucks could not be loaded. Both BC Ferries and the Province are resisting reinstating this order or making route by route policy to enable priority loading.
4. I am very pleased to note that Eva Hage of Saturna Island was appointed as Commissioner of the BC Ferry Commission effective July 1, 2021. She previously had served as Deputy Commissioner and prior to that served with myself on the BC Ferries Advisory Commission for the Southern Gulf Island. Commissioner Hage is also closely associated with Trustee Brent.

Submitted By:	David Maude	August 31, 2021

General Comments

Local Planning Services Renewal

The Regional Planning Committee has directed staff to bring back draft amendments to Trust Council policies to provide guidance for allocation of resources to projects, and criterion for the prioritisation of projects by the Regional Planning Team. This includes policies related to prioritisation of projects, as well as consideration of recommended bylaws and recommended bylaw processes. This work will come to Trust Council in draft form in December 2021, with consideration of adoption of the policy in March 2022.

Development Application Service Delivery and Technology Improvements

We were successful in obtaining a grant of \$367,795 from the Province's Local Government Development Approvals Program, which is administered by the Union of British Columbia Municipalities (UBCM). The grant will be used to undertake a third party review of application processing in local planning services, and to replace our in-house database for application tracking with an industry standard product; this will improve efficiency internally, and provide more options for reporting, tracking and transparency in application processing for the public. Staff will be developing a work plan that meets the grant requirements, and will keep Council and the Executive Committee up to date on the progress and work being undertaken.

Ministerial order 192 and Bill 10 – Electronic Meetings

Ministerial Order 192 is the emergency pandemic order that allowed local governments, including Trust bodies, to meet electronically, and hold electronic public hearings, despite any restrictions currently in the legislation and bylaws. For the Islands Trust, ministerial Order 192 specifically over-rides BC regulation 283/2009 (Islands Trust Electronic Meetings Regulation) and all local trust committee and Trust Council meeting procedure bylaws. The provisions of the order allowing electronic meetings lapses on September 28, 2021; after this date, all meetings will be in accordance with the relevant meeting procedures bylaws.

Bill 10, make the electronic meeting provisions in Ministerial Order 192 permanent, with the added requirement of a place for the public to listen, or watch and listen to the meeting. Bill 10 will come into force by regulation, which is not expected to occur until September 29th at the earliest.

The steps that need to occur before local trust committees can hold electronic meetings after September 28, 2021 are:

1. Bill 10 comes into force by regulations, including a regulation that amends the Islands Trust Electronic Meeting Regulation; and
2. Local trust committees have adopted revised meeting procedures bylaws that permit regular business meetings to be held electronically.

Meeting procedure bylaws are administrative and therefore 1st, 2nd and 3rd reading may be considered at one meeting. The Executive Committee would then need to approve the bylaw before the local trust committee can consider adoption (which can be by resolution without meeting if there is a big gap between local trust committee meetings).

Bill 10 also proposes to amend the *Local Government Act* to allow electronic public hearings. Once Bill 10 is in force (which for most sections of the Bill will be by Ministerial regulation), local trust committees will have the

option of holding electronic public hearings. The ability to hold electronic public hearings will be available once Bill 10 is brought into force by regulation.

Policy Planning

Policy planning includes all of the proactive planning work being undertaken by the local trust committees and Regional Planning Committee (RPC).

The Regional Planning Committee (RPC) has completed a review of development application fees and this has now been forward to local trust committees for consideration of adopting new fee bylaws. Other work being undertaken is on strategic plan items, as follows:

- **Item 1.2 – model development permit to protect CDF** – work expected to begin in fall 2021.
- **Item 2.2 – Eelgrass Mapping** – contract awarded by competitive bid process to Moran Coastal and Ocean Resources Ltd to undertake a level 1 (aerial and orthophoto) survey, and map all eelgrass in the Trust Area not already recently mapped (Mayne and Bowen were completed recently). Level 2 survey will be decided based on need and future fiscal year budgets.
- **Item 2.3 – Shoreline Review** – Consultant Report received by the Regional Planning Committee and forwarded to Trust Council.
- **Item 2.4 – Freshwater Strategy** reported below under Senior freshwater Specialist section.
- **Item 2.5 – Groundwater Mapping** – reported below under Senior freshwater Specialist section.
- **Item 2.6 – model land use regulations for freshwater sustainability** – To be informed by the Groundwater Implementation projects currently in process on Galiano and North Pender which are estimated to be completed by fall 2022.
- **Item 4.4iii – (Affordable housing) Floor Area Ratio Density Metric Model Bylaw** - Consultant Report received by the Regional Planning Committee and forwarded to Trust Council.
- **Item 4.4iv – (Affordable housing) Model Density Bonus Bylaw** - work expected to begin in fall 2021.
- **Item 4.8 – Heritage preservation Overlay Mapping** – Contract awarded via competitive bid process to Inlailawatash. Work will focus on relationship building with First Nations and identification of methodology. Some funding provided through Healthy Watersheds Initiative.

Throughout the 13 local trust committees, there are 40 top priorities. These are listed in detail on the Top Priorities Chart in the Trust Council Agenda.

Current Planning

Current planning includes processing of all of the applications and referrals received by local trust committees. Since May 15, 2021, to August 27, 2021, we have received 179 new applications, 127 of which are building permits, Crown land or other such referrals. Staff received two new rezoning application, 20 development variance permit applications, 13 development permit applications, two Temporary Use Permit applications, six subdivision applications, four Agricultural Land Reserve applications, two Board of Variance applications, and three “other” referrals that do not fit the categories (such as antenna tower location referrals).

In total, including applications opened prior to May 15, 2021, there are 172 open applications, 30 less than reported to Trust Council in June 2021. This is normal year-over-year as application volumes tend to increase in Spring and decrease in the Winter each year.

Freshwater Initiatives

The Senior Freshwater Specialist and the Island Planner assigned to the Regional Planning Committee have been focused on freshwater projects with a specific lens on the Reconciliation Declaration and Declaration of Climate Emergency, and Trust Council’s Strategic Plan.

Strategic Plan Item 2.4 - Freshwater Sustainability Strategy and Implementation Project

The Healthy Watersheds Initiative fund signed in February 2021 with WatershedsBC, provided \$34,000 for FY2020/21 and \$86,000 in FY2021/22. This funding has been directed toward the development of the Freshwater

Sustainability Strategy (FWSS) and a number of implementation projects. The work to develop the FWSS is being undertaken by ECONICS under contract with the Islands Trust. A Strategy Advisory Roundtable comprised of staff, elected officials, researchers, community members, and cultural knowledge holders have met four times in Q1 FY 21/22 including a Cultural Knowledge Holders special session that was facilitated by Senior Intergovernmental Policy Analyst. Special sessions, facilitated by ECONICS, were also held for Trustees and staff. A draft strategy will be presented to Regional Planning Committee in November and Trust Council in December.

Implementation projects currently underway as follows:

- **Heritage Preservation Overlay Mapping (Phase 1)** – Consultant has been hired and work is underway.
- **Hornby Island Drinking Water and Watershed Protection Project** – The Freshwater Specialist has been working with the Hornby Water Stewardship Project to support the development of their water quality monitoring program. Watershed resilience mapping was undertaken to support both the Hornby and Lasqueti projects.
- **Lasqueti Island Drinking Water and Watershed Protection Project** – The Freshwater Specialist is working with the Pete’s Land Water Users Society to support the development of their water quality monitoring program.
- **Salt Spring Island Stream Restoration** – The consultant has been hired and the work is underway under the management of the Islands Trust Conservancy. Healthy Watersheds Initiative funding for the earlier proposed “Water licensing and water related development approvals process communications” has been redirected to support training and employment opportunities for Indigenous youth.
- **Indigenous Youth Engagement** – Naut’ sa mawt Tribal Council’s events management team has been contracted to facilitate Indigenous youth engagement. To date this has involved the organization of two youth and elder talking circles and the launch of a freshwater art contest for Indigenous youth. The Islands Trust summer planning co-op student has been working on a short film integrating Cultural Knowledge Holder and Indigenous Youth voices to share the Indigenous perspective on freshwater with Islands Trust communities. The Healthy Watersheds Initiative has indicated that \$10,000 additional Funding is available to support a larger film project. This will enable the contributions made by the Youth through the art project to be captured in the film.

Strategic Plan Item 2.5 Groundwater Recharge Mapping Project

The Groundwater Recharge Mapping Project is a multi-year project. The main objective of this project is to determine groundwater recharge potential across the Islands Trust Area for the purposes of aquifer protection and groundwater availability assessment for sustainable long-term resource management.

Preliminary mapping is complete and has been reviewed for the Southern islands (Mayne, North Pender, South Pender, Galiano and Saturna) and preliminary results were presented to the Regional Planning Committee. Work has just completed on groundwater recharge potential mapping of Denman, Hornby, and Gabriola, and work will begin this fiscal year on Lasqueti, Gambier, Keats and Bowen. This project is led by the Regional Planning Committee.

Salt Water Intrusion Mapping

The Senior Freshwater Specialist is a project team member working with the Ministry of Environment and Climate Change Strategy and Ministry of Forest, Lands, Natural Resource Operations and Rural Development (FLNRORD) to determine salt water intrusion risk to groundwater resources in the Islands Trust Area and the surrounding coast to Haida Gwaii. The second year of the program completed at the end of FY20/21 and staff is reviewing the deliverables.

Land Use Planning Support

The Senior Freshwater Specialist continues to support the work of Local Planning Services by responding to land-use planning applications requiring water authorizations, re-zoning applications with considerations of watershed ecosystems, and providing a freshwater lens on other policy driven local trust committee projects. A Watershed Ecosystems Technologist co-op position was hired to provide support to the Senior Freshwater Specialist, due to the tight deadlines on the Freshwater strategy grant funding. The Co-op student contributed in an instrumental way to the development of the groundwater recharge methodology by determining a method to address precipitation interception potential using the provincial Vegetation Resource Inventory and complete the development of a Freshwater Atlas, a mapping product that collates all of the maps relevant to freshwater.

Top Priorities Report

Regional Planning Committee

1. Manage Trust Council Strategic Plan Action Items

Strategic Plan item #1.2 - Model CDF bylaws - to begin fall 2021

Strategic Plan item #2.2 - Map extent of Eelgrass beds - underway,, consultant engaged completion December 2021

Strategic Plan item #2.3 - Shoreline Review - David Marlor

Strategic Plan item #2.4 - Freshwater Sustainability Strategy - Narissa Chadwick and William Shulba

Strategic Plan item #2.5 - Groundwater Mapping - William Shulba

Strategic Plan item #4.4 iii - Using Floor Area Ratio for Affordable housing - to Trust Council September 2021 - David Marlor

Strategic Plan item #4.4 iv- Model density bonus bylaws for Affordable housing - start in September 2021 - David Marlor

Strategic Plan item #4.8- develop heritage conservation overlay mapping - underway, consultant engaged - Lisa Wilox/David Marlor

Responsible

Dates

David Marlor
Narissa Chadwick
William Shulba

Rec'd: 29-Jul-2020
Target: 29-Sep-2021



Projects Report

Regional Planning Committee

1. Shoreline Marine Planning

Responsible

Date Received

Trust Council - 2015-2018 Strategic Plan Item

09-Nov-2017

Conduct a working group session to brainstorm possible directions.

2. Preserve, protect and advocate for forest and terrestrial ecosystems

Responsible

Date Received

1. Map contiguous tracts of the Coastal Douglas-fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems (underway by contractor for completion March 31, 2020) (2018-2022 Strategic Plan item 1.1).

12-Feb-2020

2. Create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area (2018-2022 Strategic Plan item 1.2).

3. Preserve and protect marine ecosystems

Responsible

Date Received

1. Map the extent of eelgrass and kelp beds throughout the Trust Area (2018-2022 Strategic Plan item 2.2).

12-Feb-2020

2. Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore (2018-2022 Strategic Plan item 2.3).

4. Protect quality and quantity of fresh water resources of the Trust Area

Responsible

Date Received

Projects Report

Regional Planning Committee

1. Map and develop water budgets for groundwater aquifers in the Trust Area (2018-2022 Strategic Plan item 2.5)
2. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling (2018-2022 Strategic Plan item 2.6).

12-Feb-2020

5. *Strengthen housing affordability throughout the Islands Trust Area*

Responsible

Date Received

Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council:

12-Feb-2020

1. Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 4.4 iii).
2. Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 4.4 iv).
3. Develop model bylaws to address the use of building stratas as a tool for affordable housing (2018-2022 Strategic Plan item 4.4 v).

6. *Mitigate and adapt to climate change impacts*

Responsible

Date Received

1. Amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas fir, foreshore and nearshore environments and groundwater. (2018-2022 Strategic Plan item 3.2).

12-Feb-2020

REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 21, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** September 2, 2021

SUBJECT: Shoreline and Residential Density Reports – Strategic Plan

RECOMMENDATION:

1. That Trust Council forward the “Residential Floor Area Ratio Model Bylaw Report” dated March 2021 to local trust committees and Bowen Island Municipality for information.
2. That Trust Council forward the “Shoreline Protection Model bylaw Report” dated March 2021 to local trust committees and Bowen Island Municipality for information.
3. That Trust Council request local trust committees and Bowen Island Municipality to advise the Regional Planning Committee if they intend to undertake policy or regulatory amendments based on the recommendations in the “Residential Floor Area Ratio Model Bylaw Report” or the “Shoreline Protection Model bylaw Report.”

CHIEF ADMINISTRATORS COMMENTS:

This approach maximizes efficient use of the resources available to the Regional Planning Committee.

1 PURPOSE:

To provide the reports from the consultants to local trust committees and Bowen Island Municipality.

2 BACKGROUND:

At its regular meeting on August 29, 2021, the Regional Planning Committee passed the following resolutions:

RPC-2021-016

It was MOVED and SECONDED,

that Regional Planning Committee recommend that Trust Council forward the “Residential Floor Area Ratio Model Bylaw Report” dated March 2021 to local trust committees and Bowen Island Municipality for information.

RPC-2021-017

It was MOVED and SECONDED,

that Regional Planning Committee recommend that Trust Council forward the “Shoreline Protection Model bylaw Report” dated March 2021 to local trust committees and Bowen Island Municipality for information.

RPC-2021-018

It was MOVED and SECONDED,

that Regional Planning Committee recommend that Trust Council request local trust committees and Bowen Island Municipality to advise the Regional Planning Committee if they are considering to undertake policy or regulatory amendments based on the recommendations in the “Residential Floor Area Ratio Model Bylaw Report” or the “Shoreline Protection Model bylaw Report.”

RPC-2021-019

It was MOVED and SECONDED,

that Regional Planning Committee request staff identify the lack of environmental impacts/benefits within the Residential Floor Area Ratio Model Bylaw Report in the briefing to Trust Council.

As indicated in the Strategic Plan for 2018-2022, the Regional Planning Committee in Fiscal Year 2020/21 commissioned two reports; one on a review of bylaw regulations related to shoreline protection, and the other related to the use of residential density as a means to provide more affordable housing. The intent for both was to develop model bylaw language that could be incorporated into local trust committees’ and Bowen Island Municipality’s regulatory bylaws.

Due to limitations of the budget, we were not able to develop the model bylaw language as part of the contract.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Consideration by each local trust committee and Bowen Island Municipality council of the reports and whether or not, or how to incorporate into their work.

FINANCIAL:

No financial implications.

POLICY:

No policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Staff will draft a cover briefing for the local trust committee referrals, and a cover letter for the Bowen Island Municipality Referral with Trust Council resolution and appropriate background information. The briefing and letter will also address the issue raised by the Regional Planning Committee in resolution RPC-2021-19 (see above).

FIRST NATIONS:

No First Nations implications.

OTHER:

No other implications.

4 RELEVANT POLICY(S):

Strategic Plan item 2.3 and 4.4 iii

5 ATTACHMENT(S):

1. Residential Floor Area Ratio Model Bylaw Report” dated March 2021
2. Shoreline Protection Model bylaw Report” dated March 2021

RESPONSE OPTIONS

Recommendation:

1. That Trust Council forward the “Residential Floor Area Ratio Model Bylaw Report” dated March 2021 to local trust committees and Bowen Island Municipality for information.
2. That Trust Council forward the “Shoreline Protection Model bylaw Report” dated March 2021 to local trust committees and Bowen Island Municipality for information.
3. That Trust Council request local trust committees and Bowen Island Municipality to advise the Regional Planning Committee if they intent to undertake policy or regulatory amendments based on the recommendations in the “Residential Floor Area Ratio Model Bylaw Report” or the “Shoreline Protection Model bylaw Report.”

Alternative:

That the Trust Council request that the Regional Planning committee request staff to develop model bylaws based on the recommendations in the “Residential Floor Area Ratio Model Bylaw Report” or the “Shoreline Protection Model bylaw Report.” This would require that the Regional Planning Committee add this as a work program item and allocate Staff resources and budget to undertake the work.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller, CAO/September 3, 2021



Islands Trust

Residential Floor Area Ratio
Review Model Bylaw Report
March 2021

ACKNOWLEDGEMENTS

This Report is possible through the financial support of the Islands Trust. We would like to thank all those who participated in the Islands Trust Residential Floor Area Ratio Review Model Bylaw Project.

Islands Trust

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Denman Island Local Trustee
Chair, Islands Trust Council Regional Planning Committee

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It is a privilege to write this guide and we acknowledge the lands described in this report are within the ancestral territory of the Coast Salish people and as a reminder we are all connected. We are in a sacred relationship with all things in the natural world – the land, waters, and air, and all of the plants and animals we live with. Respect for the spirit and life in each of these, and the intricate relationships and interconnectedness we are all in together is a key value and principle of our culture.



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OVERVIEW

Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands, and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognizing in 1973.

The Islands Trust Area is located within the Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. In 2019, Islands Trust Council passed a Reconciliation Declaration and committed to a Reconciliation Action Plan as per the Truth and Reconciliation Commission (TRC) Calls to Action. We are committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the *BC Declaration on the Rights of Indigenous Peoples Act* (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

Project

The Islands Trust Council adopted a Strategic Plan for the 2018-2022 term. Item 16 of the Strategic Plan is to: Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws. This is a community planning project that is being advanced by the Islands Trust Council Regional Planning Committee. It is intended that this work will be consolidated into a template of standard bylaws to be used for all Islands within the Islands Trust Area that will be available for Local Trust Committees and Bowen Island Municipality to use when developing policies and regulations pertinent to residential housing with a focus on affordability and environmental protection.

Project Deliverables

- Review literature on means to measure density for residences in rural areas.
- Review existing official community plans and land use bylaws on how they each measure residential density.
- Review a selection of other jurisdictions that use Floor Area Ratio as an alternate means (other than dwelling units per area or lot) to measure residential density.
- Provide options to measure residential density with focus on use of floor area ratio, and evaluate against affordability and environmental protection, and the policies of the Islands Trust Policy Statement.

- Provide a report with options, and recommendations on regulations that could be used by all local trust committees and Bowen Island Municipality to regulate housing density.

Background on the Requirements of Zoning

- Divide area into zones.
- Provide development requirements for each zone including the character of the zone, the nature of the proposed uses of land and buildings, and the suitability for particular uses.
- Siting of buildings and Form and Character. There are six common zoning methods to regulate Siting and Form and Character:
 - 1) Site Area;
 - 2) Site Dimensions;
 - 3) Site/Lot Coverage;
 - 4) Required Setbacks;
 - 5) Building Height; and
 - 6) Design Features.

Site Area: Zoning bylaws can regulate the area of a site. Setting a minimum or maximum site area can encourage a particular density in a zone. There are also other reasons to regulate site area. In an agricultural zone, a minimum site area (of 80 acres or 32 hectares, for example) can help to minimize the fragmentation of prime agricultural land [Provincial Planning Regulation, 3.1.4].

Another example, a minimum site area (of 2 acres or 0.8 hectares) for a rural residential zone will allow landowners to use a septic field for on-site treatment of wastewater.

Site Dimensions: Zoning bylaws can also regulate the dimensions of lots, parcels, and other units of land. Like site area, site dimension regulations (like width and depth restrictions) can encourage a particular density in a zone. Regulating site dimensions can also encourage a particular character of development (for example, narrow site widths may be more suitable for streets with smaller storefronts).

Site Coverage: Zoning bylaws can regulate the coverage on a site. This is usually expressed in a maximum percentage of the site that can be covered by structures. Limiting maximum site coverage can allow for taller building development (for example, a one storey building with 100 per cent site coverage has the same floor area as a two-storey building with 50 per cent site coverage) and leave more open space between buildings.

Required Setbacks: Zoning bylaws can regulate yard size the location of buildings on parcels of land through setbacks from property lines and. A standard method using zoning bylaws is used to regulate the location of buildings on a site is through the requirement of minimum setbacks. A setback is an open area between the exterior wall of a building and the boundaries of the lot (property lot lines) on which the building is located. Required setback minimums can be used, for example, to maintain spaces between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from adjacent buildings. Alternately, required setback maximums can be used to encourage building construction in close proximity to sidewalks or other buildings. This strategy might be used in pedestrian-oriented commercial areas.

Source: Municipal Planning Guide to Zoning Bylaws in Manitoba Nov 2015

Density Indicators

Density is a way of measuring the land uses and development intensity, including housing, on a specified unit of land. Several indicators are commonly used to measure density in regard to residential development.

For example, **gross density**, includes all land uses within a given area and can be expressed as persons per hectare or acre, or housing units per hectare or acre.

A second measure, **net density**, refers to the number of dwellings located on residential building sites and excludes roads, parks,

and other non-residential uses. Net density can also be used as an indicator of density for a given form of housing.

A third measure, **floor area ratio (FAR)** which is sometimes referred to as floor space ratio, is a ratio between the number of square feet of floor space in buildings to the square footage of the property or lot. For example, a one storey building that covers the entire site on which it sits has a coverage or floor space ratio of 1.0 as does a two-storey building on half its lot, or a four-storey building on one quarter of its lot.

(Source: Mark Roseland – Toward Sustainable Communities 2005)

Pictures of Houses - Alternative Densities / Floor Area Ratio (FAR)



Kitsilano, Vancouver (Served Land) FAR = 0.54



Cottage Developments, Washington, (Served Land) FAR = 0.31



Salt Spring Strata Home (Served Land) FAR = 0.24



Salt Spring Rammed Earth + Solar (Served Land) FAR = 0.16



Salt Spring Island (Community Water) FAR=0.05



Salt Spring Multi-Generational (Unserviced land) FAR= 0.05

ISLANDS TRUST ACTION PLANNING - HOUSING

This current study arose from the recommendation “Trust Council request staff to bring forward a thorough analysis of alternative ways of measuring density and how to manage any corresponding impacts before consideration of requesting model bylaws be developed for Local Trust Committees.”

In particular, the recommended approach was to develop model bylaws that use Floor Area Ratio as a density metric for consideration of implementation in local trust area bylaws as suggested in the 2010 Tool Kit. Floor Area Ratio means the figure obtained when the total gross floor area of all buildings and structures on a parcel, is divided by the area of the parcel.

The Project includes a review of the approaches to measure density for residences in rural areas.

Key Findings:

Many new Zoning Bylaws in rural areas across Canada use buildings per lot; for example, Rural Comox (2019) and Rocky View County Alberta (2020) limit residential density to two dwelling units.

Bylaws in rural areas also use lot setbacks as a means to establish parameters in the regulation of land uses and siting of development. Parkland County Alberta (2017) includes the following regulations for Country Residential development:

Setbacks for Principal and Accessory Buildings for residential Parcels:

- A minimum Setback of 12.0 m shall be provided from the Property Line of an adjacent internal subdivision road; and
- A minimum Setback of 12.0 m shall be provided from the Property Line of an adjacent municipal road right-of-way.

Lot coverage is another typical approach. For example, Osoyoos Rural Electoral Area “A” (2008) includes a maximum parcel coverage of 35% in Low Density Residential Zones. Summerland (2011) Summerland (2011) provides for a range of lot coverage, dependent on the size of the lots.

Examples of Density Measurement based on Floor Area ratio exist – primarily on serviced land.

The regulations in the District of Peachland Zoning Bylaw (2014) includes a section on Density Measurement.

Development intensity is measured in:

Units/Area: Residential Density shall be determined by dividing the number of dwelling units by the area of the lot to be developed in hectares excluding that portion of a lot comprising a utility right of way granted to an entity other than the District from the total area of the lot. For example, 23 units on 1.6 hectares equals $23 \text{ units} / 1.6 \text{ ha} = 14.3 \text{ units per hectare}$.

Lot Coverage: Density shall be determined by calculating the total ground level area of all principal and accessory buildings and structures of any kind located on a lot, measured to the outside of the foundations or footings, divided by the lot area and expressed as a percentage but excluding the areas of the following: .1 balconies located above the first storey which are cantilevered from a building without footings or support extending to the ground; .2 canopies and awnings; .3 uncovered decks and patios that are not more than 0.6m (2.0ft) above grade; and .4 uncovered swimming pools.

Floor Area Ratio (FAR): Density shall be determined by the numerical value obtained when the net floor area on all levels of all buildings and structures constructed on a lot is divided by the area of the lot excluding: 0.1 all that portion of a lot comprising a utility right of way granted to an entity other than the District, or in the case of a lot whose area is reduced below the applicable minimum lot area by the exclusion of such portion, divided by the applicable minimum lot area; and 0.2 Indoor private amenity space.

Another approach being used in some new Bylaws is "Density Bonus" pursuant to Section 482 of the Local Government Act which is an incentive-based planning tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals. Increased density may be in the form of developed square footage, the number of developed units, or the number of created lots which can be used either on site or transferred off site. Public policy goals could typically include parks, heritage preservation and affordable housing. Offering increased density in exchange for "greener" development can also be seen as an

amenity to the community (e.g., high performance buildings that offer energy-efficient building features that reduce operating costs for occupants).

Case Study Communities

Peachland, where the Floor Area Ratio may be increased to 3.0 if the owner of the land proposed to be developed pays to the District prior to the time of Building Permit issuance \$1,877.00 per additional unit [beyond the number of units that would be permitted under the base density] be as a Community Amenity contribution or for a housing development approved and funded by the B.C. Housing Commission under the Non-Profit Housing Program.

Duncan (2017) uses Floor Area Ratio in all zones and provides a base density plus extra density in Medium and High Density Residential, as well as Commercial Zones. The density bonus is based on the developer entering into a housing agreement with the City, to require rental or affordable housing units. The **Low-Density Zone**, for example, provides for a Maximum Parcel Coverage 35% for the principal building and 40% for all buildings and structures combined, along with a Maximum Floor Area Ratio of 0.5:1

Rural Comox (2019) This draft Bylaw includes an increase in density based on Community Amenity contributions. For example, Density in the Rural 20 Zone is limited to two dwellings units on a lot greater than 10 ha or one single detached dwelling and one carriage house, secondary suite, or secondary dwelling on a smaller lot.

However, with Community Amenity Contributions, 11 dwellings could be developed. The Community Amenity Contributions include:

- Donation to the Comox Valley Regional District (CVRD) of land for use as a public park.
- Construction of a gravel parking area of the park space designed in accordance with CVRD.
- Registration of a conservation covenant as defined through a Riparian Area Protection Regulations (RAPR) assessment prepared by a qualified environmental professional.
- Provision of a rainwater management plan (prepared by a qualified professional), to ensure that rainwater is managed on-site to prevent increases in potential flooding and erosion risks on adjacent and downstream properties, as required by provincial guidelines. The report should achieve Ministry of Transportation and Infrastructure design requirements, including reference to Stormwater Planning, A Guidebook for British Columbia, and the Water Balance Model for British Columbia. The report will be registered via restrictive covenant on the property (and on the titles of the future subdivided parcels).
- Construction of approximately 1.6 km of multi-use trails.

Tiny Homes – Cottage Communities

The development of Tiny Homes or Cottage Communities in a rural setting was also explored as part of the research into density measurements. A Provincial-Territorial-Municipal Working Group on Tiny Homes presented a paper on Tiny Houses in Canada's Regulatory Context: Issues and Recommendations.

Using the Tiny Homes Discussion Paper (*Source: mhaprairies.ca 2016*) there is no one definition for a tiny house but the paper used the definition of a residential building containing a single dwelling unit intended for year-round use, typically with a maximum floor area of 400 square feet (approximately 37 m²) and a compact house as a residential building containing a single dwelling unit intended for year-round use with a floor area or footprint less than the minimum permitted by zoning bylaws.

The group found that the greatest barriers to compliant tiny and other compact houses are zoning bylaws that:

- specify minimum lot sizes, frontages or setbacks that are greater than needed for these houses;
- preclude land-lease (including short term rental) for other than Mobile Homes, Park Model Trailers (PMT)s or Recreational Vehicles (RVs);
- do not recognize or are unclear with respect to year-round land-lease or condo/strata developments for very small single-family homes; and
- specify minimum sizes for dwelling units or other criteria that have similar implications.

Rural lots may be less expensive than urban but there are more costs and environmental impacts due to longer travel distances and limited if any access to public transit. Minimum lot sizes frontages and setbacks may apply equally to land leases and condo/strata developments designed for year-round use.



Source: Avalon House EcoBuilders 1200 square foot Home (111m²)

Washington State is home to a number of “Cottage” home developments which provides condominium-type ownership with the cottages situated around a shared garden with a common building and toolshed. Third Street Cottages on Whidbey Island, Washington was comprised of eight homes under 300 square feet (~28 m²) on a site of 32,000 square feet (~2900 m²); 11 dwelling units per acres. Zoning bylaws have been amended to accommodate this form of housing development and the provisions include a FAR of 0.31 (on serviced land). Typically, the developments are up to double the density that is typical for detached homes.



Source: The Cottage Company

Eco-Village / Eco-Community

Another type of development is an Eco-Village or Eco-Community and includes Villages in Chilliwack and the Cowichan Valley Regional District. They are part of the Global Eco-Village Network which describes an Eco-Village as an intentional, traditional or urban community that is consciously designed through locally owned participatory processes in all four dimensions of sustainability (social, culture, ecology and economy) to regenerate social and natural environments. Two different approaches have been used in terms of zoning. Yarrow which is a settlement of 3,000 within the City of Chilliwack, aims to achieve a more socially, ecologically, and economically sustainable way of life. The Ecovillage's master plan for the 10-hectare (25-acre) former dairy farm, foresaw three main legal entities: An 8-hectare organic farm, a 33-unit multigenerational cohousing community and a mixed use of about 2800 m² of commercial space, a 17-unit senior cohousing community and a learning centre. Note that this is on un-serviced land and a Solar Aquatics greenhouse (a.k.a. a “living machine”)—a system using solar energy and aquatic plants and other organisms to convert graywater and even blackwater into potable water.

Chilliwack B.C. EV (Eco-Village Zone)

Permitted Uses: *Principal Uses* (A) Child Care Facility (B) Club or Lodge (C) Convenience Commercial (D) Cultural Facility (E) Duplex (F) Indoor Recreation (G) Outdoor Recreation (H) Religious Assembly (I) Restricted Agriculture (J) School (K) Single Detached Dwelling (L) Theatre (M) Townhouse ***Ancillary Uses*** (N) Boarding (O) Cottage Industry (P) Farm Retail Sales (Q) Off-Street Parking (R) Rural Ancillary Uses (S) Supportive Recovery Home

Density (Maximum): (a) A maximum of 37 DUs (b) Maximum development within the Overall Development Parcel Shall Be: Parcel 1: Maximum 4 DUs (All Uses); Parcel 2: Maximum 33 DUs (All Uses Except Agricultural Sales, Convenience Commercial, Religious Assembly, Theatre, School, Cultural Facility, Indoor Recreation, Childcare Facility, Club or Lodge).

Lot Coverage: Residential Uses 20%

Floor Area Ratio: Maximum 0.4

Cowichan Valley Regional District - Comprehensive Development Zone

A different approach was taken in the Cowichan Valley Regional District; The *Eco-Village* is being regulated using a Comprehensive Development (CD) Zone. Inherent in this new CD Zone is the understanding that the full 10 hectares of land will become a 'classroom' of sorts as the use within all sectors will involve demonstration and education of ecological principles.

The following is an overview of the general sectors defined within this CD Zone.

Sector 1 Woodlands/Wetlands Conservation

1. Mapped with Cowichan Community Land Trust to inventory and defined areas for 'sensitive-ecosystem' conservation covenants.
2. Will manage regenerative ecosystems projects to reintroduce native plant/animal species.

3. Plan integrated natural water systems management Woodlot management involving selective harvesting within existing alder stand and reforestation with deciduous & coniferous trees Increase diversity of woodlot species including mushrooms, medicinal herbs, and craft materials.
4. Introduce & manage hedgerows along perimeter line of property and driveway to provide a buffer to the neighbouring properties.

Sector 2 Agricultural

1. Combination of poultry, small livestock [sheep, goats, etc] for residents' food and agricultural revenue. Enlargement of fruit, nut, and berry orchards. Expansion of vegetable, herb, and flower gardens. Further development of greenhouse and nursery operation.
2. Production of 'value-added' agricultural products (seeds, dried flowers and herbs, and processed foods).

Sector 3 Residential

1. Building designed to be energy and space efficient with density and building footprints comparable to the existing property zoning.
2. Shared facilities (such as utilities, recreational and workshops).
3. Will continue to work with Development Services, other agencies, and private businesses to integrate conventional and innovative sustainable building and renewable energy technologies.
4. Pedestrian focus with access road to be approved for use by emergency vehicles.

Sector 4 Ecological Education and Infrastructure

1. Situated in the area where existing residential, agricultural, and accessory buildings are located.
2. Provides central gathering area for community educational activities.
3. Conversion of existing residence to include Bed and Breakfast accommodation with the potential creation of a Bed & Breakfast accessory building.

4. Expand accessory buildings to include a workshop and studio.
5. Small tenting area to be provided for limited number of overnight workshop participants.

Additional Uses: accommodations [Eco-B&B, dorm space, camping] and food service (adjacent to the educational programming), small businesses related to 'value-added' agriculture.

OPTIONS TO MEASURE DENSITY

This section examines options to measure residential density with focus on use of floor area ratio, and evaluates the tool using the policies of the Islands Trust Policy Statement; particularly affordability and environmental protection. The expectation is that the use of Floor Area Ratio as a density metric will protect natural values while giving people more flexibility to provide different forms of housing on residential properties.

Groups that may have affordability issues include:

- Seniors;
- Shared homes;
- Families;
- Multigenerational Housing; and
- Homeless.

Seniors: Actions to provide suitable housing for seniors are provided in the Seniors Housing Strategy 2010 *Source: Seniors housing strategy : a seniors housing strategy for Island and rural communities in British Columbia (leg.bc.ca)*. Included are: Accessory dwelling units, suites and carriage houses are options for making existing single-family dwellings more usable for an aging population. Accessory units can be created by converting part of a home into an apartment suite, building an addition to accommodate an additional living space, constructing a carriage home in the yard or by utilizing an existing structure or building a new secondary cottage on the property. Senior homeowners may create an accessory suite to either live in themselves while a younger family lives in the primary residence. Senior homeowners may also create a suite or secondary dwelling unit such as a carriage home or

cottage and rent it for additional income or have a younger family live in the suite to provide support or companionship. Such suites or dwelling units can also be used by middle aged homeowners to house their aging parent or relative. Zoning regulations to allow accessory suites and secondary dwelling units would need to be permitted in most residential areas. Specific conditions of use of these suites may be included, such as the registration of a covenant to exclude the use of the suite or dwelling unit for temporary tourist accommodation or be restricted in floor area and height, only permitting a suite to take up a maximum percentage of the primary house or other conditions. Many of the zones for island or rural areas permit secondary housing in order to encourage affordability and to diversify the housing stock

Age Friendly Project Strategy Samples:

- Plan for affordable housing near transit and services.
- Permit carriage houses on existing lots.
- Permit mobile home parks in appropriate locations.
- Plan for senior-oriented housing projects such as congregate care or assisted living units in locations that have adequate servicing, services, and transit.
- Review floor area provisions of secondary residences to make sure they are appropriate for seniors needs.
- Review zoning regulations to provide for innovative standards to encourage age- friendliness, affordability, and ecological goals (i.e., zero-lot setbacks, multiplexes, cottages, apartments, carriage houses, heights, etc.)

Shared Housing: Renting a room in a shared house used to be something associated with students or young people. But, this type of renting arrangement is becoming much more common, and many people live in shared housing well past their student years. Farms and local businesses on Salt Spring Island sometimes house unrelated people in a Detached Dwelling. Note that the Land Use Bylaw definition states: “dwelling, single family” means a building consisting of one dwelling unit that is not attached to any other dwelling unit by any means. The reference to “family” is not required and enforcement of the Bylaw leads to problems for people living in Shared Housing. Alternatively, the definition could be amended to something like that in the City of Victoria where “Family” means one person or a group of persons who through marriage, blood relationship or other circumstances normally live together. . the Terminology is similar in the other Land Use Bylaws in the Islands Trust Area, but the issue of Shared Housing may not be an issue.

Family Housing: Housing within the Islands Trust Area has become expensive so tools to accommodate Affordable Housing needs to be explored. One possibility is to use the Floor Area Ratio technique along with a Density Bonus pursuant to Section 482 of the Local Government Act. which is an incentive-based planning tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals. In this instance, the public goals would be environmental pursuant to the Islands Trust mandate.

Source: Density Bonusing / BC Climate Action Toolkit

The impacts of increased density on services and the neighbourhood should be carefully considered. When creating a density bonus program, local governments should clearly:

- Establish the purpose of the program;
- Establish a maximum overall density in the Official Community Plan (concentrate density in strategic areas to encourage transportation choice);
- Calculate the value of the increased density and what amenities can be bought with it; and
- Define and prioritize amenities or housing needed by the community.

Source: Density Bonusing / BC Climate Action Toolkit

Items that might be considered include Build Green / Energy star as well as Rainwater Catchment, Alternative Energy such as Solar and Environmentally sustainable building and site development (ie. maintenance of natural environment / no logging.

Cluster Development is another form of development which can range from Multigenerational Housing to Eco-Villages.

Multigenerational is a sub-group of Family Housing where different generations live together and may want individual dwelling units / kitchens. An option is to allow extra dwelling units with kitchens on large lots.

Eco-Village Zoning can use a Floor Area Ratio approach but is best developed with the Group in order to customize the Zone based on the Vision of the Group.

Tiny Homes: This is another circumstance where the Zone is best developed with the Housing Management Group in order to customize the Zone based on the approach.

FLOOR AREA RATIO IN THE ISLANDS TRUST AREA

The Islands Trust receives many development applications with affordable housing as a focus. These are most often represented as rezoning applications with the intent to increase density. One such application referenced here is Croftonbrook Affordable Housing (SS-LTC-2017.4) Bylaw No. 507 and Bylaw No. 513 (Affordable Housing Bylaw), which was a condition of final adoption, were adopted in 2019. The purpose of Bylaw 507 was to rezone lands located within Ganges Village on Salt Spring Island from Agriculture 1, Residential 1 and Residential 6 zones to Residential 1 (b) to allow for development of an additional 34 affordable dwelling units and office use.

Dragonfly Commons is a not-for-profit initiative to bring about an innovative solution to the local workforce housing crisis. It emulates a similar design model to the Cottage type developments in the United States. The housing was originally for home ownership but, due to several factors, including water system requirements, it was changed to rental. According to the developer, the Water Sustainability Act, which was instituted in 2016, makes it virtually impossible to create a subdivision in a rural area where there is not a Water Utility in place to supply water. The costs of establishing a Water Utility are prohibitive for an affordable ownership development model. The current goal of the development is to provide affordable rental in a secluded

eco-friendly development on Drake Road, walking distance to Ganges. The project proposes to create 30 small, detached houses ranging in size from 40 – 70 sq/meters on a 4.25 hectare property. This would be a FAR of about 0.04.



(Source: <http://Dragonfly Commons> – changing from home ownership to rental – Dragonfly Commons)

Within the Islands Trust Area, Pender Island Planning Staff undertook an analysis of the Opportunities and Constraints of the use of Floor Area Ratio (FAR) for rural areas.

Opportunities	Constraints
One of the stated objectives of the Pender Island OCP policy is the preservation of rural character, which is notoriously difficult to define, and while moderately sized homes may be an aspect of that objective, consideration should be given to the question.	Reducing resource and energy demands is the other stated objective, however such demands are related as much to occupancy and age of construction as to the size of a dwelling. There are also other tools, such as development permit areas, which may be more directly applicable to addressing resource use in new construction rather than floor area limits.
An advantage in using an FAR is that it would directly relate to the maximum buildable area of the lot (larger lot, more developable floor area), and is flexible in that it allows an owner to build higher (limited by the maximum height) but with a smaller footprint.	FAR is not typically used for residential development in rural areas with disparate lot sizes. It is a tool that works best in denser areas with consistent lot sizes and configurations and with the goal of implementing density in a manner that provides both flexibility and achieves public benefit and objectives.
There may be a need for detailed plans and surveys. In order to determine the maximum FAR, an accurate plan incorporating the floor area of the proposed building and a current survey with the area of the lot would be required.	Because of the variability in lot sizes, even within the Rural Residential zones, settling on a single FAR may prove challenging.
It may be challenging for an owner to readily understand or determine their maximum permitted floor area.	It would still permit large or massive dwellings on larger lots.
Small lots (older lots or stratas) could be disadvantaged.	Density bonus provisions could be established with a base FAR and higher FAR where a specific amenity is to be provided, but it may be challenging to implement as the amenity must be defined in the bylaw and is not a discretionary approval. Note that many jurisdictions in BC have managed to do this but leave it.

Source: Pender OCP Implementation Report

Analysis of potential opportunities and constraints in using Floor Area Ratio (FAR) as a density metric was supplemented through interviews with some Islands Trust Planning Staff representing each office across the Islands Trust Area. Feedback is presented in the table below.

Opportunities	Constraints
Floor Area Ratio is a way to balance density with appropriate massing and open space in urban areas – to allow flexibility of building form and massing.	Floor Area Ratio however is not a planning tool that is often considered as it has not been proven to be useful in a rural context.
Affordability, opportunities for homeownership/stable housing.	Water availability and sewerage servicing requirements.
On some lands zoned Rural on Salt Spring Island, where a 33 percent lot coverage is permitted, two storeys, and only one dwelling unit is permitted. At that lot coverage allowance, an increase in dwelling units could be considered (through such avenues as a “rezoning”-OCP/bylaw amendment application). Floor Area Ratio may or may not be considered.	The Mayne Local Trust Committee is currently undertaking a project (MA-6500-20 Housing Regulations and Policy Review) that may permit a second, small, dwelling on lots where an overall maximum floor area is not exceeded. While FAR is not explicitly being considered, it may be similar to the concept posed in the question.
Salt Spring Island has OCP policies in respect to this concept (B.2.2.2), specifically flexible housing and multi-family dwellings and is also tied into our new full-time rental cottages zoning.	Depending on the specifics of the bylaw in question, FAR may be a ‘size’ regulation rather than regulation of density, and thus could be increased by variance.

RECOMMENDATIONS

There are a variety of possible tools to be used in the development of affordable housing. Our research indicates that meeting servicing requirements can be an issue, especially in rural areas when density increases are being considered. In response to the requirement to develop model bylaws that use floor area ratio as a density metric for consideration of implementation in the Islands Trust Area land use bylaws our suggested approach is that the Islands Trust may wish to consider the following strategies:

1. Floor Area Ratio (FAR) as the measurement of density in combination with
2. Density Bonus provisions based on Affordable Housing, where appropriate, and Green Building Provisions in other areas.

Recommended strategies are pursuant to Section 482 of the Local Government Act, which is an incentive-based planning tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals. Increased density may be in the form of developed square footage, the number of developed units, or the number of created lots which can be used either on site or transferred off site. Public policy goals could include typically include parks, heritage preservation and affordable housing, but offering increased density in exchange for greener development can also be seen as an amenity to the community (e.g., energy-efficient building features that reduce costs for occupants).

There are many examples of Density Bonus provisions for Affordable Housing. For example, the Duncan Medium Density

Zone includes a FAR of 0.5:1 and the accompanying Policy 4.7.1 says Development in the MDR zone is subject to the following: A density bonus of up to 0.2 above the base density is permitted if the developer enters a housing agreement with the City, to require that a minimum of 30% of the dwelling units in the entire development are rental or affordable housing units.

The precise details of the Bylaw would need to be worked out by each Local Trust Committee as circumstances differ throughout the Islands Trust.

We suggest that the FAR be in line with existing development and meet the mandate of the Islands Trust including the Islands Trust Policy Statement policy “neither the density or intensity of land use is increased in areas known to have a problem with the quality or quantity of the supply of freshwater”.

We also see that the use of FAR might assist in another way. Residents on large lots might not be willing to build rental housing per se but might be interested in housing for families or caregivers. Current regulations do not always allow for this form of development due to regulations on number of dwelling units.

Some suggestions for possible development strategies using FAR within the Islands Trust Area are presented below.

FAR Strategy No. 1 - Village Affordable Housing (Villages with serviced land)

Floor Area Ratio means the figure obtained when the total gross floor area of all buildings and structures on a parcel, is divided by the area of the parcel.

FAR 0.22

Subject to Septic and Water regulations

Density Bonus: A density bonus of up to 0.02 above the base density is permitted if the developer enters into a housing agreement with the Local Islands Trust, to require that a minimum of 30% of the dwelling units in the entire development are rental or affordable housing units.

FAR Strategy No. 2 - Village Green Building Development

Floor Area Ratio: means the figure obtained when the total gross floor area of all buildings and structures on a parcel, is divided by the area of the parcel.

FAR 0.16

Green Building Development. Items that might be considered include:

- Build Green
- Energy star as well as Alternative Energy such as Solar

- Rainwater Catchment

Density Bonus: A density bonus of up to .04 (subject to servicing)

FAR Strategy No. 3 - Rural Development on Small Lots and Community Water

Needs further investigation to determine the feasibility of this option.

FAR Strategy No. 4 - Rural Development on Large Lots

Floor Area Ratio: means the figure obtained when the total gross floor area of all buildings and structures on a parcel, is divided by the area of the parcel.

FAR without Density Bonus: 0.04

Density bonus of 0.01

Regulations: In Rural zones (including cluster housing, multigeneration homes, homes for caregivers):

Conditions: Subject to Septic and Water regulations

- Build Green
- Energy star as well as Alternative Energy such as Solar
- Rainwater Catchment

REFERENCES

Affordable Housing In The Islands Trust Area PowerPoint (2016)

Baseline Report: Affordable Housing In The Islands Trust Area (2019 Version)

BC Housing: New Affordable Housing For Salt Spring Island (2019)

Final Report: Community Housing In The Trust Area (2016)

Gabriola Island Affordable Housing Needs Assessment (2009)

Galiano Island Advisory Planning Commission Referral Report: Affordable Housing (2018)

Hornby Island Advisory Housing Committee Report (2004)

Housing Needs Assessment Northern Region of Islands Trust (2018)

Housing On Galiano: Trends, Needs, Demands (2014)

Housing Needs On Hornby And Denman (2008)

Islands Trust Affordable Housing Strategic Actions (2019)

Islands Trust Projects & Initiatives: Mayne Island Housing Review

Islands Trust Strategic Plan

Mayne Island Bylaw No. 159 (Secondary Suites)

Mayne Island Housing Options Task Force Report (2011)

Mayne Island Housing Regulations and Policy Review – Charter (Updated 2019)

North Pender Affordable Housing Report (2008)

North Pender Land Use Bylaw (OCP Implementation) Review Project

Salt Spring Community Housing Tool Kit (2010)

Salt Spring Island Housing Action Plan 2020-2021

Seniors Housing Strategy (2010)

Seniors Housing Strategy: A Seniors Housing Strategy For Island And Rural Communities in British Columbia (leg.bc.ca)

Southern Gulf Islands Housing Needs Assessment (2018)

Staff Report: Bowen Island Review of Materials & Next Steps (2018)

APPENDICES

ISLANDS TRUST DEFINITIONS

Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws. Terms related to housing density are defined by some island communities through these regulatory documents. The Baseline Report Housing Affordability in the Trust Area Updated January 2019 included definitions related to Housing. Definitions related to Floor Area Including Net Floor Area, Floor Space Ratio and Floor Area Ratio are added to the content.

Bowen Island Municipality

"Dwelling or dwelling unit" means a building containing sleeping, living area and kitchen designed, used, or intended for use as one (1) residence.

"Affordable Housing" means non-market residential dwelling units that may only be owned or rented under the terms of housing covenants registered on title in favour of the Bowen Island Municipality (Official Community Plan).

"Cohousing" means a housing model that fosters an inclusive, mutually supportive, yet independent living environment, consisting of clustered, attached, and/ or detached dwellings that are individually owned and completely self contained yet incorporate commonly owned land, buildings, or structures, with the purpose of reducing the footprint of the private dwellings and support community connection.

"Floor Area" means the sum of the horizontal areas on any storey of a building or structure, including basements, measured to the outer surface of exterior walls and windows minus 15 centimetres, but not including stairs, vertical service spaces and their enclosed assemblies. For the purpose of this definition, all areas of a building or structure having a floor and a ceiling two (2) metres or more apart constitutes a storey. The horizontal area of all buildings and structures where more than 60 percent of the area between the roof and the floor is enclosed by walls and windows shall be included in the calculation of floor area. (Land Use Bylaw 57).

"Floor Area, Net" means 90% of floor area. (Land Use Bylaw 57).

"Floor Space Ratio and FSR" means a) in respect of fee simple lots, the figure obtained by dividing the sum of the floor areas of all buildings and structures on a lot by the lot area. b) in respect of strata lots the figure obtained by dividing the sum of the floor areas of all buildings and structures on all strata lots in the same strata plan by the area of the strata plan exclusive of any access routes.

Denman Island Local Trust Area

"Dwelling unit" means one or more rooms in a building, containing a set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy.

"Dwelling Unit, Affordable Housing" means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement and is available to persons with a low income as defined by housing agreement for the dwelling unit (Land Use Bylaw).

"Secondary Dwelling Unit" means a dwelling unit, which may be an amovable housing unit, that is accessory to a permitted principal dwelling unit, and which is limited in floor area (Land Use Bylaw).

"Secondary Suite" means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit (Land Use Bylaw).

"Gross Floor Area" means the sum of the area of all storeys in a building or structure, measured to the outermost wall surface, including the areas of roofed porches, roofed terraces, and roofed decks; assemblies. For the purpose of this definition, all areas of a building or structure having a floor and a ceiling two (2) metres or more apart constitutes a storey. The horizontal area of all buildings and structures where more than 60 percent of the area between the roof and the floor is enclosed by walls and windows shall be included in the calculation of floor area. (Land Use Bylaw 186).

Gabriola Island Local Trust Area

"Dwelling unit" one or more rooms in a building, designed, occupied, or intended for human habitation containing one set of cooking facilities and/or the infrastructure designed, used, or intended to be used for the preparation and cooking food, and used as a residence by a single family.

"Affordable Housing" housing that costs no more than 30% of a household's gross income applied to those households with incomes at or below 60% of the median household income for Gabriola Island (using Canada Census information). (Official Community Plan).

"Secondary Suite" a self-contained dwelling unit consisting of one or more habitable rooms and a cooking facility for residential occupancy accessory to a principal dwelling unit located on the same lot. (Land Use Bylaw)

"Multiple-dwelling affordable housing" three or more residential dwelling units on a parcel restricted to affordable housing as defined by this Plan and governed by a housing agreement. (Land Use Bylaw)

"Dwelling-multiple family" a building consisting of three or more dwelling units with common or individual cooking facilities. (Land Use Bylaw)

"Dwelling-single family" a detached building consisting of one dwelling unit. (Land Use Bylaw)

"Cottage" means a building that is accessory to a dwelling and is used for human habitation by guests, household members or tenants, and having a limited floor area. (Land Use Bylaw)

"Dwelling" means a building used as a residence for a single household and containing eating, sleeping, and living facilities and a single set of facilities for food preparation. (Land Use Bylaw)

"Floor area" is the total area of all floors for each storey of a building measured to the interior surface of the exterior walls and if there are no walls, measured to the outer edge of the drip line, and for the purposes of calculating floor area, the following apply:

1. All areas of a building having a floor and ceiling of at least one metre apart constitute a storey.
2. The floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection is excluded; and
3. Covered walkways up to 1.8 meters (5.9 feet) in width adjacent to a building's exterior in this Bylaws Commercial and Institution zones area is excluded; and
4. a sustainable energy utility room in a secondary suite, up to a maximum of 2.3 square meters (25 square feet) is excluded. (Land Use Bylaw 177)

"Floor area ratio" means the figure obtained by dividing the floor area of all buildings on the lot by the lot area (Land Use Bylaw 177).

Policy: Commercial Zones (Village Commercial, District Commercial, Tourist Commercial and Light Industrial use FAR

Mudge Island Land Use Bylaw 228

"Floor area" means the sum of areas of a building measured to exterior faces of walls and if there are no walls, measured to the outer edge of the drip line, including the area of roofed porches and roofed terraces.

Policy: The total floor area of a single family dwelling may not exceed 232 square metres (2500 square feet) (Land Use Bylaw 228)

DeCourcy Island

"Floor area" means the sum of the total area of all the floors, including lofts, enclosed porches, and enclosed balconies, measured to include exterior walls (Zoning Bylaw No. 44).

Gambier Island Local Trust Area

"Dwelling or dwelling unit" means one or more habitable rooms in a building that are used or constructed so as to be capable of being used, as a residence by a single household and containing a common access, one, kitchen and eating, sleeping, sanitary and living areas (Land Use Bylaw).

"Affordable Housing" means housing provided for residential use at a rent under a tenancy agreement that is less than the rent for similar types of housing within a geographic area defined by a housing or similar agreement; such rents to be determined through a housing or similar agreement; or alternatively housing, that by design, location or other factors can be purchased at a price that is typically lower than other housing in the immediate area or lower than the average house price in the Gambier Island Planning Area (Official Community Plan).

"Associated secondary dwelling" means a single family residential dwelling regulated by floor area and lot area and that is secondary in use and smaller in area than the principal dwelling on the lot.

"Floor Area" means the total area of each floor in a building where the ceiling height is greater than 1.5 metres measured to the exterior surface of the perimeter walls or to the point where the ceiling height becomes less than 1.5 metres, and includes the floor area of balconies, decks, porches, and similar projections enclosed by siding, glazing, screening, or other materials, but excludes the floor area of any basement. (Land Use Bylaw 86)

Keats Island

"floor area" means the total area of each floor in a building where the floor to ceiling height is greater than 1.5 m (5 ft), measured to the exterior surface of the perimeter walls, and includes the floor area of balconies, decks, porches, and similar projections enclosed by siding, glazing, screening, or other materials. (Land Use Bylaw 78)

Gambier Associated Islands

"floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and a ceiling are less than 1.2 metres (4 feet) apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch, or similar projection is not fully enclosed then the floor area of such projections is excluded from any calculation of floor area.

"floor area ratio" means the ratio of the floor area of a dwelling to the area of the lot on which is located. (Land Use Bylaw 120)

Policy: Small Lot Rural Residential – (SRR)

Density:

The maximum density in the Small Lot Rural Residential SRR zone is:

One (1) dwelling per lot.

The maximum lot coverage in the SRR zone is 25 percent.

The maximum floor area ratio of any dwelling in the SRR zone is .20.

The maximum number of accessory buildings permitted in the SRR zone is two (2) per lot.

Bower and Passage Islands

"floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and a ceiling are less than 1.2 metres (4 feet) apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch, or similar projection is not fully enclosed then the floor of such projections is excluded from any calculation of floor area.

Rural Residential One – Passage Island (RR1) Density

The maximum density in the RR1 zone is one (1) dwelling per lot.

The maximum lot coverage in the RR1 zone is 25 percent. The maximum floor area ratio of any dwelling in the RR1 zone is 0.2. Information

Note: A floor area ratio is the ratio of the floor area of the dwelling to the lot area. A lot area of 1400 square metres (15000 sq. ft.) with a floor area ratio of 0.15 may have a dwelling of up to 210 square metres (2260 sq. ft.). (Land Use Bylaw 114)

Galiano Island Local Trust Area

"**Cottage**" means a building that is accessory to a dwelling and is used for human habitation by guests, household members or tenants, and having a limited floor area (Land Use Bylaw).

"**Dwelling**" means a building used as a residence for a single household and containing eating, sleeping, and living facilities and a single set of facilities for food preparation (Land Use Bylaw).

"**Secondary suite**" means an accessory, self-contained dwelling unit, located within the principal dwelling on a lot (Land Use Bylaw).

"**Affordable housing**" describes rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on Galiano" (Official Community Plan).

"floor area" means the total area of all storeys of a building measured to the outer surface of the exterior walls, unless it is an Environmentally Friendly Building which is measured to the inner surface of the exterior walls, and for this purpose all areas of a building having a floor, including an earthen floor, and a ceiling at least 1.5 metres apart constitute a storey. If the building does not have exterior walls the floor area is to be measured to the drip line of the roof. (Land Use Bylaw 127)

"floor space ratio" means the ratio of the floor area of a building to the area of the lot on which it is located. (Land Use Bylaw 127)

Policy: Permitted Density in Visitor Accommodation Zone: One inn only is permitted per lot. Policy: 9.2.6 Lot coverage must not exceed 25% of any lot. and 9.2.7 On land referred to in subsections 9.2.4 to 9.2.7 the floor space ratio must not exceed .087.

Hornby Island Local Trust Area

"Affordable Housing" – housing that is by intent and policy more affordable than identical housing that is or could be provided elsewhere in the community and is housing that by design and size provides for residential accommodation that can be acquired with 30 per cent of the median gross income of families or individuals on Hornby Island (Land Use Bylaw).

"Dwelling unit" means a room or set of rooms:

- (a) used or capable of being used for human habitation by one or more individuals living in common occupancy as a single domestic unit and sharing facilities contained in that unit;
- (b) contained in a single building or manufactured home;
- (c) containing only one kitchen; and
- (d) under one roof with any covered walkway, covered patio or hall connecting two building portions being no longer than 4.0 m. (Land Use Bylaw 150)

"Community Housing" is housing that is provided specifically by bylaw to address affordable or special needs housing requirements, including housing that is provided on land designated for community services use, but community housing does not include housing that may be provided as part of a land co-operative; as a secondary suite; as part of a mixed use development such as in association with a commercial land use or as a secondary dwelling on a property; even though such housing may contribute to the provision of housing that is affordable, available for rent or that accommodates the needs of persons with special needs. The Community Housing designation is intended to designate areas that are considered suitable for such housing (Land Use Bylaw).

"Rental Housing" is housing that is available by payment of rent for occupancy for a minimum of one month and can include any form of housing that is available for rent (Land Use Bylaw).

"Secondary Suite" means a separate dwelling unit located wholly within a building, which is a single real estate entity used for residential use and which contains only one other dwelling unit (Land Use Bylaw).

"Special Needs Housing" is housing to accommodate persons who may have special needs due to age, health, disability or other factors that may require

special housing characteristics (Land Use Bylaw).

"Floor Area" means the total area of all floors in a building that have a floor to ceiling height greater than 1.2 m, including, where such use is permitted, floors in a recreational vehicle used for a residential use, measured to the exterior surface of the perimeter walls or, in the case of regulations dealing with floor areas within buildings, the interior surface of the walls of the relevant building area, and includes enclosed balconies, decks, porches and similar projections; but excludes cisterns and vertical service spaces that pierce a storey. (Land Use Bylaw 150)

Lasqueti Island Local Trust Area

"Dwelling" means a building containing one kitchen, sleeping, and living areas, in either a self-contained room or set of habitable rooms, used, or intended for use, as one (1) residence; for clarity a travel trailer, mobilehome, bus, vessel or other recreational vehicle actively used for long term habitation is considered a dwelling (Land Use Bylaw).

"Floor area" means the total area of each floor in a building where the floor to ceiling height is greater than 1.5 metres (5 feet), measured to the interior surface of the perimeter walls, and includes the floor area of lofts, balconies, decks, porches and "similar projections enclosed by siding, glazing, screening, or other materials. (Land Use Bylaw 78)

Mayne Island Local Trust Area

"Dwelling unit" means a detached building, or a portion of a building in the case of a secondary suite, apartment residential use or employee housing, used as a residence for a single household and containing eating, sleeping, and living facilities and a single set of facilities for food preparation (Land Use Bylaw).

"Cottage" means an accessory building with a limited floor area that is used as a dwelling unit (Land Use Bylaw).

"Secondary suite" means an accessory self-contained dwelling unit, located within a building that otherwise contains a dwelling unit, and having a lesser floor area than the principal dwelling unit (Land Use Bylaw).

"Senior citizen residential use" means a residential use in which at least one person aged 55 years or older occupies each dwelling unit (Land Use Bylaw).

"Floor Area" means the total area of all storeys of a building measured to the outer surface of the exterior walls, exclusive of the floor area

occupied by any cistern used for the collection of rainwater for domestic use or fire protection and for this purpose all areas of a building having a floor and ceiling at least 1.5 metres (5 feet) apart constitute a storey. (Land Use Bylaw 146)

"Floor Area Ratio (FAR)" means the figure obtained by dividing the floor area of all buildings on a lot by the lot area, or in the instance of split-zoned lot, by dividing the floor area of all buildings within a zone by the respective zoned area. (Land Use Bylaw 146)

Policy: Industrial 1 Zone provides Regulations for Density:

- (2) One principal building accommodating one principal use and one accessory dwelling unit per lot.
- (3) The maximum number of accessory buildings, other than an accessory dwelling unit, utility sheds, or woodsheds is 4.
- (4) The maximum floor area ratio is 0.25.
- (5) The maximum lot coverage is 35%. (Land Use Bylaw 146)

North Pender Island Local Trust Area

"Cottage" means a dwelling with a floor area of 56 m² or less (Land Use Bylaw).

"Dwelling" means a building used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping, and living areas (Land Use Bylaw).

"Floor area ratio" means the figure obtained by dividing the total floor area of all buildings and structures on a lot by the total lot area (Land Use Bylaw).

"Secondary suite" means an accessory, self-contained dwelling unit, located within the principal dwelling on a lot and having a lessor floor area than the principal dwelling unit (Land Use Bylaw).

"Floor Area" means the total area of all storeys of a building measured to the outer surface of the exterior walls, exclusive of any floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose, all areas of a building having a floor and a ceiling of at least 1.5 metres apart constitute a storey. (Land Use Bylaw 103).

"Floor Area, Ratio" means the figure obtained by dividing the total floor area of all buildings and structures on a lot by the total lot area. (Land Use Bylaw 103).

Policy: 8.5.3 The Floor Area Ratio on any lot in the C2 zone may not exceed 0.25.

Salt Spring Island Local Trust Area

“Dwelling unit” means one or more rooms in a building that are used or constructed so as to be capable of being used for the residential use of a single household; and containing a common access, one kitchen, and eating, sleeping, and living areas (Land Use Bylaw).

“Dwelling unit, affordable housing” is a deed restricted and/or a rent controlled dwelling unit that is secured by a housing agreement registered on title and may include special needs housing and seniors dwelling units (Land Use Bylaw).

“Special needs housing” is housing that provides for the residential accommodation of an individual or individuals who require specific housing designs or services to enable them to live relatively independently or in a supportive environment (Land Use Bylaw).

“Seniors’ dwelling unit” means a dwelling unit restricted to residential occupancy by a senior and one other person who may be under the age of 65 and who is a spouse, partner or unpaid caregiver who resides in the same dwelling unit (Land Use Bylaw).

“Affordable housing” – describes rental or owned housing that can be acquired with 30 per cent of the median gross income of families or individuals on Salt Spring Island (Official Community Plan).

“Secondary suite” means an accessory, self-contained dwelling unit, located within a building that otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit (Land Use Bylaw).

“Seasonal cottage” means an accessory dwelling unit not exceeding 56 square metres in floor area which, despite the definitions of “dwelling unit” and “residential” in this Bylaw, is occupied or intended to be occupied on a temporary basis by a person or persons having a permanent domicile elsewhere and using the cottage primarily in conjunction with recreation (Land Use Bylaw).

“Floor Area” means the sum of the horizontal areas of all storeys of a building or structure, including basements, measured to the outer surface of the exterior walls and windows minus the average thickness of the walls; for this purpose all areas of a building having a floor and a ceiling at least 1.8 m apart constitute a storey and the horizontal area of all buildings where more than 60 per cent of the area between the roof and the floor is enclosed by walls and windows shall be included in the calculation of floor area. (Land Use Bylaw 355)

“Floor Space Ratio” means the total floor area of all buildings and structures on a lot divided by the total lot area. (Land Use Bylaw 355)

Policy 9.9.2: Size, Siting and Density of Permitted Uses, Buildings and Structures Maximum Floor Space Ratio of .6 in R12 Zone: Senior’s Supportive Housing (Land Use Bylaw 355)

Piers Island

"floor area" means the sum of the horizontal areas of all storeys of a building or structure, excluding basements, measured to the outer surface of the exterior walls and windows minus the average thickness of the walls; for this purpose all areas of a building having a floor and a ceiling at least 1.8 m apart constitute a storey and the horizontal area of all structures where more than 60 per cent of the area between the roof and the floor is enclosed by walls and windows shall be included in the calculation of floor area. Notwithstanding this definition the entire area below the roof of a carport shall be included in the calculation of floor area. (Land Use Bylaw 373)

Prevost Island

"Floor area" means the sum of the total floor areas of each storey in a building, including exterior walls. (Capital Regional District Bylaw 103)

Saturna Island Local Trust Area

"Residence" means a building used by an individual, or group of individuals living together in common occupancy, as a single household and containing only one kitchen.

"Floor Area" means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and the ceiling above it are less than 1.5 metres (5 feet) apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch, or similar projection is not fully enclosed then the floor area of such projections is excluded from any calculation of floor area. (Land Use Bylaw 199)

South Pender Island Local Trust Area

"Dwelling" means a building, including a mobile home used as a residence for a single household and containing sleeping and living areas plus a single set of facilities for food preparation and eating. a mobile home.

"Cottage" means an accessory single family dwelling with a floor area of 56 m² (603 ft²) or less (Land Use Bylaw).

"Floor Area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.5 metres apart. (Land Use Bylaw 114)

Policy: Section 5 provides Density regulations for Rural Residential Zones. The number of dwellings and cottages, as well as the floor area of each, is limited by the parcel size. Setbacks from property boundaries are established. Commercial accommodation in the Commercial Resorts zone is governed by floor area and lot setbacks.

Thetis Island Local Trust Area

"Dwelling unit" means a building containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or group of individuals living together in common occupancy.

"Guest cottage" means a dwelling unit with a floor area of 65 square metres or less excluding sleeping lofts which are open to the floor below, do not contain any enclosed rooms, and do not cover more than 50% of the floor area below.

"Floor area" means the total area of all storeys of a building measured to the outer surface of the exterior walls including the area of balconies, decks, porches, or similar projections fully enclosed by siding or glazing. (Thetis Island Land Use Bylaw 89)

Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)

"Floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and a ceiling are less than 1.5 metres apart, and includes the floor area of balconies, decks, porches and similar projections fully enclosed by siding, glazing, screening or other materials. For certainty if a balcony, deck, porch, or similar projection is not fully enclosed then the floor of such projections is excluded from any calculation of floor area. (Land Use Bylaw No. 94, 2014)

Ballenas and Winchelsea

"Floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and the ceiling above it are less than 1.5 metres (5 feet) apart.

Policy: The total floor area of a single-family dwelling may not exceed 232 square metres (2500 square feet). (Land Use Bylaw 28)

STRATEGIC ACTIONS FOR ISLANDS TRUST 2016: AFFORDABLE HOUSING IN THE TRUST AREA

In March 2019, the Islands Trust Council received an updated Baseline Report: Affordable Housing in the Island Area and also the following Guide for Action Planning.

	Recommendation	Source	Priority	Timing	Staff Comment
ISLANDS TRUST POLICY STATEMENT					
1.	Review the Islands Trust Policy statement and give consideration to: a) giving affordable housing a greater profile for its role in sustainable communities b) including a reference to affordable housing in its policy direction to LTCs and municipalities	Housing Tool Kit	High	Medium – align with policy statement review	Islands Trust Council is intending to update the Islands Trust Policy Statement. Strong direction from Trust Council to LTCs assist in interpreting the Islands Trust mandate and in defining how affordable housing fits into Trust Council's vision for the future. Policy Statement directives shape the OCP policies and LUB regulations within local trust areas.
2.	Review the Islands Trust Policy statement to ensure that it: a) includes clear and well-thought out definition of 'affordability' b) includes clearly articulated vision, goal, and objectives for affordable housing c) gives affordable housing a greater profile for its role in sustainable communities includes a reference to affordable housing in its policy direction to LTCs and municipalities d) includes a reference to affordable housing in its policy direction to LTCs and municipalities	Housing Tool Kit	High	Medium – align with policy statement review	As above.
3.	Consider initiating a Trust-wide Affordable Housing Strategy, with direction to LTCs to develop Local Trust Area-specific components.	Housing Tool Kit	low	Medium – align with policy statement review.	The Islands Trust Policy Statement could give LTCs such direction. Trust Council should follow the recommendations and include affordable housing in its Policy Statement review. The Policy Statement is a legislative tool and has more teeth than an Affordable Housing Strategy would.
MODEL BYLAWS					
4.	Bring forward a thorough analysis of alternative ways of measuring density and how to manage any corresponding impacts.	Housing Forum Final Report; Daniels, 2003.	Medium	Long Term	Such an analysis would support understanding and consideration of model bylaws suggested below. Should include concepts such as floor area ratio, home plate proposals (Agricultural Land Commission), and cottage housing (Daniels, 2003).

5.	Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws.	Daniels, 2003, Tool Kit, 2010.	High	Short Term	Redefine how density is measured. Explore alternative metrics that measure building footprints and land impacts instead of dwelling units. Floor area ratio as a density metric will protect natural values while giving people more flexibility to provide different forms of housing on residential properties.
6.	Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws.	Daniels, 2003, Tool Kit, 2010.	High	Short Term	Imbed extra density allowances in land use bylaw residential zones. Extra density can only be realized in exchange for an eligible community amenity such as affordable housing, ensured with a housing agreement, or protection of ecosystems by way of a conservation covenant. Ensure rainwater catchment systems are required for any additional density.
7.	Develop model bylaws to address the use of building stratas as a tool for affordable housing.	New	High	Short Term	The Strata Property Act enables property titles to be subdivided without subdividing the land (and causing the associated impacts). This tool should be carefully considered and managed as a way to enable co-ownership of land with multiple property tiles that can each be financed separately by a conventional lender. This option could become a key strategy if land values continue to escalate.
8.	Develop model bylaws for secondary suites and cottages to be standardized across the Islands Trust Area according to best practices.	New	Medium	Short Term	Suites and cottages should be used to intentionally target needs identified in housing needs assessments. Secondary suites should be considered as an island's primary rental stock for singles, while cottages should be considered as rental or ownership family housing. Floor area limits should be able to be varied where appropriate (locate the size limits in the regulations, not the definitions, of a land use bylaw).
9.	Develop model rental housing zoning bylaw.	New	Low	Long Term	This is a new recommendation stemming from recent legislative amendments. It is considered low priority because purpose built, multi-family rental housing is not always viable in Trust Area communities. It may be more efficient to pilot the rental zoning powers through a development application for multi-family rental housing.
HOUSING AGREEMENTS					
10.	Continue development of a program for Islands Trust to hold and administer housing agreements on behalf of local trust committees.	Housing Tool Kit	High	Short term	Islands Trust has developed resources and capacity to administer housing agreements. This function should continue to be supported and developed.
COORDINATION					

11.	Trust Council to use coordination authority of Islands Trust Act to strike a multi-stakeholder and interjurisdictional affordability committee by region. Make sure to include regional districts and the health authorities. Create terms of references based on mutual cooperation and a commitment to considering affordability in application processes and regulatory requirements.	New	High	Short term	Coordinate policy across different jurisdictions to ensure different regulations are not in conflict and to ensure affordability is considered and enabled wherever possible. This committee should consult mortgage experts and representatives from the building industry to inform policy coordination with current economic realities.
ADVOCACY					
12.	Advocate other regulatory agencies find a way to permit alternative solutions for affordable housing pilot projects.	Housing Tool Kit	Medium	Long Term	This is an advocacy item that requires discussion by Trust Council. Trust Council could advocate the BC Building Code include minimum standard exemptions that ensured environmental standards are met, as are health and safety standards of buildings. It could be addressed through coordination, as noted above.
13.	Initiate an ongoing Housing Council consisting of membership from a broad range of stakeholders.	Housing Tool Kit	Low	Long Term	The Islands Trust governance structure is prescribed by the Islands Trust Act. This recommendation is best directed at community groups. A community-based Housing Council could be initiated by community groups to coordinate affordable housing initiatives and speak with one voice to government agencies such as Trust Council.
14.	Advocate senior levels of government increase funding for affordable housing specifically targeting low density, rural communities.	Housing Tool Kit	High	Long Term	Affordable housing proponents need funding support which is a Provincial and Federal role.
15.	services, public transportation options, medical services, and for commercial establishments to upgrade with universal design standards.	Housing Forum Final Report	Medium	Long Term	Landowners and developers may need funding support to add community value to developments. Land use and transportation are in
TRUST FUND BOARD					
16.	Explore the potential for the creation of an affordable housing Land Trust.	Housing Tool Kit	Medium	Long Term	Trust Council could consider expanding the role of the Trust Fund Board to create an affordable housing land trust. This would be a fundamental change to the Islands Trust and should be explored in the context of the Trust Fund Board role, mandate, and legislative authority.
17.	Explore the potential for and required changes to the Trust Fund Board to allow it to hold land on an interim basis for affordable housing.	Housing Tool Kit	Low	Long Term	Trust Fund Board can own land and currently has a property acquisition role, however it may only hold land in support of furthering the mandate of Islands Trust. This is a key discussion for Trust Council in interpreting the Islands Trust mandate and the definition of unique amenities.
HOUSING NEEDS ASSESSMENTS					
18.	Continue on-going coordination and funding for Housing Needs Assessments across the Islands trust Area.	Housing Tool Kit	Medium	Long Term	Housing Needs Assessments have been completed for the Islands Trust Area. Legislation requires they be updated every five years.

19.	Support Bowen Island Municipality in updating its Housing Needs Assessment using a consistent methodological approach as done for the other regions of the Islands Trust Area.	New	High	Short term	The housing needs assessments conducted in 2018 excluded the Bowen Island Municipality. There may be opportunities for cost sharing or other coordinated supports that would assist the BIM in updating its 2008 HNA.



Islands Trust

Shoreline Protection Model Bylaw Report
March 2021

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We would like to thank all those who participated in the Islands Trust Shoreline Review Model Bylaw Project.

Islands Trust

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It is a privilege to write this guide and we acknowledge the lands described in this report are within the ancestral territory of the Coast Salish people and as a reminder we are all connected.

We are in a sacred relationship with all things in the natural world – the land, waters, and air, and all of the plants and animals we live with. Respect for the spirit and life in each of these, and the intricate relationships and interconnectedness we are all in together is a key value and principle of our culture.



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OVERVIEW

Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands, and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

The Islands Trust Area is located within the Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. In 2019, Islands Trust Council passed a Reconciliation Declaration and committed to a Reconciliation Action Plan as per the Truth and Reconciliation Commission (TRC) Calls to Action. Islands Trust is committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

The Islands Trust Council adopted a Strategic Plan for the 2018-2022 term. Item six of the Strategic Plan is to: Undertake a review of Local Trust Committees and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. This is a community planning project that is being advanced by Islands Trust Council Regional Planning Committee. The work will be consolidated into a template of standard bylaws that will be available for local trust committees and Bowen Island Municipality to use when developing policy and regulation along the shoreline.

Project Deliverables:

- Review all 21 existing Official Community Plans and 21 Land Use Bylaws in the Islands Trust Area on foreshore and nearshore policies and regulations, and a selection of other BC coastal jurisdictions and San Juan County. Selection should have relevance to the Trust Area with similar shorelines and upland uses.
- Discussion with Islands Trust Senior Intergovernmental Policy Advisor on consideration of First Nations interests in the options and recommendations.
- Review Provincial guidelines on mitigation and adaptation to sea level rise.
- Review Islands Trust Policy Statement for compliance of any proposed policies and regulations.

- Develop options and make recommendations on model official community plan policy and land use bylaw regulations to protect foreshore and nearshore,

HERITAGE AND CULTURAL CONSIDERATIONS

Islands Trust Initiatives:

The Islands Trust acknowledges the value of Indigenous traditional knowledge and perspectives as part of its decision-making processes.

Some of the recent Official Community Plans (OCP) reviews included references to Heritage and Archaeological Resources. To guide development the Saturna, South Pender and Thetis Island OCPs include the following objectives:

1. To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features.
2. To protect archaeological sites from damage due to development, land alteration or human use.
3. To increase public awareness of the Island's heritage resources.
4. To recognize first nations past and current presence on Thetis Island, its foreshore, and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

The Saturna Island OCP also includes a Heritage designation which identifies known heritage sites and areas of historical or cultural significance. The objective is to preserve places of historical or cultural significance from destruction. These places are to be identified and means for their preservation should be sought. Furthermore, the Saturna Island Local Trust Committee

may create a Heritage Commission to study and recommend sites, areas, landmarks, buildings, roads, trails, and other features of historical or cultural significance for inclusion together with sites that are on a registry in a Heritage designation under the Local Government Act and archeological sites protected under section 13 of the Heritage Conservation Act.

The Heritage Commission may:

- a) develop a Community Heritage Registry to identify island heritage buildings or other heritage and archaeological sites and features;
- b) develop heritage conservation areas for inclusion in the plan;
- c) require heritage alteration permits for heritage features identified in the Community Heritage Registry and heritage conservation areas;
- d) require heritage impact assessments for designated heritage features and archaeological sites protected under section 13 of the Heritage Conservation Act.;
- e) encourage heritage conservation covenants to protect heritage features; and
- f) encourage dedication or donation of heritage features for long-term protection.

Furthermore, the Saturna Island Local Trust Committee shall encourage and support creation of a community heritage museum on Saturna Island to maintain and display heritage artifacts originally located within the Area.

South Pender Island heritage cultural resources include the archaeological evidence of First Nations use and buildings

associated with the island's more recent settlement. There are registered archaeological sites on South Pender Island, mostly midden deposits, and these are afforded protection from disturbance under the provisions of the Heritage Conservation Act.

South Pender Island OCP Heritage Cultural Resources Objectives include: a) To increase awareness and appreciation of the island's ancient and recent cultural heritage.

b) To encourage and support measures that identify, inventory, and protect heritage cultural resources.

c) To recognize First Nations presence on South Pender Island and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

Heritage Cultural Resources Policies:

a) The Local Trust Committee is to encourage the formation of a Community Heritage Commission to provide it and the community with advice and assistance regarding:

i) criteria for determining community heritage values, e.g., archeological evidence, historical significance, socio-cultural context, and architectural relevance;

ii) identification, inventory, and information compilation regarding sites, artifacts, structures, buildings, and persons of interest;

iii) measures to increase general awareness and appreciation of the island's cultural heritage; and

iv) methods of securing protection for the island's cultural heritage resources.

b) Roads or portions thereof identified as Scenic/Heritage Road are not to be altered without consultation,

c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

d) The Local Trust Committee should not approve applications that would result in disturbance to an archaeological site unless there are unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites. If this is the case, the LTC should require measures to manage the impacts.

e) Recognizing the inter-relationship of community interests and services between North and South Pender Islands, the Local Trust Committee is to encourage opportunities for mutually beneficial co-operative efforts relating to heritage cultural resources.

f) The Local Trust Committee may consider designation of a Heritage Conservation Area or adoption of Heritage Bylaws to protect heritage cultural resources.

The Salt Spring Island Official Community Plan includes a General Community Objective designed to "identify and protect important components of our island's heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles." (*Source: SSI OCP Volume 1 Section A4 Objective 15*)

Provincial Archaeological Requirements:

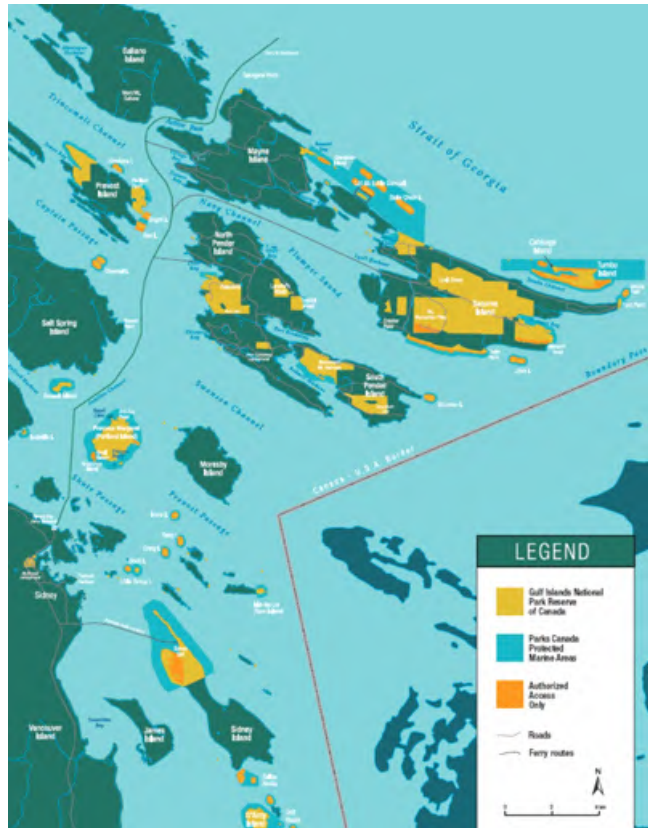
The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by all the Local Trust Committees. The LTC recognizes that there are other buildings and landscapes of heritage value to Island residents and to the First Nations with a long and continuing history of life on the island. <http://www.islandstrust.bc.ca/trust-council/first-nations-reconciliation/>

This recognizes that marine shorelines were well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The BC Heritage Conservation Act governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

It should be noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

Federal Government Initiatives:

The Federal Government's Gulf Islands National Park Reserve (GINPR) comprises approximately 31 square kilometers of land and intertidal areas scattered over 15 of the southernmost Islands. The following map provides an overview of the national parks in the Gulf Islands.



(Source: [Camping - Gulf Islands National Park Reserve \(pc.gc.ca\)](http://pc.gc.ca))

Parks Canada is responsible for the management of about six square kilometers of marine area located offshore of waterfront portions and around islets of the national park reserve.

The southern Gulf Islands embody a rich human history stretching from thousands of years ago to the present. Coast Salish people have occupied the region since time immemorial and continue to live and use these islands.

These parklands help maintain a deep spiritual connection to the area and traditional use continues today. First Nations

archaeological sites as well as historical features from other groups provide tangible evidence of the history of the region's inhabitants who lived out their lives in this ecologically diverse landscape.

GINPR lies within the Dry Coastal Douglas-fir ecosystem—one of Canada's most at risk ecosystems. Although the national park reserve contains examples of many of the various components found within the Coastal Douglas-fir ecosystem, younger forest ecosystems make up the majority of the reserve, with significantly smaller amounts of mature forest and Garry Oak and associated ecosystems. To protect these ecosystems the Federal Government implemented the legislation to protect Species at Risk.

The Species at Risk Act (SARA) prohibits individuals and applies to species listed. All critical habitat in national parks and national historic sites must be legally protected within 180 days of being identified.

Recovery measures for species at risk will be integrated within the framework of Parks Canada's ongoing ecological integrity and management programs. The species-directed measures outlined in this plan will contribute to maintaining and improving ecological integrity of GINPR by improving the conservation status of native species and their habitat and maintaining biodiversity.

Provincial Initiatives

There are a number of Provincial recovery strategies and plans that complement the GINPR and provide guidance for the recovery of individual species, including strategic directions, recovery objectives, critical habitat, and threats. Multi agency cooperation links strategies and plans for more successful outcomes.

The measures presented in the action plan for GINPR could result in positive impacts on biodiversity and the value individuals place on preserving biodiversity (Federal, Provincial, Territorial Governments of Canada, 2014).

Intergovernmental collaboration and support will benefit park reserve visitors, local residents and Coast Salish groups. Voluntary stewardship opportunities will help build community knowledge which is an important consideration for species at risk management in GINPR. Some activities may create opportunities for local residents to become involved in the recovery of species at risk and for community partnerships to enhance recovery for Species at Risk. Benefits should be relatively evenly distributed across individuals in local communities. These include opportunities to learn about and take part in the recovery of culturally important species at risk, opportunities for integration of Coast Salish traditional knowledge into conservation issues in GINPR, and greater awareness of Coast Salish values and culture among local residents and visitors to the park reserve. Clam food harvesting brings communities together. This activity crosses cultural boundaries and is vital to BC coastal communities to have access to healthy Shell-Fish harvests.

Clam Garden Restoration

First Nations governance and inter-generational knowledge sharing helps to deepen knowledge. The Clam Garden Network is a group of First Nations, academics, researchers, and resource managers from coastal British Columbia, Washington State, and Alaska. Through collaborations across communities and disciplines participants explore the cultural and ecological

importance of traditional clam management practices and features to enhance regeneration of clam gardens.

Eelgrass Restoration

The Sea Change Society based in Brentwood Bay, Victoria, BC initiated coast-wide eelgrass mapping, restoration, and monitoring. Sea Change Society works with First Nations communities on Southern Vancouver Island including the Gulf Islands. Their strategy is to locate and restore sites that historically supported eelgrass. Sea Change transplants between 500 and 1000 eelgrass shoots into a test plot. If restoration is successful, the transplant areas are expanded with additional eelgrass shoots.

Source: [Home - SeaChange Marine Conservation Society \(seachangesociety.com\)](http://seachangesociety.com)



Source: Mapping in the Salish Sea (islandstrustconservancy.ca)

Local organizations such as Green Shores use ecological methods to protect shorelines from erosion and to address the impacts of climate change. The use of Eelgrass mapping as a planning tool is proving to be an effective method to consider erosion control.

GREEN SHORES

Green Shores is a program of the Stewardship Centre for British Columbia that promotes sustainable shoreline ecosystems for commercial, residential, institutional and park properties. It supports a broader vision for Canada's waterfront communities to increase capacity to minimize impacts of shoreline development and climate change while preserving or enhancing shoreline ecology and ecosystem services. Climate change is expected to impact the rate and nature of change across Canada's shorelines and affect its ecosystems. Green Shores incentivizes and provides a guideline for climate change adaptation and incorporates the most recent estimates of sea level rise to increase shoreline resilience for both ecosystems and property developments. The Green Shores guiding principles are to:

1. Preserve the integrity and connectivity of shoreline processes;
2. Maintain and enhance shoreline habitat diversity and function;
3. Minimize and reduce pollutants to the shoreline environment;
4. Reduce and reverse cumulative impacts to shoreline systems.

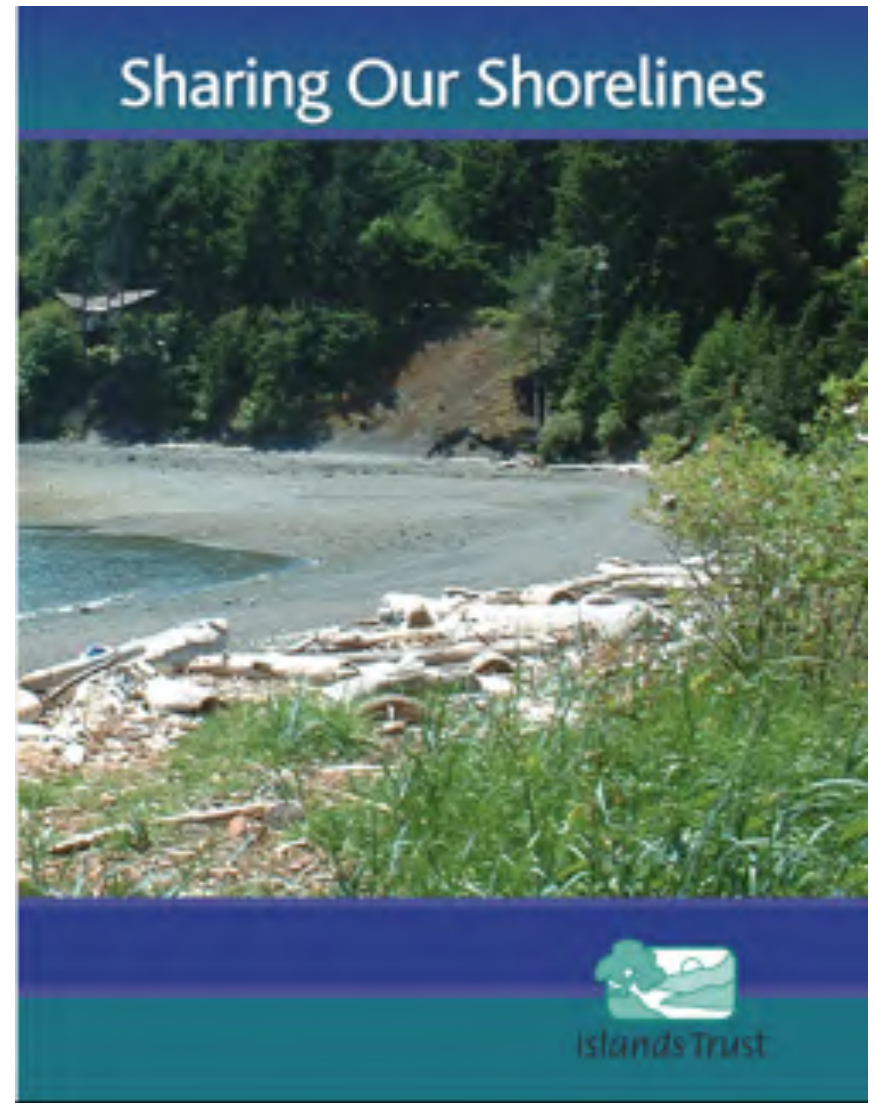
The Islands Trust promotes the Green Shores programs to the development community.

There are two programs –

Green Shores for Development provides a Credit and Ratings Guide for commercial, multi-family residential, subdivision, park, and institutional waterfront development.

Green Shores for Homes Program which is based on the four guiding principles:

1. Preserve or restore physical processes—the natural actions of water and sediment movement that maintain healthy shorelines.



2. Maintain or enhance habitat function and diversity along the shoreline.
3. Prevent or reduce pollutants entering the aquatic environment.
4. Avoid or reduce cumulative impacts—small individual effects that add up to large impacts on shoreline environments. (Source:

Green Shores for Homes - Stewardship Centre for BC (stewardshipcentrebc.ca) and Care for my Shoreline (islandstrust.bc.ca))

Examples of related policies include Salt Spring Island Official Community Plan B.9.2. shoreline conservation designation policy which states: shoreline conservation designation is encouraged to

help owners to implement best practices for shoreline development, such as green shores.

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE

B.C.'s climate is changing, and climate scientists are projecting further changes over the next decades. Climate change mitigation and adaptation involves preparing for these changes and the impacts they will have on natural systems and communities. Communities are experiencing the impacts of climate change including more frequent and intense storms, increasing temperatures, drought, wildfire, sea level rise and flooding.

- Mitigations deal with how we can reduce the greenhouse gases that are the root cause of human caused climate changes.
- Adaptations are behavioral. Physical changes we make in our use of natural resources deal with the results of changing climate.

Mitigations

Mitigations in climate change can be undertaken by the Islands Trust by either reducing carbon dioxide emissions or increasing carbon sequestration (the amount of atmospheric carbon fixed into plants or other solid materials). Energy use is a key issue around reducing emissions. Maintaining forest cover is important for carbon sequestration. Several resources are available to help us with mitigation efforts such as:

- Plug in BC - <https://pluginbc.ca/>
- Climate Action to Go Kits -

<https://www.crd.bc.ca/education/climate-action/at-home/climate-action-to-go-kits>

- Efficiency BC - <https://betterhomesbc.ca/> to carbon sequestration by island, Here's a link <http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

The Islands Trust is committed to becoming a carbon neutral organization with no net increase in greenhouse gas emissions from its operations. Carbon neutrality has been achieved since 2012 through these steps:

- Performing an emissions inventory of our operations.
- Implementing an action plan to reduce emissions;
- Purchasing carbon offsets to counteract emissions that cannot be readily reduced.
- Improving transportation networks that are low carbon such as bike paths or other trail networks or installing EV stations.
- All Local Trust Committee Official Community Plans contain targets and policies related to Green House Gas (GHG) emission reduction.

Local Trust Committees have the following tools available for addressing climate change mitigation efforts:

- GHG Reduction Targets- Section 473 of the Local Government Act – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- Zoning Authority – Section 479 of the Local Government Act could cluster development, protect areas for conservation, limit extent of development, establish building size limits, and prohibit uses that contribute the most to GHG production.
- Development Permit Area to Promote Energy Conservation– Section 488(1)(h) of the Local Government Act can be used to reduce heating and cooling requirements through building siting, systems, and landscaping.
- Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions - Section 488(1)(j) of the Local Government Act.
- Off-street Parking and Loading Regulations - Section 525 of the Local Government Act – establish parking requirements, electric vehicle and active transportation parking, surfacing and landscaping of parking areas.
- Impacts of climate change include sea level rise, possible saltwater intrusion into groundwater aquifer, warmer winters and summers, dryer summers, more intense storm events, and wildfire potential. Adaptations to changes resulting from climate warming include a wide variety of options. Such adaptations could be behavioural (e.g., Educating people to reduce food waste and drive less) or structural measures (e.g., Requiring water storage for household and fire suppression use).

The Province of B.C. has developed a Climate Change Secretariat to address climate change adaptations and has begun to produce numerous resources for communities to deal with climate change adaptations. These include:

- The site of climate change resources - <https://www2.gov.bc.ca/gov/content/environment/climatechang>

e

- The climate action toolkit - <https://www.toolkit.bc.ca/taking-action/community-wide> Local Trust Committees are being supported in understanding potential adaptations through staff reports.

A review of Islands Trust policies revealed a commitment to addressing climate change demonstrated by the islands of North Pender, South Pender, Galiano, Mayne and Saturna that are collaborating on a project to assess groundwater and establish water budgets.

Tools to support Local Trust Committees in understanding possible adaptations include:

- Zoning Authority - Section 479 of the Local Government Act require setback from the sea and water bodies, building location and size, appropriate uses, and density.
- Runoff Control Bylaw - Section 523 of the Local Government Act Regulations to address increased rain events.
- Development Permit Area to Protect Development from Hazardous Conditions – Section 488(1)(b) of the Local Government Act. Flood plain regulations along foreshore, rivers, and lakes. Tree and vegetation retention in areas prone to land slip.
- Development Permit Area to Promote Energy Conservation- Section 488(1)(h) of the Local Government Act. Siting, landscaping, and flooding.

Shoreline Management Plans: Oak Harbour. WA. U.S. Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the

Comprehensive Plan, other adopted plans and the Shoreline Management Plan. To accomplish this, shoreline segments are given an environmental designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments shall include the shorelines of the City of Oak Harbor, including shorelands, surface waters, and bed lands. These environments are derived from and based on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.



Storm surge flooding, Victoria. Photo: B.C. Ministry of Environment

The Summary List of Recommended Actions [Appendix A: Summary List of Recommended Actions Page 1 \(washington-apa.org\)](#) includes a number of options that LTC could use to outline how protection of marine ecology will be managed.

BC MARINE COASTAL SHORELINES JURISDICTION

Jurisdiction over coastal areas in B.C. is split among federal, provincial, and local governments, depending on the location along the coast and the relationship to the shore.

Within the Islands Trust Communities there are six types of shorelines that are shaped by complex processes that connect the land to the sea.



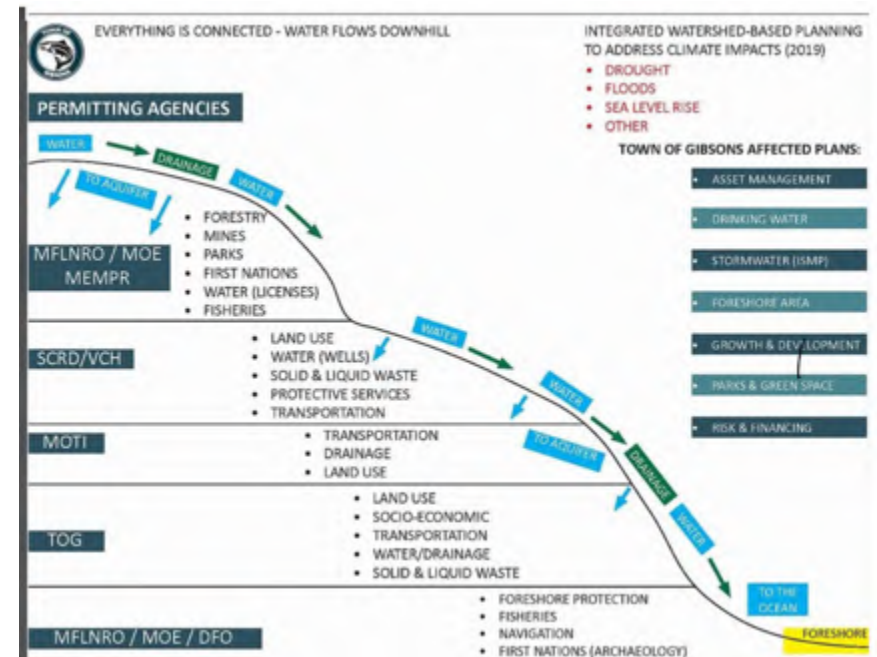
The land and surrounding environment protect the natural processes that form the shoreline. Marine and terrestrial habitat, as well as sensitive habitat and features exist, which are important to support a vibrant marine ecosystem.

The Islands Trust interactive mapping (MapIT) application is available online and provides more information about regulations. Although mapping is informative, it cannot replace observations made by walking the site and surrounding areas, particularly noticing seasonal and other changes over time.

It is important to note that while the following points refer to ownership and jurisdiction, all of B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations and constitutional recognition of Aboriginal Title and Rights.

To highlight the multiple jurisdictions that regulate water the following water model in Figure 1 highlights how watershed planning can help to address climate impacts such as droughts, floods, and sea level rise.

Figure 1: Permitting Agencies | Integrated Watershed Model



Source: [2020-07-28 Gibson's Source to Sea Project.pdf \(civicweb.net\)](#)

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The Federal Department of Fisheries and Oceans (DFO) is responsible for fisheries protection provisions to prevent serious harm to commercial, recreational, and Aboriginal fisheries under the *Fisheries Act*, including shoreline “riparian” habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigation Protection Act* (2014) in waters listed in the schedule to that Act. The public right of navigation

will continue to be recognized in common law for navigable waters not listed in the Act. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands, such as Victoria, Metro Vancouver, Port Alberni, Prince Rupert, and Nanaimo harbours.

On B.C.'s coast, the area between high tide and low tide (the foreshore area) is owned and controlled by the provincial government as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. Foreshore area is never privately owned, though the Province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. [Land Use - Private Moorage - Province of British Columbia \(gov.bc.ca\)](#)

The Land Tenure Branch (under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) administers lands in the foreshore area and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. Consultation with First Nations is an important consideration with development around the coastal lands. It is part of land and resource decision-making. The following link outlines communications protocols with First Nations.

[Consulting with First Nations - Province of British Columbia \(gov.bc.ca\)](#)

The Province may also establish regional coastal zone or estuary management plans. Use of the foreshore is also subject to local

government land use regulations. *Source: Regulations Affecting BC Marine Coastal Shorelines Green Shores™ Background Report Shoreline Regulations and Permitting Processing BC 2014*

Professional Organizations Engineers have been involved in shoreline ecological restoration for some time. For example, in 2010 Jericho Beach enabled the opportunity to return the shoreline to its natural state and allowed for return of native plant habitat. Dangerous materials, such as creosote treated piles were removed.

The experience in undertaking flood plain restoration shows that a co-ordinated approach is essential and Community buy-in is required. An example of a multidisciplinary team has been the Shoreline Protection for the Town of Comox which commenced in 2011.

(Source: [Waters | Nanwakolas Council](#))

The Team included the K'omox First Nation, an archaeologist, a biologist/fisheries expert, a wave modelling/coastal engineering specialist, and a geotechnical engineer. The Foreshores dynamic nature made the Project extraordinarily complex. In addition, an archaeological site was located. *(Source: Innovation 2018 Engineers and Geoscientists BC). In 2016, the Association of Professional Engineers of BC (APEGBC) released a position paper entitled Human-Induced Climate Change which was followed in 2017 by professional practice guidelines, Flood Mapping in BC.*



1. Low Bank Beach of Jericho Beach, Vancouver, BC



Pictures 3 and 4 depict Low Bank Beaches in Comox, B.C. Rocks and logs are used as a natural approach to slow tidal flows and to prevent erosion.



2. Beach Images: Stanley Park, Vancouver, BC
Rocks placed to slow tidal action



LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES

An overarching goal of government regulation is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access to marine ecosystems.

The Islands Trust has policies that give local island trust committees the ability to amend Official Community plans and Land Use bylaws. Policies to manage development on shorelines through its preserve and protect mandate, is expressed through

the Islands Trust Policy Statement that reflects the values expressed by Island Trust communities.

1. Islands Trust Policy Statement

The Islands Trust policy statement guides land use planning and development through the preserve and protect mandate of the islands trust. It includes goals and policies that reflect the values and concerns for the future of the trust area. Local trust committee official community plans and land use bylaws must comply with the policy statement. There are several policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development for policies in the Islands Trust. These are listed in Appendix 1: Policies in the Islands Trust. Note that the Islands Trust Mandate in Section 3.4.4 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas protection of sensitive marine areas and in Section 3.4.5 requires that 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.

2. Official Community Plans

Official Community Plans allow local governments to set objectives and policies to regulate future growth and development in communities. The OCP divides the communities into residential, commercial, agricultural, institutional, industrial, and other land uses. The OCP outlines when these uses are needed and provides policy direction on how, when and where each land use will be located. Designated uses can be outlined on OCP maps.

The Official Community Plans within the Islands Trust area have included the Objectives and Mandate in a variety of ways. The following communities demonstrate how they have amended their OCP's to address shoreline protection.

The Saturna Island Official Community Plan highlights the legality of the Islands Trust Object. Over the years the provincial legislature has reaffirmed the Islands Trust object.

"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." (Sec.3 Islands Trust Act).

This legislated objective defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment, and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers "to preserve and protect" an amenity, it is not acting in bad faith, but rather carrying out its assigned duty under the Islands Trust Act. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the objectives than would be acceptable in other local governments in British Columbia. The

Court's decision affirmed the powers and obligation of each Local Trust Committee to further the object of the Islands Trust Act.

The Galiano Island Official Community Plan elaborates on Principles.

- a. This Plan advances the Object of the Islands Trust to "preserve and protect the Trust area and its unique amenities and environment" and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area.
- b. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.

One method of regulation is via Development Permits as established in Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. An example is Ballenas Winchelsea Official Community Plan, which elaborates on the justification of a Shoreline Development Permit area. The Plan notes that the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area 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." Provincial legislation in Section 877(1)(d) of the Local Government Act says that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development. It is policy of the Islands Trust Council that protection must be given to the natural

processes, habitats, and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, saltwater marshes, drift sectors, lagoons, kelp and eel grass beds and that development activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: the protection of sensitive coastal areas; and the planning for and regulation of development in coastal regions to protect natural coastal processes.

Land Use Bylaws also regulate Shoreline uses. North Pender Island, for example has 1 Ecological Zone and 6 Water Zones.

Developments to ensure they meet the policies and objectives of the Official Community Plan (OCP) as well as the regulations of the Zoning Bylaw. The OCP specifies areas that fall under a Development Permit Area (DPA).

Local governments may designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
 - The natural environment, its ecosystems and biological diversity
 - Development from hazardous conditions. Protection of development from wildfire, land slide, flooding, erosion, and other hazards
 - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:

- Intensive residential development
- Commercial, industrial, or multi-family residential development
- Development in a resort region
- Promotion of:
 - Energy conservation
 - Water conservation
 - Reduction of greenhouse gas emissions

Designating a Development Permit Area

Local governments may designate a development permit area in an official community plan. The plan must describe the special conditions or objectives that justify the designation.

The local government must also specify guidelines for how proposed development in that area can address the special conditions or objectives. These guidelines may be specified by zoning bylaw.

In the Islands Trust many locations include Development Permit Areas within Official Community Plans to implement Islands Trust Policy Statements to Preserve and Protect mandate.

The promote high quality developments in terms of design, performance, and environmental protection. Most lands within jurisdictions are subject to the provisions of one or more development permit areas. Therefore, prior to commencing subdivision, construction, or the clearing or alteration of land, a development permit may be required for one or more of the following purposes:

The Island Trust Shoreline DPA (DP-3) is an example of a policy that has designated an area for which development approval

information may be required as authorized by Section 484 of the Local Government Act.

Examples of Coastal Development Permit Guidelines are included:

1. northcowichan.ca/assets/MarineWaterfront.pdf
(North Cowichan Development Permit)
2. foreshore-development-permit-area.pdf
(Campbell River)

Development Permit Areas can help local government achieve development objectives by providing guidelines on the design, appearance, and performance of a development. A development permit cannot vary the use or density of land, or a flood plain specification. The only exception is where the permit is essential to health, safety, and protection of development from hazardous conditions.

Keats Island community in conjunction with the Island Trust planners conducted a Shoreline Review Project. This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development. The attached report outlines a strategy that encompasses the findings from the consultation and a review of Land Use Policies in the Islands Trust.
[gm-ltc 2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](http://gm-ltc-2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandstrust.bc.ca)

Zoning Bylaws and Setbacks

One area of inconsistency is between zoning Bylaws and specifically setback requirements. Zoning bylaws regulate Marine Riparian setbacks, and they may differ across local governments and regional districts.

Most jurisdictions now require setbacks on lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger. This is consistent with the Provincial Guidelines as part of its strategy to address climate change impacts. When development is proposed within a specified distance from the high tide mark of the ocean, a report is required from a qualified environmental professional, to eliminate or mitigate impacts of the development on all parcels with marine shorelines.

Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. To minimize the degree to which this may happen it is preferred that natural measures are deployed to protect marine shores wherever possible. Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's "Flood Hazard Area Land Use Management Guidelines" (the Provincial Guidelines).

Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines requires a setback of 15 metres from the future estimated natural boundary (NB) of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea

frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site-specific conditions, for example in low-lying areas or areas of known erosion hazard. The Islands Trust is no exception as can be seen from the following table.

The Capital Region District (CRD) Flood Inundation Project 2020 provides detailed information for some of the more southern Islands within the Islands Trust regarding future hazards associated with coastal flooding

related to sea level rise and tsunamis. The following map shows information for Ganges and adjacent area on Salt Spring Island. (Source: Task 2 Sea Level Rise Modelling and Mapping Report Map 2)

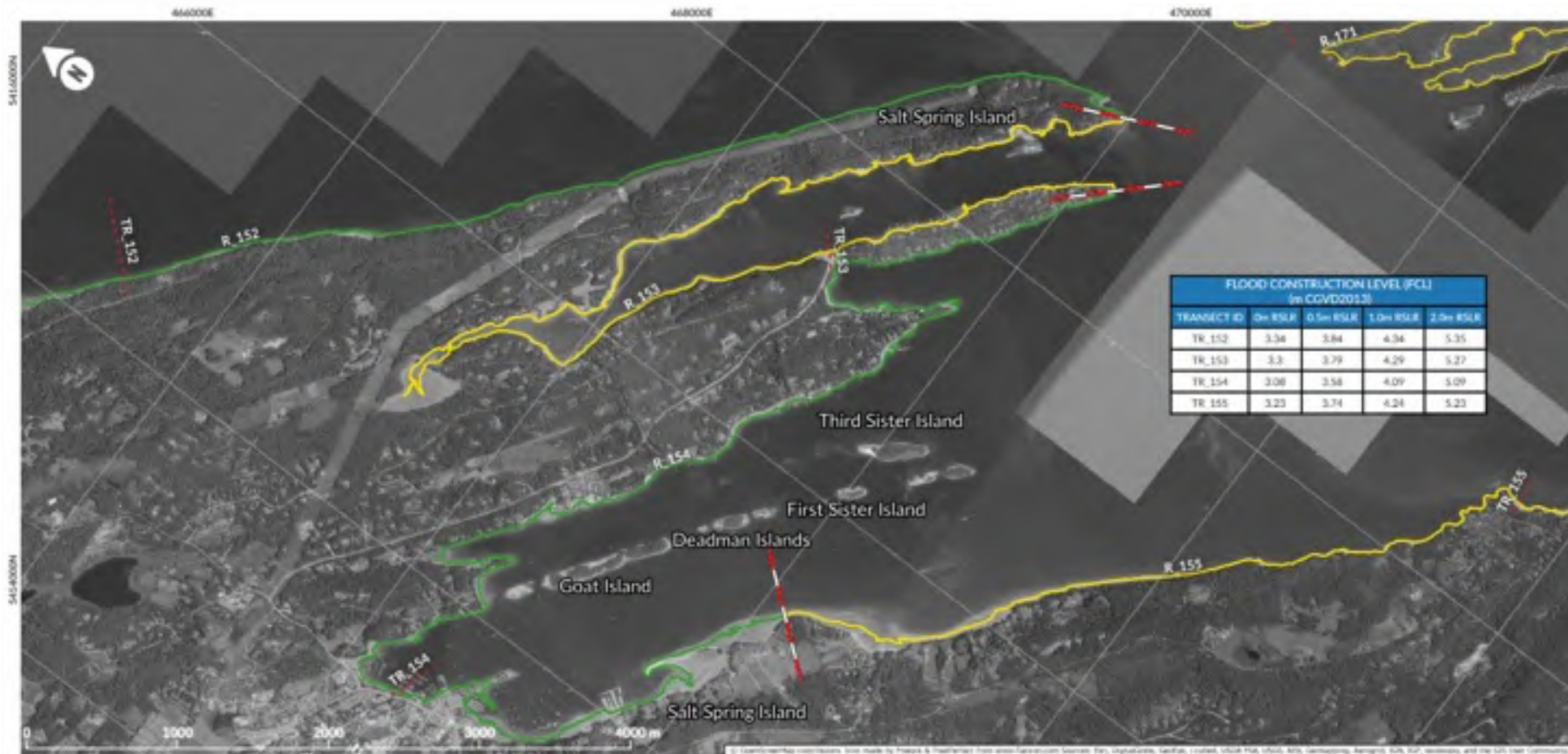


Table 1 Summary of Local Trust Committee (LTC) regulations.

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

*Docks permitted on specific lots only. Rezoning required for additional docks.

**May be reduced with engineer certification.

Natural Boundary Considerations

One of the key components of Development Permit requirements is establishing setback requirements. With regards to Shoreline protection, the establishment of the Natural Boundary is a key component as it impacts setback distances from hightide.

The 2010 BC Supreme Court case *Lawrence v. British Columbia* (Attorney General) 2010 accepted of the method of determining the natural boundary as shown in the figure below.

The Natural Boundary means the visible high-water mark of the sea, a lake, a stream, or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the ban. (The definition is defined in the BC Land Act <https://www.bclaws.gov.bc.ca/civix/document/id/91consol15/91consol15/79214#section14.>) and in the case of a lot having a surveyed high-water mark means the high-water mark. LUB should provide the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:



Source: *Greenshores Credits and Ratings Guide*

The following features may project into a required setback area:

- o steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre

(3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;

- o balconies, decks, and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- o retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

Marine/Coastal Policies

- a. Develop and implement a Marine Action Strategy to identify, prioritize and resource local actions for protecting and maximizing waterfront and marine resources as important assets providing valuable ecological services, and social, cultural, and economic benefits.
- b. Continue to build partnerships and collaborate to monitor and protect waterfront and marine areas. Establish a Marine Working Group to coordinate and align efforts of all coastal stakeholders and agencies with jurisdictional authority and interests in the local marine environment.

Objectives

- a. Recognize, value, and promote ecosystem services provided by coastal and marine environments.
- b. Protect, restore, and enhance the ecological features and functions of coastal and near shore areas.
- c. The Islands Trust should continue to work collectively across each of the Gulf Islands to help sustain a healthy marine environment.
- d. Play a proactive leadership role and work with First Nations and senior governments to monitor and address marine issues such as unauthorized mooring, derelict vessels, and ship and non-point source pollution of the coastal environment.
- e. Continue to participate in initiatives and forums to enhance dialogue and collective action among First Nations, local and regional governments, marine stakeholders, and community

organizations to support the health and sustainability of the Gulf Islands.

f. Support participation and benchmarking activities in the provincially led cumulative impacts project for the Gulf Islands. Work with other agencies and groups to inventory and more closely to define environmentally sensitive areas in the marine environment.

g. Plan and design waterfront sites to minimize impacts on the marine environment, in accordance with best management practices, all federal and provincial regulations. Refer to Province's Develop with Care resource, and Island Trust's development permit guidelines. The purpose of a Development Permit Area (DPA) guidelines is to designate for the protection of the natural environment, its ecosystems and biodiversity. DPA requires applicants to provide information on the anticipated impact of development activities on the natural environment, pursuant to the Development Approvals Information requirements outlined in sec 30 of the Local Government Act.

h. Infill of marine areas to create additional upland developable area beyond the natural boundary is strongly discouraged. Where required for contaminated sites remediation and coastal flood protection, the location and shoreline alignment of structures should wherever possible follow High Water to maintain marine channel area. Wherever possible, apply 'Green Shores' principles in their planning and design for shoreline restorations projects.

i. Ensure foreshore development is undertaken in a manner that secures and enhances public shoreline access without adversely affecting aquatic habitat. Access points should be practical and universally accessible for public use and enjoyment.

j. Support opportunities for coordinated project review with senior governments and First Nations for projects proposed within the marine environment. It is strongly encouraged to contact the Archaeological Branch to prior to development along shorelines

to determine if there could be the presence of culturally significant artifacts.

For Shore line development made to the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development for private docks and floats, these applications will only be accepted by the Islands Trust if the following criteria are met: Adherence to the Integrated Land Management Bureau (ILMB) policies regarding public notification e.g. Local First Nations and is in keeping with best management practises, planning and design standards, e.g. shared access and dock usage whenever possible.

Environmentally Sensitive Areas

a. Marine Shoreline guidelines apply to environmentally sensitive areas. These areas are mapped and included in each of the Islands Trust OCPs, and accompanying Development Permit Applications. Shoreline developments within the Islands Trust may lie within multiple development permit areas. It is advised Property owners work with a Qualified Environment Professional to meet the requirements within each DPA. In the case of guidelines for areas designated for the protection of development from hazardous conditions, development proposals which include marine or riparian areas must also be submitted to Fisheries and Oceans (Canada) for authorization and should be subject to any conditions or limitations determined necessary or appropriate by Fisheries and Oceans (Canada).

Objectives and Justification

The objectives of Development Permit Areas are to:

- i. protect areas of highest biodiversity and ecological sensitivity within the Gulf Islands including ground and surface water, shorelines, forests, wildlife habitat features and rare and endangered ecosystems and species.

- ii. ensure that ecosystem protection and enhancement values are elevated and prioritized, and to specify where and how lands are developed in and around environmentally sensitive areas.

- iii. conserve and steward the natural environment, ecosystems, and biodiversity within the community.

- iv. support the movement of various species by connecting ecosystems through undisturbed open space corridors.

- vi. restore, enhance and protect marine ecosystems; Shoreline ecosystems such as stream corridors, slopes, and nearshore beaches to preserve fish habitat, improve water quality for shellfish harvests.

- vii. minimize and mitigate the environmental and visual impacts of development.

- viii. accommodate recreational and complementary land uses, where appropriate that contribute to the above objectives.

- ix. restore and enhance sites previously degraded or denuded of vegetation.

- x. Discourage any new development in within designated ecological reserves.

b. The Islands Trust has some mapping for designated Environmental Review Areas (ERAs) that are based on Sensitive Ecosystem Mapping completed to provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area. Islands Trust Conservancy - Sensitive Ecosystems and Land Use Planning. The terrestrial ecosystems can be viewed using the Islands Trust interact mapping application MapIT and PDF versions of the maps can be downloaded.

These areas have rare or restricted distribution, high biodiversity, and habitat values, and are sensitive to disturbance and human

impacts. Within the Gulf Islands, sensitive ecosystems are not limited to Shorelines but include old forest, mature forest, woodlands, riparian areas, wetlands, and sparsely vegetated, estuarine, intertidal, fresh water and ocean areas.

c. Areas of recent disturbance or modification are not considered sensitive, and include urban and rural residential areas, industrial sites, golf course (excluding natural areas within some courses), gravel pits, roads, hydro corridors, dikes, farmland, and recently logged areas. The Gulf Islands has designated some areas as environmentally sensitive and there are several Environmental Review Areas (ERAs) based on Sensitive Ecosystem Mapping completed to Provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area.

The Islands Trust has Sensitive Ecosystem Mapping available on the Islands Trust Geographic Information System to identify Environmentally Sensitive Area (ESA) rankings (Medium or High) based on an ecosystem's sensitivity to disturbance, ecological importance, and provincial rarity according to its BC Conservation Data Centre status. Ecosystems with high percent of recent disturbance are ranked as Low (not highlighted on ESA mapping).

ERAs may not represent all sensitive ecosystems present within a given area or site. The Islands Trust relies on the most updated information, acquired through site-level bio-inventories and assessments as required for Development Permits. As new information becomes available, and buffer areas are determined by Qualified Environmental Professionals (QEPs) to maintain ESAs,

OCP's and Development Permit areas can be amended along with Geographic Information System ESA map layers, which should be referenced for detailed ESA information over time.

d. Development within and adjacent to these sensitive ecosystem areas will be reviewed against and subject to OCP environmental objectives and policies that seek to ensure ecologically sensitive development. Development should be carried out according to permits issued pursuant to these guidelines.

Conclusion:

This discussion paper is intended to identify and document existing policies and regulations related to updating LUB and policies for shoreline in LTC's and to make recommendations as to potential updates to these policies and regulations.

The options presented in this report outline initiatives underway in other communities and jurisdictions. One of the major issues impacting changes in regulations is the impacts of Climate Change on coastal communities specifically sea level rise. The goal of the Islands Trust is to support policies to improve Shoreline Protection and to include Indigenous perspectives in project planning. The report represents some potential regulations that could be enacted that response to specific concerns from the community. It is recommended that Climate Change and Indigenous reconciliation be used as the catalyst to review and update LUB's specifically to introduce Shoreline Development Permit Areas as this regulatory tool as this has the best potential for impacting the areas of concern.

RECOMMENDATIONS

First Nations

1. To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturna.
2. Through government-to-government meetings, Local Trust Committee may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.
3. The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.
4. Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

5. Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the depuration areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

Land Use Planning Documents

6. Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.
7. DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be

regulated through development permits; and b) consider on a case-by-case basis.

8. Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.
9. Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.

Definitions:

10. Have a consistent definition for "shoreline" and "development" on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.

Setbacks are the primary tool for regulating where buildings locate. Need to define consistent setbacks for marine shoreline s. Implement consistent requirements for measuring Natural Boundary and have surveyor confirm exact High-Water Mark. Need to define "natural boundary" and "natural grade" in relation to "shoreline" and Sea Level Rise (SLR). The table

highlights LUB setback requirements from the natural boundary of the sea for buildings and structures and requires amendments to be consistent with the Provincial Guideline of 15metres.

Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

Climate Change

11. Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour. WA. U.S. Appendix A: Summary List of Recommended Actions Page 1 (washington-apa.org) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. [Microsoft Word - TEXT-20110627.doc \(gov.bc.ca\)](#) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.
12. The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws

that deal with Sea Level Rise Management management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.

13. The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.

Best Practices – Islands Trust

16. There has been considerable work undertaken by Island planners and with the knowledge, and thorough

research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. [gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](#) (islandstrust.bc.ca)

17. Recognizing the organizational structure and directives guided by the LTCs, perhaps it is worthwhile conducting a feasibility study to determine which LTCs are interested in building off of the extensive work carried out over a 2+ year span of time for the Lasqueti Shoreline Protection project and again recently for the Keats Shoreline Protection project?

APPENDICES

REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES

Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws.

Bowen Island Municipality

Marine Resources/Foreshore: The sea provides visual, auditory, recreational, and other tangible and intangible values that can be experienced from island and off island locations, as well as providing habitat for marine life and birds. Pollution of the foreshore can preclude its use by people and by all or some forms of wildlife. Excessive building and tree clearing on the shoreline can destroy fragile plant communities and the views for residents and the boating public. Objectives are to protect the natural and scenic values of the coastline that provide the rural maritime atmosphere of the island; to protect coastline habitat areas for marine life and to identify, protect and preserve sensitive coastal vegetation. The Land Use Bylaw will set out detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage. The importance of the marine environment as a recreational resource for island residents and visitors will be affirmed through the continued maintenance of existing beach and shoreline access and establishment of new beach and shoreline access where such access does not detrimentally affect the marine environment and associated wildlife.

Denman Island Local Trust Area

A guiding objective is to protect the foreshore, coastal waters, and native marine life and to retain sufficient natural habitat to ensure the preservation of native species...The foreshore (or intertidal) area is defined as the land located between highest and lowest tides.

Gabriola Island Local Trust Area

The objectives include to manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate; To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats; To protect the natural and scenic values of the coastline; To provide opportunities for the commercial uses of the foreshore and coastal waters; To recognize the importance of the existing log storage areas in the; To promote the recreational and commercial use of the area's aquaculture resources; and To encourage the sharing of docks and wharves. Within Development Permit Areas there are policies regarding no alteration or disturbance causing a negative impact to the foreshore habitat or erosion in upland areas.

Mudge Island

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove's beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats. Objectives are to minimize disturbance and pollution of the foreshore and the surrounding waters and conflicts between marine and foreshore users and uses.

DeCourcy Island

The Official Community Plan notes that the foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum. 1) Moorage space for residents and owners should be centralized at one or more locations. 2) Private floats and docks serving only individual lots should be discouraged. 3) Houseboats should not be permitted. Water General (W-1) Zone (i) Boat and seaplane moorage associated with single family uses located on adjacent upland.

Gambier Island Local Trust Area

Marine and Foreshore Areas Policy states that zoning should allow: cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline. Also, property owners are encouraged to retain natural vegetation on any land sloping towards the shoreline. The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values.

Keats Island

The Official Community Plan states that the integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline. The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.

Gambier Associated Islands

Policies in the Official Community Plan state that the LTC should identify and consider protecting ecologically sensitive marine areas. The

LTC should permit and encourage the construction and use of common, community, or communal docks where feasible but permit individual private docks accessory to residential uses where required for access. The LTC should use bylaw provisions to protect public access to, from, and along the marine shoreline. The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities. Modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provide habitat should be retained or enhanced.

Galiano Island Local Trust Area

The Official Community Plan explains the complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial, and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity. The Shoreline and Marine designation incorporate as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The objectives are: 1) to protect shoreline and marine ecosystems in the local trust area, 2) to ensure public access to the foreshore, and 3) to encourage safe and considerate use of the marine environment. There is a Shoreline and Marine Development Permit Area. Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

The DPA includes Guidelines and provides information on Shoreline Protection Measures, Guidelines for specific Shoreline Types, Guidelines for Subdivision, Guidelines for Shore Protection Measures Design, Guidelines for Beach Nourishment and Fill, and Guidelines for Shore Access and Parking. There is also a Sensitive Ecosystem Development Permit area with some policies for shorelines.

Hornby Island Local Trust Area

The objectives of the Official Community Plan include, to promote the conservation, preservation or restoration of shoreline, foreshore, and the Island's surrounding marine ecosystem. Policies include 6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

Lasqueti Island Local Trust Area

Objectives include the support conservation-based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea and limitation of the density of waterfront parcels.

Mayne Island Local Trust Area

Official Community Plan Objectives include: to retain the public accesses to shoreline and beach areas. The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. The objectives of this section are to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline. Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

North Pender Island Local Trust Area

Sensitive Ecosystem Development Permit Areas are included in the Official Community Plan. Stipulations include: Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.

Salt Spring Island

The Official Community Plan objectives include: To give particular attention to the streams, wetlands, and shorelines. The Ministry of Transportation and Infrastructure and other responsible agencies are encouraged to support efforts to create a harbour shoreline that offers access to the harbour and opportunities for walking and traditional recreational activities. Shoreline and Aquatic Use Objectives and Policies are: To protect our marine and freshwater shorelines. To protect the most significant ecological and physical processes of marine and freshwater shorelines; To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation; To avoid conflicts between shoreline uses and uses allowed on the adjacent upland; To avoid shoreline uses that impede public access to and along the shoreline; Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine; The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government; The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat. Shoreline Conservation Designation Objectives are: To protect the island's most environmentally sensitive shoreline areas such as tidal flats, fish and wildlife habitat, sensitive lake ecosystems, estuaries and wetlands that is not suitable for intensive development. and Policies include: Zones created in this Designation should not result in negative impacts to sensitive natural habitat areas. The Local Trust Committee will not consider rezoning applications that would locate large new developments in or next to this Designation. Zoning should recognize the existing aquaculture operation in Walker Hook. However, zoning changes to allow expansion of the operation will not be made, unless it can be demonstrated that there will be no impacts on the area's sensitive environment or First Nation's interests. The Local Trust Committee should support the efforts of other agencies to maintain existing public accesses to the Shoreline Conservation Designation. However, if the adjacent upland is being subdivided, the Subdivision Approving Officer is encouraged to ensure that any new public accesses provide viewing areas rather than direct physical access to sensitive habitat areas. In providing referral responses to Integrated Land Management Bureau, Islands Trust staff will identify any known and identified environmentally sensitive areas or habitat that may be impacted by the proposed use.

Saturna Island Local Trust Area

The Harbours section within the Official Community Plan states that Permanent private moorage facilities, including docks, ramps, floats, and breakwaters, should be as small as practicable given the particular conditions, including shoreline topography, depth of navigable water, exposure to weather and other navigational considerations. These facilities shall be designed to facilitate public access along the foreshore.

The DPA for Lyall Creek states that i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access. ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.

South Pender Island Local Trust Area

Marine Use Objectives in the Official Community Plan are a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes. b) To allow for access to beaches suitable for recreation and maintain them free from development.

c) To retain areas of foreshore in an undeveloped state. d) To protect against impacts of mariculture operations, marine shipping, or marine based activities. e) To protect the marine areas subject to this OCP from use and development that would detract from present marine, and upland uses or conflict with existing marine life. f) To protect and maintain important foreshore and marine features and habitats. g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat. Policies include: The Local Trust Committee may regulate the size and location of docks and other shoreline developments. Coastal Environment Objectives include: To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands and related policies: Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.

Thetis Island

Official Community Plan includes the entire Island and the seaward area from the shoreline of Thetis Island as identified by the natural boundary of the sea and encompasses all other islands, islets, reefs, the seabed, surface water, and air space. Policies include: Public access to the Crown land foreshore should remain unobstructed and the right to pass around shoreline structures. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore. b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas. c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures. d) Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)

Official Community Plan Policy: considers the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses; the protection of sensitive ecosystems, ecological values and wildlife and fisheries habitats, especially in inter-tidal, estuarine, stream and riparian areas, in accordance with the current published guidelines as expressed in the Forest Practices Code, the Fish Protection Act and other guidelines published by the provincial and federal governments.

Ballenas and Winchelsea

Official Community Plan Policies include: LTC should identify and consider protecting ecologically sensitive marine areas; Zoning should permit shellfish aquaculture within existing tenures; LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms; LTC should recognize and support the marine dependent nature of land uses; LTC should permit one dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline; LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning; LTC should not permit commercial marinas; LTC should use bylaw provisions to protect public access to, from and along the marine shoreline; use bylaw provisions

to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore; through zoning, the use of setbacks, and the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes; (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials. The LTC should not permit the hardening of the shoreline. LTC should not support ocean disposal applications within the Plan area. LTC should not support the creation of artificial reefs within the Plan area.

Review other Examples

- Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the Comprehensive Plan, other adopted plans and this SMP. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments include shorelands, surface waters, and bed lands. These environments are derived from and build on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.

- Natural Resources Canada, Land Use Planning Tools 2012

This publication describes a variety of planning tools being used across Canada to help communities prepare for climate change, increase adaptive capacity, and build resilience. It is directed to individuals and groups interested in climate change adaptation at the local level, including planners and other local government staff, elected officials, community organizations, local residents and business leaders.

Climate Change Land use planning tools for local adaptation to climate change describes seven of the most prominent land use planning tools in use across Canada and explains how communities can use them to more effectively adapt to climate change.

The land use planning processes and instruments employed to manage the use of land and the physical development of a community for the common interest includes a variety of statutory and other measures – bylaws, incentives, information and guidance, spending

programs – may be applied to control how land is used. [Land use planning tools for local adaptation to climate change \(publications.gc.ca\)](http://publications.gc.ca)

- Rural Comox Valley OCP 2014

Natural Environment: Objectives

(4) To protect, restore and enhance coastal shorelines, streams, wetlands, and the marine environment.

Climate change – policies (adaptation)

14. (1) Develop strategies to reduce the environmental, social, and economic impact of sea level rise and increasing extreme storm surge events in coastal areas through development permit area designations and conditions and submission of development approval information in accordance with policies included within this OCP.

14. (2) Work with stakeholders to complete an assessment of risk and susceptibility of the coastal areas to increasing sea level and extreme storm surge impacts.

Rural settlement areas – policies (industrial) (d) public access to the coastal waterfront, where applicable.

Coastal areas

68. Coastal areas are those lands that run parallel to the full waterfront of the CVRD, generally extending from the present natural boundary to the 30-metre bathymetric contour as illustrated on map 3. Activities are typically environmental protection, aquaculture, marine industry, and recreation. This plan seeks to protect such uses while discouraging activities both on the water and the abutting upland areas that could compromise the environmental integrity of the aquatic environment.

Coastal area - objectives

69. (1) To minimize any negative impacts of settlement on the coastal areas. (2) To steward these areas for their environmental and economic benefits. (3) To encourage appreciation of the marine environment, by providing for public access to, and enjoyment of, the shoreline and foreshore in ways that avoid negative impacts to natural systems and processes. (4) To ensure that coastal shoreline development does not alter sediment supply to the coastal environment or sediment transport within the coastal environment. (5) To reduce lighting impacts on species and ecosystems within the coastal area.

Coastal areas - policies

70. The following policies apply to the lands designated as “coastal areas” Rural Comox Valley Official Community Plan 2014 Bylaw No. 337 – Schedule ‘A’ (1) Permit industrial marine and aquaculture uses in the coastal area designation, except for areas within the K’ómoks Estuary where they are prohibited. (2) Notwithstanding above sub-section (1) sustainability and productivity of the K’ómoks Estuary is recognized as being critical for harvesting of aquaculture to K’ómoks First Nation, and it is recognized that the KFN may choose to proceed with aquaculture activities within the estuary at any time. (3) Protect coastal areas per the provisions stated in the natural environment sections of this OCP. (4) Respect the Islands Trust area of jurisdiction that includes the ocean area to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point and ensure development within the buffer

extending from the high-water mark to the 30-metre bathymetric contour considers the Islands Trust policy statement. (5) Support dock-side sales and limited on-site sales of aquaculture products that meet legislative requirements to promote economic activities. (6) Work with aquaculture industry stakeholders and small-scale aquaculture operations to support water flow into fish-bearing river systems of the Comox Valley. (7) Apply environmental best practices to all uses within the coastal designation (8) Recognize and support the need of the aquaculture industry to effectively grow seed to replenish existing oyster beds and support in principle the use of power supplies from wharfs for the growing of seed for the aquaculture industry, providing legislative requirements are met. (9) Generally, prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. If a qualified professional has submitted development approval information that concludes that shoreline hardening is required to protect life or a principal building on the property and that the impacts of the proposed hardening can be mitigated, the board may consider issuance of a shoreline protection device development permit. (10) Require preparation of a shore access plan by a qualified environmental professional for development proposals that include shore access and require rezoning or a development permit process to protect against sensitive environmental features and processes being disturbed. (11) Regulate by the development permit process to reduce light trespass (i.e., light that crosses property lines including the present natural boundary) and light glare (i.e., excessive illumination applied to a single area) within the coastal area to avoid disruption of natural activity patterns of coastal and marine species. (12) Assess proposed land uses or development within the K'ómoks Estuary in accordance with a completed and finalized K'ómoks Estuary management plan that has been endorsed by all affected jurisdictions.

Shoreline protection devices

Guidelines where an applicant proposes the installation, replacement, or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g., “Green shore”) principles:

- Conserve or restore natural coastal or riparian processes (e.g., sediment transfer).
- Maintain habitat function and diversity.
- Prevent pollutants from entering the aquatic or riparian environment.
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes. All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e., based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.

- Campbell River Sustainable OCP n/a
- Sydney OCP – n/a
- Ucluelet OCP (2011)

3.4 Small Craft Harbour, Marine

The water areas of Ucluelet are generally designated as either: Small Craft Harbour (three water lots); Water Lot (majority of water lots); or Managed Water (remaining water areas not in registered water lots) In addition to these three designations, several water lots are designated in conjunction with the adjacent land-based designation (e.g. Village Square or Residential) Each registered water lot is inextricably linked to various adjacent land uses; hence the relationship between land and water requires careful consideration, which could include parking needs, water and sewer servicing and visual impacts. In conjunction with the sustainability objectives noted in the OCP, the District should consider protecting environmentally sensitive areas and shoreline habitat.

The District shall work with the Department of Fisheries and Oceans to: i. Identify environmentally sensitive areas; ii. Support marine ecology and marine education facilities within the Harbour; iii. Consider alternate long-term uses, such as residential, including a private marina, for the former BC Packers Plant; iv. Consider enhancing public access to the District owned water lot at the foot of Alder Street; v. Support transient boat moorage provided adequate sanitation facilities are located nearby; vi. Require all water lot uses to properly treat and dispose sanitary sewer waste and connect into the District's sewer collection system and access District potable water; vii. Require all structures to apply for and obtain a Building Permit, which addresses health and safety regulations; and viii. Explore ways and means of generating revenue to fund Harbour infrastructure.

2. iii. Managed Water All water areas located between the shoreline and the District boundaries, excluding all registered water lots, are designated as "Managed Water". Managed Water Policies: A comprehensive review of the area within the Managed Water designation will be carried out by the District. Until this time, no uses are permitted within the area, including boat or houseboat moorage.

+ Policies for Development Permit Areas

- Victoria OCP –

SHORELINE ECOSYSTEMS 10.9 Protect and enhance shoreline and marine habitat by: 10.9.1 Considering the establishment of Development Permit Area guidelines that consider best practices such as appropriate building setbacks, guidance for enhancing habitat values and the integration of climate change adaptation planning; 10.9.2 Establishing a Development Permit Area for the east side of the Upper Selkirk Waters to protect the unique natural features of this area; 10.9.3 Investigating the acquisition and designation of shoreline ecosystems through a Parks Acquisition Strategy; 10.9.4 Integrating restoration of natural shoreline features into the development of the Harbour Pathway, where appropriate; 10.9.5 Enhancing the Dallas Road Bluffs through the development of management zones and restoration targets; and, 10.9.6 Developing management strategies and initiatives for shoreline parklands that maintain and enhance coastal sediment processes. 10.10 Work in partnership with the Capital Regional District, the Township

of Esquimalt, the Town of View Royal, the District of Saanich, and other partners to increase coordination in the protection and restoration of Victoria Harbour and the Gorge Waterway. 10.11 Work with partners to assess the projected impacts of sea level rise on marine and shoreline ecosystems and respond to changing conditions through management strategies and development of a Climate and Energy Resiliency Plan [SEE ALSO SECTION 12 – CLIMATE CHANGE AND ENERGY].

- Powell River OCP 2014

5.5 Tidal / Saltwater Riparian Areas. The City is bounded on the west and south by Malaspina Strait. Due to exposure, topography, and historic private/industry ownership of much of the waterfront, direct community interaction, enjoyment, and exposure to the tidal water edge is limited. Increased public access to the waterfront and protection of the environmental quality of that waterfront is a priority for Powell River residents. Upland improvements to support expansion of harbour or any waterfront development must include environmentally sustainable measures.

5.5.1 Tidal/Saltwater Riparian Areas Objectives (a) Protect the shoreline along Malaspina Strait through the use of measures that take natural processes into consideration and do not detrimentally impact adjacent properties. (b) Plan for long-term climate change including sea level rise and associated storm impacts.

5.5.2 Tidal/Saltwater Riparian Areas Policies

(a) All development along the shoreline of Malaspina Strait must plan for a sea level rise of 1.0 metre and associated storm surge and coastal erosion.

(b) Except for shoreline protection measures and marine based structures such as ferry terminals, aquaculture facilities, breakwaters and moorage facilities, new buildings must be located a minimum of 15 metres from the natural boundary.

(c) Minimize the degradation of natural systems through steps such as protecting the foreshore from erosion, by retaining embankment vegetation and through construction that does not require vertical sea walls.

(d) All shoreline protection measures should include environmentally sustainable practices such as the retention and restoration of natural shoreline vegetation, and landscaping strategies that require little or no revetment and minimize erosion but augment bank stabilization, in conformance with the guidelines contained in the 2003 Federal/Provincial publication entitled Coastal Shore Stewardship: A Guide for Planners, Builders and Developers.

(e) Parking lots at or near the water's edge should consider permeable surfaces (e.g., grass, gravel, or open interlocking paving systems) to ensure bio-filtration of hydrocarbons and heavy metals from the undercarriage of vehicles from surface water drainage.

(f) It is recognized that the coastal shoreline undergoes a natural progression of accretion and erosion gradually over the long term or suddenly in severe storm events. The City shall endeavour to map and track this process as it relates to the shoreline for the purposes of land use planning.

(g) The City supports ensuring that storm water runoff from buildings and land is managed through a stormwater management system or other natural bio-filtration system where possible.

REFERENCES

General:

www.islandstrust.bc.ca/islands/island-ecosystems/caring-for-my-shoreline/greenshores-approach-your-marine-waterfront-canadian-edition-final-web-version.pdf (islandstrust.bc.ca)

[Islands Trust Conservancy](#)

[Microsoft Word - GS Jurisdiction Issue Sheet ver4 Oct09Final2.doc](#) (islandstrust.bc.ca)

[Greening Our Shores Workshop Presentations.pdf](#) (islandstrust.bc.ca)

[Critical Areas and Shoreline Monitoring & Adaptive Management Workshops](#) (washington-apa.org)

www.crd.ba.ca/docs/default-source/climate-action--pdf/sea-level-rise-planning-approaches-project-report.pdf?sfvtsn=d29757ca_0

Sea Level Rise:

[coastal-flood-inundation-mapping-project-summary.pdf](#) (crd.bc.ca)

<https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/slr-primer.pdf>

[Coastal Floodplain Maps - Province of British Columbia](#) (gov.bc.ca)

City of Delta Sea Level Rise Strategy (2015): [119360](#) (civicweb.net)

[Sea Level - Environmental Reporting BC](#) (gov.bc.ca)

Island Ecosystems:

[Marsh Fine Sediment](#) (islandstrust.bc.ca)

Planning Tools | OCP + Development Permit Areas

District of Squamish OCP (2018): Development Permit Area guidelines: page 170

Specific Projects:

Bowen Island: [PowerPoint Presentation - Slide 1 \(civicweb.net\)](#)

] [June 2017 Attachment 2 Draft DPA Marine Shoreline Protection \[48138](#)

Lasqueti: [Shoreline Protection Project \(islandstrust.bc.ca\)June 2017 Attachment 1 Shoreline Protection OCP LUB.pdf](#)
[aug-2017-la-shoreline-mailout.pdf \(islandstrust.bc.ca\)](#)

[Sharing Our Shorelines Presentation.pdf \(islandstrust.bc.ca\)](#)

North Pender:

(brochure): [shorelinesmatterbrochure.pdf \(islandstrust.bc.ca\)](#)

Thetis:

[Thetis-Shoreline-Data-Compilation-for-workshop.pdf \(islandstrust.bc.ca\)](#)

[Summary-Report-Shoreline-Scenarios-workshop.pdf \(islandstrust.bc.ca\)](#)

[LPS Staff Report \(islandstrust.bc.ca\)](#)

[Microsoft Word - 1214420001-001-R-Rev0-Thetis Island Shoreline 24MAY 13.docx \(islandstrust.bc.ca\)](#)

Mapping:

Bowen Island: [Bowen Island Shoreline Maps - Briefing for BIM.pdf \(civicweb.net\)](#)

Lasqueti: [lasquetishorelinemapping.pdf \(islandstrust.bc.ca\)](#)

North Pender: [Map NPShorelineFeatures1.pdf \(islandstrust.bc.ca\)](#)

Forage Fish: [foragefishreport.pdf \(islandstrust.bc.ca\)](#)

South Pender: [Map.ShorelineFeatures.pdf \(islandstrust.bc.ca\)](#)

Thetis: [Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd. \(islandstrust.bc.ca\)](#)

Other:

[Landowners-Guide-September-draft-revised.pdf \(islandstrust.bc.ca\)](#)

Local Updates (caorda.com)

Hul'qumi'num Heritage Law Case Study Report

KFN Marine Plan 2012.pdf (komoks.ca)

squamish.ca/assets/OCP_Coastal marine planning

Policy Compliance Checklist

Policies for Ecosystem Preservation and Protection

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

	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
	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
	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.
	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
	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.

	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.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated, and seasonal demands for water are considered and allowed for.
	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources

	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

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

	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
	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
	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.
	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.

	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



BRIEFING

To: Trust Council **For the Meeting of:** September 22, 2021

From: Warren Dingman, Bylaw Compliance and Enforcement Manager **Date Prepared:** September 2, 2021

SUBJECT: Bylaw Enforcement Statistical Reports

PURPOSE:

This report summarizes the number and type of bylaw enforcement files as of September 02, 2021.

BACKGROUND:

There were 495 open files at the end of the reporting period. The greatest volume of work is now short-term vacation rentals (STVR) as there is proactive enforcement in seven Local Trust Areas and we now have 144 open STVR files. Salt Spring Island is the main focus of STVR enforcement with 98 open files.

During the reporting period, 53 Bylaw Violation Notices (BVNs) were issued for 17 separate files, and 8 of those files have entered the adjudication process. At least three adjudication hearings will be required this fall with the first one being held on October 8th.

There was one adjudication hearing held during this reporting period on April 30th; one STVR file for Salt Spring and one siting file for North Pender. The Adjudicator upheld the BVNs in each instance.

Small Claims Court actions were initiated for 8 files due to the non-payment of fines, the majority of which were defaults from 2020. One application to a judge was submitted to get a Small Claims court action cancelled but the application was unsuccessful. The deciding judge declined to overrule the decision of an adjudicator and dismiss our claim.

ATTACHMENT(S):

1. Bylaw Enforcement Tables and Charts:
 - a. New files
 - b. Closed files
 - c. File volume
 - d. Violation type
 - e. Length of time

Prepared By: Warren Dingman, Bylaw Compliance and Enforcement Manager

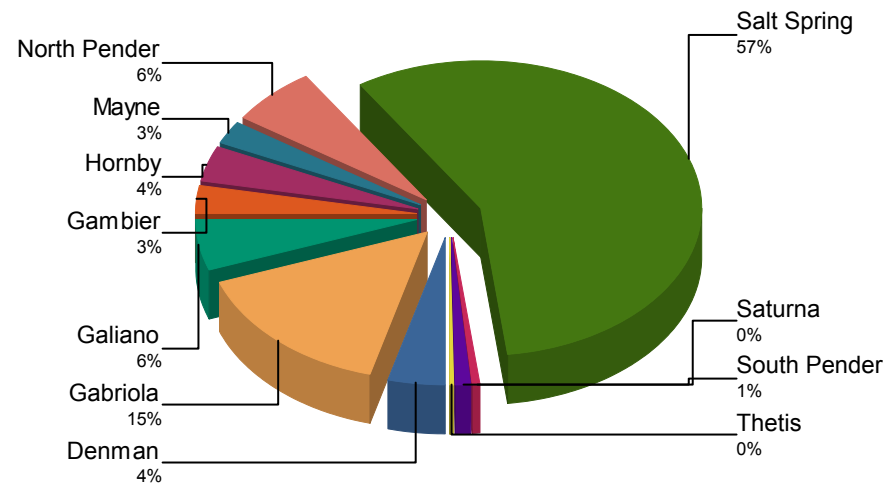
Reviewed By/Date: David Marlor, Director Local Planning Services, September 2, 2021



Local Trust Area	2018		2019		2020		2021		2020 Q4		2021 Q1		2021 Q2		2021 Q3*	
	New	%	New	%	New	%	New	%	New	%	New	%	New	%	New	%
Denman	32	12%	6	2%	12	5%	11	4%	7	7%	7	4%	5	5%	3	6%
Gabriola	19	7%	52	20%	46	18%	40	15%	9	10%	13	7%	16	17%	22	42%
Galiano	22	8%	45	17%	14	6%	15	6%	4	4%	8	5%	9	9%	3	6%
Gambier	4	1%	6	2%	10	4%	8	3%	6	6%	3	2%	5	5%	2	4%
Hornby	10	4%	9	3%	23	9%	10	4%	2	2%	7	4%	3	3%	2	4%
Lasqueti	0	0%	4	2%	1	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Mayne	22	8%	13	5%	10	4%	7	3%	2	2%	5	3%	4	4%	0	0%
North Pender	27	10%	42	16%	38	15%	17	6%	12	13%	7	4%	11	11%	8	15%
Saturna	8	3%	3	1%	3	1%	1	0%	1	1%	1	1%	0	0%	0	0%
South Pender	3	1%	2	1%	7	3%	3	1%	1	1%	2	1%	1	1%	0	0%
Salt Spring	125	45%	81	30%	84	34%	151	57%	48	51%	123	69%	42	44%	13	25%
Thetis	3	1%	3	1%	1	0%	1	0%	2	2%	1	1%	0	0%	0	0%
TOTAL	275	100%	266	100%	249	100%	264	100%	94	100%	177	100%	96	100%	53	100%

*2021 Q3 refers to the time that passed between the beginning of Q3 and September 02, 2021

New Files in 2021



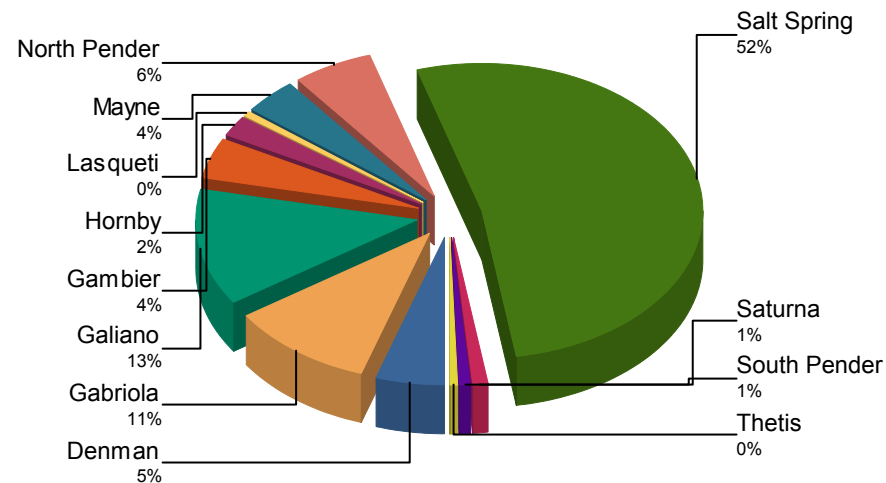


Bylaw Enforcement - Closed Files as of September 02, 2021

Local Trust Area	2018		2019		2020		2021		2020 Q4		2021 Q1		2021 Q2		2021 Q3*	
	Closed	%	Closed	%	Closed	%	Closed	%	Closed	%	Closed	%	Closed	%	Closed	%
Denman	18	8%	13	6%	6	4%	10	5%	4	4%	4	5%	7	8%	6	5%
Gabriola	26	12%	46	21%	29	20%	22	11%	9	10%	8	10%	12	14%	9	8%
Galiano	20	9%	24	11%	14	9%	26	13%	10	11%	10	13%	14	16%	16	15%
Gambier	2	1%	1	0%	6	4%	9	4%	5	5%	3	4%	5	6%	3	3%
Hornby	5	2%	9	4%	11	7%	5	2%	11	12%	2	3%	4	5%	2	2%
Lasqueti	0	0%	0	0%	0	0%	1	0%	0	0%	0	0%	0	0%	1	1%
Mayne	12	5%	20	9%	4	3%	8	4%	3	3%	2	3%	5	6%	4	4%
North Pender	26	12%	34	16%	17	11%	12	6%	7	8%	3	4%	9	11%	7	6%
Saturna	5	2%	3	1%	5	3%	2	1%	1	1%	2	3%	0	0%	0	0%
South Pender	1	0%	3	1%	3	2%	2	1%	2	2%	0	0%	2	2%	2	2%
Salt Spring	102	46%	62	29%	50	34%	107	52%	39	42%	44	56%	27	32%	60	55%
Thetis	5	2%	1	0%	3	2%	1	0%	2	2%	1	1%	0	0%	0	0%
TOTAL	222	100%	216	100%	148	100%	205	100%	93	100%	79	100%	85	100%	110	100%

*2021 Q3 refers to the time that passed between the beginning of Q3 and September 02, 2021

Closed Files in 2021

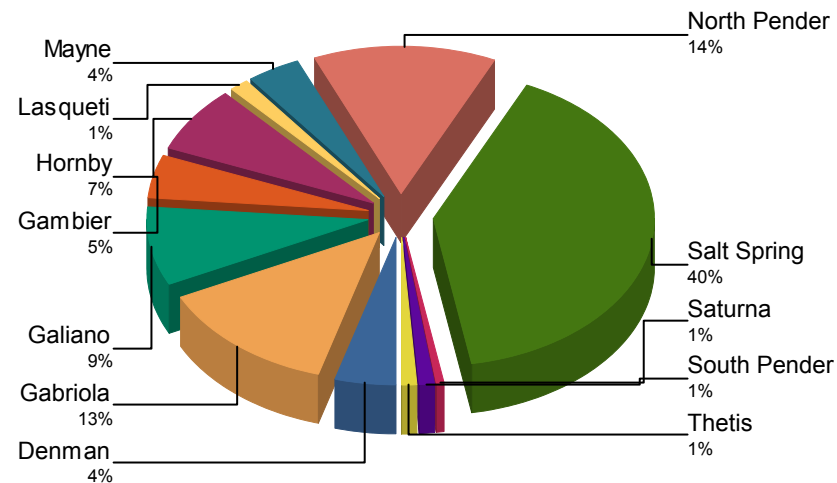




Local Trust Area	2018		2019		2020		2021		2020 Q4		2021 Q1		2021 Q2		2021 Q3*	
	Open	%	Open	%	Open	%	Open	%	Open	%	Open	%	Open	%	Open	%
Denman	22	8%	15	4%	21	5%	22	4%	25	5%	25	5%	22	4%	22	4%
Gabriola	26	9%	32	9%	49	11%	67	13%	55	10%	54	10%	59	12%	67	14%
Galiano	30	11%	51	15%	51	12%	44	9%	50	9%	49	9%	45	9%	40	8%
Gambier	15	5%	20	6%	24	5%	23	5%	24	5%	25	5%	24	5%	23	5%
Hornby	20	7%	20	6%	32	7%	37	7%	38	7%	36	7%	38	8%	37	7%
Lasqueti	2	1%	6	2%	7	2%	7	1%	7	1%	7	1%	7	1%	6	1%
Mayne	21	7%	14	4%	20	5%	19	4%	23	4%	23	4%	21	4%	19	4%
North Pender	33	12%	41	12%	62	14%	68	14%	64	12%	65	12%	68	14%	67	14%
Saturna	5	2%	6	2%	4	1%	3	1%	3	1%	3	1%	3	1%	3	1%
South Pender	2	1%	1	0%	5	1%	6	1%	7	1%	8	1%	6	1%	6	1%
Salt Spring	103	36%	124	37%	158	36%	202	40%	230	43%	240	44%	202	40%	200	40%
Thetis	5	2%	7	2%	5	1%	5	1%	5	1%	5	1%	5	1%	5	1%
TOTAL	284	100%	337	100%	438	100%	503	100%	531	100%	540	100%	500	100%	495	100%

*2021 Q3 refers to the time that passed between the beginning of Q3 and September 02, 2021

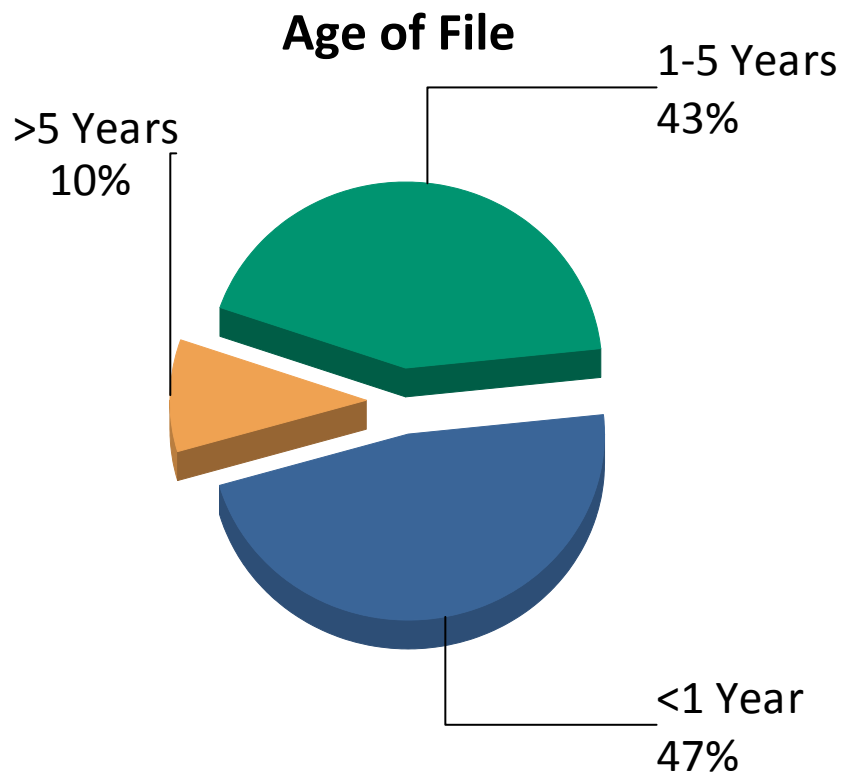
Open Files in 2021



Bylaw Enforcement Open Files by Violation Type as of September 02, 2021

	Violation Type												
	LTC	Development Permit	Foreshore	Home Occupation	Siting	Soil Bylaw	STVR	Unenclosed Vehicle	Unlawful Dwelling	Density	Other Land Use	TOTALS	Percentage
Denman	3	0	0	3		6	1	5	1	3	22	4%	
Ballenas-Winchelsea	0	0	0	0		0	0	0	0	0	0	0%	
Gabriola	3	3	2	6		12	7	21	1	12	67	14%	
Galiano	9	2	1	3		9	0	11	1	4	40	8%	
Gambier	3	5	1	13		0	0	1	0	0	23	5%	
Hornby	1	1	3	5		11	0	10	1	5	37	7%	
Lasqueti		0	0	0		0		1	0	5	6	1%	
Mayne	2	1	1	5		3		2	1	3	19	4%	
North Pender	7	2	4	2		3	18	19	1	11	67	14%	
Salt Spring	15	3	4	16	4	98	2	31	3	23	199	40%	
Saturna	1	0	0	0		0	0	2	0	0	3	1%	
South Pender	0	0	1	0		0	3	1	0	1	6	1%	
Thetis		2	0	0		1	0	1	0	1	5	1%	
TOTAL	44	19	17	53	4	143	32	105	9	68	494	100%	
Percentage	9%	4%	3%	11%	1%	29%	6%	21%	2%	14%	100%		

Local Trust Area	<1 Year	1-5 Years	>5 Years	Total
Denman	12	6	4	22
Ballenas-Winchelsea	0	0	0	0
Gabriola	34	30	3	67
Galiano	13	21	6	40
Gambier	7	10	6	23
Hornby	8	19	10	37
Lasqueti	0	5	1	6
Mayne	7	12	0	19
North Pender	27	37	3	67
Salt Spring	123	64	13	200
Saturna	0	3	0	3
South Pender	2	4	0	6
Thetis	1	2	2	5
TOTAL	234	213	48	495
Percentage %	47%	43%	10%	



1. GENERAL

In support of the Financial Planning Committee (FPC) we have completed work in the following areas:

- ~ **2020/21 Financial Statement Audits:** The annual financial statement audits for Islands Trust and Islands Trust Conservancy are complete with a clean audit report for both entities.
- ~ **2020/21 Allocated Financial Statements:** The allocated financial statements are complete and have been reviewed by FPC and forwarded to Trust Council for information.
- ~ **2020/21 Statement of Financial Information (SOFI):** The SOFI is complete and has been reviewed by FPC and forwarded to Trust Council for their approval. This is a legislated report that will be submitted to the Minister in accordance with the Financial Information Act.
- ~ **2021/22 First Quarter Financial Report:** We have completed the June 30, 2021 first quarter financial report which tracks actual financial performance against budget for the first three months of the fiscal year. This report showed that overall Islands Trust is spending largely as expected, at 24% of budget spent in the first quarter.

The next FPC meeting will be held in October 2021 with a focus on the start of the 2022/23 budget cycle. Budget Assumptions and Principles will be reviewed, as well as the first draft of the 2022/23 budget. At the same time, staff hope to have ready for the Committee, a review of Trust Council's surplus policy to identify areas of potential improvement.

2. FINANCE

The finance team continues to be busy with service contracts administration, the volume of which has risen as a result of increased grant funding received by both Islands Trust and the Islands Trust Conservancy. The vast majority of grant funding brings with it the hiring of external contractors to assist with the associated work.

Islands Trust staff have successfully negotiated a working arrangement with the Provincial shared services procurement team to provide competitive procurement processes for Islands Trust on a regular basis. In instances where provincial staff capacity is limited, or their provided timelines are not workable for our purposes, procurement will be brought back in-house, as determined on a case-by-case basis. The current arrangement with the Province comes without financial cost to the

Trust. This cost-free arrangement will be re-evaluated by the Province as they come to understand what is typical of Islands Trust procurement volumes. This new arrangement creates a small increase in capacity for finance staff to focus on other work, which alleviates some pressures associated with rising workloads. We hope to find more opportunities to increase efficiencies and/or staff capacity by drawing on other provincially available systems, processes, and resources, as workable in the Trust's context.

Since our last report, no processes have been undertaken by the Province on behalf of the Trust. Trust staff have completed one public process via Invitation to Quote, distributed to pre-qualified vendors, for the Islands Trust Conservancy's Nature Reserve Baseline Inventory Reports and Management Plans which closed on August 4, 2021.

3. EMPLOYEE SERVICES/HUMAN RESOURCES (HR)

We have completed several hiring actions and internal position updates this quarter, resulting in the following changes to the Islands Trust team:

- ~ David Worthington joined us on July 19, 2021 as a Bylaw Enforcement Officer working out of the Victoria office. David comes to us from District of North Vancouver, and brings many years of previous experience in bylaw enforcement
- ~ Wendy Tyrrell started with the Islands Trust Conservancy on July 14, 2021 as the new Species at Risk Coordinator. Wendy's work will be key to ensuring successful delivery of the work planned as part of the grant agreement between the ITCB and Environment and Climate Change Canada
- ~ Maple Hung, Planning Team Assistant for the southern planning team, has accepted a temporary assignment with the Ministry of Tourism, Arts, Culture and Sport. Her last working day with the Trust before shifting gears was July 9, 2021. She will return to Islands Trust on July 15, 2022.
- ~ Erin Coulson's term as Acting Communications Specialist for the Trust ended on April 16, 2021 with the return of Vicki Swan from her temporary assignment with Ministry of Health. Erin continued with us part-time in her role as temporary Acting Communications and Fundraising Specialist until July 29, 2021, when she moved on to a permanent position with Brentwood College.

Current ongoing and upcoming hiring competitions are as follows:

- ~ The hiring competition for a temporary Trust Area Services Program Coordinator is underway to backfill for Gillian Nicol, who has accepted a temporary assignment with Islands Trust as the public engagement staff for the Policy Statement Project. Gillian begins in this new role on September 20, 2021.

- ~ The hiring competition for a Planning Team Assistant on Salt Spring Island is currently underway, and is currently in the interviewing stage.
- ~ A hiring competition for a temporary, part-time Community Communications Specialist will be posted in early of September. Trust Council approved this position as part of the 2021-22 budget.

Our All Staff Meeting this quarter took place on June 22, 2021 and was conducted as a virtual Zoom meeting in compliance with continued pandemic orders and recommendations for large gatherings. The focus of the meeting was to deliver updates on key topics within the Trust. Sessions included general updates from department leads on their respective departments, a now-standard update on the Trust's COVID-19 safety plan/communicable disease plan, a records management update, an update on the status of Trust freshwater initiatives, information on the Policy Statement project, and information-sharing on Canada's day of mourning.

4. INFORMATION SERVICES (IS)

Information Services has completed the annual procurement of six laptop computers and four desktop computers under the rolling replacement life cycle of our computer systems.

Specific project milestones achieved over the last quarter include:

- ~ The project to rebuild and update the Trust's existing GIS software infrastructure is complete. This project was designed to align the Trust's software infrastructure with provincial infrastructures, allowing for more streamlined and seamless integration of the data sets that inform map information used by Trust staff in their daily work. The project included GIS software updates to ArcGIS Pro and Portal, provides improved data maintenance strategies via ParcelMapBC, and greatly expands the capacity for field data collection and management via ArcGIS Collector. Jackie O'Neil was the key staff member who undertook this upgrade during a 6-month temporary assignment into a higher role classification.
- ~ The IS team continues to support the Website Design and Development project in conjunction with Trust Area Services staff. The new website has been deployed for the public and staff are now focused on addressing site issues as they arise.
- ~ Completed network switch upgrades from 1 GB to 10 GB, providing immediate improved performance for staff working remotely, as well as faster overall network speed.
- ~ Completed a background re-programming of the time collection application used by LPS staff for time tracking, which supports continued assessment of LPS capacity and resource allocations.



Top Priorities Report

Financial Planning Committee

1. Budget 2022/23: Draft 1 Review

Review Draft 1, version 1 of the 2022/23 budget in October 2021.
Review Draft 1, version 2 of the 2022/23 budget in November 2021.

Responsible

Clare Frater
David Marlor
Julia Mobbs
Russ Hotsenpiller

Dates

Rec'd: 01-Sep-2021
Target: 01-Dec-2021

2. Budget 2022/23 Public Consultation: Planning

Discussion of the Public Consultation plan begins at FPC's August meeting each year.
Review of planned consultation materials and engagement platforms will continue at
FPC's January meeting prior to consultation initiation that same month.

Responsible

Clare Frater

Dates

Rec'd: 01-Sep-2021
Target: 01-Jan-2022

3. Review Trust Council Policy 6.5.1 Reserves and Surplus

Staff have recommended changes to policy 6.5.1 for review by Financial Planning
Committee in advance of December Trust Council.

Responsible

Carmen Thiel
Julia Mobbs

Dates

Rec'd: 12-Nov-2020
Target: 01-Dec-2021

Projects Report

Financial Planning Committee

1. *Review Trust Council Policy 7.2.1 Trustee Remuneration*

Responsible

Date Received

Review Trust Council Policy 7.2.1 Trustee Remuneration against recently released UBCM 'Council and Board Remuneration Guide' to ensure best practices are being followed with regard to elected official compensation.

Julia Mobbs

19-Aug-2020

This action item was originally Priority #3 as of November 6, 2019 which had a target date to be October 14, 2020.

BRIEFING

To:	Trust Council	For the Meeting of:	September 22, 2021
From:	Director, Administrative Services	Date Prepared:	August 25, 2021
SUBJECT:	March 31, 2021 Allocated Financial Statements		

PURPOSE:

To provide Trust Council with allocated Financial Statements for the fiscal year ending March 31, 2021.

BACKGROUND:

In 2006/07, Local Trust Committees (LTCs) had concerns about their ability to conduct business and to undertake community planning projects due to the amount of planning staff available. In response to these concerns Trust Council requested the Finance Department to develop a process to allocate revenues and expenditures to LTCs based on actual financial results for the fiscal period.

The process of allocating revenues and expenses to Local Trust Committees was revised in 2015/16, and was further refined in 2017/18. The process is completed through three major steps:

1. Revenues and expenses directly attributed to Local Trust Areas

The Islands Trust financial system tracks most financial transactions by location code (among other segments) which enables such expenses to be reported by specific Local Trust Committee (and other work units). The first step in the process is to report this information.

Revenues received are allocated as follows:

- Fees and sales revenues – allocated by specific LTC, as tracked in the accounting system.
- Property tax revenues (LTAs) – allocated to LTCs based on net converted assessment values per BC Assessment.
- Special Property tax levies – allocated to the LTC for which it was levied.
- Property tax levy (BIM) – allocated to BIM.
- Provincial Grant/Interest and other income – allocated to LTCs and Island Municipalities based on net converted assessment values per BC Assessment.
- Grant Income – allocated by specific LTC, as tracked in the accounting system.

2. LPS Administration expenses allocated to Local Trust Committees

Planning staff and bylaw enforcement officers record their time in the Time Collection System. Time allocation options for planning and bylaw staff are limited to the following categories:

- LPS Admin Staff - where all LPS admin staff working and related travel time would be reported.

- LPS Planner Administration - where Planner time spent on LTC, council committee and trust council meeting attendance, preparation and travel would be recorded.
- LPS Planner Current Planning – where planner time for application processing would be recorded. This includes time spent at public meetings, travel for site visits, research and reporting, and general work associated with application processing.
- LPS Planner Projects – this includes planner time spent working on LTC work program items and Islands Trust wide planning projects, including related travel.
- LPS Project [specific project name] – these codes capture time spend on specific LTC planning projects.
- LPS Region Management – review and preparation of documents for meetings, staff support and mentoring, and related travel.
- LPS Cost Recovery – specific applications operating under cost-recovery agreements have time codes set up for staff time tracking.
- Bylaw Enforcement –BE time and related travel time worked by bylaw enforcement staff
- General Leave – paid time off for all staff who record time such as vacation time
- General Administration – staff meetings, training, conferences and related travel for all staff who record time

The data collected by staff in the time collection system is used to develop allocation percentages for each of the three planning office: Victoria, Salt Spring Island, and Gabriola Island. These percentages are used to allocate certain LPS-administrative expenses attributable to Local Planning Services, as follows:

- *Planning Costs, Northern Office* – allocated based on the percentage of planning time in the Northern office reported to specific Local Trust Committees.
- *Planning Costs, Southern Office* - allocated based on the percentage of planning time in the Southern office reported to specific Local Trust Committees.
- *Planning Costs, Salt Spring Island* – allocated 100% to Salt Spring Island Local Trust Committee.
- *Director LPS Costs* – allocated to each Local Trust Committee based on the percentage of total planning time reported to a specific Local Trust Committee by all offices.
- *LTC Executive Committee expenses* - allocated to each Local Trust Committee based on the percentage of total planning time reported to a specific Local Trust Committee by all offices.
- *Bylaw costs* – allocated based on the percentage of bylaw enforcement officer administrative assistant, and manager time reported to specific Local Trust Committees.

3. Non-LPS Administration expenses allocated to Local Trust Areas and Island Municipalities

Trust Council Expenses – allocated to each Local Trust Committee based on their percentage of assessed values in relation to all Local Trust Areas, including Island Municipalities.

Trust Conservancy Expenses – allocated to each Local Trust Area based on their percentage of assessed values in relation to all Local Trust Areas, including Island Municipalities.

General Administrative Expenses

- *Non-LPS related* – allocated to each Local Trust Area based on their percentage of assessed values in relation to all Local Trust Areas, including Island Municipalities.
- *LPS-related* – allocated to Local Trust Committees only (excludes Island Municipalities) based on their percentage of assessed values in relation to all Local Trust Committees.

The inclusion of Island Municipalities was new as of fiscal 2018. Previous year's statements will not show these separately.

Conclusions:

- The time collection system is only as reliable as the users of the system. It has been noted that there are staff not using the system to record their time in a timely manner. As such, estimates of time allocations are made at the end of the year. Such estimates reduce the accuracy of the information used for allocation purposes in the allocated financial statements. Staff have been reminded that this information is important and should be input on a weekly basis. New processes requiring management tracking and follow-up are being worked on which should help increase the accuracy and usefulness of the data collected;
- The process to produce the Allocated Financial Statements remains an imperfect reflection of Local Trust Area resource use, due to the many services that are shared throughout the Islands Trust organization.

ATTACHMENT: March 31, 2021 Allocated Financial Statements.

FOLLOW-UP:

Forward to Trust Council for information, if desired.

Prepared By: Director, Administrative Services
Reviewed By: David Marlbor, Director, Local Planning Services, on behalf of the CAO

ISLANDS TRUST
Allocated Financial Statements
For the year ended March 31, 2021

	LTC Bal/Win	LTC Denman	LTC Gabriola	LTC Galiano	LTC Gambier	LTC Hornby	LTC Lasqueti	LTC Mayne	LTC N. Pender	LTC Salt Spring	LTC Saturna	LTC S. Pender	LTC Thetis	BIM	Total
Direct Revenue															
Fees & Sales	16,459	15,110	19,015	16,782	9,376	15,291	5,775	16,995	3,430	47,150	3,872	(162)	(715)	-	168,378
Property Tax Levy - General	5,425	251,512	919,263	451,527	445,354	366,856	102,368	451,021	672,916	2,692,376	170,073	106,663	147,787	303,026	7,086,167
Special LTC Tax Requisition	-	-	-	-	-	-	-	-	-	75,500	-	-	-	-	75,500
Grant income for projects	-	-	-	(1,083)	-	-	-	-	-	645	-	-	-	-	(438)
Total Direct Revenue	21,884	266,622	938,278	467,226	454,730	382,147	108,143	468,016	676,346	2,815,671	173,945	106,501	147,072	303,026	7,329,607
LTC Direct Expenses - Operating															
Computer - internet charges	-	-	-	908	-	-	-	-	-	-	-	-	-	-	908
FN Protocol Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Legal - general	-	418	9,357	10,280	3,147	-	-	-	8,961	15,603	-	-	-	-	47,765
Legal - bylaw enforcement litigation	-	12,646	1,798	2,407	2,756	90	5,436	1,981	21,875	33,576	565	-	5,000	-	88,130
Legal - litigation	-	687	86,258	14,519	-	-	-	-	4,567	1,776	-	11,105	-	-	118,913
LTC Trustee Expenses	-	300	-	225	122	-	-	-	-	352	-	-	-	-	1,000
LTC Meeting Expenses	164	2,639	4,673	3,205	1,241	1,797	2,144	2,514	2,833	5,279	688	909	1,172	-	29,258
LTC Local Exp APC Meeting Expenses	-	283	109	706	-	1,201	212	442	95	109	-	-	121	-	3,278
LTC Local Exp Communications	-	915	809	2,357	-	687	-	780	-	604	-	-	35	-	6,187
LTC Local Exp Special Projects	-	-	-	643	-	-	-	-	-	250	-	-	-	-	893
Notices - Statutory & Non-Statutory	-	1,398	2,280	1,356	610	1,122	10	3,282	1,504	1,140	916	-	846	-	14,464
Office - Lease costs	-	1,680	-	7,838	-	-	-	1,200	7,199	-	1,800	-	-	-	19,717
Office - outside services	-	-	-	1,805	-	-	-	-	406	-	-	-	-	-	2,211
Trustee Remuneration	-	16,007	32,732	17,419	15,580	16,112	12,095	17,178	22,339	61,765	12,466	11,078	12,943	-	247,714
Trustee Remuneration - Benefits	-	4,765	4,394	3,871	5,577	4,373	4,531	4,123	5,636	5,844	4,874	2,107	4,465	-	54,561
LTC Direct Operating Subtotal	164	41,738	142,410	67,539	29,033	25,382	24,428	31,500	75,416	126,297	21,310	25,199	24,582	-	634,999
LTC Direct Expenses - LTC Projects															
Project - Funded by Special requisition	-	-	-	-	-	-	-	-	-	67,736	-	-	-	-	67,736
Projects - Trust Wide	58	8,699	33,573	16,062	14,960	12,608	3,723	15,604	24,983	96,158	5,862	3,782	5,214	-	241,287
LTC Projects - LTC Specific	-	-	4,540	2,039	-	(723)	441	1,561	5,792	9,196	2,608	2,238	254	-	27,945
LTC Projects Subtotal	58	8,699	38,112	18,100	14,960	11,885	4,164	17,164	30,776	173,090	8,470	6,021	5,468	-	336,968
Total Direct Expenses (Operating + Projects)	222	50,437	180,523	85,640	43,994	37,267	28,591	48,664	106,192	299,387	29,780	31,219	30,050	-	971,967
Direct Revenues less Direct Expenses	21,662	216,185	757,755	381,587	410,736	344,880	79,552	419,352	570,154	2,516,284	144,165	75,282	117,022	303,026	6,357,640
Indirect Planning Expenses															
Allocate Planning Costs - Northern Team	1,948	158,903	266,929	2,104	137,468	133,240	56,441	1,766	5,208	23,998	2,104	1,025	70,205	-	861,339
Allocate Planning Costs- Southern Team	-	897	11,176	237,422	1,690	6,485	966	186,973	292,259	17,868	76,242	65,851	-	-	897,830
Allocate Planning Costs - SSI Team	-	-	-	-	-	-	-	-	-	742,573	-	-	-	-	742,573
Allocate Director LPS	406	33,242	57,357	37,676	28,901	28,773	11,909	29,693	46,923	207,232	12,396	10,542	14,625	-	519,676
Allocate LTC Executive expenditures	67	5,490	9,473	6,223	4,773	4,752	1,967	4,904	7,750	34,227	2,047	1,741	2,415	-	85,832
Allocate Bylaw Team	-	11,028	32,350	9,198	11,685	11,842	454	8,572	15,127	110,158	63	1,267	845	-	212,589
Total Indirect Planning Expenses	2,421	209,561	377,286	292,623	184,519	185,092	71,737	231,909	367,267	1,136,057	92,852	80,427	88,090	-	3,319,839
Net surplus (shortfall) before Administrative	19,241	6,624	380,469	88,964	226,217	159,788	7,815	187,442	202,887	1,380,227	51,313	(5,145)	28,932	303,026	3,037,801
Administrative Expenses															
Allocate Trust Council	158	23,712	91,516	43,783	40,781	34,368	10,149	42,535	68,103	262,117	15,980	10,310	14,213	140,145	797,871
Allocate Trust Conservancy	103	15,385	59,378	28,407	26,460	22,299	6,585	27,598	44,187	170,068	10,368	6,689	9,222	90,930	517,677
Allocate Net Administration	385	57,601	222,312	105,462	99,065	83,488	24,653	103,326	165,435	636,737	38,820	25,045	34,527	80,475	1,677,333
Total Administrative Allocation	646	96,697	373,207	177,653	166,306	140,155	41,386	173,458	277,725	1,068,922	65,168	42,045	57,963	311,550	2,992,880
Net Surplus (Shortfall) incl. Special Taxes	18,595	(90,073)	7,262	(88,689)	59,912	19,633	(33,571)	13,985	(74,837)	311,305	(13,856)	(47,190)	(29,031)	(8,524)	44,920
Made up of:															
Surplus from SSIWPA	-	-	-	-	-	-	-	-	-	7,764	-	-	-	-	7,764
Other Surplus (Shortfall)	18,595	(90,073)	7,262	(88,689)	59,912	19,633	(33,571)	13,985	(74,837)	303,541	(13,856)	(47,190)	(29,031)	(8,524)	37,156
	18,595	(90,073)	7,262	(88,689)	59,912	19,633	(33,571)	13,985	(74,837)	311,305	(13,856)	(47,190)	(29,031)	(8,524)	44,920

REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 22, 2021

From: Director Administrative Services **Date Prepared:** August 25, 2021

SUBJECT: 2020/21 STATEMENT OF FINANCIAL INFORMATION (SOFI)

RECOMMENDATION:

That Trust Council approve the 2020/21 Statement of Financial Information as presented.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

The SOFI is an annual legislated reporting requirement which is informative for all trustees. As such, communication of this report to Trust Council is appropriate as desired by the Financial Planning Committee.

1 PURPOSE:

The Statement of Financial Information (SOFI) is provided to Financial Planning Committee for information, prior to submission to the Ministry of Municipal Affairs ("the Ministry"). It has been historical practice at Islands Trust that Financial Planning Committee forward the SOFI to Trust Council prior to submitting the report to the Ministry.

2 BACKGROUND:

In June of each year, Trust Council receives the audited Financial Statements for the Islands Trust. These are subsequently included in the Islands Trust Annual Report and forwarded to the Ministry.

The SOFI is an associated financial report that provides more detailed information with respect to expenditures included in the financial statements. The SOFI report is prepared as per the Financial Information Act (FIA) Guidance Package requirements and parameters. The reporting components and deadlines are defined in the Financial Information Act (the "Act"). Section 2 (3) of the Act states the following:

"Within 6 months after the end of each fiscal year of a corporation, it must prepare a statement of financial information for that fiscal year that includes the following:

(a) a schedule showing

(i) in respect of each employee earning more than a prescribed amount, the total remuneration paid to the employee and total amount paid for the employee's expenses, and

(ii) a consolidated total of all remuneration paid to all other employees;

(b) a schedule showing

- (i) the total amount paid to each supplier of goods or services during the fiscal year that is greater than a prescribed amount, and*
- (ii) a consolidated total of all other payments made to suppliers of goods or services during that fiscal year.”*

The Islands Trust Finance Officer prepares this financial information annually. Following review by the Director, Administrative Services, the CAO, and Financial Planning Committee, the report is submitted to the Ministry to fulfill the legislated requirement.

It has been historical practice at Islands Trust that Financial Planning Committee forward the SOFI to Trust Council in addition to submitting the report to the Ministry.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: The SOFI will be submitted to the Ministry by September 30, 2021 to ensure compliance with legislated deadlines, and will be posted to the Islands Trust website.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S): None.

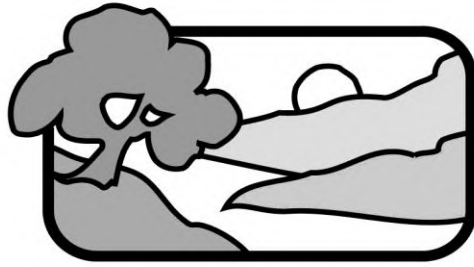
5 ATTACHMENT(S): 2020/21 Statement of Financial Information

RESPONSE OPTIONS

Recommendation:

That Trust Council approve the 2020/21 Statement of Financial Information as presented.

Prepared By: Director, Administrative Services
Reviewed By: David Marlor, Director, Local Planning Services on behalf of the CAO

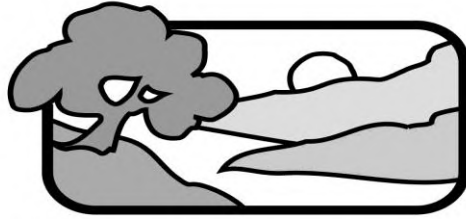


Islands Trust

STATEMENT OF FINANCIAL INFORMATION APPROVAL

The undersigned represents the Trust Council of Islands Trust and approves all the statements and schedules included in this Statement of Financial Information, produced under the *Financial Information Act*.

Peter Luckham
Chair, Islands Trust Council



Islands Trust

The Financial Statements contained in this Statement of Financial Information under the Financial Information Act ("the Act") have been prepared by management in accordance with generally accepted accounting principles or stated accounting principles, and the integrity and objectivity of these statements are management's responsibility. Management is also responsible for all the statements and schedules, and for ensuring that this information is consistent, where appropriate, with the information contained in the financial statements.

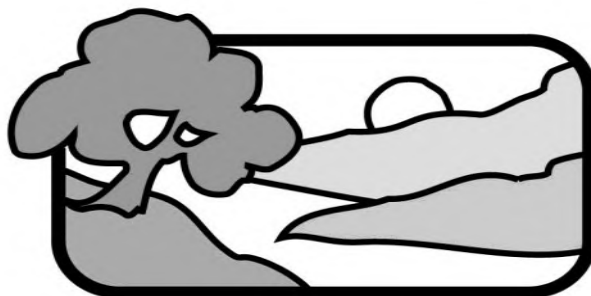
Management is also responsible for implementing and maintaining a system of internal controls to provide reasonable assurance that reliable financial information is produced.

The Islands Trust Council is responsible for ensuring that management fulfils its responsibilities for financial reporting and internal control and exercises this responsibility through the Audit Committee of Trust Council. The Audit Committee meets with management and the external auditors two times a year.

The external auditors, KPMG, conduct an independent examination, in accordance with generally accepted auditing standards, and express their opinion on the financial statements. Their examination does not relate to the other schedules and statements required by the Act, including the Statement of Financial Information. Their examination includes a review and evaluation of the corporation's system of internal control and appropriate tests and procedures to provide reasonable assurance that the financial statements are presented fairly. The external auditors have full and free access to the Audit Committee of Trust Council and meet with it twice each year.

On behalf of Islands Trust,

Julia Mobbs
Director, Administrative Services



Islands Trust

SCHEDULE OF GUARANTEE AND INDEMNITY AGREEMENTS

Islands Trust has not given any guarantees or indemnities under the Guarantees and Indemnity Regulation.

STATEMENT OF SEVERANCE AGREEMENTS

There were no severance agreements made between Islands Trust and its non-unionized employees during fiscal year 2020/21.

Prepared under the Financial Information Regulation, Schedule 1, Subsection 6 (7).

On behalf of Islands Trust,

A handwritten signature in black ink, appearing to read 'Julia Mobbs', is positioned above a horizontal line.

Julia Mobbs
Director, Administrative Services



Islands Trust

SCHEDULE OF ELECTED OFFICIALS REMUNERATION AND EXPENSES

For the year ended March 31, 2021

Prepared as required by Financial Information Regulation, Schedule 1, section 6

ELECTED OFFICIAL		POSITION	TOTAL REMUNERATION & TAXABLE BENEFITS	EXPENSES
Adams,	Linda	ITCB Provincial appointee	\$ 900	-
Allen,	Alexander	Trustee	11,631	-
Brent,	Paul	Trustee	11,208	-
Busheikin,	Laura	Trustee	13,329	50
Clake,	Donald	ITCB Provincial appointee	750	-
Colbourne,	Scott	Trustee	21,078	-
Critchley,	David	Trustee	12,479	56
Dodds,	Jeanine	Trustee	12,864	-
Fast,	Sue Ellen	Trustee, Council Vice Chair	43,078	591
Fenton,	Lawrence	Trustee	11,846	-
Grove,	Peter	Trustee	35,508	352
Hannon,	Susan	ITCB Provincial appointee	300	-
Jhonston,	Peter	Trustee	9,622	-
Kaile,	Michael	Trustee	4,375	-
Langereis,	Kees	Trustee	21,541	-
Luckham,	Peter	Trustee, Council Chair	59,526	3,054
Maude,	David	Trustee	12,864	-
McConchie,	Benjamin	Trustee	15,245	-
Middleton,	Lee	Trustee	9,808	-
Morrison,	Deborah	Trustee	16,358	50
Patrick,	Laura	Trustee, Council Vice Chair	73,761	418
Peterson,	Timothy	Trustee	11,222	-
Rockafella,	Tahirih	Trustee	12,785	-
Rogers,	Dan	Trustee, Council Vice Chair	50,868	1,044
Scott,	Grant	Trustee	11,631	-
Stamford,	Kate-Louise	Trustee, ITCB Chair	14,365	519
Thorn,	Cameron	Trustee	9,114	-
Wolverton,	Jane	Trustee	14,884	387
Wright,	Stephen	Trustee	9,114	-
TOTAL			\$ 532,054	\$ 6,521



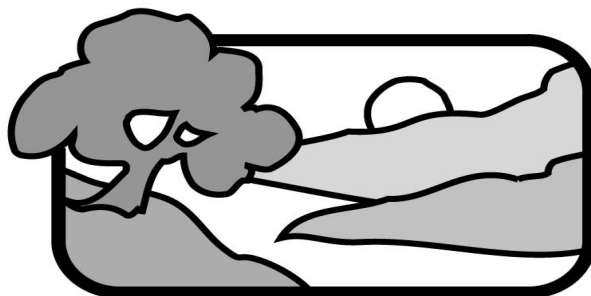
Islands Trust

SCHEDULE OF EMPLOYEE REMUNERATION AND EXPENSES

For the year ended March 31, 2021

Prepared as required by Financial Information Regulation, Schedule 1, section 6

EMPLOYEE	POSITION	TOTAL REMUNERATION & TAXABLE BENEFITS	EXPENSES
Beeston, David	Information Systems Coordinator	\$ 80,512	387
Cermak, Stefan	Regional Planning Manager	106,077	1,068
Chadwick, Narissa	Island Planner	85,320	578
Eggen, Marnie	Island Planner	84,944	1,248
Emmings, Kate	Manager, Islands Trust Conservancy	92,120	265
Frater, Clare	Director of Trust Area Services	106,019	286
Hippola, Dilani	Senior Policy Advisor	82,138	123
Hotsenpiller, Russel	Chief Administrative Officer	180,758	471
Kauer, Heather	Regional Planning Manager	96,121	276
Kojima, Robert	Regional Planning Manager	108,885	-
Marlor, David	Director of Local Planning Services	118,542	532
Mobbs, Julia	Director of Administrative Services	125,428	3,429
Roggers, Nancy	Finance Officer	79,752	993
Smith, Bradley	Island Planner	92,031	3,262
Thiel, Carmen	Legislative Services Manager	102,102	711
Van Bakel, Mark	Manager, Information Systems	89,121	88
Wilcox, Lisa	Senior Intergovernmental Policy Analyst	79,716	478
Youmans, Jason	Island Planner	85,367	101
TOTAL OVER \$75,000		\$ 1,794,956	\$ 14,294
TOTAL \$75,000 OR LESS		2,075,100	30,965
GRAND TOTAL		3,870,056	\$ 45,259



Islands Trust

RECONCILIATION OF EMPLOYEE REMUNERATION AND EXPENSES TO THE FINANCIAL STATEMENTS

For the year ended March 31, 2021

The variance between the Schedule of Employee Remuneration and Expenses (“the Schedule”) to the Annual Financial Statements is attributable to a number of factors including:

- The Schedule is prepared on a cash basis whereas the Financial Statements are prepared on an accrual accounting basis.
- The Schedule includes amounts paid for gross salary and wages, unused vacation payouts, and taxable benefits only.
- The Financial Statements includes employer-related payroll costs such as remittances for CPP, EI, EHT, pension plan contributions, etc.

On behalf of Islands Trust,

Julia Mobbs
Director, Administrative Services

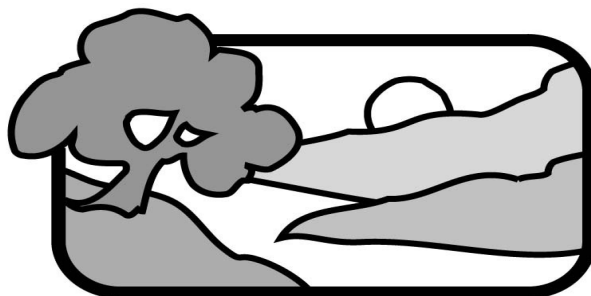


SCHEDULE OF PAYMENTS TO SUPPLIERS

For the year ended March 31, 2021

Prepared as required by Financial Information Regulation, Schedule 1, section 7

SUPPLIERS NAME		AMOUNT PAID
AON REED STENHOUSE	\$	185,452
BC HYDRO CAD		54,005
BLACKMAN SUPPORT SERVICES		124,519
CARRINA MASLOVAT		35,111
COLLIERS MACAULEY NICOLLS		286,998
ECONICS SERVICES INC		52,500
ESRI CANADA LIMITED		26,309
GRAPHICALLY SPEAKING		42,673
GW SOLUTIONS		62,996
MEADOWWOOD VILLAGE DEVELOPMENT		42,063
MINISTER OF FINANCE - EMPLOYEE BENEFITS		963,927
MINISTER OF FINANCE - QUEENS PRINTER		27,782
OPEN STORAGE SOLUTIONS		33,149
PACIFIC BLUE CROSS		37,170
RECEIVER GENERAL - TRUSTEE REMUNERATIONS		91,296
SAANICH NATIVE PLANTS		49,558
SHANNON COWAN CONSULTING		62,676
SHAW BUSINESS SOLUTIONS		40,194
SHI CANADA		26,278
TELUS MOBILITY		30,071
YOUNG ANDERSON		330,807
TOTAL PAYMENTS OVER \$25,000	\$	2,605,533
TOTAL PAYMENTS \$25,000 OR LESS	\$	800,767
GRAND TOTAL	\$	3,406,300



Islands Trust

RECONCILIATION OF PAYMENTS FOR GOODS AND SERVICES TO THE FINANCIAL STATEMENTS For the year ended March 31, 2021

The variance between the Schedule of Payments to Suppliers of Goods and Services ("the Schedule") to the Annual Financial Statements is attributable to a number of factors including:

- The Schedule is prepared on a cash basis whereas the Financial Statements are prepared on an accrual accounting basis.
- The schedule includes disbursements for purchases of capital assets, which are not included in expenses in the Financial Statements.
- The Schedule includes GST paid to suppliers, where applicable, whereas the annual Financial Statements do not.
- The Schedule excludes disbursements for staff and trustee remuneration, as well as non-cash amortization expense, whereas these items are included in the Financial Statements.

On behalf of Islands Trust,

Julia Mobbs
Director, Administrative Services

Islands Trust**Description of Vendor Services reported in SOFI 2020/21**

For trustee information only. Not to be included in official SOFI report.

SUPPLIER	AMOUNT	DESCRIPTION OF SERVICES PROVIDED
AON REED STENHOUSE	185,452	<i>Insurance</i>
BC HYDRO CAD	54,005	<i>Office Lease and associated costs - Salt Spring Island</i>
BLACKMAN SUPPORT SERVICES	124,519	<i>Technical support/computer hardware and software purchases</i>
CARRINA MASLOVAT	35,111	<i>ITC Species at Risk work and property mangement plans</i>
COLLIERS MACAULEY NICOLLS	286,998	<i>Office Lease and associated costs - Victoria</i>
ECONICS SERVICES INC	52,500	<i>Freshwater sustainability strategy project work</i>
ESRI CANADA LIMITED	26,309	<i>Mapping software licensing</i>
GRAPHICALLY SPEAKING	42,673	<i>Website Development services</i>
GW SOLUTIONS	62,996	<i>Southern Islands Groundwater Sustainability Strategy and SSI Groundwater monitoring project</i>
MEADOWWOOD VILLAGE DEVELOPMENT	42,063	<i>Office Lease and associated costs - Gabriola Island</i>
MINISTER OF FINANCE - EMPLOYEE BENEFITS	963,927	<i>Employee benefit costs paid to BCPSA</i>
MINISTER OF FINANCE - QUEENS PRINTER	27,782	<i>BC Mail services and off-site storage/movement of files</i>
OPEN STORAGE SOLUTIONS	33,149	<i>Storage Area Network (SAN) replacement</i>
PACIFIC BLUE CROSS	37,170	<i>Trustee extended benefits premiums</i>
RECEIVER GENERAL - TRUSTEE REMUNERATIONS	91,296	<i>Remittances on Trustee remuneration (CPP, EI, EHT)</i>
SAANICH NATIVE PLANTS	49,558	<i>ITC Species at Risk plants purchase</i>
SHANNON COWAN CONSULTING	62,676	<i>SSIWPA Coordination fees</i>
SHAW BUSINESS SOLUTIONS	40,194	<i>Internet and connectivity costs - all offices</i>
SHI CANADA	26,278	<i>Phone Server replacement and installation</i>
TELUS MOBILITY	30,071	<i>Mobile phone expenses - EC and staff</i>
YOUNG ANDERSON	330,807	<i>Legal fees</i>
TOTAL	\$ 2,605,533	

REQUEST FOR DECISION

To: Trust Council

For the Meeting of: September 22, 2021

From: Nancy Roggers, Finance Officer

Date Prepared: August 17, 2021

SUBJECT: JUNE 30, 2021 Q1 FINANCIAL REPORT

RECOMMENDATION:

That Trust Council approve the June 30, 2021 Financial Report as presented.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

The first quarter financial report indicates that Islands Trust is generally following the financial plan for 2021/22.

1 PURPOSE:

To summarize the findings of the June 30, 2021 quarterly financial report.

2 BACKGROUND:

Islands Trust *Policy 2.3.3 Financial Planning Committee Terms of Reference* requires the Financial Planning Committee to report to Trust Council on the organization's financial management practices. Quarterly financial reports are prepared by staff, reviewed by FPC, and presented to Trust Council as part of this requirement.

FINANCIAL REPORT FINDINGS

The benchmark for non-tax revenue sources and operational expenditures after three months of operations can be estimated at 25% of the annual expected. As at June 30, 2021 Islands Trust has consumed a net 24% of the annual approved budget which is only slightly below expectations. Individual areas may experience overspending or underspending based on activities in the year to date. Individual revenue and expense items that vary significantly (where significance is determined as more or less than 10%, and more or less than \$5,000) from the 25% benchmark include:

REVENUES

Total Revenue is lower than budget by approximately -\$1,893,249 (-23%) due to the property tax levy, special property tax requisition and Bowen property tax levies not being received in Q1. The full amount of all levies will be received in July of 2021.

Provincial Grant - Unrestricted was higher by approximately \$135,000 (75%) due to the full amount of the provincial regional grant being received in Q1.

Federal and Provincial Grants – Restricted was higher than budget by approximately \$31,773 (8%) due to increased expenditures associated with the Species at Risk grant funds while associated work primarily takes place in the spring, summer and early fall. And due to increased expenditures associated with the Health Watersheds Initiative grant funds where all associated work must be complete by the end of November, 2021.

Property Tax Levy General was lower than budget by approximately -\$1,769,942 (-25%) due to the levy not being received in Q1. The full amount of the property tax levy will be received in July, 2021.

Special Property Tax Requisition was lower than budget by approximately -\$18,875 (25%) due to the requisition not being received in Q1. The full amount of the special property tax requisition will be received in July, 2021.

Property Tax Levy Bowen was lower than budget by approximately -\$77,797 (-25%) due to the levy not being received in Q1. The full amount of the Bowen property tax levy will be received in July, 2021.

Investment Income was lower by approximately -\$13,497 (-22%). Investment revenue will increase as levy and requisition funds are received in July, 2021 and are invested then drawn down throughout the fiscal year to fund operations. We should be aware that investment income for this fiscal year may be lower than budget due to the drop in interest rates on GIC investments relating to the ongoing economic impacts of COVID 19.

Other Revenues was lower than anticipated by approximately -\$1,474 (-18%) due mainly to grant revenue not received for LTC projects. Other revenues are likely to increase over the fiscal year as LTC programs advance and grants are identified to fund them.

EXPENSES BY FUNCTIONAL AREA

COUNCIL

Total Council expenses include costs related to three main areas: Trust Council; Executive Committee; and Trust Area Services; as well as an allocation of administrative expenses. In aggregate and inclusive of the admin allocation these expenses were lower than budget by approximately -\$23,813 (-2%). There are no significant variances, for individual categories, in expenditures of more or less than 10%.

LOCAL PLANNING SERVICES (LPS)

Total LPS expenses include costs related to five main areas: Local Trust Committees (LTCs); LPS Projects; LPS Staff; LPS facilities; and Bylaw enforcement; as well as an allocation of administrative expenses. In aggregate and inclusive of the admin allocation, these expenses were lower than budget by approximately -80,606 (-1%).

LPS Projects costs are comprised of all LTC projects and related First Nations protocol funds, a share of the government management and operations review costs, healthy watershed Initiative projects, eelgrass mapping, coastal Douglas fir mapping and associated bylaws, regional freshwater strategy, groundwater recharge mapping, heritage overlay mapping, housing density bonus and includes all SSIWPA expenses. This area of spending was lower than budget by approximately -\$94,090 (-13%) due mainly to underspending on all projects listed above where expenditures are expected to occur in the remainder of this fiscal year. Project underspending is

somewhat offset by overspending for the regional freshwater management strategy which shows as overspent against budget by \$32,748.75 (36%). This is due to the schedule for completion of the project under the healthy watersheds initiative grant terms which is November, 2021 rather than the end of the fiscal like all other projects.

TRUST CONSERVANCY (ITC)

Total ITC expenses include costs related to three main areas: Board expenses; Operations expenses; and Property management expenses; as well as an allocation of administrative expenses. In aggregate and inclusive of the admin allocation, these expenses were higher than budget by approximately 1,021 (1%).

ITC Board costs are comprised of ITC board meeting expenses, honoraria and training for board members. Board expenses were under budget by approximately -\$2,076 (-13%) due to board meeting expenditures that are expected to occur in future quarters.

GENERAL ADMINISTRATION

Total general administrative expenditures include costs related to six main areas: Executive office; Administrative services; Office Operations; Information systems; Computer, Furniture and Equipment; and Amortization expense. General administration costs are allocated to the three functional areas of the Trust (Council, LTC Services, and ITC) based on their relative dollar magnitudes for the period. In aggregate these expenses were higher than budget by approximately \$5,986 (0.3%).

Computer/Furniture & Equipment costs are comprised of non-capital and capital costs for purchases of hardware, software and furniture. Computer/Furniture & Equipment costs were over budget by approximately \$19,981 (60%) due to the yearly refresh of old computers where purchases are made at the beginning of Q1.

CONSOLIDATED EXPENSES BY OBJECT

Public Sector Accounting Standards determine that financial reporting for government entities be reported "by function" (i.e.: service area) in the Statement of Financial Operations as presented in the earlier section of this report. Expenses "by object" (i.e.: type) are reported in accompanying financial statements notes. For purposes of greater transparency and understanding of Islands Trust financial results, June 30, 2021 expenses by object are shown as follows:

Expense	2020/21 Approved Budget	Actuals to 6/30/2021	% of Budget Consumed
Staff Salaries and benefits	5,524,160	1,435,413	26.0%
Office Operations	979,309	255,622	26.1%
Council and trustee costs	850,907	182,493	21.4%
Programs	1,111,208	169,708	15.3%
Legal - General	90,029	35,861	39.8%
Legal - Bylaw Enforcement	85,049	17,701	20.8%
Legal - Litigation	90,049	8,482	9.4%
Legal - Statutory Notices	21,000	4,884	23.3%
Travel/training and recruitment	123,407	14,363	11.6%
Subtotal	8,875,118	2,124,527	23.9%
Amortization	218,000	45,455	20.9%
Total Expenses	9,093,118	2,169,982	23.9%

Staff salaries and benefits were over budget due mainly to overstaffing in Trust Area Services and Information Systems while both areas work on specific projects during Q1. The slight overages in these two areas are offset by understaffing in Bylaw Enforcements vacancies.

Office operations were over budget due to hardware costs paid in Q1. New computers (hardware) is purchased and deployed in the first quarter to sync with our computer replacement cycle. This gives us the benefit of the new equipment for the full fiscal year.

Council and trustee costs were under budget due mainly to underspending against the Council budgets for insurance, travel by LTC Committee Chairs and in person TC meetings which are expected to take place later in the fiscal year.

Programs were under budget due to strategic projects and LTC project delays in underspending where expenditures are expected to occur later in the fiscal year.

Legal expenses were over budget overall by only 1% due to an increase in legal opinions sought by LTCs and bylaw enforcement legal actions.

Traveling/training and recruitment were under budget due to less travel in Q1 while still under COVID 19 restrictions. These costs are expected to increase later in the fiscal year as the restrictions are lowered.

Amortization was under budget lower than anticipated capital expenditures in the in the previous fiscal period than anticipated at budget time.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None.

FINANCIAL: None. Expenditures to June 30, 2021 are within the overall Islands Trust annual approved budget.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: None. Managing staff at Islands Trust and Islands Trust Conservancy will continue to receive financial reporting on their respective areas of oversight throughout the year.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S):

Islands Trust Policy 2.3.3 Financial Planning Committee Terms of Reference
Bylaw No. 181, Islands Trust Financial Plan Bylaw, 2021-2022

5 ATTACHMENT(S):

June 30, 2021 Financial Report

RESPONSE OPTIONS**Recommendation:**

That Trust Council approve the June 30, 2021 Financial Report as presented.

Alternative: None.

Prepared By: Nancy Roggers, Finance Officer

Reviewed By: David Marlor, Director, Local Planning Services, on behalf of the CAO

Islands Trust
Statement of Revenue and Expenditure

For The 3 Months Ending June 30, 2021

Expected % of Budget Received/Used as at Report date = 25%

Exceptions: Grant revenue, property tax levies, other revenues, project spending

Variances > +/- 10% include explanations

Description	Annual Budget	YTD Actual	\$ budget not yet received/spent	% of budget received/spent
REVENUES				
Fees & Sales	120,000	31,564	(88,436)	26%
Provincial Grant - Unrestricted	180,000	-	(180,000)	100%
Federal and Provincial Grants - Restricted	383,000	127,524	(255,476)	33%
General Property Tax Levy - All LTAs	7,079,771	-	(7,079,771)	0%
Special Property Tax Requisition - SSI LTA	75,500	-	(75,500)	0%
Municipal Property Tax Levy - Bowen Island Municipality	311,188	-	(311,188)	0%
Investment Income	60,000	1,502	(58,498)	3%
Other Revenues	8,000	526	(7,474)	7%
Total Revenue	8,217,459	161,115	(8,056,344)	2%
EXPENSES				
Council Services				
Trust Council	311,865	51,222	(260,643)	16%
Executive Committee	97,990	22,258	(75,732)	23%
Trust Area Services	600,352	156,645	(443,707)	26%
General Admin Allocation - 14%	299,889	73,687	(226,202)	25%
Total Council Expenses	1,310,096	303,811	(1,006,284)	23%
Local Planning Services				
Local Trust Committees	794,654	191,238	(603,416)	24%
Projects (Note 1)	736,748	90,097	(646,651)	12%
Planning Staff	2,888,807	758,224	(2,130,583)	26%
LPS Facilities	359,639	88,530	(271,109)	25%
Bylaw Enforcement	370,819	71,739	(299,080)	19%
General Admin Allocation - 74%	1,529,021	389,489	(1,139,532)	25%
Total Local Planning Services Expenses	6,679,688	1,589,316	(3,950,840)	24%
Trust Conservancy				
Board	15,525	1,805	(13,720)	12%
Conservancy Staff and Associated Costs	680,440	166,215	(514,225)	24%
Property Management	154,810	45,675	(109,135)	30%
General Admin Allocation - 12%	252,560	63,160	(189,400)	25%
Total Trust Conservancy Expenses	1,103,335	276,855	(826,481)	25%
General Administration				
Senior Management	453,646	108,544	(345,102)	24%
Admin Services	523,560	127,832	(395,728)	24%
Office Operations	251,620	53,651	(197,969)	21%
Information Systems	601,443	167,143	(434,300)	28%
Computer/Furniture & Equipment	33,200	28,281	(4,919)	85%
Amortization Expense	218,000	45,455	(172,545)	21%
General Admin Recovery	(2,081,469)	(526,336)	1,555,133	25%
Net General Administration Expenses	-	-	-	-
Total Expenses	9,093,119	2,169,982	(6,923,137)	24%

Description	Annual Budget	YTD Actual	\$ budget not yet received/spent	% of budget received/spent
YTD Surplus (Shortfall)	(875,660)	(2,008,866)		
Amortization Adjustment	(218,000)	n/a		
Capital Adjustment	n/a	23,577		
Adjusted surplus (shortfall)	(657,660)	(1,985,289)		
Transfer from (contribution to) General Revenue Surplus Fund	373,660	1,981,513		
Transfer from LTC Project Specific Reserve Fund	204,000	3,776		
Transfer from Special Tax Requisition Fund	80,000	-		
	657,660	1,985,289		
Net Balance	-	(0)		

Note 1:

Projects made up of:

SSIWPA - Coordination	75,500	15,260	(60,241)	-69%
SSIWPA - Weston Lake	30,000	-	(30,000)	0%
SSIWPA - Water Protection Plan	50,000	-	(50,000)	0%
LTC Projects - allocated budget funds	168,800	3,776	(165,024)	2%
LTC Projects - unallocated budget funds	35,200	-	(35,200)	0%
Project - Projects funded by grants	7,998	-	(7,998)	0%
FN Protocol Funds	1,000	-	(1,000)	0%
Healthy Watershed Initiative Projects	45,000	-	(45,000)	-
Eelgrass mapping	50,000	-	(50,000)	0%
Coastal Douglas Fir Mapping and Bylaws	5,000	-	(5,000)	0%
Regional Freshwater Management Strategy	91,000	55,499	(35,501)	61%
Groundwater Recharge Mapping	50,000	-	(50,000)	0%
Governance Mgmt & Ops Review	62,250	15,563	(46,688)	25%
Heritage Overlay Mapping	55,000	-	(55,000)	0%
Housing Density Bonusing	10,000	-	(10,000)	0%
TOTAL	736,748	90,097	(646,651)	12%

BRIEFING

To: Trust Council **For the Meeting of:** September 22, 2021
From: Director, Administrative Services **Date prepared:** July 27, 2021
SUBJECT: 2022/23 DRAFT BUDGET ASSUMPTIONS AND PRINCIPLES (BAP), TIMELINES

PURPOSE:

To discuss and develop the assumptions and principles upon which the next fiscal year's budget will be based. The assumptions and principles provide the underlying basis for developing many of the individual revenue and expense budget lines.

BACKGROUND:

Trust Council's [Policy 6.3.i Budget Process Policy](#), section C.2.d states that "*Budget Principles and Assumptions shall be addressed in December of each year*".

Initial review of the BAP by Trust Council takes place in September each year, to inform Trustees of the preliminary assumptions and principles that Financial Planning Committee will use in developing the first draft of the next fiscal year budget.

In some cases the assumptions and principles are well-defined and unlikely to change during the budget development process. Other assumptions and principles are less certain at this point, and will likely be amended during the budget development process.

ATTACHMENT(S):

1. 2022-23 Draft Budget Assumptions and Principles (BAP)
2. 2022-23 Draft Budget Timelines

FOLLOW-UP:

The BAP will be updated and amended as new and better information becomes available. The revised document will be presented to Trust Council in January 2022 after review by FPC.

Prepared By: Director, Administrative Services

Reviewed By: David Marlor, Director, Local Planning Services on behalf of CAO

ISLANDS TRUST

2022/23 Draft Budget Assumptions and Principles

September 2021

Draft Budget Development Process:

During the budget cycle, each line of the detailed draft budget is reviewed by the responsible manager, giving consideration to previous years' spending and future work programs and services (including Trust Council's Strategic Plan initiatives). Planning staff review planning project needs with Local Trust Committees and identify top priorities. The Islands Trust Conservancy Board requests budget funding levels appropriate to support the goals in its Regional Conservation Plan and other fiscal initiatives. Directors review their respective Committee work programs to ensure work plan activities are appropriately funded. The Director, Administrative Services reviews the detailed spending and projects costs on behalf of the organization with respect to completeness and accuracy and compiles the detailed budget for the year. The draft budget detail is reviewed and by the Islands Trust management team prior to being submitted to the Financial Planning Committee for review and consideration. A first draft of the budget is forwarded to Trust Council in December of each year, or in the case of election years, the following January.

REVENUES			
	ITEM	ASSUMPTION/PRINCIPLE	DATA SOURCE
1	Fees and Sales	Budgeted fees revenue has historically been based on an average of previous years' actual revenues, adjusted for trends identified by the Director, Local Planning Services. In June 2021, Trust Council amended their Application Processing Services Policy 5.6.1 which includes a revised Model Fees Bylaw for consideration by LTCs. This is likely to impact budgeted fees revenue for the fiscal 2022/23 year. Budgeted fees revenue for 2022/23 will be based on the following: - Estimated application volumes, by type and by LTA, based on fiscal 2020/21 and Q1 annualised 2021/22 application volumes, as a representation of what volumes might look like in another pandemic-impacted fiscal year. - Estimated application fees by type and by LTA, as determined by Trust Council's revised model bylaw approved in June 2021. Estimated fees will be based on the assumption that all LTCs will adopt local fees amounts at the maximum allowable 20% reduction from the model bylaw, to keep revenue estimates conservative. - The estimates assume that all LTCs will have adopted and implemented new fees by April 1, 2022.	Historical application volume levels seen in pandemic-impacted fiscal years. Model Fees Bylaw as approved in Trust Council's Application Processing Services Policy 5.6.1. Estimated will be adjusted if/as LTCs adopt new application processing fees in advance of the final budget draft.
2	Provincial Grant Funding - Unrestricted	Unrestricted grants are given without restrictions dictating how the funds must be spent. The Provincial grant funds received by Islands Trust annually are unrestricted. These	Prior year funding levels.

		grants are recorded as revenue when they are received. Assumed that unrestricted grant funding from the Province will be received, and that the value will remain consistent with prior years. Although there is a Trust Council resolution to request more funds from the Province, no work has progressed on this task and likely will remain the case due to the ongoing pandemic. As such, no increase in funds is anticipated at this time.	
3	Provincial Grant Funding – Restricted	Restricted grants have restrictions dictating how the grant funds must be spent by the receiver. These grants are recorded as revenue only when eligible expenses have been incurred. 1. ITC was awarded a grant of \$25,000 from the Habitat Conservation Trust Foundation in fiscal 2020/21 which was unspent in that year. Assumed the following spending schedule associated with this grant: - FY2020/21: \$25,000 received, nil spent - FY2021/22: Planned spending \$23,000 - FY2022/23: Planned spending \$2,000 The planned \$2,000 spending in FY2022/23 will be reflected as revenue in the draft budget, along with the related expenses the grant will pay for, which are included in their respective areas. 2. IT was awarded \$190,000 from the Healthy Watersheds Initiative in FY2021/22. It is assumed the full amount will be spent in the current fiscal year with no carry over funds in next year's budget.	Signed grant agreements between: - ITCB and Habitat Conservation Trust Foundation (HCTF) Other grants as identified and approved.
4	Federal Grant Funding – Restricted	Restricted grants have restrictions dictating how the grant funds must be spent by the receiver. These grants are recorded as revenue only when eligible expenses have been incurred. ITC has been awarded a multi-year grant totaling \$597,000 for work related to Species at Risk in the Trust Area. This grant was signed in October 2020. Of the total funding awarded, \$205,000 relates to work to be performed in fiscal 2022/23. As such this amount is recognised as revenue in the draft budget, along with the related expenses the grant will pay for. Related expenses are included in their appropriate area of spending and are not shown separately as their own line item.	Signed grant agreement between ITCB and Environment and Climate Change Canada.
5	Property Taxes - General	Assumed property tax revenue will be required to balance the Islands Trust budget. Assumed the full balance requisitioned will be received by Islands Trust under normal timelines. It is assumed that there will be increased pressures on	Draft budget expenditures less amortization expense, less other revenue sources.

		taxation in the coming budget year as a result of: - Reduced minimum balance surplus levels, meaning less funds available to draw from to balance the budget as has been historical practice of the Trust. - Anticipated increases in the operating budget - Anticipated increases in project budgets	
6	Property Taxes - Non-Market Change (NMC) in Tax Base	The property tax base within the Islands Trust Area will grow due to new development activity and changes in use. Assumed that jurisdictions 763 and 764 remain an appropriate representation of the NMC within the total Trust Area.	Draft 1, Version 1 of the budget retains the previous budget's NMC values. BC Assessment report provided in December each year indicates non-market growth for the Trust Area and is updated in the draft budget at that time.
7	Property Taxes – Special Requisitions	Assumed SSI LTC will request by way of resolution, a special levy to continue the SSIWPA work.	Trust Council Policy 6.3.2 Special Property Tax Requisitions SSI LTC resolution pending
8	Property Taxes – Bowen Island Municipality	Assumed relevant policy regarding this requisition will remain unchanged.	Trust Council Policy 7.2.6 Municipal Property Tax Requisition Calculation
9	Investment Income	Assumed interest income will be lower than older historical levels, but higher than the fiscal 2020/21 year where rates were significantly impacted by the COVID-19 pandemic. Assumed Islands Trust will continue to invest in conservative investments in line with legislation. Assumed sustainable investment vehicles will be secured for a portion of invested funds to align with Trust values.	Islands Trust Act , Community Charter , current interest rate trends and investment advisor information.
10	Other Grant Funding	Islands Trust will continue to monitor grant opportunities available for corporate work, but does not expect significant new inflows of revenue from this source. Any budgeted revenue from grant funds for projects will be offset by a budgeted expense for the same amount, to ensure appropriate conservatism in the budget.	Current grant programs available to Islands Trust and historical inflows of grant funding, adjusted for change in staff hours dedicated to the grants function in light of job description revamp associated with this position.

EXPENSES

	ITEM	ASSUMPTION/PRINCIPLE	DATA SOURCE
11	Inflation	The cost of goods and services will rise in line with inflation. Application of this assumption is not applied in a direct manner whereby all expenses are increased by a percentage. Rather, where real spending trends are analysed for purposes of generating a budget figure,	Consumer Price Index (CPI) for Victoria, as reported for the month of December by BC Statistics (based on Statistics Canada data), to assess if

		historical averages are most frequently rounded upwards, with special considerations given to expenditure types experiencing higher than typical increases, including standard rates for contractors where work is most often completed by external parties (i.e.: strategic plan projects).	current inflation accommodations are appropriate.
12	Staffing Levels	Assumed Island Trust management will bring forward funding requests for additional staff positions if desired, or revised staffing complements that result in budget increases. Decreased staffing levels may result in a reduced level of services, functions, or quality of work. New functions or services may require either additional staffing or the deletion of some existing functions or service levels.	Current staffing levels, plus potential forthcoming new staff requests. 2018 Local Planning Services Review (LPS staffing levels).
13	Staffing Salaries and Benefits	Assumed that staff will continue to be appointed subject to the <i>Public Services Act</i> and the <i>Public Service Labour Relations Act</i>, in accordance with the <i>Islands Trust Act</i>. Assumed costs for staff salaries and benefits will rise in accordance with relevant legislation and union agreements.	Public Service Labour Relations Act (all staff). Public Services Act and PSA Policy on salary administration for management employees (exempt staff). BCGEU union agreement (union staff). Public Service Agency (benefits costs/rate, all staff) – based on prior year benefit rate in the absence of information from PSA whose timing is delayed due to provincial budget delays.
14	Trustee Remuneration	Assumed that no changes will be made to the guiding policy for Trustee Remuneration. Assumed that the number of meetings requiring payment to trustees will remain similar to fiscal 2021/22 figures. It is assumed the current planned release schedule of the 2021 census information will be realised, making 2021 census information available in time to update trustee remuneration in time for Trust Council's budget approval in March 2022.	TC Policy 7.2 Trustee Remuneration. (census information 2016 (V1/2021 V2), stats Canada CPI information, Folio information from BC Assessment)
15	Office Facilities	Assumed that office locations for staff will remain in Victoria, on Salt Spring Island and on Gabriola Island. Islands Trust management is exploring opportunities to share office space with other Provincial agencies in Nanaimo, BC in future years. With the adoption of a more	TC Policy 7.4.4 On-Island Trustee Offices. Existing multi-year office leases.

		remote workforce at the Trust, real estate needs on Gabriola Island may shift, providing an opportunity to re-evaluate our needs in the current climate. Consideration of retaining a presence in Gabriola Island in a smaller capacity is part of the ongoing assessment. Assumed that Islands Trust will continue to lease office space for trustees on Denman Island, Galiano Island, North Pender Island, Mayne Island, and Saturna Island subject to trustee needs.	
16	Local Planning Services	Assumed that Islands Trust Council will continue to provide sufficient funding for LTCs to carry out their primary function of land-use planning and regulatory activities within their local trust area, as permitted by the <i>Islands Trust Act</i>. OCP and LTC project budgets are distributed between LTCs as they seek funding for various projects. Smaller projects with estimated costs less than \$5,000 continue to be funded by the lump sum budget for LTC project work which LTCs can draw from throughout the year. OCP and LTC projects with estimated costs greater than \$5,000 will require a funding request from the LTC, for consideration by Trust Council.	Local Planning Services Review 2018 TC's Strategic Plan 2018-2022 TC Policy 5.9.1 Best Management Practices for Delivery of Local Planning Services to Local Trust Committees
17	Planner Resource Allocation	The current work program system which determines the allocation of planner time to LTCs and projects will change during the implementation of the LPS review. In 2021/22 resources will continue to aim for fair distribution of time between the three planning regions (North, South, Salt Spring) as LPS transitions to the new system. Policy amendment recommendations are expected in the 2021 year to better prioritise planning resource allocation.	LPS Review 2018 TC's Strategic Plan 2018-2022 implementation
18	Strategic Plan Projects	Assumed projects underway as part of the current strategic plan will be seen through to completion.	TC's Strategic Plan 2018-2022
19	Elections Cost	Trustee elections will take place in October 2022. It is assumed Islands Trust will secure outside parties to conduct trustee elections (usually regional districts) as has been past practice. As such, it is assumed that elections costs will be incurred at similar rates as previous elections, with adjustments for inflation. Historically elections were funded by a draw from surplus funds. With the reduction in the general revenue surplus fund balance due to the current fiscal year planned	Historical elections costs of \$141,000 plus inflation.

		spending, considerations may be made during the budget cycle to fund this expense via other means.	
	ITEM	ASSUMPTION/PRINCIPLE	DATA SOURCE
20	General Surplus	Assumed the current review of surplus funds being undertaken by FPC will be complete and any revisions to minimum balances or how surplus is used will be incorporated in time for the approval of the 2022/23 budget.	TC policy 6.5.1 Reserves and Surplus , section D.6, amended, recommends a minimum level of General Revenue Surplus as “2.4 months (or 20%) of expenses net of 2.4 months of revenue, excluding revenue from property taxes or the provincial grant”.
21	LTC-Specific Reserve Fund	Assumed Trust Council will continue to make use of the LTC-Specific Reserve Fund.	Estimate from DLPS based on known and anticipated projects.
22	Special Property Tax (SSIWPA) Surplus Fund	Unknown at this time if the SSI LTC unspent special property tax balance at fiscal 2022 end will be requested for spending in the 2022/23 budget.	TC resolution #2020-086 SSI LTC resolutions pending
23	Significant Unusual Circumstances	The COVID-19 pandemic is ongoing. The ramifications of this are likely to continue in some capacity into fiscal 2022/23, impacting the way in which we do business. Many of the new processes that have been adopted during the pandemic will continue permanently in some capacity in the future. Significant new processes expected to continue into fiscal 2022/23 include: - Hybrid meeting models for public meetings and some internal staff meetings - A more remote workforce, which may impact office real estate needs The impacts of these factors will be captured in the budget as much as is possible to estimate.	Provincial Health Officer restrictions , Islands Trust CAO and management team, Trust Council and Council Committee resolutions

Resolutions Referenced, in order of mention:

TC 2020-086

THAT Trust Council authorize the Salt Spring Island Local Trust Committee to use unspent special property tax requisition funds from previous fiscal years to undertake water sustainability projects that do not require coordination through the local trust committee's (LTC's) delegated authority under Trust Council Bylaw No. 154.

ISLANDS TRUST
BUDGET CYCLE TIMELINE

Fiscal Year: 2022/23

Date	Activity
July-Aug, 2021	LTCs, Council Committees, SSIWPA start discussion of upcoming fiscal year priorities and work programs with planning staff, including project proposals for consideration as 'additional operations' (ie: potential special requisitions)
Sept 1, 2021	Financial Planning Committee meeting Budget Cycle Timeline: FPC reviews and approves the Budget cycle timeline. BAP: FPC reviews first draft of Budget Assumptions and Principles (BAP) Public Consultation: FPC discussion of planned changes/improvements to the budget Public Consultation process.
Sept 6, 2021	Departmental budget templates deployed: Budget documents distributed to all Managers for development of departmental budgets. Budget Requests Development: Managers develop and review budget requests with staff for input and feedback into the budget process. Other Agency Consultation: DAS begins consultation with Bowen Island Municipality and Islands Trust Conservancy.
Sept 21-23, 2021	Trust Council meeting Review of Strategic Plan projects status. This may help inform the draft budget.
Oct 20, 2021	Financial Planning Committee meeting BAP: FPC reviews updated BAP. Budget Draft 1, V1: FPC reviews and discusses Draft 1, Version 1 of the budget. Budget Requests: FPC reviews business cases for budget funding requests and makes recommendations to staff on which requests to include/remove from the draft budget.
Oct 20 - 31, 2021	Budget Draft 1, V2: Staff make revisions to budget draft as directed by FPC. Continued research and planning to improve estimates for proposed operational changes. LTC Project Specific Reserve Fund: Planning staff develop budget proposals on behalf of LTCs for estimates of LTC Specific Reserve Fund requirements. Special Tax Requisitions: Preparation for potential local tax requisitions for individual LTCs (see policy 6.3.ii Special Property Tax Requisition).
Nov 10, 2021	Financial Planning Committee meeting BAP: FPC reviews updated BAP to be forwarded to December Trust Council. Budget Requests: FPC reviews amended and new budget request business cases to be forwarded to Trust Council in December. Budget Draft 1, V2: FPC reviews Draft 1, Version 2 of the budget to be forwarded to Trust Council in December. LTC requests: FPC reviews any specific requests coming from LTCs as part of the budget draft review.
Nov 30 - Dec 2, 2021	Trust Council meeting BAP: Trust Council endorses Budget Assumptions and Principles. Budget Draft 1, V2: Trust Council discusses and debates draft budget, and provides direction for changes as determined necessary. Public Consultation: Trust Council endorses draft budget (as amended, if needed) for public consultation, and approves the Budget consultation process.
January 2022	Financial Planning Committee meeting (assumed) Budget Draft 2, V1: FPC reviews and discusses Draft 1, V1 of the budget which will be amended to reflect Trust Council's directions, as well as refined operational budgets to adjust for new and updated data. Other Agency Consultation: Consultation with Bowen Island Municipality and Trust Conservancy Board continue. Public Consultation on draft budget is conducted. Special Tax Requisitions: LTCs seeking funding for "additional operations" from a special tax requisition pass a resolution to do so.
February 2022	Financial Planning Committee meeting (assumed) Special Tax Requisitions: LTCs proposing a special tax requisition hold public consultation meetings. Public Consultation Review: FPC reviews results and feedback from the budget public consultation, and makes recommendations to budget changes from these results, as needed. Special Tax Requisitions: FPC makes recommendations on special requisitions. Budget Draft 2, V2: FPC reviews Draft 2, Version 2 of the budget to be forwarded to Trust Council for their March meeting
March 2022	Trust Council (assumed) Budget Approval: Trust Council approves the Budget along with the current year Property Tax Requisition, Bowen Municipality Tax Levy and LTC special tax requisitions. Bylaw Approvals: Trust Council approves Financial Plan bylaw and Revenue Anticipation bylaw. Minister's Package: Staff prepare a report on the budget for the Minister, and submit this report along with the approved financial bylaws for consideration by the Minister. Communications: Approved budget information is posted to the Islands Trust website and a news release rolled out.

3 weeks


General:

Trust Area Services (TAS) staff supported two Trust Programs Committee (TPC) meetings this quarter – a special meeting on June 15, 2021, and a regular meeting on August 27, 2021.

At the time of writing the Community Communications Specialist and the Program Coordinator positions are still vacant and the Director is continuing to work on filling those roles.

Islands 2050 Policy Statement Amendment Project (PSAP):

The Islands 2050 Policy Statement Amendment Project has been the primary focus of the Trust Area Services team again this quarter. The latest project information and public correspondence is available on the Islands 2050 webpage at: <https://islandstrust.bc.ca/programs/islands-2050/>

The draft new Policy Statement Bylaw No. 183, first presented to Council's committees in May 2021, was further refined by Trust Programs Committee (TPC) and Executive Committee (EC) in June 2021. Both TPC and EC made a series of amendments to the draft before presenting it to Trust Council for consideration of first reading. At its July 7-8 special meeting, Trust Council received the draft new Policy Statement bylaw and passed a [series of motions](#) which:

- Postponed consideration of first reading to December 2021
- Asked all trustees to share the draft new Policy Statement with their constituents in July/August asking for feedback to be provided to islands2050@islandstrust.bc.ca
- Requested staff to develop a revised project charter for public engagement for approval and implementation by Executive Committee
- Requested that the draft new Policy Statement be referred to First Nations, Bowen Island Municipality, local trust committees, the Islands Trust Conservancy Board, regional districts, improvement districts, school districts and provincial and federal government agencies or departments having jurisdiction in the Trust Area, prior to first reading
- Approved an additional transfer of up to \$75,000 from the general revenue surplus fund in fiscal 2021/2022 for enhanced community and First Nations engagement on the draft new Policy Statement subject to approval of the revised engagement project charter by Trust Council

Following the July 7-8 special meeting of Trust Council, staff made some minor editorial revisions to the draft new Policy Statement to prepare the document for the next phases of engagement and referrals. The latest version (updated July 15th) can be found on the Islands 2050 webpage, both as a clean copy and as a colour-coded version highlighting amendments.

Agency Referrals: On July 22, 2021, staff sent the draft new Policy Statement Bylaw No. 183 to Bowen Island Municipality, local trust committees, the Islands Trust Conservancy Board, regional districts, improvement districts, school districts and provincial and federal government agencies or departments having jurisdiction in the Trust Area, requesting official referral responses by October 22, 2021. Staff also coordinated an online zoom information session and Q&A for these referral agencies on July 28 and sent a recording to those who could not attend.

First Nations Early & Meaningful Engagement:

Islands Trust staff continued the early and meaningful engagement with First Nations. Islands Trust staff held six meetings with First Nations and Treaty Alliances and discussed the next phase of the early and meaningful engagement on the draft new Policy Statement Bylaw No. 183. Discussions centered around the responses from the public to the new draft, reconciliation, and responses from Indigenous people living on the islands. Further discussions focused on providing the draft new Policy Statement Bylaw No. 183 for review, capacity funding, and approaches to engagement. First Nations and Treaty Alliances will be receiving the draft new Policy Statement Bylaw No. 183 at the end of August to begin the next phase of early and meaningful engagement before first reading.

Public Engagement/Communications:

In response to an anonymous flyer sent about the Policy Statement, staff prepared a flyer about the project with a message from the Chair and background information on the project and sent it to island residents using BC Mail. This was the first instance staff are aware of Islands Trust using BC Mail for distributing engagement material Trust-wide. Staff expect to recommend this method be used again in future. Staff also developed a 10 page frequently asked questions document.

Staff also organized and promoted an information session about the draft new Policy Statement prior to the special July Trust Council meeting.

In July, the Executive Committee directed staff to obtain third-party advice to develop the next phase of the Policy Statement public engagement. Staff contracted engagement firm, MODUS Planning, Design & Engagement Inc., to prepare an engagement strategy for Executive Committee to consider for the Trust Council September agenda and provided background information to the contractor. As requested by the Executive Committee, staff have developed two project charters for Trust Council discussion based on two options presented in the MODUS report.

To support trustee-led engagement about the Policy Statement over the summer staff prepared a handout about the draft new Policy Statement and a code of content document. Staff also provided a project update to staff and trustees to ensure they had current information.

Staff continue to post correspondence from the public to the Islands2050 webpage.

Advocacy:

Staff supported the Islands Trust Chair with a letter to Pacific Pilotage Authority regarding their notice to industry about piloted vessel transits through Active Pass & Porlier Pass expressing gratitude and a desire to hear more about the forthcoming risk assessment for commercial vessels transiting Active Pass and Porlier Pass.

Staff supported local trust committee chairs with the following letters:

- Letter to Ministry of Forests, Lands, Natural Resource Operations and Rural Development from the Denman Island LTC in support of the Denman Housing Association application for a water licence;
- Letter to the Ministry of Transportation and Infrastructure from the Gabriola Island LTC to indicate that the LTC does not support approval of a proposed subdivision unless and until the interests and concerns of the Snuneymuxw First Nation are addressed and they have given their consent;
- Letter to Baylink Networks from the Gabriola Island LTC indicating support for the landing of the Connected Coast high speed internet cable on Gabriola Island.

Legislative Monitoring:

As requested by the Executive Committee, staff have transitioned to preparing quarterly legislative monitoring reports. Staff provided time-sensitive items to the Executive Committee and prepared a report for Trust Council.

Delegation letters:

Thank-you letters were sent to the three individuals/groups who made presentations to the June 2021 Trust Council meeting.

Reconciliation and Intergovernmental Relations:

The TAS Senior Intergovernmental Policy Advisor worked directly with some First Nations and agencies to meet electronically to engage and build relationships. Activities included:

- Meeting with K'ómoks First Nations to discuss cultural heritage and K'ómoks Cultural Heritage Policy;
- Meeting with MLA Adam Olsen;
- Meeting with Indigenous people and their families on Galiano Island;
- Meeting with Snuneymuxw First Nation re: ongoing treaty and engagement discussions;
- Facilitated meetings on cultural heritage on Denman Island with First Nation and Cultural Knowledge Holders;
- Facilitated site visits by Cultural Knowledge Holders on Galiano, Salt Spring, and Thetis Islands;
- Collaborated with Islands Trust staff and Naut'sa mawt Tribal Council re: Freshwater Strategy, and youth engagement;
- Collaborated with Bowen Island Municipality staff and Squamish Nation re: signage on Bowen Island;
- Meetings with Ministry of Forests, Lands, Natural Resource Operations and Rural Development senior staff re: forestry within crown land, docks, First Nations engagement, Declaration on the Rights of Indigenous Peoples Act, and agreements;
- Provided support and advice to Islands Trust Conservancy regarding leasing of Saturnina Island;
- Coordinating, chairing and facilitating the Freshwater Sustainability Strategy Workshop with Cultural Knowledge Holders;
- Assisting the facilitator of the Southern Gulf Islands Island Forum with protocol, and questions about the treaty and territorial areas within Southern Gulf Islands area;
- Participated in the First Nations Forestry Conference sessions;
- Held meetings on reconciliation with Capital Regional District staff, Vancouver Parks Board staff, and Cowichan Valley Regional District staff;
- With Director of Local Planning Services, awarded contract to begin the Cultural Heritage Overlay initiative to Inlailawatash and held four initial meetings to begin review of methodology and data collection with Inlailawatash team.

Communications/Engagement

Partnerships: Staff began discussions with the Howe Sound Biosphere Region Initiative Society team about the UNESCO Biosphere Region designation. Chair Peter Luckham may be featured in a video, and we will work with the team to promote the initiative via social media and possibly a statement of congratulations.

Annual Report: The 2020/21 annual report went into production and will be available to the public in September. When the report is complete, it will be sent to the Minister of Municipal Affairs to be introduced into the legislature. Staff will send the report via link to trustees and staff and other interested parties including e-mail notice subscribers. A small number of copies will be printed for Islands Trust offices and the Minister of Municipal Affairs.

Dust n' Bones – Staff assisted with social media and poster graphic design and text for a Dust n' Bones screening taking place on Denman Island at the end of September.

Media Relations – Fielded media inquiries from local news outlets, predominantly from the Gabriola Sounder and Driftwood but also the Times Colonist, CBC radio, CTV television, and CKNW and C-FAX radio.

News Releases: In the last quarter, TAS issued eight news releases. An addition two releases, were issued at the end of May, but not captured in the last report.

August 23, 2021	September 2021 Islands Trust Council meeting program announced
August 20, 2021	Engagement Plan in Development
August 12, 2021	Partial advocacy success – Ottawa announces new system to improve marine vessel traffic flow in Southern British Columbia
July 14, 2021	Statement in Support of Penelakut Tribe Community
July 9, 2021	First reading of the draft new Policy Statement postponed – more engagement to come
June 25, 2021	Information session added to July 7, 2021 Trust Council town hall meeting
June 18, 2021	July 7-8, 2021, Special Trust Council Meeting to Consider First Reading of the Draft of the New Policy Statement
June 3, 2021	Gabriola, Salt Spring and Victoria Offices Open
May 31, 2021	Statement - Islands Trust Council Statement to the Tk'emlúps te Secwépemc Community, Residential School Survivors, and Families)
May 28, 2021	Strengthening our ability to preserve and protect Policy Statement and Engagement

Social Media: In the last quarter, Facebook followers increased 63%. A total of 235 new people began following our account. The increase took us from 374 to 609 followers. The growth can be attributed to a dedicated effort on social media planning, preparation and post management, almost daily posting, and a shift in post content. Posts have focused on helping followers understand how they can preserve and protect “in their own backyard”. This new style of posting features compelling images and try to respond to the question “what has it got to do with me”. The increase in followers supports wider distribution of our posts about news releases, meeting announcements, budget information, and engagement opportunities. An additional benefit of increasing followers relates to where conversations are taking place about Islands Trust. The Islands Trust Facebook account offers an opportunity for the Trust to educate people about being a special-purpose government. Each week staff work to dedicate one day to

creating understanding on: reconciliation, First Nations or Indigenous education, one day to marine, water or climate change, species at risk. In addition we post on Islands Trust related business such as Trust Council meetings, the Policy Statement, news releases and job opportunities. In the last quarter, staff posted jobs for minute takers (Saturna, Salt Spring, South Pender), fence labourers for Lasqueti, and administrative assistants for Salt Spring and Victoria in the last quarter. We spent \$50 on two different Facebook advertisements (boosts): the minute taker and administrative assistant positions.

Newspaper Advertising: No advertising this quarter

Media Clippings: Staff continue to monitor media sources and provide a summary of Trust-relevant news stories to trustees. While staff aim to provide updates twice a week, this service is provided on a time-available basis.

Website Rebuild: Staff continued to respond to a number of bugs and high-priority fixes on the new website but work on other priorities has delayed responses to general website feedback and suggestions. An update to the site to improve page speed loading resulted in a number of problems that have now been resolved. In response to a backlog of needed website improvements, in August, staff contracted two former employees familiar with the website to assist with prioritizing and responding to feedback. Through September there will be a concerted effort to improve the website in response to feedback and identify improvements that require budget in the 2022/23 fiscal year. The numbers of enquiries about how to use the website has dropped significantly through the summer.

Secretariat Services:

Staff supported the Southern Gulf Islands Forum in securing a note taker and a facilitator and issued a contract for administration of the Howe Sound At'l'ka7tsem Community Forum. Staff is arranging contract administrative support for the Coastal Douglas-fir Conservation Partnership, and is organizing staff administrative support for the Rural Island Economic Forum.

Grants:

Since the last report, there have been two successful grant applications. Both grants required the Grants Manager and other staff to provide the funders with more in-depth information and clarifications in order for them to be able to make the determinations. The Investment Agriculture Foundation granted \$18,500 for the Denman Island Farming Regulations Review Project and the Union of B.C. Municipalities (UBCM) granted \$367,795 for a Development Applications Service Delivery and Technology Improvement Project. Several requests for grants research were received and research undertaken.

Top Priorities Report

Trust Programs Committee

1. <i>Policy Statement Amendment Project</i>	Responsible	Dates
Implement Policy Statement engagement plan and project charter (in support of Strategic Plan strategies 3.1; 4.4; 5.6; 5.7)	Clare Frater Dilani Hippola Gillian Nicol Lisa Wilcox	Rec'd: 21-Jun-2017 Target: 13-Dec-2022
2. <i>Secretariat Role to Forums within the Trust Area</i>	Responsible	Dates
Administer Secretariat Services program. Strategic Plan item 5.2	Clare Frater Gillian Nicol	Rec'd: 20-Jun-2018 Target: 31-Mar-2022
3. <i>Stewardship Education Program</i>	Responsible	Dates
Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area. (Strategic Plan strategy #4.3). This includes the Living in the Trust Area project guided by the project charter endorsed by TPC on Feb 5, 2021	Clare Frater	Rec'd: 13-Aug-2020 Target: 31-Mar-2022

Projects Report

Trust Programs Committee

1. *Update Crown Land Agreements*

Engage Bowen Island Municipality and the Province of B.C. in updating and consolidating existing agreements into one.

Responsible

Clare Frater
Lisa Wilcox

Date Received

19-Jun-2014

2. *Community Benefit Land Trust Concept*

Further consideration of the Community Benefit Land Trust Concept briefing presented to TPC on February 5, 2021.

Responsible

Date Received

05-Feb-2021

BRIEFING

To: Trust Council **For the Meeting of:** September 21 - 23, 2021.
From: Trust Area Services **Date Prepared:** September 1, 2021
SUBJECT: Legislative Monitoring Report, August 2021

PURPOSE: To provide Trust Council with a summary of past or proposed external regulatory changes that could directly affect Islands Trust operations, local trust committee/island municipality bylaws or regulations, or Strategic Plan projects, as well as information about resources and issues of interest.

Caveat: This document is provided for convenience only and is not to be construed as a legal document or as legal advice.

BACKGROUND: The Legislative Monitoring Report was established in 2003 and was traditionally presented to Trust Council every six months. In October 2019, the Executive Committee requested that the report be provided quarterly at each Trust Council meeting.

The attached legislative monitoring report includes:

- Planned legislation;
- Legislation in process;
- Legislation in effect;
- Court decisions;
- New resources; and
- Discussion/Planning/Conservancy and Advocacy topics;

The report does not track private members' bills, except if introduced by Islands Trust Area Members of Legislative Assembly or Members of Parliament.

The report is updated using a range of sources, including Union of British Columbia publications, the websites of the Legislative Assembly of BC and the Parliament of Canada, provincial and federal news releases, the Canada Gazette, and a variety of websites and RSS news feeds.

ATTACHMENT(S): Legislative Monitoring Report, August 2021

FOLLOW-UP: Staff will follow-up as requested. Staff will provide the report to Bowen Island Municipal Council.

Prepared By: Mike Richards, Trust Area Services

Reviewed By/Date: Clare Frater, Director, Trust Area Services / September 1, 2021
David Marlор, Director, Local Planning Services / September 1, 2021
Russ Hotsenpiller, CAO / September 1, 2021
Executive Committee / September 8, 2021



LEGISLATIVE MONITORING REPORT

August 2021

This document is intended to advise Trust Council about past or proposed external regulatory changes that could directly affect Islands Trust operations, local trust committee/island municipality bylaws or regulations, or Strategic Plan projects. The chart captures changes made in the last three months and is organized according to the following categories:

- **PLANNED LEGISLATION** – the intention to draft and pass new legislation is being developed and may be in a consultation or draft stage. No bill has been introduced to legislature/parliament yet.
- **LEGISLATION IN PROCESS** – a bill has been introduced to legislature/parliament and is awaiting Royal Assent, or Royal Assent has been issued but the new law or regulation has not come into force yet.
- **NEW LEGISLATION IN EFFECT** – legislation has received Royal Assent and any specified timeline for it to come in effect has occurred.
- **COURT DECISIONS** – a ruling from any level of court that affects the Islands Trust.
- **NEW RESOURCES** – publically available reports or websites that provide information relevant to Islands Trust work.
- **DISCUSSION, PLANNING, CONSERVANCY, and ADVOCACY TOPICS** – information related to topics of interest to Islands Trust.

PLANNED LEGISLATION	STATUS	BACKGROUND / KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
Provincial Planned Legislation				
Hazardous Waste Regulation Amendments	Announced June, 2021	The Ministry of Environment and Climate Change Strategy has released a Hazardous Waste Regulation policy intentions paper. The paper proposes changes for the collection and transportation of household hazardous waste and similar wastes from institutional and commercial sources. These wastes are referred to using the new term “moderate risk wastes” and examples include waste automotive oil, oil-based paint, lead-acid batteries, lithium and lithium ion batteries, and unused gasoline. The ministry is proposing the amendments to: • Better support the diversion of moderate risk wastes from the municipal waste stream (for example, by better facilitating the diversion of these wastes from landfills) • Develop requirements for storage and transport that are more achievable and practical while remaining protective of human health and the environment • Harmonize requirements under the Hazardous Waste Regulation with the Recycling Regulation The scope of the proposed amendments is limited to: • Collecting and storing moderate risk wastes at return collection facilities (RCFs) (where generators of waste, such as members of the public, drop off their household hazardous waste) and • Transporting these wastes from RCFs to downstream hazardous waste management facilities. Feedback was received by the Province until July 30th, 2021		

Federal Planned Legislation				
Proposed Aquaculture Act and Regulations (Federal)	Fisheries and Oceans Canada led two initial rounds of engagement in 2017-18 and in 2019. An online consultation also took place from June - December 2019 along with in-person engagement in some regions. See "What We Heard Report". The next phase of public engagement was open until February 12, 2021	The proposed <i>Aquaculture Act</i> is expected to: • define the term aquaculture in legislation • recognize the need for clarity and stability for responsible economic growth of the aquaculture sector • ensure environmental protections enshrined in the <i>Fisheries Act</i> are included and specific to aquaculture • develop enforcement mechanisms specific to aquaculture • respect provincial and territorial jurisdictions • respect roles and responsibilities articulated in treaties and other rights reconciliation arrangements On Aug 17, 2020, the Minister of Fisheries, Oceans, and the Canadian Coast Guard launched the next phase of the Government's public engagement on the first-ever Aquaculture Act. A discussion paper providing background on aquaculture in Canada, rationale for the proposed legislation and an overview of the elements proposed for the new Act, is now available online with key questions to guide feedback to the Government on this important initiative. The public is invited to visit https://dfo-mpo.gc.ca/aquaculture/act-loi/consultations-eng.html, and had until February 12, 2021 to participate in this round of consultation. UPDATE August 26, 2021: No further progress since last report. Fisheries and Oceans Canada is taking the time to review and carefully consider the input.	Jan 2018 Chair letter to Minister of DFO requesting ecosystem-based study of potential impacts of the Integrated Geoduck Management Framework 2017 on the health of the Salish Sea. 2018 UBCM resolution calling for DFO to conduct an ecosystem-based study of potential and cumulative impacts of increased geoduck clam aquaculture and consider increased monitoring and enforcement. Dec 2019 Chair letters to Ministers of DFO and FLNRORD requesting more resources for enforcement of shellfish regulations and tenure licenses. Trust Programs Committee co-sponsored a virtual Baynes Sound/Lambert Channel Ecosystems Forum in May 2020, together with the World Wildlife Fund.	The Province has responsibility for issuing tenures for aquaculture. Local trust committees and Bowen Island Municipality have zoning authority. This generally does not include regulating anything covered through aquaculture licenses from DFO. Once the amendments are complete, a review should be undertaken to determine any necessary zoning amendments. Applications should include foreshore and underwater archaeological reviews to protect historical clam beds, fish weirs, and cultural heritage. Section 35 rights for access should be considered.

			On January 14, 2021 the Island Trust Chair sent a submission comments pertinent to the federal Aquaculture Act Consultation	

LEGISLATION IN PROCESS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
Provincial Legislation in Progress				
		Nothing currently relevant for this report		
Federal Legislation in Progress				
Bill C-28: Strengthening Environmental Protection for a Healthier Canada Act - An Act to amend the Canadian Environmental Protection Act, 1999, to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual	First Reading 2021-04-13	The changes will strengthen protections for Canadians and the environment by: • Recognizing a right to a healthy environment for every individual in Canada as provided for under CEPA. • Assessing real life exposure based on the cumulative effects of a substance in combination with exposure to other substances, and better-protecting populations most at risk due to greater susceptibility or potential exposure to harmful substances. • Implementing a new regime for toxic substances that pose the highest risk. • Supporting the shift to less harmful chemicals through the establishment of a Watch List of substances capable of meeting the criteria in CEPA to be considered at risk if, for example, there should be an increase in exposure. The amendments would require the Ministers to publish and maintain a list of substances that are capable of becoming toxic. • Creating a new Plan of Chemicals Management		

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Elimination Act		Priorities. The Bill provides for public input on the development of a Plan of Chemicals Management Priorities, which will set out an integrated plan for the assessment and management of substances as well as supporting activities such as research, monitoring, information-gathering and risk communication. UPDATE: August 30, 2021: No further progress since last report		
Private Member's Bill, Bill C-250, to amend the Canada Shipping Act, 2001 to prohibit the anchoring of freighter vessels using coastal waters along the Southern Strait of Georgia	First Reading: 2020-10-06	In addition to the noise and light pollution, the parked freighters, some of which are 300 meters in size, have caused serious concerns with potential pollution of the marine environment and the species that live there. Over the past several years, community groups, local governments, and First Nations have made repeated calls to Transport Canada to protect clam beds, prawns, oysters, and endangered species, such as the southern resident killer whale, from the environmental impact of the anchored shipping vessels. No progress on the Bill since last report NEW: August 12, 2021 - Transport Canada and the Vancouver Fraser Port Authority will be working with partners to design a 'new system to improve marine vessel traffic movement. Vancouver Fraser Port Authority and Transport Canada aim to complete the new system by March 31, 2022. During the process, they will engage a variety of partners including, Indigenous groups and local organizations and consider potential regulatory changes that would support the development of this new system. The proposed new system will manage marine vessel traffic and optimize the supply chain flow. Once implemented, this system is intended to: Strengthen maritime safety by reducing congestion;	Since 2010 Islands Trust has undertaken numerous advocacy actions related to vessel anchoring around the Trust Area. The Islands Trust Chair wrote to the new Transport Canada Minister in January requesting an update on the Anchorage Initiative. The Islands Trust and allies were successful in getting the February Ocean Protection Plan consultation event agenda amended to include an anchorage update.	Staff will continue to monitor.

LEGISLATION IN PROCESS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
		- Reduce environmental impacts, including noise impacts in Southern Resident killer whale habitat, by limiting vessel movements; and - Reduce negative social impacts (like ambient noise and light pollution) by reducing overall anchorage use and implementing a code of conduct for vessels at anchorage.		

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
Provincial Legislation in Effect				
<u>Land Act - Ministerial Order No. M329 – Private Moorage</u>	Effective to August 24, 2021 August 23, 2023	The order by the B.C. Ministry of Forests, Lands, Natural Resource Operations and Rural Development will prohibit new applications for private moorage within the southern Gulf Islands and the southeast shoreline of Vancouver Island for the next two years. Rationale for the closure include that private moorages can cause restricted access to foreshore and marine areas; increase turbidity from dock construction and increased boat traffic; increase contamination from dock materials such as treated timber and corrosion; increase shading to fish and fish habitat; and cause direct disturbance to marine resources such as kelp, eelgrass and clam beds. The prohibition does not apply to applications for new private moorage where road access to an upland property does not exist, nor to applications to replace or assign an existing permission, lease, or licence for private moorage within the existing tenure boundary.	Islands Trust Council is considering adding directive policies in the Islands Trust Policy Statement requiring local trust committees and island municipalities to restrict some new private docks within the Trust Area as part of the update to the Policy Statement.	
<u>Integrated Pest Management Act (IPMA) – Temporary ban</u>	Effective July 21, 2021 for eighteen months	A temporary ban on the widespread sale and use of second-generation rodenticides will help protect owls and other wildlife from secondary poisoning while government conducts a science review and steps up the promotion of alternatives.	At Trust Council in March 2021 Island Trust hosted a delegation from Rodenticide Free BC.	

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
on second-generation anticoagulant rodenticides (SGARS)		SGARS are more powerful than the previous generation of rodenticides and increase the risk of the secondary poisoning of other animals who consume poisoned rodents. Exemptions to the temporary ban include when use supports agricultural production and food safety. Health services, such as hospitals, food processing and storage facilities, restaurants and grocery stores, are also exempt. Agricultural operators may still use SGARS with proof of qualifying agricultural status and while following the integrated pest management principles, including prevention and full consideration of alternatives, with use of pesticides as a last resort when other measures are not effective.	Following that delegation a letter from the Chair was written to the Minister of Environment and Climate Change Strategy to request that the Province of British Columbia introduce a Province-wide ban on the use of rodenticides to increase protection for wildlife species.	
Water Sustainability Act	Deadline reminder announced July 02, 2021	This act was brought into force to ensure a sustainable supply of fresh, clean water that meets the needs of B.C. residents today and in the future. The WSA is the principal law for managing the diversion and use of water resources. The WSA provides important new tools and updates B.C.'s strategy for protecting, managing and using water efficiently throughout the province. Under the WSA, anyone who diverts and uses groundwater for anything other than household use is required to obtain a water licence and pay water fees and rentals. Licensing groundwater use establishes equity between surface water and groundwater users, and gives groundwater users rights to use water based on the priority scheme that currently exists. Licensing groundwater use also helps the B.C. Government to understand how much water is being used in the province. NEW: July 02, 2021 March 1, 2022, is the deadline to apply for a water licence for those who were using groundwater from a well or dugout on or before Feb. 29, 2016, for non-domestic purposes, such as irrigation or industrial use. A water licence is not required for a household		Islands Trust will produce a Facebook post on this topic.

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
		well or groundwater used for domestic purposes, such as watering lawns and gardens.		
Bill 10: Municipal Affairs Statutes Amendment Act, 2021	First Reading: 2021-04-13 Royal Assent: June 17, 2021	The bill , which appears to address Islands Trust public hearings but not meetings, is summarized below, Electronic meetings and electronic public hearings: ▪ The Local Government Act, Community Charter and Vancouver Charter will be amended to enable local governments to hold regular and council committee meetings electronically and conduct public hearings electronically. References in the Bill to electronic public hearings will apply to local trust committees. ▪ These amendments contain specific transparency requirements, which include providing public notice so people have the information they need to participate in electronic meetings and public hearings. ▪ Currently, BC Reg 283/2009 Islands Trust Electronic Meetings Regulation enables trust bodies to conduct special meetings electronically and will need to be amended to enable regular meetings to be conducted electronically. Mail-ballot voting: ▪ Proposed amendments to the Local Government Act and Vancouver Charter will remove legislative limitations, enabling local governments, by bylaw, to expand eligibility for mail ballot voting to everyone, rather than only those who are absent or have an illness, injury or disability. News release: https://news.gov.bc.ca/releases/2021MUNI0023-000898 - backgrounder follows.	Islands Trust staff have contacted provincial staff to enquire if BC Reg 283/2009 Islands Trust Electronic Meetings Regulation will be amended to be consistent with the new electronic meeting provisions for local governments in Bill 10.	Provincial staff have confirmed they are drafting amendments to BC Reg 283/2009 with the intention that an amended or replacement regulation will be in place by the end of September 2021. Once the new regulation is in place, trust bodies may amend their procedure bylaws to allow for electronic <i>regular</i> meetings, which will be in addition to electronic <i>special</i> meetings already provided for in the current Regulation and procedure bylaws. Staff will monitor and advise Executive Committee and Trust Council.

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Bill 4 - Budget Measures Implementation Act, 2021	First reading: 2021-04-20 Royal Assent: June 17, 2021	The budget projects deficits of \$9.7 billion this year, \$5.5 million next year, and \$4.3 million in the year following. Budget 2021 also included significant new funding commitments of interest to local governments, including those for mental health and substance use; housing affordability and homeless populations; economic recovery; and childcare. A full summary of these provisions, prepared by UBCM, can be found here . Potentially there will be new funding opportunities that will be relevant to Islands Trust work.		Staff will continue to monitor for opportunities arising from this budget.
Public Health Order on Gatherings and Events (updated July 07, 2021)	In force: 2021-03-31	. Provincial restrictions are in place to help stop the spread of COVID-19. Some restrictions are made by the Provincial Health Officer (PHO) under the Public Health Act and others are made under the Emergency Program Act (EPA). Most orders can be enforced by police and compliance and enforcement officials. NEW: July 06, 2021 - Guidance for Meetings under Current PHO Orders (Step 3) and Ministerial Order 192	Islands Trust continues to hold meetings and events electronically under the Emergency Program Act - Ministerial Order No. M192 -Local Government Meetings And Bylaw Process (Covid-19) Order No. 3. In addition, Island Trust has developed a Covid-19 safety plan and is in the process of developing a communicable disease plan.	Staff will continue to monitor for changes and updates. As Ministerial order allowing electronic meetings, and overriding local meeting procedures bylaws, lapses on September 28, 2021 all meetings after that will be as per local trust committee meeting bylaws.
Local Elections Statutes Amendment Act, 2021	Royal Assent: 2021-03-25	The Local Elections Statutes Amendment Act, 2021 (Bill 9) establishes new campaign financing and advertising rules for local elections in B.C. Some of these rules are in effect now, while others will come into force for municipal elections in October 2022. The changes include registration and financial reporting requirements		

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		for electoral organizations (municipal political parties), the introduction of a pre-campaign period for municipal elections, annual limits for contributions to third party advertisers and new administrative penalties to help enforce the rules. These changes follow recommendations made by the Chief Electoral Officer after B.C.'s last General Local Election in 2018.		
<u>Bill 15 - Agricultural Land Commission Amendment Act, 2019</u>	In force: 2020-03-13. o/c <u>131/2020</u> brought into force and effect certain parts of Bill 15. Further topics had force and effect in September 2020.	Bill 15 restores some legal protections for the BC Agricultural Land Reserve (ALR). It proposes to remove regional panels, giving a province-wide Agricultural Land Commission (ALC) the power to determine what happens on ALR lands for the first time since the early 2000s. <u>Ministry of Agriculture Policy Intentions Paper: Residential Flexibility in the ALR</u> As of March 12, 2020, the BC Government adopted a new <u>Agricultural Land Reserve General Regulation</u> (ALR General Regulation Reg. 57/2020) and renamed the existing Agricultural Land Reserve General Regulation B.C. Reg 171/2002 the <u>Agricultural Land Reserve Transitional Regulation</u> (ALR Transitional Regulation). Both of these regulations set out application procedures that have partial force and effect. The remaining portions of the new ALR General Regulation will be brought into force on September 30, 2020, and the ALR Transitional Regulation will be repealed. Order in Council 131/2020 sets out which sections of the new ALR General Regulation and the renamed ALR Transitional Regulation are currently in force and effect. Read OIC 131/2020 <u>here</u>. The <u>Agricultural Land Reserve Use Regulation</u> B.C. Reg 30/2019 remains unchanged by the March 12, 2020 changes and identifies permitted uses in the ALR.	Historically, a landowner had to make two separate applications to remove land from the ALR: one to the ALC, and one to the local government. <u>Fees</u> Until March 12, 2020, Islands Trust charged \$1,500 for an exclusion request. The ALC kept \$1,200 and Islands Trust kept \$300. The ALC sets the fee structure, not Islands Trust. Islands Trust had one exclusion request in the last three years, on Salt Spring Island, which was not supported by the Local Trust Committee.	Staff will continue to monitor developments on Bill 15 regulations. As a result of <u>Bill 15</u>, on September 30, 2020, private landowners will no longer be able to make exclusion applications to the Agricultural Land Commission (ALC). Trust Council should develop a policy for LTCs on how exclusion applications will be handled. The LTCs will be responsible for the application cost of \$750.

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		In June, 2020, the ALR released information on more updates to ALC Act regulations. In August, 2020, ALC staff released a Frequently-Asked-Questions (FAQ) document, and an Exclusion Application Guide. As of September 30th, 2020, ALC Application fees will be split evenly between the local government and the ALC. The remittance of fees for applications submitted to local governments prior to September 30th, 2020, needs to comply with the legislation in affect at the time the application was received by the local government. September 4, 2020 (Manufactured home as an additional residence for family - extended to July 31, 2021) Order in Council 498/2020 ALR Use Regulation April 09, 2021 – Factsheet: Residential flexibility in the Agricultural Land Reserve NEW: July 14, 2021 The Ministry of Agriculture, Food & Fisheries has announced changes that will allow expanded residential flexibility in the Agricultural Land Reserve (ALR). The ALR Use Regulation has been amended and will come into force on December 31, 2021. The amendment includes options for ALR land owners for an additional small secondary home in addition to a principal residence. Applications to the Agricultural Land Commission (ALC) will not be required and there will not be a requirement for the additional residence to be used by the owner or immediate family members. Local governments First Nation governments retain the ability to further restrict or prohibit these new additional residential provisions.		

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		Examples of residential options permitted under the regulation include, but are not limited to: • garden suites, guest houses or carriage suites • accommodation above an existing building • manufactured homes • permitting a principal residence to be constructed in addition to a manufactured home that was formerly a principal residence.		
Federal Legislation in Effect				
Bill C-12 Canadian Net-Zero Emissions Accountability Act	Royal Assent: June 29, 2021	The Act will do the following: • Legally bind the Government to a process to achieve net-zero emissions by 2050. • Set rolling five-year emissions-reduction targets and require plans to reach each one and report on progress. • Establish the Net-Zero Advisory Body to provide independent advice to the Government on the best pathway to reach its targets. • Require the Government of Canada to publish an annual report describing how departments and crown corporations are considering the financial risks and opportunities of climate change in their decision-making. • Enshrine greater accountability and public transparency into Canada's plan for meeting net-zero emissions by 2050. • Provide for independent third-party review by the Commissioner of the Environment and Sustainable Development to ensure accountability for all future governments.	May 2019 Chair letter to federal Minister of Environment and Climate Change expressing support for the Nationally Determined Contribution target made in the Paris Agreement	Staff will continue to monitor.

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
<u>BILL C-8 An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94)</u> (Federal)	Received Royal Assent June 21, 2021	This enactment amends the Citizenship Act to include, in the Oath or Affirmation of Citizenship, a solemn promise to respect the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples, in order to respond to the Truth and Reconciliation Commission of Canada's call to action number 94.	In March 2019, Islands Trust Council unanimously passed the First Nations Reconciliation Declaration and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan.	Staff will continue to monitor. Staff will continue to implement the 2018-2022 Reconciliation Action Plan.
<u>BILL C-15 An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples</u> (Federal)	Royal Assent: June 21, 2021	This <u>legislation</u> closely parallels British Columbia's Declaration on the Rights of Indigenous People's Act in establishing a process for alignment of laws with UNDRIP and working towards the objectives of the declaration more broadly. The legislation begins with a lengthy preamble that provides the context of Canada's commitment to UNDRIP, historic injustices to Indigenous peoples, and Constitutional protections for human rights, the rule of law and democracy. Other key elements of the legislation include requirements for: • Making laws consistent with UNDRIP, • Development of an action plan "as soon as practicable, but no later than two years after the day on which this section comes into force.", • Preparation of an annual report that must be tabled in each House of Parliament and permanently referred to the Committee of each House of Parliament responsible for reviewing Indigenous issues. Each of the major components of the legislation noted above are to be undertaken in consultation and cooperation with Indigenous peoples. The action plan notably must include measures to "address injustices, combat prejudice and eliminate all forms of	In March 2019, Islands Trust Council unanimously passed the First Nations <u>Reconciliation Declaration</u> and has prioritized reconciliation efforts in its 2018-2022 Strategic Plan.	Staff will continue to implement the 2018-2022 Reconciliation Action Plan.

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		violence, racism and discrimination, including systemic racism and discrimination”, as well as measures related to monitoring, oversight and accountability. Unlike BC’s <i>Declaration Act</i>, the federal legislation does not contain provisions for joint decision-making agreements.		
<u>Interim Order Respecting the Protection of Killer Whales (Orcinus orca) in the Waters of Southern British Columbia under the Canada Shipping Act, 2001</u>	Now in force until: 2021-10-31.	From June 1 to November 30, 2020, three Interim Sanctuary Zones were created where Southern Resident killer whales were safe from boats and where fishing was not permitted. These zones gave the whales space to better socialize and kept the three pregnant females safe from human interactions. Only Indigenous peoples exercising their existing rights, vessels responding to boating emergencies, vessels accessing local residences or establishments, and human-powered vessels (kayaks, paddle boards, etc.) navigating within 20 metres of the shoreline were permitted in these zones. On December 10, 2020 the Minister of Transport announced that vessels are still prohibited from approaching any killer whale within a 400 metre distance in B.C. coastal waters between Campbell River and Ucluelet until May 31, 2021. NEW: <u>Updated Orders</u> will be in place from June 01, 2021 to October 31, 2021 Canada’s <u>Marine Mammal Regulations</u>, which require maintaining 200 metres away from killer whales off the coast of B.C., continue to apply year-round. DFO is piloting a <u>new closure protocol for the southern Gulf Islands recreational and commercial salmon fisheries</u>, whereby fishery closures are triggered by the first confirmed presence of Southern Resident killer whales in the area. The Vancouver Fraser Port Authority Enhancing Cetacean and Observation (ECHO) Program, working closely with its local partners, and the DFO Whale Tracking Network, will begin monitoring the area starting June 1, 2021, and	Islands Trust has undertaken significant <u>advocacy work</u> related to the Southern Resident killer whales. In 2020 several LTC’s passed motions to support the Interim orders.	Staff will support Trustee Middleton in drafting a letter to Transport Canada regarding the LTC motions from 2020. Staff will support Transport Canada’s communications efforts in the Trust Area.

LEGISLATION IN EFFECT	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS-PAST	ISLANDS TRUST ACTIONS – FUTURE
		once a Southern Resident killer whale is confirmed, fishery closures will be triggered and will remain in place until October 31, 2021.		
Interim Order No. 5 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 (COVID-19)	In force: 2021-03-01	Cruise ships with overnight accommodations carrying more than 100 people continue to be prohibited from operating in Canadian waters. All other passenger vessels must continue following provincial, territorial, local and regional health authority guidance. The Order outlines the prohibition for passenger vessels in Canada and exemptions for those that provide essential services. Included in the Order are details on a minimum 60 day application process for operators wishing to seek an exemption under the Interim Order. NEW: on July 15 2021, the Minister of Transport, the Honourable Omar Alghabra, announced that, as of November 1, 2021, the prohibition of cruise ships in Canadian waters would no longer be in effect if operators are able to fully comply with public health requirements.		Staff will continue to monitor

COURT DECISIONS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
Southwind v. Canada, 2021 SCC	Judgment Rendered: July 16, 2021	The decision is a significant victory for First Nations across Canada seeking compensation for the illegal taking of their reserve lands. It builds on a growing body of recent cases which call on the federal and provincial governments to honour and uphold the Crown's obligations to Indigenous peoples. The Supreme Court held that Canada breached its fiduciary obligations to Lac Seul First Nation when it allowed the flooding of Lac Seul's reserves and that Lac Seul was entitled to compensation for the lost opportunity to negotiate a surrender of its reserve reflecting the highest value of the land.		

COURT DECISIONS	STATUS	BACKGROUND/ KEY IMPLICATIONS TO TRUST AREA	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS – FUTURE
		The Court held that in the context of taking reserve lands for public works, Canada’s fiduciary obligations require it to attempt to negotiate a surrender before expropriating the lands, and ensure the First Nation receives compensation reflecting the nature of the interest, the impact of the taking and the value of the land in respect of the project in question. The <i>Southwind</i> decision forms part of a series of recent decisions which set out clear directions for how federal and provincial governments should fulfil their obligations to Indigenous peoples -- and the tangible consequences that will result if governments ignore their responsibilities.		
Yahey v. British Columbia, 2021 BCSC 1287	Judgement Rendered: June 29, 2021 The Province has stated it will not appeal the ruling.	The Province was found to have infringed on treaty rights by allowing industrial development in the traditional territory of the Blueberry River First Nations (BRFN). Supreme Court Justice Burke said the province is no longer authorized to allow development activities that would impact Treaty 8 rights of hunting, fishing and trapping. BRFN argued the combined impacts of development like roads, dams, transmission lines, and natural gas extraction have slowly reduced access to natural resources and practices. The ruling specifically deals with cumulative impacts and lands in which a treaty Nation stated they did not approve of a project and the province moved forward with a decision anyway. A legal bulletin by McCarthy Tetrault stated that “The decision underscores the need for governments to ensure that there are robust frameworks for addressing cumulative impacts on Aboriginal and treaty rights, which is not something that can be adequately addressed in individual project reviews.”		

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
Joint Committee on Climate Action (JCAA) Annual Report	Released August 13, 2021	Since 2017, the JCCA has served as a unique forum where First Nations representatives and federal officials come together to discuss the inclusion of First Nations in climate policy and programming. The JCCA’s annual report documents the positive steps taken towards reconciliation and forging a stronger climate partnership in 2020. This year’s report highlights the Joint Committee’s work in five key areas: • Ensuring First Nations’ full and effective participation in federal clean growth and climate change programs. • Empowering First Nations leadership in emerging opportunities for climate action. • Enabling the meaningful participation of First Nations in the carbon pollution pricing system. • Developing First Nations–specific indicators and criteria to report on the implementation of climate-related federal funding programs and outcomes for First Nations. • Fostering intergenerational dialogue on climate change. Currently, the JCCA is focused on improving access to federal programs, while reflecting First Nations’ climate priorities and promoting self-determination for First Nations in emerging clean-growth opportunities. The Government of Canada will continue to work in partnership with First Nations to address their unique circumstances and support them with the tools they need to respond to a changing climate.		
LiDAR data portal	Province of BC announced July 2, 2021	LiDAR (Light Detection and Ranging) is an active remote sensing technology used to map the earth's surface. Laser range observations between a moving vehicle and the earth's surface are combined with Inertial Navigation Sensors (GPS). The		

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
		observations and Inertial Measure Unit (IMUs) combined generate a dense volume of data points known as a point cloud. Each data point represents a position in space relative to the surface of the earth. LiDAR point cloud data provides accurate 3D data for various mapping products, including: • Digital Elevation Models (DEM) • Forest inventory analysis and maps • Floodplain analysis and maps • Infrastructure analysis and maps • Transportation analysis and maps • Many other applications Over the past several years, the Province of British Columbia has made significant investments in LiDAR and has now released provincial LiDAR collections under the Open Government License – British Columbia making it freely available for anyone to download and use. This LiDAR data includes compressed point cloud data(LAZ) and various LiDAR-derived products.		
National Issues Report on Climate Change Adaptation	Released June 28, 2021	The report provides Canadians with a comprehensive synthesis of knowledge of climate change impacts, as well as examples of adaptation efforts underway to address them, and provides a foundation to inform decision-making and measures as we develop Canada’s National Adaptation Strategy. Key findings show that Canadian communities of all sizes are experiencing the impacts of climate change on their infrastructure, health, culture and economies, threatening Canada’s ecosystems and the vital services they provide, including access to freshwater. As these impacts will persist and intensify over time, urgent action is needed to reduce greenhouse gas emissions and increase resilience to climate change through adaptation. On August 11,		

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		2021 the Government of Canada released Adapting to the Impacts of Climate Change in Canada: an update on the National Adaptation Strategy		
Draft Climate Preparedness & Adaptation Strategy	Released June 2021. Public engagement is now closed.	BC's draft Climate Preparedness and Adaptation Strategy is designed to strengthen BC's capacity to anticipate and respond to the impacts from climate change. The draft strategy highlights the Province's current actions and outlines a suite of proposed actions for 2022-25 as well as six guiding principles. Actions fall under four key pathways that work to strengthen BC's foundations, enhance community climate resilience, foster resilience of species and ecosystems, and advance a climate-ready economy and infrastructure. The Province accepted feedback until August 12, 2021.		
First Peoples' Map	Launched June 15, 2021	This new interactive map compiling information from Indigenous communities across the province allows users to learn greetings in First Nations languages, find Indigenous public art installations and locate cultural landmarks. The First Peoples' Map was developed by the First Peoples' Cultural Council in Brentwood Bay in response to a desire from First Nations in B.C. to have a central platform to share information about their cultural heritage.		
MMIWG National Action Plan	Released June 2021	The Federal Government has released a National Action Plan to address the violence, racism and disproportionate deaths of Indigenous women and girls in Canada, outlining short-term priorities corresponding to seven goals for transformative change. The plan comes two years after the National Inquiry into Missing and Murdered Indigenous Women and Girls issued 213 calls for justice, and follows a process that saw the Federal Government engage with the National Families and Survivors Circle and Indigenous communities across Canada.		

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
		Notably, the plan lacks detail on which orders of government or other bodies will be involved in implementation, and local government roles are not explicitly detailed in the plan. The plan also does not include timelines for implementation of the proposed actions. The plan instead provides for the development of a “comprehensive Implementation Plan” as a next step, to be finalized and launched in the fall of 2021.		
‘State of the Salish Sea’ Report	Released May 25, 2021	Western Washington University’s Salish Sea Institute released a comprehensive report with more than 20 authors and contributors illustrating how the ecosystem is under relentless pressure from an accelerating convergence of global and local environmental stressors and the cumulative impacts of 150 years of development and alteration of our watersheds and seascape. This is the first comprehensive, scientific overview of the health of the Salish Sea since the 1994 Shared Waters Report, which was triggered by a formal agreement between former Washington State Governor Booth Gardner and former British Columbia Premier Mike Harcourt. The <i>State of the Salish Sea</i> provides an overall assessment of the health of this vital waterway by summarizing stressors – primarily climate change and human development — which are contributing to ecosystem decline. The report details examples of ecosystem response to those impacts and identifies science-based needs and opportunities for stronger collaboration across the entire ecosystem, including working across cultural and political boundaries. The report provides a spectrum of ideas and opportunities for how governments, organizations, and individuals		

NEW RESOURCES	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
		can work together to meet the needs of science and science-driven management.		
New Guide: Preventing and Responding to Elected Official Conduct Issues	Released April 21, 2021	The new resource provides guidance on ways to prevent conduct issues by local elected officials, and how best to deal with them if they do arise. Developed by the Working Group on Responsible Conduct (WGRC), this guide provides advice on fostering responsible conduct, maintaining good governance and resolving conduct issues for those who serve on Councils and Boards. It also includes considerations for local governments that wish to establish an enforcement process within a Code of Conduct.		

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
Just transition - Helping workers and communities thrive in a net-zero carbon economy	Discussion Paper and Engagement process announced July 20, 2021. Engagement is open until September 30, 2021.	Just transition is an approach to economic, environmental and social policy that aims to create an equitable and prosperous future for workers and communities as the world builds a low-carbon economy. No worker or community can be left behind, so government climate action must be focused on those workers.		
Canada – U.S. Cooperation in the Salish Sea: 2021-2024 Action Plan	Announced July 13, 2021	The governments of Canada and the United States announced that they have signed a new four-year “Action Plan” under their Joint Statement of Cooperation—first signed in 2000—that commits both countries to work together on transboundary issues and challenges facing the Salish Sea ecosystem. Under the action plan,		

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
		the two nations will continue to engage with partners across the region to advance shared priorities for ecosystem health, including information sharing, improving transboundary coordination, and reporting on ecosystem health. The renewed joint action plan reinforces the commitment by Canada and the United States to address ongoing and new challenges to the health of the Salish Sea together. ECCC and the U.S. EPA will continue to work together with Salish Sea partners, including British Columbia, the State of Washington, Indigenous peoples, local governments, universities, and stakeholders, on the priorities identified in the Action Plan to achieve the goals under the Joint Statement of Cooperation		
Canada in a Changing Climate: National Issues report	Released July 2021	As Canada faces ongoing climate change, it's important to have a national perspective on the effects it has on communities, environment and economy, as well as on how we're adapting. This report focuses on climate change themes that are nationally important and that benefit from an integrated, pan-Canadian perspective. It includes Canada's key vulnerabilities regarding climate change, the specific risks and challenges we face, Indigenous knowledge and perspectives, and new and innovative approaches to adaptation.		
Draft action plan for the Declaration on the Rights of Indigenous Peoples Act (DRIPA)	Consultation extended to September 15, 2021	The Province has extended the engagement period on their draft Action Plan to implement the <i>Declaration on the Rights of Indigenous Peoples Act</i> (DRIPA), with submissions now being accepted through to September 15, 2021. Although input is focused on First Nations communities and leadership, and Indigenous peoples and organizations, the Province is accepting input from other bodies including local governments, as part of the broader engagement.		

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
Snuneymuxw First Nation Canada and British Columbia Memorandum of Understanding	Signed July 28, 2021	This MOU brings all parties together, building on the existing but independent relationships Canada and B.C. have with Snuneymuxw First Nation. Snuneymuxw and Canada signed a Letter of Understanding in August 2019 that established a framework for advancing reconciliation and the recognition of Snuneymuxw's rights. The parties continue to work toward the transfer of the former Camp Nanaimo property. Snuneymuxw and B.C. signed two framework agreements in September 2020, creating a shared vision for advancing reconciliation and transferring a package of Crown land to Snuneymuxw. Both 2020 agreements build on a 2013 reconciliation agreement. All three B.C. Snuneymuxw agreements recognized the role Canada has in furthering future negotiations and ongoing collaborative discussions. The new, tripartite MOU is an important next step that formalizes a new negotiations table between the federal, provincial and Snuneymuxw governments, and sets out priority items for resolution, such as the implementation of the 1854 Treaty and near-term land reconciliation	Islands Trust has a protocol agreement in place with Snuneymuxw First Nation 2008.	In 2020 Islands Trust began engaging with Snuneymuxw First Nation to revitalize the protocol agreement and build a collaborative approach to engagement. This work will continue.
Public comments on a proposed Vessel Remediation Fund regulatory charge	Consultation open 11 August to 09 November 2021	Transport Canada launched a public consultation to invite input on a proposal for the Vessel Remediation Fund regulatory charge. As part of the national strategy, and the Oceans Protection Plan, the Government of Canada has been examining options to establish vessel-owner financed funds over the longer term to deal with the increased number of abandoned, wrecked, and hazardous vessels in Canadian waters.	Islands Trust advocates on issues related to abandoned and derelict vessels .	

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
Draft Climate Preparedness and Adaptation Strategy	Released June 09, 2021	The draft strategy includes proposed actions to expand cultural and prescribed burning to reduce wildfire risks, support nature-based climate solutions, support pilot projects for water supply and demand management and establish an ocean acidification plan, among others. Public consultation on the actions and guiding principles in the draft strategy was open until Aug. 12, 2021. The draft Climate Preparedness and Adaptation Strategy outlines actions planned to take place from 2022-25. A final version of the strategy is expected for release in early 2022.		
4th Oceans Protection Plan Report to Canadians	Released June 08, 2021	This report is a summary of the work accomplished to date through Canada's Oceans Protection Plan. The Report provides results across more than 50 initiatives and hundreds of projects from coast-to-coast-to-coast.	Islands Trust has been involved in the Oceans Protection Plan consultations since they began.	
Modernizing Forest Policy in British Columbia – intentions paper	Released June 01, 2021	The BC Government's vision to modernize forest policy and protect old growth will take time to fully implement. It is focused on three guiding principles: increased sector participation, enhanced stewardship and sustainability, and a strengthened social contract to give government more control over management of the sector. The released intentions paper reinforces government's other actions on forests, including the commitment to implement all recommendations coming out of the independent old growth review. Additionally, the proposed changes to forestry policy will address the rapid decline of available timber and promote higher-value wood products like mass timber. It also recognizes that responsibly managed forests are a legacy for future generations.		

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
		Addendum: The Ministry of Forests, Lands, Natural Resource Operations and Rural Development will host regional policy-specific discussions to gather local government input following the release of the recent intentions paper Modernizing Forest Policy in British Columbia . These sessions are designed for Mayors, Chairs or their delegates to share insights on behalf of their communities. Registration is open for the sessions beginning the week of July 26.		
Private Managed Forest Land Program Review	Ongoing	The Ministry of Forests, Lands, Natural Resource Operations and Rural Development has the jurisdiction to amend the Private Managed Forest Land Act, which currently restricts Islands Trust's ability to fulfill its preserve and protect mandate as well as compromises its Reconciliation Action Plan and efforts to mitigate and adapt to climate change. The Ministry of Municipal Affairs, with the Islands Trust Act, oversees Islands Trusts preserve and protect mandate, including with respect to protecting forests, tree cover, and their associated habitats.		
Province of BC/ Snuneymuxw First Nation Reconciliation Implementation Framework Agreement	Posted to GovTogether website on April 13	The Province of British Columbia and Snuneymuxw First Nation have announced two agreements that will bring economic opportunities to the central Vancouver Island region and help support a strong and stable future for Snuneymuxw First Nation and its members. The Reconciliation Implementation Framework Agreement describes how the Province and Snuneymuxw First Nation will work together to improve people's lives and implement Treaty and Aboriginal rights and title over time.	Islands Trust has a protocol agreement in place with Snuneymuxw First Nation 2008.	In 2020 Islands Trust began engaging with Snuneymuxw First Nation to revitalize the protocol agreement and build a collaborative approach to engagement. This work will continue.

DISCUSSION, PLANNING, CONSERVANCY, ADVOCACY TOPICS	STATUS	SUMMARY	ISLANDS TRUST ACTIONS – PAST	ISLANDS TRUST ACTIONS - FUTURE
		The Land Transfer Agreement will return ownership of two areas of culturally and economically significant Crown land in the Nanaimo area to Snuneymuxw First Nation. Under the agreement, Snuneymuxw First Nation continues to be the operator of Saysutshun – the Marine Provincial park at Newcastle Island which is a sacred village site of the Snuneymuxw People. Fact Sheet Full Reconciliation Agreement		
Consultations on Amending the List of Species under the Species at Risk Act	Comments due by April 2, 2021 for species undergoing normal consultations and by September 2, 2021 for species undergoing extended consultations	The Government of Canada is committed to preventing the disappearance of wildlife species at risk from our lands. As part of its strategy for realizing that commitment, on June 5, 2003, the Government of Canada proclaimed the <i>Species at Risk Act</i> (SARA). Attached to the Act is Schedule 1, the list of the species provided for under SARA, also called the List of Wildlife Species at Risk. Extirpated, Endangered and Threatened species on Schedule 1 benefit from the protection afforded by the prohibitions and from recovery planning requirements under SARA. Special Concern species benefit from its management planning requirements. Schedule 1 has grown from the original 233 to 622 wildlife species at risk. For a description of the consultation paths these species will undergo, please visit the Species at Risk (SAR) Public Registry https://species-registry.canada.ca/index-en.html#/consultations?sortBy=consultationEndDate&sortDirection=desc&pageSize=10 website at: The Minister of the Environment's Response to Species at Risk Assessments.		

COMPLETED SINCE LAST REPORT	PLANNED FOR NEXT QUARTER
1. STRATEGIC PLANNING/ADMINISTRATION	
Hired Species at Risk Program Coordinator Completed and approved the ITC Audit Submitted information to Crown Agencies and Board Resourcing Office for a Notice of Position for one vacancy for the ITC Board; two Board positions appointed for a two year term, ending August 2023 Implemented new field technology to improve data gathering for monitoring and other site visits Initiated updates to internal Protected Areas mapping (in TAPIS Map) to improve usability Data sharing for conservation initiatives by regional and federal governments, and research partners Contributed to funding applications for a multi-year, multi-partner bull kelp mapping project	Provide orientation for new Board member Draft ITC Reconciliation Action Plan Continue transition to updated TAPIS (mapping) database, tracking information on securement projects and property management Evaluate progress of Regional Conservation Plan 2018-2020 workplan Review climate change impacts project charter and develop plan for next fiscal Collate updated Provincial and Federal mapping of at-risk species habitat and occurrence Assist with developing research plan for bull kelp mapping project (if funded)
2. COVENANT AND PROPERTY ACQUISITIONS	
Responded to conservation enquiries (Lasqueti, Salt Spring, North Pender, Thetis)	Continue negotiations on 180 ha of land: seven covenants and four land acquisitions Continue participation on the Coastal Douglas-fir & Associated Ecosystems Conservation Partnership Steering and Securement Committees
3. COVENANT AND PROPERTY MANAGEMENT	
Completed monitoring of 75 of 76 conservation covenants and 19 of 31 nature reserves Inventoried Western Screech-Owl nests and installed nest boxes at Link Island NAPTEP covenant Completed invasive species removal in a covenant, with Pender Islands Conservancy Association (North Pender) Ruby Alton house maintenance (Salt Spring Island)	Complete annual monitoring of conservation covenants and nature reserves Issue contracts for invasive species management in covenants on Bowen and Galiano Islands Continue Garry oak ecosystem restoration work on Salt Spring Island and continue planning for Garry oak ecosystem restoration on Sidney Island Complete new entrance sign at S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island

As of September 2021 the Islands Trust Conservancy protects 107 conservation properties, 31 nature reserves and 76 covenants (of which 25 have NAPTEP certificates)

3. COVENANT AND PROPERTY MANAGEMENT (CONT.)	
Continued large-scale Garry oak ecosystem restoration on one covenant (Salt Spring) Prepared for wetland, forest and herbaceous area restoration on two nature reserves (Lasqueti), Garry Oak meadow restoration on one covenant (Sidney), and riparian ecosystem restoration on one covenant (Salt Spring) Completed experimental treatment for the aquatic invasive plant, Parrot's Feather, and initiated control of the aquatic invasive animal, American Bullfrog, in a covenanted pond on Sidney Island Initiated control of exotic water violet in a frog breeding pond in a covenant (Salt Spring) Approved the Sidney Island Ecological Restoration Project Plan	Evaluate experimental treatment for aquatic invasive plant, Parrot's Feather, on Sidney Island Trial use of iNaturalist for collection of biodiversity information for ITC conservation lands Participate in Wetlands Institute, a 7-day environmental stewardship workshop held by the BC Wildlife Federation Work with partners to finalize four management plans, on Gabriola (2), Thetis (1) and Salt Spring (1) Continue participation in the Sidney Island Ecological Restoration Project and the Capital Region Invasive Species Partnership
4. COMMUNICATIONS AND OUTREACH	
Issued Summer 2021 Heron via postal mail out (distribution 245) and e-news (distribution 839) Finalized Annual Report content Continued landholder contact program with Gabriola Lands and Trails Trust (Gabriola) Regular delivery of Facebook messaging Published media announcements for Lisa Baile Nature Reserve	Draft and publish the <i>Fall 2021 Heron (October)</i> Publish and distribute a Fall 2021 issue of the <i>Covenant Landholder Newsletter</i> Draft and publish media announcements for Saturnina Island Nature Reserve and for new ITC Board appointments In partnership with Gabriola Lands and Trails Trust, continue outreach to landholders on Gabriola Island to encourage conservation actions
5. FUNDRAISING AND CONSERVANCY SUPPORT	
Created webpage promoting legacy giving for ITC nationally: willpower.ca/charities/islands-trust-conservancy/ Meetings with Planned Giving advisors Staff, ITC Board, and Islands Trust Council training: "Building a Culture of Philanthropy" Sent 250 gratitude letters to Opportunity Fund donors with infographic illustrating impact	Trustee and donor interviews to build out fund development storytelling (Heron Newsletter, website, social media) Build ITC Annual Impact Donor Report and 'New Donor' Welcome packages; Continue meetings with Planned Giving advisors Support fundraising efforts for upcoming campaign Refine internal processes for fund development

As of September 2021 the Islands Trust Conservancy protects 107 conservation properties, 31 nature reserves and 76 covenants (of which 25 have NAPTEP certificates)



REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** September 22, 2021
From: ITC Board **Date Prepared:** September 1, 2021
SUBJECT: Policy Direction, NAPTEP Fees

RECOMMENDATION: That Trust Council direct staff to develop policy guidance for sponsorship of Natural Area Protection Tax Exemption Program (NAPTEP) applications and return to Trust Council for further review and approval.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: NAPTEP covenants protect natural features on the landscape and contribute to meeting the “preserve and protect” mandate of the Islands Trust. Due to the cost of the program, some landowners may be discouraged from applying. Removing the fees for the program in special cases may remove barriers for program entry. Trust Council may wish to request that staff make recommendations for criteria to assess requests for sponsorship of the NAPTEP fees as part of the policy guidance. Trust Council may also wish to set limits on the amount of sponsorship provided within a fiscal year.

- 1 **PURPOSE:** To obtain policy guidance from Trust Council regarding fees charged for NAPTEP applications.
- 2 **BACKGROUND:** At its March 2021 meeting, the Islands Trust Conservancy (ITC) Board considered a request to waive the fees associated with a Natural Area Protection Tax Exemption Program (NAPTEP) application. Currently, the ITC Board has policy that allows applicants to make this request; however, NAPTEP is a program of Trust Council (TC) and TC does not have a mechanism for waiving fees under current TC policy.

NAPTEP fees are regulated through Trust Council Bylaw No. 115. Under the bylaw there are no provisions for waiver of fees. This is consistent with other fees bylaws at Islands Trust, e.g. development application fees; however, TC does have a related policy that allows sponsorship of development applications in some instances. See [Trust Council policy 4.1.13 Guidelines for Executive Committee Sponsored or LTC Initiated Development Applications](#).

At its March 2021 meeting, the ITC Board considered asking TC to sponsor NAPTEP applications in a similar manner to its sponsorship of development applications and passed the following resolution:

ITC-2021-010

It was MOVED and SECONDED, that the ITC Board request that Trust Council develop policy guidance for sponsorship of Natural Area Protection Tax Exemption Program (NAPTEP) applications.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: ITC staff would work with Islands Trust staff to draft a new Trust Council policy to guide sponsorship of NAPTEP application fees. Staff will provide propose criteria for assessment of sponsorship requests. The drafting of these guidelines will assist staff with processing of requests and clear communication with NAPTEP applicants.

FINANCIAL: NAPTEP fees are \$450 per application and are paid in two phases: Phase 1 (\$275) and Phase 2 (\$175). Fees go into general revenue and Trust Council would lose all or part of this revenue source if fees are sponsored. Since the inception of NAPTEP in 2005, the Trust Council has approved twenty-eight NAPTEP applications, an average of 1.75 per year. Based on this application rate, the anticipated loss in revenue would be approximately \$830 per year if every applicant applied for and was granted sponsorship. In contemplating guidelines for sponsorship of applications, TC may wish to set limits on the amount of sponsorship provided within a fiscal year.

Financial implications of sponsoring NAPTEP applications will be recognized in Trust Council budgets. Staff recommend that sponsorship approval begin effective April 1, 2022 or later to allow for inclusion of costs in Islands Trust budgets.

POLICY: New guidelines, when approved, will be added to the Trust Council Policy Manual.

IMPLEMENTATION/COMMUNICATIONS: Staff will proceed as directed with respect to drafting policy guidance and will return to Trust Council for further input and approval.

FIRST NATIONS: NAPTEP covenants have the potential to provide added protection to cultural features of the landscape. In contemplating sponsorship of fees, TC and the ITC Board may wish to contemplate prioritizing protections for archaeological and cultural sites.

CLIMATE CHANGE: NAPTEP covenants have the potential to help communities mitigate and adapt to climate change impacts. In contemplating sponsorship of fees, TC may wish to contemplate prioritizing applications that address climate change. For example, lands that protect high levels of carbon storage or sequestration or areas vulnerable to sea level rise.

OTHER: At its March 2021 meeting, the ITC Board approved payment of \$450 from its 2021/22 Conservation Planning and Land Securement Budget to cover the NAPTEP fees for application NP-NAP-2021.1. The ITC Board has not amended ITC Policy 2.5: Natural Area Protection Tax Exemption Covenants, but may consider amendments at a future date based on the Trust Council decision.

4 RELEVANT POLICY(S):

[ITC Policy 2.5: Natural Area Protection Tax Exemption Covenants](#)
[Trust Council Bylaw No. 115: A bylaw to prescribe fees for issuing Natural Area Exemption Certificates](#)

5 ATTACHMENT(S): None.

RESPONSE OPTIONS

Recommendation: That Trust Council direct staff to develop policy guidance for sponsorship of Natural Area Protection Tax Exemption Program (NAPTEP) applications and return to Trust Council for further review and approval.

Alternative:

1. That Trust Council direct staff to develop policy guidance for sponsorship of Natural Area Protection Tax Exemption Program (NAPTEP) applications that includes priority for applications that offer protections for archaeological and cultural sites and help communities address climate change, and return to Trust Council for further review and approval.
 2. No action. This alternative would result in a policy gap remaining unaddressed.
-

Prepared By: Kate Emmings, Manager, Islands Trust Conservancy

Reviewed By/Date: Clare Frater, Director of Trust Area Services / September 1, 2021
Russ Hotsenpiller, CAO / September 2, 2021
Executive Committee / September 8, 2021



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Financial Statements of

**THE ISLANDS TRUST
CONSERVANCY**

And Independent Auditors' Report thereon

Year ended March 31, 2021



KPMG LLP
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800-730 View Street
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Canada
Telephone 250-480-3500
Fax 250-480-3539

INDEPENDENT AUDITORS' REPORT

To the Trustees of The Islands Trust Conservancy Board, the Trustees of Islands Trust and the Minister of Municipal Affairs and Housing

Opinion

We have audited the financial statements of the Islands Trust Conservancy (the Entity) which comprise:

- the statement of financial position as at March 31, 2021
- the statement of operations for the year then ended
- the statement of changes in fund balances for the year then ended
- the statement of cash flows for the year then ended
- and notes to the financial statements, including a summary of significant accounting policies

(hereinafter referred to as the "financial statements").

In our opinion, except for the possible effects of the matter described in the 'Basis for Qualified Opinion' section of our auditors' report, the financial statements present fairly, in all material respects, the financial position of the Entity as at March 31, 2021, and its results of operations, its changes in fund balances and cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Qualified Opinion

In common with many not-for-profit organizations, the Entity derives revenue from donations, the completeness of which is not susceptible to satisfactory audit verification. Accordingly, verification of these revenues was limited to the amounts recorded in the records of the Entity.

Therefore, we were not able to determine whether any adjustments might be necessary to:

- the current assets reported in the statements of financial position as at March 31, 2021 and March 31, 2020
- the donations revenues and excess of revenues over expenses reported in the statements of operations for the years ended March 31, 2021 and March 31, 2020
- the fund balances, at the beginning and end of the year, reported in the statements of changes in fund balances for the years ended March 31, 2021 and March 31, 2020

- the excess of revenues over expenses reported in the statements of cash flows for the years ended March 31, 2021 and March 31, 2020.

Our opinion on the financial statements for the year ended March 31, 2020 was qualified accordingly because of the possible effects of this limitation in scope.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the **“Auditors’ Responsibilities for the Audit of the Financial Statements”** section of our auditors’ report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Entity’s ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity’s financial reporting process.

Auditors’ Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors’ report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.



Chartered Professional Accountants

Victoria, Canada
August 24, 2021

THE ISLANDS TRUST CONSERVANCY

Statement of Financial Position

March 31, 2021, with comparative information for 2020

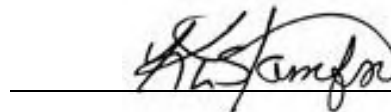
	Opportunity Fund	Restricted Fund	Capital Fund	Endowment Fund	2021 Total	2020 Total
(Schedule 1)						
Assets:						
Current assets:						
Cash	\$ 15,754	\$ 348,420	\$ -	\$ -	\$ 364,174	\$ 196,907
Short-term investments (note 3)	-	189,225	-	88,000	277,225	249,433
Federal grants receivable	-	53,500	-	-	53,500	-
Due from Islands Trust	-	-	-	-	-	191
	15,754	591,145	-	88,000	694,899	446,531
Investments	-	-	-	-	-	113,155
Land (notes 4 and 6)	-	-	10,327,169	6,886,532	17,213,701	14,190,701
	\$ 15,754	\$ 591,145	\$ 10,327,169	\$ 6,974,532	\$ 17,908,600	\$ 14,750,387
Liabilities:						
Current liabilities:						
Accounts payable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,715
Due to Islands Trust	-	81,598	-	-	81,598	-
	-	87,598	-	-	81,598	3,715
Fund Balances:						
Unrestricted	15,754	-	-	-	15,754	21,731
Investment in land (note 4)	-	-	10,327,169	-	10,327,169	7,624,169
Internally restricted (note 5)	-	35,632	-	-	35,632	23,268
Externally restricted (note 5)	-	473,915	-	-	473,915	422,972
Restricted for endowment purposes (note 6)	-	-	-	6,974,532	6,974,532	6,654,532
	15,754	509,547	10,327,169	6,974,532	17,827,002	14,746,672
	\$ 15,754	\$ 591,145	\$ 10,327,169	\$ 6,974,532	\$ 17,908,600	\$ 14,750,387

The accompanying notes are an integral part of these financial statements.

Approved by the Trust Conservancy Board:



Board member



Board member

THE ISLANDS TRUST CONSERVANCY

Statement of Operations

Year ended March 31, 2021, with comparative information for 2020

	Opportunity Fund	Restricted Fund	Capital Fund	Endowment Fund	2021 Total	2020 Total
(Schedule 2)						
Revenue:						
Donations:						
Cash	\$ 15,938	\$ 1,025	\$ -	\$ -	\$ 16,963	\$ 209,405
Land	-	-	2,703,000	320,000	3,023,000	70,000
Grants	-	207,144	-	-	207,144	5,219
Rental income	-	10,455	-	-	10,455	10,306
Investment income (loss)	110	28,870	-	-	28,980	(6,119)
	16,048	247,494	2,703,000	320,000	3,286,542	288,811
Expenses:						
Repairs and maintenance - Alton property	-	9,108	-	-	9,108	2,595
Bank charges	31	79	-	-	110	31
Donations to conservancy groups	9,994	-	-	-	9,994	6,220
Species at Risk	-	187,000	-	-	187,000	-
	10,025	196,187	-	-	206,212	8,846
Excess of revenue over expenses	\$ 6,023	\$ 51,307	\$ 2,703,000	\$ 320,000	\$ 3,080,330	\$ 279,965

The accompanying notes are an integral part of these financial statements.

THE ISLANDS TRUST CONSERVANCY

Statement of Changes in Fund Balances

Year ended March 31, 2021, with comparative information for 2020

	Opportunity Fund	Restricted Fund	Capital Fund	Endowment Fund	Total
Fund balances, March 31, 2019	\$ 28,844	\$ 464,092	\$ 7,624,169	\$ 6,349,601	\$ 14,466,706
Excess (deficiency) of revenue over expenses	(2,613)	212,579	-	70,000	279,966
Interfund transfer	(4,500)	(230,431)	-	234,931	-
Fund balances, March 31, 2020	21,731	446,240	7,624,169	6,654,532	14,746,672
Excess (deficiency) of revenue over expenses	6,023	51,307	2,703,000	320,000	3,080,330
Interfund transfer (note 7)	(12,000)	12,000	-	-	-
Fund balances, March 31, 2021	\$ 15,754	\$ 509,547	\$ 10,327,169	\$ 6,974,532	\$ 17,827,002

The accompanying notes are an integral part of these financial statements.

THE ISLANDS TRUST CONSERVANCY

Statement of Cash Flows

Year ended March 31, 2021, with comparative information for 2020

	2021	2020
Cash provided by (used in):		
Operating activities:		
Excess of revenue over expenses	\$ 3,080,330	\$ 279,966
Item not involving cash:		
Donation of land	(3,023,000)	(70,000)
Changes in non-cash operating working capital:		
Accounts payable	(3,715)	3,715
Federal grants receivable	(53,500)	-
Due to Islands Trust	81,789	(2,818)
	81,904	210,863
Capital activities:		
Cash paid to acquire land	-	(234,931)
Investing activities:		
Increase in short-term investments	(27,792)	(44,928)
(Increase) decrease in long-term investments	(806)	9,277
Redemption of investments	113,961	-
	85,363	(35,651)
Increase (decrease) in cash	167,267	(59,719)
Cash, beginning of year	196,907	256,626
Cash, end of year	\$ 364,174	\$ 196,907

The accompanying notes are an integral part of these financial statements.

THE ISLANDS TRUST CONSERVANCY

Notes to Financial Statements

Year ended March 31, 2021

The Islands Trust Conservancy (the “Trust Conservancy”) is incorporated under The Islands Trust Act of British Columbia and is empowered to accept donations, grants and bequests on behalf of The Islands Trust and to hold land and other property in compliance with a Trust Conservancy plan approved by the Ministry of Municipal Affairs and Housing.

The Islands Trust (the “Trust”) is also incorporated under The Islands Trust Act of British Columbia. The objectives of the Trust are 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 the Province generally.

The Trust Conservancy is administered by the Trust and for financial reporting purposes, the Trust and the Trust Conservancy are reported on separately. The Trust Conservancy’s annual expenses are funded by and reported as part of the Trust in accordance with The Islands Trust Act. These financial statements present the financial position and changes in fund balances of the Trust Conservancy.

1. Significant accounting policies:

The financial statements have been prepared in accordance with Canadian Public Sector Accounting Standards including the 4200 standards for government not-for-profit organizations:

(a) Fund accounting:

The Trust Conservancy follows the restricted fund method of accounting for contributions.

The Opportunity Fund reports unrestricted resources.

The Restricted Fund reports the assets, liabilities, revenue and expenses related to internally and externally restricted assets.

The Capital Fund reports the assets, liabilities, revenue and expenses related to the Trust Conservancy’s capital assets.

The Endowment Fund reports resources that are contributed for endowment purposes.

(b) Financial instruments:

Financial instruments are recorded at fair value on initial recognition. Derivative instruments and equity instruments that are quoted in an active market are reported at fair value. All other financial instruments are subsequently recorded at cost or amortized cost unless management has elected to carry the instruments at fair value. Management has elected to record all investments at fair value as they are managed and evaluated on a fair value basis.

Unrealized changes in fair value are recognized in the statement of remeasurement gains and losses until they are realized, when they are transferred to the statement of operations.

THE ISLANDS TRUST CONSERVANCY

Notes to Financial Statements

Year ended March 31, 2021

1. Significant accounting policies (continued):

(b) Financial instruments (continued):

Transaction costs incurred on the acquisition of financial instruments measured subsequently at fair value are expensed as incurred. All other financial instruments are adjusted by transaction costs incurred on acquisition and financing costs, which are amortized using the straight-line method.

All financial assets are assessed for impairment on an annual basis. When a decline is determined to be other than temporary, the amount of the loss is reported in the statement of operations and any unrealized gain is adjusted through the statement of remeasurement gains and losses. When the asset is sold, the unrealized gains and losses previously recognized in the statement of remeasurement gains and losses are reversed and recognized in the statement of operations. During the years presented, there are no unrealized gains and losses, and as a result, no statement of remeasurement gains and losses has been included in these financial statements. All investments held by the Trust Conservancy are classified as Level 2 investments for fair value measurement and there were no changes in classification in the years presented.

(c) Land:

Purchased land is recorded at cost. Contributed land is recorded at estimated fair value at the date of contribution.

(d) Revenue recognition:

Restricted contributions are recorded as revenue of the appropriate restricted fund when received or receivable, if the amount can be reasonably estimated and collection is reasonably assured.

Unrestricted contributions are recorded as revenue of the Opportunity Fund in the year received or receivable if the amount can be reasonably estimated and collection is reasonably assured.

Contributions for endowment are recorded as revenue in the Endowment Fund balance.

Interest income earned on Endowment Fund resources is restricted for the purpose of maintaining certain specified property and is recorded in the Restricted Fund. Interest income of internally restricted funds is recorded as revenue of the Restricted Fund. Other interest income is recorded as revenue of the Opportunity Fund when earned.

All other forms of income are recorded as revenue of the Opportunity Fund when received or receivable.

THE ISLANDS TRUST CONSERVANCY

Notes to Financial Statements

Year ended March 31, 2021

1. Significant accounting policies (continued):

(e) Liability for contaminated sites:

A liability for contaminated sites is recognized when a site is not in productive use and the following criteria are met:

- (i) an environmental standard exists;
- (ii) contamination exceeds the environmental standard;
- (iii) the Trust Conservancy is directly responsible or accepts responsibility;
- (iv) it is expected that future economic benefits will be given up; and
- (v) a reasonable estimate of the amount can be made.

The liability is recognized as management's estimate of the cost of post-remediation including operation, maintenance and monitoring that are an integral part of the remediation strategy for a contaminated site.

(f) Natural assets:

The Trust Conservancy is fortunate to have, and to be mandated to protect, many natural assets in the Island Trust Area that reduce the need for engineered infrastructure that might otherwise be required by other government agencies to provide various services to the islands. This includes island aquifers (water storage and filtration); streams, ditches and wetlands (rain water management); forests (carbon sequestration); and foreshore areas (natural seawalls). Canadian public sector accounting standards do not provide for the valuation and recording of such assets in the financial statements. As such, these natural assets are not reported in these financial statements. Nevertheless, the Conservancy acknowledges the importance of these assets and the need to manage them in conjunction with engineered infrastructure that is managed by other government agencies.

(g) Use of estimates:

The preparation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions which affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenditures during the period. Significant estimates include assumptions used in estimating the fair value of contributed land at the date of contribution. Actual results could differ from those estimates.

2. COVID-19 Pandemic:

In March 2020, the COVID-19 outbreak was declared a pandemic by the World Health Organization. The pandemic impacted the Conservancy's operations resulting in a decrease in certain types of revenue, and changes in expenses and cash flows. As the situation is dynamic and the ultimate duration and magnitude of the impact are not known, an estimate of the future financial effect on the Conservancy is not practicable at this time.

THE ISLANDS TRUST CONSERVANCY

Notes to Financial Statements

Year ended March 31, 2021

3. Short-term investments:

Short-term investments consist of an endowment fund with the Victoria Foundation and Municipal Finance Authority of British Columbia ("MFA") Short Term Bond and Money Market Funds. Investments in MFA Funds are recorded at market value.

4. Land:

	Acquisition date	2021	2020
Inner Island Nature Reserve, Denman Island	1992	\$ 70,000	\$ 70,000
Coats Millstone Reserve, Gabriola Island	1994	100,000	100,000
Medicine Beach Nature Sanctuary, North Pender Island	1996	477,000	477,000
Cunningham Reserve, Salt Spring Island	1994	265,000	265,000
Deep Ridge Reserve, Salt Spring Island	1992	255,000	255,000
Lower Mt. Erskine Nature Reserve, Salt Spring Island	1996	284,000	284,000
Kwel Nature Sanctuary, Lasqueti Island	1997	195,497	195,497
Singing Woods Nature Reserve, Bowen Island	1999	157,000	157,000
Trincomali Nature Sanctuary, Galiano Island	2001	242,406	242,406
Horton Bayviary Nature Reserve, Mayne Island	2002	210,000	210,000
Morrison Marsh Nature Reserve, Denman Island	2006	438,000	438,000
Brigade Bay Bluffs Nature Reserve, Gambier Island	2006	150,000	150,000
Long Bay Wetland Nature Reserve, Gambier Island	2006	305,000	305,000
Elder Cedar Nature Reserve, Gabriola Island	2007	658,000	658,000
Mount Artaban Nature Reserve, Gambier Island	2009	1,177,000	1,177,000
Fairy Fen Nature Reserve, Bowen Island	2011	1,817,000	1,817,000
Laughlin Lake Nature Reserve, Galiano Island	2013	56,000	56,000
Vanilla Leaf Land Nature Reserve, Galiano Island	2014	217,000	217,000
Fairy Slipper Forest Nature Reserve, Thetis Island	2017	550,266	550,266
Sandy Beach Nature Reserve, Keats Island	2021	2,703,000	-
		\$ 10,327,169	\$ 7,624,169

THE ISLANDS TRUST CONSERVANCY

Notes to Financial Statements

Year ended March 31, 2021

5. Restricted Fund balances:

	2021	2020
Internally restricted:		
McFadden Creek management fund	\$ 23,632	\$ 23,268
Property Management fund	12,000	-
	35,632	23,268
Externally restricted:		
Alton Nature Reserve - maintenance fund	160,128	130,590
Morrison Fund	20,294	20,269
Covenant Defense Fund	115,273	113,508
Lasqueti Acquisition Fund	35,304	33,069
Gambier Acquisition Fund	129,121	124,243
Thetis Island Acquisition Fund	1,295	1,293
Conservation Stimulus Fund	12,500	-
	473,915	422,972
	\$ 509,547	\$ 446,240

6. Restricted for endowment purposes:

	Acquisition date	2021	2020
Short-term investments			
Alton Nature Reserve - maintenance	2002	\$ 88,000	\$ 88,000
Land:			
Lindsay Dickson Nature Reserve, Denman Island	2001	2,200,000	2,200,000
Alton Nature Reserve, Salt Spring Island	2002	454,000	454,000
McFadden Creek Nature Sanctuary, Salt Spring Island	2015	422,601	422,601
Properties acquired under the Federal Government Ecological Gifts program:			
Mt. Trematon Nature Reserve, Lasqueti Island	2006	320,000	320,000
David Otter Nature Reserve, Bowen Island	2007	620,000	620,000
John Osland Nature Reserve, Lasqueti Island	2012	890,000	890,000
Valens Brook Nature Reserve, Denman Island	2013	280,000	280,000
Burren's Acres Nature Reserve, Gabriola Island	2014	210,000	210,000
Moore Hill Nature Reserve, Thetis Island	2017	780,000	780,000
Valens Brook Nature Reserve, Denman Island	2019	85,000	85,000
Salish View Nature Reserve, Lasqueti Island	2020	304,931	304,931
Baile Nature Reserve, North Pender Island	2021	320,000	-
		6,886,532	6,566,532
		\$ 6,974,532	\$ 6,654,532

THE ISLANDS TRUST CONSERVANCY

Notes to Financial Statements

Year ended March 31, 2021

6. Restricted for endowment purposes (continued):

Investment gains (losses) on endowment funds for the year of \$22,914 (2020 - (\$13,127)) have been recorded in the Restricted Fund.

Two properties owned by the Trust Conservancy, the Lindsay Dickson property on Denman Island, and the Alton property on Salt Spring Island, were donated on the condition that the properties be used and managed in certain ways. The Lindsay Dickson property was donated "for so long as the land is used as a nature reserve for the use, benefit and enjoyment of the residents of B.C.". The Alton property is to be held, managed and preserved for its ecological environment and scenic features and not as a recreational park. The residence, gardens and driveway are to be preserved and managed for non-profit purposes.

In the event that these properties are not managed accordingly, the properties could revert to the Province of British Columbia in the case of the Lindsay Dickson Nature Reserve and to the Executors of the donor's estate in the case of the Alton Nature Reserve.

In 2015, the McFadden Creek Nature Sanctuary on Salt Spring Island was donated to the Trust Conservancy on the condition that the property was to be protected, preserved and maintained in its natural state. Should a disposition of this property ever be triggered, there is a Right of First Refusal on the property in favor of the Wild Bird Trust of BC.

Certain properties as listed in the preceding table were acquired under the Federal Government Ecological Gift program. Recipients of ecological gifts are responsible for maintaining the biodiversity and environmental heritage values of the property in perpetuity.

7. Interfund transfer:

During the year, there was an interfund transfer of \$12,000 from the Opportunity Fund to the Restricted Fund representing cash contributions associated with the acquisition of the Sandy Beach Nature Reserve on Keats Island.

8. Related party:

The Trust is related to the Trust Conservancy through the composition of the Trust Conservancy's Board. The Trust Conservancy's Board is comprised of three members from the Trust's Council and up to three members appointed by the Minister of Municipal Affairs and Housing.

The Trust Conservancy's annual expenses are funded by and reported as part of the Trust in accordance with The Islands Trust Act. The expenses are summarized as follows:

	2021	2020
Operations and property management	\$ 701,124	\$ 527,344
Board	5,378	19,043
Administration	232,547	216,627
	<u>\$ 939,049</u>	<u>\$ 763,014</u>

For the year ended March 31, 2021, amounts owing to Islands Trust were \$81,598 (2020 - nil).

THE ISLANDS TRUST CONSERVANCY

Notes to Financial Statements

Year ended March 31, 2021

9. Financial risks and concentration of risk:

The Trust Conservancy's financial instruments consist of cash, short-term investments, investments and amounts due to Islands Trust. It is management's opinion that the Trust Conservancy is not exposed to significant interest, currency or credit risk arising from these financial instruments. The maximum exposure to credit risk at March 31, 2021 is the carrying value of cash, short-term investments and investments. The Trust Conservancy deals with creditworthy counterparties to mitigate credit risk. The Trust Conservancy manages its liquidity risk by monitoring its operating requirements. Interest rate risk is not significant due to the short term nature of investments held. There have been no significant changes to risk exposure in the years presented.

THE ISLANDS TRUST CONSERVANCY

Statement of Financial Position

Schedule 1

March 31, 2020

	Opportunity Fund	Restricted Fund	Capital Fund	Endowment Fund	2020 Total
Assets:					
Current assets:					
Cash	\$ 25,205	\$ 171,702	\$ -	\$ -	\$ 196,907
Short-term investments (note 2)	-	161,433	-	88,000	249,433
Inventory of fundraising items	26	165	-	-	191
	25,231	333,300	-	88,000	446,531
Investments	-	113,155	-	-	113,155
Land (notes 4 and 6)	-	-	7,624,169	6,566,532	14,190,701
	\$ 25,231	\$ 446,455	\$ 7,624,169	\$ 6,654,532	\$ 14,750,387
Liabilities:					
Current liabilities:					
Accounts payable	\$ 3,500	\$ 215	\$ -	\$ -	\$ 3,715
Due to Islands Trust	-	-	-	-	-
	3,500	215	-	-	3,715
Fund Balances:					
Unrestricted	21,731	-	-	-	21,731
Investment in land (note 4)	-	-	7,624,169	-	7,624,169
Internally restricted (note 5)	-	23,268	-	-	23,268
Externally restricted (note 5)	-	422,972	-	-	422,972
Restricted for endowment purposes (note 6)	-	-	-	6,654,532	6,654,532
	21,731	446,240	7,624,169	6,654,532	14,746,672
	\$ 25,231	\$ 446,455	\$ 7,624,169	\$ 6,654,532	\$ 14,750,387

THE ISLANDS TRUST CONSERVANCY

Statement of Operations

Schedule 2

Year ended March 31, 2020

	Opportunity Fund	Restricted Fund	Capital Fund	Endowment Fund	2020 Total
Revenue:					
Donations:					
Cash	\$ 3,486	\$ 205,919	\$ -	\$ -	\$ 209,405
Land	-	-	-	70,000	70,000
Grants	-	5,219	-	-	5,219
Rental income	-	10,306	-	-	10,306
Investment income (loss)	152	(6,271)	-	-	(6,119)
	3,638	215,173	-	70,000	288,811
Expenses:					
Repairs and maintenance - Alton property	-	2,594	-	-	2,595
Bank charges	31	-	-	-	31
Donations to conservancy groups	6,220	-	-	-	6,220
	6,251	2,594	-	-	8,846
Excess (deficiency) of revenue over expenses	\$ (2,613)	\$ 212,579	\$ -	\$ 70,000	\$ 279,965

The accompanying notes are an integral part of these financial statements.

From: Dan Rogers
Sent: Sunday, August 29, 2021 12:09 PM
To: EC
Subject: Webinars on Indigenous perspectives on Climate Change etc

Follow Up Flag: Follow up
Flag Status: Flagged

Hi EC. I'd like to put this item on our September 8 EC meeting . The following is an extract from a staff report to TPC regarding Stewardship Education last Friday

In December 2020, the Executive Committee, at the request of Trust Programs Committee, adopted a project charter to offer two webinars on various topics that are relevant to Indigenous perspectives on climate change, adaptation, and stewardship or other relevant climate change topic defined by Indigenous Peoples. These webinars were not offered due to staff capacity constraints and the topic is no longer on the Executive Committee projects list.

I have a faulty memory of this obviously. First I don't remember it being EC (I thought it was a TPC project) and I don't remember it being taken off the EC projects list. I totally appreciate the staff capacity issues but I would like to discuss whether we can put these back on the appropriate project list ... ie TPC or EC.

Thx

Dan

Daniel J Rogers
Islands Trust Vice-Chair and Gambier Area Trustee
604-220-1500

Preserving and Protecting Over 450 Islands and the Surrounding Waters in the Salish Sea

I am humbly thankful that I live and work in the territory of the BOŦEĆEN, Cowichan, Halalt, Homalco, K'ómok, Klahoose, Lake Cowichan, Lekwungen, Lyackson, MÁLEXEŁ, Penelakut, Qualicum, Scia'new, selilwitulh, SEMYOME, Shishálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SŦÁUTW, Stz'uminus, SXIMEŁEŁ, T'Sou-ke, Tla'amin, Tsawwassen, We Wai Kai, Wei Wai Kum, WJOLELP, WSIKEM, and x"məθk"əyəm.

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

From: Laura Patrick <lpatrick@islandstrust.bc.ca>

Sent: Wednesday, August 18, 2021 5:26 AM

To: EC <ec@islandstrust.bc.ca>

Subject: FW: 650 North Pender Expense Report - June 2021

I would like to add to a future agenda a discussion on tracking the expenses of LTCs. For example, NP LTC has held many CIMs this budget cycle, and the cost (including staff resources, for example) of these meetings are not accounted for in these expense reports. There is only one line for meeting expenses.

Laura

From: Jacinthe [REDACTED]
Sent: Tuesday, August 24, 2021 8:47 AM
To: Executive Admin <execadmin@islandstrust.bc.ca>
Subject: Request to Council

Dear Trustees,

Section 24 (1) (b) of the Islands Trust Act reads: "For the carrying out of the object of the trust, each local trust committee must carry out other duties that the trust council directs."

For the purpose stated in that section of the Act, I am asking Trust Council to consider directing each local trust committees (yourselves) to request that their staff create an up-to-date development potential 'built-out' map for their Island and to place this request as priority number one.

The Island Planner on Gabriola, Sonja Zupanec has tools can be duplicated. For the smaller Islands this should not be a time consuming task at all.

In these times of heavy development pressures, it seems to be imperative that you and your communities know what your respective island is committed-to in terms of unrealized residential development. It is my hope that this information should/will inform wiser decision-making.

Thanking you for your consideration,

Jacinthe Eastick

[REDACTED]

Gabriola Island

[REDACTED]

From: Mary Johnston <[REDACTED]>
Sent: Friday, August 20, 2021 11:17 PM
To: Web Comments <webcomments@islandstrust.bc.ca>
Subject: Re: News Release - Public engagement plan in development

Bringing Modus, a group of urban planners, into the picture is likely to add yet another layer of outside influence and distance us even further from the heart of the issues that need to be resolved.

Mary Johnston

Mayne Island



Molly Steeves
MODUS Planning, Design & Engagement Inc
molly@thinkmodus.ca

August 30, 2021

Re. Private Forest Land Owners Association Submission to Islands Trust *DRAFT new Policy Statement*

Dear Miss Steeves,

This Private Forest Landowners Association (PFLA) submission is in response to the Islands Trust August 20, 2021 announcement “Public engagement plan in development: More opportunities for community input on DRAFT new Policy Statement planned”.

The PFLA’s primary concern with the Islands Trust *DRAFT new Policy Statement* is its general lack of acknowledgement of the jurisdiction of the Managed Forest Program.

As a reminder, Managed Forest Land is a BC Assessment property classification (Class 7) established in 1988 to encourage private landowners in British Columbia to manage their lands for long-term forest production. The Managed Forest Program is the jurisdiction of the Province of British Columbia, specifically the Ministry of Forests, Lands, Natural Resource Operations and Rural Development under the Private Managed Forest Land Act.

Private managed forest landowners are thoroughly regulated and are subject not only to the Private Managed Forest Land Act but an additional 35 Acts and Regulations including the Water Sustainability Act, Drinking Water Protection Act, Environmental Management Act, Wildlife Act, Wildfire Act, Assessment Act, and the federal Migratory Birds Convention Act, Fisheries Act and Species at Risk Act.

The lack of recognition of the jurisdiction of the Managed Forest Program by the Islands Trust in its *DRAFT new Policy Statement* would affect a significant number of private landowners who reside in the Islands Trust area - approximately 30% of the PFLA’s 287 unique members. Many of those members are smaller land holders who have managed forests on their family lands for multiple generations.

Like BC's Farm Class, designed to incentivize long term food production, Class 7 Managed Forest Lands in BC are a commitment to long term stewardship of private land forests. We ask that the Islands Trust *DRAFT new Policy Statement* recognize the jurisdiction of the Managed Forest Program by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development under the Private Managed Forest Land Act.

Sincerely,



Megan Hanacek, RPF, RPBio
Private Forest Landowners Association, CEO

Cc: Hon. Katrine Conroy, Minister Forests, Lands, Natural Resource Operations and Rural Development, FLNR.Minister@gov.bc.ca
Cc: Islands Trust 2050, islands2050@islandstrust.bc.ca
Cc: Peter Luckham, Chair, Islands Trust Council, pluckham@islandstrust.bc.ca
Cc: Russ Hotsenpiller, CAO, Islands Trust, rhotsenpiller@islandstrust.bc.ca

Submission to Sept. 21, 2021 Trust Council Meeting

As a consequence of my trying to keep up with the written, edited, re-edited and likely soon to be re-re-edited Trust Policy Statement (TPS), may I offer some observations:

- 1) The 'one ring to rule them all' should be climate change. Climate change needs to be considered with every policy/directive. Even affordable housing will be reduced [again!] as more and more wealthy climate refugees abandon climate dead/dread zones resulting in escalating cost of housing and cost of living on Trust islands.
- 2) TPS 2.0 [updated] dilutes the Object of the Trust and the few 1.0 statements with substance. The TPS should not be paved with good intentions. Island environments are fragile and finite. All else pales in comparison; without water, quality of life and even the economy desiccates.
- 3) Trust time would be better spent pressuring senior governments to negotiate First Nations treaties rather than weighing the Trust Policy Statement down with what seems an excess of virtue advertising.

Please set aside finding ways to accommodate development pressures; those aren't going away. The environment is.

Harlene Holm
Sept. 2/21

From: JEANNE CRERAR
Sent: Tuesday, August 31, 2021 10:10 AM
To: Islands2050 <Islands2050@islandstrust.bc.ca>
Subject: Response to Policy 2050 (Desalination)

August 31, 2021
To the Islands Trust Executive:
Chair Peter Luckham
Vice Chair Sue Allen Fast
Vice Chair Laura Patrick
Vice Chair Dan Rogers

Re: The Islands Trust Draft Policy Statement.

The draft Policy that states that desalination of sea water not be allowed in the Islands Trust area should be removed.

We represent a long established water system, The Lyall Harbour Boot Cove Water System, on Saturna Island. The system has been under the auspices of the Capitol Regional District for the last 40 years, and it serves 153 lots on Saturna Island.

As well as residential service, major commercial and recreational centres on the island are served by this system: the General Store, two cafes, Health Clinic, commercial offices, pub/ restaurant, Camp Ground business, Community Hall, B.C. Ferries Dock, Federal Dock, and the Recreation Center including Parks Canada. The water system is based on a reservoir, known as Money Lake and is crucial to the existence of the Saturna Island Community. Discussion about the future needs of our system are always part of the committee's work.

The apparent global weather change and the lack of knowledge to this end suggests that Gulf Islands might have to rely on desalination to sustain the present population as well as the future needs. We understand having policy about by-products of desalination and the need to ensure the process does not disturb the health of our oceans; but simply not allowing it is very short sighted.

We were also disappointed to see no policy to encourage roof and rainwater catchment. The recycling of uncontaminated waste water especially for watering food gardens should be encouraged. Many Gulf Islands communities have taken on initiatives to encourage self-sufficiency in food production in community gardens, and rainwater catchment lends itself to these projects as well as to residential gardens.

The Lyall Harbour-Boot Cove Water System utilizes catchment of surface water and does not draw from the deep groundwater aquifer. There is limited knowledge of the extent of this resource in the Trust area.

As it exists, your policy is forcing the use of deep ground water instead of broadening the horizons to alternate sources of water. There are huge steps forward in modern technology, especially in desalination, and it is used successfully in many parts of the world.

The catchment and use of rainwater is also an old and tried source of water. Gulf Islands climate lends itself very well considering the annual rainfall especially in the winter months.

Please reconsider your policy around sources of potable water. Water committees in the Gulf Islands need policy that looks into the future from the view of the residents and their communities; policy that looks towards new technology to help us best serve our communities and the land we live on.

Sincerely,

Jeanne Crerar
Chair Lyall Harbour-Boot Cove Water Committee Saturna Island

Copy: Paul Brent, Lee Middleton, Saturna Island Trustees



August 27, 2021

Ref: 268161

Mayors and Regional District Chairs of British Columbia

Dear Mayors and Chairs:

I am writing to provide you with an update on the [recently announced proof of vaccination](#) and [mandatory mask requirements](#) to stop the spread of COVID-19. **Starting Sept. 13, 2021**, proof of vaccination will be required in B.C. for people attending certain social and recreational settings and events. **As of August 25, 2021**, masks are mandatory in indoor public spaces.

I first wish to acknowledge the many people and communities in B.C. continuing to face the crisis of wildfires. I know that in many places you and your residents are under intense stress, facing evacuation orders and alerts and the impact of wildfires' destructive force. Please know that our thoughts and support are with you, along with our deep gratitude for the courage, tireless work and dedication to community demonstrated by you and your staff in this emergency.

Turning again to the recently announced proof of vaccination requirement I would like to acknowledge the extraordinary efforts local governments have made – and continue to make – to respond to the COVID-19 pandemic in your communities. I know there is particular interest in how the proof of vaccination requirement will apply to local government business, especially in relation to conducting council/board meetings and public hearings.

The focus of the proof of vaccination requirement is on choice – businesses, places, and activities that people can choose to attend and support if they are vaccinated. That would include, for example, places such as gyms, pools and recreational facilities. The Provincial Health Officer has indicated that it is the intention that the proof of vaccination requirement **won't apply** to formal local government business, including by-elections, council/board meetings and public hearings for both council/board members as well as the public attending these events. The Provincial Health Officer is working on finalizing the formal written order which will outline the specifics. The ministry will provide you with more detailed information once the final order has been published.

The proof of vaccination requirement is not mandatory for employment at this time, other than in specific areas of the health care system starting with Long Term Care, Assisted Living and some other residential care facilities. Employers are accountable for ensuring their workers' safety, further to WorkSafeBC direction (see <https://www.worksafebc.com/en/covid-19/bcs-four-step-restart>) and should

have in place communicable disease plans – including a requirement to stay home when sick, mask wearing where appropriate and regular hand washing. Employers, including local governments, may choose to adopt their own vaccination policies beyond the designated settings but would be responsible for doing their own due diligence.

As noted above, as of August 25, 2021, [masks are mandatory in all indoor public spaces](#) to help slow the transmission of COVID-19 as B.C. prepares for the fall and respiratory illness season. Subject to some exemptions, people 12 years and older must wear masks in indoor public spaces, regardless of vaccination status. These settings include, but are not limited to city halls, libraries, community and recreation centres, areas of office buildings where services to the public are provided, and common areas of sport and fitness centres when not engaged in physical activity.

Here is a summary of the general rules for the proof of vaccination requirement:

[Proof of vaccination](#) – how it works

The requirement applies to all people age 12 years and older. People visiting from outside of B.C. are also required to show proof of vaccination.

There are two key dates:

As of Sept. 13, people in British Columbia will be required to be **partially vaccinated** with at least one dose of a COVID-19 vaccine to access certain businesses and events.

As of Oct. 24, people in British Columbia will be required to be **fully immunized**, at least seven days after receiving two doses of COVID-19 vaccine, to access the same list of businesses and events.

Here is the current list of settings where proof of vaccination will be required:

- indoor ticketed sporting events
- indoor ticketed concerts/theatre/dance/symphony events
- indoor and outdoor dining at restaurants, pubs, and bars
- night clubs and casinos
- movie theatres
- fitness centres/gyms/pools/recreation facilities (excluding youth recreational sport)
- indoor high-intensity group exercise activities
- organized indoor events (e.g. weddings, parties, conferences, meetings, workshops)
- discretionary organized indoor group recreational classes and activities such as pottery and art classes, but does not include K to 12 school and before and after school programs
- post secondary on-campus student housing (students must be partially vaccinated by September 7)

The requirement is in place until January 31, 2022, subject to possible extension.

Showing proof of vaccination

Individuals will be able to confidentially access their proof of vaccination through a secure website. A web link will be provided and publicized widely before September 13. Individuals will be able to save a

copy of their proof of vaccination to their phone to show when entering or using designated businesses and events. A second, secure option will be provided for people who can't access the website.

We all know the best way to get through this pandemic are vaccines; I would ask for your support to encourage the residents in your communities to get vaccinated. Getting vaccinated is the best choice to protect ourselves, the people we love, and our communities.

Keep watching [BC's Response to COVID-19](#) website for updates. We will continue to work with you over the coming weeks, so that you have the support and information you need to move forward based on the new Provincial Health Officer Orders.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Faganello', with a stylized, cursive script.

Tara Faganello
Assistant Deputy Minister

pc: Chief Administrative Officers
Gary MacIsaac, Executive Director, UBCM
Nancy Taylor, Executive Director, LGMA
Todd Pugh, Executive Director, CivicInfo



Top Priorities Report

Executive Committee

1. *Islands Trust Act Amendments*

Investigate possibility of amendments to the Islands Trust Act to broaden the Islands Trusts ability to serve its communities and to strengthen its mandate to preserve and protect. (Strategic Plan 5.1)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 26-Oct-2016

2. *Update Islands Trust Policy Statement*

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)

Responsible

Clare Frater

Dates

Target: 15-Sep-2022

3. *Climate Change Emergency*

Matters pertaining to Islands Trust declaring a climate change emergency. (Strategic Plan 3.1)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 05-Jun-2019

4. *Business Response to COVID-19*

Draft and implement safety plan, consider public messaging as needed.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 15-Apr-2020

Top Priorities Report

Executive Committee

5. *First Nations Reconciliation*

Implementation of the Reconciliation Action Plan. (Strategic Plan Items 4.5 & 4.6)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

5. *Preserve and protect marine ecosystems*

Continue advocacy re: Freighter Anchorages, Trust Council added freighter anchorages to the list of Executive Committee list of top priorities. (Strat Plan Item 2.1)

Responsible

Clare Frater

Dates

Rec'd: 11-Mar-2021



Projects Report

Executive Committee

1. *Development of an Islands Trust Communications Strategy*

Responsible

Date Received

Including development of a new website. (Strategic Plan Item 4.2)

Clare Frater

30-Aug-2017

2. *Marine Advocacy*

Responsible

Date Received

Associated with i.) impact of commercial activities on Southern Resident Killer Whales SRKW (Strat Plan Item 2.1), ii.) oil spills and iii.) anchorages.

Clare Frater

02-Sep-2020

3. *Broadcast Public Meetings*

Responsible

Date Received

Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item 4.1)

Clare Frater

02-Sep-2020

Julia Mobbs

Russ Hotsenpiller

4. *Improve Communications about the Islands Trust*

Responsible

Date Received

Related to Strategic Plan Items 4.1 & 4.2

Clare Frater

30-Aug-2017

5. *NAPTEP regulation changes to increase the percentage of tax exemption*

Responsible

Date Received

Strategic Plan Item 1.3

Clare Frater

02-Sep-2020

Kate Emmings



Projects Report

Executive Committee

6. *Advocate to reduce negative impacts of shellfish aquaculture practices*

Responsible

Date Received

Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy.

16-Aug-2017

7. *Strengthen relations with First Nations*

Responsible

Date Received

MMIWG Calls for Justice Resolutions (Strategic Plan Item 4.6)

21-Oct-2020

1. All staff required to take training related to cultural safety in keeping with the Missing and Murdered Indigenous Women and Girls Calls for Justice.

2. That staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.

4. Staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.

5. Draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.

8. *Strengthen relations with First Nations*

Responsible

Date Received

Develop a policy regarding referral responses where there is a known archeological site. (Strategic Plan Item 4.7)

26-May-2021

Projects Report

Executive Committee

9. Governance

Responsible

Date Received

Related to Section 5 of the Strategic Plan

21-Jul-2021

The possibility of utilizing Section 8(2)(e) of the Islands Trust Act. Responsibilities of trust council: 8(2)For the purpose of carrying out the object of the trust, the trust council may (e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its unique amenities and environment -
