



Executive Committee

Agenda

Date: Wednesday, January 13, 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	
2.2.1. Agenda Context Notes - None	
3. ADOPTION OF MINUTES	
3.1. December 16, 2020 Executive Committee draft minutes	4 - 12
4. FOLLOW UP ACTION LIST AND UPDATES	
4.1. Follow Up Action List/Director/CAO Updates	13 - 17
4.1.1. Update on Key Initiatives 2021 - Briefing	18 - 19
4.2. Local Trust Committee Chair Updates	
4.3. Islands Trust Conservancy Liaison Update	
5. DELEGATIONS	
5.1. Denman Trustee Busheikin re: Planning Services in the Northern Region	20 - 21
6. BYLAWS FOR APPROVAL CONSIDERATION	
6.1. Bowen Island Municipality Bylaw No. 528 (LUB amendment)	22 - 49
THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 528 cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 528, 2020” is not contrary to or at variance with the Islands Trust Policy Statement.	
6.2. Gabriola Island LTC Bylaw No. 306 (OCP amendment)	50 - 72
That the Islands Trust Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 306, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”, in accordance with Section 27 of the <i>Islands Trust Act</i>.	

6.3. Gabriola Island LTC Bylaw No. 307 (LUB amendment)

73 - 97

THAT the Islands Trust Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 307, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020”, in accordance with Section 27 of the *Islands Trust Act*.

7. TRUST COUNCIL MEETINGS

7.1. Executive

7.1.1. December Trust Council draft minutes (pending)

To be received as a late item.

7.2. Local Planning Services

7.3. Administrative Services

7.4. Trust Area Services

8. EXECUTIVE COMMITTEE PROJECTS

8.1. Trust Council Initiated

8.1.1. Executive

8.1.2. Trust Area Services

8.1.2.1. Submission to the Federal Aquaculture Act Consultations - RFD

98 - 102

That the Executive Committee request the Chair to send the submission to the Federal Aquaculture Act consultation as drafted.

8.1.2.2. Website Update - Verbal Briefing

8.1.3. Local Planning Services

8.1.4. Administrative Services

8.2. Executive Committee Initiated

8.2.1. Executive

8.2.2. Trust Area Services

8.2.3. Local Planning Services

8.2.4. Administrative Services

9. NEW BUSINESS

9.1. Executive/Trust Council

9.2. Trust Area Services

9.2.1. AVICC/UBCM Resolution Selection - RFD

103 - 112

That the Executive Committee direct staff to draft a resolution and backgrounder on _____ for submission to the Association of Vancouver Island and Coastal Communities 2021 convention for Executive Committee’s consideration in February 2021.

9.2.2. LTC Chairs Report on Local Advocacy Topics

9.3. Local Planning Services

9.4. Administrative Services

10. CLOSED MEETING - None
11. RISE AND REPORT DECISIONS FROM CLOSED MEETING - None
12. CORRESPONDENCE (for information unless raised for action)
 - 12.1. FLNRORD ADM response re: Develop BC Coastal Strategy dated Jan 5, 2021 113 - 114
 - 12.2. Ombudsperson Quarterly Report: July 1- Sept 30, 2020 dated Nov 30, 2020 115 - 118
13. WORK PROGRAM
 - 13.1. Review and amendment of current work program 119 - 122
14. NEXT MEETING

The next Executive Committee meeting is scheduled for February 3, 2021.
15. ADJOURNMENT



Executive Committee Minutes of Regular Meeting

Date: December 16, 2020
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Members Present: Peter Luckham, Chair, Thetis Island
Dan Rogers, Vice Chair, Gambier/Keats Island
Laura Patrick, Vice Chair, Salt Spring Island
Sue Ellen Fast, Vice Chair, Bowen Island Municipality

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (Victoria Office)
David Marlor, Director, Local Planning Services
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director of Administrative Services
Lori Foster, Executive Coordinator/Recorder (Victoria Office)
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Dilani Hippola, Senior Policy Advisor
Gillian Nichol, Programs Coordinator

**Trust Programs Committee (TPC)
Members Present (at 10:00 a.m.)** Deb Morrison, TPC Chair, North Pender
Scott Colbourne, TPC Vice Chair, Gabriola
Kees Langereis, Gabriola Trustee

Members of the Public: (1) via telephone attendance

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:03 a.m. stating gratitude to live and work on Coast Salish traditional and treaty territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration to add the following:
8.2.2 Coastal Douglas-fir initiatives - Discussion

2.2 Approval of Agenda

By general consent, the agenda was adopted as amended.

3. ADOPTION OF MINUTES

3.1 November 18 draft minutes

By general consent, the minutes were adopted as presented.

3.2 November 30 draft minutes

By general consent, the minutes were adopted as presented.

4. FOLLOW UP ACTION LIST AND UPDATES

4.1 Follow Up Action List (FUAL)/Director/CAO Updates

Chief Administrative Officer (CAO) Hotsenpiller reviewed items from the FUAL and gave a verbal update on recently attended meetings.

Discussion on CAO FUAL item #1 was heard.

By general consent, Executive Committee requested that CAO FUAL item #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” be put on hold pending Trust Programs Committee review.

CAO Hotsenpiller spoke to the recent development of large projects outside of the Strategic Plan.

EC-2020-164

It was Moved and Seconded,

That the Executive Committee request the Chief Administrative Officer to provide a report on updates to the Strategic Plan for the remainder of the term.

CARRIED

Senior staff reviewed their FUAL reports and gave verbal updates on the status of current projects.

4.2 Local Trust Committee Chair Updates

Vice Chair Rogers gave a verbal update on Gabriola Island Local Trust Committee business including a recently held community information meeting concerning affordable housing and, correspondence from BC Ferries regarding its rezoning application.

At 10:00 a.m., Chair Luckham paused item 4.2 so that Executive Committee could address item 7.1.2.2 next. Trust Programs Committee members were scheduled, at 10:00 a.m., to join the meeting for this item.

Trust Programs Committee members present: Deb Morrison, Scott Colbourne and Kees Langereis.

7.1.2.2 Phase II of Islands 2050 Public Engagement & Policy Directions Report – Briefing

Senior Policy Advisor Hippola presented the report which addresses the next phase of public engagement regarding the Policy Statement Project.

Chair of Trust Programs Committee (TPC) Morrison spoke to the project's history and process going forward with Phase II.

Discussion was heard on the draft Policy Directions engagement starting on page 63 of the agenda package.

Feedback on the draft Policy Directions engagement document included:

- Featuring previous engagement, the “What we Heard Report” and past work,
- Balancing presentation of equitable housing, climate change and forestry,
- How prescriptive or general should the directive policies of the Islands Trust be to guide climate change and equitable housing work of the local trust committee and Bowen” and give four choices instead of a middle ground,
- Consideration of adding “open questions” to the survey,
- Positive feedback on graphics, however use plain language as much as possible.

Staff will integrate feedback and move forward with the engagement process.

The meeting recessed for a break at 11:10 a.m. and reconvened 11:20 a.m.

4.2 Local Trust Committee Chair Updates

Vice Chair Fast reported on the recent Bowen Municipal Council meeting where she and Trustee Kaile updated Bowen Council on December Trust Council business items.

Vice Chair Patrick listened-in as an attendee to the Gabriola Island Local Trust Committee (LTC) community information meeting regarding housing.

Chair Luckham reported on highlights from yesterday's Salt Spring Island (SSI) LTC meeting.

4.3 Islands Trust Conservancy Liaison Update

4.3.1 Islands Trust Conservancy Report

Vice Chair of the Islands Trust Conservancy, Vice Chair Fast, spoke to the attached report.

5. **BYLAWS FOR APPROVAL CONSIDERATION** - None

6. **TRUST COUNCIL MEETINGS**

6.1 **Executive**

6.1.1 Roundtable

Executive Committee and staff provided verbal feedback on the December Trust Council meeting.

Comments were made regarding:

- Trustee conduct and attendance,
- Feedback on the evening session, introduction of delegations,
- Consent agenda and discussion items i.e. Director and Committee reports,
- New business that overrode standing business,
- Notice of motion for new business by Roberts Rules,
- The polling feature, return to hand raising for voting,
- Return to webinar format for electronic meetings which allows phone-in attendees,
- Feedback on electronic issues i.e. multiple cameras and muting,
- Advertising in newspapers cost versus results,
- Cultural safety.

6.1.2 December Trust Council Business Decision Highlights

To amend the December Trust Council Highlights document, as follows:

- Governance and Management Review change from "...a comprehensive performance review..." to "...an external review..."
- Accelerating Staffing Shifts change to read: "Accelerating Planner Staffing Shifts"
- Federal Aquaculture Act, change to read: "Trust Council will prepare a submission to the consultation regarding development of Canada's first-ever Aquaculture Act.

By general consent, the December Trust Council business decision highlights were adopted as amended for website posting and subscriber distribution.

6.1.3 Trust Council Follow-up Action List (FUAL)

CAO Hotsenpiller presented the Trust Council Follow-up Action List, updated from December Trust Council.

DRAFT

Discussion on FUAL item #1 (That Trust Council consider approaching the Province to request additional funding for the annual budget....) and its status followed including comments regarding Strategic Plan items and new business.

The meeting recessed for lunch at 12:30 p.m. and reconvened at 1:00 p.m.

6.2 Local Planning Services – None

6.3 Administrative Services - None

6.4 Trust Area Services - None

7. EXECUTIVE COMMITTEE PROJECTS

7.1 Trust Council Initiated

7.1.1 Executive

7.1.1.1 Selection of Executive Committee Representative for the Governance and Operations Review Steering Committee and Review of Project Implementation – RFD

CAO Hotsenpiller spoke to the request for decision (RFD).

EC-2020-165

It was Moved and Seconded,

THAT Executive Committee appoint Chair Luckham to represent Executive Committee on the Governance and Operations Review Steering Committee.

CARRIED

EC-2020-166

It was Moved and Seconded,

That Executive Committee encourage and support staff to continue work on Strategic Planning, the Policy Statement Project, the Reconciliation Action Plan, and the Local Planning Services Renewal, amongst other work.

CARRIED

7.1.1.2 Key Messages re: Governance/Operations/Management Review – Briefing

Director of Trust Area Services (DTAS Frater) spoke to the briefing.

DRAFT

The following comments were made:

- Forwarding the document to the steering committee,
- Speaking points should include the hiring of a consultant and the projected cost,
- Trustees Morrison and Wright added to the names of the steering committee,
- DTAS Frater and Chair Luckham will work together if modifications to the messages are needed.

7.1.1.3 Galiano LTC re: motion to issue press release on travel to islands

Executive Committee discussed the Galiano Local Trust Committee (LTC) motion as presented and noted that Salt Spring LTC passed a similar motion.

EC-2020-167

It was Moved and Seconded,

Staff be requested to prepare a message from the Executive Committee urging islanders and visitors to abide by the guidance of the Provincial Health Authority when considering travel to or from the islands.

CARRIED

7.1.2 Trust Area Services

7.1.2.1 Climate Change Stewardship Education Program – RFD

Director of Trust Area Services (DTAS) spoke to the request for decision as presented.

EC-2020-168

It was Moved and Seconded,

That Executive Committee endorse the Climate Change Stewardship Education Program – Phase 2 webinar series project charter, dated December 16, 2020.

CARRIED

7.1.2.2 Phase II of Islands 2050 Public Engagement & Policy Directions Report – Briefing

This item was addressed after item 4.2.

7.1.3 Local Planning Services – None

7.1.4 Administrative Services – None

7.2 Executive Committee Initiated

7.2.1 Executive

7.2.1.1 Proposed Amendments to Trust Council Procedure Bylaw No. 101 – Briefing

Legislative Services Manager (LSM) Thiel spoke to the briefing and moving forward with preparing a request for decision in February.

Comments in general included:

- That the amendments would allow Trust Council the flexibility of holding meetings fully electronically,
- Removing the requirement that Trust Council agree unanimously when voting on holding an electronic meeting.

7.2.1.2 Trust Council Policy Review Analysis – Briefing

Legislative Services Manager (LSM) Thiel introduced the briefing and spoke to the priority list and follow-up as presented in the report.

A brief discussion followed including policy around the Policy Statement Review.

The meeting recessed for a break at 2:35 p.m. and reconvened at 2:40 p.m.

7.2.2 Trust Area Services – None

7.2.3 Local Planning Services – None

7.2.4 Administrative Services - None

8. NEW BUSINESS

8.1 Executive/Trust Council - None

8.2 Trust Area Services

8.2.1 LTC Chairs Report on Local Advocacy Topics

Local Trust Committee Chairs commented on the following advocacy topics:

- Gabriola Island is included in the Nanaimo Regional District's Poverty Reduction Program which received a grant from the Province,
- The Deadboats Society has received funding to remove derelict vessels and needs to know where the boats are.

8.2.2 Coastal Douglas-fir initiatives - Discussion

Discussion followed on developing cohesive communications regarding the various forest initiatives the Islands Trust is pursuing including the Coastal Douglas-fir initiative, Private Managed Forest Lands, Crown Lands and forestry ecology protection work by the Islands Trust Conservancy.

8.3 Local Planning Services – None

8.4 Administrative Services – None

9. CORRESPONDENCE

9.1 Trustee Johnston re: Sept TC meeting feedback dated Sept 29, 2020

Received for information.

9.2 G. Kruzynski re: disturbance by unmuffled boat exhaust noise emails dated Nov 21-23, 2020

By general consent, send thank you response to writer.

9.3 Re: Thank you for GL-RZ-2019.1 sponsorship of application letter dated December 3, 2020

Received for information.

9.4 D. Owens re: Enhance Islands Trust's Jurisdiction over Tree Cutting email dated December 5, 2020

Received for information.

9.5 L. Pratt email dated Dec 7, 2020 re: Concerns regarding low sulfur marine fuel oils

Received for information.

10. WORK PROGRAM

10.1 Review and amendment of current work program

Received for information.

11. NEXT MEETING

The next Executive Committee business meeting is scheduled to be held electronically, January 13, 2021 at 9:00 a.m.

12. CLOSED MEETING

At 3:05 p.m., the meeting was closed to the public.

EC-2020-169

It was Moved and Seconded,

That the meeting be closed to the public subject to Sections 90(1)(i) of the Community Charter in order to consider matters related to receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

CARRIED

At 3:29 p.m. the meeting was reopened to the public.

13. RISE AND REPORT DECISIONS FROM CLOSED MEETING (if applicable)

Chair Luckham reported that the BC Ombudsmen Quarterly report was received and will be added to the January 13, 2021 open meeting agenda and, the minutes of the November 18th in-camera meeting were adopted.

14. ADJOURNMENT

By general consent, the meeting was adjourned at 3:30 pm.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder



Follow Up Action Report

Executive Committee

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
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: 24-Feb-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 Chief Administrative Officer to provide a report on updates to the Strategic Plan for the remainder of the term.	Russ Hotsenpiller	Meeting: 16-Dec-2020 Target: 03-Feb-2021	In Progress
5 Amend December Trust Council business decisions highlights document, post to website, distribute to subscribers.	Russ Hotsenpiller	Meeting: 16-Dec-2020 Target: 19-Dec-2020	Completed
6 Chair Luckham appointed to represent Executive Committee to Governance Review Steering Committee. CAO Hotsenpiller to attend and support staff to attend.	Russ Hotsenpiller	Meeting: 16-Dec-2020 Target: 18-Jan-2021	Completed



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
7 That Executive Committee encourage and support staff to continue work on Strategic Planning, the Policy Statement Project, the Reconciliation Action Plan, and the Local Planning Services Renewal, amongst other work.	Russ Hotsenpiller	Meeting: 16-Dec-2020 Target: 16-Dec-2020	Completed
8 Add BC Ombudsmen Quarterly report to Jan 13th meeting under correspondence.	Russ Hotsenpiller	Meeting: 16-Dec-2020 Target: 13-Jan-2021	Completed

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

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



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
2 That staff be requested to draft a letter to BIM Council encouraging them to engage with First Nations consistent with the Islands Trust reconciliation declaration.	Clare Frater	Meeting: 02-Oct-2019 Target: 31-Mar-2021	In Progress
3 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
4 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
5 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
6 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
7 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: 05-Feb-2021	In Progress
8 3. Executive Committee request that the Trust Programs Committee consider the Missing and Murdered Indigenous Women and Girls Calls for Justice when developing draft amendments to the Policy Statement.	Clare Frater	Meeting: 21-Oct-2020 Target: 31-Mar-2020	In Progress
9 Chair write letters introducing the Islands Trust to new elected Islands Trust Area Members of the Legislative Assembly, and to relevant new ministers.	Clare Frater	Meeting: 18-Nov-2020 Target: 13-Jan-2021	In Progress
10 Prepare a message from Executive Committee urging islanders and visitors to abide by the guidance of the Provincial Health Officer when considering travel to or from the islands.	Clare Frater	Meeting: 16-Dec-2020 Target: 19-Dec-2020	Completed
11 Executive Committee endorse the Climate Change Stewardship Education Program - Phase 2 webinar series project charter.	Clare Frater	Meeting: 16-Dec-2020 Target: 16-Dec-2020	Completed

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
12 Thank you response send to G. Kruzynski re: disturbance by unmuffled boat exhaust noise emails dated Nov 21-23, 2020.	Clare Frater	Meeting: 16-Dec-2020 Target: 17-Dec-2021	Completed

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: 24-Feb-2021	In Progress
2 That Executive Committee request, as the legal services policies are reviewed that parts B and D of the September 30, 2020 memorandum be taken into consideration.	Carmen Thiel	Meeting: 30-Sep-2020 Target: 16-Dec-2020	In Progress
3 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

BRIEFING

To:	Executive Committee	For the Meeting of:	January 13, 2021
From:	CAO	Date Prepared:	January 7, 2021
SUBJECT:	Update on key initiatives 2021		

PURPOSE: To provide Executive Committee an overview on important projects and organizational developments as the New Year commences.

BACKGROUND: While we have a number of work tracking protocols at the Trust, this report focuses on timely and consequential work that is ongoing as we move into the second half of the term. In particular, the implementation of a new planning process for the organization as well as development of the Policy Statement together will allow for success in achieving the Strategic Plan and supporting local trust committees (LTC).

- **COVID Pandemic:** As of this writing, the organization is operating based upon the Provincial Health Officer's Orders and guidance to continue with limit public engagements, have staff work from home, travel on an essential services basis, and to operate locally. On January 7, these Orders were extended to February 5, 2021. The result is a continuation of public meetings, public hearings and other engagements on an electronic basis and generally limited public interaction. Staff are in the process of developing options for the provision of electronic meetings once the pandemic orders have been lifted.
- **Local Planning Services (LPS) Renewal:** the LPS Renewal project has had a soft launch with a team of 4 staff now dedicated to long range planning and project work. The initial projects are:
 - Gambier Official Community Plan (OCP),
 - OCP amendment work for Salt Spring Island,
 - Ganges Village Plan,
 - Coastal Douglas-fir designations,
 - Housing.
 - North Pender Island Land Use Bylaw review
- Accompanying this discrete work is the development of new rules, policies and procedures to enable success. It is imperative that the Islands Trust seek to create common and relatable processes across the region. In this case, that would be the adoption of 1) a universal OCP template, and 2) a universal OCP amendment process. A further consideration (3) is amending the LTC Projects policy to more accurately reflect available resources. These three items will be the focus of reports to Executive Committee in the next couple of months with the hope of having a presentation and discussion ready for March Trust Council.

- Governance Select Committee: The Governance and Operations Review Committee will have their initial meeting on January 18. The Chief Administrative Office and Chair will be in attendance. Items of discussion will likely include election of Chair and Vice Chair, public access, meeting schedule, committee membership, staff resourcing and the Terms of Reference.
- Human Resources (HR): There are a number of hiring processes underway at the Islands Trust including:
 - Species at Risk Coordinator
 - Bylaw/planning admin assistant
 - The new finance clerk starts on January 11
 - New Information Services staff start on February 1
- Policy Statement: The Policy Statement is rounding into a critical stage as the work of the last 12 months, including Committee work, is coordinated and refined in order to develop new policies. Specifically, the following is underway:
 - January 22, Special Meeting regarding questions from Trust Council,
 - Public engagement process,
 - Dedication of a day at March Trust Council for Policy Statement presentations and discussion.
- Budget analysis and amendments are apace for the January and February Financial Planning Committee (FPC) meetings. Staff are reviewing progress on projects for the last quarter and determining surplus funds and requirements for project budgets. Further,
 - Refining budgeting based upon direction of Trust Council,
 - An options report for FPC on how the Islands Trust uses its surplus,
 - Development of a space and use analysis for the small regional offices,
 - 2 policies are being reviewed: Budget Adjustment and Authority Policy and the Special Property Tax Requisition,
 - We have notified the landlord of our intention to give up the lease on the bylaw enforcement space in the Victoria Office, effective March/April.
- Policy review: As presented at the December 16 Executive Committee meeting, Legislative Services Manager, Carmen Thiel, is in the process of a review of a prioritized list of policies that require updates or amendments.
- Staff have been in touch with the Municipal Insurance Authority and have had some preliminary discussion regarding the Islands Trust becoming a member.
- Staff, including Senior Intergovernmental Policy Advisor (SIPA) Wilcox, had a meeting with Jeff Sheldrake, Executive Director, Ministry of Forests, Lands, Natural Resource Operations & Rural Development (FLNRO), regarding the Crown Lands Agreement Project. It appears that the Ministry considers this valuable work and Jeff is organizing an initial stakeholders meeting. While a Ministry contact has been identified to work with the Islands Trust on the Private Management Forest Land Act amendment process, no meetings have taken place.

Prepared By: Russ Hotsenpiller

Reviewed By/Date: January 7, 2021

January 8, 2021

To: Executive Committee

I am writing to ask for support in ensuring that planning services to LTCs continue in a reasonably consistent way, even as circumstances change. I do so as an individual trustee; however, Trustee David Critchley is aware of this delegation and strongly supports its intent.

I am focussing on challenges with providing proactive planning services on Denman Island. My main goal is improvement for the Denman LTC, but my hope is that a systemic solution can be found that will be of benefit across the Trust Area.

The challenge is that since the beginning of this term over two years ago, no significant work on the Denman Island LTC Top Priority projects has taken place.

As confirmed by RPM Kauer, **only 45 hours of planner time this term has gone to DILTC Top Priority items.**

Those 45 hours went to the Denman Island Farm Plan implementation project. Here, for illustration, is a timeline showing milestones for the Farm Plan implementation initiative:

- Launch of Farm Plan project: 2009
- Farm Plan submitted to DILTC: November, 2012
- Farm Plan implementation identified as an LTC Top Priority: January, 2015
- Amendments to OCP and LUB drafted and referred to APC: November, 2016
- First reading of draft OCP and LUB amendments: May, 2018
- Community Information Meeting: August, 2018
- Staff report: February, 2019

By the time work on this project resumes, there's a reasonable likelihood that key factors (ALR and other regulations, the farming economy, climate issues, First Nations considerations, and more) will have changed significantly in the meantime.

RPM Kauer has analyzed the situation and says that *if* all goes well, it is likely that the Farm Plan implementation project can be resumed later this year and hopefully completed by the end of term. This would make it the *only* project completed this term.

I include this to illustrate the on-the-ground situation as it is being experienced by Denman Islanders: they see that their local land use planning authority is unable to complete work and to respond to ongoing and emerging issues in a timely manner.

There is one main reason project work is not getting done: Denman has two complex rezoning applications in the works. Both are for affordable housing—a topic which is on the Trust Council strategic plan and is a high priority for Denman Islanders (as it is for all levels of government). There is a housing crisis in much of British Columbia. Therefore, putting housing applications on hold, or on a slow track, is not a politically defensible move, nor is it a humanly defensible one—there are ailing seniors, single parents, people with disabilities, valued community volunteers, staff at key businesses and institutions, all living in insecure, illegal, and/or unaffordable housing on Denman.

There are other reasons project work is not getting done: mainly, staff shortages due to medical leaves and turnover, and COVID.

For whatever reason, having absolutely no Project work for a period of two or more years is not an effective planning situation. Half-completed work becomes obsolete, emerging issues pile up, LTCs attempt to deal with outdated regulations via unwieldy standing resolutions, and above all, communities lose touch with their local government and/or become frustrated.

These circumstance can happen with any LTC, in the current approach where each LTC has three Top Priority projects which get worked on consistently (unless applications take over), and where there are limited ways to respond to staff shortages due to medical leaves or delays in filling open positions.

Are there solutions?

I understand and support the fact that allocation of staff time is done based on a principle of fairness for all LTCs, taking into account differences in population. I also understand that this is not an exact science and that the task of divvying up staffing resources presents many complexities. So we could say that planner time is allocated to LTCs in a mostly, but not entirely, proportional way.

Here are some ideas of how to maintain that principle while addressing the occasional problem of an LTC having no capacity for project work for several years:

- Adopt a practice and/or policy that says every LTC receives a minimum of planner hours per year for Top Priority project work, even though this may slow down project work for other LTCs.
- Adopt a practice and/or policy that planners focus on *the #1 item* on each Top Priority list for all LTCs, and only on the #2 items when *all* LTCs have received a baseline of hours on their #1.
- Have a “floating” staff planner, or hire a planner on contract, as extra support under specific conditions (for instance, when application work makes project work impossible for over a year, if the applications fulfill local OCP and/or TC strategic plan objectives)
- In setting priorities for the Regional Planning Team, include as a consideration the amount of project work that an LTC has done/completed in recent months and years.*
- Encourage staff to find new and creative ways to find resources for LTC project work, as was done recently for Salt Spring Island’s Ganges planning process project.

I am sure other ideas for solutions could be found if the will was there. We have a lot of great minds and planning expertise in the Islands Trust.

In the short term, I fear that at the end of the term, four years may have passed with no Top Priority project completed on Denman Island. I continue to be in touch with RPM Kauer and Director Marlor to find ways around this. Any assistance or ideas from EC would be helpful.

Respectfully,
Denman Island Local Trustee Laura Busheikin

*The current plan for the Regional Planning Team, as presented in December to Council, includes two separate projects each for North and South Pender, which have received, respectively, 236 and 401 planner hours for projects this term, and two projects for Gambier, which has received 278 planner hours for projects this term. Also, this plan includes significantly more Southern LTCs than Northern. All this may be justified, but there’s no indication of the criteria that lie behind these choices. I realize the planning service delivery review is a work in progress. It needs to include a clear, fair and transparent system by which RPT resources are allocated. I assume Trustees and constituents will expect this.

REQUEST FOR DECISION

ISLAND MUNICIPALITY BYLAW SUBMISSION

File No.: 08-3020-20-01 BIM_BL_528

DATE OF MEETING: January 13, 2021
TO: Islands Trust Executive Committee
FROM: Kim Stockdill
Island Planner, Local Planning Services
SUBJECT: Bowen Island Municipality – LUB Amendment Bylaw No. 528

RECOMMENDATION

1. **THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 528 cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 528, 2020” is not contrary to or at variance with the Islands Trust Policy Statement.**

IMPLICATIONS OF RECOMMENDATION

Organizational - None

Financial - None

Policy - None

Implementation/Communications - Communication to Bowen Island Municipality regarding the Executive Committee decision by January 29, 2021.

Other - None

PURPOSE

Bowen Island Municipality Bylaw No. 528 (Attachment 1) is an amendment to the Bowen Island Municipality Land Use Bylaw No. 57, 2002 in order to update the definitions and general regulations section of the bylaw.

BACKGROUND

The Bowen Island Municipality’s Land Use Bylaw (LUB) No. 57 was adopted in 2002. Bowen Island staff state that while there have been amendments made to the LUB since 2002, a review of the definitions or the general regulations sections have not been completed. Proposed Bylaw No. 528 will updated these sections as well includes formatting changes throughout the bylaw which will not affect zone specific regulations. The overall intent of the proposed of the technical LUB review project is to restrict amendments to those that better streamline and clarify the LUB while not changing permitted uses on properties on Bowen Island.

The staff report dated [January 30, 2020](#) includes proposed amendments for the following topics that staff report that require a more detailed discussion: height, average and finished grade, floor area, lot coverage, front lot line, watercourse and definitions for different dwelling types. Other definitions will be amended in order to be consistent with the definition found in the Bowen Island Official Community Plan. The staff report states that there are some ecological/environmental/climate implications:

“This Bylaw contains amendments to the Land Use Bylaw, some of which would have implications. For example, staff are proposing amendments to the ‘watercourse’ definition which would better protect watercourses of Bowen and align with Provincial regulations for riparian area protection. Additionally, staff are proposing amendments to the ‘Floor Area’ definition which would allow people to construct thicker walls for buildings without penalty to better meet Step Code requirements.”

Proposed Bylaw No. 528 was given First Reading on December 14, 2020. Additional background is available in the Staff Report to Bowen Council dated December 4, 2020 (Attachment 3).

Bowen Island Municipality staff reviewed the Islands Trust Policy Statement (ITPS) Directive Policies (Attachment 2) have identified the following ITPS Directive policies as relevant:

- 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.
- 3.3.2 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.
- 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.

Bowen Island staff clarified that proposed Bylaw No. 528 is compliant with Policy 5.2.4 as the amended definition of ‘watercourse’ and setback regulations are more align with the Provincial Riparian Area Protection Regulations. The remainder of the directive policies are indicated as not applicable for the LUB (definitions and general regulations) technical review.

In review of the staff reports and bylaw, staff concurs with the Bowen Island Municipality staff that the remaining ITPS policies do not apply, and that the proposal is not contrary to or at variance with the Island Trust Policy Statement Directive Policies.

Issues Relating To First Nation Interest

From the staff reports received from the Bowen Island Municipality, staff have made no comment regarding any First Nations engagement with this land use bylaw amendment. The Islands Trust Policy Statement does not contain directive policies with regards to First Nations.

Public Comments

As of the date of this Request for Decision, no public comments have been received at the Islands Trust office.

Staff Comments

The purpose of the staff report is to advise if the proposed bylaws are or are not contrary to or at variance with the Islands Trust Policy Statement (ITPS). Bowen Island Municipality has considered the Islands Trust Policy Statement Directives Policies Checklist and has indicated if the Municipality has addressed relevant policies (see Attachment 2).

Based on a review of the proposed Bylaw No. 528, the Bowen Island staff reports, and the ITPS Checklist, Islands Trust staff concludes that the Bylaw No. 528 is not contrary to or at variance with the Islands Trust Policy Statement.

KEY ISSUES/CONCEPTS

- Referral of Land Use Bylaw No. 528 under s.15 of the Letters Patent
- Written response to Bowen Island Municipality required by January 29, 2021 (45 days after date of receipt of the referral on December 15, 2020).
- Comments from Executive Committee limited to whether or not Bylaw No. 528 is contrary to or at variance with the Islands Trust Policy Statement.
- Staff considers that Bylaw No. 528 is not contrary to or at variance with the Islands Trust Policy Statement.

RELEVANT POLICY

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

ALTERNATIVE

1. Determine that the bylaw(s) is/are contrary to the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Bowen Island Municipality in writing that the Executive Committee considers that Bylaw No. 528 cited as "Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 528, 2020" is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], triggering notification of the Minister.

Submitted By:	Kim Stockdill, Island Planner	January 5, 2021
Concurrence:	Stefan Cermak, A/Director of Local Planning Services	January 6, 2021

ATTACHMENTS

1. Bylaw No. 528 – Proposed LUB Amendment
2. Islands Trust Policy Statement Checklist
3. BIM Staff Report – [December 14, 2020](#) (attached by web link)

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

WHEREAS, “Bowen Island Land Use Bylaw No. 57, 2002” establishes zoning classifications and regulations for land within the municipality; and

AND WHEREAS, Council wishes to amend “Bowen Island Land Use Bylaw No. 57, 2002” to update certain definitions and land use regulations:

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

1.0 CITATION

1.1 This bylaw may be cited for all purposes as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 528, 2020”.

2.0 DEFINITIONS

2.1 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by:

(a) Amending the following definitions in Section 1.1 Definitions under Part 1 – INTERPRETATION to read the following:

“AGRICULTURE” means the *use* of land, *buildings* or *structures* for the growing, rearing, producing or harvesting of crops, plants, livestock and other animals subject to Provincial Regulation and includes the processing and sale of products harvested, reared or produced on that *lot* and the storage of machinery, implements and supplies for use by the agricultural operation, but excludes *intensive agriculture*.

“ARTISAN INDUSTRY” means any occupation for gain or support that demands an art, handcraft, or trade in which an individual’s skill, through design or production method, lends a unique and distinctive quality to the finished object; or craft that results in the *assembly*, processing, manufacture or preparation of physical product from other physical resources; or the restoration of items of art or antiques; or involves the teaching of creative arts or performance skills and the use of associated venues for exhibition; and allows as *accessory uses*:

- *general service use* for a trade, art or craft;
- sale and repair of products that are produced or restored on site;
- venues for the exhibition and/or performance of those products/skills directly related to other activities on the site, and
- incidental selling of goods not manufactured on-site but related to other activity on the site.

“BED AND BREAKFAST” means the provision of sleeping accommodation, toilet facilities and a breakfast meal to transient paying guests as a *home occupation*.

“BUILDING” means a roofed *structure* at least 1.5 metres in height and, for purposes of this Bylaw, up to two *buildings* connected by a covered walkway and located not more than 3.0 metres (9.8 feet) apart are deemed to be one *building*.

“COHOUSING” means a housing model that fosters an inclusive, mutually supportive, yet independent living environment. Projects consist of clustered, attached and/or detached *dwelling*s that are individually owned and completely self-contained yet incorporate commonly owned land, *buildings*, and *structures*.

“COMMUNITY WATER SYSTEM” means a *water work system* that serves more than one lot, and which is owned, operated and maintained by Bowen Island Municipality, an Improvement District, Water Users’ Community defined under the Water Users’ Communities Act or a Water Utility defined under the Water Utility Act.

“COMMUNITY WATERSHED” means all or part of the drainage area that is upslope of the lowest point from which water is diverted for human consumption by a *water work system*.

“COTTAGE RESIDENTIAL DEVELOPMENT” means a development providing supportive housing to individuals as defined through a registered Housing Agreement, consisting of attached or detached dwellings and a caretaker’s residence, and which may include accessory uses, buildings and structures including: a common amenity building; *domestic agriculture* and *agriculture* uses; workshops and studios; meeting rooms and instruction areas.

“DAYCARE” means a facility providing care for children licensed under the Community Care Facility Act.

“DWELLING or DWELLING UNIT” means a *building* or part of a *building* containing sleeping, *living area* and *kitchen* designed, used or intended for use as one (1) residence.

“ENVIRONMENTAL MANAGEMENT PLAN” means a stand-alone document or a part of a report prepared by a qualified professional, describing environmental protection measures to be implemented for the purpose of controlling erosion and sedimentation; managing storm water runoff; managing ecosystem function and structure; and a plan for monitoring the proper implementation of said measures.

“FLOOR AREA” means the sum of the horizontal areas on any storey of a *building* or *structure*, including basements, measured to the inner surface of exterior walls and windows, 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 1.5 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, doors, and windows shall be included in the calculation of *floor area*.

“GARDEN CENTRE” means a use providing for the retail sale of nursery plants, home gardening supplies, supplies for agriculture and the care and feeding of animals, and related goods and services including related seasonal sales and related equipment rental.

“GAS STATION” means a use providing for the retail sale and storage of petroleum products and other fuels, energy charging, lubricating oils and products related to the operation of a motor vehicle and may include a convenience store.

“GENERAL SERVICES” means a *use* that provides:

- a) services to individuals or other businesses including and not limited to bank and financial institution, post office, instructional service, film processing, photocopying service, rentals, barber shop, or beauty salon;

- b) activities of an accounting, administrative, clerical, consulting, professional or record keeping nature conducted for monetary gain or for benefit of the public;
- c) repair or cleaning services for personal goods or small household goods customarily used within a *dwelling unit*, including a shoe repair shop or a small appliance repair shop but excludes automobile sales and repairs.

"GUEST HOUSE" means a *use* that provides for overnight guest accommodation for transient paying guests, and may include a *communal dining room*, *kitchen* facility, the provision of accessory group meetings/courses/workshops, recreational facilities, and a *dwelling unit* for the owner-operator or staff and their family.

"HEIGHT" means for the purposes of *buildings*, the vertical distance from the lower of the average *natural grade* or *finished grade*, measured to:

- a) the highest point of a *building* with a flat roof (See Figure 1-3);
 - b) the mean *height* line between the highest point of the *building* and the ceiling immediately below for *buildings* with pitched or shed roofs and attic space (See Figure 1-4);
 - c) the mean *height* line between the peak and a point 2.44 metres above the immediate floor below for *buildings* with pitched or shed roofs without ceilings (See Figure 1-5); or
 - d) the highest point of the flat roof or to the midpoint of the projected peak of the pitched roof, whichever is higher, for buildings with roofs composed of a combination of pitched and flat elements (See Figure 1-6).
- (See Section 3.12)

"HEIGHT" means for the purposes of *structures*, the vertical distance from the lower of the *natural grade* or the *finished grade* to the highest point of the *structure*. See Figure 1-3 – 1-6.

"INDOOR ENTERTAINMENT FACILITY" means a *use* conducted primarily indoors, including a performing arts facility, auditorium, studio, movie theatre, arena, bowling alley, curling rink, fitness club, gymnasium, indoor skating rink, racquet court, swimming pool, and other similar types of indoor entertainment and recreational *uses*, and can include a refreshment facility for the patrons of the facility.

"KITCHEN" means a room or area of a room, other than a *Limited Kitchen Facility* that is equipped or constructed so as to be capable of being equipped for activities related to the preparation and cooking of food.

"LIMITED KITCHEN FACILITIES" means an area that is equipped or capable of being equipped with plug-in countertop cooking appliances, a mini fridge, and a small sink for activities related to the preparation and cooking of food.

"LIVE/WORK UNIT" means a single unit, designed for and consisting of both artisan and/or general services and a residential *dwelling unit* component, where both spaces are occupied by the same person and the dwelling component is the primary dwelling of the occupant.

"LOT COVERAGE" means the percentage or area of the *lot area* covered by *buildings* and *structures* over 0.6 meters in height; and excluding eaves to a maximum depth of 1.25 meters.

"LOT LINE" means any boundary of a *lot* and in particular:

"Front Lot line" means the shortest *lot line* common to the *lot* and a *highway* and where there is more than one *lot line* common to the *lot* and the *highway*, the shortest of these lines that is greater than 20 metres in length shall be considered the *front lot line*; if no lot

line greater than 20 metres, the longest line abutting the *highway* is the front. Where a *lot* is split by a *highway* each portion of the *lot* shall have a *front lot line*;

“Exterior Side Lot line” means a *lot line* or lines not being the front or *rear lot line* and common to the *lot* and a *highway*;

“Interior Side Lot line” means any *lot line* that is not a front, exterior side or *rear lot line*;

“Rear lot line” means a *lot line* or lines opposite to and most distant from the *front lot line* or where the rear portion of the *lot* is bounded by intersecting exterior side or *interior lot lines* it shall be the point of such intersection.

(See Figure 1-7)

“MEDICAL CLINIC” means a use providing for the care of sick, injured, or aged, including a medical, dental, physiotherapy or similar practice for in-patient and/or out-patient services, emergency care, medical services, therapy, mental services, laboratories and other accessory facilities.

“PARKING SPACE” means a space within a *building* or *parking area*, for the parking of one vehicle, excluding parking area access aisles and ramps. It may also include electrical vehicle charging.

“RESTAURANT” means a *use* where food and beverages are prepared and sold to the public primarily for immediate consumption and may include the serving of alcoholic beverages to a person without a meal, as regulated by the Liquor Control and Licensing Act.

“RETAIL” means a *use* within a *building* or on an associated *lot* where goods are offered or kept for sale or rental to the public.

“SIGN” means any identification, description, illustration or device, illuminated or unilluminated, whether or not containing words or symbols, which is visible from any public street and which directs attention to a product, place, activity, person, institution, business or other solicitation, and includes any temporary or permanent installation;

“SPILL MANAGEMENT PLAN” means a plan for the control and minimization of damage to life, property, or the environment from any form of hazardous materials.

“STRUCTURE” means any construction installed on, supported by or sunk into land or water, but does not include construction less than 0.6 metres in *height*.

“WATERCOURSE” means any natural or artificial channel through which water flows seasonally or permanently, and may include a ditch connected by surface flow to another watercourse or body of water, a natural stream, or a channelized stream, but excludes a *constructed ditch*.

“WINERY” means the production of wine, at a *winery* facility licensed by the Liquor & Cannabis Regulation Branch, where at least 50% of the wine production comes from grapes grown at on the same *lot*, or from another *lot* which is part of the same business. A *winery* may include *winery* tours, wine tasting, wine sales, and the sale of *winery* promotional products.

(b) Deleting the following definitions in Section 1.1 Definitions under Part 1 – INTERPRETATION:

“AGRICULTURAL RETAIL” means the use of buildings and structures for the retail sale of goods and services related to agriculture, including goods and services related to the care and feeding of animals, and retail sale of pet food and supplies.

“AMUSEMENT ARCADE” means a *use* located primarily indoors containing more than three video, electrical, mechanical or manual games including video and pinball machines and gaming devices.

“APARTMENT DWELLING” means the residential use of part or all of a building comprised of three or more dwelling units, some or all of which have entrances from a common corridor or lobby.

“AVERAGE FINISHED GRADE” means the average grade elevation around a *building or structure’s* perimeter with any proposed changes to natural grade due to construction, placement of fill, or removal of soil, measured as the average of each point of the building where two exterior walls of the *building or structure* contact each other and the ground surface. In the case of *buildings* and *structures* on the surface of water, *average finished grade* shall be the watermark of any floating *building or structure*. See Figure 1-1.

“AVERAGE NATURAL GRADE” means the average existing grade elevation, prior to any re-grading or construction, calculated around the perimeter of the *building or structure* at or directly below its outermost exterior walls, measured as the average of each point of the building where two exterior walls of a *building or structure* contact each other and the ground surface. In the case of *buildings* and *structures* on the surface of water, *average natural grade* shall be the *high watermark* on a *building or structure* fixed to the bed of the water and the watermark of any floating *building or structure*. See Figure 1-2.

“COTTAGE INDUSTRY” means any occupation for monetary gain that demands a skill, practiced ability, or apprenticeship in a trade, art, or craft that results in the *assembly*, processing, manufacture or preparation of physical product from other physical resources; or the restoration of items of art or antiques; or involves the teaching or training of creative arts or performance skills; and allows as *accessory uses*:

- *office use* for a trade, art or craft;
- sale and repair of products that are produced or restored on site;
- venues for the exhibition and/or performance of those products/skills directly related to other activities on the site, and
- incidental selling of goods not manufactured on-site but directly related to other activity on the site.

“HORTICULTURE” means growing of fruits, vegetables, flowers or ornamental plants for resale.

“INDOOR RECREATION FACILITY” means a *use* conducted primarily indoors, including but not limited to an arena, bowling alley, curling rink, fitness club, gymnasium, indoor skating rink, racquet court, swimming pool and other similar types of indoor recreational *uses*, and can include a refreshment facility for the patrons of the facility, but excludes an *amusement arcade*.

“INN” means a building or group of buildings that may contain sleeping accommodation, a small kitchen area with limited cooking facilities such as a microwave oven, bathrooms, meeting rooms, dining room and kitchen facilities, recreational facilities, and a residential dwelling unit for staff.

“LOT DEPTH” means the measurement from the *front lot line* to the *rear lot line* measured from a line connecting the centre point of the *front lot line* to the centre point of the *rear lot line*.

"MUNICIPAL HALL" means a *use* that provides for conducting local government business, services and activities and related public services and activities, within *offices*, meeting rooms or *Council* chambers.

"OFFICE" means a location where activities of an accounting, administrative, clerical, consulting, professional or record keeping nature are conducted for monetary gain or for benefit of the public.

"PARCEL" means the smallest unit in which land is designated as a separate and distinct *parcel* on a legally recorded plan or description filed in the Land Title Office, except that the total area of land in a Bare Land Strata Plan registered under the Strata Property Act shall be considered a *parcel*.

"PRODUCE STAND" means a portable *structure* used for the sale of locally grown agricultural or horticultural products.

"TOWNHOUSE DWELLING" means residential use of a building comprised of three or more dwelling units separated from one another by party walls extending from foundations to roof, each of which has a separate exterior entrance at grade and shares no more than two party walls with adjacent dwelling units.

"VINEYARD" means the *use* of land, *buildings* or *structures* for the growing of grapes or other fruits and berries for the production of wine from grapes or other fruits and berries at a *winery* located on the *lot* where the grapes or other fruits and berries are grown, or for commercial wholesale

(c) **Inserting the following definitions alphabetically in Section 1.1. Definitions under Part 1 – INTERPRETATION**

"CEMETERY" means land or buildings that are set apart or used as a place of interment or memorial, including for related solemn rites and gatherings.

"EMERGENCY SERVICES" means public facilities that provide for community safety and security including police stations, fire halls, and ambulance services.

"FENCE" means a vertical structure used as an enclosure or a screen of all or part of a site, not exceeding 0.2 metres in thickness, excluding posts and rails.

"GOVERNMENT OFFICE" means a *use* that provides for conducting government business, services and activities and related public services and activities, such as within *offices*, meeting rooms or *Council* chambers.

"GRADE, AVERAGE" means the measurement around the perimeter of the building or structure at or directly above or below the outermost projection of the exterior walls. See Section 3.12

"GRADE, FINISHED" means the ground level after any changes to *natural grade* due to construction, placement of fill, or removal of soil

"GRADE, NATURAL" means the natural undisturbed ground level formed without human intervention.

"LIGHT MANUFACTURING" means a use providing for the processing, fabricating, assembly, storing, transporting, distributing, wholesaling, testing, servicing, repairing, or repurposing of goods, materials, or things. This use excludes bulk gas and fuel loading and fuel storage facilities.

"MINI-STORAGE" means accessory units a maximum floor area of 30 square metres per unit For the purpose of storing nonhazardous possessions indoors.

“PUBLIC COMMUNITY FACILITY” means a public amenity venue, including public libraries, museums, art galleries, theatres, and similar arts and cultural venues.

“RETAINING WALL” means a vertical structure constructed to hold back rock or soil.

“STORAGE AND WAREHOUSE” means a building or buildings with one or more separate units for the sole purpose of storing nonhazardous possessions indoors.

“WOOD PROCESSING” means the milling, shaping, and finishing of wood products, excluding the production of sawdust or mulch other than as incidental by-products resulting from the production of other wood products.

3.0 AMENDMENTS

3.1 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 3.2 USES PERMITTED IN ALL ZONES by:

(a) amending Section 3.2.1 to read:

Bicycle paths, equestrian trails, pedestrian trails or board walks, educational interpretive signage, *open space*, natural parks other than playgrounds and playing fields;

(b) amending Section 3.2.5 to read:

Water Works Systems

3.2 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 1.1, Section 2.8, Section 5.7, Section 5.10, Section 6.3, Section 6.15, by deleting the term “*parcel*” and replacing it with the term “*lot*”

3.3 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by:

(a) deleting Section 3.3.1 PROHIBITED USES OF LAND, BUILDINGS, AND STRUCTURES and renumbering subsequent items; and

(b) amending Section 3.3.6 PROHIBITED USES OF LAND, BUILDINGS, AND STRUCTURES to read:

A *use* located partially or totally in a tent trailer, motor home, camper, or other recreation vehicle, without a permanent foundation or permanent service connection, except when a tent trailer, motor home or camper, or other recreation vehicle:

- is otherwise permitted by this Bylaw; or
- is used for temporary sleeping accommodation for non-paying visitors on a residential *lot* for a period not exceeding 90 days in any 360-day period.

3.4 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Part 3 by

(a) inserting a heading AVERAGE GRADE CALCULATING FOR BUILDING HEIGHT following Section 3.11;

(b) inserting the following Sections

Section 3.12.

1. *Average grade* (natural and finished) is measured around the perimeter of a building at or directly above the outermost projections of the exterior walls. A deck attached to a building is not considered in determining the perimeter.
2. The lower of the average *natural grade* or average *finished grade*, each calculated separately, will be used in building height and floor area ratio calculations.
3. To calculate the average *finished grade* and *natural grade* for the building:
 - a. calculate the *average grade* elevation for each wall section having a constant grade along the finished and natural wall section by dividing the grade elevation at each end by 2 [(grade 'x' + grade 'y') ÷ 2 = average], then multiply this average grade elevation by the length of that wall section;
 - b. add the resulting numbers for each section of wall;
 - c. divide this total number by the total perimeter wall length of the building. This will be the *average grade*, natural or finished.
4. Where the undisturbed ground level of natural grade cannot be ascertained because of existing landscaping, buildings or structures, and appears to have been significantly altered, the level of natural grade shall be determined by the Municipal Building Inspector, who may rely on the professional opinion of a British Columbia Land Surveyor on the determination of natural grade at the cost of the property owner

(c) renumbering subsequent sections

- 3.5 "Bowen Island Municipality Land Use Bylaw No. 57, 2002" is amended at Part 3 ACCESSORY BUILDINGS OR STRUCTURES by

(a) deleting Section 3.13 and 3.14 and renumbering subsequent sections

- 3.6 "Bowen Island Municipality Land Use Bylaw No. 57, 2002" is amended at Section 3.15 HEIGHT EXCEPTIONS by adding the following number, and renumbering subsequent section:

3.15.9 Solar and photovoltaic panels

- 3.7 "Bowen Island Municipality Land Use Bylaw No. 57, 2002" is amended at Section 3.18-3.23 SETBACKS FROM WATERCOURSES, WATER RESERVOIRS, LAKES, WETLANDS & NEST TREES by deleting Section 3.18-3.23 and replacing with the following, and renumbering subsequent sections:

3.18 No *building* or *structure* shall be sited within thirty (30) metres from the *natural boundary* of any *watercourse* or *wetland* unless otherwise provided for in this Bylaw.

3.19 No *building* or *structure* shall be sited within fifty (50) metres from the *natural boundary* of any *water reservoir* or lake unless otherwise provided for in this Bylaw.

3.20 *Water works systems* may be sited within the required setback from the *natural boundary* of any *watercourse*, *water reservoir* or lake.

3.21 No *use*, including those *uses* listed below, shall be conducted within thirty (30) metres of the *natural boundary* of any *watercourse* or *wetland*, or fifty (50) metres of the *natural boundary* of any *water reservoir* or lake unless otherwise provided for in this Bylaw.

.1 burial or storage of wood chip or sawdust piles greater than 3 cubic metres;

.2 storage of pressure treated wood that is not effectively covered (e.g. minimum requirement is cover by a tarp in good condition)

- .3 storage of solid waste, landfill, fuels, tires, chemicals, construction materials, or derelict vehicles or machines;
 - .4 keeping of livestock or poultry or storage of *agricultural waste*;
 - .5 Storage or repair of automobiles or other vehicles; and
 - .6 Storage or repair of agricultural or industrial machinery.
- 3.22 No *building* or *structure* shall be sited within thirty (30) metres from any tree bearing active nests of blue herons, eagles, ospreys, falcons, hawks or owls and vulture roosting trees.
- 3.8 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 3.24-3.29 SETBACK EXCEPTIONS by:
- (a) Amending Section 3.24 to read as follows:

3.24 No *building* or *structure* other than the following projections beyond the face of a *building* may be located in the area of the *setback* required by this bylaw:

 - .1 bay windows, chimneys, cornices, heating or ventilating equipment, sills, or other similar architectural features, to a maximum length of 2.5 metres, provided that they do not project more than 0.6 metres into the required *setback*;
 - .2 uncovered and unenclosed projections, such as decks provided that they do not project more than 1.25 metres into a required front, side, or rear *setback*, and to a maximum of 20% of the required side yard *setback*;
 - .3 roof overhangs, eaves, and gutters provided that they do not project more than 1.0 metres into the required *setback*; and
 - .4 Exterior Wall thickness to a maximum length of 0.25 metres where the excluded wall thickness is utilized for the provision of insulating materials and/or for the protection against wind, water, and vapour.
 - (b) Amending Section 3.25 to read as follows:

3.25. *Setback* requirements of this Bylaw shall not apply to:

 - .1 *Constructed ditches* or constructed drainage ponds for the purpose of diverting underground or weeping tile water flow that does not replace or divert a *watercourse*; or
 - .2 Self-contained landscaping ponds to a maximum depth of 1.5 metres at any part of the pond and to a maximum length of 3 metres.
 - (c) Amending Section 3.27 to read as follows:

- 3.27 *Fences* not exceeding a *height* of 2.5 metres may be sited on any portion of a *lot*,
- (d) Inserting Section 3.28, and renumbering subsequent section, to read as follows:
- 3.28 *Retaining walls* not exceeding a height of 2.0 metres may be sited on any portion of a *lot*, subject to setbacks to the sea, lakes, *watercourses*, *wetlands*, and *highways*.
- (e) Inserting Section 3.29, and renumbering subsequent section, to read as follows:
- 3.29 *Retaining walls* not exceeding a height of 1.5 metres may be sited on any portion of a *lot*.
- (f) Amending Section 3.29 to read as follows:
- 3.29 *Accessory buildings and structures* not exceeding a *height* of 2.5 metres, not more than 10 sq. m. in horizontal footprint, and not more than 10 sq. m. in *floor area* may be sited 0 metres from any *lot line*, subject to *setbacks* from the sea, lakes, *watercourses* and *wetlands* and *highways*.
- 3.9 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by deleting Section 3.30 and renumbering subsequent sections.
- 3.10 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 3.41-3.46 SIGN REGULATIONS by:
- (a) Inserting Section 3.44, and renumbering subsequent sections to follow, to read:
- 3.44 Any residential *use* shall be permitted one *sign* with a total area not exceeding one (1) square metres.
- (b) Inserting Section 3.46, and renumbering subsequent section to follow, to read:
- 3.46 One *sign* which advertises or pertains to a temporary business, service, or activity conducted on the *lot*, not exceeding one square metre in area, shall be permitted on a *lot*, for a maximum duration of 30 days.
- 3.11 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at PART 4 – ZONE REGULATIONS by inserting a minimum setback from a highway into the following zones SR1, SR2, VR2, CD4 Section 4.52 (1) Area 1-3, 3-8 of CD 6, CD7, CD 8, CD 9, Area 2 of CD 10, Area 2 of CD 18 at the following section: Section 4.6.2 (1), Section 4.17.2(1), Section 4.19.2 (1), Section 4.20.2 (1), Section 4.21.2 (1), Section 4.22.2 (1), Section 4.23.2 (1), 4.30.2 (1) to read as follows:
- Minimum *setback* for a *building* from any *lot line* that abuts a *highway* (metres): 4.6
- 3.12 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at PART 4 – ZONE REGULATIONS by deleting the term *Domestic Agriculture* from all listings as “Principal Uses of Land, Buildings and Structures” and instead inserting the term *Domestic Agriculture* under the listing “Accessory Uses of Land, Buildings, and Structures
- 3.13 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at PART 4 – ZONE REGULATIONS by deleting all instances of the following terms when listed under Permitted Uses of Land, Buildings and Structures:
- (a) Agricultural Retail
- (b) Horticulture

- (c) Indoor Recreation Facility
 - (d) Office
 - (e) Apartment Dwelling
 - (f) Townhouse Dwelling
 - (g) Vineyard
- 3.14 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at PART 4 – ZONE REGULATIONS by amending every instance of the term “*Cottage Industry*” and replacing with the term “*Artisan Industry*”
- 3.15 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.2.1 (1) by deleting “*Dwelling use*” as a permitted accessory use of Land, Buildings and Structures.
- 3.16 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.4.1 (1) by:
- (a) Deleting “or Social” from the term “Community or Social Hall” as a permitted principal use of Land, Buildings and Structures.
 - (b) Replacing “Fire Hall, Ambulance Hall” with the term “*Emergency Services*”
 - (c) Replacing “Museum, Gallery” with the term “*Public Community Facility*”
 - (d) Deleting “Public Library” and “Police Station” as permitted uses of Land, Buildings and Structures
- 3.17 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.4.4.1 (a) to read:
- (a) Emergency Services shall be the only permitted use.
- 3.18 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.7.1 Accessory Uses of Land, Building and Structures by replacing “Parking for another commercial use, subject to Subsection 5.10 with the following:
- Parking area*, subject to Subsection 5.10
- 3.19 “Bowen Island Municipality Land Use Bylaw no. 57, 2002” is amended at Section 4.7.2 (1) by replacing “Minimum *setback* from all *lot lines* (metres)” with the following:
- Minimum *setback* from all *lot lines* (metres) abutting a non-VC zoned lot
- 3.20 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.7.4 (4) (d) to read:
- Parking area* is a permitted *accessory use*.
- 3.21 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.8.1 (1) by:
- (a) replacing the term “Health Clinic” with the term “*Medical Clinic*”
 - (b) deleting the term “Public Library”
 - (c) replacing the term “*Assembly* or Social Hall with the term “*Assembly* or Community Hall
 - (d) replacing the term “Museum, Gallery, with the term “*Public Community Facility*”
 - (e) replacing the term “Police Station, Fire Hall, Ambulance Hall” with the term “*Emergency Services*”
 - (f) deleting the term “Hospital”
- 3.22 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.9.1 (1) by:
- (a) replacing the term “Milling, Shaping and Finishing of Wood” with the term “*Wood Processing*”

- (b) deleting the term “Manufacturing of Wood Products”
- 3.23 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.12.1 (1) by:
- (a) replacing the term “Water Storage” with the term “*Water Works Systems*”
- 3.24 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.14 by:
- (a) deleting the words “and *cottage*” from the Information Note
- 3.25 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.14.1 (1), Section 4.19.1(1), Section 4.19.1(4), and Section 4.19.2(1) by:
- (a) replacing the term “*Inn*” with the term “*Guest House*”
- 3.26 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.15.1(1) and Section 4.15.2 (2) by:
- (a) replacing the term “*Municipal Hall*” with the term “*Government Office*”
- 3.27 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.15.4(1) by:
- (a) replacing the term “Public Community Facilities such as libraries, museums, art galleries” with the term “*Public Community Facility*”
- 3.28 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.15.7(1) by:
- (a) replacing the term “Public community facilities such as libraries, museums, art galleries, *indoor entertainment* and *recreational facilities*” with the term “*Public Community Facility*”
- (b) inserting the term “*Indoor entertainment facility*”
- (c) replacing the term “Government buildings such as post *office*, government *office* with the term “*Government Office*”
- (d) Replacing the term “Police Stations, Ambulance Hall, Fire Hall” with the term “*Emergency Services*”
- (e) Replacing the term “Hospital, Health Centre or Clinic” with the term *Medical Clinic*
- 3.29 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.15.10 (1) by:
- (a) replacing the term “*Indoor Recreation Facility*” with the term “*Indoor Entertainment Facility*”
- 3.30 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.19.2 (1) by:
- (a) deleting the row that reads as follows:

Maximum <i>floor space</i> for <i>Office</i> (See Section 4.19.2(4))			250 m2
--	--	--	--------

- (b) amending the row that reads:

Maximum <i>floor space</i> for <i>General Services</i> (See Section 4.19.2(4))			250 m2
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To read as follows:

Maximum <i>floor space</i> for <i>General Services</i> (See Section 4.19.2(4))			600 m2
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- 3.31 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.20.4 by:

Deleting Section 4.20.4

- 3.32 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.21.4 by:

Deleting Section 4.21.4

- 3.33 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.22.4 by:

Deleting Section 4.22.4

- 3.34 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.23.4 by:

Deleting Section 4.23.4

- 3.35 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.24.5 by:

Deleting Section 4.24.5

- 3.36 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.25.4 by:

Deleting Section 4.25.4

- 3.37 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.25.2 (1) by:

(a) amending the wording “Despite subsections 3.54.6 and 3.54.7, maximum size of *detached secondary suite*” to read: “Despite subsections 3.54.4 and 3.54.5, maximum size of *detached secondary suite*”

- 3.38 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.30.1 (1) by:

(a) replacing the term “Retail sale of goods and items produced on site and day to day convenience goods” with the term “*Artisan Industry*”

- 3.39 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.31.1 (1) by:

(a) adding *Dwelling, Attached* under a Permitted Buildings and Structures in Area 1

- 3.40 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.31.2 (1) by:

(a) replacing the table under “4.31.2 Size Siting and Density of Permitted Buildings and Structures with the following:

Lot Coverage	Area 1	Area 2	Area 3
Maximum combined lot coverage of all <i>buildings</i> and <i>structures</i>	50%	50%	50%
Floor Space Ratio			
<i>Maximum Floor Space Ratio (FSR)</i>	1.0	0.5	1.0
Maximum Floor Area			

Maximum floor area of <i>attached dwellings</i> (square metres)	1,000 plus 4 m ² for every 1 m ² floor area of <i>General Service, Medical Clinic, Retail or Restaurant Uses</i> , to a maximum of 2,200 m ²	3,000	1,000
Maximum floor area of all <i>Community Campus Uses</i> use (square metres)			2,100
Maximum total floor area of <i>Daycare Use</i> (square metres)			500
Maximum floor area of <i>General Service, Medical Clinic, Retail and Restaurant Uses</i> (square metres)	1,000		500
Maximum floor area of all buildings and structures (square metres)	2,500		
Height			
Maximum height of <i>attached dwellings</i> (metres or storeys, whichever is less)	14 m	9.0 m or 2.5 storeys	14 m or 3 storeys
Setbacks			
Minimum <i>setback</i> from front <i>lot lines</i> (metres)	3.0	3.0	3.0
Minimum <i>setback</i> from exterior side <i>lot lines</i> (metres)	0.0	3.0	3.0
Minimum <i>setback</i> from interior site <i>lot lines</i> (metres)	1.5	1.5	1.5
Minimum <i>setback</i> from all interior <i>lot lines</i> for walkways and bridges connecting buildings (metres)	0.0	0.0	0.0
Minimum <i>setback</i> from rear <i>lot line</i> (metres)	3.0	3.0	3.0
Conditions of Use			
<i>Retail, Restaurant, General Service and Medical Clinic</i> uses shall be permitted only as secondary uses on the ground floor or second floor of <i>Dwelling and Community Campus Use</i> buildings.	◆		◆

Despite the definition of <i>Floor Area</i> , in this CD 19 Zone only, the calculation shall exclude a storey that consists of a parking garage, including a portion of such storey used for Parking, Short-Term and Secure Bicycle Parking, or providing vehicular, bicycle, or common pedestrian access to Parking areas.	◆	◆	◆
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- 3.41 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.31.3 by:
- (a) deleting Section 4.31.3
- 3.42 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.32.1 (1) by:
- (a) replacing the term “Parking for another *commercial use*, subject to Subsection 5.10 with “*Parking Area*, subject to Subsection 5.10
- 3.43 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.32.2 (1) by:
- (a) replacing the term “Retail, general services, office, restaurant, pub, cottage industry, indoor entertainment facility, or indoor recreation facility are the only uses permitted on ground floors accessible off of Bowen Island Trunk Road and Dorman Road” with the following “*Retail, general services, restaurant, pub, artisan industry, or indoor entertainment facility* are the only uses permitted on ground floors accessible off of Bowen Island Trunk Road and Dorman Road”
- 3.44 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.32.4 by:
- (a) deleting Section 4.32.4
- 3.45 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.33.1.(1) by:
- (a) replacing the term “*Water Treatment Plant*” with the term “*Water Works System*”
- 3.46 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.33.1.(1) and Section 4.33.2 (1) by:
- (a) replacing the term “*Office*” with the term “*General Services*”
- 3.47 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.33.2 (1) by deleting the following clause:
- “Despite Section 3.30”
- ”
- 3.48 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.34.1 (1) by:
- (a) replacing the term “Manufacturing, assembling, processing and repair, including food and beverage products” with the term “*Light Manufacturing*”
- 3.49 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.14, SECTION 4.20, SECTION 4.22, SECTION 4.25, and SECTION 4.30 by changing references to “Sub Area” in a Comprehensive Development Zone to “Area”

- 3.50 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 4.7 VILLAGE COMMERCIAL ZONES (VC 1, VC2) by:
- (a) In Section 4.7.1 inserting “Daycare” as a permitted Principal Use of Land, Buildings, and Structures in the VC 1 and VC 2 zones.
- 3.51 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by deleting Section 5.15 and renumbering subsequent sections.
- 3.52 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by deleting Table 5-1 *MINIMUM NUMBER OF OFF-STREET PARKING SPACES* and replacing with the following:

TABLE 5-1 MINIMUM NUMBER OF OFF-STREET PARKING SPACES

LAND USE / ZONE	Number of Off-Street Parking spaces Required
	AGRICULTURE
All Zones	1 per 2 non-resident employees
	BED AND BREAKFAST and Residential Guest Accommodation
All Zones	1 per guest room
	CHURCH, COMMUNITY HALL, ASSEMBLY
Rural Zones	1 per 15 m ² floor area
Settlement Zones	1 per 15 m ² floor area
Village Zones	1 per 40 m ² floor area
CD Zones	1 per 15 m ² floor area
CD 20 Zone	1 per 60 m ² floor area
	COMMUNITY DOCK, WHARF, BOAT LAUNCH
All Zones	4 per boat launch
	ARTISAN INDUSTRY
Rural Zones	1 per 30m ² floor area
Settlement Zones	1 per 30m ² floor area
Village Zones	1 per 40m ² floor area
CD 1 Zone	1 per 30m ² floor area
CD 20 Zone	1 per 60m ² floor area
	DAYCARE

Rural Zones	1 per 2 employees, plus 2 spaces
Settlement Zones	1 per 2 employees, plus 2 spaces
Village Zones	1 space
CD 1 Zone	1 space
CD 19 Zone	1 per 50 m ² of floor area
DWELLING	
Rural Zones	2 per <i>dwelling unit</i>
Settlement Zones	1 per <i>dwelling unit</i>
Village Zones	1 per <i>dwelling unit</i>
CD 10 Zone	2 per <i>dwelling unit</i>
Area 1 CD 19 Zone	0.5 per <i>dwelling unit</i>
Area 2 & 3 CD 19 Zone	1 per <i>dwelling unit</i> , plus 0.25 spaces per unit for visitor parking
All other CD Zones	1 per <i>dwelling unit</i>
GARDEN CENTRE	
Rural Zones	1 per 20 m ² of indoor <i>floor area</i> , plus 1 per 200 m ² of outdoor area
GENERAL SERVICE, RETAIL, RESTAURANT, PUB	
Village Zones	1 per 40 m ² <i>floor area</i>
CD 1 Zone	1 per 40 m ² <i>floor area</i>
CD 2 Zone	1 per 40 m ² <i>floor area</i>
CD 20 Zone	1 per 60 m ² <i>floor area</i>
GUEST HOUSE	
Rural Zones	1 per guest room, plus 1 per 2 non-resident employees, plus 1 per 6 dining room seats
All Zones	1 per <i>dwelling</i> and guest unit
HOME OCCUPATION	
Rural Zones	1 per non-resident employee
Settlement Zones	1 per non-resident employee
Village Zones	0
CD 1 Zone	0
CD 20	0
INDOOR ENTERTAINMENT FACILITY	

Rural Zones	1 per 15 m ² <i>floor area</i>
Settlement Zones	1 for 10 m ² <i>floor area</i>
Village Zones	1 per 40 m ² <i>floor area</i>
CD 5 Zone	1 per 15 m ² <i>floor area</i>
CD 20	1 per 60 m ² <i>floor area</i>
INDUSTRIAL	
Industrial Medium Zone	1 per employee plus 1 truck space
Industrial Commercial Zone	1 per employee plus one truck space
PUBLIC COMMUNITY FACILITY AND COMMUNITY CAMPUS	
Village Zones	1 per 40 m ² <i>floor area</i>
CD 2 Zone	1 per 20 m ² <i>floor area</i>
CD 19 Zone	1 per 40 m ² of <i>floor area</i>
LIGHT INDUSTRIAL	
All non-residential uses	1 per 40 m ² of <i>floor area</i> 1 loading bay per building
Residential dwelling	0.5 space per unit
MARINA	
All Zones	1 per 3 berths
MEDICAL CLINIC	
Village Zones	1 per 40 m ² <i>floor area</i>
CD 19 Zone	1 per 40 m ² <i>floor area</i>
GOVERNMENT OFFICE	
All Zones	2 per 35 m ² net <i>floor area</i> , plus 15 stalls of which at least one stall or 5% of the total number of spaces, whichever is greater, shall be designed and marked for use by persons with disabilities
NEIGHBOURHOOD PARK / PLAY FIELDS	
All Zones	5
EMERGENCY SERVICES	
All Zones	1 per employee, plus 2 spaces
RECREATION, TRAINING AND MEETING CENTRE	
All Zones	1 per 2 guest rooms, plus 1 per 2 non-resident employees

	RETREAT CENTRE
Rural Zones	1 per guest room, plus 1 per 2 non-resident employees
Village Zones	1 per guest room, plus 1 per 2 non-resident employees
CD 2 Zone	1 per guest room, plus 1 per 2 non-resident employees
	SCHOOL
All Zones	1 per employee plus 1 per 15 m ² of <i>assembly</i> space
	SERVICE STATION, GAS STATION
All Zones	4, plus 2 per service bay
	STABLES AND KENNELS
Rural Zones	1 per 2 non-resident employees plus 1 per 3 customers
Settlement Zones	1 per 2 non-resident employees plus 1 per 3 customers
	SUPPORTIVE HOUSING
All Zones	1 per 2 bedrooms, plus 1 per employee
CD 19	1 per 2 bedrooms
	VEHICLE REPAIR GARAGE
All Zones	6

3.53 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 6.1.2 by:

(a) replacing 6.1.2 to read: “a *lot* being created for natural *open space*, *highway*, park, public square, *public utility*, or *emergency services*, provided a covenant complying with Sections 2.6 and 2.7 of this Bylaw is registered on title that restricts the *use* of that *lot* to the purpose for which it is being created or the property is designated as *highway*, park or public square on a plan of *subdivision* registered in the Land Title Office;”

3.54 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by altering the Information note at the top of Part 7 – DEVELOPMENT PERMIT GUIDELINES AND EXEMPTIONS to read as follows:

Information Note: *Section 488 of the Local Government Act currently provides that an Official Community Plan may designate areas for the protection of the natural environment, its ecosystems and biological diversity; revitalization of an area in which a commercial use is permitted; establish objectives for the form and character of intensive residential development; and establishment of objectives for the form and character of commercial, industrial or multi-family residential development. The Bowen Island Official Community Plan establishes such areas.*

When land is designated as a Development Permit Area, no land within the designated area shall be subdivided nor construction of, addition to or alteration of a building or structure commenced unless the owner first obtains a development permit or is exempted under a condition that specifies when a development permit would not be required. Land within areas for the protection of the natural environment, its ecosystem and biological diversity

or revitalization of an area in which a commercial use is permitted must not be altered without first obtaining a development permit.

Development permit guidelines and conditions under which a development permit would not be required are provided below.

- 3.55 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by deleting Section 7.1 CAPE ROGER CURTIS DEVELOPMENT PERMIT AREA, renumbering subsequent sections to follow, and amending any references to subsequent sections to match the new numbering.
- 3.56 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended by replacing references to the “Riparian Areas Regulation” in Section 7.2 with “Riparian Areas Protection Regulation.
- 3.57 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 7.2 WATERSHED, AQUIFER AND STREAM PROTECTION DEVELOPMENT PERMIT AREA by amending Exemption 9) with the following:

7.2 Exemptions

9) Development of land where a conservation covenant satisfactory to and in favour of Bowen Island Municipality, Government of British Columbia, Government of Canada, the Islands Trust Fund or another conservation agency is registered for the protection of aquatic and riparian habitat or water resources and the proposed development is outside of and does not adversely affect the covenant area and any *fish and riparian protection area* or *water resource protection area*.

- 3.58 “Bowen Island Municipality Land Use Bylaw No. 57, 2002” is amended at Section 7.5 by:
(a) deleting all instances of the words “or small inn”

4.0 SEVERABILITY

- 4.1 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 14th day of December, 2020;

READ A SECOND TIME this ____ day of _____, _____;

PUBLIC HEARING this ____ day of _____, _____;

READ A THIRD TIME this ____ day of _____, _____;

FINALLY ADOPTED this ____ day of _____, _____;

Gary Ander
Mayor

Hope Dallas
Corporate Officer



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw No. 528, 2020 – File: Land Use Bylaw Housekeeping Amendments

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation

N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** January 13, 2021
From: Jaime Dubyna, Planner 2 **Date Prepared:** January 8, 2021
SUBJECT: Gabriola Island Local Trust Committee – Bylaw 306 (Gabriola Island OCP Amendment)

RECOMMENDATION:

1. That the Islands Trust Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 306, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”, in accordance with Section 27 of the *Islands Trust Act*.

DIRECTOR OF LOCAL PLANNING SERVICES COMMENTS:

Gabriola Island Local Trust Committee has referred Bylaw No. 306 to the Executive Committee for approval under Section 27 of the Islands Trust Act. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

PURPOSE:

The purpose of this Request for Decision is to provide the Executive Committee with a summary of Gabriola Island Local Trust Committee Bylaw No. 306, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”.

BACKGROUND:

By Resolution Without Meeting on April 17, 2020, the Gabriola Island Local Trust Committee (LTC) gave direction to staff to prepare draft bylaw amendments that would amend the Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997.

Proposed Bylaw No. 306 was read for the first time at the June 25, 2020 LTC meeting, and read for a second time at the October 22, 2020 LTC meeting. The proposed bylaw was given third reading at the January 7, 2021 LTC special meeting.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

The key aspect of proposed Bylaw No. 306 is to amend the land use designation of the two subject lots to “Multi-dwelling Affordable Housing”, and includes amendments to existing OCP policies to support additional residential density when used for affordable housing by broadening options to include “low to moderate income families”. The proposed bylaw designates a new Environmental Protection Development Permit Area 11 (DP-11) for the purpose of protecting the natural environment, its ecosystems and biodiversity.

FINANCIAL:

There is no financial impact resulting from the approval of the proposed bylaw.

POLICY:

The proposed bylaw complies with Islands Trust policies.

IMPLEMENTATION/COMMUNICATIONS:

If approved by the Executive Committee, proposed Bylaw No. 306 will be forwarded to the Ministry of Municipal Affairs for approval and to the LTC for final reading.

FIRST NATIONS:

The proposed bylaw was referred to the following First Nations:

- Snuneymuxw First Nation
- Penelakut Tribe
- Lyackson First Nation
- Halalt First Nation
- Cowichan Tribes
- Lake Cowichan First Nation
- Stz'uminus First Nation

OTHER:

Public comments were solicited through one special meeting, two community information meetings and a public hearing. The LTC responded to public comments by making amendments to proposed Bylaw No. 306 throughout the legislative review process.

RELEVANT POLICY(S):

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.1 [Policy Statement Implementation Policy]

ATTACHMENT(S):

1. EC Submissions Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 306
7. First Nations Tracking Sheet

RESPONSE OPTIONS**Recommendation:**

1. That the Islands Trust Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 306, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”, in accordance with Section 27 of the *Islands Trust Act*.

Alternative:

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

That the Islands Trust Executive Committee request that staff advise Gabriola Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 306, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”, is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Gabriola Island Local Trust Committee on steps needed to address the specified issues.

Prepared By: Jaime Dubyna, Planner 2

Reviewed By/Date: Stefan Cermak, A/ Director of Local Planning Services, Jan. 8, 2021



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gabriola Island Local Trust Committee

Bylaw No.: GB-306

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 07-Jan-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: GB-306

Trust Area: Gabriola Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: GB-306
Application No.: GB-RZ-2020.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 25-Jun-2020

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 30-Jun-2020

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 07-Jan-2021

File complete and ready for Public review: Yes

Public Hearings:

Location: Gabriola
Proofread By: McErlean, Becky

Legal Paper: Gabriola Sounder
First Publish Date: 23-Dec-2020

Second Publish Date: 30-Dec-2020

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date: 17-Dec-2020
Second Reading Date: 22-Oct-2020

Delivery Notices:
Date Public Hearing Held: 07-Jan-2021
Third Reading Date: 07-Jan-2021

Referrals: Bylaw GB-307

Agency	Sent	Received
Cowichan Tribes <i>Chief and Council:</i> Candace Charlie <i>Comment:</i> no comment	17-Jul-2020	22-Aug-2020
Gabriola Fire Department <i>P.O. BOX 89:</i> Fire Chief <i>Comment:</i> Due to narrow road consider 3 options: no parking of any kind, widen the roadway or create a pull off between Lot 2 and the Park re D.1.4. Structure Height should be set to 28 ft from 29.4	16-Jul-2020	13-Aug-2020
Halalt First Nation <i>7973 Chemainus Rd:</i> & Council Chief <i>Comment:</i>	17-Jul-2020 17-Dec-2020	
Island Health <i>3rd Floor, 6475 Metral Drive:</i> Jill Lucko <i>Comment:</i> general comments and recommendations for Affordable Housing regarding health and environment and general comments regarding water regulation under the Drinking Water Protection Act and Regulation requirements.	09-Jul-2020	16-Sep-2020
Lake Cowichan First Nation <i>313B Deer Road:</i> Carole Livingstone	17-Jul-2020	17-Dec-2020
Lyackson First Nation <i>7973A Chemainus Road:</i> Referrals Coordinator	17-Jul-2020	17-Dec-2020
Ministry of Forests, Lands, Natural Resource Operations & Rural Development <i>2080 - A Labieux Road:</i> FrontCounter BC	17-Jul-2020	17-Dec-2020
Ministry of Transportation and Infrastructure <i>Vancouver Island District:</i> Michael Pearson <i>Comment:</i> Ministry has no concerns with the bylaws rezoning. We have been contacted for preliminary discussions with the Engineers working on the project.	04-Aug-2020	20-Aug-2020
Nanaimo Regional District <i>6300 Hammond Bay Road:</i> Attention: Planning Referrals <i>Comment:</i> early referral response was no comments or concerns	06-May-2020 02-Jul-2020	17-Dec-2020
Penelakut Tribe <i>Chief and Council:</i> Denise James <i>Comment:</i>	17-Jul-2020 17-Dec-2020	
Snuneymuxw First Nation <i>668 Centre Street:</i> Lacey McRae Williams	17-Jul-2020 17-Jul-2020	

Referrals: Bylaw GB-307

Agency	Sent	Received
<i>Comment:</i> received checklist from Sneneymuxw FN June 30, 2020	17-Dec-2020	
Stz'uminus First Nation	17-Jul-2020	
12611A Trans Canada Hwy: Chenoa Akey	17-Dec-2020	
<i>Comment:</i>		
William Shulba	09-Jul-2020	22-Aug-2020
<i>Islands Trust:</i> William Shulba		
<i>Comment:</i> general approval in Memorandum		
School District 68	09-Jul-2020	
395 Wakesiah Avenue: John Blain		
<i>Comment:</i>		



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

Bylaw No.: Bylaw No. 306 (OCP)

File No.: GB-RZ-2020.1

File Name: Gabriola Housing Society

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

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

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Becky McErlean

Status

Date Resolution Referred to Exective Committee: 07-Jan-2021

Reading:

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 306

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

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

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”.

2. Gabriola Island Local Trust Committee Bylaw No. 166, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997,” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.

READ A FIRST TIME THIS 25TH DAY OF JUNE , 2020

READ A SECOND TIME THIS 22ND DAY OF OCTOBER , 2020

PUBLIC HEARING HELD THIS 7TH DAY OF JANUARY , 2021

READ A THIRD TIME THIS 7TH DAY OF JANUARY , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 202x

ADOPTED THIS

_____ DAY OF _____ , 202x

Chair

Secretary

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306
Schedule "1"

1. **Schedule "A"** of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:
 - 1.1 **Schedule A - Preface, Map Schedules**, III. Schedule D is amended by replacing the words "and 9" with ", 9 and 11".
 - 1.2 **Section 2 - General Land Use and Residential Development**, Subsection **2.0 General Land Use, General Land Use Policies**, clause "k)" is amended by replacing the words "Special Needs residents and Seniors" with "Special Needs residents, Seniors and multiple-dwelling affordable housing."
 - 1.3 **Section 2 - General Land Use and Residential Development**, Subsection **2.1 Residential Land Use, General Residential Policies**, clause "a)" is amended by replacing the words "Special Needs and Seniors' affordable housing" with "Special Needs, Seniors and multiple-dwelling affordable housing."
 - 1.4 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by removing the third bullet text "Low-income families" and replacing it with "Low to moderate income families, as set out in a housing agreement."
 - 1.5 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by removing the following:

"Affordable housing means 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)."
 - 1.6 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by removing "Currently there are two Seniors' housing developments on Gabriola (designated as Seniors and Special Needs (SSN) in Schedule B of this Plan), and no other types of Multi-dwelling Affordable Housing development", and replacing it with, "Currently there are two Seniors' housing developments (designated as Seniors and Special Needs (SSN) in Schedule B of this Plan). To accommodate the provision of multi-family affordable housing, the Plan supports the creation of a new designation (MAH) and zone that is compliant with the objectives and policies of this section."
 - 1.7 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Objectives**, Objective "1" is amended by deleting "Low-income families" and replacing it with "low to moderate income families".
 - 1.8 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause "a)" is amended by removing "9.3" and replacing it with "9.4".

1.9 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “c)” is amended by removing “Section 904” and replacing it with “Section 482”.

1.10 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “c)” is amended by deleting the words “for seniors and Special Needs residents”.

1.11 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “d)” text is deleted and replaced with the following text:

“Densities for the creation of Multi-dwelling Affordable Housing for low to moderate income families shall come only from:

- i. banked densities as noted in Appendix 2 (Density Bank) of this plan, or
- ii. if there are insufficient densities in the Density Bank, the shortfall in densities may be provided based on the merits of the proposal, using the following criteria:
 - lot size;
 - proximity to the Village Core, public transportation and community amenities;
 - availability of sufficient water supply for the proposed number of dwelling units;
 - availability of an area of sufficient size and appropriate characteristics to meet provincial health authority requirements for an on-site sewage treatment system capable of servicing the proposed number of dwelling units;
 - demonstrated community need; and
 - provided that a housing agreement is in place to ensure affordability is maintained in perpetuity.”

1.12 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “h)” is amended by removing “Section 905” and replacing it with “Section 483”.

1.13 **Section 2 – General Land Use and Residential Development**, Subsection **2.7 Home Occupational Use, Home Occupational Policies**, clause “a)” is amended by adding “or Multi-dwelling Affordable Housing as identified in Schedule B of this Plan” after “a single-dwelling residential use”.

1.14 **Section 9 – Development Permit Areas**, Subsection **9.1 Development Permits for Protection of the Natural Environment**, is amended by adding a new development permit area “**DP-11 Environmental Protection**” after “**DP-5 Gabriola Pass Area**”:

“DP-11 Environmental Protection

Development Permit Area 11 (Schedule D) is designated according to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity. The area is also designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of

a report from a registered professional biologist and/or another qualified professional may be required due to the special conditions and objectives described below. The Development Permit Area should not be interpreted as a prohibition on development activity but as identification of areas where professional assessment and specific development adaptation measures are required.

Justification

Gabriola Island has significant natural areas that support important plants and animal habitats. This development permit area is intended for the protection of sensitive ecosystems that are generally classified as mature forest, woodland, herbaceous, cliff, wetland and freshwater. These ecosystems are sensitive to development due to their rarity and potential vulnerability to disturbance.

Objective

The objectives of this development permit area are as follows:

- a. To preserve, protect, restore or enhance environmental features and sensitive ecosystems on Gabriola Island.
- b. To manage development in environmentally sensitive areas.
- c. To minimize the loss of sensitive ecosystems.
- d. To increase protection for species at risk.
- e. To encourage retention of Coastal Douglas-fir and associated ecosystems.
- f. To manage development in an environmentally sensitive manner.

Information Note: Development Permit Area Guidelines for DP-11 Environmental Protection are in the Gabriola Island Land Use Bylaw."

1.15 **Appendix, Appendix 1 Definitions**, is amended by adding a new definition of "affordable housing":

"affordable housing" residential dwelling units rented or owned under the terms of a housing agreement registered on title in favour of the Local Trust Committee."

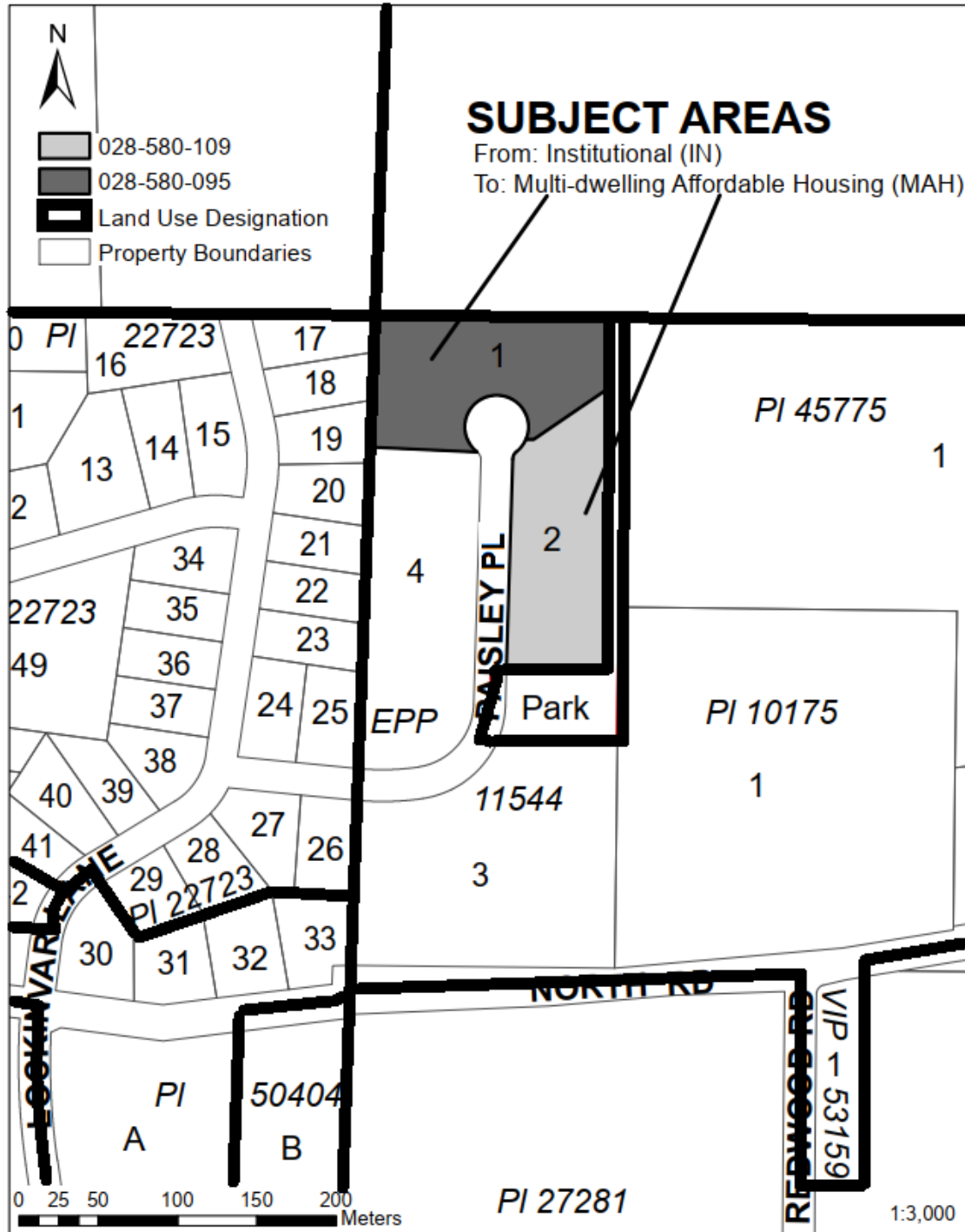
1.16 **Appendix, Appendix 1 Definitions**, by removing the word "multiple-dwelling" and replacing it with "multi-dwelling".

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306
Schedule “2”

1. **Schedule “B” – Land Use Designations – North Sheet** of the Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997 is amended as follows:
 - 1.1. On those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) the land use designation is changed from “Institutional” to “Multi-dwelling Affordable Housing” as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 166 as are required to effect this change.
 - 1.2. On those lands described as LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) the land use designation is changed from “Institutional” to “Multi-dwelling Affordable Housing” as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 166 as are required to effect this change.
2. **Schedule “D” – Development Permit Areas – OCP D North Sheet** of the Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997 is amended as follows:
 - 2.1. **Schedule “D” – Development Permit Areas – OCP D North Sheet**, is amended by designating within Development Permit Area “DP-8 – Multi-dwelling Affordable Housing” on those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) and LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) and in those areas as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule “D” of Bylaw No. 166 as are required to effect this change.
 - 2.2. **Schedule “D” – Development Permit Areas - OCP D North Sheet**, is amended by designating a new Development Permit Area “DP 11 – Environmental Protection” on those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) and LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) and in those areas as shown on Plan No. 3 attached to and forming part of this bylaw and by making such alterations to Schedule “D” of Bylaw No. 166 as are required to effect this change.

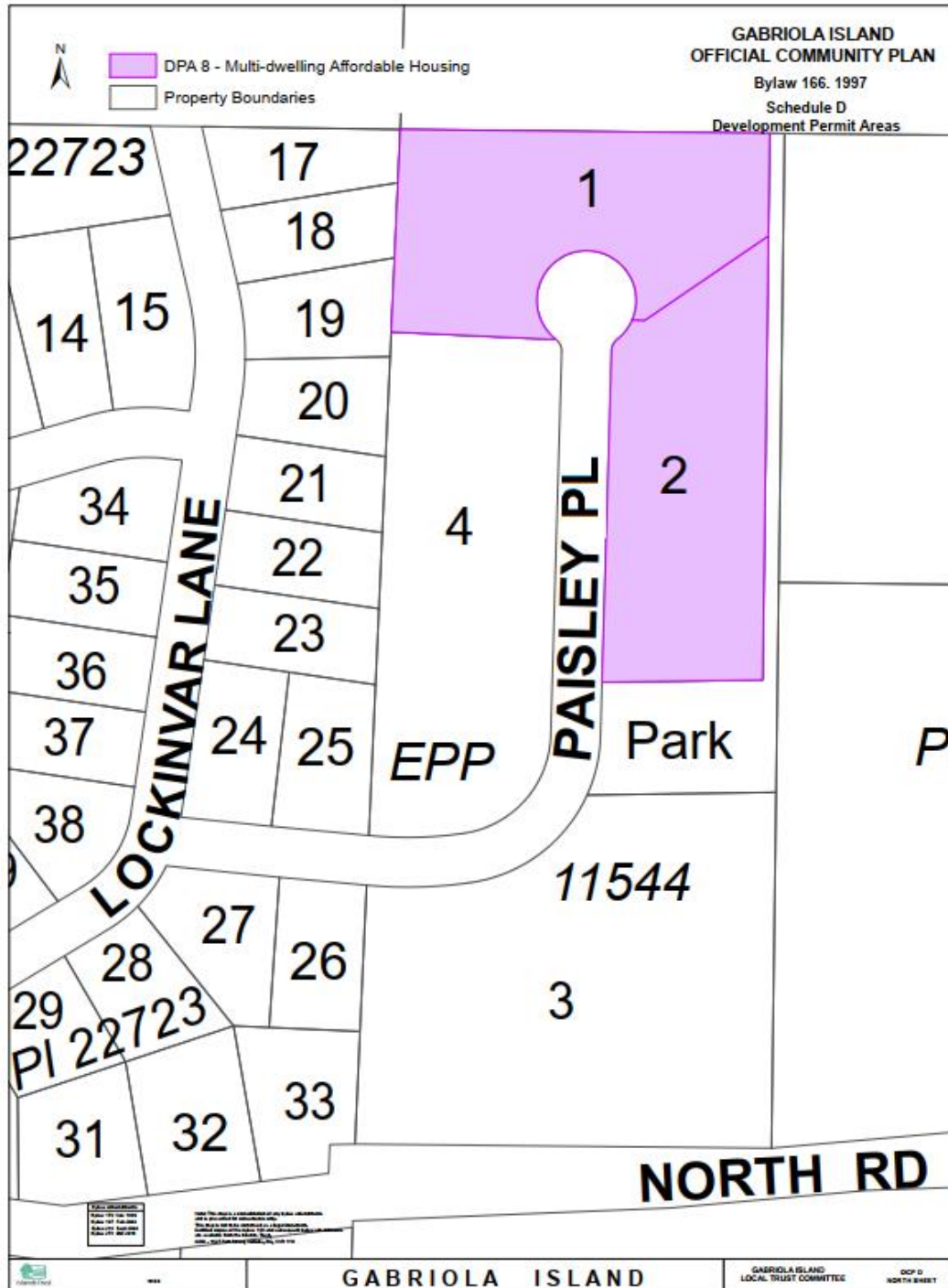
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306

Plan No. 1



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306

Plan No. 2



First Nation Engagement

Referral of: GB BL 306 and 307

First Nation: SNUNEYMUXW FIRST NATION

Date	Comment/Action	Initial
<i>May 13, 2020</i>	<i>Early Referral Package sent via email</i>	<i>BM/JD</i>
<i>June 30, 2020</i>	<i>Received checklist from SFN</i>	
<i>July 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: PENELAKUT TRIBE

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: LYACKSON FIRST NATION

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: HALALT FIRST NATION

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>
		<i>BM</i>

First Nation: COWICHAN TRIBES

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>July 22, 2020</i>	<i>Response received – no Comment</i>	<i>BM</i>

First Nation: LAKE COWICHAN FIRST NATION

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: STZ'UMINUS FIRST NATION

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: HUL'QUMI'NUM TREATY GROUP

Date	Comment/Action	Initial
<i>March 3, 2017</i>	<i>Referral Package sent via email – FOR INFORMATION ONLY</i>	<i>BM</i>

JD = Jaime Dubyna, Planner 2

BM = Becky McErlean, Legislative Clerk



REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** January 13, 2021
From: Jaime Dubyna, Planner 2 **Date Prepared:** January 8, 2021
SUBJECT: Gabriola Island Local Trust Committee – Bylaw 307 (Gabriola Island LUB Amendment)

RECOMMENDATION:

1. **THAT the Islands Trust Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 307, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020”, in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTOR OF LOCAL PLANNING SERVICES COMMENTS:

Gabriola Island Local Trust Committee has referred Bylaw No. 307 to the Executive Committee for approval under Section 27 of the Islands Trust Act. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

PURPOSE:

The purpose of this Request for Decision is to provide the Executive Committee with a summary of Gabriola Island Local Trust Committee Bylaw No. 307, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020”.

BACKGROUND:

Gabriola Island Local Trust Committee Bylaw No. 307

By Resolution Without Meeting on April 18, 2020, the Gabriola Island Local Trust Committee (LTC) gave direction to staff to prepare draft bylaw amendments that would amend the Gabriola Island Land Use Bylaw, 1999.

Proposed Bylaw No. 307 was read for the first time at the June 25, 2020 LTC meeting, and read for a second time at the October 22, 2020 LTC meeting. The proposed bylaw was given third reading at the January 7, 2021 LTC special meeting.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

The key aspect of proposed Bylaw No. 307 is to amend the zoning of the two subject lots to a new “Multi-dwelling Affordable Housing 1 (MAH1)” zone, and includes zone specific regulations to address the use, density and siting in the MAH1 zone. Proposed Bylaw No. 307 includes applicable development

activities, exempted activities and guidelines for the new Environmental Protection Development Permit Area 11 (DP-11).

FINANCIAL:

There is no financial impact resulting from the approval of the proposed bylaw.

POLICY:

The proposed bylaw complies with Islands Trust policies.

IMPLEMENTATION/COMMUNICATIONS:

If approved by the Executive Committee, proposed Bylaw No. 307 will be forwarded to the LTC for final reading.

FIRST NATIONS:

The proposed bylaw was referred to the following First Nations:

- Snuneymuxw First Nation
- Penelakut Tribe
- Lyackson First Nation
- Halalt First Nation
- Cowichan Tribes
- Lake Cowichan First Nation
- Stz'uminus First Nation

OTHER:

Public comments were solicited through one special meeting, two community information meetings and a public hearing. The LTC responded to public comments by making amendments to proposed Bylaw No. 307 throughout the legislative review process.

RELEVANT POLICY(S):

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.1 [Policy Statement Implementation Policy]

ATTACHMENT(S):

1. EC Submissions Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 307
7. First Nations Tracking Sheet

RESPONSE OPTIONS

Recommendation:

1. That the Islands Trust Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 307, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020”, in accordance with Section 27 of the *Islands Trust Act*.

Alternative:

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

That the Islands Trust Executive Committee request that staff advise Gabriola Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 307, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020”, is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Gabriola Island Local Trust Committee on steps needed to address the specified issues.

Prepared By: Jaime Dubyna, Planner 2

Reviewed By/Date: Stefan Cermak, A/ Director of Local Planning Services, Jan. 8, 2021



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gabriola Island Local Trust Committee

Bylaw No.: GB-306

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 07-Jan-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: GB-307

Trust Area: Gabriola Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: GB-307
Application No.: GB-RZ-2020.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 25-Jun-2020

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 15-Jun-2020

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 23-Dec-2020

File complete and ready for Public review: Yes

Public Hearings:

Location: Gabriola Island via Zoom
Proofread By: McErlean, Becky

Legal Paper: Gabriola Sounder
First Publish Date: 23-Dec-2020

Second Publish Date: 30-Dec-2020

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date: 17-Dec-2020
Second Reading Date: 22-Oct-2020

Delivery Notices:
Date Public Hearing Held: 07-Jan-2021
Third Reading Date: 07-Jan-2021

Referrals: Bylaw GB-307

Agency	Sent	Received
Cowichan Tribes <i>Chief and Council:</i> Candace Charlie <i>Comment:</i> no comment	17-Jul-2020	22-Aug-2020
Gabriola Fire Department <i>P.O. BOX 89:</i> Fire Chief <i>Comment:</i> Due to narrow road consider 3 options: no parking of any kind, widen the roadway or create a pull off between Lot 2 and the Park re D.1.4. Structure Height should be set to 28 ft from 29.4	16-Jul-2020	13-Aug-2020
Halalt First Nation <i>7973 Chemainus Rd:</i> & Council Chief <i>Comment:</i>	17-Jul-2020 17-Dec-2020	
Island Health <i>3rd Floor, 6475 Metral Drive:</i> Jill Lucko <i>Comment:</i> general comments and recommendations for Affordable Housing regarding health and environment and general comments regarding water regulation under the Drinking Water Protection Act and Regulation requirements.	09-Jul-2020	16-Sep-2020
Lake Cowichan First Nation <i>313B Deer Road:</i> Carole Livingstone	17-Jul-2020	17-Dec-2020
Lyackson First Nation <i>7973A Chemainus Road:</i> Referrals Coordinator	17-Jul-2020	17-Dec-2020
Ministry of Forests, Lands, Natural Resource Operations & Rural Development <i>2080 - A Labieux Road:</i> FrontCounter BC	17-Jul-2020	17-Dec-2020
Ministry of Transportation and Infrastructure <i>Vancouver Island District:</i> Michael Pearson <i>Comment:</i> Ministry has no concerns with the bylaws rezoning. We have been contacted for preliminary discussions with the Engineers working on the project.	04-Aug-2020	20-Aug-2020
Nanaimo Regional District <i>6300 Hammond Bay Road:</i> Attention: Planning Referrals <i>Comment:</i> early referral response was no comments or concerns	06-May-2020 02-Jul-2020	17-Dec-2020
Penelakut Tribe <i>Chief and Council:</i> Denise James <i>Comment:</i>	17-Jul-2020 17-Dec-2020	
Snuneymuxw First Nation <i>668 Centre Street:</i> Lacey McRae Williams	17-Jul-2020 17-Jul-2020	

Referrals: Bylaw GB-307

Agency	Sent	Received
<i>Comment:</i> received checklist from Sneneymuxw FN June 30, 2020	17-Dec-2020	
Stz'uminus First Nation	17-Jul-2020	
12611A Trans Canada Hwy: Chenoa Akey	17-Dec-2020	
<i>Comment:</i>		
William Shulba	09-Jul-2020	22-Aug-2020
<i>Islands Trust:</i> William Shulba		
<i>Comment:</i> general approval in Memorandum		
School District 68		
395 Wakesiah Avenue: John Blain	09-Jul-2020	
<i>Comment:</i>		



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

Bylaw No.: Bylaw No. 307 (LUB)

File No.: GB-RZ-2020.1

File Name: Gabriola Housing Society

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
n/a	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

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

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Becky McErlean

Status

Date Resolution Referred to Exective Committee: 13-Jan-2021

Reading:

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 307

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS 25TH DAY OF JUNE 2020

READ A SECOND TIME THIS 22ND DAY OF OCTOBER 2020

PUBLIC HEARING HELD THIS 7TH DAY OF JANUARY 2021

READ A THIRD TIME THIS 7TH DAY OF JANUARY 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 202x

ADOPTED THIS _____ DAY OF _____ 202x

Chair

Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307**

Schedule “1”

1. **Schedule “A”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1.1 **Part B - GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES**, is amended by inserting a new Subsection “B.1.4 Site-Specific Zones” after Subsection “B.1.3 Use of Undersized Lots”, as follows:

- “B.1.4.1** The Multi-dwelling Affordable Housing 1 (MAH1) zone is only applicable to the following lots:
- a. LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095); and
 - b. LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109).”

1.2 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.2 Permitted Home Occupations Uses**, is amended by adding the following Article:

- “B.3.1.3** *Home occupation* uses in the Multi-dwelling Affordable Housing 1 (MAH1) zone may only occur within the dwelling unit of the principal operator.”

1.3 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.2 Permitted Home Occupations Uses**, is amended by adding the following Article:

- “B.3.2.2** Despite Article B.3.2.1, the following *home occupation* uses and no other are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:
- a. Business and professional offices that receive no clients or visitors to the *lot*;
 - b. Catering and food preparation for sale elsewhere or delivery, with delivery occurring between the hours of 8 a.m. and 6 p.m.;
 - c. Production of art and craft goods for sale elsewhere, provided no open flame is required in making the art or craft goods and no toxic fumes are produced during their creation.”

1.4 **Part B – GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause “b)”** is amended by adding the words “except in the Multi-dwelling Affordable Housing 1 (MAH1) zone,” immediately after the opening words “Home occupations”.

1.5 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause “i)”** is amended by adding the following after “Signage is permitted for all home occupations in accordance with Section B.4 of this Bylaw”:

“, except for those home occupation uses that occur on a lot within the Multi-dwelling Affordable Housing 1 (MAH1) zone, and then no signage is permitted.”

- 1.6 **Part B – GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause “I)”** is amended by adding the words “permitted in the zone” immediately after the word “stand”.

- 1.7 **Part B – GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1,** is amended by inserting new clause “m” as follows:

“m. In the Multi-dwelling Affordable Housing 1 (MAH1) zone, the total floor area for *home occupation* use must not exceed 30% of the total floor area of the *dwelling unit* in which the *home occupation* occurs.”

- 1.8 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.5 Employees,** is amended by adding the following:

“**B.3.5.2** Despite Article B.3.5.1, in the Multi-dwelling Affordable Housing 1 (MAH1) zone, home occupations must be operated solely by residents of the dwelling unit in which the home occupation occurs.”

- 1.9 **Part B - GENERAL REGULATIONS, Section B.4 SIGNS, Subsection B.4.1 Number and Total Sign Area, Article B.4.1.1** is amended by adding the following:

Column 1	Column 2	Column 3
<i>Zone</i>	Maximum Number of Signs Permitted	Maximum Total Sign Area Permitted
Residential Zones		
MAH1	2 per lot	4.0 sq.m. (43.0 sq.ft.) per lot

- 1.10 **Part B - GENERAL REGULATIONS, Section B.5 PARKING, Subsection B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles, Article B.5.1.1, Table 2: Parking Requirements** is amended by adding the following:

Column 1	Column 2	Column 3	Column 4
Use	Standard Parking Requirements	Accessible Parking Requirements	Bicycle parking requirements
RESIDENTIAL			
two family dwelling	1.25 per unit	Greater of 1 or 1 per 10 units	1 per unit without a garage

- 1.11 **Part C - ESTABLISHMENT OF ZONES**, Section **C.1 DIVISION INTO ZONES**, Subsection **C.1.1 Land Based Zones**, Article **C.1.1.1 Residential Zones**, insert new zone “MAH1 Multi-dwelling Affordable Housing 1” after “SSN Seniors and Special Needs”.
- 1.12 **Part D - ZONES**, Section **D.1 RESIDENTIAL ZONES**, insert new Subsection D.1.4 Multi-dwelling Affordable Housing 1 (MAH1) after Subsection **D.1.3 Seniors and Special Needs (SSN)** as shown on **Appendix 1** attached to and forming part of this bylaw.
- 1.13 **Part F - DEVELOPMENT PERMIT AREA GUIDELINES** is amended by adding a new Subsection **F.11 DP 11-Environmental Protection** as shown on **Appendix 2** attached to and forming part of this bylaw.
- 1.14 **Part G - DEFINITIONS**, Section **G.1 DEFINITIONS**, “*dwelling – multiple family*” is amended by adding the word “principal” after “more” and before “dwelling units”.
- 1.15 **Part G - DEFINITIONS**, Section **G.1 DEFINITIONS**, is amended by adding the following definitions in alphabetical order:

<i>“dwelling, two family</i>	<i>a building consisting of two principle dwelling units;</i>
<i>residential rental tenure</i>	means the granting of a right to occupy a <i>dwelling unit</i> as living accommodation where the minimum occupancy period is thirty consecutive days, and where the <i>dwelling unit</i> is not owned by a <i>dwelling unit</i> occupant, but where regular payments are made to the owner for the use of the <i>dwelling unit</i> ;

2. **Schedule “B”** of Gabriola Island Land Use Bylaw, 177 is amended as follows:
 - 2.1 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
 - 2.2 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307

Appendix 1

D.1.4 Multi-dwelling Affordable Housing 1 (MAH1)

D.1.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

a. Permitted *Principal* Uses

- i *multiple family* residential
- ii *two family* residential

b. Permitted *Accessory* Uses

- i *home occupations*, subject to Section B.3

D.1.4.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

a. Permitted *Buildings* and *Structures*

- i *Multiple family dwellings* and *two family dwellings*, to a maximum of 12 *dwelling units* per hectare (4.85 units per acre) and a maximum of 24 *dwelling units* per *lot*.
- ii Three *buildings* per *lot* that exclude a *pump/utility house*, woodshed and garden shed, and that are *accessory* to all *dwelling units*.
- iii The average size of all *dwelling units* on a *lot* must not be greater than 83 square metres (900 sq.ft.).

D.1.4.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

a. *Building* and *Structure* Height Limitations

- i The maximum *height* of *buildings* or *structures* is 9.0 metres (29.5 feet).

b. *Building* and *Structure* Siting Requirements

- i Except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* and *structure* is:
 - 3.0 metres (9.8 feet) from the *front lot line*;
 - 10.0 metres (32.8 feet) from any *lot line* that is not a *front lot line*.
- ii Despite item D.1.4.3.b.i, the minimum *setback* of *buildings* and *structures* from a *lot line* that coincides with a *lot* in the same zone is 0.0 metres.

c. Lot Coverage Limitations

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot* area.

d. Subdivision Requirements

- i The minimum lot area is 1.0 hectares (2.47 acres).

e. Form of Tenure

- i One hundred percent (100%) of the *dwelling units* in the Multi-dwelling Affordable Housing 1 (MAH1) zone shall be limited to *residential rental tenure*.

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307**

Appendix 2

F.11 DP-11 Environmental Protection

F.11.1 Applicability

- F.11.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.11.2.1:
- a. subdivision of land;
 - b. construction of, addition to, or alteration of a building or other structure;
 - c. alteration of land.
- F.11.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

F.11.2 Exemptions

- F.11.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, property owners must meet any other local, provincial or federal requirements:
- a. Activities on land in respect of which the Islands Trust has received a written statement from a registered professional biologist with relevant experience certifying the absence of a sensitive ecosystem within the area that would be affected by the proposed work;
 - b. Gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
 - c. Manual removal of invasive species in accordance with best management practices;
 - d. Manual planting of native vegetation conducted in accordance with best management practices;
 - e. The construction of a trail if all of the following apply:
 - i. The trail is 1 metre wide or less;
 - ii. No native trees are removed;
 - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips);
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels a stream, the trail is more than 5 metres away from the high water mark of the stream.

- f. The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- g. Ecological restoration and enhancement projects undertaken or authorized by a public body;
- h. The reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation, including general repair or replacement of a septic field on the same spot;
- i. Pruning or topping that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown, or the pruning or removal of a structural root within the critical root zone;
- j. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- k. The repair and maintenance of existing roads, driveways, paths and trails provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfaces;
- l. Works undertaken by a local government or a body established by a local government;
- m. An application resulting in a lot consolidation.

F.11.3 Guidelines

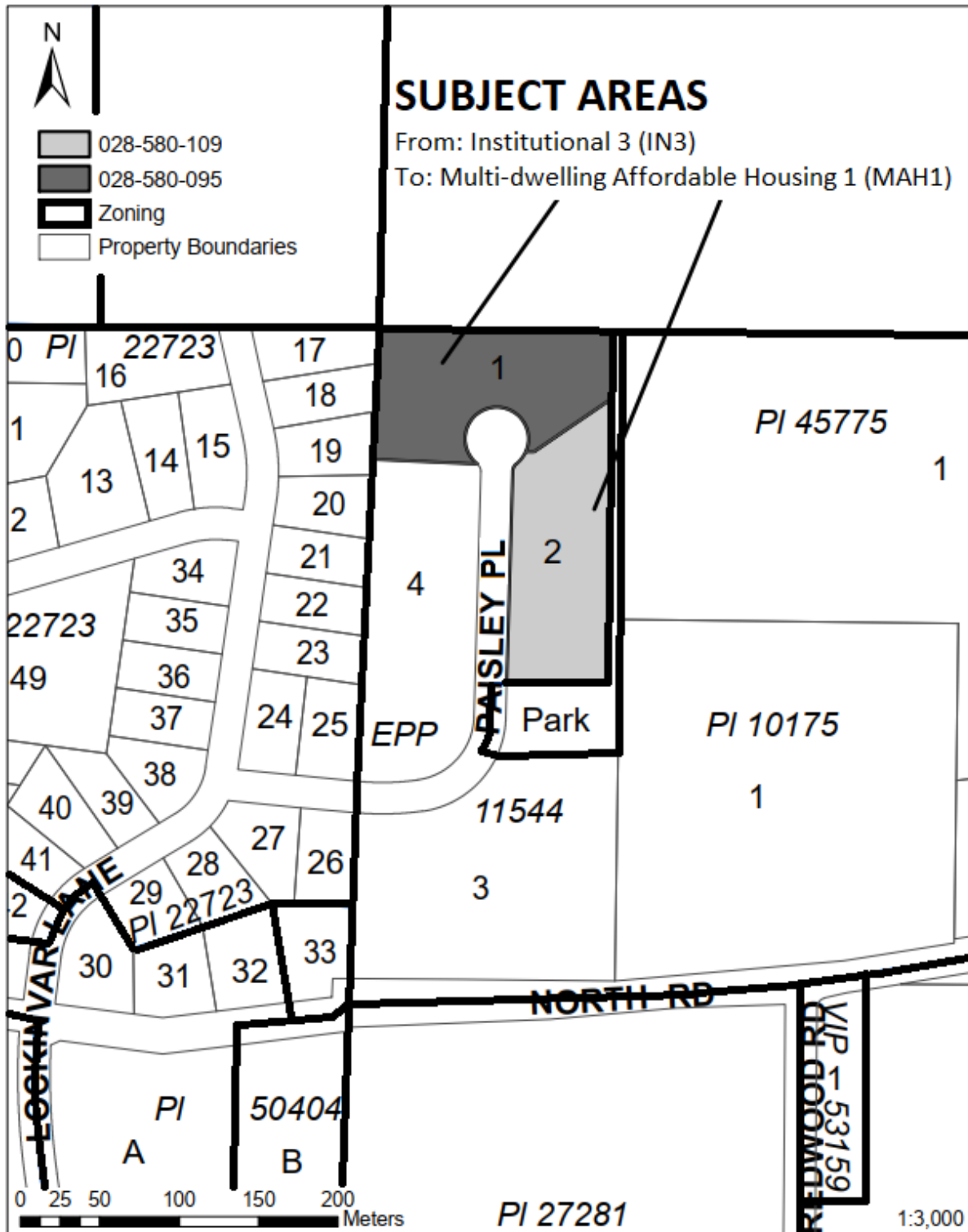
Prior to undertaking any development activities within DP-11 that are not exempted by F.11.2.1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.11.3.1 Minimize the area cleared and disturbed for development within the context of the permitted use and density.
- F.11.3.2 Site buildings and associated infrastructure to minimize removal of vegetation and to allow sufficient undisturbed space around retained significant mature or established trees to protect root systems.
- F.11.3.3 Native vegetation and trees shall be retained wherever possible.
- F.11.3.4 Vegetation clearing shall occur during the least risk timing window for bird species as recommended by a qualified professional. If works cannot be completed during this window, a qualified professional shall be retained to survey the area prior to clearing to rule out the presence of nesting birds or other species.
- F.11.3.5 Where this area includes trees that bear the nest of eagles or other species of birds, a buffer area around each nest tree shall be left undisturbed. The size of the buffer shall be determined prior to development by a qualified professional, with advice from the provincial ministry responsible for the environment and wildlife or the Canadian Wildlife Service.

- F.11.3.6 Avoid removal of mature and old Douglas-fir and western red cedar trees to the extent possible. Trees with unique identified wildlife habitat or unique habitat potential should be retained and incorporated into the design.
- F.11.3.7 Where species at risk or critical habitat for species at risk have been observed, requirements to protect species at risk and mitigation measures shall be in accordance with the federal *Species At Risk Act* (SARA) and with the provincial *Wildlife Act*.
- F.11.3.8 An assessment of the environmental impact, including mitigation measures required, prepared by a qualified professional, shall be required prior to any new developments or the expansion of existing development.
- F.11.3.9 Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.
- F.11.3.10 Efforts shall be made in construction and maintenance activities to source goods, supplies and services on-island to reduce greenhouse-gas emissions related to transportation.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307

Plan No. 1



First Nation Engagement

Referral of: GB BL 306 and 307

First Nation: SNUNEYMUXW FIRST NATION

Date	Comment/Action	Initial
<i>May 13, 2020</i>	<i>Early Referral Package sent via email</i>	<i>BM/JD</i>
<i>June 30, 2020</i>	<i>Received checklist from SFN</i>	
<i>July 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: PENELAKUT TRIBE

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: LYACKSON FIRST NATION

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: HALALT FIRST NATION

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>
		<i>BM</i>

First Nation: COWICHAN TRIBES

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>July 22, 2020</i>	<i>Response received – no Comment</i>	<i>BM</i>

First Nation: LAKE COWICHAN FIRST NATION

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: STZ'UMINUS FIRST NATION

Date	Comment/Action	Initial
<i>July 17, 2020</i>	<i>Referral package sent via email</i>	<i>BM/JD</i>
<i>December 17, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/JD</i>

First Nation: HUL'QUMI'NUM TREATY GROUP

Date	Comment/Action	Initial
<i>March 3, 2017</i>	<i>Referral Package sent via email – FOR INFORMATION ONLY</i>	<i>BM</i>

JD = Jaime Dubyna, Planner 2

BM = Becky McErlean, Legislative Clerk

REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** January 13, 2021
From: Trust Area Services **Date Prepared:** January 6, 2021
SUBJECT: Submission to the Federal Aquaculture Act Consultations

RECOMMENDATION: That the Executive Committee request the Chair to send the submission to the Federal Aquaculture Act consultation as drafted.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The draft submission is consistent with prior advocacy on aquaculture and the Reconciliation Declaration.

- 1 PURPOSE:** To provide Executive Committee with a draft submission to the Federal Aquaculture Act consultations, as requested by Trust Council.
- 2 BACKGROUND:** Following a town hall presentation by Barb Mills, Director of the Association for Denman Island Marine Stewards, at the December 2020 Trust Council Meeting, Council passed the following resolution:

“That Trust Council request that EC prepare a submission to the Federal Aquaculture Act consultations by Jan. 15, 2021.”

A draft submission, to be sent by the Chair of Islands Trust Council, is enclosed as **Attachment 1**. The draft submission focuses primarily on concerns / feedback pertaining to reconciliation, environmental protection and enforcement.

Development of Canada’s first-ever Aquaculture Act

At the December 2018 meeting of Canadian Council of Fisheries and Aquaculture Ministers (CCFAM), federal, provincial, and territorial ministers confirmed support for a federal Aquaculture Act of “limited scope that respects federal, provincial and territorial jurisdictions, and provides greater clarity to the sector.” Following this direction, the Department of Fisheries and Oceans Canada (DFO) held a series of in-person and online consultations through the spring and fall of 2019 (see DFO’s [What We Heard Report](#)). The 2019 mandate letter from the Prime Minister to the Minister of Fisheries, Oceans, and the Canadian Coast Guard asks the Minister to “begin work to introduce Canada’s first-ever Aquaculture Act”.

2020/21 Public Consultations

In August 2020, Fisheries and Oceans Canada launched online public consultations and released its “[Discussion Paper: A Canadian Aquaculture Act](#)” as a basis for gathering advice and direction from Canadians on provisions that could potentially be addressed in a new Aquaculture Act. The discussion paper was designed to outline key elements and authorities that DFO is proposing as part of the proposed federal Aquaculture Act. Many of these elements would be replicated from relevant sections of the *Fisheries Act* and adapted for an aquaculture context, while some may be purpose-built for the proposed Act.

Based on the agreement between federal, provincial, and territorial ministers, as well as feedback provided during previous engagement, DFO intends to table federal legislation of limited scope that would: foster national consistency, while respecting federal, provincial, and territorial jurisdiction; improve clarity and certainty for the industry; enhance environmental protection; and help sustainably grow the industry for the benefit of Indigenous and rural communities.

The discussion paper provides an overview of the elements of the proposed Aquaculture Act, including potential enhancements to the existing management regime as well as possible new measures. It is organized into the following thematic elements: Application, Purpose and Definitions; Leases, licenses, and fees; Reconciliation; Cooperation; Environmental Protection; Enforcement and Alternative Compliance Measures; and, Regulations.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Finalizing and sending, and posting the letter to the website will take one-three hours of staff time. This initiative fits within the assigned work program.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Following Executive Committee's approval of the draft submission, staff will work with the Chair to send the final submission to the Aquaculture Management Directorate at Fisheries and Oceans Canada. Staff will continue to monitor developments in this area and report back to Trust Council/Executive Committee as appropriate.

FIRST NATIONS: Many First Nations in the Trust Area may have a commercial interest in shellfish aquaculture within the Islands Trust Area. Islands Trust, through its commitment to reconciliation and its acknowledgement of the treaty and territorial lands and waters of First Nation governments, would seek to ensure that any legislation, policies or advocacy support First Nations' inherent rights to harvest and economic reconciliation related to shellfish aquaculture.

OTHER: None.

4 RELEVANT POLICY(S): Advocacy Policy

5 ATTACHMENT(S): Draft Submission to Federal Aquaculture Act Consultation 2020/21

RESPONSE OPTIONS

Recommendation: That the Executive Committee request the Chair to send the submission to the Federal Aquaculture Act consultation as drafted.

Alternative: That the Executive Committee request the Chair to send the submission to the Federal Aquaculture Act consultation as amended.

Prepared By: Dilani Hippola, Senior Policy Advisor

Reviewed By/Date: Lisa Wilcox, Senior Intergovernmental Policy Advisor / Jan 7, 2021
Clare Frater, Director, Trust Area Services / Jan 7, 2021
Russ Hotsenpiller, Chief Administrative Officer / Jan 8, 2021



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Web www.islandstrust.bc.ca

January XX, 2021

File No.: 5020-20 Aquaculture-Shellfish

Via email: AquacultureConsultations.XMAR@dfo-mpo.gc.ca

Aquaculture Management Directorate
Fisheries and Oceans Canada
200 Kent St (10th floor)
Ottawa ON K1A 0E6

Dear Directorate:

Re: Federal Aquaculture Act Consultation

On behalf of Islands Trust Council, please accept the following submission in response to Fisheries and Oceans Canada's (DFO's) request for input on the development of a new Federal Aquaculture Act and DFO's [Discussion Paper: A Canadian Aquaculture Act](#). We have highlighted some priority areas of concern with regards to reconciliation, environmental protection and enforcement.

Islands Trust Mandate to Preserve and Protect

Islands Trust is a special-purpose government and federation of twenty-six locally elected trustees holding a regional mandate to *"preserve and protect the unique environment and amenities of the Islands 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"* ([Islands Trust Act](#)). We work to fulfill this mandate primarily through sustainable land use planning and regulation, conservation, advocacy and education.

The Islands Trust Area is located within Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. Located in the islands and waters of the Salish Sea between the British Columbia mainland and southern Vancouver Island, the area encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The Islands Trust Area is one of the most productive marine ecosystems in the world and includes the highest density of species at risk in Canada. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1974.

The Islands Trust Policy Statement

Section 4.5 of the [Islands Trust Policy Statement](#), approved by the BC Minister of Municipal Affairs in 1994, sets out several commitments of Trust Council pertaining to aquaculture, namely:

- It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with the maintenance of ecosystems and community character.
- Trust Council holds that finfish farms should not be located in the marine waters of the Trust Area.

- It is the position of Trust Council 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 the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.
- It is Trust Council's policy that development should be directed to sites away from:
 - areas of environmental sensitivity, and
 - areas of naturally occurring stocks of clams or oysters.
- It is Trust Council's policy that aquaculture should be directed to sites away from:
 - areas of recreational significance,
 - areas where an aquaculture operation would conflict with established or designated upland land uses, and
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.

Please note that Islands Trust Council is currently in the process of updating the Policy Statement and will be introducing new and/or refined policies to better address reconciliation, climate change and affordable housing.

Reconciliation (Element 3)

Islands Trust acknowledges the treaty and territorial lands and waters of the First Nation governments who have jurisdiction within the Islands Trust area. We underscore the need for meaningful consultation with First Nations on the development of the new federal Aquaculture Act, particularly with regards to First Nations' rights and title, access to harvesting sites, economic reconciliation, and the protection of cultural heritage. As the DFO Discussion Paper articulates, First Nations are seeking wider collaboration on numerous fronts in the sector and recognition of the articles of the United Nations Declaration on the Rights of Indigenous Peoples. In March 2019, Islands Trust Council passed a [Reconciliation Declaration](#) and is committed to 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.

Environmental Protection (Element 5)

In moving aquaculture out of the *Fisheries Act* into a separate federal Aquaculture Act, it is Islands Trust Council's hope that existing environmental protections will be maintained and further enhanced to better protect aquatic ecosystems and species at risk. We would, in large part, echo the feedback outlined in the DFO 2019 [Engagement Summary Report](#) pertaining to the suitability of ecosystem-based approaches, "polluter-pays" financial mechanisms, the precautionary principle, and the inclusion of Indigenous knowledge and Indigenous knowledge systems to support sound evidence-based decision-making.

A Need for Stronger Monitoring and Enforcement (Element 6)

Islands Trust Council strongly supports a fuller range of enforcement tools and administrative measures to manage aquaculture activities, as proposed in the DFO Discussion Paper, and further requests that DFO dedicate more resources to enforcement. Communities in the Trust Area continue to grapple with extraordinary amounts of plastic debris originating from shellfish aquaculture such as oyster trays, anti-predator netting, plastic fencing, plastic net bags, plastic floats, styrofoam floats for rafts, and thousands of pieces of rope. DFO's 2017 "Shellfish Aquaculture Debris Strategy and Action Plan" stated that between 2010 to 2015, inspections revealed that "over 50% of licenced sites in British Columbia have derelict or unmaintained gear and infrastructure, as well as improperly wrapped or exposed styrofoam". Despite existing regulations that licence holders shall not introduce aquaculture refuse into the environment, a lack of adequate penalties and proper enforcement is significantly compromising the health of ecosystems, the sustainability of the aquaculture industry, and the communities that are dependent upon both.

Thank you for your consideration of this submission. We look forward to working closely with Fisheries and Oceans Canada, along with First Nations, provincial authorities, aquaculture businesses and associations, and Trust Area residents, towards the goals of preserving and protecting the Islands Trust Area and fostering a more sustainable aquaculture industry in British Columbia.

Yours sincerely,

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

cc: Association for Denman Island Marine Stewards
Baynes Sound/Lambert Channel Ecosystem Forum
BC Shellfish Growers Association
BOKÉCEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Skwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SṠÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMEŁŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tseil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁŁP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
x^wməθk^wəyəm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal
Te'mexw Treaty Association
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website

REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** January 13, 2021

From: Trust Area Services **Date Prepared:** January 4, 2021

SUBJECT: AVICC/UBCM RESOLUTION SELECTION (Annual Item)

RECOMMENDATION: That the Executive Committee direct staff to draft a resolution and backgrounder on _____ for submission to the Association of Vancouver Island and Coastal Communities 2021 convention for Executive Committee's consideration in February 2021.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

The Islands Trust has had a practice of submitting resolutions to AVICC/UBCM. Resolutions that are endorsed by the UBCM membership can trigger advocacy support from UBCM staff and usually result in a well-considered response from the affected Ministry or Department. Depending on the resolution(s) submitted, the Executive Committee may wish to consider additional advocacy such as proposing a related session for the AVICC or UBCM conventions or a meeting with a minister.

- 1 **PURPOSE:** To seek direction about drafting resolution(s) and backgrounder(s) for the 2021 Association of Vancouver Island and Coastal Communities (AVICC) and Union of British Columbia Municipalities (UBCM) conventions.
- 2 **BACKGROUND:** On December 17, 2020, sent out an email to staff and trustees with a call for resolutions for the annual AVICC/UBCM Conference (attached).

In past years the Islands Trust has advanced resolutions such as:

- Request that the provincial government work with First Nations, and federal, provincial, and local government stakeholders, to develop a coordinated strategy to study and address the environmental and social impacts associated with liveaboards on the British Columbia coastline (2020)
- Request that the provincial government improve the enforceability of development permit area requirements by enabling local government to enforce violations by way of prosecution, ticket or bylaw notice (2019);
- Request that the provincial government prioritize the approval of key marine cumulative effects values for long-term monitoring and assessment in coastal regions (2019);
- Request for DFO review of potential cumulative impacts of increased geoduck aquaculture (2018);
- Preventing Rigid Foam Pollution in the Marine Environment (2017)
- Assessment and Mitigation of Marine Shipping Risks and Impacts in the Salish Sea (2016)
- Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) funding (2015);
- Derelict & Abandoned Vessels (2013);
- Industry Funding for Oil Spill Prevention, Preparedness & Response (2012);

- Southern Strait of Georgia National Marine Conservation Area Reserve (2010) and Derelict & Abandoned Vessels, Barges & Docks (2010);

It is possible for Islands Trust to submit more than one resolution. Staff do not recommend proposing more than two resolutions in any one year due to the resulting workload and the difficulty in advocating for more than two topics at one convention.

In the past the Executive Committee has supported selected resolutions by suggesting/organizing complementary AVICC/UBCM sessions and by requesting and/or attending Ministers' meetings to discuss the proposed topic.

When selecting a resolution, the Executive Committee should be guided by section 4.2 of the Islands Trust policy 6.12ii on UBCM/AVICC Membership and Resolutions:

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

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

The following topics were suggested for Islands Trust 2020 resolutions:

Source	Topic	Rationale	Senior Staff Assessment
Ian Cox	Encouraging the Province of BC to amend recycling regulations to address the types of packaging used and the raw materials that go into making product	By joining the Regional District of Nanaimo in its recent response to the Ministry of Environment and Climate Change Strategy's recycling regulation policy intentions paper, urging greater emphasis on upstream production of materials. i.e., end-to-end product life, with a focus on raw materials and packaging the Trust Area would benefit from reduced greenhouse gas emissions and fewer toxins in products <u>Benefit to Trust Area</u> Reduction/mitigation of often illegal on-island waste disposal, as well as cost implications/logistics for residents needing to dispose of solid waste (transport off island) Reduction to waste materials ending up on shorelines/ marine environment Even prior to pandemic related consumer habits, recent increase in online/shipped orders has created greater volumes of Styrofoam and soft plastic packaging. Many island	This topic has never been an advocacy priority and the topic is not addressed in the Policy Statement. The provincial consultation on this topic closed December 20, 2021 so the effectiveness of a resolution endorsed in Sept, 2021 in questionable.

Source	Topic	Rationale	Senior Staff Assessment
		residents utilize shipping for basic necessities and as part of small business logistics. Reducing conventional packaging and/or requiring alternate materials in combination with overall reduction and end-to-end responsibility is well in line with the Preserve and Protect mandate. RDN Dec. 2020 Staff report MoECC Policy Intentions Paper RDN response and Addendum December 16, 2020 news story about RDN advocacy	
William Shulba	To provide local governments and the Islands Trust watershed ecosystem and aquifer recharge protection regulatory tools under the Water Sustainability Act to ensure the sustainability of existing, new, and anticipated Provincial water licenses.	This would benefit the Islands Trust Area by enabling new regulatory tools in addition to existing land-use policies to protect watershed ecosystems and forests to ensure freshwater sustainability including but not limited to forestry and agricultural impacts to groundwater recharge areas, contiguous watershed ecosystems, salmonid habitat, and community drinking water supplies.	The Province is currently implementing licensing of non-domestic groundwater use under the WSA. There are other potential mechanisms in the legislation that could be of value to address water concerns such as water objectives, drilling authorizations, aquifer notations, or other tools. Research would be required prior to writing a backgrounder.
Heather Kauer	Request that the provincial government update the Local Government Act / Community Charter to allow permit and public hearing notification to be provided electronically via an application or website if the local government can demonstrate equal	This would benefit the Islands Trust by offering an alternative method of notifying the public and could result in cost savings.	With the disappearance of local newspapers it may be time for the Province to consider allowing electronic public hearing notices.

Source	Topic	Rationale	Senior Staff Assessment
	or greater ability to reach relevant constituents than a regular printed local newspaper.		
Heather Kauer	Request that the provincial government update Freedom of Information procedures to allow for longer response times by local governments.	This would support smoother operations for Islands Trust and local governments.	The Act already provides for extensions for complex and large volume requests so the Province may not have an appetite to amend the FOIPP Act. There may be a case to be made that there should be different timelines for small vs large local governments.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Drafting a resolution and preparing a one-page backgrounder will take up to one day of the Director of Trust Area Services and/or Senior Policy Advisor's time for each topic selected. Some topics may require other staff's time to research or proofread and even legal advice.

FINANCIAL: Legal fees, if required.

POLICY: No implications for existing policy.

IMPLEMENTATION/COMMUNICATIONS: If the Executive Committee selects a topic, staff will provide a draft resolution(s) and backgrounder(s) on the February 3, 2021 Executive Committee agenda. The resolution(s) must be submitted to AVICC by February 26, 2021.

FIRST NATIONS: The Senior Intergovernmental Policy Advisor (SIPA) will ensure that resolution wording aligns with the Islands Trust Reconciliation Declaration or the Reconciliation Action Plan 2019-2022, or Local Trust Committee Standing Resolutions on First Nations relations. As appropriate, staff or Trustees can request advice from SIPA to guide resolutions within the structure of UNDRIP, TRC Calls to Action, and Islands Trust reconciliation initiatives.

OTHER: None.

4 RELEVANT POLICY(S):

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

5 ATTACHMENT(S): AVICC Resolutions Notice-Request for Submissions

RESPONSE OPTIONS

RECOMMENDATION: That the Executive Committee direct staff to draft a resolution and backgrounder on _____ for submission to the Association of Vancouver Island and Coastal Communities 2021 convention for Executive Committee's consideration in February 2021.

Alternative:

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

Prepared By: Clare Frater, Director, Trust Area Services, January 5, 2021

Reviewed By/Date: Stefan Cermak, Acting Director, Local Planning Services, January 6, 2021
Carmen Thiel, Manager, Legislative Services, January 6, 2021
Russ Hotsenpiller, Chief Administrative Officer, January 7, 2021



2021 VIRTUAL AGM & CONVENTION

RESOLUTIONS NOTICE REQUEST FOR SUBMISSIONS

The AVICC Executive is calling for resolutions to be considered at the 2021 virtual convention. The Executive is considering options for the 2021 convention's format and timing. The usual resolutions procedures followed at the convention may need to be adapted with the move to a virtual format. Pending finalization of the procedures, members are now asked to submit resolutions with the requirements outlined in the following pages.

DEADLINE FOR RESOLUTIONS

All resolutions must be received in the AVICC office by: **Friday, February 26, 2021**

It is uncertain whether late resolutions or off-the-floor resolutions can be accommodated at the virtual convention. Members are strongly encouraged to submit resolutions by the deadline so they may be considered. Resolutions that emerge after Friday, February 26th may need to be submitted directly to UBCM.

IMPORTANT SUBMISSION REQUIREMENTS

To submit a resolution to the AVICC for consideration please send:

1. One copy as a **word document** by email to avicc@ubcm.ca by the deadline; AND
2. One copy of the resolution by regular mail that may be received after the deadline to:
AVICC, 525 Government Street, Victoria, BC V8V 0A8

Detailed guidelines for preparing a resolution follow, but the basic requirements are:

- Resolutions are only accepted from AVICC member local governments, and must have been endorsed by the board or council.
- Members are responsible for submitting accurate resolutions. AVICC recommends that local government staff assist in drafting the resolutions, check the accuracy of legislative references, and be able to answer questions from AVICC & UBCM about each resolution. Contact AVICC & UBCM for assistance.
- Each resolution **must include a separate backgrounder** that is a maximum of 3 pages and specific to a single resolution. Do not submit backgrounders for multiple resolutions. The backgrounder may include links to other information sources and reports.
- Sponsors should be prepared to speak to their resolutions.
- Resolutions must be relevant to other local governments within AVICC rather than specific to a single member government.
- The resolution must have at least one "whereas" clause and should not contain more than two "whereas" clauses. Each whereas clause must only have **one sentence**.

AVICC GOLD STAR RESOLUTIONS

The AVICC Executive will recognize members who submit the best resolutions with an award for Gold Star or Honourable Mention status. The goal of the awards is to encourage excellence in resolutions drafting. Resolutions should provide clear policy direction so that AVICC and UBCM can advocate effectively on the policy priorities of our members with the provincial and federal governments.

To be recognized for an award, a resolution must meet the standards of excellence established in the Gold Star Resolutions Criteria:

1. Resolution must be properly titled.
2. Resolution must employ clear, simple language.
3. Resolution must clearly identify problem, reason and solution.
4. Resolution must have two or fewer recital (WHEREAS) clauses.
5. Resolution must have a short, clear, stand-alone enactment (THEREFORE) clause.

UBCM RESOLUTION PROCEDURES

UBCM urges members to submit resolutions to Area Associations for consideration. Resolutions endorsed at Area Association annual meetings are submitted automatically to UBCM for consideration and do not need to be re-submitted to UBCM by the sponsor.

UBCM and its member local governments have observed that submitting resolutions first to Area Associations results in better quality resolutions overall. If absolutely necessary, however, local governments may submit council or board endorsed resolutions directly to UBCM prior to June 30. Should this be necessary, detailed instructions are available on the UBCM website.

UBCM RESOLUTIONS PROCESS

1. Members submit resolutions to their Area Association for debate.
2. The Area Association submits resolutions endorsed at its Convention to UBCM.
3. The UBCM Resolutions Committee reviews the resolutions for submission to its Convention.
4. Resolutions endorsed at the UBCM Convention are submitted to the appropriate level of government for response.
5. UBCM will forward the response to the resolution sponsor for review.

UBCM RESOLUTIONS GUIDELINES

The Construction of a Resolution:

All resolutions contain a preamble – the whereas clause(s) – and an enactment clause. The preamble describes **the issue** and the enactment clause outlines **the action** being requested of AVICC and/or UBCM. A resolution should answer the following three questions:

- a) **What is the problem?**
- b) **What is causing the problem?**
- c) **What is the best way to solve the problem?**

Preamble:

The preamble begins with "WHEREAS", and is a concise paragraph about the nature of the problem or the reason for the request. It answers questions (a) and (b) above, stating the problem and its cause, and should explain, clearly and briefly, the reasons for the resolution.

The preamble should contain no more than two "WHEREAS" clauses. Supporting background documents can describe the problem more fully if necessary. Do not add extra clauses.

Only one sentence per WHEREAS clause.

Enactment Clause:

The enactment clause begins with the phrase "Therefore be it resolved", and is a concise sentence that answers question (c) above, suggesting the best way to solve the problem. **The enactment should propose a specific action by AVICC and/or UBCM.**

Keep the enactment clause as short as possible, and clearly describe the action being requested. The wording should leave no doubt about the proposed action.

HOW TO DRAFT A RESOLUTION

1. Address one specific subject in the text of the resolution.

Since your community seeks to influence attitudes and inspire action, limit the scope of a resolution to one specific subject or issue. Delegates will not support a resolution if it is unclear or too complex for them to understand quickly. If there are multiple topics in a resolution, the resolution may be sent back to the sponsor to rework and resubmit, and may end up as a Late Resolution not admitted for debate.

2. For resolutions to be debated at UBCM, focus on issues that are province-wide.

The issue identified in the resolution should be relevant to other local governments across BC. This will support productive debate and assist UBCM to represent your concern effectively to the provincial or federal government on behalf of all BC municipalities and regional districts. Regionally specific resolutions may be referred back to the AVICC, and may not be entered for debate during the UBCM Convention.

3. Use simple, action-oriented language and avoid ambiguous terms.

Explain the background briefly and state the desired action clearly. Delegates can then debate the resolution without having to try to interpret complicated text or vague concepts.

4. Check legislative references for accuracy.

Research the legislation on the subject so the resolution is accurate. Where necessary, identify:

- the correct jurisdictional responsibility (responsible ministry or department, and whether provincial or federal government); and
- the correct legislation, including the title of the act or regulation.

5. Provide factual background information.

Even a carefully written resolution may not be able to convey the full scope of the problem or the action being requested. Provide factual background information to ensure that the resolution is understood fully so that members understand what they are debating and UBCM can advocate effectively with other levels of government and agencies.

Each resolution **must include a separate backgrounder** that is a maximum of 3 pages and specific to a single resolution. Do not submit backgrounders that relate to multiple resolutions. The backgrounder may include links to other information sources and reports.

The backgrounder should outline what led to the presentation and adoption of the resolution by the local government, and can link to the report presented to the council or board along with the resolution. Resolutions submitted without background information **will not be considered** until the sponsor has provided adequate background information. This could result in the resolution being returned and having to be resubmitted as a late resolution.

6. Construct a brief, descriptive title.

A title identifies the intent of the resolution and helps eliminate the possibility of misinterpretation. It is usually drawn from the "enactment clause" of the resolution. For ease of printing in the Annual Report and Resolutions Book and for clarity, a title should be no more than three or four words.

TEMPLATE FOR A RESOLUTION

Whereas << *this is the area to include an issue statement that outlines the nature of the problem or the reason for the request* >> ;

And whereas << *if more information is useful to answer the questions - what is the problem? what is causing the problem?>> :*

Therefore be it resolved that AVICC & UBCM << *specify here the action(s) that AVICC & UBCM are being asked to take on, and what government agency the associations should be contacting to solve the problem identified in the whereas clauses* >>.

If absolutely necessary, there can be a second enactment clause (the “therefore” clause that specifies the action requested) with the following format:

And be it further resolved that << *specify any additional actions needed to address the problem identified in the whereas clauses* >>.



Reference: 259717

January 5, 2021

VIA EMAIL: pluckham@islandstrust.bc.ca
lfoster@islandstrust.bc.ca

Peter Luckham, Chair
Islands Trust Council
200-1627 Fort Street
Victoria, British Columbia
V8R 1H8

Dear Peter Luckham:

Thank you for your letter of November 30, 2020, addressed to Premier John Horgan and Honourable Ministers Katrine Conroy, George Heyman, Rob Fleming, and Josie Osborne, regarding the development of a new coastal marine strategy for British Columbia. I have been asked to respond as Assistant Deputy Minister, Coast Area for the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

The protection of BC's coastline has been of upmost importance to this government from the very beginning. As you know, the coast and marine areas of British Columbia are some of the most diverse and productive in the world, supporting a rich culture, vibrant communities and a significant part of our economy.

This government committed to ensure that we have a clear vision for this valuable part of our province. To that end, on November 26, 2020, the Honourable Nathan Cullen, Minister of State for Lands and Natural Resource Operations, was tasked with developing a new provincial coastal marine strategy to better protect coastal habitat while growing coastal economies.

The pandemic that continues to grip much of the world has reminded us that we are strongest when we work together. We know that the development of a new coastal marine strategy will take a coordinated effort and considerable work across provincial government, with Indigenous communities, local government and the federal government.

This will be a first for the province. We are excited to start engaging with British Columbians to ensure a meaningful and well-prepared plan that supports our coastal communities and our coastal resources on a path to a cleaner, more resilient, and better future.

Page 1 of 2

Given this is a new mandate commitment for a newly appointed Minister of State, we will need to take some time to develop an approach. Once this is done, we will reach out to local governments to discuss our engagement process. In the meantime, please contact Charlie Short, Executive Director, Coast Area at charles.short@gov.bc.ca if you have any further questions.

Again, thank you for your interest and taking the time to write.

Sincerely,



Craig Sutherland
Assistant Deputy Minister
Coast Area

pc: Honourable John Horgan, Premier of British Columbia
Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations
and Rural Development
Honourable Nathan Cullen, Minister of State for Lands and Natural Resource
Operations
Honourable George Heyman, Minister of Environment and Climate Change Strategy
Honourable Rob Fleming, Minister of Transportation and Infrastructure
Honourable Josie Osborne, Minister of Municipal Affairs
Charlie Short, Executive Director, Coast Area, Ministry of Forests, Lands, Natural
Resource Operations and Rural Development



OMBUDSPERSON
BRITISH COLUMBIA

Mr. Peter Luckham
Chair
Islands Trust
200 - 1627 Fort Street
VICTORIA BC V8R 1H8

November 30, 2020

Dear Mr. Luckham,

RE: Quarterly Reports: July 1 – September 30, 2020

This package of documents details the complaint files the Office of the Ombudsperson closed for **Islands Trust** between July 1 and September 30, 2020. No action is required on your part, however we hope that you will find this information useful and share it within your organization.

These reports provide information about the complaint files we closed regarding your organization within the last quarter, including both files we investigated and files we closed without investigation. Files currently open with the office are not included in these reports.

Enclosed you will find detailed reports containing the following:

- A one-page report listing the number of files closed and the category under which they were closed. The categories we use to close files are based on the sections of the *Ombudsperson Act*, which gives the Ombudsperson the authority to investigate complaints from the public regarding authorities under our jurisdiction. A more detailed description of our closing categories is available on our website at: <https://bcombudsperson.ca/assets/media/QR-Glossary.pdf>.
- *If applicable:* Copies of closing summaries written about the complaint files we investigated. These summaries provide an overview of the complaint received, our investigation and the outcome. Our office produces closing summaries for *investigated* files only, and not for enquiries or those complaints we chose not to investigate.
- *If applicable:* A summary of the topics identified in the complaint files closed during the quarter. We track general complaint topics for all complaints we receive, and when applicable, we include authority-specific and/or sector-specific topics for your organization and/or sector. Our office tracks the topics of complaints we investigate and those we close without investigation, but not for enquiries. Because complaints to our office are confidential, we do not share complaint topic information if we received too few complaints to preserve the complainants' anonymity.

If your organization received too few complaints to produce a summary of complaint topics but you would like further information about the complaints our office received about your organization, our Public Authority Consultation and Training (PACT) Team can provide further details upon request.

Finally, we have been tracking complaints related to the COVID-19 pandemic under the general heading of "COVID-19." If you would like more detailed information about those complaints, please contact our PACT Team.

If you have questions about our quarterly reports, or if you would like to sign up for our mailing list to be notified of educational opportunities provided by our Public Authority Consultation and Training Team, please contact us at 250-508-2950 or consult@bcombudsperson.ca.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J Chalke', with a stylized flourish at the end.

Jay Chalke
Ombudsperson
Province of British Columbia

Enclosures



Type of complaint closure	# closed
Enquiries – Many people who contact us are not calling to make a complaint, but are seeking information or advice. These contacts are classified as <i>Enquiries</i> to distinguish them from <i>Complaints</i> , which are requests that our office conduct an investigation.	0
Complaints with No Investigation – Our office does not investigate every complaint it receives. First, we determine whether we have authority to investigate the complaint under the <i>Ombudsperson Act</i> . We also have discretion to decline to investigate for other reasons specified in the <i>Ombudsperson Act</i> .	2
Early Resolution Investigations – Early Resolution investigations provide an expedited process for dealing with complaints when it appears that an opportunity exists for the authority to take immediate action to resolve the issue. Typical issues that are addressed through Early Resolution include timeliness, communication, and opportunities for internal review.	0
Complaint Investigations – When we investigate a complaint we may conclude with a determination that a complaint is not substantiated, or with a negotiated settlement of the complaint, or with public findings and recommendations. We may also exercise discretion to cease investigation for a number of other reasons specified in the <i>Ombudsperson Act</i> .	Total: 0
Reason for closing an Investigation:	
Pre-empted by existing statutory right of appeal, objection or review.	0
Investigation ceased with no formal findings under the <i>Ombudsperson Act</i> .	
More than one year between event and complaint	0
Insufficient personal interest	0
Available remedy	0
Frivolous/vexatious/trivial matter	0
Can consider without further investigation	0
No benefit to complainant or person aggrieved	0
Complaint abandoned	0
Complaint withdrawn	0
Complaint settled in consultation with the authority - When an investigation leads us to conclude that action is required to resolve the complaint, we try to achieve that resolution by obtaining the voluntary agreement of the authority to settle the complaint. This allows matters to be resolved fairly for the complainant and authority without requiring a formal finding of maladministration.	0
Complaint substantiated with formal findings under the <i>Ombudsperson Act</i> .	0
Complaint not substantiated under the <i>Ombudsperson Act</i> .	0
Ombudsperson Initiated Investigations – The Ombudsperson has the authority to initiate investigations independently from our process for responding to complaints from the public. These investigations may be ceased at the discretion of the Ombudsperson or concluded with formal findings and recommendations.	0



The tables below summarize the complaint topics we are tracking for your sector and/or authority and the number of times this topic was identified in the files (investigated and non-investigated complaints) that were closed in the most recent quarter.

If you would like more information on the types of complaints we receive, please contact our Prevention Initiatives Team: email us at consult@bcombudsperson.ca or call us at 250-508-2950.

Sector-Specific Complaint Topics - All Local Government

Business Licensing	1	0%
Bylaw Enforcement	54	19%
Council Member Conduct (incl. Conflict of Interest)	138	48%
Official Community Plan/Zoning/Development	31	11%
Fees/Charges (incl. Taxes)	14	5%
Open Meetings	4	1%
Services (incl. Garbage, Sewer, Water)	11	4%
Response to Damages Claim	5	2%
Other	28	10%

General Complaint Topics - All Local Government

COVID-19	2	1%
Disagreement with Decision or Outcome	80	23%
Accessibility	4	1%
Delay	12	3%
Administrative Error	3	1%
Treatment by Staff	15	4%
Communication	34	10%
Process or Procedure	188	53%
Review or Appeal Process	5	1%
Employment or Labour Relations	1	0%
Other	9	3%



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 #20)

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 #10, #16, #22, #23)

Responsible

Clare Frater

Dates

Target: 15-Sep-2022

3. *Climate Change Emergency*

Matters pertaining to Islands Trust declaring a climate change emergency. (Strategic Plan #10)

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*

Responsible

Dates

Implementation of the Reconciliation Action Plan. (Strategic Plan Items #17 & #18)

Russ Hotsenpiller

Rec'd: 02-Sep-2020

Projects Report

Executive Committee

1. *Development of an Islands Trust Communications Strategy*

Including development of a new website. (Strategic Plan Item #14)

Responsible

Clare Frater

Date Received

30-Aug-2017

2. *Marine Advocacy*

Associated with i.) impact of commercial activities on SRKW (SP#4), ii.) oil spills and iii.) anchorages.

Responsible

Clare Frater

Date Received

02-Sep-2020

3. *Broadcast Public Meetings*

Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item #13)

Responsible

Clare Frater
Julia Mobbs
Russ Hotsenpiller

Date Received

02-Sep-2020

4. *Improve Communications about the Islands Trust*

Related to Strategic Plan Items #13 and #14.

Responsible

Clare Frater

Date Received

30-Aug-2017

5. *NAPTEP regulation changes to increase the percentage of tax exemption*

Strategic Plan Item #3.

Responsible

Clare Frater
Kate Emmings

Date Received

02-Sep-2020

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. *First Nations Reconciliation*

Responsible

Date Received

MMIWG Calls for Justice Resolutions

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.