



Executive Committee

Agenda

Date: Wednesday, December 14, 2022
Time: 9:00 am
Location: Islands Trust - Victoria
200 - 1627 Fort Street, Victoria, BC

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1 Introduction of New Items	
2.2 Approval of Agenda	
2.2.1 Agenda Context Notes	4 - 4
Attached for information as noted.	
3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING - None	
4. ADOPTION OF MINUTES	
4.1 December 6, 2022 draft minutes	5 - 8
5. FOLLOW UP ACTION LIST AND UPDATES	
5.1 Follow Up Action List/Director/CAO Updates	9 - 13
5.2 Local Trust Committee Chair Updates	
5.3 Islands Trust Conservancy Liaison Update	
6. BYLAWS FOR APPROVAL CONSIDERATION	
6.1 Mayne Island LTC Bylaws No. 181, 182, and 183 - RFD	14 - 70
1. THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 181, cited as "Mayne Island Official Community Plan Bylaw 144, 2007, Amendment No. 1, 2021" in accordance with Section 27 of the <i>Islands Trust Act</i> .	
2. THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 182, cited as "Mayne Island Housing Agreement Bylaw 182, 2022" in accordance with Section 27 of the <i>Islands Trust Act</i> .	
3. THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 183, cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021" in accordance with Section 27 of the <i>Islands Trust Act</i> .	
7. TRUST COUNCIL MEETING REVIEW / PREPARATION	
7.1 Executive	
7.1.1 Roundtable Review of December's Trust Council Meeting	
7.1.1.1 Trustee Borthwick re: observations of Trust Council letter dated December 9, 2022	71 - 72

7.1.2	Trust Council Orientation Follow-up	
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	
8.1.3	Local Planning Services	
8.1.4	Administrative Services	
8.2	Executive Committee Initiated	
8.2.1	Executive	
8.2.1.1	Executive Committee Training - Discussion	73 - 85
8.2.1.2	Meeting with Minister Kang - Briefing	86 - 87
8.2.2	Trust Area Services	
8.2.2.1	AVICC/UBCM Resolution Selection - RFD	88 - 95
	That the Executive Committee direct staff to draft a resolution and backgrounder on _____ for submission to the Association of Vancouver Island and Coastal Communities 2023 convention for Executive Committee's consideration in January 2023.	
8.2.2.2	Background on San Juan County Relationship - Briefing	96 - 97
8.2.2.3	Delegation Letters - Discussion	
	See item 2.2.1 Agenda Context Notes	
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	LTC Chairs Report on Local Advocacy Topics	
9.3	Local Planning Services	
9.4	Administrative Services	
10.	CORRESPONDENCE (for information unless raised for action)	
10.1	Winter 2023 Oceans Protection Plan Dialogue Forum, February 22-23, 2023	98 - 98
10.2	MLA Olsen email dated December 2, 2022 re: Letter from Chair Luckham to Minister Rankin request for affordable housing solutions	99 - 99
10.3	SCRD request letter of support re: UBCM CEPF Disaster Risk Reduction Grant	100 - 105
11.	WORK PROGRAM	

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held electronically, on January 11, 2023 beginning at 9:00 a.m.

13. CLOSED SESSION (scheduled)

That the Executive Committee close this meeting to the public subject to Section 90(1)(a) and (c) of the Community Charter in order to consider matters related to personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the Islands Trust and labour relations or other employee relations and that staff be invited to remain in the meeting.

14. ADJOURNMENT

Agenda No.	From	Context Notes
8.2.2.3	DTAS	Delegation Letters - Discussion Staff would like to seek Executive Committee direction regarding the past practice of the Chair sending a thank you letter on Trust letterhead to each delegate to the Islands Trust Council meeting. This practice requires staff time to set up and draft the letters. Staff understand that this practice came about so delegates could be informed of Trust Council decisions but with meetings now recorded and posted, staff would like to seek updated direction. Each letter requires about one hour of staff time. This task is not required by policy.



Executive Committee

Minutes of Regular Meeting

Date: December 6, 2022
Location: Electronic Zoom Meeting

Members Present: Peter Luckham, Chair,
Tobi Elliott, Vice-Chair
David Maude, Vice-Chair
Tim Peterson, Vice-Chair

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Legislative Services (DLS)
Stefan Cermak, Director, Planning Services (DPS)
Clare Frater, Director, Trust Area Services (DTAS)
Julia Mobbs, Director, Administrative Services (DAS)
Lori Foster, Executive Coordinator/Recorder

1. CALL TO ORDER

Chair Luckham called the meeting to order at 11:02 a.m. stating gratitude to live and work on Coast Salish traditional and treaty territory. Vice-chairs gave territorial acknowledgements.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

At item 10. Correspondence, add the following items:

- 10.1 - P. Duncan email dated November 25, 2022 re: Ship Anchorages Gulf Islands
- 10.2 - G. Coford email re: Fiber Optic Line Severed email dated December 4, 2022
- 10.3 - D. Dunnison re: Q & A accompaniment to already approved delegation presentation included in Trust Council agenda package

At 7.1.1. add M. Sketch re: improved version of request to present as delegation.

At item 9.5. add:

- Vice-Chair and Committee appointments - Discussion

2.2 Approval of Agenda

By general consent, the agenda, as amended, was adopted.

2.2.1 Agenda Context Notes - None

3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING - None

4. ADOPTION OF MINUTES

4.1 November 2, 2022 draft minutes

By general consent, the minutes of November 2nd were adopt as presented.

4.2 November 19, 2022 draft minutes

By general consent, the minutes of November 19th were adopt as presented.

4.3 November 23, 2022 draft minutes

By general consent, the minutes of November 23rd were adopt as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List/Director/CAO Updates

Chief Administrative Office (CAO) Hotsenpiller and directors reviewed their follow-up action list (FUAL) items and gave meeting updates.

CAO Hotsenpiller noted FUAL item re: report on forest protection is pending.

Discussion regarding the December 14th Executive Committee (EC) meeting, minister meeting and scheduled Saturna LTC meeting logistics and coordination ensued.

DPS Cermak addressed FUAL item re: discuss with Minister re: Ganges Village plan.

It was discussed to add comments regarding the Ganges Village Plan when meeting with the minister.

5.2 Local Trust Committee Chair Updates

Chairs of their local trust committees (LTC) spoke to scheduling logistics and travel regarding their new LTC chair appointments.

5.3 Islands Trust Conservancy (ITC) Liaison Update

Executive Committee's Islands Trust Conservancy (ITC) member, Vice-Chair Elliott, noted that at Trust Council, she can address the ITC budget items and Trustee Yates can speak to the covenant item. There was approval of an ITC 3-year conservation plan at the recently held ITC meeting.

6. BYLAWS FOR APPROVAL CONSIDERATION - None

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.1.1 Late Delegation Request - Michael Sketch

By general consent, Michael Sketch's updated late delegation request be added to the list of tonight's Trust Council delegation session as presented.

7.2 Local Planning Services - None

7.3 Administrative Services - None

7.4 Trust Area Services - None

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated - None

8.1.1 Executive - None

8.1.2 Trust Area Services - None

8.1.3 Local Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated - None

8.2.1 Executive - None

8.2.2 Trust Area Services - None

8.2.3 Local Planning Services - None

8.2.4 Administrative Services - None

9. NEW BUSINESS

9.1 Executive/Trust Council - None

9.2 Trust Area Services - None

9.2.1 LTC Chairs Report on Local Advocacy Topics - None

9.3 Local Planning Services - None

9.4 Administrative Services - None

9.5 Vice-chair and Committee Appointments

Discussion regarding workloads assigned to vice-chairs local trust committee (LTC) assignments, in particular Vice-Chair/Trustee Elliott's role as Executive Committee's Conservancy member and that two trustee's from the same LTC are on the Conservancy board ensued.

Discussion ensued that Trustee Elliott will attend Regional Planning Committee (RPC) and Trustee Peterson will attend Trust Programs Committee (TPC) as EC appointments.

10. CORRESPONDENCE (for information unless raised for action)

10.1 P. Duncan email dated November 25, 2022 re: Ship Anchorages Gulf Islands

Discussion ensued regarding ongoing advocacy on the issue of ship anchorages in the Gulf Islands and the Port Vancouver consultation

Received for information.

10.2 G. Coford email re: Fiber Optic Line Severed email dated December 4, 2022

Discussion regarding a post incident review by Telus to supply 911 and communications and back-up systems ensued. The Connected Coast project is advancing for island connections

EC-2022-159

It was Moved and Seconded,

That Executive Committee forward item 10.2 “G. Coford email re Fiber Optic Line Severed email dated December 4, 2022” to the Gabriola Island Local Trust Committee for information and consideration.

CARRIED

10.3 D. Dunnison re: Q & A accompaniment to already approved delegation presentation

This was emailed to trustees by Mr. Dunnison and received for information.

11. WORK PROGRAM

11.1 Review and amendment of current work program - None

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held in person at the Victoria boardroom, on December 14, 2022, starting at 9:00 a.m.

13. CLOSED MEETING - None

14. ADJOURNMENT

By general consent, the meeting was adjourned at 11:46 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 The CAO will provide a report to the incoming Executive Committee on the status of a request to the province for authority to do forest protection."	Russ Hotsenpiller	Meeting: 05-Oct-2022 Target: 11-Jan-2022	In Progress
2 That there be an Executive Committee meeting for December 14th starting at 9 a.m. with lunch in-person meeting at the Victoria boardroom.	Russ Hotsenpiller	Meeting: 19-Nov-2022 Target: 14-Dec-2022	Completed
3 Forward item 10.2 "G. Coford email re Fiber Optic Line Severed email dated December 4, 2022" to the Gabriola Island Local Trust Committee for information and consideration.	Russ Hotsenpiller	Meeting: 06-Dec-2022 Target: 14-Dec-2022	Completed
4 EC and staff do not pursue conversations with the Province around tree cutting until after the March 2023 meeting.	Russ Hotsenpiller	Meeting: 06-Dec-2022 Target: 09-Mar-2023	In Progress

Director Legislative Services

Activity	Responsibility	Dates	Status
1 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council. As of March 2022, amendments to 11 out of 17 policies deemed out of date have been adopted.	David Marlor	Meeting: 03-Feb-2021 Target: 13-Jun-2023	In Progress



Follow Up Action Report

Executive Committee

Director Legislative Services

Activity	Responsibility	Dates	Status
2 Forward Minister Cullen response re: Provincial Review request letter dated September 23, 2022 to the Governance Committee.	David Marlor	Meeting: 05-Oct-2022 Target: 29-Mar-2023	In Progress
3 Forward correspondence Trustee Busheikin re: Task for the Governance Committee email dated September 26, 2022 to the Governance Committee.	David Marlor	Meeting: 05-Oct-2022 Target: 29-Mar-2023	In Progress

Director of Planning Services

Activity	Responsibility	Dates	Status
1 Staff review the Executive Committee sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	Stefan Cermak	Meeting: 14-Apr-2021 Target: 07-Sep-2022	In Progress
2 That the Salt Spring Island Local Trust Committee request the Executive Committee follow up with the Minister of Municipal Affairs on his expressed interests for the Ganges (Shiya'hwt/SYOW_ T) Village Area Plan as a pilot for cooperative planning with First Nations .	Stefan Cermak	Meeting: 02-Nov-2022 Target: 14-Dec-2022	Completed
3 Executive Committee include a session on Bylaw Enforcement policy and practice in the March 2023 Trust Council meeting agenda.	Stefan Cermak	Meeting: 08-Dec-2022 Target: 09-Mar-2023	In Progress



Follow Up Action Report

Executive Committee

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed 'overspends' for any particular budget item.	Julia Mobbs	Meeting: 21-Oct-2020 Target: 07-Sep-2022	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: 08-Mar-2022	In Progress
2 Legislative Monitoring Chart (bi-annually to Trust Council) Staff to produce the Legislative Monitoring briefing every 6 months with the next one being March 2023.	Clare Frater	Meeting: 23-Feb-2022 Target: 01-Mar-2023	In Progress
3 Staff to work with trustees to organize two film screenings of the movie Dust n Bones and reconciliation discussions subject to support of affected local trust committees. (A grant in aid of 4,500 (from History and Heritage Grants in Aid program was provided in 2020 to host screenings on three islands but due to Covid-19 restrictions only one screening occurred.) EC previously indicated interest from Gabriola and Salt Spring Islands.	Clare Frater	Meeting: 26-Feb-2020 Target: 31-Mar-2022	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
4 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 07-Sep-2022	In Progress
5 Ask staff to investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.	Clare Frater	Meeting: 27-Oct-2021 Target: 19-Oct-2022	In Progress
6 Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act.	Clare Frater	Meeting: 13-Apr-2022 Target: 19-Oct-2022	In Progress
7 Continue to work with K'ómoks First Nation and Gabriola Historical Society in terms of its funding request and Executive Committee consider ways to allocate funds for such requests.	Clare Frater	Meeting: 04-May-2022 Target: 19-Oct-2022	In Progress
8 That Executive Committee request the Chair to write back to Trans Mountain to extend this consultation until January 30th 2023.	Clare Frater	Meeting: 02-Nov-2022 Target: 30-Nov-2022	Completed
9 That Executive Committee request staff to forward the correspondence and report at 10.1 to all subscribers and trustees to encourage them to write to the Trans Mountain referral.	Clare Frater	Meeting: 02-Nov-2022 Target: 01-Jan-2022	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
10 Staff to work with the Chair on a letter of introduction regarding Islands Trust Council's new term trustees 2022-2026 for distribution to appropriate ministers and Islands Trust area members of the legislative assembly and the premier.	Clare Frater	Meeting: 19-Nov-2022 Target: 14-Dec-2022	In Progress
11 Prepare speaking notes for the Minister of Municipal Affairs meeting being held on December 14th.	Clare Frater	Meeting: 23-Nov-2022 Target: 14-Dec-2022	In Progress
12 Staff to e-mail trustees and staff requesting suggestions for topic(s) for the Islands Trust resolution(s) for the 2023 AVICC/UBCM conventions.	Clare Frater	Meeting: 23-Nov-2022 Target: 06-Dec-2022	Completed



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: MA-BLs-181-182-183
(MA-RZ-2020.1 MIHS)

DATE OF MEETING: December 14, 2022
TO: Islands Trust Executive Committee
FROM: Narissa Chadwick, Island Planner
SUBJECT: Mayne Island Local Trust Committee – Bylaws 181, 182 and 183

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021” in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 182, cited as “Mayne Island Housing Agreement Bylaw No. 182, 2022” in accordance with Section 27 of the *Islands Trust Act*.**
3. **THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 183, cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Mayne Island Local Trust Committee has referred Bylaws 181, 182 and 183 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

None

Financial

None

Policy

None

Implementation/Communications

Communication to **Mayne Island Local Trust Committee** regarding the Executive Committee decision by **December 16, 2022** .

Other

None

PURPOSE

Mayne Island Local Trust Committee Bylaw No. 181, cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021”, designates the proposed multi-family rental housing portion of the parent property as Multi-family residential (R-MR) designation from Rural (R) designation.

Mayne Island Local Trust Committee Bylaw No. 182 cited as “Mayne Island Housing Agreement Bylaw No. 182, 2022” is an administrative bylaw that will establish a Housing Agreement between the Mayne Island LTC and the property owner. The Housing Agreement establishes minimum construction requirements, defines renter, defines rental rates, establishes monitoring and reporting requirements and establishes criteria for tenancy.

Mayne Island Local Trust Committee Bylaw No. 183 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021” enables the creation of three lots from a 10 acre parent property. The property is proposed to be split zoned. One new zone (Comprehensive Development Three (CD3)) will support the development of 10 units of affordable multi-family rental housing on 3 acres. The second new zone R(f) will enable the subdivision of the remainder of the lot into two lots within the Rural Zone. At the June 27, 2022 regular meeting the LTC gave first reading to Bylaw 183.

BACKGROUND

Mayne Island Local Trust Committee Bylaws 181, 182 and 183

The application to rezone the property at 375 Village Bay Road to allow for the subdivision of the lot into three with one lot (proposed Lot 3) permitting multi-family residential was received from the Mayne Island Housing Society (MIHS) in June 2020. The MIHS does not currently own the land. The property owner, Dr. Sean McHugh, agreed to donate the proposed Lot 3 to MIHS following subdivision. The proposed Lot 2 is the additional lot to be provided in return for the provision of Lot 3 as a community amenity. Staff submitted a preliminary report to the LTC on July 27, 2020.

The applicant, the Mayne Island Housing Society (MIHS), provided a number of professional reports to address the interests of the public. Draft Bylaws were presented to the LTC for their October 2021 LTC meeting. The application process was paused from October 2021 to February 2022 by the property owner’s Powers of Attorney who became responsible for the property from October 2021 onward. The Land Use Bylaw and the MIHS initial design for the development were later amended to address interests in a larger setback and buffer from the neighbouring property line.

In addition to Bylaws 181 and 183 a housing agreement (Bylaw 182) and Section 219 covenant have been drafted. The housing agreement between the LTC and the property owner addresses the rental criteria defining this project as affordable housing. The Section 219 covenant between the property owner and the LTC identifies

areas to be protected on proposed Lot 1 and 2, wetland remediation work required, restricts the building site on Lot 2 to specific area and identifies criteria related to water and septic.

A first community information meetings was held in April 2021. Bylaws 181 (OCP) and 183 (Land Use) were read for the first time on June 27, 2022. At their September 26th, 2022 LTC meeting the LTC gave first and second reading to the Bylaw 182 (Housing Agreement). A second community information meeting was held on October 24, 2022. The Section 219 Covenant endorsed by the LTC at their October 24th meeting. Bylaws 181 and 183 were read for the second and third time on November 14th, 2022.

Professional reports and staff reports are available on the Mayne Island webpage:

<https://islandstrust.bc.ca/island-planning/mayne/current-applications/>

Issues Relating To Provincial and Other Agency Interest

Proposed Bylaws 181 and 183 were sent to the following agencies and organizations:

Provincial Agencies

Ministry of Transportation & Infrastructure

Ministry of Municipal Affairs

Ministry for Attorney General and Minister responsible for Housing

Regional Agencies

Capital Regional District – Regional Housing

Capital Regional District – Building Inspection

Capital Regional District – Regional Parks and Community Services

Capital Regional District – Southern Gulf Islands Harbours Commission (Integrated Water Services)

Capital Regional District – Environmental Resource Management

Island Health

Mayne Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

North Pender Island Local Trust Committee

Saturna Island Local Trust Committee

South Pender Island Local Trust Committee

Non-Agency Referrals

BC Assessment Authority

BC Hydro and Power Authority

Telus

BC Housing

Referral Responses:

The CRD Parks and Environmental Services requested that the driveways or access points to the development match the grades of the Mayne Island Regional Trail. They also requested that there be proper sightlines to ensure that cars using the driveways can see the walkers and cyclists using the trail. The Southern Gulf Islands Community Economic Sustainability Commission expressed their support for the project.

Issues Relating To First Nation Interest

Proposed Bylaws 181 and 183 were sent to the following First Nations:

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation

Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

Referral Responses:

The Malahat Nation noted that the proposed activity falls outside of core Malahat traditional territory. The WSANEC Leadership Council referrals manager asked if an archeological assessment report had been done and indicated they would speak with Tsartlip referrals staff about considerations such as cultural monitoring for any digging.

Issues Relating To Resources and Enforcement

None

Public Comments

None at the time of finalizing staff report.

Staff Comments

The Executive Committee is being asked to approve Mayne Island Local Trust Committee Bylaw No. 181, cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021", Bylaw No. 182 cited as "Mayne Island Housing Agreement Bylaw No. 182, 2022" and Bylaw No. 183 cited as "Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021" in accordance with Section 27 of the *Islands Trust Act*.

The recommendations are supported as

- The proposed bylaws have been determined to be consistent with the ITPS by the LTC;
- First Nation referrals were completed and no concerns were raised;
- Agency referrals were completed and no concerns were raised;
- Statutory processes have been completed including the statutory notification and holding of a public hearing prior to third reading of the bylaw.

KEY ISSUES/CONCEPTS

- The bylaws will rezone to permit the property to be subdivided into three lots with one of the three permitting the development of multi-family rental housing.
- The applicant has been diligent in addressing all the concerns raised throughout the process.
- The opposed bylaws have been identified to be consistent with the OCP including the amenity provisions and affordable housing policies.

- The accompanying Section 219 covenant provides substantial ecological protection and wetland remediation measures.
- There is an abundant water supply on the property. A water licence has been applied for.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- Islands Trust Policy Statement Directive Policies
- Islands Trust Policy 1.3.i [Policy Statement Implementation Policy]

ALTERNATIVE

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

THAT the Executive Committee request that staff advise Mayne Island Local Trust Committee in writing that the Executive Committee considers that Bylaws 181, 182 and 183 are contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Mayne Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Narissa Chadwick, Island Planner	November 29, 2022
Concurrence:	Stefan Cermak, Director, Planning Services	November 30, 2022

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaws 181, 182 and 183
7. First Nations follow-up Tracking



Local Trust Committee Bylaws Submission for Executive committee Approval

Local Trust Committee: Mayne Island Local Trust Committee

Bylaw No.: MA-181

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 14-Nov-2022

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Mayne Island Local Trust Committee

Bylaw No.: MA-182

Bylaw Type: Housing Agreement Procedure Bylaw

Date of resolution referring bylaw to Executive Committee: 14-Nov-2022

- ☒ 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: _____

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Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Mayne Island Local Trust Committee

Bylaw No.: MA-183

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 14-Nov-2022

- ☒ 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: _____

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Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: MA-181

Trust Area: Mayne Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: MA-181
Application No.: MA-RZ-2020.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 27-Jun-2022

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 27-Jun-2022

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 26-Oct-2022

File complete and ready for Public review: Yes

Public Hearings:

Location: Mayne Island Agricultural Hall
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 02-Nov-2022

Second Publish Date: 09-Nov-2022

Alternate Paper: The Mayneliner/Alea Printers
First Publish Date: 01-Nov-2022

Second Publish Date:

Mailout Date: 19-Oct-2022
Second Reading Date: 14-Nov-2022

Delivery Notices: 25-Oct-2022
Date Public Hearing Held: 14-Nov-2022
Third Reading Date: 14-Nov-2022

Bylaw: MA-182

Trust Area: Mayne Island Local Trust Committee
Type: Housing Agreement Procedure Bylaw
Bylaw No.: MA-182
Application No.: MA-RZ-2020.1
Trust Initiated: No

Proofread By:

Clerk: No
Planner: No

Technical Staff: No

First Reading Date: 26-Oct-2022

Bylaw Sent to Referrals: No
Date Proposed Bylaw to Web: 27-Jun-2022

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: ,

Date:

File complete and ready for Public review: No

Public Hearings:

Location:
Proofread By:

Legal Paper:
First Publish Date:

Second Publish Date:

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:
Date Public Hearing Held:
Third Reading Date: 14-Nov-2022

Second Reading Date: 26-Oct-2022

Trust Area: Mayne Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: MA-183
Application No.: MA-RZ-2020.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 27-Jun-2022

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 27-Jun-2022

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 26-Oct-2022

File complete and ready for Public review: No

Public Hearings:

Location: Mayne Island Agricultural Hall
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 02-Nov-2022

Second Publish Date: 09-Nov-2022

Alternate Paper: The Mayneliner/Alea Printers
First Publish Date: 01-Nov-2022

Second Publish Date:

Mailout Date: 19-Oct-2022
Second Reading Date: 14-Nov-2022

Delivery Notices: 25-Oct-2022
Date Public Hearing Held: 14-Nov-2022
Third Reading Date: 14-Nov-2022

Referrals: Bylaw MA-181

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	29-Sep-2022	
BC Housing <i>Vancouver Island Region Office: Heidi Hartman</i> <i>Comment: Interests unaffected by bylaw.</i>	29-Sep-2022	27-Oct-2022
BC Hydro & Power Authority <i>333 Dunsmuir Street, Floor 12: Properties Help Desk</i>	29-Sep-2022	
Capital Regional District - All Referrals Aggie Chan and Jessica Arnet <i>625 Fisgard Street: Referrals Coordinator</i> <i>Comment: Integrated Water Services - Outside CRD IWS service area.</i>	29-Sep-2022	31-Oct-2022
Capital Regional District - Parks & Environmental Services - Waste Management <i>625 Fisgard St.: Russ Smith</i> <i>Comment: Mayne Island Regional Trail. As such, we offer the following comment for consideration: - We would like to request that when the driveways (or any access points) are developed, that they match the grades to the Mayne Island Regional Trail, and ensure the driveways have a gentle and safe transition over the trail to avoid erosion of the trail surface. We also would like to request that there are proper sightlines to ensure that cars using the driveways can see the walkers and cyclists using the trail. - As defined by MOTI, the expectation is the driveway will be paved and will integrate with the road. - If time permits, there is an opportunity to coordinate the final driveway design with the Mayne Island Regional Trail development</i>	29-Sep-2022	31-Oct-2022
Capital Regional District Planning & Protective Services <i>Building Inspection Division Headquarters: Michael Taylor</i> <i>Comment: An existing building permit for the single family dwelling at 375 Village Bay Rd. has expired without approval. This should be reviewed with the Building Inspection Dept.</i>	29-Sep-2022	31-Oct-2022
Capital Regional District, Justine Starke, Manager, Southern Gulf Islands Service Delivery <i>Capital Regional District: Justine Starke</i> <i>Comment: The Southern Gulf Islands Community Economic Sustainability Commission considered this referral at its meeting of October 25, 2022 and passed the following resolution: That the Southern Gulf Islands Community Economic Sustainability Commission recommends approval of the MA LTC Proposed Bylaws 181 and 183 for the reasons outlined below: This project will benefit the community. There is an urgent need to increase the supply of affordable rental and ownership housing for the economic sustainability of Mayne Island and the Southern Gulf Island Electoral Area in general.</i>	29-Sep-2022	04-Nov-2022
Cowichan Tribes <i>5760 Allenby Rd: Tracey Flemming</i> <i>Comment: No Comment Received</i>	29-Sep-2022	

Referrals: Bylaw MA-181

Agency	Sent	Received
Galiano Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	29-Sep-2022	
Halalt First Nation 7973 Chemainus Rd: Raven August <i>Comment:</i> No Comment Received	29-Sep-2022	
Island Health 3rd Floor, 6475 Metral Drive: Referrals Referrals	29-Sep-2022	
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i> This application is located within the Ts'uubaa-asatx Nation statement of intent area; it is the interest of the Ts'uubaa-asatx Nation to respectfully maintain our rights and access to the lands and resources throughout our territory. Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this "no comment" response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory. Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.	29-Sep-2022	23-Nov-2022
Lyackson First Nation 8017 Chemainus Road: Linda Aidnell <i>Comment:</i> No Comment Received	29-Sep-2022	
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i> Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this referral.	29-Sep-2022	01-Nov-2022
Mayne Island Fire Department 520 Felix Jack Road: Kyle Stobart	29-Sep-2022	
Ministry of Attorney General and Minister Ministry of AG - Housing Policy Branch: . .	29-Sep-2022	

Referrals: Bylaw MA-181

Agency	Sent	Received
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Ron Burleson</i>	29-Sep-2022	
Ministry of Transportation and Infrastructure <i>Ministry of Transportation and Infrastructure: Owen Page</i>	29-Sep-2022	
North Pender Island Local Trust Committee <i>Islands Trust: Jas Chonk</i> <i>Comment: Interests unaffected by Bylaw.</i>	29-Sep-2022	27-Oct-2022
Pauquachin First Nation <i>9010 West Saanich Road: Darlene Henry</i> <i>Comment: No Comment Received</i>	29-Sep-2022	
Penelakut Tribe <i>Box 360: Denise James</i> <i>Comment: No Comment Received</i>	29-Sep-2022	
Saturna Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i>	29-Sep-2022	
Semiahmoo First Nation <i>16049 Beach Rd: Chief & Council</i> <i>Comment: No Comment Received</i>	29-Sep-2022	
Snuneymuxw First Nation <i>668 Centre Street: Desiree Thomas</i>	29-Sep-2022	
South Pender Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i> <i>Comment: Interests unaffected.</i>	29-Sep-2022	04-Nov-2022
Stz'uminus First Nation <i>12611A Trans Canada Hwy: Chenoa Akey</i>	29-Sep-2022	
Telus - National Access Network Design <i>3980 Quadra Street: Bruce Lum</i>	29-Sep-2022	
Tsartlip First Nation <i>PO Box 70: Karen Harry</i> <i>Comment: No Comment Received</i>	29-Sep-2022	
Tsawout First Nation	29-Sep-2022	

Referrals: Bylaw MA-181

Agency	Sent	Received
Box 121: Cathy Webster <i>Comment: No Comment Received</i>		
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	29-Sep-2022	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment: No Comment Received</i>	29-Sep-2022	
WSANEC WSANEC Leadership Council Society: Joni Olsen <i>Comment: WSANEC Leadership Council Referrals Manager asked if an archeological assessment report had been done and indicated they would speak with Tsartlip referrals staff about considerations such as cultural monitoring for any digging.</i>	29-Sep-2022	07-Oct-2022

Referrals: Bylaw MA-183

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	29-Sep-2022	
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Capital Regional District - Parks & Environmental Services - Waste Management <i>625 Fisgard St.: Russ Smith</i> <i>Comment: hile we do not have concerns about the subdivision of the parcel per se, our interest centers around how any newly created driveways could impact the new Mayne Island Regional Trail. As such, we offer the following comment for consideration: - We would like to request that when the driveways (or any access points) are developed, that they match the grades to the Mayne Island Regional Trail, and ensure the driveways have a gentle and safe transition over the trail to avoid erosion of the trail surface. We also would like to request that there are proper sightlines to ensure that cars using the driveways can see the walkers and cyclists using the trail. - As defined by MOTI, the expectation is the driveway will be paved and will integrate with the road. - If time permits, there is an opportunity to coordinate the final driveway design with the Mayne Island Regional Trail development.</i>	29-Sep-2022	31-Oct-2022
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Referrals: Bylaw MA-183

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WSANEC WSANEC Leadership Council Society: Joni Olsen Comment: WSANEC Leadership Council Referrals Manager asked if an archeological assessment report had been done and indicated they would speak with Tsartlip referrals staff about considerations such as cultural monitoring for any digging.	29-Sep-2022	07-Oct-2022



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: MA-RZ-2020.1 (MIHS)

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
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: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 14-Nov-2022

Reading:

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 14-Nov-2022

Reading: 14-Nov-2022

Third Reading

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 14-Nov-2022

Reading:

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 181

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

The Mayne Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021”.

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS 27TH DAY OF JUNE 2022.

PUBLIC HEARING HELD THIS 14TH DAY OF NOVEMBER 2022.

READ A SECOND TIME THIS 14TH DAY OF NOVEMBER 2022.

READ A THIRD TIME THIS 14TH DAY OF NOVEMBER 2022.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF 20__.

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS
____ DAY OF ____ 20__.

ADOPTED THIS ____ DAY OF ____ 20__.

CHAIR

SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181**

SCHEDULE 1

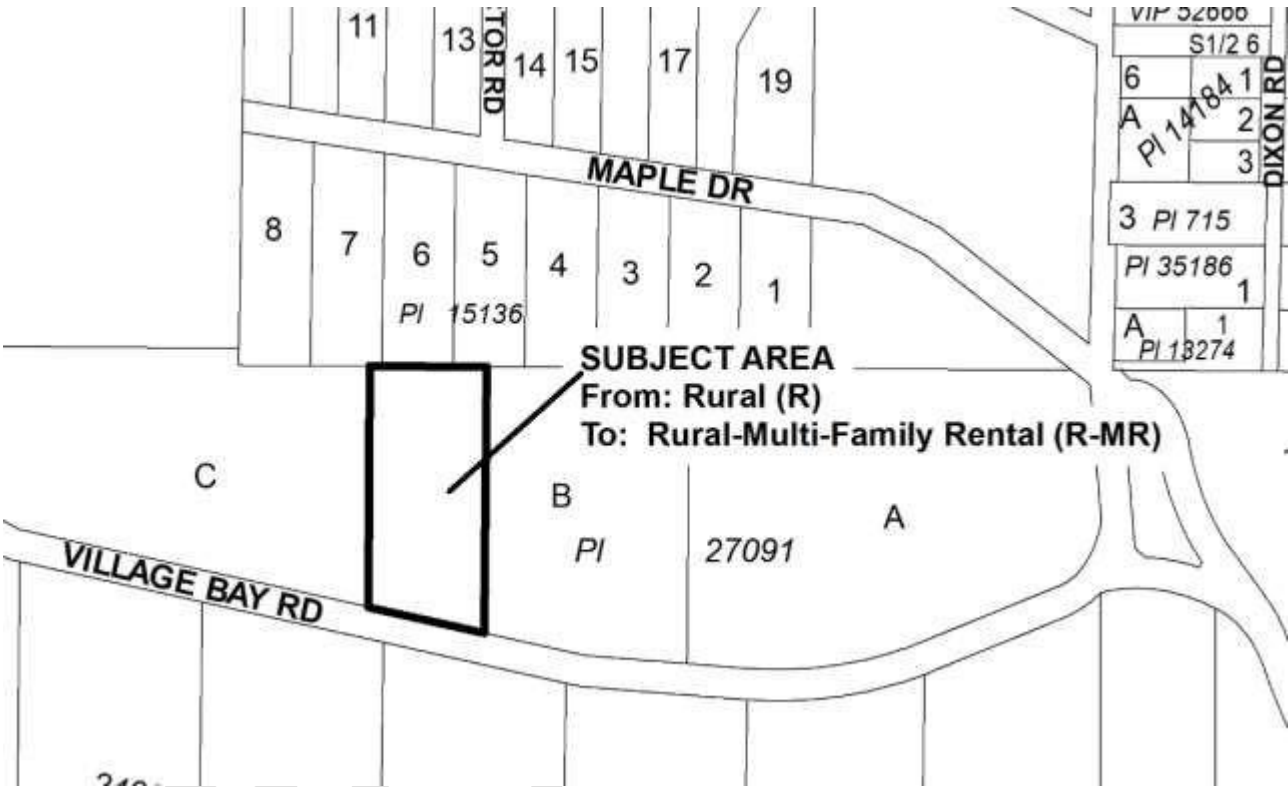
The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. By amending Schedule B by changing the land use designation on a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from Rural (R) to Rural – Multi-Family Residential (R-MR) as shown on Plan No. 1, which is attached to and forms part of this bylaw.

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181

Plan No.1



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 182

A Bylaw to Authorize a Housing Agreement

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

AND WHEREAS Section 483 of the *Local Government Act* and Section 29 of the *Islands Trust Act* permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Mayne Island Local Trust Committee wishes to enter into a Housing Agreement;

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

1. This Bylaw may be cited for all purposes as "Mayne Island Housing Agreement Bylaw No. 182, 2022".
2. Any one Trustee of the Mayne Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with [owner]

READ A FIRST TIME this 26th day of October 2022.

READ A SECOND TIME this 26th day of October 2022.

READ A THIRD TIME this 14th day of November 2022.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

X day of month, year

ADOPTED this X day of month, year

SECRETARY

CHAIRPERSON

Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE THE _____ DAY OF, 20____, IS BETWEEN:

SEAN MCHUGH, of 375 Village Bay Road, Mayne Island, V0N 2J2

(the “Owner”);

AND:

MAYNE ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*,
having an office at 2nd Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

(the “Local Trust Committee”)

WHEREAS:

- A. The Owner is the registered owner of land on Mayne Island, British Columbia, more particularly described as:

PID: 002-552-256

Lot B Plan VIP 27091 Section 7, Land District 16, Portion Mayne Island

(the “**Lands**”);

- B. The Local Trust Committee is considering the adoption of Mayne Island Land Use Bylaw No. 146, 2008 Amendment No. 1, 2021 (the “Rezoning”), to permit a subdivision of the Lands, and the development of affordable multi-family rental housing on a portion of the Lands referred to in this Agreement as the “Lot 3 Equivalent”;
- C. Following the Rezoning and subdivision of the Lands, the Mayne Island Housing Society intends to develop and construct affordable multi-family rental housing on the Lot 3 Equivalent;
- D. The Mayne Island Housing Society intends to rent units on the Lot 3 Equivalent to Qualified Renters at affordable rates;
- E. The Local Trust Committee may pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- F. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Local Trust Committee in respect of the use of land or construction on land;

- G. The Owner and the Local Trust Committee wish to enter into this Agreement to provide rental housing on the Lands on the terms and conditions of this Agreement to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; and
- H. The Local Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Local Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Local Trust Committee and the Owner agree, as covenants granted by the Owner to the Local Trust Committee under Section 219 of the *Land Title Act*, and as a housing agreement between the Owner and the Local Trust Committee under Section 483 of the *Local Government Act*, as follows:

Article 1: Definitions and Interpretation

1.1 Definitions – In this Agreement:

“Affordable Housing Funder”	means an entity with a mandate to create and promote affordable housing, such as BC Housing or CMHC, that provides a grant or preferential rate loan to support the development of Rental Housing Units on the Lands.
“Annual Household Income”	means the combined gross income of all adult members of a Household, as shown on line 150 of the preceding year’s T1 General Income Tax and Benefit return.
“BC Housing”	means the British Columbia Housing Management Commission or BC Housing’s successor in function.
“Business Days”	means Monday to Friday inclusive except for those excluded days declared by lawful authority as holidays.
“Building” or “Buildings”	Means any building located or constructed on the Lands containing a Rental Unit
“Census Profile”	means the most recently available census profile published by Statistics Canada for the Southern Gulf Islands, regional district electoral area census subdivision or, in the event that Southern Gulf Islands, regional district electoral area census subdivision is amended, eliminated or replaced, a successor census subdivision which includes Mayne Island;
“CMHC”	means Canada Mortgage and Housing Corporation or its successors in function.
“CPI”	means the All-items Consumer Price Index for British Columbia as calculated by Statistics Canada, or its successor in function.
“Dwelling Unit”	means a dwelling unit as defined in the Mayne Island Land Use Bylaw 146, 2008.

“Household”	means one or more individuals occupying the same Dwelling Unit.
“Income of Couples with Children”	means the median total income of couple economic families with children as determined by Statistics Canada in the Census Profile, provided that this median total income is increased by the CPI for every calendar year since the Census Profile has been updated by Statistics Canada.
“Income of Couples without Children”	means the median total income of couple economic families without children or other relatives as determined by Statistics Canada in the Census Profile, provided that this median total income is increased by the CPI for every calendar year since the Census Profile has been updated by Statistics Canada.
“Income of Lone-Parent Families”	means the median total income of lone-parent economic families as determined by Statistics Canada in the Census Profile, provided that this median total income is increased by the CPI for every calendar year since the Census Profile has been updated by Statistics Canada.
“Income of One-Person Households”	means the median total income of one-person households as determined by Statistics Canada in the Census Profile, provided that this median total income is increased by the CPI for every calendar year since the Census Profile has been updated by Statistics Canada.
“Lands”	has the meaning ascribed in Recital A.
“Lot 3 Equivalent”	has the meaning ascribed to it in section 3.2(b).
“Low and Moderate Income Limits”	means, as determined by BC Housing from time to time, a) for residential units with less than two (2) bedrooms, an Annual Household Income that does not exceed the median income for couples without children in British Columbia, as an example, for 2022 this figure is \$77,430; and b) for residential units with two (2) or more bedrooms, an Annual Household Income that does not exceed the median income for families with children in British Columbia, and as an example, for 2022 this figure is \$120,990.
“Operating Agreement”	means an agreement that sets out the amount, duration, and conditions of the subsidy provided by the provincial and/or federal governments, or an Affordable Housing Funder for the construction and/or operation of Rental Housing Units.
“Owner”	means the registered owner of the Lands, provided however that upon the execution and filing of the Release with the Land Title Office, it means the registered owner of the Lot 3 Equivalent only.
“Permitted Housing Operator”	means the Mayne Island Housing Society, BC Housing, CMHC, a housing society, a non-profit housing corporation, or other entity approved by the Local Trust Committee in writing.

“Qualified Renter”	means a person who meets the eligibility criteria for tenancy as set out in Schedule B and who meets the occupancy criteria set out in Section 2.3 of this Agreement and the Operating Agreement, if any.
“Release”	Has the meaning ascribed in section 3.2(b).
“Rental Housing Unit”	means a Dwelling Unit on the Lands in respect of which the construction, tenure, rent, and occupancy are restricted in accordance with this Agreement.
“Residential Tenancy Act”	means the <i>Residential Tenancy Act</i> (British Columbia).
“Rezoning”	has the meaning ascribed in Recital B.
“Statistics Canada”	means the national statistics office or Statistics Canada’s successor in function.
“Subdivide”	means to divide, apportion, consolidate or subdivide the Lands or any Building on the Lands, or the ownership or right to possession or occupation of the Lands or any Building on the Lands, into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the <i>Land Title Act</i> , the <i>Strata Property Act</i> (British Columbia), or otherwise, and includes the creation, conversion, organization or development of “cooperative interests” or a “shared interest in land” as defined in the <i>Real Estate Development Marketing Act</i> (British Columbia).
“Tenancy Agreement”	means a written tenancy agreement as defined in, and subject to, the Residential Tenancy Act.
“Tenant Default”	has the meaning ascribed in section 2.3(d)(v).

1.2 Interpretation –

Reference in this Agreement to:

- a) A “party” is a reference to a party in this Agreement;
- b) A particular numbered “article” or “section” or to a particular lettered “schedule” is a reference to the corresponding numbered or lettered article, section, or schedule of this Agreement;
- c) An “enactment” is a reference to an enactment as defined in the *Interpretation Act* and is a reference to any revision, amendment or re-enactment of, or replacement for, that enactment;
- d) Wherever the singular or gendered language is used in this Agreement, it shall be deemed to include the plural or all genders, or the body politic or corporate, where the context or the parties so require; and
- e) The Local Trust Committee includes a reference to its successors in function, including a

municipality.

1.3 Headings

The division of this Agreement into articles, sections and schedules is for convenience of reference only and does not affect its interpretation. The article and section headings used in this Agreement are for convenience of reference only and do not affect the interpretation of this Agreement.

1.4 Entire Agreement

This is the entire agreement among the parties concerning its subject and may be amended only in accordance with section 3.16.

Article 2 – Rental Housing

2.1 Agreement over the Lands

Pursuant to section 219 of the *Land Title Act* and section 483 of the *Local Government Act*, the Owner covenants and agrees that:

- a) The Lands will not be developed, and no new Building or structure will be constructed on the Lands unless the Owner constructs Rental Housing Units in accordance with this Agreement, any development permit or rezoning issued by the Local Trust Committee, and any Building permit issued by the Capital Regional District.
- b) It will maintain the Rental Housing Units in a satisfactory state of repair and fit for habitation and will comply with this Agreement and all laws, including health and safety standards applicable to the Lands.
- c) If a Building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.

2.2 Minimum Construction Requirements

- a) All the Rental Housing Units will be designed and constructed to the same standard in terms of layout, skill, and materials.
- b) Rental Housing Units will consist of a mix of one-bedroom, two-bedroom and at least one three-bedroom units.

2.3 Occupancy of Rental Housing Units

The Owner covenants and agrees that Rental Housing Units will only be occupied when all of the following criteria are met:

- a) the Household's Annual Household Income does not exceed the Low and Moderate Income Limits for the specified unit type at the time of application and initial occupancy;

- b) the Household is composed of at least one Qualified Renter;
- c) the Qualified Renter will occupy the Rental Housing Unit as its permanent, principal, and sole residence;
- d) the Qualified Renter has signed a Tenancy Agreement with the Owner, and the Tenancy Agreement includes;
 - i. a clause prohibiting subletting for short-term vacation rentals and in all other circumstances prohibiting subletting without obtaining prior Owner consent in accordance with section 2.6;
 - ii. notice of the existence of this Agreement and the occupancy restrictions applicable to the Rental Housing Unit, and notice that the Owner will provide to each Qualified Renter upon their request, a copy of this Agreement;
 - iii. a clause requiring the Qualified Renter to comply with the use and occupancy restrictions contained in this Agreement;
 - iv. a clause confirming that a breach by the Qualified Renter of any of the provisions set out in 2.3(f)(i) or 2.3(f)(iii) (each of which constitutes a “Tenancy Default”) will entitle the Owner to end the tenancy for cause, in accordance with the Residential Tenancy Act, as a failure to comply with a material term.

2.4 Management of Rental Housing Units

The Owner covenants and agrees that:

- a) Rent for 1-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the average of:
 - i. Income of One-Person Households; and
 - ii. Income of Couples without Children.
- b) Rent for 2 and 3-bedroom Rental Housing Units in a calendar year will on average be at or below 30% of the average of:
 - i. Income of Couples with Children; and
 - ii. Income of Lone-Parent Families.
- c) It will not require any Qualified Renter under a Tenancy Agreement to pay any extra charges or fees for use of any common area or amenity, or for sanitary sewer, storm sewer, water utilities, property taxes and similar services. For clarity, this limitation does not apply to parking, cablevision, telecommunications, laundry, cleaning fee for private events, or gas or electricity utility fees or charges.

2.5 Policies/Rules and Regulations/Administration by Owner

The Owner is authorized to make and administer rules, regulations and policies necessary to fully implement and achieve the policy goals set out in this Agreement. Such rules, regulations and policies may include, but are not limited to, the following:

- a) Establishing and maintaining a waiting list of potential Qualified Renters; and
- b) Establishing, administering and enforcing a rental policy applicable to the terms of this Agreement and in accordance with the *Residential Tenancy Act*.

2.6 No Sublease of Rental Housing Unit Unless Requirements Met

The Owner will not consent to the sublease of a Tenancy Agreement, except in accordance with this Agreement, the Residential Tenancy Act, and the Owner's rules, regulations and policies. For greater clarity, the Owner will not consent to a sublease for the purposes of a short-term vacation rental, and the Owner will not otherwise consent to a sublease unless the sublessee meets the requirements set out in section 2.3.

2.7 Monitoring and Reporting to the Local Trust Committee

The Owner must deliver to the Local Trust Committee once each year on or before July 1, a completed statutory declaration, substantially in the form attached as Schedule "A", sworn by the Owner. Additionally, the Local Trust Committee may request this statutory declaration up to one additional time in any calendar year, and the Owner must complete and supply the completed statutory declaration within 10 Business Days of receiving a request from the Local Trust Committee. The Owner irrevocably authorizes the Local Trust Committee to make reasonable inquiries it considers necessary in order to confirm compliance with this Agreement.

2.8 Owner May Request Revision of Terms

The Owner may request that the Local Trust Committee modify the terms of this Agreement, aside from section 2.1 and 2.2, in order to meet requirements imposed by an entity that has conditionally agreed to provide the funding to the Owner to construct the Rental Housing Units or operate the Rental Housing Units, or to do both, so that the terms of this Agreement do not conflict with such requirements.

2.9 Operating Agreement Prevails

Notwithstanding section 2.8, the provisions in section 2.3 and 2.4 apply except if the Rental Housing Units are subject to an Operating Agreement which conflicts with all or any of them, in which case the Operating Agreement prevails to the extent of the conflict only.

Prior to execution of an Operating Agreement that the Owner expects to conflict with the provisions in section 2.3 and 2.4 of this Agreement, the Owner shall provide the draft Operating Agreement to the Local Trust Committee. The Local Trust Committee may request that Affordable Housing Funder modify the terms of the Operating Agreement so that its terms do not conflict with section 2.3 and 2.4 of this Agreement.

Article 3 – General Terms

3.1 Management

The Owner covenants and agrees that:

- a) it will furnish, or cause a Permitted Housing Operator to furnish, good and efficient management of the Lands and the Rental Housing Units on the Lands;
- b) if and when the Local Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, it will permit the Local Trust Committee to inspect the Lands and any Buildings at any reasonable time with reasonable notice, subject to the notice provisions of the Residential Tenancy Act; and
- c) the Owner will, or if the Owner is not the Permitted Housing Operator, the Owner will cause the Permitted Housing Operator to, administer, manage and operate the Rental Housing Units in accordance with all of the restrictions and requirements of this Agreement, and the Owner's obligations under this Agreement. For clarity, the Owner's engagement of a Permitted Housing Operator pursuant to this Agreement will not relieve the Owner from any of the Owner's obligations under this Agreement or any of the restrictions or requirements of this Agreement.

3.2 Discharge

- a) After the Rezoning, the Owner intends to subdivide the Lands as shown on the proposed subdivision plan attached hereto as Schedule "C" to create parcels equivalent in size and configuration to those labelled Lot 1, Lot 2, and Lot 3.
- b) Upon Subdivision of the Lands and creation of a legal parcel equivalent in size, location and configuration of the parcel shown as Lot 3 on the proposed subdivision plan attached hereto (the "Lot 3 Equivalent"), if the Local Trust Committee, acting reasonably, is satisfied that the Lot 3 Equivalent is reasonably equivalent to the Lot 3 shown on the proposed subdivision plan and that, after a release is filed, this Agreement will remain on title and continue to bind the owner of the Lot 3 Equivalent, the Local Trust Committee will prepare and execute a release of this Agreement on any parcel that is not the Lot 3 Equivalent as soon as practicable (the "Release").
- c) Upon receipt of the executed Release from the Local Trust Committee, the owner of any parcel that is not the Lot 3 Equivalent may file the Release in the Land Title Office.
- d) Once the Release has been executed and filed, any reference to Lands in this Agreement shall be construed as a reference to the Lot 3 Equivalent and not any parcel that is not the Lot 3 Equivalent.

3.3 Order to Comply

If the Owner is in default of the performance or observance of this Agreement, the Local Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the reasonable time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Local Trust Committee, within the time stated on the notice of default provided to the Owner by the Local Trust Committee.

3.4 Society Standing

If the Owner is a society, the Owner must maintain its standing as a society under the *Society Act* and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Society to perform its obligations under this Agreement.

3.5 Specific Performance of Agreement

The Owner agrees that the Local Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Rental Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Local Trust Committee's Land Use Bylaw.

3.6 Assignment

The Owner acknowledges that the Local Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Local Trust Committee shall be interpreted as a reference to that party provided that the Local Trust Committee has so advised the Owner.

3.7 Indemnity

The Owner shall indemnify and save harmless the Local Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement, unless resulting from the respective gross negligence or unlawful acts of the Local Trust Committee or its elected officials, officers, directors, employees, and agents.

The Local Trust Committee shall indemnify and save harmless the Owner and each of its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement, from and against all claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Local Trust Committee or its elected officials, officers, directors, employees, or agents, unless resulting from the respective gross negligence or unlawful acts of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is by law responsible in relation to this Agreement.

This clause will survive the termination of this Agreement.

3.8 Release

The Owner releases and forever discharges the Local Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action

arising out of advice or direction respecting the ownership, lease, operation or management of the Lands or the Rental Housing Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them, unless resulting from the respective gross negligence or unlawful acts of the Local Trust Committee or its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns.

The Local Trust Committee releases and forever discharges the Owner and each of its officers, directors, employees, agents and contractors, and any other person for whom the Owner is by law responsible in relation to this Agreement and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of advice or direction respecting the ownership, lease, operation or management of the Lands or the Rental Housing Units which has been or at any time after the commencement of this Agreement may be given to the Local Trust Committee by all or any of them, unless resulting from the respective gross negligence or unlawful acts of the Owner or its officers, directors, employees, agents and contractors, and any other person for whom the Owner is by law responsible in relation to this Agreement and each of their heirs, executors, administrators, personal representatives, successors and assigns.

This clause will survive the termination of this Agreement.

3.9 Local Trust Committee Powers Unaffected

This Agreement does not limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or the common law, impose on the Local Trust Committee any duty or obligation, affect or limit any enactment relating to the use of the Lands, or relieve the Owner from complying with any enactment.

3.10 No Public Law Duty

Wherever in this Agreement an act, determination, consent, approval or agreement of the Local Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.

3.11 No Waiver

No condoning, excusing or overlooking by a party of any default under this Agreement of the other party, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the non-defaulting party of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the non-defaulting party.

3.12 Dispute Resolution

Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Rental Housing Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* (British Columbia).

3.13 Notice on Title

The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act*, the Local Trust Committee is required to file a notice of housing agreement in the Land Title Office against title to the Lands, and once such a notice is filed, this Agreement binds all persons who acquire an interest in the Lands as a housing agreement under Section 483 of the *Local Government Act*.

3.14 Covenant Runs with the Land

Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Local Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.

3.15 Limitation on Owner's Obligations

The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands, provided that once the Release has been executed and filed in accordance with section 3.2, the Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lot 3 Equivalent.

3.16 Amendment and Termination

This Agreement may not be modified or amended except by bylaw of the Local Trust Committee, upon an agreement in writing between the Local Trust Committee and the Owner.

3.17 Notices

Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Local Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Local Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Local Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.

3.18 Enurement

This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.

3.19 Remedies Cumulative

The remedies specified in this Agreement are cumulative and are in addition to any remedies of the parties at law or in equity. No remedy shall be deemed to be exclusive, and a party may from time to

time have recourse to one or more or all of the available remedies specified herein or at law or in equity.

3.20 Severability

If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

3.21 Joint and Several

In the case of more than one Owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.

3.22 Further Acts

The parties will do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

3.23 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.

3.24 Joint Venture

Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Local Trust Committee or give the Owner any authority or power to bind the Local Trust Committee in any way.

3.25 Time of Essence

Time is of the essence in this Agreement.

3.26 Further Assurances

The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.

3.27 Priority

The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement.

3.28 Deed and Contract

By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE "A"

**OWNER STATUTORY
DECLARATION**

CANADA

PROVINCE OF BRITISH COLUMBIA

IN THE MATTER OF A HOUSING AGREEMENT
WITH THE Mayne Island ISLAND LOCAL
TRUST COMMITTEE ("Housing Agreement")

I, _____

declare that:

1. I am the _____ [director, officer, employee] of the Owner of the land known as _____, Mayne Island, legally described as
Parcel Identifier: _____
Legal Description: _____
(the "Lands")
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement registered against the Lands.
4. For the period from _____ to _____, the Rental Housing Units were used only by Qualified Renters (as defined in the Housing Agreement).
5. At no time during the last year were any of the Rental Housing Units used as a short-term vacation rental.
6. The rental payments charged for the Rental Housing Units were in compliance with the Housing Agreement.
7. No subletting of the Lands has been permitted.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

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

A Commissioner for taking Affidavits
in British Columbia

Signature of person making declaration

SCHEDULE “B”

Eligibility Criteria for Tenancy

A Qualified Renter means a person aged 19 years or older who meets the financial and other requirements of the Housing Agreement (the “Agreement”) and fits into at least one of the following categories, subject to the Operating Agreement, and which are not listed in any particular priority order:

- 1) Residents of Mayne Island;
- 2) Indigenous peoples with rights and responsibilities in and around what is known as Mayne Island, or, is considered by members of these First Nation communities to be part of the First Nation community.

Except that where there are no persons meeting the categories specified in clause 1 or 2 above, who make an application to rent an available unit and the lack of applications from the categories specified above would result in a unit being vacant for more than one month, then a Qualified Renter may be a person aged 19 years or older who meets the financial and other requirements of the Agreement and fits into at least one of the following categories, which are not listed in any particular priority order:

- a. Previous resident of Mayne Island who has lived away from the island for a maximum of three consecutive years; or
- b. Non-resident who is hired to begin at least half-time work (20 hours per week) on Mayne Island; or
- c. Person with immediate family already living on Mayne Island. For greater clarity, immediate family means an individual to whom the person is related by blood, or by marriage, or common-law relationship, or by adoption.

Except that where there are no persons meeting the categories specified in clause 1 or 2, nor a, b, or c above, who make an application to rent an available unit and the lack of applications from the categories specified above would result in a unit being vacant for more than one month, then a Qualified Renter may be any person permitted by the Operating Agreement who meets the financial and other requirements of the Agreement.

Proposed Subdivision Plan



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 183

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008,” is amended as follows:

2.1 By adding to Definitions ““Multi-family rental housing” means residential use of attached dwelling units that are limited to residential rental tenure.’

2.2 By adding to the definition of Dwelling unit “multi-family housing” after “secondary suite”

2.3 By adding to Definitions ““Residential rental tenure” means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit.’

2.4 By inserting a new row in the table in subsection to 5.5 (14) in the Rural (R) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	A portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091	(1) Despite 5.5(13) above the average lot area must not be less than 1.3 hectares (3.3 acres).

2.5 By adding “5.28 Comprehensive Development Three (CD3) Zone” as a new zone following subsection 5.27:

“The purpose of the Comprehensive Development Three Zone is to provide for and regulate the development of multi-family rental housing.

Permitted Uses

(1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Multi-family rental housing
- (b) Accessory uses, buildings and structures

Density

- (2) The maximum number of dwelling units in the CD3 zone is 10
- (3) The maximum lot coverage is 20%.

Size and Siting

- (4) The minimum setback for any building or structure is:
 - (a) 8 metres (26 feet) from any front, rear or exterior side lot line;
 - (b) 8 metres (26 feet) from any interior side lot line;
- (5) The maximum height for any dwelling unit is 9 metres (29.5 feet).
- (6) The maximum height for any accessory building or structure is 5 metres (16.5 feet).

Subdivision Lot Area Requirements

- (7) The minimum lot area is 1.3 hectares (3.3 acres).

Form of Tenure

- (8) All dwelling units in the Comprehensive Development Three (CD3) Zone shall be limited to residential rental tenure.”
- 2.6 By adding “Comprehensive Development Three CD3” to 4.1(1) (Division into Zones) following “Comprehensive Development Two CD2”
 - 2.7 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to Comprehensive Development Three (CD3) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as required to effect this change.
 - 2.8 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to (R(f) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as required to effect this change.
 - 2.9 Schedule “D” – Zoning Map, is amended by removing a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from “areas where secondary suites are permitted” as shown on Plan No. 2, which is attached to and forms part of this bylaw, and the making of such alterations to Schedule “D” to Bylaw No.146 as required to effect this change.

3. SEVERABILITY

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

READ A FIRST TIME THIS 27TH DAY OF JUNE 2022.

PUBLIC HEARING HELD THIS 14TH DAY OF NOVEMBER 2022.

READ A SECOND TIME THIS 14TH DAY OF NOVEMBER 2022.

READ A THIRD TIME THIS 14TH DAY OF NOVEMBER 2022.

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

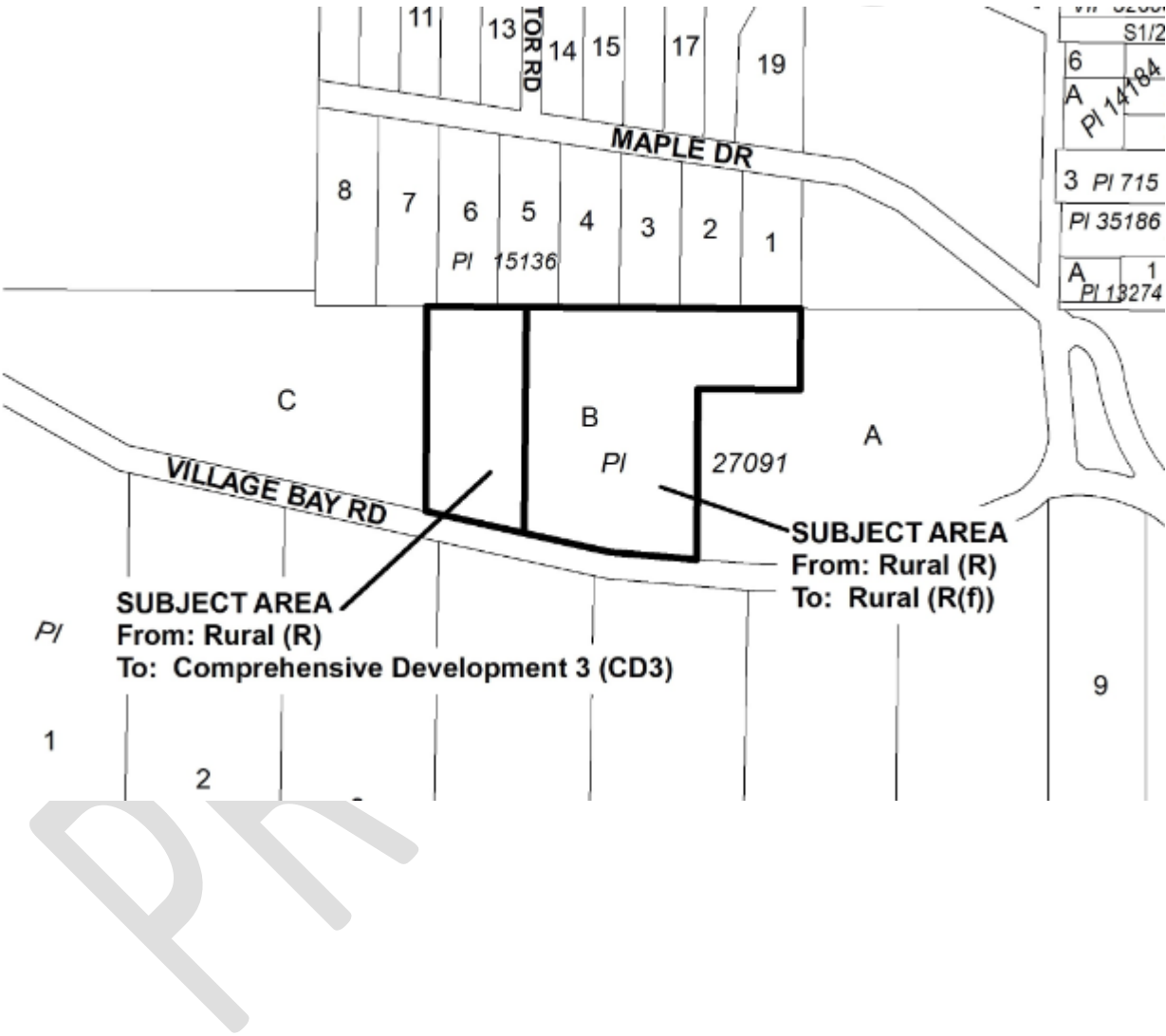
ADOPTED THIS _____ DAY OF _____ 20__

CHAIR

SECRETARY

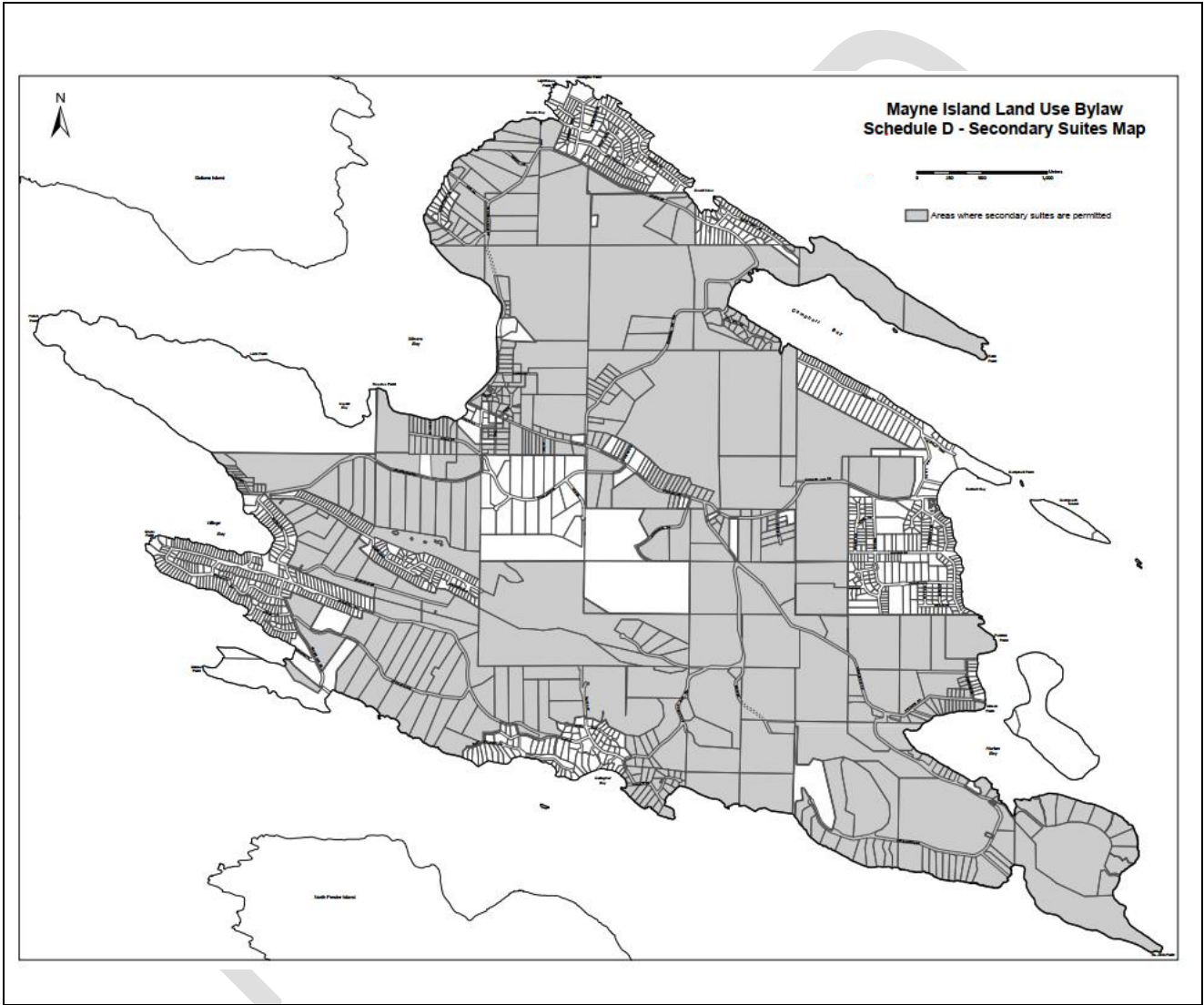
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 2



First Nation Engagement

Referral of: Mayne Island Bylaws 181 and 183

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Halalt

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Ts'uubaa-asatx Nation

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC
November 23, 2022	This application is located within the Ts'uubaa-asatx Nation statement of intent area; it is the interest of the Ts'uubaa-asatx Nation to respectfully maintain our rights and access to the lands and resources throughout our territory. Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this “no comment” response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory. Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.	JC

First Nation: Lyackson

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Malahat

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC
November 1, 2022	Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this referral.	JC

First Nation: Pauquachin

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Semiahmoo

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Snuneymuxw

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Stzuminus

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsartlip

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsawout

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tsawwassen

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: Tseycum

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

First Nation: WSANEC

Date	Comment/Action	Initial
September 29, 2022	Sent Referral	JC
October 7, 2022	WSANEC Leadership Council Referrals Manager asked if an archeological assessment report had been done and indicated they would speak with Tsartlip referrals staff about considerations such as cultural monitoring for any digging.	JC
October 25, 2022	Sent Follow-up Email in regards to Public Hearing.	JC

Hello Chair Luckham, and Vice-Chairs Petersen, Elliott, and Maude,

First off, congratulations again on your election, and on taking up the mantles of your new (or old) roles, I am sure I'm not the first to express my particular satisfaction with this new Executive, and I look forward to working with all of you in the coming term.

I was having a conversation with Director Frater yesterday afternoon after the conclusion of Trust Council and, after helping me with my initial query, we reflected briefly on Trust Council, especially with regards to my impressions as a new Trustee. She suggested that I might try and collect and submit them to you for perusal as a part of your upcoming Executive agenda, which I believe is to be set on this coming Monday.

I very much appreciate the time and energy that has been invested in the various orientations and introductions for Trustees regarding the way the way Trust works, our duties and relationships as Trustees towards staff, our constituents, and one another, and of course, the meeting mechanisms of Roberts Rules, as so expertly conveyed by Eli Mina yesterday morning.

However- and please understand this is in no way intended to undermine the sentiment of the previous paragraph, I have some reservations about the use of Trust Council as a vehicle for those orientations. I understand that these topics need to be explored by every Trustee, and that on paper, Trust Council seems a sensible time to do so, when we are all gathered together under one roof (proverbial or otherwise), but I think, in practise, it becomes an inefficient use of the limited time laid aside for us as a governing body to tackle the actual substance of our duties, as evidenced by our running a whole two hours over on our last Council so that we could finish the business items; an ineffective way for Trustees to onboard the considerable information, with little to no room for discussion or personalised question-and-answer sessions with presenters; and, frankly, a dull experience for the public to tune into, when they should be being afforded a window into our political process.

My personal experience was that while I was interested in what was being said during the orientations, my ability to absorb the specifics of any bit of information was profoundly impacted by my awareness of our time constraints, and a slowly-building sense of frustration when circular questions and comments boiled away our allotted time, and ate into time set aside for the real work of Council. Were I a member of the public, I would be wondering why the \$10,000 it costs to put on Council was being spent so that I could watch my elected officials attend lectures. Valuable lectures, vital lectures- that's not in question, but lectures nonetheless. I don't believe I am alone in feeling that a mix of urgency/stagnancy bled into the tone of other areas of the Council.

I know the process of onboarding new Trustees is a matter of no little discussion within the Governance Review, and to me, it seems an easy and effective way to improve the quality of learning, as well as maximise the time given to actual work for the Council in those crucial first meetings, would be to hold those orientation sessions as a series of shorter evening webinars for say, a third of Trust Council at a time (to avoid a quorum). I believe this approach will allow for more detailed and meaningful

interrogation of the many complex subjects that Trustees, both new and returning, must come to grips with at the start of a new term, as well as presenting a more fertile arena for individual Trustees to get to know one another, through their interactions with the subject matter. At the same time, this method will free up considerable swathes of Council time, so that we can *do the job we are there to do*.

There are, of course, costs and complications associated with scheduling more sessions, but I think those additional costs are offset by the considerable increase of the effectiveness of all the time spent on such matters, and while additional, those webinars required a much reduced staff presence.

I hope you will take my observations on board, and examine them for any value they may contain, and I hope that you understand that these notes are submitted from a deep desire to make this body as effective and vibrant as possible.

Thanks for your time, and good luck in your endeavours,

Sam Borthwick,

Trustee, Denman Island



Islands Trust



ISLANDS TRUST CONSERVANCY

Responsibilities of the Islands Trust Council Chair, Vice-Chairs and Executive Committee

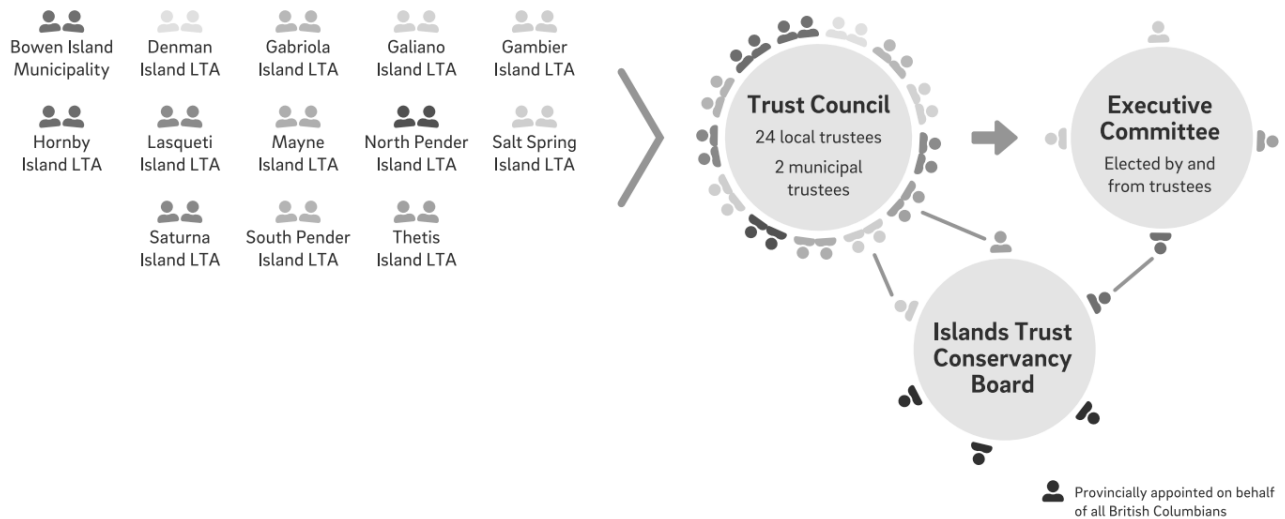
**Revised
November 1, 2022**

Table of Contents

EXECUTIVE COMMITTEE COMPOSITION	3
RESPONSIBILITIES OF THE ISLANDS TRUST COUNCIL CHAIR	4
RESPONSIBILITIES OF THE ISLANDS TRUST COUNCIL VICE-CHAIRS	6
RESPONSIBILITIES OF THE ISLANDS TRUST EXECUTIVE COMMITTEE.....	7
APPENDIX 1:	11
APPENDIX 2:	13

EXECUTIVE COMMITTEE COMPOSITION

As illustrated in the following diagram, the Executive Committee (EC) consists of the Chair and Vice-Chairs elected by Trust Council, ‘as soon as practicable¹’ after local general elections are held every four years. Executive Committee members hold their seats until their replacements are elected after the next election.



The Islands Trust Council has adopted [Policy 2.4.3 – Executive Committee Election](#) to guide the election process, which must be consistent with the [Islands Trust Regulation](#) (BC Reg 119/90). Section 20 of the [Islands Trust Act](#) provides further details about the composition of the EC.

Some of the EC’s responsibilities and authorities come directly from *Islands Trust Act*, while others are assigned by bylaw, policy or resolution of the Islands Trust Council. Responsibilities and authorities that come directly from the *Islands Trust Act* include:

PURPOSE OF THE EXECUTIVE COMMITTEE

The *Islands Trust Act* sets of the purpose of the Executive Committee as follows:

Section 4(1): *The trust council, executive committee, local trust committees and Islands Trust Conservancy are continued for the purpose of carrying out the object of the trust.*

Section 4(3): *The executive committee is intended to carry out the daily business of the trust, to review the activities of the local trust committees and to act as a local trust committee for that part of the trust area that is not in a local trust area or municipality.*

¹ [Islands Trust Act, s.20\(4\)](#)

RESPONSIBILITIES OF THE ISLANDS TRUST COUNCIL CHAIR

The role of the Trust Council Chair comes from legislation, Trust Council bylaws, policies and resolutions.

The role of the Chair is primarily to ensure the formal conduct of meetings is consistent with legislation, bylaws, policies and where those are silent on issues, consistent with Robert's Rules of Order. The Islands Trust Council Chair is also the Chair of the Executive Committee, and is responsible for the same orderly conduct of those meetings.

As Chair of Trust Council, the Chair typically acts as the spokesperson for Trust Council on issues related to other provincial, federal or First Nations interests. If not already established by Trust Council policy, this is done by resolutions of Trust Council.

Roles of the Chair by Legislation:

The only legislated role provided specifically to the Chair is the appointment of Vice-Chairs to Chair the local trust committees ([Islands Trust Act, s23\(3\)](#)).

Roles of the Chair by Trust Council bylaw:

The following is a list of the roles assigned to the Trust Council Chair by Trust Council bylaws:

- Facilitate communication between Trust Council (TC) and Islands Trust Conservancy Board ([TC Bylaw 86](#))
- Maintain orderly meetings of Trust Council and Executive Committee ([TC Bylaw 101](#))
 - o Ensure quorum.
 - o Call the meeting to order.
 - o Provide an agenda for special meetings, including date and time.
 - o Designate order in which trustee's speak to issues.
 - o Allow public to speak to Council.
 - o Allow time extension for public speaking.
 - o Keep order of the meeting, rule on points of order and conduct.
 - o May refuse a motion if it is contrary to a bylaw or an act.
 - o Put every motion to a vote once debate has ended.
 - o Direct Secretary to conduct Trust Council or Executive Committee resolutions-without-meeting.

Roles of the Chair by Trust Council policies:

The following is a list of responsibilities assigned to the Islands Trust Council Chair by Trust Council policies:

- Sign protocol agreements on behalf of Trust Council. ([TC Policy 2.1.4](#))
- Provide letter to recognise nominations of stewardship awards. ([TC Policy 2.1.11](#))

- Call the vote for Trust Council resolutions-without-meeting (RWMs), and when completed declare the vote carried or defeated. ([TC Policy 2.2.3](#))
- Recommend to Trust Council appointments to the Regional, Trust Programs and Financial Planning committees. ([TC Policy 2.3.1](#))
- Appoint one member of the Executive Committee to each of the Regional and Trust Programs committees. ([TC Policy 2.3.1](#))
- Sits as Ex-officio² member of the Regional and Trust Programs committees, and select committees where the Chair is not a member otherwise. ([TC Policy 2.3. 1](#)).
- Appoint interim committee chairs for any Trust Council committee if required. ([TC Policy 2.3.1](#))
- Liaison with media on behalf of committee chairs. ([TC Policy 2.3.1](#))
- Orderly conduct of Executive Committee meetings. ([TC Policy 2.4.6](#))
- Provide direct access to legal council for Vice-Chairs as needed with notification to Chief Administrative Officer (CAO). ([TC Policy 6.9.2](#))
- Sign the Annual Report for submission to the Minister. ([TC Policy 6.10.1](#))
- Act as designated spokesperson for the Islands Trust Council and Executive Committee. ([TC Policy 6.10.2](#))
- Represent Trust Council advocacy positions to the media. ([TC Policy 6.10.3](#))
- In event of unplanned departure or extended leave of the CAO, convene meeting of the Executive Committee to review CAO succession plan ([TC Policy 8.4.1](#))

As the Chair appoints Vice-Chairs as chairs of the local trust committees, as required under s.23(3) of the *Islands Trust Act*, the Chair may appoint themselves to one or more local trust committees. As a result, the Chair may also have the duties of Vice-Chairs listed in the next section in relation to chairing and being a voting member of a local trust committee.

As one of the legislated roles of the Executive Committee is to act as a local trust committee for the Trust Area that is not inside a local trust area or an island municipality, the Chair also has all the responsibilities of the Chair for that committee.

² As per policy [2.3.1](#) (s.B.8.4), ex-officio members may participate but do not have a vote, and do not count towards quorum.

RESPONSIBILITIES OF THE ISLANDS TRUST COUNCIL VICE-CHAIRS

The role of the Trust Council Vice-Chairs comes from legislation, Trust Council bylaws, policies and resolutions.

As Chair of local trust committees, the Vice-Chair typically acts as the spokesperson for local trust committee on issues related to other provincial, federal or First Nations interests. If not already established by local trust committee standing resolution, this is done by resolutions of the local trust committee. The Vice-Chair is a voting member of the assigned local trust committees and will attend all meetings of the local trust committees. Typically the three Vice-Chairs are each assigned to three or more local trust committees.

Responsibilities of Vice-Chairs from Trust Council Bylaw

- Call Trust Council meeting to order if Chair is not available. ([TC Bylaw 101](#))

Responsibilities of Vice-Chairs from Trust Council Policy

- Provide advice to the Chair to improve Trust Council meetings. ([TC Policy 2.2.2](#))
- Sit on and participate in one of the council committees as appointed by the Chair; role on the committee is to ensure inter-committee liaison on relevant information, referrals, status on Council priorities/strategies. ([TC Policy 2.3.1](#))
- Member of the Financial Planning Committee. ([TC Policy 2.3.1](#))
- Orderly conduct of local trust committee meetings for which they are appointed as Chair; including ensuring meeting follows legislated, bylaw and Trust Council policy, and where these are silent on an issue, Robert's Rules of Order; recognise delegations and other speakers as appropriate, and rule on points of order. ([TC Policy 4.1.1](#))
- Oversee staff preparation of meeting agendas in consultation with trustees ([TC Policy 4.1.1](#))
- Vote on local trust committee business items on local trust committee for which they have been appointed as Chair, or alternate Chair if acting in that capacity. ([TC Policy 4.1.1](#))
- Rule on admissibility of motions, with reason considering Islands Trust mandate, Trust Council policy or local trust committee policy. ([TC Policy 4.1.1](#))
- Preserve order at local trust committee meetings. ([TC Policy 4.1.1](#))
- Call the vote for local trust committee resolutions-without-meeting (RWMs), and when completed declare the vote carried or defeated. ([TC Policy 4.1.5](#))
- Notify the Executive Committee when a local trust committee or the Islands Trust Conservancy Board passes a resolution related to advocacy. ([TC Policy 6.10.3](#))
- Sign the minutes of local trust committee meetings for which they are the Chair. ([TC Policy 6.13](#))

As one of the legislated roles of the Executive Committee is to act as a local trust committee for the Trust Area that is not inside a local trust area or an island municipality, the Vice-Chairs also has all the responsibilities of local trustees for that committee.

RESPONSIBILITIES OF THE ISLANDS TRUST EXECUTIVE COMMITTEE

The Trust Council Chair and three Vice-Chairs make up the Islands Trust Executive Committee. In addition to the roles listed above for the Chair and Vice-chairs, acting together as a single body, the Executive Committee has the following responsibilities established by legislation, Trust Council bylaws, Trust Council policies and from time-to-time resolutions of Trust Council on an issue by issue basis.

Executive Committee Responsibilities by Legislation

- For the purpose of carrying out the object of the trust, the Executive Committee must ([Islands Trust Act](#), s.21(1)):
 - o Consider bylaws submitted to it for approval under sections 27 (1)³ and 38 (1)⁴,
 - o Act as a local trust committee under section 23 (5)⁵ for that part of the trust area that is not in a local trust area or a municipality, and
 - o Carry out other duties that the trust council directs⁶.

Executive Committee Responsibilities by Trust Council Bylaw

- Appointment of officers ([TC Bylaw 3](#))
- Appointment of auditors ([TC Bylaw 3](#))
- Coordinating reviews and implementation of the *Islands Trust Policy Statement* ([TC Bylaw 17](#))
- Development of protocol agreements. ([TC Bylaw 65](#))
- Liaison with Bowen Island Municipality Council. ([TC Bylaw 72](#))
- Liaison with Islands Trust Conservancy Board. ([TC Bylaw 86](#))
- Provide agenda for special meetings of Trust Council. ([TC Bylaw 101](#))
- Direct Secretary to conduct resolutions-without-meeting. ([TC Bylaw 101](#))
- Determine indemnification for petition for disqualification from office or defamatory conduct. ([TC Bylaw 145](#))

Executive Committee Responsibilities by Trust Council Policy

- **Legal Advice** ([TC policy 2.1.6](#))
 - o Waive confidentiality of specific legal advice.

³ s.27(1) requires all local trust committees' bylaws be approved by the Executive Committee before adoption by the local trust committees.

⁴ S.38(1) requires that all island municipality official community plan bylaws and amendments be approved by the Executive Committee before adoption by the municipality.

⁵ This area is unofficially referred to as the "Ballenas-Winchelsea Islands Local Trust Area"

⁶ Trust Council can direct Executive Committee by bylaw, policy, or by resolutions for specific items that come up on the Trust Council agenda.

- Consider requests to access alternate legal counsel.
 - Restrict access to legal advice.
- Consider approval of funding for Grants-in-Aid. ([TC Policy 2.1.14](#))
- Review requests for decisions (RFDs) going to Trust Council. ([TC Policy 2.2.1](#))
- Review all items and agenda for Trust Council. ([TC Policy 2.2.2](#))
- Deal with issues related to staff resources for council committees. ([TC Policy 2.3.1](#))
- **Bylaw Approval** ([TC Policy 2.4.1](#))
 - To consider approval of all bylaws based on compliance requirements with the Trust's Object and Policy Statement.
 - To review and provide recommendations to Trust Council on all Trust Council bylaws
- **Trust Council Business** ([TC Policy 2.4.1](#))
 - To work with the Chair in the preparation and facilitation of effective Trust Council meetings and to review and make recommendations on all Trust Council agenda items.
 - To serve as a liaison between all Council committees and to coordinate inter-committee communication, follow up on Trust Council referrals and committee submissions to Trust Council via the Executive Committee.
 - To assist trustees, Council committees, local trust committees and the Chief Administrative Officer (CAO) in resolving internal conflicts.
 - To ensure the Islands Trust's legislative adherence to Trust bylaws, policies, procedures and guidelines, and relevant provincial and federal legislation.
- **Legislation** ([TC Policy 2.4.1](#))
 - To monitor legislation of the federal and provincial government through facilitating Trust input to relevant legislation proposals and the assessment of relevant new legislation.
 - To coordinate Council's legislative amendment program by maintaining a legislative change program of current and possible proposals recommending legislative changes to Trust Council.
 - To facilitate the development of protocol agreements with other agencies to maximize inter-agency cooperation to pursue the Trust's Object.
- **Policy Development** ([TC Policy 2.4.1](#))
 - To coordinate the Islands Trust policy development program and to review all policy matters presented to Council.
 - To review and provide comment on management's operational procedures development.
- **Organizational Strategic Planning** ([TC Policy 2.4.1](#))
 - To monitor the development and implementation of the Trust's work program function.
 - To coordinate the development, preparation and implementation of an organizational strategic plan.
 - To facilitate an ongoing trustee training and orientation program.

- **Communications** ([TC Policy 2.4.1](#))
 - To coordinate an effective agency liaison with external government, private and non-profit sector agencies.
 - To coordinate an effective public relations program through the development of targeted public communication efforts.
 - To maximize effective internal communications by facilitating opportunities for trustees, local trust committees, Council Committees, Trust Council and staff consultation and information exchange and provision of services and resources.
- **Islands Trust Conservancy Liaison** ([TC Policy 2.4.1](#))
 - To facilitate financing and service arrangements by the Islands Trust to the Islands Trust Conservancy program.
 - To facilitate effective liaison between the Islands Trust Conservancy Board and other Islands Trust entities.
- **Management Liaison** ([TC Policy 2.4.1](#))
 - To facilitate feedback on the organizations and/or staff's performance via the CAO and monitor appropriate follow-up action by management.
 - To review and provide input to management's operational procedures, proposals, plans and issues.
- **Chief Administrative Officer Liaison** ([TC Policy 2.4.1](#))
 - To coordinate, when needed, the formation and operation of a Chief Administrative Officer Hiring Committee (CAOHC), consisting of the Executive Committee and the chairs of Trust Council's three Council committees, that will be responsible for recruiting, appointing, orienting and evaluating a CAO during the initial six-month probationary period;
 - To coordinate appraisal and discipline actions associated with the CAO, after the initial six-month probationary period, in consultation with Trust Council as required.
 - To coordinate if deemed necessary, the formation and operation of a Chief Administrative Officer Employment Evaluation Committee, consisting of the Executive Committee and the chairs of Trust Council's three Council committees.
- Consider sponsorship of development applications that have a public interest. ([TC Policy 4.1.13](#))
- Approve litigation and funding for legal enforcement of local trust committee bylaws. ([TC Policy 5.5.1](#), [Policy 6.9.2](#))
- Approve defense of bylaws or other litigation against Islands Trust. ([TC Policy 6.9.2](#))
- Monitoring and reviewing Trust Council's priority setting process. ([TC Policy 6.2.1](#), [Policy 6.7.1](#))
- Decide corrective actions for over-budget expenditures in excess of \$20,000 as reported by staff. ([TC Policy 6.5.2](#))
- Consider exemptions to grants and donations procedures and steps outlined by policy. ([TC Policy 6.5.4](#))
- Determine grant applications to be made by Islands Trust. ([TC Policy 6.5.4](#))

- Consider disposition of donations where use is not specified by the donor. ([TC Policy 6.5.4](#))
- Approve projects that do not meet certain conditions in relation to grants. ([TC Policy 6.5.4](#))
- Approve outline of the Annual Report. ([TC Policy 6.10.1](#))
- **Advocacy** ([TC Policy 6.10.3](#))
 - o Coordinates Trust Council's advocacy direction.
 - o Encourage a coordinated approach to advocacy and external liaison as part of their appointment to local trust committees and the Islands Trust Conservancy Board.
 - o Direct individual advocacy actions in accordance with the advocacy direction set by Trust Council through resolutions and the Strategic Plan.
 - o May assist local trust committees, island municipalities and the Islands Trust Conservancy Board with advocacy if a request for support is referred to the Executive Committee by resolution of those bodies.
 - o Seek a resolution of support from a local trust committee before engaging in advocacy on a local trust area issue.
 - o Include a report on advocacy activities in its quarterly report to Trust Council.
 - o Use its annual joint meeting with the Islands Trust Conservancy Board and Bowen Island Municipality to discuss current and emerging advocacy topics of mutual interest.
- Consider and approve trustee training (unless approval can be made in a timely manner by Trust Council). ([TC Policy 6.12.1](#))
- Recommend trustee training program to Trust Council. ([TC Policy 6.12.1](#))
- Budget control and approve Executive Committee training and conference attendance. ([TC Policy 6.12.1](#))
- Represent Trust Council when motions of Trust Council are presented at UBCM (Union of British Columbia Municipalities) annual convention. ([TC Policy 6.12.2](#))
- Monitor staff structure as approved by Trust Council and conveyed to the public. ([TC Policy 7.1.1](#))
- Approve delegation of management authority for implementation by the Chief Administrative Officer (CAO). ([TC Policy 7.1.1](#))
- Act as a Standards of Conduct Review body for complaints regarding trustees. ([TC Policy 7.1.2](#))
- Approve trustee travel claims submitted outside the travel claim submission window, determine compensation in certain conditions. ([TC Policy 7.2.3](#))
- If there is an unplanned departure or absence of the CAO, implement the CAO succession plan ([TC Policy 8.4.1](#))

Executive Committee Responsibilities by Bowen Island Municipality Letters Patent

- Review and comment on Bowen Island Municipality official community plans when referred after 1st reading ([Letters Patent, s.15](#)).

- Review and comment on land use bylaw or other bylaws when referred after 1st reading ([Letters Patent, s.14.3](#))

APPENDIX 1:

LOCAL TRUST COMMITTEE AND BOWEN ISLAND MUNICIPALITY BYLAW APPROVAL

A significant role of the Executive Committee is considering approval of bylaws submitted by local trust committees (LTCs) and island municipalities⁷.

LOCAL TRUST COMMITTEE BYLAWS

Under Section 27 of the *Islands Trust Act*, local trust committees must submit all bylaws to the Executive Committee for approval before adoption, including bylaws that adopt official community plans, land use bylaws and administrative bylaws. Administrative bylaws are all considered to be consistent with the Islands Trust Policy Statement.

ISLAND MUNICIPALITY BYLAWS

Under Section 38 of the *Islands Trust Act*, Island municipalities must submit for approval:

- a. Official Community Plan (OCP) bylaws
- b. Land Use Bylaws where no Official Community Plan exists

At this time, the only island municipality in the Islands Trust Area is Bowen Island Municipality and its entire jurisdiction is covered by an Official Community Plan. The Bowen Island Municipality's [Letters Patent](#) also require it to undertake an early referral (after 1st reading) of official community plans for comment by the Executive Committee, and to refer 'non-OCP' bylaws, including land use bylaws, to the Executive Committee for comment, but not approval.

When the EC receives Bowen Island Municipality bylaws for consideration, accompanying staff reports advise the EC as to which type of bylaw is before it.

The [Protocol Agreement](#) between the Islands Trust Council and Bowen Island Municipality includes process diagrams that illustrate the approval process for bylaws submitted by an island municipal council.

EXECUTIVE COMMITTEE APPROVAL

Under Section 22 of the *Islands Trust Act*, the EC must consider all bylaws submitted by a LTC or an island municipal council. It must then either:

- a. Approve the bylaw
- b. Return the bylaw, giving reasons for the return and directions as to the changes to the bylaw that would be required for approval, or

⁷ *Islands Trust Act* s.21

- c. Refuse the bylaw, giving reasons for the refusal.

The EC must notify the LTC or municipal council of its decision within one month after the Islands Trust Secretary has received the bylaw. If this deadline is not met, the EC is deemed to have approved the bylaw. The Secretary records the date that each bylaw is received for EC consideration and includes a tracking sheet (noting the deadline) in the EC agenda package, with the bylaw.

Under Section 15 of the *Islands Trust Act*, a bylaw that is submitted for EC consideration must not be approved by the EC if it is contrary to or at variance with the *Islands Trust Policy Statement*. Each LTC bylaw submitted for EC consideration is accompanied by an analysis of its compliance with the *Policy Statement*, prepared by staff and approved by the LTC. Each island municipality official community plan bylaw submitted for EC consideration is accompanied by an analysis of its compliance with the *Policy Statement*, originally prepared by municipal planning staff for their council, and supplemented by an analysis by Islands Trust planning staff.

Bylaws that are not approved by the EC have no force or effect. If the EC does not approve a LTC bylaw or island municipality Official Community Plan bylaw, the LTC or island municipality may submit the bylaw to Trust Council for its consideration. This process has only been used once in the Islands Trust history. The process is similar to the EC's consideration of a bylaw, with longer time-periods permitted before a decision is made. If Trust Council does not approve an island municipality bylaw, the municipality may appeal to the Minister of Municipal Affairs and Housing.

Trust Council has adopted [Policy 2.4.4 - EC Legislative Role](#) to identify what it considers (without limiting the jurisdiction of the EC) appropriate factors that could lead the EC to refuse or return a bylaw. For LTC bylaws, these factors include (but are not limited to):

- Contrary or at variance with the *Islands Trust Policy Statement*.
- Contrary to the Islands Trust object.
- Would expose the Islands Trust to unreasonable expense in administration or enforcement.
- Would (on the advice of legal counsel) be enacted without legal authority or consistency with the relevant Official Community Plan.

For island municipality bylaws, the EC may only refuse or return a bylaw on the basis that it is contrary to or at variance with the *Islands Trust Policy Statement*.

APPENDIX 2:

EXECUTIVE COMMITTEE AS A LOCAL TRUST COMMITTEE

The *Islands Trust Act* also assigns the Executive Committee to be the local trust committee for any part of the Trust Area that is not in a local trust area or municipality. Schedule A attached to [BC Reg 119/90](#) and Bowen Island [Letters Patent](#) define the boundaries of the local trust committees and Bowen Island Municipality respectively. At this time, the only area not inside a local trust area or island municipality is an area that includes the Ballenas and Winchelsea Islands near Lantzville, shown on the Islands Trust Area map as the 'Executive Committee Local Trust Area'. This area is unofficially referred to as the "Ballenas-Winchelsea Local Trust Area".

Planning staff from the Northern Office are assigned to support the Executive Committee Acting as a Local Trust Committee and support the Executive Committee Acting as a Local Trust Committee's meetings, decisions, and projects.

To: Executive Committee **For the Meeting of:** December 14, 2022

From: Russ Hotsenpiller **Date Prepared:** December 12, 2022

SUBJECT: Meeting with Minister Kang

PURPOSE: To prepare for initial meeting with The Honourable Anne Kang, Minister of Municipal Affairs.

BACKGROUND: The Islands Trust has been in receipt of a request to meet by Minister Cullen, which has been the subject of some preparation and discussion by Executive Committee and Trust Council. The meeting has been scheduled for Wednesday December 14, electronic, from 2:00 – 2:45 pm.

Last Thursday, as part of a ministerial reorganization, the Premier appointed Anne Kang as the new Minister. Staff at the Ministry have indicated that our meeting is confirmed, however this will change the format and content of the meeting to the following agenda:

Agenda

1. Welcome – introductions and acknowledgements
2. Overview of Trust – Executive perspective on value, purpose, and approach
3. Inaugural meeting and Trust Council orientation – update from Executive on how Trust Council is settling in
4. Key issues for the term – what significant processes, decisions, or issues will be front and center for the 2022-2026 term

Executive Committee should consider this an introductory meeting with an opportunity to introduce the new Trust Council, inform the Minister on key issues of importance to the Trust and to request appropriate assistance. As the Minister is new to the file, it is recommended that we provide a 10 minute overview of the Trust as part of the meeting.

Previous briefings to EC indicated the following current key issues:

- Reconciliation actions of the Islands Trust
 - Suggested key messages:
 - *The Trust is working to make systemic changes to its operations to support reconciliation and improve First Nations relations*
 - *There are significant associated costs and staff time required that are stretching the Trust's budgets and staff capacity*
 - *The Province relies on the Trust's engagement with First Nations as it considers the Crown's duty to consult on OCP amendments, the Policy Statement and the Conservancy Plan.*
- Housing issues throughout the Trust Area
 - Suggested key messages:

- *The context of affordable housing challenges on rural islands differ somewhat from other areas and need customized approaches.*
 - *In November, the Chair wrote to Minister Rankin, as Minister responsible for Housing, to request that the Province explore what can be done to create housing solutions specific to rural islands in the Islands Trust Area, including ways to provide stable, secure, and ongoing funding.*
 - *Trust Council has discussed that the Province could respond by offering a discrete program within BC Housing to support rural non-profit projects, a separate housing-authority-type entity, a “navigator” service to help non-profit housing organizations achieve their goals, and the necessity of stable, long-term, sufficient funding to support this work.*
- **Governance review actions of the Islands Trust**
 - *Last term, Trust Council contracted a consulting group to perform a governance review.*
 - *Trust Council has created a Governance Committee that will consider the consultant recommendations.*
 - *Most of the consultant’s recommendations are within the purview of Trust Council to consider.*
 - *The consultant did highlight that engagement by Trustees with provincial government influencers and decision-makers to ensure alignment with provincial priorities and objectives is essential.*
- **The request to the Minister to review the Islands Trust**
 - *In June, Trust Council voted to request that the Province undertake a review of the Trust and suggested the requested review could include assessment of*
 - *the optimum governance model,*
 - *the object of the Islands Trust Act and clarification of the mandate of the organization,*
 - *the governance structure,*
 - *the alignment of decision-making processes and structures with DRIPA*
 - *the geographic scope of the organization and, in particular, authority over marine areas; and*
 - *the funding mechanisms.*
- *We want to especially highlight the last point around funding. There has been an increasingly consistent theme, term after term, that the Province should be financially contributing more that it does to the Trust considering that our provincial mandate and that we do this work on behalf of the residents of the province. The Conservancy now protects 113 properties and the Trust’s engagement with First Nations is taking ever more resources, yet the Trust receives only a regular planning grant that has stayed the same since 2015 and is only 2% of the Trust budget. In the late 1990’s the Province contributed 2.5 times what it does now and funded between 10-16% of the Trust’s budget.*
- *Trust Council has not considered the request this term and has referred it to the Governance Committee. Once the newly-elected Trust Council has reflected on the request and considered the governance actions it wishes to take, we will provide you with an update.*

To support an efficient and effective meeting, Executive Committee should decide in advance who will speak to which topics and for how long.

ATTACHMENT(S):

1. **None.**

FOLLOW-UP:

Prepared By: R Hotsenpiller/Clare Frater

REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** December 14, 2022
From: Trust Area Services **Date Prepared:** November 28, 2022
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 2023 convention for Executive Committee's consideration in January 2023.

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 2023 Association of Vancouver Island and Coastal Communities (AVICC) and Union of British Columbia Municipalities (UBCM) conventions.
- 2 **BACKGROUND:** On November 24, 2022, staff sent out an email to staff and trustees with a call for resolutions for the annual AVICC/UBCM Conference (see attached).

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, 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 2023 resolutions:

Source	Topic	Rationale	Senior Staff Assessment
Louisa Garbo, Island Planner (Trustee Elliott submitted similar idea but focused only on Islands Trust)	Capacity funding to Islands Trust and local governments to assist with coordination with First Nations	There is a need for provincial government funding to support local governments with early and meaningful engagement with First Nations.	This request is likely to be difficult to achieve as local governments are generally expected to independently manage their relationships with First Nation governments. If Islands Trust Council wishes to request financial support from the Minister of Municipal Affairs it may be most effective to do so directly, rather than via UBCM.
Wendy Tyrell, Species at Risk Program Coordinator	Request that the Province enact endangered species legislation for BC in consultation and jointly with First Nations	The greatest biodiversity and highest number of species at risk exist in Canada exists in BC. The vast majority of species at risk are on non-federal lands = to 94% of the land base in BC- which means that the majority of our species at risk lack protection from being harmed or having their habitat destroyed.	This request is in line with the Islands Trust mandate and consistent with past advocacy on the topic.

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 legal advice, or research/review time by other staff in the organization.

FINANCIAL: Legal fees, if required.

POLICY: No implications for existing policy.

IMPLEMENTATION/COMMUNICATIONS: If the Executive Committee selects a topic, staff will aim to provide a draft resolution(s) and backgrounder(s) on the January 11, 2023 Executive Committee agenda. The resolution(s) must be submitted to AVICC by February 9, 2023.

FIRST NATIONS: The Director of Trust Area Services and/or Senior Policy Advisor will ensure that resolution wording aligns with Islands Trust Council's Reconciliation Declaration and Reconciliation Action Plan, and Local Trust Committees' Standing Resolutions on First Nations Relations.

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 2023 convention for Executive Committee's consideration in January 2023.

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: Dilani Hippola, Senior Policy Advisor, Trust Area Services

Reviewed By/Date: Clare Frater, Director, Trust Area Services, December 12, 2022
Russ Hotsenpiller, Chief Administrative Officer, December 12, 2022



2023 AGM & CONVENTION

RESOLUTIONS NOTICE REQUEST FOR SUBMISSIONS

The AVICC Executive is calling for resolutions to be considered at the 2023 AGM and Convention that, subject to public health order restrictions, will be held in Nanaimo at the Vancouver Island Conference Centre as an in-person event from April 14-16, 2023.

Members are now asked to submit resolutions with the requirements outlined in the following pages.

DEADLINE FOR RESOLUTIONS

AVICC must receive all resolutions by: **4:30 pm, Thursday, February 9, 2022**

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

AVICC's goal is to have resolutions that can be clearly understood, and that have specific actions. If a resolution is endorsed, it's "therefore clause" will form the basis for advocacy work with other levels of government and agencies. 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. Please contact AVICC & UBCM for assistance in drafting the resolution.
- 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**.

LATE AND OFF THE FLOOR RESOLUTIONS

- a. A resolution submitted after the regular deadline is treated as a "Late Resolution". Late Resolutions need to be received by AVICC by noon on **Wednesday, April 12th, 2023**.
- b. Late resolutions are not included in the resolutions package sent out to members before the Convention. They are included in the Report on Late Resolutions that is distributed on-site.
- c. The Resolutions Committee only recommends late resolutions for debate if the topic was not known prior to the regular deadline date or if it is emergency in nature. Late resolutions require a special motion at the convention to admit for debate.
- d. Late resolutions are considered after all resolutions printed in the Resolutions Book have been debated. The time is set out in the program, and is normally on Sunday morning.
- e. Off the Floor resolutions must be submitted in writing to the Chair of the Resolutions Session, and copies must be made available to all delegates no later than Sunday morning.

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* >>.

To: Executive Committee **For the Meeting of:** December 14, 2022
From: Trust Area Services **Date Prepared:** November 28, 2022
SUBJECT: Background on San Juan County relationship

PURPOSE: To provide Executive Committee with the background on the Islands Trust-San Juan County relationship to assist in scheduling a meeting between the parties.

BACKGROUND: Islands Trust Council and [San Juan County Council](#) have a longstanding friendship and a record of transboundary cooperation. The two governments share common values:

- protecting significant terrestrial and marine environmental features;
- preserving the unique quality of life on the islands;
- managing the impact of population growth and development in a manner consistent with the values of island communities; and
- encouraging island communities to achieve and maintain a viable economy.

The two governments have a Transborder Island Agreement (signed in 1998, [updated in 2007](#)) focused on:

- identifying current and emerging transboundary issues;
- sharing information;
- undertaking research and policy development projects;
- promoting communications and public education; and
- supporting cooperative initiatives with other organizations, government agencies and the private sector

Common themes discussed during past joint annual meetings (2004-2022):

- Affordable housing
- Tourism benefits and impacts
- Marine stewardship initiatives
- Groundwater issues
- Land use planning issues and solutions
- Climate change and adaptation planning
- Oil spill prevention / response
- Ferry issues
- Shoreline protection options

Past Cooperative Events:

- **2022:** San Juan County Councillor and staff attended Trust Council and presented on San Juan County's Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia and offered updates on their shoreline master plan; adopting a climate change resolution; affordable housing, vacation rental regulations, and tourism.
- **2020:** Chair of San Juan County joined Islands Trust Council virtually twice and spoke to the County's COVID-19 phased response plan, and the longstanding and mutually beneficial partnership with Islands Trust and the benefits of working together for the protection of coastal ecosystems and communities in the Salish Sea.

- **2018:** Islands Trust Executive Committee joined San Juan County in Friday Harbor.
- **2017:** San Juan County Councillors joined the Islands Trust Council in Victoria, presented on their priorities and heard presentations on the National Marine Conservation Area Reserve and the Ocean Protection Plan.
- **2016:** San Juan County Councillors joined the Islands Trust Council in Sidney, presented on their priorities, and participated in visioning session
- **2015, 2014:** San Juan County Councillors joined the Islands Trust Council on Galiano Island/Saturna Island and presented on their priorities
- **2012, 2013, and 2015:** Islands Trust elected officials and staff attended the San Juan Marine Resource Committee's Marine Manager Workshops
- **2013:** Victoria Compton, Executive Director, San Juan Economic Development Council presented at the Islands Trust's economic sustainability workshop
- **2006:** Islands Trust staff trip to San Juan County
- **2006:** Dr. Bob Myhr, San Juan County Vice-Chair was a panellist at Islands Trust's Tourism Forum

Joint Initiatives:

- **2022:** Joint Letter to Minister of Fisheries, Oceans and the Canadian Coast Guard and Canadian Minister of Transport for an Emergency Towing Vessel in Sidney
- **2018:** Joint letter to the Canadian Minister of Transport re joint request for standby rescue tug
- **2018:** Joint letter to Prime Minister requesting reconsideration of the expansion of the Trans Mountain pipeline (with news release)
- **2013:** Joint Chair letter to Canada's Tanker Safety Expert Panel requesting oil spill regime improvement that reflect the special political and geographic circumstances of the Salish Sea.
- **2010-2015:** Five-year collaboration on Green Shores for Homes voluntary credits and incentives program
- **2010:** Joint Chair letter requesting a joint United States of America and Canada cooperative review of maritime safety standards
- **2001:** Jointly produced a guide entitled: *Unspoiled Seascapes Forever: How to establish a Marine Stewardship Site in the Salish Sea*
- **1999:** Established a joint program to facilitate the stewardship of transborder marine environment through public awareness and voluntary stewardship by many stakeholders

Other transboundary initiatives (not with San Juan County):

- ***A Place in the Islands*** publication (2007) was a joint venture between Islands Trust, the Islands Trust Conservancy and the *San Juan Preservation Trust*. It included information on water conservation, tips on building, siting and landscaping, preserving rural character and island services.

ATTACHMENT(S):

1. None.

FOLLOW-UP: Staff will follow up as directed.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Russ Hotsenpiller, CAO/ November 30, 2022

From: Oceans Protection Plan BC Registration / Plan de Protection des Océans CB Enregistrement (TC)
<TC.OPPBCReg-PPOCBEnreg.TC@tc.gc.ca>

Sent: Wednesday, December 7, 2022 3:18 PM

Subject: Save the Date: Winter 2023 Oceans Protection Plan Dialogue Forum, February 22-23, 2023

Hello,

We are excited to announce that the Winter 2023 Ocean Protection Plan (OPP) Dialogue Forum will be taking place February 22-23, 2023 at Pinnacle Hotel Harbourfront in Vancouver.

The Dialogue Forums began in 2017 as an opportunity for Indigenous peoples and stakeholders such as coastal communities, non-governmental organizations and industry, to get engaged in OPP and other marine initiatives.

The 2023 Forum will focus on new and continuing initiatives under the renewed Oceans Protection Plan, including for example:

- Marine Pollution Preparedness and Response
- Cumulative Effects of Marine Shipping
- Strategy for Vessels of Concern

This year's Forum will be a hybrid event with sessions taking place face to face and select sessions livestreamed. We will be following up next week with more information. An email with instructions on how to register will also be sent in early January.

We consider the participation and collaboration of Indigenous peoples, coastal communities, and stakeholders such as non-governmental organizations and industry, as essential to Oceans Protection Plan success. Funding to support Forum participation is available for eligible groups through Transport Canada's Community Participation Funding Program (CPFP). Participants who receive funding through Transport Canada's Indigenous and Local Communities Engagement and Partnership Program (ILCEPP) are asked to email tc.cpfp-pfpc.tc@tc.gc.ca before applying. Approval is required before expenditures are incurred. For eligibility requirements, application deadlines and to submit an application, please visit <https://www.tc.gc.ca/en/services/marine/apply-cpfp-funding.html>.

A block of rooms is also available for Forum participants on a first come, first serve basis. A passkey link with which you can book the room will be provided upon registration.

We look forward to seeing you at the forum!

Transport Canada Oceans Protection Plan Registration Team

Cecilia Lei

she/her/elle

Regional Director, Oceans Protection Plan Engagement | Directrice régionale, engagement du plan de protection des océans

Transport Canada | Transports Canada

Office/bureau: 604-666-2857

Cell: 236-688-4817

Cecilia.lei@tc.gc.ca

From: Olsen, Adam <A.Olsen@leg.bc.ca>
Sent: Friday, December 2, 2022 3:06 PM
To: Robert Barlow <rbarlow@islandstrust.bc.ca>; Minister, AG AG:EX <AG.Minister@gov.bc.ca>
Cc: OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>; Minister, MUNI U MUNI:EX <MUNI.Minister@gov.bc.ca>; Minister, ENV ENV:EX <ENV.Minister@gov.bc.ca>; 'administration@comoxvalleyrd.ca' <administration@comoxvalleyrd.ca>; 'inquiries@rdn.bc.ca' <inquiries@rdn.bc.ca>; 'crdreception@crd.bc.ca' <crdreception@crd.bc.ca>; 'info@scrd.ca' <info@scrd.ca>; 'administration@qathet.ca' <administration@qathet.ca>; 'Info@slrd.bc.ca' <Info@slrd.bc.ca>; 'icentre@metrovanvancouver.org' <icentre@metrovanvancouver.org>; 'cvrd@cvrd.bc.ca' <cvrd@cvrd.bc.ca>; Osborne.MLA, Josie <Josie.Osborne.MLA@leg.bc.ca>; Malcolmson.MLA, Sheila <Sheila.Malcolmson.mla@leg.bc.ca>; Routley.MLA, Douglas <Douglas.Routley.MLA@leg.bc.ca>; Walker.MLA, Adam <Adam.Walker.MLA@leg.bc.ca>; Simons.MLA, Nicholas <Nicholas.Simons.MLA@leg.bc.ca>; 'ubcm@ubcm.ca' <ubcm@ubcm.ca>; Sturdy.MLA, Jordan <Jordan.Sturdy.MLA@leg.bc.ca>; 'switchbd@bchousing.org' <switchbd@bchousing.org>; 'mayorandcouncil@bimbc.ca' <mayorandcouncil@bimbc.ca>; Trustees <Trustees@islandstrust.bc.ca>
Subject: RE: Letter from Chair Luckham, Islands Trust, to Minister Rankin

Hello Robert,

Thank you for copying me on this correspondence with Minister Murray Rankin.

I appreciate many of the issues raised by Chair Luckham, as I have consistently heard of the challenges with housing in the Island communities I represent in Saanich North and the Islands.

There are profound difficulties working with BC Housing. I have found that the agency and the programs they offer do not suit the complex needs of the Islands, they are not flexible and they fail to match the creative and innovative spirit of the Island culture.

The Gulf Island communities could be leaders in alternative, cooperative, non-market, housing projects that integrate all the aspects of delicate ecosystems, diverse Indigenous cultures, forests, oceans, farms, arts, and culture. Currently, BC Housing offers none of that and this is evidenced in the supported housing project proposed for Drake Road.

I am pleased to work with the Islands Trust Council to advance these advocacy with Minister Rankin, the future Minister of Housing and my MLA colleagues copied in this message.

Sincerely,

Adam Olsen (he/him)
Member of the Legislative Assembly
Saanich North and the Islands
BC Green Party Caucus
[Website](#) | [Facebook](#) | [Twitter](#)

Constituency Office
9828 Fourth St., Sidney, BC V8L 2Z3
Phone: 250-655-5600 | Fax: (250) 655-7398

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Room 101 Parliament Buildings
Victoria, BC V8V 1X4
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IMPORTANT NOTICE

This message contains confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, forward, disclose or take any action based on this message or any information herein. If you receive this message in error, please advise the sender immediately by reply e-mail and delete this message.

From: Autumn O'Brien <Autumn.O'Brien@scrd.ca>
Sent: Thursday, November 24, 2022 11:33 AM
To: Peter Luckham <pluckham@islandstrust.bc.ca>; Executive Admin <execadmin@islandstrust.bc.ca>
Cc: Raph Shay <Raph.Shay@scrd.ca>; Heather Kauer <hkauer@islandstrust.bc.ca>; Clare Frater <cfrater@islandstrust.bc.ca>
Subject: RE: SCRD Request for Letter of Support - UBCM CEPF Disaster Risk Reduction Grant

Good morning Chair Luckham,

I am following up regarding my email from October 4, 2022 with attached letter from (past) SCRD Board Chair. Have you had a chance to review the correspondence?

SCRD's application to the UBCM CEPF Disaster Risk Reduction – Climate Adaptation Program has been submitted and a letter of support from Islands Trust would be greatly appreciated.

If you have any questions regarding this grant program, please contact Raphael Shay, Manager, Sustainable Development.

Kind Regards,

Autumn

Autumn O'Brien, Administrative Assistant

Planning & Development Services
Sunshine Coast Regional District
1975 Field Road, Sechelt, BC V7Z 0A8
Office: 604-885-6800 x6432

*I currently work a hybrid office/remote schedule Monday – Friday 9:00 – 4:30

The Sunshine Coast Regional District is located on the territories of the shíshálh and Skwxwú7mesh Nations

From: Autumn O'Brien
Sent: Tuesday, October 4, 2022 11:08 AM
To: 'pluckham@islandstrust.bc.ca' <pluckham@islandstrust.bc.ca>
Cc: Raph Shay <Raph.Shay@scrd.ca>; 'hkauer@islandstrust.bc.ca' <hkauer@islandstrust.bc.ca>; 'cfrater@islandstrust.bc.ca' <cfrater@islandstrust.bc.ca>
Subject: SCRD Request for Letter of Support - UBCM CEPF Disaster Risk Reduction Grant

Attn: Islands Trust Chair Peter Luckham and Council

Please find attached letter from SCRD Board Chair Siegers regarding a request for letter of support for SCRD's grant application to the UBCM CEPF Disaster Risk Reduction - Climate Adaptation Program for development of a Coastal Flood Mapping project for the Sunshine Coast.

The resolutions of support from partner local governments must clearly state support for the Sunshine Coast Regional District applying for, receiving, and managing Community Emergency Preparedness Fund grant funding on behalf your government.

Best Regards,

Autumn

Autumn O'Brien, Administrative Assistant

Planning & Development Services

Sunshine Coast Regional District

1975 Field Road, Sechelt, BC V7Z 0A8

Office: 604-885-6800 x6432

*I currently work a hybrid office/remote schedule Monday – Friday 9:00 – 4:30

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Sunshine Coast Regional District

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September 29, 2022

Islands Trust Chair and Council
200-1627 Fort Street
Victoria B.C. V8R 1H8
Via email: pluckham@islandstrust.bc.ca

Dear Islands Trust Chair Peter Luckham and Council:

Re: Request for Letter of Support for UBCM Disaster Risk Reduction – Climate Adaptation Program for development of a Coastal Flood Mapping Grant Application

The Sunshine Coast Regional District is writing to request support for a UBCM Disaster Risk Reduction – Climate Adaptation Program – Coastal Flood Mapping Grant application.

At the Regular Board meeting on September 22, 2022, it was resolved that:

247/22 Recommendation No. 6 UBCM Disaster Risk Reduction – Climate Adaptation Grant Application – Coastal Flood Mapping

THAT the Sunshine Coast Regional District (SCRD) supports the project application to the UBCM Disaster Risk Reduction – Climate Adaptation Program for development of a Coastal Flood Mapping for the SCRD and agrees to provide overall grant management;

AND FURTHER THAT requests for resolutions of support be forwarded to Town of Gibsons, District of Sechelt, Islands Trust, shíshálh Nation and Sk̓wxwú7mesh Nation.

The resolutions from partnering communities must clearly state that those communities support the Sunshine Coast Regional District applying for, receiving, and managing Community Emergency Preparedness Fund grant funding on behalf of those communities.

We are therefore asking your council for a resolution which includes the aforementioned language. If Council supports this initiative, please send letter of support to Raphael Shay, Manager of Sustainable Development, at raph.shay@scrd.ca by October 31, 2022.

Sincerely,

SUNSHINE COAST REGIONAL DISTRICT

A handwritten signature in black ink, appearing to read "Darnelda Siegers".

Darnelda Siegers
SCRD Board Chair

cc: Heather Kauer, Regional Planning Manager, hkauer@islandstrust.bc.ca
Claire Frater, Director of Trust Area Services, cfrater@islandstrust.bc.ca

Enclosure: September 22, 2022 Staff Report – Union of British Columbia Municipalities (UBCM) Disaster Risk Reduction – Climate Adaptation Grant – Coastal Flood Mapping

ELECTORAL AREAS: A - Egmont, Pender Harbour B - Halfmoon Bay D - Roberts Creek E - Elphinstone F - West Howe Sound

MUNICIPALITIES: District of Sechelt / Sechelt Indian Government District / Town of Gibsons

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Committee of the Whole – September 22, 2022

AUTHOR: Raphael Shay – Manager, Sustainable Development

SUBJECT: UNION OF BRITISH COLUMBIA MUNICIPALITIES (UBCM) DISASTER RISK REDUCTION – CLIMATE ADAPTATION GRANT APPLICATION – COASTAL FLOOD MAPPING

RECOMMENDATION(S)

THAT the report titled Union of British Columbia Municipalities (UBCM) Disaster Risk Reduction – Climate Adaptation Grant – Coastal Flooding Mapping be received for information;

AND THAT Sunshine Coast Regional District (SCRD) supports the project application to the UBCM Disaster Risk Reduction – Climate Adaptation Program for development of a Coastal Flood Mapping for the SCRD and agrees to provide overall grant management;

AND FURTHER THAT this recommendation be forwarded to the Regular Board meeting of September 22, 2022.

BACKGROUND

As part of the Community Emergency Preparedness Fund (CEPF), The Disaster Risk Reduction – Climate Adaptation (DRR-CA) is a UBCM funding program for enhancing the resilience of local governments, First Nations, and communities.

The intent of the DRR-CA funding stream is to support eligible applicants to reduce risks from future disasters due to natural hazards and climate-related risks through the development and implementation of accurate foundational knowledge of the natural hazards they face and the risks associated with BC's changing climate as well as effective strategies to prepare for, mitigate, and adapt to those risks.

Grant funding to a maximum amount of \$150,000 (100% grant funded) per applicant is available. Multiple applicants can partner on regional proposals. The deadline for applications is September 30, 2022.

DISCUSSION

Coastal flooding from sea level rise, combined with increased storm intensity's contribution to increased wave action, were identified as climate risks of concern in the [Sunshine Coast Climate Risk Assessment](#).

At 509km of coastline, the Sunshine Coast Regional District (SCRD) has more coastline than most other Regional Districts. The SCRD owns and manages assets that are in low lying areas such as docks and water mains. SCRД services also rely on community assets owned by others such as roads, which can also be in low lying areas.

Most Official Community Plans have a Development Permit Area (DPA) 1 for Coastal Zone Hazards, which includes Coastal Flooding DPA 1A and Coastal Slopes 1B. These DPAs were based on a region-wide study in 2013 and require developers and asset owners to hire their own engineering consultants to assess and design for coastal flooding risks on a per-project basis.

The objective of a grant proposal would be to set a specific, defensible Flood Construction Levels for different zones of the Sunshine Coast. This project will enable the SCRД to update regulations accordingly, leading to increased customer service and expediency of our planning and development application reviews as well as clarity and cost savings for customers. It will also be a defensible and consistent value that SCRД can use to facilitate an internal and a community-wide discussion on climate. Asset management planning and community land use planning are two areas in particular that would benefit from a more precise picture of what the coastline will look like in the coming decades. Part of this discussion will occur in the Official Community Plans review project (“PEP2”) scheduled to begin in 2023.

Sustainable Development Staff liaised with other coast local governments and First Nations to confirm shared interest-in-principle to apply as a regional partnership in better understanding coastal flooding risks. District of Sechelt and Islands Trust staff have expressed interest and are in process of consulting their respective Councils. There is value in particular for these two jurisdictions as there is limited mapping available at this time for their jurisdictions. Town of Gibsons and shishálh Nation/SIGD have already completed work relating to foundational knowledge of coastal flooding and would be interested in collaboration on next steps; the nature of that interest is being explored, as is partnership potential with the Skwxwú7mesh Nation. Next steps could entail greater consistency in how coastal flooding is approached across the lower Sunshine Coast.

As proposed, the work to be completed with grant support includes:

- Confirm or update assumptions in 2013 Coastal Flooding Development Permit Area;
- Divide Sunshine Coast into Zones and set a Flood Construction Level for each zone;
- Mapping, of a quality that it can be approved by a qualified engineer;
- Provide recommendations on updated regulations;
- Identify a schedule for review of climate assumptions.

An SCRД Board Resolution indicating support for the grant application is required as part of the application, due September 30.

Financial Implications

Although there is strong alignment with the current Sustainable Development workplan, the SCRД Strategic Plan and the results of the Climate Risk Assessment, a coastal flood mapping assessment, specifically, is not currently in the Financial Plan. The project will be included as

part the 2023 Pre- Budget Process with the hopes that notice of award will be provided to inform the funding of the project.

It supports other ongoing work, including the review of the Official Community Plans, Emergency Preparedness, Community Climate Action Plan development and ongoing work relating to streamlining planning and development processes.

Approval to apply is being sought now based on the application deadline of September 30, 2022. Future Board decisions to accept funding if approved, to incorporate the project into the financial plan and to award a contract for a consultant would be required.

Timeline for next steps or estimated completion date

Applications are due September 30 and notifications of award will occur within 120 days. Work must be completed within two years of receipt of a grant.

STRATEGIC PLAN AND RELATED POLICIES

This project would support many areas of the Strategic Plan, including:

- Community Resilience and Climate Change Adaptation: Develop climate change adaptation strategy. This project would inform a more detailed Community Climate Action Plan currently under development.
- Asset Stewardship: Continue to develop and implement comprehensive asset stewardship strategy
- Working Together: Increase intergovernmental collaboration, in particular “strive to align processes and policies across jurisdictions.”
- Advocacy: Transportation and Climate Emergency.

CONCLUSION

Board direction is being sought for an application to the Community Emergency Preparedness Fund (CEPF), The Disaster Risk Reduction – Climate Adaptation (DRR-CA) UBCM funding program for enhancing the resilience of local governments, First Nations, and communities. The project would be targeted at setting a Flood Construction Level for various zones of the Sunshine Coast. Staff at the District of Sechelt and Islands Trust are consulting their respective Councils to determine level of interest. Interest from Town of Gibsons, shíshálh Nation/SIGD and Sk̓wx̓wú7mesh Nation is being explored.

Reviewed by:			
Manager		CFO	X - T. Perreault
GM	X – I. Hall	Legislative	
CAO	X – D. McKinley	Other	

Work Program Application

Executive Committee		Reports		
				Active Projects (5)
Priority	Activity	Received Date	Target Date	Responsibility
1st Priority	Description: Islands Trust Act Amendments Activity: Current requests by Trust Council to seek legislative change have substantially occurred.	26-Oct-2016		
2nd Priority	Description: Update Islands Trust Policy Statement Activity: With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)		15-Sep-2022	
3rd Priority	Description: Climate Change Emergency Activity: Matters pertaining to Islands Trust mitigation and adaptation to climate change impacts. (Strategic Plan 3.1)	05-Jun-2019		
4th Priority	Description: First Nations Reconciliation Activity: Implementation of the Reconciliation Action Plan. (Strategic Plan Items 4.5 & 4.6)	02-Sep-2020		
5th Priority	Description: Preserve and protect marine ecosystems Activity: Continue advocacy re: Freighter Anchorages, Trust Council added freighter anchorages to the list of Executive Committee list of top priorities. (Strategic Plan Item 2.1)	11-Mar-2021		

Work Program Application

Executive Committee		Reports	
Future Projects (10)			
Received Date	Description	Responsibility	
16-Aug-2017	Description: Advocate to reduce negative impacts of shellfish aquaculture practices Activity: Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy.		
30-Aug-2017	Description: Development of an Islands Trust Communications Strategy Activity: Including development of a new website. (Strategic Plan Item 4.2)		
30-Aug-2017	Description: Improve Communications about the Islands Trust Activity: Related to Strategic Plan Items 4.1 & 4.2		
02-Sep-2020	Description: Marine Advocacy Activity: Associated with i.) impact of commercial activities on Southern Resident Killer Whales SRKW (Strat Plan Item 2.1), ii.) oil spills and iii.) anchorages.		
02-Sep-2020	Description: Broadcast Public Meetings Activity: Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item 4.1)		
02-Sep-2020	Description: NAPTEP regulation changes to increase the percentage of tax exemption Activity: Strategic Plan Item 1.3		
21-Oct-2020	Description: Strengthen relations with First Nations Activity: MMIWG Calls for Justice Resolutions (Strategic Plan Item 4.6) 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.		

	Description: Strengthen relations with First Nations Activity: 26-May-2021 Develop a policy regarding referral responses where there is a known archeological site. (Strategic Plan Item 4.7)
	Description: Governance Activity: 21-Jul-2021 Related to Section 5 of the Strategic Plan The possibility of utilizing Section 8(2)(e) of the Islands Trust Act. Responsibilities of trust council: 8(2)For the purpose of carrying out the object of the trust, the trust council may (e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its unique amenities and environment -
	Description: MOTI MOU's Activity: 07-Sep-2022 Investigate options for a joint review with the Ministry of Transportation and Infrastructure (MOTI) of road standards, incorporating the Climate Change Declaration and the Reconciliation Declaration.