



Executive Committee

Agenda

Date: Wednesday, April 12, 2023
Time: 9:00 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Pages

1. **CALL TO ORDER / LAND ACKNOWLEDGEMENT**
2. **APPROVAL OF AGENDA**
 - 2.1 Introduction of New Items
 - 2.2 Approval of Agenda
 - 2.2.1 Agenda Context Notes
3. **RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING**

None
4. **ADOPTION OF MINUTES**
 - 4.1 March 22, 2023 Executive Committee draft minutes 4 - 10
5. **FOLLOW UP ACTION LIST AND UPDATES**
 - 5.1 Follow Up Action List/Director/CAO Updates 11 - 15
 - 5.2 Local Trust Committee Chair Updates
 - 5.3 Islands Trust Conservancy Liaison Update
6. **BYLAWS FOR APPROVAL CONSIDERATION**
 - 6.1 Salt Spring Island LTC Proposed Bylaw No. 535 FOIPP (administrative) - RFD 16 - 23

THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 535, cited as "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023" in accordance with Section 27 of the *Islands Trust Act*.
 - 6.2 North Pender Island LTC Bylaw No. 232 (LUB amendment) - RFD 24 - 43

THAT the Islands Trust Executive Committee approve North Pender Island Local Trust Committee Bylaw No. 232, cited as "North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022" in accordance with Section 27 of the *Islands Trust Act*.
7. **TRUST COUNCIL MEETING PREPARATION**
 - 7.1 Executive
 - 7.2 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 Planning Services

8.1.4 Administrative Services

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 Review of Executive Committee Work Plan - Briefing 44 - 51

8.2.1.2 Appointment of Secretary and Deputy Secretary - RFD 52 - 53

That the Executive Committee appoint Director of Legislative Services, David Marlor to the office of Secretary, and appoint Legislative Clerk, Nadine Mourao as Deputy Secretary.

8.2.2 Trust Area Services

8.2.3 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 Planning Services

9.4 Administrative Services

10. CORRESPONDENCE (for information unless raised for action)

10.1 Gulf Islands Alliance re: Tree-cutting authority bid halted - letter dated April 2, 2023 54 - 54

10.2 S. Phinney re: IT elected officials have a public duty/Cape Roger Curtis - letter dated March 24, 2023 55 - 67

10.3 Teaching opportunities by Tla'amin Nation leader on modern treaties 68 - 68

Context Note: Vice-Chair Elliott has suggested that Lasqueti Island LTC members be supported in participating in this two-part workshop with Emily White which costs \$120 per person. This could be funded through the \$30,000 Reconciliation Action Plan budget.

11. WORK PROGRAM

11.1 Review and amendment of current work program

See item 8.2.1.1.

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held May 3, 2023 to be conducted electronically.

13. CLOSED MEETING (scheduled)

That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.

14. ADJOURNMENT



Executive Committee

Minutes of Regular Meeting

Date: March 22, 2023
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Members Present: Peter Luckham, Chair, Thetis Trustee
Tobi Elliott, Vice-Chair, Gabriola Trustee
David Maude, Vice-Chair, Mayne Trustee (boardroom)
Timothy Peterson, Vice-Chair, Lasqueti Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Legislative Services (DLS)
Stefan Cermak, Director, Planning Services (DPS)
Lori Foster, Executive Coordinator/Recorder

Others Present: One person attended electronically

1. CALL TO ORDER

Chair Luckham called the electronic meeting to order at 9:12 a.m., with a delayed start due to technical issues.

Chair Luckham gave a territorial acknowledgement and humbly stated gratitude to live and work on Coast Salish First Nations traditional and treaty territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration to add the following items:

- 9.5 Preparation for UBCM Housing Summit April 4-5, 2023 - Discussion
- 9.6 Islands Trust / Snaw-naw-as Protocol Agreement

2.2 Approval of Agenda

By general consent, the agenda was approved as amended.

2.2.1 Agenda Context Notes

For information as presented.

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

4. ADOPTION OF MINUTES

4.1 March 7, 2023 Executive Committee draft minutes

By general consent, the March 7, 2023, Executive Committee draft minutes were adopted as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

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

Discussion ensued on the following Chief Administrative Officer (CAO) FUAL items:

- Completed/remove item #1 re: conversations with the province on tree-cutting authority,
- Re: item #2 Trust Council orientation sessions, staff to poll trustees on continuous learning items,
- Items #4 and #5 can be merged regarding requesting further provincial funding for Islands Trust and the Conservancy and add as an item for the EC/ITC liaison July 18th meeting.

CAO Hotsenpiller provided a verbal update on the following:

- Executive Committee and committee chairs/vice-chair training session contract in the works,
- Challenges continue with the Channel Ridge file on Salt Spring Island,
- Governance Committee work program/corporate planning project and Financial Planning Committee subgroup work has begun.

5.2 Local Trust Committee Chair Updates

Chairs of their local trust committees (LTC) gave verbal updates on recently attend and upcoming meetings.

Executive Committee discussed clarification regarding recording of LTC electronic and in-person meetings by members of the public.

EC-2023-024

It was Moved and Seconded,

That Executive Committee request staff to report back on recording of meetings by members of the public.

CARRIED

5.3 Islands Trust Conservancy Liaison Update

Vice-Chair Elliott reported that the Conservancy board met on March 14th and spoke to highlights of the meeting.

6. BYLAWS FOR APPROVAL CONSIDERATION

6.1 Bowen Island Municipality (BIM) LUB Amendment Bylaw No. 598 - RFD

Director of Planning Services Cermak spoke to BIM's referral of bylaws and the report as presented.

EC-2023-025

It was Moved and Seconded,

THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 598 cited as “Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 598, 2023” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.1.1 March Trust Council Roundtable Review

Executive Committee members provided verbal feedback on the March Trust Council Quarterly meeting.

Comments included:

- Questioning the placement and timing of the delegations on the first night and the trend of immediately responding to delegation requests that sets up staff work without prior analysis,
- Planning longer sessions to consider discussion of issues and items,
- Consideration of structured decision-making,
- Recording of trustee votes, a question that was raised during the meeting.

EC-2023-026

It was Moved and Seconded,

That Executive Committee request staff provide a report on online viewership of Trust Council Meetings.

CARRIED

By general consent, the Chief Administrative Officer will review the structured decision-making learning model and survey trustees and, this be on the FUAL to follow-up.

7.1.2 March Trust Council Business Decision Highlights

EC-2023-027

It was Moved and Seconded,

Executive Committee requested that the business decision highlights be circulated and posted to the website as presented.

CARRIED

7.1.3 Trust Council Follow-up Action List

Received for information.

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

The meeting recessed for a break at 10:47 a.m., and reconvened at 10:55 a.m.

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 Attendance at AVICC April Convention - Discussion

By general consent, Vice-Chair Elliott, Maude and Chair Luckham will attend the Association of Vancouver Island Coastal Communities (AVICC) April Convention.

8.2.2 Trust Area Services

8.2.2.1 Opportunity to Comment on Provincial Intention Papers for Coastal and Marine Strategy and Watershed Security Strategy and Fund - RFD

Discussion ensued on the request for decision (RFD) as presented.

EC-2023-028

It was Moved and Seconded,

That Executive Committee request staff to support the Chair in preparing a submission to the provincial engagement on the Coastal Marine Strategy Intentions Paper for submission by April 14, 2023.

CARRIED

EC-2023-029

It was Moved and Seconded,

That Executive Committee request staff to support the Chair in preparing a submission to the provincial engagement on the Watershed Security Strategy Intentions Paper for submission by April 17, 2023.

CARRIED

8.2.2.2 Trust Council Decisions Related to Conservation from Islands Trust Conservancy – Briefing

Vice-Chair Elliott spoke to the briefing.

EC-2023-030

It was Moved and Seconded,

That the briefing item 8.2.2.2 “Trust Council Decisions Related to Conservation from Islands Trust Conservancy be forwarded to the ITC/EC liaison meeting on July 18th.

CARRIED

8.2.2.3 Draft Islands Trust Tax Notice Insert for 2023/23 – Briefing

CAO Hotsenpiller spoke to the briefing as presented and, that this work has been reviewed by the Financial Planning Committee.

EC discussed inclusion of a section on “how to read a tax notice” for next year’s notice.

Executive Committee (EC) did not make any amendments to the tax notice insert.

By general consent, the draft tax notice was approved for insertion into this year’s tax notice mail out.

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 Preparation for UBCM Housing Summit April 4-5, 2023 - Discussion

Executive Committee discussed the upcoming Union of British Columbia Municipalities (UBCM) Housing Summit.

EC-2023-031

It was Moved and Seconded,

That Executive Committee request that the Director of Trust Area Services prepare speaking notes for trustees attending the UBCM Housing Summit scheduled April 4-5, 2023, and convene with trustees who plan to attend the meeting.

CARRIED

9.6 Islands Trust / Snaw-naw-as Protocol Agreement - Briefing

CAO Hotsenpiller provided a background and summary regarding the briefing and draft protocol agreement, which was circulated as a late item.

EC considered the included request for decision for forwarding to Trust Council.

EC-2023-032

It was Moved and Seconded,

That Executive Committee forward attachment 1. RFD to Trust Council as presented.

CARRIED

EC discussed scheduling a Trust Council special electronic meeting initiated by a resolution without meeting (RWM). The following motion was moved and seconded:

TC-RWM-2023-001

It was Moved by Trustee Peterson and Seconded by Trustee Maude,

That Trust Council schedule a Special Electronic Meeting to be held Tuesday, March 28th at 1:00 p.m. from the Victoria boardroom, #200, 1627 Fort Street, Victoria BC where the public may see and hear the meeting.

Chair Luckham directed staff to conduct the Trust Council vote on TC-RWM-2023-001.

10. CORRESPONDENCE (for information unless raised for action)

10.1 T. Law letter dated March 9, 2023 re: Temporary Use Permits for housing advocacy

Discussion ensued that the letter was addressed to Trust Council but the work regarding the information provided in the letter would be better served being addressed by the Regional Planning Committee.

EC-2023-033

It was Moved and Seconded,

That the T. Law letter dated March 9, 2023 re: Temporary Use Permits for housing advocacy be forwarded to the Regional Planning Committee Chair for distribution to Regional Planning Committee members.

CARRIED

10.2 Response from Ministers of Transport and DFO Canada letter dated June 17, 2022 re: joint request

The response letter will be posted to the advocacy letters section of the Islands Trust website.

Received for information.

10.3 M. Green response re: Emergency Towing Vessel and Canada's Feb 2023 Presentation Slides email dated March 15, 2023

10.3.1 OPP Emergency Towing - Marine Navigation Risk Assessment

Received for information.

11. WORK PROGRAM

11.1 Review and amendment of current work program

Discussion ensued regarding doing a thorough review of the active and future projects of Executive Committee's work program.

EC-2023-034

It was Moved and Seconded,

That Executive Committee request staff to report back to on its work program active and future projects.

CARRIED

12. NEXT MEETING

The next Executive Committee meeting will be held electronically on April 12, 2023, beginning at 9:00 a.m.

13. CLOSED MEETING (scheduled)

At 11:58 a.m., the meeting was closed to the public.

EC-2023-035

It was Moved and Seconded,

That the meeting be closed to the public subject to Sections 90 (1) (a) (c) and (j) of the Community Charter in order to consider the following: personal information about an identifiable individual who is being considered as an agent of the Islands Trust, matters related to employee relations and, information prohibited from disclosure under s.21 of the FOIPP Act (disclosure harmful to business interests of a third party) and that staff attend the meeting.

CARRIED

At 12:33 p.m., the meeting was reopened to the public.

14. ADJOURNMENT

By general consent, the meeting was adjourned at 12:33 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 That Trust Council direct Executive Committee to work with staff on a coordinated strategy and prepare a request that the Province revisit the provincial grant funding formula to the Islands Trust.	Russ Hotsenpiller	Meeting: 07-Mar-2023 Target: 27-Jun-2023	In Progress
2 Staff to provide a report on online viewership of Council Meetings.	Russ Hotsenpiller	Meeting: 22-Mar-2023 Target: 03-May-2023	In Progress
3 That the Trust Council business decision highlights be circulated and posted to the web as presented.	Russ Hotsenpiller	Meeting: 22-Mar-2023 Target: 12-Apr-2023	Completed
4 Forward T. Law's correspondence dated March 9, 2023, to the Regional Planning Committee.	Russ Hotsenpiller	Meeting: 22-Mar-2023 Target: 12-Apr-2023	Completed
5 Staff to poll trustees regarding orientation sessions and its continuous learning.	Russ Hotsenpiller	Meeting: 22-Mar-2023 Target: 03-May-2023	In Progress
6 Staff to provide recommendations with respect to Executive Committee and council committee training sessions. UPDATE: recommendations have been provided and a training session is scheduled May 19, 2023.	Russ Hotsenpiller	Meeting: 14-Dec-2022 Target: 03-May-2023	Completed
7 Prepare RWM for Trust Council Special meeting to consider Islands Trust/Snaw-naw-as draft protocol agreement.	Russ Hotsenpiller	Meeting: 22-Mar-2023 Target: 01-Apr-2023	Completed
8 Executive Committee request staff to report back to on its work program active and future projects.	Russ Hotsenpiller	Meeting: 22-Mar-2023 Target: 12-Apr-2023	Completed



Follow Up Action Report

Executive Committee

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
2 Staff review the Executive Committee sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor	Meeting: 14-Apr-2021 Target: 13-Sep-2023	In Progress
3 Staff to report back on recording of meetings by members of the public re clarity on recording and report on recording of electronic meetings.	David Marlor	Meeting: 22-Mar-2023 Target: 03-May-2023	In Progress

Director of Planning Services

Activity	Responsibility	Dates	Status
1 Advise BIM that Bylaw No. 598 was approved by Executive Committee	Stefan Cermak	Meeting: 22-Mar-2023 Target: 12-Apr-2023	Completed

Director, Administrative Services

Activity	Responsibility	Dates	Status
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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: 20-Sep-2023	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: 06-Dec-2023	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 September 2023.	Clare Frater	Meeting: 23-Feb-2022 Target: 13-Sep-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: 28-Jun-2023	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: 03-May-2023	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: 07-Oct-2021 Target: 06-Sep-2023	In Progress
6 Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act.	Clare Frater	Meeting: 12-Apr-2022 Target: 20-Sep-2023	In Progress
7 Initiate rekindling of the San Juan County/Islands Trust relationship, work with Chair for June.	Clare Frater	Meeting: 11-Jan-2023 Target: 27-Jun-2023	In Progress
8 Staff advance the question of responding to delegates with thank you letters, for June Trust Council, and that staff prepare a briefing on practices in other local governments.	Clare Frater	Meeting: 11-Jan-2023 Target: 27-Jun-2023	In Progress
9 Executive Committee request staff to cooperate with Snaw-Naw-As First Nation to develop a protocol agreement for Trust Council's consideration.	Clare Frater	Meeting: 13-Feb-2023 Target: 27-Jun-2023	Completed
10 Staff to support the Chair in preparing a submission to the provincial engagement on the Coastal Marine Strategy Intentions Paper for submission by April 14, 2023.	Clare Frater	Meeting: 22-Mar-2023 Target: 14-Apr-2023	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
11 Staff to support the Chair in preparing a submission to the provincial engagement on the Watershed Security Strategy Intentions Paper for submission by April 17, 2023	Clare Frater	Meeting: 22-Mar-2023 Target: 17-Apr-2023	In Progress
12 Briefing item 8.2.2.2 "Trust Council Decisions Related to Conservation from Islands Trust Conservancy be forwarded to the ITC/EC liaison meeting on July 18th.	Clare Frater	Meeting: 22-Mar-2023 Target: 18-Jul-2023	In Progress
13 Prepare speaking notes for the UBCM Housing Summit.	Clare Frater	Meeting: 22-Mar-2023 Target: 12-Apr-2023	Completed



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SS-BL-535

3900-03: FOI Bylaw

DATE OF MEETING: April 12, 2023
 TO: Islands Trust Executive Committee
 FROM: Rob Pingle, Acting Legislative Clerk
 SUBJECT: Salt Spring Island Local Trust Committee - Proposed Bylaw No. 535 – Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 535, cited as "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023" in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Salt Spring Island Local Trust Committee referred Bylaw No. 535 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:

Minimal staff time to update material on the website.

Financial:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

Policy: N/A

Implementation and Communications:

Staff would update the Islands Trust website with the new bylaws.

First Nations:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

Other:

There are no other implications of the recommendation.

PURPOSE

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

BACKGROUND

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

RELEVANT POLICY(S): N/A

ALTERNATIVE

1. Determine that the bylaw is inconsistent with the Islands Trust Policy Statement:

THAT the Executive Committee request that staff advise Salt Spring Island Local Trust Committee in writing that the Executive Committee considers that Salt Spring Island Local Trust Committee Bylaw No. 535, cited as "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023" is inconsistent or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Salt Spring Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Rob Pingle, Acting Legislative Clerk	March 23, 2023
Concurrence:	Stefan Cermak, Director Local Planning Services	March 28, 2023

ATTACHMENTS

1. EC Submission Cover
2. EC General Checklist
3. Proposed SS LTC Bylaw No. 535



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Salt Spring Island Local Trust Committee

Bylaw No.: SS-535

Bylaw Type: Administration Bylaw

Date of resolution referring bylaw to Executive Committee: 23-Mar-2023

- 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 _____

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: Rob Pingle

Status

Date Resolution Referred to Exective Committee: 23-Mar-2023

Reading: 16-Mar-2023

Third Reading

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
BYLAW NO. 535**

A Bylaw to designate the Head of the Salt Spring Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Salt Spring Island Local Trust Committee the authority to designate a person as the Head of the Salt Spring Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Salt Spring Island Local Trust Committee the authority to set any fees the Salt Spring Island Local Trust Committee requires to be paid under section 75 of the Act,

THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

“Act”	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
“Commercial Applicant”	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
“Head”	means the person designated under Section 3 of this Bylaw as the head of the of the Salt Spring Island Trust Committee for the purposes of the Act.
“Request”	means a request for information under Section 5 of the Act.
“Records”	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

PROPOSED

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Salt Spring Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 333, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME this 16 DAY OF MARCH ,2023

READ A SECOND TIME this 16 DAY OF MARCH ,2023

READ A THIRD TIME this 16 DAY OF MARCH ,2023

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

RECONSIDERED AND FINALLY ADOPTED THIS _____ DAY OF _____ ,20__

Chairperson

Secretary

PROPOSED

**Salt Spring Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 535 - Schedule 'A'**

Schedule of Maximum Fees

Item	Description of Services	Fees
1	(a) Application Fee	\$10.00 (non-refundable)
	(b) An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:	
	(a) for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b) for producing a record manually	\$7.50 per ¼ hour
	(c) for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d) for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e) for shipping copies	actual costs of shipping method chosen by applicant
	(f) for copying records	
	(i) floppy disks	\$2 per disk
	(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii) computer tapes	\$40 per tape, up to 2 400 feet
	(iv) microfiche	\$3 per fiche
	(v) microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
	(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
	(vii) photographs, colour or black and white	\$5 to produce a negative
		\$12 each for 16" x 20" photograph
		\$9 each for 11" x 14" photograph
		\$4 each for 8" x 10" photograph
		\$3 each for 5" x 7" photograph
	(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(xi) scanned electronic copy of a paper record	\$0.10 per page
	(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
	(xiii) slide duplication	\$0.95 each
	(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
	(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2	the actual cost to the public body of providing that service



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: Bylaw 232 (NP-RZ-2022.1
Sidney Island)

DATE OF MEETING: April 12, 2023
 TO: Islands Trust Executive Committee
 FROM: Robert Kojima, Regional Planning Manager
 SUBJECT: North Pender Island Local Trust Committee – Bylaw No. 232

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve North Pender Island Local Trust Committee Bylaw No. 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

North Pender Island Local Trust Committee has referred Bylaw No. 232 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 **North Pender Island Local Trust Committee** regarding the Executive Committee decision by **April 14, 2023** .

Other

None.

PURPOSE

North Pender Island Local Trust Committee Bylaw No. 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022” (Attachment 6) is intended to amend the bylaw as it applies solely to the residential strata lots on Sidney Island to permit the temporary use of recreational vehicles (RVs) as a dwelling prior to the construction of a permanent dwelling, to permit a larger non-residential building prior to constructing a dwelling, and also would amend the zoning to permit kitchens in longstanding hunters’ cabins on the common property. The application was submitted by the strata corporation.

BACKGROUND

North Pender Island Local Trust Committee Bylaw No. 232

The application was submitted on behalf of the Sidney Island strata corporation in January of 2022. While there has been a long-standing prohibition on recreational vehicles (RVs), issues have emerged in recent years as new owners brought RVs onto the island and sited and used them on their lots prior to constructing a dwelling.

In response to enforcement complaints, the Strata formed a special committee to survey owners, and to review and report on the issue. The committee identified that the temporary, short term use of RVs is generally tolerated by owners as there is no temporary accommodation available on the island. There was no desire to allow a proliferation of RVs or to allow permanent or long term use of RVs as an alternative to a dwelling or in addition to a dwelling.

At the meeting of September 29, 2022 the LTC received a preliminary report and directed staff to prepare a draft bylaw. The limits on use of RVs in the proposed amendment are intended to address the issues identified by the strata, while also considering concerns with the use of RVs as residences, including that:

- RVs would be required to be connected to septic fields.
- Limit RVs to a maximum on any lot of 4 years.

The proposed bylaw would also:

- Permit a larger storage building prior constructing a dwelling (up to 40m² from 25m²) and permit washroom facilities connected to a septic field.
- Permit kitchen facilities in the older cabins located on the common property to facilitate future upgrades or replacement of these structures.

At the meeting of January 20, 2023, the LTC gave First Reading to the bylaw, reviewed the policy statement checklist and resolved that the bylaw is not contrary or at variance with the Islands Trust Policy Statement, and directed scheduling of a public hearing. The hearing was held at the regular meeting of March 17th, two people spoke in support of the bylaw and several submissions had been received in support. After the close of the hearing the LTC gave further readings and referred the bylaw to the Executive Committee.

Issues Relating To Provincial Interest

None.

Issues Relating To First Nation Interest

One response was received from the Songhees Nation following the close of the public hearing. The response stated “no concerns regarding the temporary use of RVs.” However, the response also questioned why Islands Trust is not providing training on the chance find protocol to land owners during the review of building permits. The Director of Planning Services has spoken with Songhees staff regarding the question. This post-hearing response was not provided to the LTC as it did not raise objections to the bylaw or provide new information related to the bylaw.

Issues Relating To Resources and Enforcement

The amendment would resolve a number of enforcement files related to the use of RVs on Sidney Island. In addition, the Strata will be documenting RVs brought on to the island and intend to notify bylaw enforcement of any that exceed the four year maximum.

Capital Regional District building inspection responded to the referral opposing the bylaw on the basis that RVs are not subject to the Building Code. While building permits would not be issued for RVs, the Strata has indicated that RVs will be tracked, providing a mechanism for future enforcement.

Public Comments

None.

Staff Comments

In summary, the amendments would permit the temporary use of RVs as an alternative to a dwelling, permit larger accessory buildings with washrooms prior to constructing a dwelling, and permit kitchen facilities in the common property sleeping cabins. Overall, the amendments are minor, consistent with the OCP and the Policy Statement, and are intended to provide for improved management of development on the island. The amendment would also help resolve outstanding enforcement issues, provide an opportunity for strata lot owners to develop a familiarity with their properties prior to building a permanent dwelling, regulate on-going practices on the island, and implement changes requested by the strata. Given the nature of Sidney Island, it is unlikely that RVs would be used for year-round accommodation, with most owners only using them periodically, primarily in the summer.

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 North Pender Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022” is contrary to

or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the North Pender Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Robert Kojima, Regional Planning Manager	April 4, 2023
Concurrence:	Stefan Cermak, Director of Planning Services	April 4, 2023

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 232
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: North Pender Island Local Trust Committee

Bylaw No.: NP-232

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 17-Mar-2023

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee _____

Director, LPS _____

Local Trust Committee _____

Planner _____

Planning Clerk _____

Trust Area: North Pender Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: NP-232

Application No.: NP-RZ-2022.1

Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: No

Technical Staff: No

First Reading Date: 20-Jan-2023

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 20-Jan-2023

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: 02-Mar-2023

File complete and ready for Public review: Yes

Public Hearings:

Location: St. Peter's Anglican Church
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 01-Mar-2023

Second Publish Date: 08-Mar-2023

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date: 01-Mar-2023

Delivery Notices: 01-Mar-2023
Date Public Hearing Held: 17-Mar-2023

Second Reading Date: 17-Mar-2023

Third Reading Date: 17-Mar-2023



Referrals: Bylaw NP-232

Agency	Sent	Received
<p>Capital Regional District - All Referrals Aggie Chan and Jessica Arnet 625 Fisgard Street: Aggie Chan <i>Comment:</i> Building Inspection Dept. -RV's: The CRD Building Inspection Dept. does not recognize recreation vehicles as being compliant with the BC Building Code for residential use. RV's are designed for short term camping like use. -Sleeping Cabins: Building Permits are required for "sleeping cabins". Compliance with the BC Building Code for residential use would be required. -Sleeping Cabins with kitchens: Sleeping Cabins with kitchens would meet the definition of a dwelling unit within the CRD Building Regulation bylaw. This may involve other regulations such as the Homeowner's Protection Act. I recognize that this is a difficult matter to address and I welcome the opportunity to discuss this further.</p>	19-Jan-2023	22-Feb-2023
<p>Cowichan Tribes 5760 Allenby Rd: Tracey Flemming <i>Comment:</i> No Comment Received</p>	19-Jan-2023	
<p>Halalt First Nation 7973 Chemainus Rd: Raven August <i>Comment:</i> No Comment Received</p>	19-Jan-2023	
<p>Island Health 3rd Floor, 6475 Metral Drive: Referrals Referrals <i>Comment:</i> Interests unaffected by bylaw.</p>	19-Jan-2023	27-Jan-2023
<p>Islands Trust Fund 200, 1627 Fort Street: Jennifer Eliason <i>Comment:</i> The Islands Trust Conservancy met and passed the following resolution at it's March 14, 2023 Board meeting: ITC-2023-00-011 It was MOVED and SECONDED, that the Islands Trust Conservancy (ITC) Board direct staff to indicate to the North Pender Local Trust Committee that ITC's interests are unaffected by Bylaw 232 (Sidney Island) and request that the North Pender Island Local Trust Committee consider future regulations that increase buffers and other protection measures to ensure that conservation values on Islands Trust Conservancy's Sidney Island covenants are maintained.</p>	19-Jan-2023	14-Mar-2023
<p>Lake Cowichan First Nation 313B Deer Road: Carole Livingstone <i>Comment:</i> No Comment Received</p>	19-Jan-2023	
<p>Lyackson First Nation 8017 Chemainus Road: Linda Aidnell <i>Comment:</i> No Comment Received</p>	19-Jan-2023	
<p>Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i> No Comment Received</p>	19-Jan-2023	
<p>Mayne Island Local Trust Committee</p>	19-Jan-2023	30-Jan-2023



Referrals: Bylaw NP-232

Agency	Sent	Received
<i>Islands Trust: Jas Chonk</i> <i>Comment: Interests unaffected by bylaw.</i>		
Parks Canada <i>2220 Harbour Road: Parks Canada</i>	19-Jan-2023	
Pauquachin First Nation <i>9010 West Saanich Road: Darlene Henry</i> <i>Comment: No Comment Received</i>	19-Jan-2023	
Penelakut Tribe <i>Box 360: Denise James</i> <i>Comment: No Comment Received</i>	19-Jan-2023	
Salt Spring Island Local Trust Committee <i>1 - 500 Lower Ganges Road: Peter Luckham</i> <i>Comment: Interests unaffected by bylaw.</i>	19-Jan-2023	09-Feb-2023
Saturna Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i>	19-Jan-2023	
Semiahmoo First Nation <i>16049 Beach Rd: Chief & Council</i> <i>Comment: No Comment Received</i>	19-Jan-2023	
Snuneymuxw First Nation <i>668 Centre Street: Desiree Thomas</i>	19-Jan-2023	
Songhees Nation <i>1500D Admirals Road: Chief and Council</i> <i>Comment: No concerns regarding the temporary use of RVs.</i>	19-Jan-2023	23-Mar-2023
South Pender Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i> <i>Comment: Interests unaffected by bylaw.</i>	19-Jan-2023	03-Feb-2023
Stz'uminus First Nation <i>12611A Trans Canada Hwy: Chenoa Akey</i>	19-Jan-2023	
Tsartlip First Nation <i>PO Box 70: Karen Harry</i> <i>Comment: No Comment Received</i>	19-Jan-2023	
Tsawout First Nation <i>Box 121: Cathy Webster</i>	19-Jan-2023	



Referrals: Bylaw NP-232

Agency	Sent	Received
<i>Comment: No Comment Received</i>		
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	19-Jan-2023	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment: No Comment Received</i>	19-Jan-2023	
WSANEC WSANEC Leadership Council Society: Joni Olsen	19-Jan-2023	



File No.: NP-RZ-2022.1

File Name: Sidney Island.

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 a matters in their official community plans in a way that implements the policy of Trust Council.

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	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.
	5.5	Recreation

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

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

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 17-Mar-2023

Reading:

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 232

A BYLAW TO AMEND NORTH PENDER ASSOCIATED ISLANDS LAND USE BYLAW NO. 148, 2003

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”.

2. North Pender Island Local Trust Committee Bylaw No. 148, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003” is amended as follows:

2.1 Section 1.1 (Definitions) – the definition of ‘sleeping cabin’ is amended by deleting the word “only”, deleting words “does not” and replacing them with the word “may”, and by deleting the word “any”.

2.2 Subsection 5.20(1) (Sidney Island Comprehensive Development Zone (CD2) – Permitted Uses) – is amended by inserting the following as a new article (d):

“(d) Use of a recreational vehicle as a temporary residence, subject to 5.20(9).”

2.3 Article 5.20(8)(a) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “and the building may contain washroom facilities,” following the word “lot,”.

2.4 Article 5.20(8)(b) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “prior to construction of a principal dwelling,” following the word “lot”.

2.5 Article 5.20(8)(c) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the number “25” and replacing it with the number “40” and by deleting the number “269” and replacing it with the number “430”.

2.6 Article 5.20(8)(d) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the word “shed” and replacing it with the word “building”.

2.7 Article 5.20(8)(e) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “and 5.20(1)(b)” following the number 3.5.

2.8 Subsection 5.20(9) (Sidney Island Comprehensive Development Zone (CD2)) – is deleted in its entirety and replaced with the following:

“Despite Article 3.10(1)(a) one recreational vehicle may be used as temporary residence prior to the construction of a single family dwelling on a lot without issuance of a building permit for a single family dwelling subject to:

- (a) the use of any recreational vehicle as a temporary dwelling may not exceed four years from the date the use commenced;
- (b) articles 3.10(1)(b) through 3.10(1)(e); and
- (c) the storage of any recreational vehicles that is not being used as a temporary residence prior to the construction of a single family dwelling is not permitted.”

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	20 TH	DAY OF	JANUARY	2023.
PUBLIC HEARING HELD THIS	17 TH	DAY OF	MARCH	2023.
READ A SECOND TIME THIS	17 TH	DAY OF	MARCH	2023.
READ A THIRD TIME THIS	17 TH	DAY OF	MARCH	2023.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

First Nation Engagement

Referral of: North Pender Island Bylaw 232

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Halalt

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Ts'uubaa-asatx Nation (Lake Cowichan)

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Lyackson

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Malahat

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Pauquachin

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Semiahmoo

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Snuneymuxw

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Songhees

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC
March 23, 2030	No concerns regarding the temporary use of RVs.	JC

First Nation: Stzuminus

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Tsartlip

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Tsawout

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Tsawwassen

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 23, 2023	<p>Tsawwassen First Nation (TFN) has few clarification questions regarding this bylaw amendment. Can you please confirm that buildings (formerly sheds) must also be required to be connected to municipal water and sewer? We understand that RV's would be required to be connected to a sewer system and domestic water source under this bylaw. Regarding the permissible storage buildings and excavation works in general that would be required for construction a dwelling, can Island Trust comment on whether the local government has a policy or bylaw that references a Chance Find procedure for Indigenous archaeological artifacts.</p> <p>February 23, 2023 Staff response: Thanks for contacting us. There are no municipal services on Sidney Island, a portion of the island is in the National Park Reserve and a portion (subject to the this amendment) is a bare land strata. Strata lots provide their own water through wells, supplemented by rainwater catchment systems in some instances, and sewage is handled through on-site sewage disposal systems approved under the Sewerage System Regulation.</p>	
February 28, 2023	Sent Follow-up Email.	JC

First Nation: Tseycum

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

First Nation: WSANEC

Date	Comment/Action	Initial
January 19, 2023	Sent Referral	JC
February 28, 2023	Sent Follow-up Email.	JC

To: Executive Committee **For the Meeting of:** April 12, 2023
From: CAO **Date Prepared:** April 5, 2023
SUBJECT: Review of Executive Committee Work Plan

PURPOSE: To review Executive Committee’s (EC) current work plan.

BACKGROUND: Executive Committee maintains a work plan consisting of 1. Active projects, and 2. Future Projects. Via Council *Policy 2.3.1, Council Committee System, and Policy 6.2.1 Priority Setting Guidelines*, Executive Committee maintains a work program which includes:

- a. items referred to it by Trust Council,
- b. projects and initiatives identified by the Committee itself,
- c. the top three priorities that it is working on, as approved by Trust Council.

At the start of the term, EC should review the work plan and consider whether to proceed with projects, remove projects, or add projects that reflect current priorities of the Committee. Priorities of the current Trust Council and emerging issues within the region may require that the Committee reconsider work plan and resource allocation. As the body responsible for ongoing Trust operations, Executive Committee often needs to oversee projects or initiatives that do not have a sponsoring committee.

This briefing provides a brief review of projects in each category, with staff commentary on the status of the project and a recommendation for any action. It is recommended that Executive Committee schedule a distinct session to review the work plan and consider any strategic changes.

ACTIVE PROJECTS

These are priority projects for the Executive Committee and generally are linked towards the [Strategic Plan](#).

1. Update Islands Trust Policy Statement

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan 3.1, 4.4, 5.6, and 5.7).

This project is ongoing and funded and is likely in the last third of its project timeline. It is recommended that this remain a priority project.

2. Climate Change Emergency

Matters pertaining to Islands Trust mitigation and adaptation to climate change impacts. (Strategic Plan 3.1)

Notwithstanding that this priority exists in the Strategic Plan, at present this initiative and the specific role of the Executive Committee is undefined. This priority should be reviewed and specific deliverables developed in light of Trust Council support for its Climate Change declaration. It is recommended that this item be referred to a strategic planning session for EC.

3. First Nations Reconciliation

Implementation of the Reconciliation Action Plan. (Strategic Plan Items 4.5 & 4.6)

This work is ongoing and funded and is recommended to remain a priority for EC. Specific actions and strategies for Reconciliation will be informed by new hiring, the development of the Advisory Committee and any progress associated with signing protocol agreements with interested Nations. Specific deliverables should be developed at direction of Committee and Trust Council.

4. Preserve and Protect Marine Ecosystems

Continue advocacy re: Freighter Anchorages, Trust Council added freighter anchorages to the list of Executive Committee list of top priorities. (Strategic Plan Item 2.1)

This project does not have current action items at this time. While it reflects a long-standing position of Trust Council, it is recommended that the criteria/deliverables be reconsidered or refreshed.

FUTURE PROJECTS

These are future projects that are undertaken when resourcing and timing are available.

1. **Development of an Islands Trust Communications Strategy** Including development of a new website. (Strategic Plan Item 4.2)

This is ongoing, funded work and is a recommendation out of the Governance Report. Staff is nearing completion of a draft strategy for consideration of EC. Communications remains by policy the responsibility of EC. It is recommended that this become a priority item.

2. **Marine Advocacy** Associated with i.) impact of commercial activities on Southern Resident Killer Whales SRKW (Strat Plan Item 2.1), ii.) oil spills and iii.) anchorages.

This project is intended to reflect action items or specific tasks associated with long standing positions of Trust Council with regard to the above. There is currently no active work on this item and it should be reconsidered and reprioritized.

3. **Broadcast Public meetings** Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item 4.1)

The majority of this work is complete. It is recommended that this item be removed from a projects list and referred to ongoing administrative projects.

4. **Improve Communications about the Islands Trust** Related to Strategic Plan Items 4.1 & 4.2

This project is redundant given items 1 and 3 above and it is recommended that it be removed or reconsidered.

5. **NAPTEP regulation change to increase the percentage of tax exemption** Strategic Plan Item 1.3

At the pleasure of Executive Committee.

6. **Advocate to reduce negative impacts of shellfish aquaculture practises** Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy.

Creation/support/development of the Baynes Sound Secretariat function has assisted with this priority. Currently there are no action items for EC with regard this item and it is recommended that it be reconsidered or removed from the list.

7. **Strengthen relations with First Nations** Develop a policy regarding referral responses where there is a known archaeological site. (*Strategic Plan Item 4.7*)

8. **MMIWG Calls for Justice Resolutions (Strategic Plan Item 4.6)**

All staff required to take training related to cultural safety in keeping with the Missing and Murdered Indigenous Women and Girls Calls for Justice.

That staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.

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.

Draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.

Priority items 7 and 8 should be referred to an updated Reconciliation Action Plan and the Advisory Committee for action. These items should be removed from the future projects list and added to the current work plan under First Nations Reconciliation.

9. **Governance** 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.

This relates to the letter Trust Council has sent to the Province requesting a review of the Islands Trust.

10. **MOTI Memorandum of Understanding.** 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.

Staff are unclear on the origins or the actions expected associated with this item.

This is a very brief overview of current projects; Executive Committee may request a more detailed analysis of any or all of the projects, prior to consideration for any changes.

New priorities for Executive Committee:

EC may consider new priorities for its work plan, pending Trust Council endorsement. Possible new projects:

1. Any projects at the direction of Trust Council
2. Development of the Strategic Plan
3. Bylaw enforcement review
4. Housing initiatives
5. At the direction of Committee

Recommendation(s) to Executive Committee

1. **THAT Executive Committee undertake a dedicated strategic priorities setting session.**

ATTACHMENT(S):

1. **Executive Committee Active Projects Report**
2. **Executive Committee Future Projects Report**

FOLLOW-UP: As directed.

Prepared By: CAO

Reviewed By/Date: April 6, 2023

Active Projects Report

Executive Committee

1. Update Islands Trust Policy Statement

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)

Responsible

Clare Frater

Dates

Rec'd: 26-Feb-2020
Target: 26-Sep-2023

2. Climate Change Emergency

Matters pertaining to Islands Trust mitigation and adaptation to climate change impacts. (Strategic Plan 3.1)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 05-Jun-2019

3. First Nations Reconciliation

Implementation of the Reconciliation Action Plan. (Strategic Plan Items 4.5 & 4.6)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

4. Preserve and protect marine ecosystems

Continue advocacy re: Freighter Anchorages, Trust Council added freighter anchorages to the list of Executive Committee list of top priorities. (Strategic Plan Item 2.1)

Responsible

Clare Frater

Dates

Rec'd: 11-Mar-2021

Future Projects Report

Executive Committee

1. <i>Development of an Islands Trust Communications Strategy</i>	Responsible	Date Received
Including development of a new website. (Strategic Plan Item 4.2)	Clare Frater	30-Aug-2017
2. <i>Marine Advocacy</i>	Responsible	Date Received
Associated with i.) impact of commercial activities on Southern Resident Killer Whales SRKW (Strat Plan Item 2.1), ii.) oil spills and iii.) anchorages.	Clare Frater	02-Sep-2020
3. <i>Broadcast Public Meetings</i>	Responsible	Date Received
Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item 4.1)	Clare Frater Julia Mobbs Russ Hotsenpiller	02-Sep-2020
4. <i>Improve Communications about the Islands Trust</i>	Responsible	Date Received
Related to Strategic Plan Items 4.1 & 4.2	Clare Frater	30-Aug-2017
5. <i>NAPTEP regulation changes to increase the percentage of tax exemption</i>	Responsible	Date Received
Strategic Plan Item 1.3	Clare Frater Kate Emmings	02-Sep-2020

Future Projects Report

Executive Committee

6. *Advocate to reduce negative impacts of shellfish aquaculture practices*

Responsible

Date Received

Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy.

16-Aug-2017

7. *Strengthen relations with First Nations*

Responsible

Date Received

MMIWG Calls for Justice Resolutions (Strategic Plan Item 4.6)

21-Oct-2020

1. All staff required to take training related to cultural safety in keeping with the Missing and Murdered Indigenous Women and Girls Calls for Justice.
2. That staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.
4. Staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.
5. Draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.

8. *Strengthen relations with First Nations*

Responsible

Date Received

Develop a policy regarding referral responses where there is a known archeological site. (Strategic Plan Item 4.7)

26-May-2021

Future Projects Report

Executive Committee

9. <i>Governance</i>	Responsible	Date Received
<p>Related to Section 5 of the Strategic Plan</p> <p>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 -</p>		21-Jul-2021
10. <i>MOTI MOU's</i>	Responsible	Date Received
<p>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.</p>		07-Sep-2022



REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** April 12, 2023
From: David Marlor, Director,
Legislative Services **Date Prepared:** April 6, 2023
SUBJECT: Appointment of Secretary and Deputy Secretary

RECOMMENDATION:

That the Executive Committee appoint Director of Legislative Services, David Marlor to the office of Secretary, and appoint Legislative Clerk, Nadine Mourao as Deputy Secretary.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The recommended resolution is a standard practice to ensure that there is designated signing authority in all three offices. The the appointment of Secretary is a required action of the Islands Trust, so this action remedies what has been a temporary oversight. Nevertheless, at any time, Executive Committee, acting on behalf of Trust Council, could change the appointment of any of its officers, including the Secretary, if there was a structural or corporate need to do so.

1 **PURPOSE:** To appoint the office of Secretary and Deputy Secretary consistent with legislation.

2 **BACKGROUND:**

Section 17 of the *Islands Trust Act* requires the Islands Trust Council to appoint a person to the office of Secretary. Section 22 of the *Interpretation Act* provides for the appointment of a person as the public officer's deputy. Through Section 1(a) of Trust Council Bylaw 3, the Islands Trust Council has delegated the authority for appointment of officer positions to the Islands Trust Executive Committee.

The Director of Legislative Services is, by job description and role, the person intended to be designated as Secretary for the Islands Trust. This appointment was overlooked at the time of hiring into the position and should be corrected.

Deputy Secretaries have been appointed for each office within Local Planning Services (i.e. Northern, Southern and Salt Spring Island offices) to ensure that there is ability to sign documents as necessary in each office, and to provide backup to the Secretary. Nadine Mourao has been hired to fill the position of Legislative Clerk. These positions are normally appointed as Deputy Secretary.

The appointment of Secretary and Deputy Secretary is necessary to ensure that there is a designated signing authority in the offices for a variety of Local Planning Services documents. The *Islands Trust Act*, other related provincial Acts, and Islands Trust office practices and procedures outline the duties of the Corporate Secretary, and by association the Deputy Secretary.

Once recruitment for the Legislative Clerk has completed in the Salt Spring Office, staff will bring a request to the Executive Committee to appoint that person as Deputy Secretary for the Salt Spring Office.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

No organization implications.

FINANCIAL:

No financial implications.

POLICY:

Ensure legislative requirements for appointment of Secretary and Deputy Secretary are met.

IMPLEMENTATION/COMMUNICATIONS:

Staff will be advised through normal channels.

FIRST NATIONS:

No First Nation implications.

OTHER:

No other implications.

4 RELEVANT POLICY(S):

- Islands Trust Act (s.17)
- Interpretation Act (s.22)
- Trust Council Bylaw No. 3

5 ATTACHMENT(S):

No attachments

RESPONSE OPTIONS

Recommendation:

That the Executive Committee appoint Director of Legislative Services David Marlor to the office of Secretary, and appoint Legislative Clerk Nadine Mourao as Deputy Secretaries.

Alternative:

N/A

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date: Russ Hotsenpiller, CAO/April 6, 2023

Gulf Islands Alliance

P.O. Box 795 Ganges, BC V8K 2W3

www.gulfislandsalliance.ca

April 4th 2023

To: Islands Trust Executive Committee

Peter Luckham, Chair, pluckham@islandstrust.bc.ca

Tobi Elliott, Vice-Chair, telliott@islandstrust.bc.ca

David Maude, Vice-Chair, dmaude@islandstrust.bc.ca

Timothy Peterson, Vice-Chair, tpeterson@islandstrust.bc.ca

cc. Islands Trust Council members

Subject: Tree-cutting authority bid halted

The Gulf Islands Alliance was dismayed to learn by the way of 'Trust Council Decision Highlights' <https://islandstrust.bc.ca/document/trust-council-decision-highlights-9/> that the request made of the Provincial Government in September of 2020 to grant authority to regulate tree cutting in the Trust Area was rescinded, and the task removed from its work program. It seems clear to us that withdrawing this request for authority reduces and constrains the Islands Trust's ability to preserve and protect forested land in the Trust Area and should *only* have been considered upon the commitment to pursue a more effective course of action for this critical objective.

The Gulf Islands Alliance requests that Trust Council work on strategies such as strengthening Development Permit Areas and Development Approval Implementation Bylaws that protect forests in the Trust Area, as well as Development Permit Areas (DPA) designed to protect groundwater and recharge.

Yours truly,

Deborah Ferens
Gulf Islands Alliance

From: Dr. Sawyer Phinney [REDACTED]

Sent: Friday, March 24, 2023 9:37 AM

To: Executive Admin <execadmin@islandstrust.bc.ca>

Subject: EXPERT LETTER: Islands Trust elected officials have a public duty to disregard MV's Phase 1 survey for egregious violations of professional standards and ethics; And require a new survey

Good afternoon,

Please see attached an expert opinion letter of my assessment concerning the public opinion poll delivered by Metro Vancouver and Bowen Island Municipality. This opinion poll was in regards to the Bowen Island Cape Roger Curtis park development. Overall, my findings suggest the methodological approach carried out involved ethical violations of research practice and more generally, failed to meet federal and provincial rules and regulations concerning public consultations.

Kind regards,

Dr. Sawyer Phinney

Senior Economist and Researcher

Ph.D, University of Manchester

MA Political Economy, Carleton University

BA in Political Science and Economics, York University

March 23, 2023

Bowen Island Municipality Mayor and Council
981 Artisan Lane
Bowen Island, British Columbia

Executive Committee of the Islands Trust
200 – 1627 Fort Street
Victoria, BC
V8R 1H8

To the Bowen Island Mayor and Council, and the Executive Committee of the Islands Trust,

I am writing to you today regarding the land use planning and rezoning process of the Cape Roger Curtis proposed park development undertaken by Metro Vancouver. The purpose of this letter is to bring attention to serious ethical concerns and methodological flaws in the undertaking of Metro Vancouver's public consultation with Bowen Island residents and First Nations to inform decisions of elected officials responsible for considering proposed rezoning requests by Metro Vancouver, and its requested alterations to Bowen Island's Official Community Plan (OCP) to accommodate its stated agenda.

Having reviewed the survey exhibited in Metro Vancouver's [Discussion Guide](#), it is my professional opinion that the survey violates the most basic principles of professional ethics and objectivity that would be considered a minimum standard for a fair and objective public consultation process.

It would be a violation of public trust, bordering on negligence, for the results of such a biased and unethical survey to be considered by elected officials with respect to the rezoning application being made by Metro Vancouver.

On that basis, the elected officials of Bowen Island Municipality and the Islands Trust have a public duty to disregard the survey results in their entirety and exercise their respective rights to demand a proper and ethical public consultation process that properly adheres to the standards of the Canadian Research Insights Council (CRIC) as published [here](#).

I would also strongly encourage the elected officials of Bowen Island Municipality and the Islands Trust to demand a revised public consultation process that more closely adheres to the core values and basic standards of fairness and objectivity expressed in:

1. The International Association for Public Participation (an organization of which Metro Vancouver is a member)
[Code of Ethics](#)
[Spectrum of Public Participation](#)
2. [Canada's Impact Assessment Act \(IAA\)](#): Impact Statement Guidelines and Rules

In addition to Metro Vancouver's non-adherence to the public consultation standards above, I also have concerns that Metro Vancouver's communications, intended to influence the Bowen Island community and the elected officials of Bowen Island Municipality and the Islands Trust, misrepresent and suppress the authentic views of the community, and do not adhere to the standards of truthfulness and professional ethics that the Canadian Public Relations Society (CPRS) members have committed to uphold as published here:

<https://www.cprs.ca/Advocacy/Code-of-Professional-Standards>

A [Metro Vancouver Sustainability Framework document](#) indicates on Metro Vancouver's self-professed Values as follows (p.14):

Integrity is our foundation. Passion for our work and pride in our accomplishments are our drivers. Respect for the needs, interests, values and opinions of the public and compassion in all our relationships are our guideposts. We are Metro Vancouver.

Yet in its approach to the public consultation process thus far with the Bowen Island community, Metro Vancouver has failed to uphold its own stated values. Metro Vancouver has not acted with integrity in its approach to the public consultation process. It has failed to exhibit respect for the needs, interests, and values of the community it claims to be consulting, and has failed to act with compassion for the true impact the proposed park could have on the community of Bowen Island.

Pursuant to 'Section VI INDEPENDENT REVIEW' of the Islands Trust bylaw No. 56, 1998, I strongly recommend the Bowen Island Local Trust Committee and the *official* referenced in Part III of the [bylaw](#), consider exercising their rights and/or obligations to demand an Independent Review of the subject matter Metro Vancouver has published (so far, and ongoing) as they relate to the proposed park at Cape Roger Curtis. I further recommend the Bowen Island mayor and council fully consider the municipality's obligations in respect of its relationship to the Islands Trust, and that the Islands Trust Executive Committee consider exercising any rights or obligations it may have (arising from this bylaw or any others that may be pertinent) to the Island's Trust's jurisdiction over ensuring a fair public consultation process that fully adheres to all standards of professional conduct and ethics that may apply.

Islands Trust Bylaw No. 56, 1998: <https://bowenland.civicweb.net/document/34474/>

Formal Details

My name is Dr. Sawyer Phinney. The name of the company which employs me is the Greater London Authority (GLA) in London, United Kingdom in which I hold the position of Senior Economist. The nature of the business is that of economic analysis, urban governance and municipal planning. My particular expertise relates to working on infrastructure and community development projects with a focus on urban economics and public sector planning where I have in excess of 8 years' of experience. This includes working as an economist and business analyst with the Canadian Labour Congress and the Government of Canada in the Department of Innovation, Science and Economic Development. I am an Associate Member of the United Kingdom ((UK) Civil Service Government Economic Service.

I hold a Bachelor's Degree in Political Science and Economics from York University (Toronto, Canada) with Magna Cum Laude status, a Master's Degree in Political Economy from Carleton University (Ottawa), Canada, and a Doctorate of Philosophy in Economic Geography from the University of Manchester (Manchester, UK).

I have a strong record of publishing in respected academic journals such as: Planning Theory & Practice, Urban Geography, Environment and Planning A: Economy and Space, New Political Economy, Geography Compass, and Research Policy. I also have contributed to key texts in my field such as a chapter in Global Reflections on COVID-19 Urban Inequalities. I have been engaged in leading scholarly debates on urban planning through organizing conference sessions at successive Association of American Geographers meetings and the British International Studies Association. In 2020, I was employed as a Postdoctoral Research Associate at the University Liverpool to conduct high-level research on local government policy-making. Leadership in my field is also signaled through invitations to speak on international conference panels on municipal finance and urban land-use planning challenges.

Disclosure of Interests

I have no personal or professional connection with the parties, advisers, or actual or potential interests that might adversely or potentially affect my independence.

Background

The below expert opinion summary has been conducted to evaluate Metro Vancouver's public engagement planning process in general, and specifically their online survey methodological approach and research design, for a proposed park at Cape Roger Curtis on Bowen Island. This is

Metro Vancouver’s [online public opinion survey](#) that was launched February 10th, 2023 to gather “input from Bowen Island Residents [that] will inform the Bowen Island Municipality rezoning and OCP amendment process.”

General Summary of Findings

1. As a federation of municipalities, Metro Vancouver did not meaningfully adhere to British Columbia’s *Local Government Act* that requires municipalities to follow specific requirements and due process with the public on matters of local concern, including land use planning and zoning bylaws. The Act sets out specific requirements for public notice, public hearings, and public consultation. Municipalities are required to *meaningfully* provide public notice, hold public hearings, accept written submissions, consult with First Nations, and develop a public engagement policy when conducting public consultations on matters of local concern.
2. My opinion is that Metro Vancouver violated the above Act and other ethical and professional standards that apply to Metro Vancouver public officials when engaging with the public. This includes: Metro Vancouver’s Employee Code of Ethics Policy*, the International Association for Public Participation (IAP2) standards ([by which Metro Vancouver claims to adhere to](#)), and the [Canadian Research Insights Council \(CRIC\) Public Opinion Research Standards and Disclosure Requirements](#).
3. My findings indicate Metro Vancouver failed to effectively deliver a representative, politically neutral, and transparent public consultation process - a requirement that *all* public officials must uphold on matters pertaining to land use planning and zoning bylaws. This is due to a failure in implementing a fair due process in publicly consulting Bowen Island’s community, including First Nations groups, and adhering to principles of ethics in survey design and implementation regarding the February 7th, 2023 public opinion poll.

*Metro Vancouver’s Employee Code of Ethics Policy is concerningly thin on conduct and ethics, but it does indicate “*Employees who are registrants of a professional association governed by the Professional Governance Act have additional expectations under Part four of the Employee Code of Ethics Policy.*” This aspect of the Policy intertwines the considerably more comprehensive standards of professional conduct and ethics required of each of the Metro Vancouver officials involved in the advancement of this proposal based on their respective professional designations. Whether these standards may extend to Metro Vancouver’s board members is unclear.

Assessment

As required under British Columbia's *Local Government Act*, planning procedures carried out by municipal governments and agencies concerning zoning and land use development require a full disclosure of the impact of a proposed project to the community. This would then be disclosed to a municipal council when making a rezoning application, and/or included proposed amendments to the Official Community Plan (OCP). This could be a formal impact assessment and/or public consultations with the community on what the direct impacts may be (see Section 475 of the *Local Government Act*).

As of Feb. 23, 2023, there has been no formal impact assessment by Metro Vancouver that is publicly available which examines the impacts (positive and negative) of the proposed park on Bowen Island residents and the potential ecological and environmental impacts (positive and negative) on land, biodiversity and ecosystems on Bowen Island.

More concerning, public engagement by Metro Vancouver including surveys, public meetings, and consultations, are occurring *simultaneously* with Metro Vancouver's initiative to advance its rezoning application and desired alterations to Bowen Island's OCP. This is highly irregular. Elected officials may wish to scrutinize Metro Vancouver's approach in relation to best practices and standards for public engagement.

Although there has been an enthusiastic "plan of engagement" with Bowen Island's community by Metro Vancouver, it is unclear how this will adequately inform the rezoning process with reasonable and sufficient notice to the elected officials being asked to consider new bylaws and changes to Bowen Island's OCP. Metro Vancouver's public engagement timeline can be found [here](#). Metro Vancouver has outlined their [public engagement plan](#) for the proposed regional park at Cape Roger Curtis that proclaims an "open, transparent, and collaborative three-phase engagement process to ensure the community is involved as the project progresses and has opportunities to provide feedback to the project team." This includes commitments to fully understand residents' concerns, priorities and visions for the project. The document is then followed by a summary of benefits of the proposed park and camping site, including the benefits the development project will have in preserving ecosystems, biodiversity, and the health benefits of connecting people to nature. This public engagement plan informs Metro Vancouver's February 7th, 2023 public opinion poll that has been dispersed online to the public.

Below I outline the ways in which, whether intentionally or not, Metro Vancouver's 'public engagement' survey design would limit and silence dissenting opinions on the survey-sponsor's initiative and misrepresent the actual views of the community the sponsor claims to be polling. Consequences of misrepresentation of public opinion have the potential to influence decisions of elected officials and permanently alter the fabric of a small community.

Concerns of most egregious flaws in methodology and ethics

My assessment of the [public opinion poll](#) is that there are grave ethical concerns in the research design and methodological approach of the survey as well as the public engagement plan. This is due to misrepresenting information, lack of evidence to support claims and constructing questions that are leading or ambiguous. Metro Vancouver did not conduct public research in a reliable, accurate and ethical manner that meets recognized research standards governed by CRIC and IAP. In addition, public officials have an obligation and duty to remain at the highest standards of integrity, honesty and impartiality. This has not yet been fulfilled in requirements that must be demanded by elected officials with regard to the planning and execution of the recent public opinion poll regarding the Cape Roger Curtis development.

The public engagement plan constitutes a “one-sided” summary that ignores the potential negative impacts on residents and most importantly, the environment, to promote a particular agenda. The public engagement plan is highly misleading as it fails to present a balanced and objective analysis of the costs and benefits of the proposed projects including potentially negative risks.

Failure to establish an objective and factual survey design will unequivocally influence a participant's response in a particular direction solely based on claims rather than evidence, resulting in unreliable or inaccurate data. My assessment finds the public opinion poll demonstrates serious survey confirmation bias. Survey bias occurs when the questions in a survey are worded in a way that leads respondents to answer in a particular way, or when the questions do not address the specific research objectives. This can lead to inaccurate or misleading results, and can compromise the validity of the research. Confirmation bias occurs when the researcher has a preconceived notion of what the results should be and only seeks out evidence that supports that notion, rather than being open to alternative perspectives or data.

My expert opinion points to a few reasons why this is the case:

The purpose and objective of the survey (“to share their feedback about the proposed regional park”) does not relate to survey questions asked and information provided in the survey. For example, asking a question on how residents feel about the importance of a protected environmentally sensitive area (the first question in the opinion poll) does not fit the aims of the research and is not relevant to the research objectives.

More importantly, the public engagement plan and information used to inform the public consultations, meetings and opinion polls fails overwhelmingly to provide evidence on the full social, ecological and environmental impacts of the development. Considering there have been numerous expert studies and reports in reviewing the environment and vegetation ecology of the Cape Roger Curtis property over the last 30 years, there is a clear and intentional effort of bias

and misrepresentation by Metro Vancouver to not be fully transparent with the public on the full impacts of Metro Vancouver's rezoning application for its stated purposes.

For example, in 2009 there was a formal [Environmental Assessment of the Cape Roger Curtis property conducted by Pottinger Gaherty Environmental Consultants](#). This report highlights the potential negative impacts concerning land use development of "aquatic, riparian and other environmentally sensitive areas" (p.7) within and surrounding the site.

There have also been numerous published notices via Bowen Island Municipality, indicating environmental and climate risks the community is facing, such as a 2015 [notice published by the Bowen Island Municipality](#) indicating 'Bowen Island Municipality has received reports of wells starting to run dry in the community.' Other publicly available information, such as a [2005 report on Bowen Island's water resources](#), questions the extent to whether there is a depletion of groundwater occurring and recommends a need for the inclusion of more observations wells to determine long-term climate risks (p.18)

In light of the growing impacts of climate change, the elected officials of Bowen Island Municipality and the Islands Trust ***have a duty to require adequate groundwater studies (spanning a full calendar year, at least) that have been completed prior to considering any rezoning application or alteration to the OCP*** that has the potential to increase demand on the island's limited groundwater supply during peak season as reflected on the [Bowen Island Civic Web document](#) on page 7. A balanced public consultation process might acknowledge that failure to do so could have dire consequences for nearby residents if their groundwater were to be fully depleted during peak summer season by 100 campsites drawing on wells that were originally approved and installed to service single family homes on 10 acre lots.

Finally, in 2012 there was an [Archaeological Impact Assessment carried out on the Cape Roger property](#) highlighting potential impacts on archaeological resources to First Nation communities on Bowen Island. City Councillors of Bowen Island, including the Mayor, should complete a full inquiry as to why these results with respect to First Nations and their perspectives on cultural impacts to the development of the land, have not been transparently incorporated in Cape Roger Curtis public engagement plan. Metro Vancouver's Project Overview for Rezoning / OCP Amendment document [indicates](#) on page 1: 'Metro Vancouver is actively engaging First Nations on this proposed park project,' but offers no details of substance. If First Nations consultations have occurred in a meaningful way that adheres to generally accepted Impact Assessment standards, this has not been adequately communicated. This is alarming considering there is a duty to consult and inform First Nations before approving any development projects or land use changes that may impact their interests.

On a related note, the Bowen Island community and its elected officials may wish to consider evidence of Metro Vancouver's track record with consulting First Nations elsewhere in the region. For example, the Georgia Straight Alliance has [indicated](#):

"When Metro Vancouver built the Iona sewage treatment plant, they did not consult with First Nations and the local community was not heard. This led to a primary treatment plant being built (the lowest possible type of treatment) rather than a secondary treatment one, with terrible consequences for the local environment. Now, Metro Vancouver is still not properly engaging Musqueam First Nation in consultation, and the messaging to the community continues to be misleading."

The Georgia Straight Alliance also [indicated](#):

"There has been a lack of transparency with how, when and what Metro Vancouver has been leading the public to believe."

Further to Metro Vancouver's failure to provide evidence on the full social, ecological and environmental impacts of the development, it also concerns me that their survey espouses the potential benefits of the proposed park, but does not inform respondents or meaningfully invite community feedback on potential *risks*. Metro Vancouver's recent history of parkland and forest management would seem among the most relevant disclosures to make in a transparent public consultation process. For example, Minnekhada Regional Park, [a regional park managed by Metro Vancouver recently reopened after a devastating wildfire in October 2022](#). The DailyHive article indicates:

"Visitors are also reminded that smoking is prohibited, and Metro Vancouver encourages park users to stay on designated trails."

The article goes on to state:

"Crews from Metro Vancouver, BC Wildfire Service, and the Coquitlam Fire Department worked hard on challenging terrain to put out the blaze."

They determined that the fire was human-caused, and now Metro Vancouver is urging visitors to treat regional parks with more care as "the changing climate makes them more vulnerable to wildfires."

In a CBC.ca article about the Minnekhada Regional Park fire, [John McEwan, chair of Metro Vancouver Regional Parks acknowledges](#):

"This could have been much more dangerous than what it was, but it was kept under control."

Another CBC.ca article, '[Some still defying burn ban in Metro Vancouver parks](#)' indicates:

"People continue to take risks with illegal campfires and carelessly discarded cigarette butts, despite tinder dry conditions across the Lower Mainland, say local fire officials... Officials say park users who continue to defy open burn restrictions are putting the region at risk of further wildfires."

It would appear Metro Vancouver is acutely aware of the danger of human-caused fires in the regional parks it manages, and of its inability to *reliably* control such human behavior across the enormous parklands it invites the public to visit.

A properly-designed survey would acknowledge such risks and allow for a full spectrum of feedback from those potentially impacted (including the Bowen Island community's volunteer firefighters) if a human-caused wildfire were to occur at the proposed park.

Overall, information sourced from Metro Vancouver's flawed survey appears designed to deliberately misrepresent public opinion of the residents of Bowen Island and divert their attention from the real risks the proposed park could introduce to their community. Metro Vancouver's survey violates basic principles of integrity and fairness with the public as outlined by several organizations that set standards for such research (CRIC, Metro Vancouver-affiliated IAP2, and Canada's federal government as per the Impact Assessment Act for which the Province of British Columbia has entered a [cooperation agreement](#)). While Metro Vancouver may argue that it is not subject to the Impact Assessment Act as a municipal organization, I would encourage the elected officials of Bowen Island Municipality and the Islands Trust to consider holding Metro Vancouver to a higher standard on the basis that Metro Vancouver reports a \$1 billion + annual operating budget and a parkland acquisition budget of \$44 million for 2023. Certainly, an organization with a \$1 billion per year operating budget has the financial resources to conduct an impact assessment followed by a public consultation process that adheres to best practices, professional standards, and professional ethics.

Focusing on the survey design itself, my expert opinion found Metro Vancouver's methodological approach to be unethical, biased and entirely lacking credibility. The individual questions are not worded in a neutral and objective way, and instead, are ambiguous, not relevant to the proposed development and impacts to residents. The overall questionnaire design is suggestive and misleading to reinforce a particular agenda to support their hypothesis. This ignores and limits a full spectrum of opinions that contradicts them. This is understood as confirmation bias in qualitative research and is the result of leading questions and suggestive

information.¹ Bias may arise from the way individual questions are designed, the way the questionnaire as a whole is designed, and how the questionnaire is administered or completed by downplaying or ignoring data that contradicts their preconceived notions.²

In qualitative research, leading questions can influence the responses of the respondents and may not provide an accurate picture of their true opinions or experiences. My opinion is that Metro Vancouver's survey was designed to misguide Bowen Island's residents towards a particular conclusion that would suggest the majority of residents place high value on ecosystems, habitats, and wildlife in a general sense, rather than allowing them to express their own thoughts or opinions freely directly related to the development project itself. This would then lead to results that would allow Metro Vancouver to use Bowen Island residents' opinions about sustainability and ecosystem values in favour of a park development. This is misleading as the context provided in the online form contained suggestive information before the questions (for example, information on how the proposed park will "preserve a large area of unique and valuable habitat" and then asking ambiguous and unrelated questions on how respondent feels and thinks about protecting habitat restoration). This violates ethical standards of fairness, transparency and public trust by not providing a full scope of the impacts of the park development and only highlighting opinions of what Metro Vancouver believes to be the values.

The survey fails to include questions that address fundamental questions such as, *if a park development were to go forward, what would this mean for residents of the community and how would they be impacted?* By providing leading questions and suggestive information that points to a flawed hypothesis that there will *only* be positive benefits for the community is potentially harming, endangering and misleading participants and potential participants. This also goes against Metro Vancouver's public engagement policy in fully informing, listening to, and acknowledging concerns and aspirations (see [here](#)).

Finally, the use of leading questions and suggestive and unsupported information, violates values and standards outlined in the International Association for Public Participation's Code of Ethics that ensures a fair and equal access to the public participation process to influence decisions. Metro Vancouver claims to follow IAP2 values but there appears to be a considerable disconnect between that stated claim of values and the conduct of Metro Vancouver in relation to its approach to the residents of Bowen Island, who are also Metro Vancouver's constituents .

Metro Vancouver's public opinion poll survey design fails to meet basic methodological requirements when it comes to best practice research according to the Canadian Research Insight Council (CRIC). This includes violation of principles of:

¹ Webb, 2017. [Sage Encyclopedia of Communication Research Methods.](#)

² Choi and Pak, 2005. [A Catalog of Biases in Questionnaires.](#)

Honesty: Researchers must be truthful and accurate in all aspects of their research.

Fairness: Researchers must treat all individuals fairly and with respect, and avoid discrimination or bias in their research.

Objectivity: Researchers must remain objective in their research, avoiding any conflicts of interest that could compromise their research findings.

Responsible conduct: Researchers must adhere to ethical and legal standards in their research, including compliance with relevant regulations and guidelines.

Accountability: Researchers must be accountable for their research and its impact on society, including the dissemination of their findings and the responsible use of research funding.

In conclusion, public surveys are an essential tool for gathering data and feedback from the public on various issues, including zoning laws. However, to ensure the validity and reliability of public surveys, they must be designed and conducted in a way that is fair, unbiased, and methodologically sound. Metro Vancouver's egregious flaws in their methodology and ethics of public survey in the case of the Cape Roger Curtis proposal will undermine their validity and the reliability of results, and misrepresent the community it claims to poll.

Recommendations

1. My recommendation is Bowen Island's Mayor and council (and community) and the Executive Committee of the Islands Trust should *entirely disregard* survey results and/or request co-designed public surveys that would be developed in tandem with the Mayor, city councilors, Bowen Island community members, and the Islands Trust to ensure qualitative data concerning community impacts will be fully representative. This could mean incorporating the findings of the previous studies into a contextual summary as part of the research design, or having this information available to the public to inform their answers.
2. As a *prerequisite* to considering any amendments to municipal bylaws or the Official Community Plan ("OCP") to accommodate the proposed park, Bowen Island's Mayor and council and the Executive Committee of the Islands Trust would be well-advised to consider requiring:
 - a. First, a formal impact assessment that will properly inform the public consultation process. It should be conducted by qualified independent professionals in adherence to professional standards and professional ethics.

- b. Second, (at a bare minimum) a *new* public opinion survey conducted by a CRIC member in adherence to CRIC standards. This should only occur *after* the community has had an opportunity to review the results of the impact assessment.
3. The elected officials of Bowen Island Municipality should *not* allow Metro Vancouver to dictate or influence the timeline for the public consultation process, nor the expedited approval process they have laid out. The timeline should instead flow from a public consultation process administered by qualified and unbiased practitioners in accordance with generally accepted professional standards and professional ethics.

Metro Vancouver has violated public trust by authoring a survey designed to misrepresent and/or suppress the views of the community it claims to be polling. Elected officials have a public duty to resolve this clear bias prior to considering the results of such a survey.

I hope this report clearly sets out my views on Metro Vancouver's erroneous and disreputable public consultation tactics thus far regarding the Cape Roger Curtis development and rezoning process. It is my hope this assessment and opinion can be used to ensure a transparent, inclusive and accessible community participation process that uses reliable and ethical research practices and is reflective of the opinions and attitudes of the population being served.

Yours Sincerely,

Dr. Sawyer Phinney



Senior Economist
Accredited UK Civil Service Economic Researcher
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Emily White of Tla'amin and Klahoose

Featuring Emily White

Emily White is from Klahoose and Tla'amin Nations. Emily was born and raised in Tla'amin Territory, and this is where she currently resides. She graduated from the University of Victoria in 2021 with a degree in Indigenous Studies and Applied Ethics. Shortly after was elected as Councillor for Klahoose First Nation where she holds the portfolios of Health and Culture & Language. Emily also joined Tla'amin shortly after her graduation as an Intergovernmental, Policy, and Fiscal Analyst. She is now the Manager of Treaty Implementation and Intergovernmental Relations at Tla'amin Nation. In her spare time, Emily spends a lot of her time doing beadwork, learning language, and re-connecting with the land.

Part One ~ Conversation on Modern Treaties and the Current Political Landscape

April 19th 2023 6-8pm PST

This talk will encompass the topics of Modern Treaty Nations in BC, and the current political landscape municipally, provincially, and federally. I will share some of the work I am doing in my role with Tla'amin Nation, but also some perspectives from my experience as an elected Councillor for an Indian Act Band who is currently contemplating the future of Treaty Negotiations. A note that these conversations do not reflect the opinions of my employer (the Tla'amin Nation Government), or of the Klahoose First Nation elected government. These are my explicit perspectives and experiences.

Part Two ~ Local Reconciliation Initiatives: The Good, the Bad, and the Ugly

May 24th 2023 6-8pm PST

This talk will touch on some reconciliation initiatives I am currently involved in within the qathet region including the name change of Pxwell River, Geographic Place Name Reclamation, and the ongoing support of the 'The Name Matters' Organization. I will also touch on how my connection to art, language, and culture impacts these projects. A note that these conversations do not reflect the opinions of my employer (the Tla'amin Nation Government), or of the Klahoose First Nation elected government. These are my explicit perspectives and experiences.

Please note: Session replay will be available for 30 days from date of recording.