

Executive Committee

Agenda

Date: Wednesday, April 14, 2021
 Time: 9:00 am
 Location: Electronic meeting, Public venue
 Islands Trust
 200-1627 Fort Street
 Victoria, BC V8R 1H8

Pages

1. CALL TO ORDER
2. APPROVAL OF AGENDA
 - 2.1. Introduction of New Items
 - 2.2. Approval of Agenda
 - 2.2.1. Agenda Context Notes
3. ADOPTION OF MINUTES
 - 3.1. March 24, 2021 draft minutes 4 - 12
4. FOLLOW UP ACTION LIST AND UPDATES
 - 4.1. Follow Up Action List/Director/CAO Updates 13 - 18
 - 4.2. Local Trust Committee Chair Updates
 - 4.3. Islands Trust Conservancy Liaison Update
5. BYLAWS FOR APPROVAL CONSIDERATION
 - 5.1. South Pender Island LTC Bylaws No. 119 (OCP amendment) and No.120 (LUB amendment) 19 - 45
 1. THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" in accordance with Section 27 of the *Islands Trust Act*.
 2. THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 120, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020" in accordance with Section 27 of the *Islands Trust Act*.
 - 5.2. South Pender Island LTC Bylaw No.121 (LUB amendment) 46 - 62

THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" in accordance with Section 27 of the *Islands Trust Act*.

5.3. Denman Island LTC Bylaw No. 233 (OCP amendment) 63 - 85

THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 233, cited as "Denman Island Official Community Plan, 2008", Amendment 1, 2019", in accordance with Section 27 of the *Islands Trust Act*.

5.4. Denman Island LTC Bylaw No. 234 (LUB amendment) 86 - 111

THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 234, cited as "Denman Island Land Use Bylaw, 2008, Amendment 1, 2019", in accordance with Section 27 of the *Islands Trust Act*.

5.5. North Pender Island LTC Bylaw No. 222 (OCP amendment) 112 - 132

THAT the Islands Trust Executive Committee approve North Pender Island Local Trust Committee Bylaw No. 222, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020" in accordance with Section 27 of the *Islands Trust Act*.

5.6. Salt Spring Island LTC Bylaw No. 522 (APC bylaw amendment) 133 - 136

THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 522, cited as "Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw, Amendment No. 1, 2021" in accordance with Section 27 of the *Islands Trust Act*.

6. TRUST COUNCIL MEETING PREPARATION

6.1. Executive

6.2. Local Planning Services

6.3. Administrative Services

6.4. Trust Area Services

7. EXECUTIVE COMMITTEE PROJECTS

7.1. Trust Council Initiated

7.1.1. Executive

7.1.2. Trust Area Services

7.1.2.1. Draft Islands Trust Tax Notice Insert for 2021/22 for Bowen Island - Briefing 137 - 139

7.1.3. Local Planning Services

7.1.4. Administrative Services

7.2. Executive Committee Initiated

7.2.1. Executive

7.2.2. Trust Area Services

7.2.3. Local Planning Services

7.2.3.1. Service Delivery Grant - Verbal Update

7.2.4. Administrative Services

8. NEW BUSINESS

8.1. Executive/Trust Council

8.2.	Trust Area Services	
8.2.1.	LTC Chairs Report on Local Advocacy Topics	
8.3.	Local Planning Services	
8.3.1.	Vice Chair Fast letter re: Denman Housing Association	140 - 141
8.3.2.	EC Sponsorship Request re: DE-RZ-2021.1 (Denman Housing Association / Denman Green) - RFD	142 - 152
	THAT the Executive Committee approve financial sponsorship of \$4,950.00 for rezoning application DE-RZ-2021.1 (Denman Housing Association [Denman Green]) which would amend Denman Island Official Community Plan Bylaw No. 185, 2008 and the Denman Island Land Use Bylaw No. 186, 2008 to allow for a proposed affordable housing project on Denman Island.	
8.3.3.	Memorandum of Understanding– Weston Lake Water Availability and Climate Change Assessment - Briefing	153 - 158
8.4.	Administrative Services	
9.	CORRESPONDENCE (for information unless raised for action)	
9.1.	AVICC May 28th Virtual Convention registration opens deadline May 21st	159 - 162
9.2.	K. Lertzman re: First Nations Woodland Licence on Lasqueti Island	163 - 164
10.	WORK PROGRAM	
10.1.	Review and amendment of current work program	165 - 168
11.	NEXT MEETING	
	The next Executive Committee meeting is scheduled to be held electronically, May 5, 2021 at 9:00 a.m.	
12.	CLOSED MEETING	
	None	
13.	RISE AND REPORT DECISIONS FROM CLOSED MEETING (if applicable)	
14.	ADJOURNMENT	



Executive Committee Minutes of Regular Meeting

Date: March 24, 2021
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

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

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director, Local Planning Services
Clare Frater, Director, Trust Area Services
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Lori Foster, Executive Coordinator/Recorder

Others: 1-2 members of the public attended the meeting

All participants attended the meeting electronically via Zoom. The meeting was livestreamed and recorded. The public could view and attend the meeting via web links which were posted on the www.islandstrust.bc.ca website.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:01 a.m. stating gratitude to live and work on Coast Salish First Nations traditional and treaty territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

Add to New Business, after item 8.4, the following:

- 8.5 Internet Speed Study, UBCM – The Compass
- 8.6 Stop Coastal Douglas-fir project Salt Spring Island website
- 8.7 Grant Administration request – Salt Spring Island Trust
- 8.8 EC Sponsorship re: Denman rezoning – Trustee Fast

2.2 Approval of Agenda

By general consent, the agenda was approved as amended.

- 2.2.1 Agenda Context Notes - None

3. ADOPTION OF MINUTES

3.1 March 8, 2021 draft minutes

By general consent, the March 8, 2021 draft minutes were adopted as presented.

3.2 February 23, 2021 BIM Council & Executive Committee (EC) meeting minutes

Executive Committee (EC) discussed amending the minutes, prepared by BIM, from the February 23, 2021 joint Bowen Island Municipal (BIM) Council / EC meeting.

EC-2021-041

It was Moved and Seconded,

That the bolded quote attribute to Chair Luckham on page 13 of the agenda package (page 3 of 5 of the Bowen Island minutes dated February 23, 2021) be changed to read: "Chair Luckham expressed that the Islands Trust would be open to continuing discussions regarding the requisition calculation for Bowen Island if new information is brought to the table."

CARRIED

EC-2021-042

It was Moved and Seconded,

That Executive Committee forward the draft minutes back to Bowen Island Municipal Council as amended.

CARRIED

Chair Luckham spoke to holding more regular meetings with BIM as needed.

4. FOLLOW UP ACTION LIST AND UPDATES

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

Chief Administrative Officer (CAO) Hotsenpiller and Directors provided updates on follow-up action list items.

Discussion followed on the recent meeting with Minister Osborne regarding tree-cutting authority.

EC-2021-043

It was Moved and Seconded,

That Executive Committee request staff to draft a letter to the Minister of Municipal Affairs, under the Chair's signature, thanking the ministry for the meeting of March 19, 2021, and providing context to the Trusts requests around tree-cutting authority.

CARRIED

4.2 Local Trust Committee Chair Updates

Chairs of their local trust committees reported verbally on recently attended meetings.

Comments were heard on local trust committees addressing applications associated with land use bylaw and official community plan amendments.

4.3 Islands Trust Conservancy Liaison Update

The Islands Trust Conservancy will meet next week, Tuesday March 30th.

5. BYLAWS FOR APPROVAL CONSIDERATION - None

The meeting recessed for a break at 10:17 a.m. and reconvened at 10:27 a.m.

6. TRUST COUNCIL MEETING PREPARATION

6.1 Executive

6.1.1 March Meeting Roundtable Review

In general, the following comments were heard regarding Trust Council's March quarterly meeting:

- 3 full days of electronic meetings was grueling,
- addressing the results of two substantial public surveys (Policy Statement and budget) in one agenda was a lot of response to assimilate,
- try to anticipate discussions which will need extended time for consideration and break the meeting up,
- reporting on the number of livestream viewers and, what is considered attendance and participation by the public,
- trustee electronic attendance and "popping in" to vote while not attending the full meeting,
- creating stronger policy on how trustees bring requests to Trust Council,
- allowing for public participation before voting on the draft Policy Statement.

Discussion on convening a leadership committee to address the remainder of the term was heard.

EC-2021-044

It was Moved and Seconded,

That Executive Committee arrange a half-day session with the chairs of the standing committees of the Islands Trust to discuss the work for the remainder of the term (18) months and beyond.

CARRIED

6.1.2 Trust Council Business Decision Highlights

Executive Committee discussed the document as presented in the agenda package.

By general consent, amend the second paragraph under Budget Highlights: replace the phrase “additional operations of the Salt Spring Island (SSI) Local Trust Committee (LTC)” with “the ongoing operations of the Salt Spring Island Watershed Protection Alliance (SSIWPA)”.

EC-2021-045

It was Moved and Seconded,

That the Trust Council Business Decision Highlights be approved and circulated as amended.

CARRIED

6.1.3 Trustee Johnston re: Trust Council feedback correspondence dated March 15, 2021

By general consent, Executive Committee received Trustee Johnston’s correspondence for information and stated thanks for his input.

Chair Luckham will reach out to Trustee Johnston and thank him for his input.

6.2 Local Planning Services - None

6.3 Administrative Services - None

6.4 Trust Area Services - None

7. EXECUTIVE COMMITTEE PROJECTS

7.1 Trust Council Initiated

7.1.1 Executive - None

7.1.2 Trust Area Services

7.1.2.1 Draft Islands Trust Tax Notice Insert for 2021/22 – Briefing

Director of Trust Area Services (DTAS) presented the draft tax insert and asked for feedback from Executive Committee.

DTAS Frater noted feedback to correct the last bullet on page 2 change “4.7%” to read “2.7%”, highlight provincial grant funding with a bullet, Ballenas Winchelsea is noted twice under Governance.

7.1.2.2 2020/21 Annual Report Format – RFD

DTAS Frater spoke to the request for decision.

Discussion was heard on the benefits of the Annual Report and its presentation in the legislature by the Minister of Municipal Affairs.

EC-2021-046

It was Moved and Seconded,

That the Executive Committee approves the format and outline of contents for the 2020/21 Annual Report.

CARRIED

7.1.3 Local Planning Services

7.1.3.1 Grant Opportunity Local Government Development Approvals Program – Briefing

Director of Local Planning Services Marlor spoke to the grant opportunity and its fit with local planning services renewal and improvement of services delivery.

Staff will continue to investigate the opportunity and develop a grant application to bring back to Executive Committee before the May 7th deadline.

7.1.3.2 Bylaw Enforcement Public Feedback – Discussion

CAO Hotsenpiller spoke to recently receiving comments from the public regarding some bylaw enforcement issues.

The meeting recessed for lunch at 12:05 p.m. and reconvened at 12:35 p.m.

7.1.4 Administrative Services

7.2 Executive Committee Initiated

7.2.1 Executive

7.2.1.1 Oath of Office - Discussion

Discussion on reviewing the Oath of Office document was heard.

EC-2021-047

It was Moved and Seconded,

That the Oath of Office and Standards of Conduct policies be added to the current policy review.

CARRIED

7.2.1.2 Level of mental health coverage in trustee health insurance – Discussion

Discussion on health insurance coverage provided for trustees was heard, in particular, looking into additional funding for mental health related services.

EC-2021-048

It was Moved and Seconded,

That Executive Committee ask staff for a review of existing health coverage for trustees.

CARRIED

7.2.2 Trust Area Services - None

7.2.3 Local Planning Services - None

7.2.4 Administrative Services - None

8. NEW BUSINESS

8.1 Executive/Trust Council - None

8.2 Trust Area Services

8.2.1 LTC Chairs Report on Local Advocacy Topics

Vice Chair Fast reported on advocacy for cultural heritage sites in the Denman and Hornby areas, and that Gambier continues to advocate on the dock issue.

8.3 Local Planning Services - None

8.4 Administrative Services - None

8.5 Internet Speed Study UBCM the Compass

By general consent, advance the UBCM Compass article to trustees and draw attention to the Internet Speed Study item for consideration.

8.6 Stop Coastal Douglas-fir project Salt Spring Island website

Executive Committee discussed its public engagement strategies and communications.

8.7 Grant Administration request – Salt Spring Islands Trust

Discussion followed that the request presented is more a Capital Regional District function, not work for planning staffing and would require greater administrative support if realized.

Chair Luckham will reply to Regional Planning Manager Cermak on Executive Committee's reluctance to move the request forward at this time.

8.8 EC Sponsorship re: Denman rezoning – Trustee Fast

Vice Chair Fast spoke to the letter.

EC-2021-049

It was Moved and Seconded,

That Executive Committee provide fee sponsorship to Denman Housing Association (DHA) for its rezoning application for 20 units of affordable rental housing.

Discussion on trustees making recommendations on applications was heard, that the correspondence was received late and without the usual staff reporting.

EC-2021-050

It was Moved and Seconded,

That Executive Committee postpone consideration of **EC-2021-049** until a staff report is received.

CARRIED

9. RISE AND REPORT DECISIONS FROM CLOSED MEETING

10. CORRESPONDENCE (for information unless raised for action)

By general consent, Executive Committee pulled items 10.1, 10.4, 10.5 and 10.6 for discussion and, received the remaining correspondence items for information.

10.1 MP May to Minister of Transport, Alghabra re helicopter on N. Pender dated March 12, 2021

Chair Luckham recognized Member of Parliament May's correspondence thanking her office in its response to the landing of a helicopter on residential property on North Pender Island.

10.2 Minister Osborne re: Appointment as Minister dated March 16, 2021

Received for information.

10.3 Mayor Helps, City of Victoria re: the Help Cities Lead campaign dated March 10, 2021

Received for information.

10.4 Islands 2050 correspondence package (12) letters dated between March 10 - March 16

Discussion followed on why Executive Committee was in review of the correspondence addressed to the Policy Statement Review project.

10.5 T. Elliot re Gabriola Housing Matters engagement correspondence dated March 12, 2021

Vice Chair Rogers spoke to T. Elliot's letter regarding Gabriola's housing matters.

10.6 Trustee Busheikin re: recommended speakers ongoing education dated March 11, 2021

Discussion on the email, as contained in the agenda package, was heard.

By general consent, Executive Committee forward Trustee Busheikin's email to the Senior Intergovernmental Policy Advisor for consideration on reconciliation and add to our Continuous Learning list regarding the implementation of *B.C. Declaration on the Rights of Indigenous Peoples Act (DRIPA)*.

10.7 J. Eastick re: unique amenities correspondence dated March 9, 2021

Received for information.

10.8 Gulf Islands Alliance delegation to Trust Council dated March 9, 2021

Received for information.

10.9 J and Maria Carmita Menyhart re: environment and affordable housing should not work in opposition dated March 5, 2021

Received for information.

10.10 S. Becker re: Mandate to Protect Environment correspondence dated March 18, 2021

Received for information.

10.11 D. Bruiger re: Proposed revision of Policy Statement correspondence dated March 18, 2021

Received for information.

11. WORK PROGRAM

11.1 Review and amendment of current work program

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held electronically, April 14, 2021.

13. CLOSED MEETING (under separate cover)

At 2:06 p.m. the meeting was closed to the public.

EC-2021-051

It was Moved and Seconded,

That the meeting be closed to the public subject to Sections 90(1) (a) and (j) of the Community Charter in order to consider matters related to personal information about an identifiable individual who holds a position as an officer of the Islands Trust and information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act; that staff attend the meeting.

CARRIED

At 2: 58 p.m. the meeting was reopened to the public.

14. ADJOURNMENT

By general consent, the meeting was adjourned at 2:58 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. By general consent, at its Dec 16, 2020 meeting, Executive Committee put this item on hold pending review by Trust Programs Committee.	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress
2 THAT Executive Committee direct that staff develop draft policy regarding the provision of electronic meetings for application by Trust Council and Committees for when the Provincial State of Emergency is concluded.	Carmen Thiel Russ Hotsenpiller	Meeting: 30-Sep-2020 Target: 24-Feb-2021	In Progress
3 That the report Potential legislative and procedure change by the Islands Trust in relation to forest protection - Briefing be brought to a future Executive Committee meeting for next steps.	Russ Hotsenpiller	Meeting: 18-Nov-2020 Target: 03-Feb-2021	In Progress
4 Forward to Bowen Island Municipal (BIM) Staff and Council EC requested changes to page 3 of 5 the February 23 minutes to read: page 3 of 5 of the minutes prepared by BIM: "Chair Luckham expressed that the Islands Trust would be open to continuing discussions regarding the requisition calculation for Bowen Island if new information is brought to the table."	Russ Hotsenpiller	Meeting: 24-Mar-2021 Target: 29-Mar-2021	Completed
5 Draw attention to Internet Speed Study UBCM the Compass and forward to Trustees.	Russ Hotsenpiller	Meeting: 24-Mar-2021 Target: 31-Mar-2021	Completed



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
6 That the Trust Council Business Decision Highlights be approved as amended, posted to the website and circulated to subscribers.	Russ Hotsenpiller	Meeting: 24-Mar-2021 Target: 26-Mar-2021	Completed
7 That EC arrange a ½ day session with the Chairs of the standing committees to discuss the work for the remainder of the term (18) months and beyond.	Russ Hotsenpiller	Meeting: 24-Mar-2021 Target: 05-May-2021	In Progress
8 Forward Trustee Busheikin's email dated March 11 to the Senior Intergovernmental Policy Advisor for consideration on reconciliation and add to our Continuous Learning list regarding the implementation of B.C. Declaration on the Rights of Indigenous Peoples Act (DRIPA).	Russ Hotsenpiller	Meeting: 24-Mar-2021 Target: 14-Apr-2021	Completed

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed "overspends" for any particular budget item.	Carmen Thiel Julia Mobbs	Meeting: 21-Oct-2020	In Progress
2 That Executive Committee ask staff for a review of existing health coverage for Trustees.	Julia Mobbs	Meeting: 24-Mar-2021 Target: 05-May-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
1 That Executive Committee request staff to continue this discussion (Local Planning Services Renewal Status Report - Briefing) to a future Executive Committee meeting and the pros and cons of reducing the projects per local trust committee to one.	David Marlor	Meeting: 03-Feb-2021 Target: 24-Feb-2021	In Progress
2 Develop policy for long form prosecution of development permits.	David Marlor	Meeting: 24-Feb-2021 Target: 26-May-2021	In Progress
3 DE LTC correspondence re: Denman Green sponsorship application postponed until application received.	David Marlor	Meeting: 24-Mar-2021 Target: 14-Apr-2021	Completed

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 31-Mar-2020	In Progress
2 That staff be requested to draft a letter to BIM Council encouraging them to engage with First Nations consistent with the Islands Trust reconciliation declaration.	Clare Frater	Meeting: 02-Oct-2019 Target: 31-Mar-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
3 Authorize a grant of \$4,500 (from History and Heritage Grants) to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman and Gabriola Islands, subject to support of local trustees and affected local trust committees. Screening on HOLD due to COVID.	Clare Frater	Meeting: 26-Feb-2020 Target: 31-Mar-2021	In Progress
4 That staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to a Dust n Bones screening event on Salt Spring Island. On HOLD due to COVID.	Clare Frater	Meeting: 10-Mar-2020 Target: 31-Mar-2021	In Progress
5 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 31-Mar-2021	In Progress
6 The Executive Committee request staff to provide a Learning at Home series on the Murdered and Missing Indigenous Women and Girls Calls for Justice.	Clare Frater	Meeting: 05-Aug-2020 Target: 31-Mar-2021	In Progress
7 That Executive Committee request Director of Trust Area Services Frater invite the Coast Guard to make a presentation at Trust Council or, an education session to be arranged regarding oil spill response planning.	Clare Frater	Meeting: 30-Sep-2020 Target: 05-Feb-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
8 3. Executive Committee request that the Trust Programs Committee consider the Missing and Murdered Indigenous Women and Girls Calls for Justice when developing draft amendments to the Policy Statement.	Clare Frater	Meeting: 21-Oct-2020 Target: 31-Mar-2020	In Progress
9 That a thank-you letter be sent to the B.C. Government regarding expansion of the Island Coastal Economic Trust (ICET) program to include eligibility for the Southern Gulf Islands. Vice Chair Fast requested the Trust Council motion TC-2018-052 be referenced in the letter.	Clare Frater	Meeting: 08-Mar-2021 Target: 14-Apr-2021	Completed
10 That the Executive Committee approves the format and outline of contents for the 2020/21 Annual Report.	Clare Frater	Meeting: 24-Mar-2021 Target: 14-Apr-2021	Completed
11 Staff to draft a letter to the Minister of Municipal Affairs, under the Chair's signature, thanking the ministry for the meeting of March 19, 2021, and providing context to the Trusts requests around tree-cutting authority.	Clare Frater	Meeting: 24-Mar-2021 Target: 14-Apr-2021	Completed

Legislative Services Manager

Activity	Responsibility	Dates	Status
1 THAT Executive Committee direct that staff develop draft policy regarding the provision of electronic meetings for application by Trust Council and Committees for when the Provincial State of Emergency is concluded.	Carmen Thiel Russ Hotsenpiller	Meeting: 30-Sep-2020 Target: 24-Feb-2021	In Progress

Follow Up Action Report

Executive Committee

Legislative Services Manager

Activity	Responsibility	Dates	Status
2 That Executive Committee request, as the legal services policies are reviewed that parts B and D of the September 30, 2020 memorandum be taken into consideration.	Carmen Thiel	Meeting: 30-Sep-2020 Target: 16-Dec-2020	In Progress
3 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed "overspends" for any particular budget item.	Carmen Thiel Julia Mobbs	Meeting: 21-Oct-2020	In Progress
4 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council.	Carmen Thiel	Meeting: 03-Feb-2021 Target: 01-Dec-2021	In Progress
5 That the oath of office and standards of conduct be added to the current policy review.	Carmen Thiel	Meeting: 24-Mar-2021 Target: 30-Mar-2021	In Progress



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SP-6500-20 (STVR Review)

DATE OF MEETING: April 14, 2021
TO: Islands Trust Executive Committee
FROM: Kim Stockdill, Island Planner
SUBJECT: South Pender Island Local Trust Committee – Bylaws 119 and 120

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 119, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.**
2. **THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 120, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

South Pender Island Local Trust Committee has referred Bylaws 119 and 120 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 South Pender Island Local Trust Committee regarding the Executive Committee decision by March 26, 2021.

PURPOSE

The South Pender Island Local Trust Committee (LTC) is reviewing the South Pender Land Use Bylaw (LUB) No. 114 by removing Short Term Vacation Rentals (STVRs) as a home business. The South Pender LTC LUB currently permits Short Term Vacation Rental use in cottages as a form of home business. Proposed Bylaw No. 120 would amend the definition of “home business” to remove the reference to short term vacation rentals. In addition, the home business general regulations will be amended to remove any regulations related to short term vacation rentals.

Proposed Bylaw No. 119 removes enabling policies in the Official Community Plan (OCP) that support the regulation of short term vacation rentals in the Land Use Bylaw. In addition, proposed Bylaw No. 119 adds guidelines to the Temporary Use Permit section of the OCP that are specific to short term vacation rental applications.

BACKGROUND

South Pender Island Local Trust Committee Bylaws No. 119 and 120

Detailed background to the project, including staff reports is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender/projects-initiatives/stvr-review-project/>

First Reading: January 29th, 2021 for Bylaw Nos. 119 & 120

Second Reading: March 5th, 2021 for Bylaw Nos. 119 & 120

Third Reading: March 5th, 2021 for Bylaw Nos. 119 & 120

The LTC considered and determined that the bylaws are not contrary to or at variance with the Islands Trust Policy Statement (Attachment 4).

Issues Relating To Provincial Interest

No issues were raised by Provincial agencies.

Issues Relating To First Nation Interest

Proposed Bylaw Nos. 119 and 120 were referred to the following First Nations on January 15, 2021 with a request to have comments received by February 26, 2021:

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz’uminus First Nation
Tsartlip First Nation
Tsawout First Nation

Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

Halalt First Nation responded that they had no comment on the bylaw referral.

On March 12, 2021, Lyackson First Nation emailed a request to extend the comment period. Staff replied to the Lyackson First Nation's Referral Coordinator on March 23, 2021 that due to their request for an extension the comment period would be extended to April 13, 2021. At the time of writing this RFD a response from Lyackson was not received. Staff will provide a verbal update at the EC meeting on April 14, 2021 if a response is received from Lyackson First Nation.

Issues Relating To Resources and Enforcement

There may be an increase in Temporary Use Permit applications after the adoption of the bylaws as STVRs will not be a permitted home business use in the South Pender Land Use Bylaw.

Public Comments

There have been no public comments made directly to the Executive Committee on the potential approval of Bylaw Nos. 119 and 120.

Staff Comments

Rationale for Recommendation:

- The LTC completed community consultation at the beginning of the project and collected comments on how to regulate STVRs.
- The proposed bylaw addresses a number of issues and concerns raised during the community consultation.
- The bylaws address the interests of the LTC to limit the use of STVRs by TUP.

The Executive Committee is being asked to approve this bylaw. Following Executive Committee approval, Bylaw No. 119 will be sent to the Minister for approval, and then both bylaws will be returned to the South Pender LTC for final approval.

KEY ISSUES/CONCEPTS

- Bylaw No. 119 will remove enabling policies that support STVRs as a permitted home business use in the Land Use Bylaw and it will add additional TUP guidelines for STVRs.
- Bylaw No. 120 will remove STVRs as a permitted home business.
- STVRs will only be permitted by issuance of TUP.

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 South Pender Island Local Trust Committee in writing that the Executive Committee considers that Bylaws 119 and 120, are contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the South Pender Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Kim Stockdill, Island Planner	April 6, 2021
Concurrence:	David Marlor, Director, Local Planning Services	April 8, 2021

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. 119 and 120
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: South Pender Island Local Trust Committee

Bylaw No.: SP-119

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 05-Mar-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: South Pender Island Local Trust Committee

Bylaw No.: SP-120

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 05-Mar-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
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Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Trust Area: South Pender Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: SP-119
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 19-Jan-2021

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 20-Jan-2021

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: 17-Feb-2021

File complete and ready for Public review: Yes

Public Hearings:

Location: Electronic
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 17-Feb-2021

Second Publish Date: 24-Feb-2021

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:
Second Reading Date:

Delivery Notices:
Date Public Hearing Held: 05-Mar-2021
Third Reading Date:

Bylaw: SP-120

Trust Area: South Pender Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: SP-120
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 19-Jan-2021

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 20-Jan-2021

Resolutions:

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

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Secretary's Signature: Chonk, Jas

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Second Publish Date:

Mailout Date:
Second Reading Date:

Delivery Notices:
Date Public Hearing Held: 05-Mar-2021
Third Reading Date:

Referrals: Bylaw SP-119

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	15-Jan-2021	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Christine Condron</i>	15-Jan-2021	
Cowichan Tribes <i>5760 Allenby Rd: Tracey Flemming</i> <i>Comment: No Comment Received</i>	15-Jan-2021	
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment: No Comment Received</i>	15-Jan-2021	
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment: Halalt FN has no comment on this referral.</i>	15-Jan-2021	23-Feb-2021
Halalt First Nation <i>Chief and Council: Jack Smith</i> <i>Comment: No Comment Received</i>	15-Jan-2021	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment: No Comment Received</i>	15-Jan-2021	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i> <i>Comment: No Comment Received</i>	15-Jan-2021	
Malahat First Nation <i>110 Thunder Road, RR4: Heather Adams</i> <i>Comment: No Comment Received</i>	15-Jan-2021	
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Kris Nichols</i>	15-Jan-2021	
North Pender Island Local Trust Committee <i>Islands Trust: Jas Chonk</i> <i>Comment: NP LTC Responded: that the North Pender Island Local Trust Committee approve recommended Referral South Pender Island Local Trust Committee Bylaws Nos. 119 &120, subject to the condition that the South Pender Island Trustees review the minutes of the North Pender Island Local Trust Committee Minutes of January 28, 2020 for comments regarding changes to the related North Pender Island Bylaws.</i>	15-Jan-2021	29-Jan-2021

Referrals: Bylaw SP-119

Agency	Sent	Received
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment: No Comment Received</i>	15-Jan-2021	
Penelakut Tribe Box 360: Denise James <i>Comment: No Comment Received</i>	15-Jan-2021	
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	15-Jan-2021	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment: No Comment Received</i>	15-Jan-2021	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment: No Comment Received</i>	15-Jan-2021	
Tsawout First Nation Box 121: Cathy Webster <i>Comment: No Comment Received</i>	15-Jan-2021	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	15-Jan-2021	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment: No Comment Received</i>	15-Jan-2021	
WSANEC WSANEC Leadership Council Society: Justin Fritz	15-Jan-2021	

Referrals: Bylaw SP-120

Agency	Sent	Received
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Referrals: Bylaw SP-120

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WSANEC WSANEC Leadership Council Society: Justin Fritz	15-Jan-2021	



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: SP_6500_2020_STVR Review

File Name: Bylaw Nos. 119 & 120

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	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: 05-Mar-2021

Reading:

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

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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: 05-Mar-2021

Reading:

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 119

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN

BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020".

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS 19TH DAY OF JANUARY 2021.

PUBLIC HEARING HELD THIS 5TH DAY OF MARCH 2021.

READ A SECOND TIME THIS 5TH DAY OF MARCH 2021.

READ A THIRD TIME THIS 5TH DAY OF MARCH 2021.

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

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS _____ DAY OF _____ 20__

ADOPTED THIS _____ DAY OF _____ 20__

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 119**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. Clause 3.1.2(a)(ii) is amended by deleting “short-term rental of a single family dwelling;”.
2. Clause 3.1.2(e)(i) is amended by deleting the third bullet “Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.”
3. Clause 3.1.2(e)(ii) is amended by deleting the first bullet and replacing it with: “
 - The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Rural Residential.”;
 and in the second bullet replacing the word “regulations” with “policy and guidelines”.
4. Clause 3.5.2(d)(iv) is amended by deleting “including short-term rental of a single family dwelling and” and by adding a new policy to 3.5.2 Agricultural Policies that reads: “The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Agriculture.” and renumber accordingly.
5. Clause 3.6.2(b)(iii) is amended by deleting “short-term rental of a single family dwelling;” and by adding a new policy to 3.6.2 Forest Land Policies that reads: “The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots that do not have Private Managed Forest Land status and where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Forest.” and renumber accordingly.
6. By adding the following to Section 8.2 (Temporary Use Permit Policies):

“8.2.6 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:

 - a) For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons.

- b) The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
- c) The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all the temporary use permits issued for short term vacation rentals.
- d) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the temporary use permits may consider the concentration or clustering of short term vacation rentals in any one area.
- e) The Local Trust Committee should not approve more than 10 short term vacation rental temporary use permits.
- f) A temporary use permit for short term vacation rental use may not be issued in areas of known groundwater shortage based on available mapping unless the applicant can provide evidence for the use.
- g) The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of four vehicles.
- h) If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- i) The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m².
- j) The temporary use permit should require that the owner or other designated contact be available on South or North Pender Island by telephone or email at all times when the short term vacation rental is in use and to provide the name and contact information to guests and adjacent neighbours.
- k) The permit should require that the applicant post the following information for guests:
 - i. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and
 - ii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service.
- l) In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:
 - i. limit the number of bedrooms that can be used for short term vacation rentals;
 - ii. limit the number of guests who are 18 years of age or older to four;
 - iii. establish the dates during which the use may occur with particular attention to the period of May 1 to September 30 in a calendar year;

- iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
 - v. prohibit camping or occupancy of RVs on the property;
 - vi. prohibit the rental or provision of motorized personal watercraft; and
 - vii. prohibit outdoor fires.
- m) A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.
- n) A temporary use permit for a short term vacation rental should not be issued in a dwelling or cottage that does not have Occupancy Permit approval."

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 120

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016,” is amended as follows:

2.1 Section 1.1 (Definitions) is amended for “home business” by deleting “and includes, where permitted, the use of a cottage for short term vacation rental”.

2.2 Subsection 3.6(1) is amended by deleting “short-term vacation rental of *cottages*,”.

2.3 By deleting Subsection 3.6(9) in its entirety.

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 19TH DAY OF JANUARY 2021.

PUBLIC HEARING HELD THIS 5TH DAY OF MARCH 2021.

READ A SECOND TIME THIS 5TH DAY OF MARCH 2021.

READ A THIRD TIME THIS 5TH DAY OF MARCH 2021.

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: South Pender Bylaw Nos. 119 & 120

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Left a detailed voicemail with reception to have FN Coordinator call us back.	MH

First Nation: Halalt

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Called and no answer.	

First Nation: Lake Cowichan

Date	Comment/Action	Initial
Jan 18, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH

First Nation: Lyackson

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Left a detailed voicemail with reception to have FN Coordinator call us back.	MH

First Nation: Malahat

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Left a detailed voicemail with reception to have FN Coordinator call us back.	MH

First Nation: Pauquachin

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Left a detailed voicemail with reception to have FN Coordinator call us back.	MH

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Left a detailed voicemail with reception to have FN Coordinator call us back.	MH

First Nation: Semiahmoo

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Called the Semiahmoo FN and could not get through to FN Coordinator.	MH

First Nation: Stzuminus

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Did a follow-up via phone call and no response.	MH

First Nation: Tsartlip

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Left detailed message	MH

First Nation: Tsawout

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email / phoned and left a detailed voicemail	MH

First Nation: Tsawwassen

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email	MH
Feb 4, 2021	Phoned and left a detailed voice mail.	MH

First Nation: Tseycum

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email / Left detailed voicemail.	MH

First Nation: WSANEC

Date	Comment/Action	Initial
Jan 15, 2021	Sent Referral	MH
Feb 4, 2021	Sent Follow-up Email / Could not leave voicemail	MH



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: SP-6500-20-2020 Alternative
Housing

DATE OF MEETING: April 14, 2021
TO: Islands Trust Executive Committee
FROM: Narissa Chadwick, Island Planner
SUBJECT: South Pender Island Local Trust Committee – Bylaw No. 121

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

South Pender Island Local Trust Committee has referred Bylaw No. 121 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

The bylaw may lead to an increase in bylaw enforcement related to extended use of recreational vehicles (RVs) on properties without building permits as this use was previously permitted.

Financial

Potential increase in bylaw enforcement costs in relation to recreational vehicles. No other financial implications.

Policy

No conflict with any existing Islands Trust policies.

Implementation/Communications

Communication to South Pender Island Local Trust Committee regarding the Executive Committee decision by March 26, 2021.

PURPOSE

South Pender Island Local Trust Committee Bylaw No. 121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" (Attachment 6) to require the use of recreational vehicles (RV) as temporary dwellings to be tied to a building permit and be limited to two years as well as limit the use of RVs for camping to 90 days in a calendar year.

BACKGROUND

South Pender Island Local Trust Committee Bylaw No. 121

This project emerged out of concern for the use of recreational vehicles as year round housing.

Detailed background to this application, including staff reports is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender/projects-initiatives/alternative-housing-project/>

First Reading: January 29th, 2021

Second Reading: March 5th, 2021

Third Reading: March 5th, 2021

The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement (Attachment 4).

Issues Relating To Provincial Interest

Referrals were sent to the Ministry of Municipal Affairs, the BC Assessment Authority, CRD Building Inspection, Pender Island Fire Rescue, Saturna Island LTC and the North Pender Island LTC. No concerns were raised.

Issues Relating To First Nation Interest

Referrals were sent out to relevant First Nations and followed up on. No concerns were raised.

Issues Relating To Resources and Enforcement

The bylaw may lead to an increase in bylaw enforcement related to the extended use of RVs.

Public Comments

No public comments on this issue were received.

Staff Comments

Rationale for Recommendation:

- The bylaw addresses the interests of the LTC to tie RV use as a temporary dwelling to a building permit and limit RV use to a maximum of 2 years.
- The bylaw addresses the interests of the LTC to limit the use of RVs for camping.
- There have been no major concerns raised by the public related to this topic.

The Executive Committee is being asked to approve this bylaw. Following Executive Committee approval the bylaw will be returned to the South Pender LTC for final approval.

KEY ISSUES/CONCEPTS

- Permitting the use of an RV as a dwelling only when tied to an active building permit
- Limiting the use of an RV as dwelling to 2 years
- Limiting the use of an RV for camping to 90 days within a calendar year

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 South Pender Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the South Pender Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Narissa Chadwick, Island Planner	March 16, 2021
Concurrence:	David Marlor, Director of Local Planning Services	April 8, 2021

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. IT Policy Statement Directives Checklist
5. EC Policy Checklist
6. Bylaw No. 121
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: South Pender Island Local Trust Committee

Bylaw No.: SP-121

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 05-Mar-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: SP-121

Trust Area: South Pender Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: SP-121
Application No.:
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 29-Jan-2021

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 08-Feb-2021

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: 17-Feb-2021

File complete and ready for Public review: Yes

Public Hearings:

Location: Electronic
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 17-Feb-2021

Second Publish Date: 24-Mar-2021

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:
Second Reading Date:

Delivery Notices:
Date Public Hearing Held: 05-Mar-2021
Third Reading Date:

Referrals: Bylaw SP-121

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	10-Feb-2021	
Bylaw Enforcement <i>Islands Trust: Warren Dingman</i>	10-Feb-2021	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Christine Condron</i>	10-Feb-2021	
Cowichan Tribes <i>5760 Allenby Rd: Tracey Flemming</i> <i>Comment: No Comment Received</i>	10-Feb-2021	
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment: Halalt First Nation has no comment on the bylaw referral.</i>	10-Feb-2021	11-Feb-2021
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment: No Comment Received</i>	10-Feb-2021	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i> <i>Comment: No Comment Received</i>	10-Feb-2021	
Malahat First Nation <i>110 Thunder Road, RR4: Heather Adams</i> <i>Comment: FN Coordinator let us know there are 'no comments' in regards to this bylaw referral.</i>	10-Feb-2021	03-Mar-2021
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Kris Nichols</i>	10-Feb-2021	
North Pender Island Local Trust Committee <i>Islands Trust: Jas Chonk</i> <i>Comment: Interests Unaffected.</i>	10-Feb-2021	25-Feb-2021
Pauquachin First Nation <i>9010 West Saanich Road: Darlene Henry</i> <i>Comment: No Comment Received</i>	10-Feb-2021	
Pender Island Fire Rescue <i>PO Box 61: Charlie Boyte</i>	10-Feb-2021	

Referrals: Bylaw SP-121

Agency	Sent	Received
Penelakut Tribe <i>Box 360: Denise James</i> <i>Comment: No Comment Received</i>	10-Feb-2021	
Saturna Island Local Trust Committee <i>200 - 1627 Fort Street: Jas Chonk</i>	10-Feb-2021	
Semiahmoo First Nation <i>16049 Beach Rd: Chief & Council</i> <i>Comment: No Comment Received</i>	10-Feb-2021	
Stz'uminus First Nation <i>12611A Trans Canada Hwy: Chenoa Akey</i>	10-Feb-2021	
Tsartlip First Nation <i>PO Box 70: Karen Harry</i> <i>Comment: No Comment Received</i>	10-Feb-2021	
Tsawout First Nation <i>Box 121: Cathy Webster</i> <i>Comment: Tsawout First Nation does not have any concerns at this time.</i>	10-Feb-2021	10-Feb-2021
Tsawwassen First Nation <i>1926 Tsawwassen Drive: Victoria Williams</i> <i>Comment: Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests copies of all interim and final reports produced for this project.</i>	10-Feb-2021	10-Feb-2021
Tseycum First Nation <i>1210 Totem Lane: Chief Tanya Jimmy</i> <i>Comment: No Comment Received</i>	10-Feb-2021	

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 12_11_6500_20_2020
(Alternative Housing)
File Name: Bylaw No.121

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.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests

	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.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

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

	POLICY STATEMENT COMPLIANCE
✓	<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: 05-Mar-2021

Reading:

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 121

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW No. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2021”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016” is amended as follows:

2.1 Article 3.10(1)(c) is amended by removing “; and” and replacing it with “;”.

2.2 Article 3.10(1)(d) is amended by removing “.” and replacing it with “;”.

2.3 Subsection 3.10.(1) is amended by adding a new Article after Article 3.10(1)(d) that reads: “(e) where a building permit has been issued for a dwelling, the building permit remain in effect and occupancy of a *recreational vehicle* not exceed two years; and”.

2.4 Subsection 3.10 (1) is amended by adding a new Article after 3.10 (e) that reads “(f) where a *recreational vehicle* is used for temporary camping, occupancy of a *recreational vehicle* not exceed 90 days in a calendar year.”.

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 29TH DAY OF JANUARY 2021.

PUBLIC HEARING HELD THIS 5TH DAY OF MARCH 2021.

READ A SECOND TIME THIS 5TH DAY OF MARCH 2021.

READ A THIRD TIME THIS 5TH DAY OF MARCH 2021.

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: South Pender Bylaw No. 121

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email & left detailed message with reception.	MH

First Nation: Halalt

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
Feb 11, 2021	FN Coordinator responded with: no comments from the Halalt FN.	MH

First Nation: Lake Cowichan

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email; checked portal.	MH

First Nation: Lyackson

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email & left detailed message with reception.	MH

First Nation: Malahat

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email.	MH
March 3, 2021	Responded with no comments	MH

First Nation: Pauquachin

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email & left detailed voice mail.	MH

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email; sent detailed voicemail.	MH

First Nation: Semiahmoo

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email; sent detailed voicemail.	MH

First Nation: Stzuminus

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email; followed up and they have no response.	MH

First Nation: Tsartlip

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email; left detailed voicemail.	MH

First Nation: Tsawout

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
Feb 10, 2021	Comments: Tsawout First Nation does not have any concerns at this time.	MH

First Nation: Tsawwassen

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
Feb 10, 2021	Comments: Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests copies of all interim and final reports produced for this project.	MH

First Nation: Tseycum

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email; left detailed voicemail.	MH

First Nation: WSANEC

Date	Comment/Action	Initial
Feb 10, 2021	Sent Referral	MH
March 3, 2021	Sent Follow-up Email	MH



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: DE-RZ-2017.1
(Denman Community Land
Trust Association)

DATE OF MEETING: April 14, 2021
TO: Islands Trust Executive Committee
FROM: Sonja Zupanec, Island Planner
SUBJECT: Denman Island Local Trust Committee – DE Bylaw No. 233 (Denman Island OCP amendment)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 233, cited as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019", in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Denman Island Local Trust Committee has referred Bylaw No. 233 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 Denman Island Local Trust Committee regarding the Executive Committee decision by May 4, 2021.

Other

None.

PURPOSE

Denman Island Local Trust Committee Bylaw No. 233, cited as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019 (Attachment 6) would introduce new policies in the Denman Island Local Trust Committee Bylaw No. 233, cited as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019" to: re-designate 0.8 ha portion of the parcel from 'Sustainable Resource' to 'Residential', and allow for smaller sized lots to be created by subdivision for the purposes of allowing the seniors affordable housing project in order to contemplate eventual subdivision into 2 parcels; and require consideration of residential rental tenure zoning for multi-family dwellings to ensure affordability is maintained in perpetuity; require Energy Step Code compliance for new dwellings as a result of rezoning or density transfer.

BACKGROUND

The Denman Community Land Trust Association (DCLTA) were granted Executive Committee sponsorship of their bylaw amendment application in October 2017. The first significant hurdle in processing this application was to resolve the question about whether the proposed density of 8 new dwellings, could be serviced with adequate water and septic services. The applicant obtained approval for a conditional water licence and exclusion from the Agricultural Land Reserve in 2019. Bylaw drafting commenced in 2019, resulting in the first 'Affordable Housing' zone on Denman Island, specific for rental tenure housing. A housing agreement and restrictive covenant form part of the conditions of approval of Proposed Bylaw Nos. 233 and 234.

Denman Island Local Trust Committee Bylaw No. 233

Proposed Bylaw No. 233 was read for the first time at the November 3, 2020 Local Trust Committee (LTC) meeting, and read for a second time at the March 16, 2021 LTC meeting. The proposed bylaw was given third reading at the March 16, 2021 LTC meeting. The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement (Attachment 4).

Issues Relating To Provincial Interest

The proposed bylaw was referred to the following Provincial Agencies:

- Ministry of Agriculture – Ministry is not supportive of Policy 4 which supports subdividing ALR parcels to less than 15 hectares for multi-family affordable housing. This policy was included in BL 233 to enable this particular application to proceed. 0.8 hectares of land has been excluded from the ALR in order to be rezoned for affordable housing. In future applications, Policy 4 would be applicable where the ALC deems an exclusion of land from the ALR appropriate for affordable housing.
- Agricultural Land Commission – no comment.
- Ministry of Transportation and Infrastructure- interests unaffected.
- Island Health – interests unaffected but applicant will need to comply with Sewerage System Regulation and Drinking Water Protection Act.

Issues Relating To First Nation Interest

The proposed bylaw was referred to the following First Nations with no issues raised:

- K'omoks First Nation,
- Qualicum First Nation,
- Tla'amin Nation,

- Snaw'naw'as Nation,
- Te'Mexw Treaty Association,
- We Wai Kai Nation,
- Stz'uminus First Nation,
- Lake Cowichan First Nation,
- Halalt First Nation,
- Lyackson First Nation,
- Penelakut Tribe,
- Cowichan Tribes,
- Laich-kwil-tach Treaty Society,
- Nanwakolas Council,
- We Wai Kum Nation,
- Xwemanlhkwu (Homalco) First Nation.

Issues Relating To Resources and Enforcement

None.

Public Comments

Public comments were solicited through two community information meetings and a public hearing. Thirteen written and four oral submissions were received at the public hearing.

Staff Comments

That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 233, cited as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019", in accordance with Section 27 of the *Islands Trust Act*.

KEY ISSUES/CONCEPTS

- Consistency with the Islands Trust Policy Statement Directive Policies

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 Denman Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 233, cited as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019", is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Denman Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Sonja Zupanec, Island Planner	March 23, 2021
Concurrence:	David Marlor, Director of Local Planning Services	April 8, 2021

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. DE Bylaw No. 233
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-233

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 16-Mar-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Trust Area: Denman Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: DE-233
Application No.: DE-RZ-2017.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 21-Jan-2020

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 28-Jan-2020

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 25-Jan-2021

File complete and ready for Public review: Yes

Public Hearings:

Location: Electronic Zoom Meeting
Proofread By: McErlean, Becky

Legal Paper: The Island Grapevine - also serves HORNBY
First Publish Date: 04-Mar-2021 Second Publish Date: 11-Mar-2021

Alternate Paper:
First Publish Date: Second Publish Date:

Mailout Date: 24-Feb-2021 Delivery Notices:
Second Reading Date: 16-Mar-2021 Date Public Hearing Held: 15-Mar-2021
Third Reading Date: 16-Mar-2021

Referrals: Bylaw DE-233

Agency	Sent	Received
Agricultural Land Commission <i>Rm. 133 4940 Canada Way: Gordon Bednard</i> <i>Comment:</i>	04-Feb-2020 28-Apr-2020 09-Jun-2020	
Comox Valley Regional District <i>600 Comox Road: Ton Trieu</i> <i>Comment:</i> - Consideration to be given to Denman Cross Island Trail impacts (traffic, signage and sightline accomodation to inform drivers -firesmart Practices, any restricted access for first responders re evacuation Are there any Wildland Urban Interface forest fire concerns Concerns regarding Wildland Urban Interface Forest Fire concerns	04-Feb-2020	12-Mar-2020
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment:</i> Interests Unaffected	04-Feb-2020	06-Feb-2020
Denman Island Fire Rescue <i>Fire Chief: Don Lockett</i> <i>Comment:</i> Approval Recommended Subject to the Conditions Outlined Below: 1. In consultation with Denman Island Fire Rescue (DIFR), Denman Community Land Trust Association (DCLTA) PID 009-708-537 Denman Island will, at their cost, ensure that there is adequate dedicated road access to allow DIFR vehicles to safely turn around to egress the property. 2. In consultation with Denman Island Fire Rescue, DCLTA will, at their cost, develop a Fire Safety Plan addressing three objectives; 1. Fire Prevention 2. Occupant Safety 3. Fire Control and Extinguishment.	04-Feb-2020	30-Mar-2020
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment:</i> no comment	04-Feb-2020	06-Feb-2020
Hornby Island Local Trust Committee <i>700 North Road: Sue Ellen Fast</i> <i>Comment:</i> Interests Unaffected	04-Feb-2020	26-Jun-2020
Island Health <i>355-11th Street: Josh Moran</i> <i>Comment:</i> Interests unaffected. However, if or when the property gets to the subdivision stage please ensure the applicant is aware of VIHA subdivision Standards as the site will be reviewed under these with regards to minimum lot size and suitable soil conditions for an onsite sewerage system. Will also need to be compliant with sewerage System regulation and the Drinking water protection Act, Regulation.	04-Feb-2020	13-Feb-2020
K'omoks First Nation <i>3320 Comox Road: Monty Horton</i>	04-Feb-2020	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i>	04-Feb-2020	

Referrals: Bylaw DE-233

Agency	Sent	Received
Lyackson First Nation 7973A Chemainus Road: Referrals Coordinator	04-Feb-2020	
Ministry of Agriculture BC Access Centre: Jill Hatfield <i>Comment:</i> The Ministry is not supportive of the provision in Policy 4 which supports subdividing agricultural (ALR) parcels to less than 15 hectares for the purpose of allowing multi-family affordable housing. Smaller parcel sizes often limit the range of agricultural uses as well as raising future expectations for subdivision of parcels in the ALR. The Ministry recommends amending Policy 4 by stating that only properties zoned for Forestry or Resource under the Sustainable Resource Designation will be supported for subdivision of less than 15 hectares for the purpose of allowing multi-family affordable housing.	04-Feb-2020	07-Apr-2020
Ministry of Transportation and Infrastructure Courtenay Area Office: Tammy Thompson <i>Comment:</i> Interests Unaffected	04-Feb-2020	12-Mar-2020
Nanwakolas Council 203-2005 Eagle Drive: Referrals Office	04-Feb-2020	
Penelakut Tribe Chief and Council: Denise James	04-Feb-2020	
Qualicum Indian Band 5850 River Road: Michael Recalma	04-Feb-2020	
School District 71 607 Cumberland Road: Tom Demeo	04-Feb-2020	
Sliammon First Nation RR #2, Sliammon Road: Denise Smith	04-Feb-2020	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	04-Feb-2020	
Te'Mexw Treaty Association 13D Cooper Road: Eileen Charlie	04-Feb-2020	

Referrals: Bylaw DE-233

Agency	Sent	Received
We Wai Kai Nation 690 Headstart Crescent: Chief Brian Assu Comment: no comment	04-Feb-2020	05-Feb-2020
We Wai Kum First Nation 1400 Weiwaikum Road: Robert (Bob) Pollard Comment: no comment	04-Feb-2020	08-Feb-2021
Xwemalhwu (Homalco) First Nation 1218 Bute Crescent: Mary Ann Enevoldsen	04-Feb-2020	



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2017.1 (DCLTA)

File Name: Bylaw No. 233 (OCP)

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

	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.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
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.
CONSISTENT	No.	DIRECTIVE POLICY

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

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

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

None.

Completed By: Sonja Zupanec

Status

Date Resolution Referred to Exective Committee: 16-Mar-2021

Reading:

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 233

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as “Denman Island Official Community Plan, 2008” is amended as shown on Schedules “1”, “2”, and “3” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019”.

READ A FIRST TIME THIS 3RD DAY OF NOVEMBER , 2020

PUBLIC HEARING HELD THIS 15TH DAY OF MARCH , 2021

READ A SECOND TIME THIS 16TH DAY OF MARCH , 2021

READ A THIRD TIME THIS 16TH DAY OF MARCH , 2021

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

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS
_____ DAY OF , 20XX

ADOPTED THIS _____ DAY OF , 20XX

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule “1”

1. Schedule “A” – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:
 - 1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Objectives is amended by adding the following new objective following the text of Objective 4:
 - 1.2. “Objective 5 To protect and enhance the supply and quality of rental housing for low income households.”
 - 1.3. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 1 is amended by adding the following sentence to the end of the first sentence: “except for lots created for the purpose of allowing multi-family affordable housing.”
 - 1.4. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 3 is amended by replacing it in its entirety with the following:

“Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares.”
 - 1.5. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, is amended by adding the following new Policy 4 after Policy 3 and renumbering subsequent Policies chronologically:

“Policy 4 In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing subject to Agricultural Land Commission approval.”
 - 1.6. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 9 is replaced in its entirety with the following:

“In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:

 - The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
 - Multi-family affordable housing through the completion of a successful rezoning application.”
 - 1.7. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by changing “Policy 29” to “Policy 30”.
 - 1.8. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by adding “28, 29, or” after the word “Policy” and before the number “30.”
 - 1.9. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 27 is replaced in its entirety with the following:

“Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.”

- 1.10. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 28 is amended by adding an additional bullet to the end of the list that reads: “that residential rental tenure zoning is considered to ensure affordability is maintained in perpetuity.”

DENMAN ISLAND LOCAL TRUST COMMITTEE

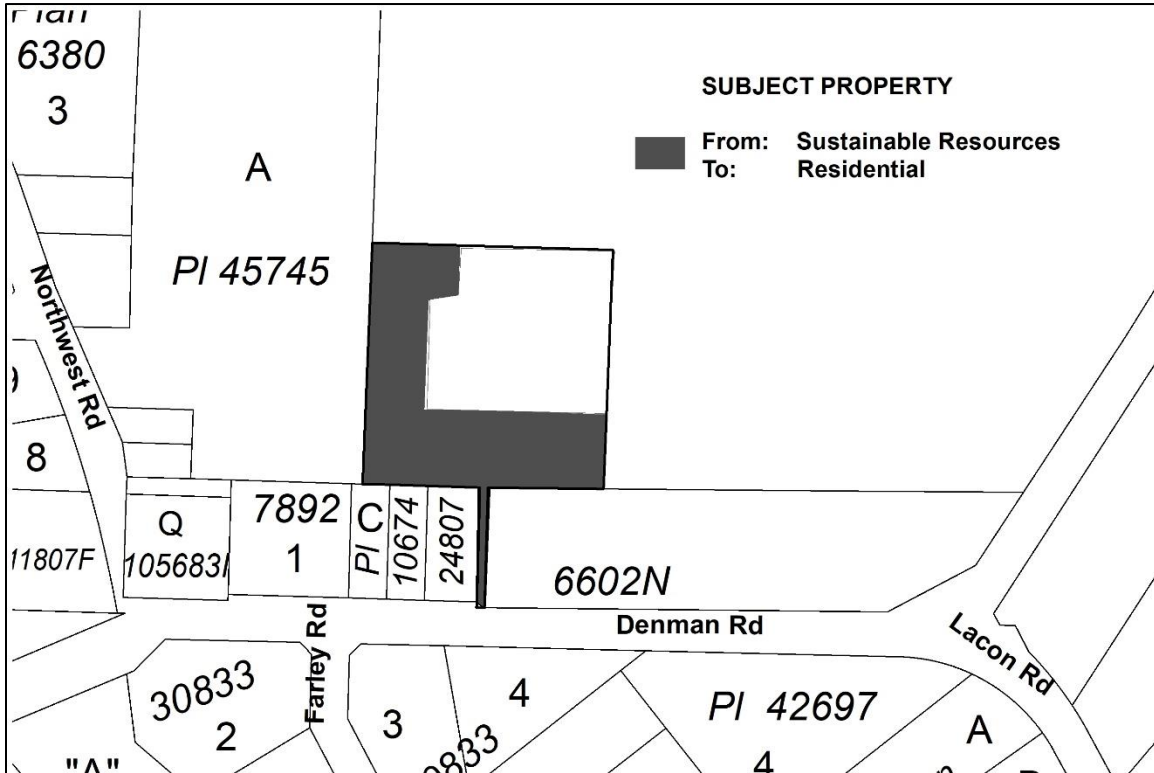
BYLAW NO. 233

Schedule "2"

1. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of Lot A Section 18 Denman Island Nanaimo District Plan EPP68031 (PID 031-102-026) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.

Plan No. 1 – CONCEPTUAL PLAN ONLY

Final plan to be inserted prior to bylaw adoption, subject to receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision



First Nation Engagement

Referral of: DE BYLAWS 233 AND 234

First Nation: K'OMOKS FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Left message, Resent referral package via email with reminder</i>	<i>BW</i>

First Nation: XWEMALHKWU (HOMALCO) FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: TE'MEXW TREATY ASSOCIATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: NANWAKOLAS FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: LACH-KWIL-TACH TREATY SOCIETY

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent, for information only; no follow-up required.</i>	<i>BM</i>

First Nation: STZ'UMINUS FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: COWICHAN TRIBES

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 6, 2020</i>	<i>Received Response – interests unaffected</i>	<i>BM</i>

First Nation: HALALT FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 6, 2020</i>	<i>Received Response – no comment</i>	<i>BM</i>

First Nation: LAKE COWICHAN FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: LYACKSON FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: PENELAKUT TRIBE

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: WE WAI KAI NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 5, 2020</i>	<i>Received Response – no comment</i>	<i>BM</i>

First Nation: WEI WAI KUM FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 18, 2021</i>	<i>Received Response – no comment</i>	<i>BM</i>

First Nation: SNAW'NAW'AS NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: QUALICUM FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: Tla'amin (SLIAMMON FIRST NATION)

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 22, 2021</i>	<i>Received Response – if development proceeds please stop work and advise nation of any artefacts or cultural evidence if found.</i>	<i>BM</i>



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: DE-RZ-2017.1
(Denman Community Land
Trust Association)

DATE OF MEETING: April 14, 2021
TO: Islands Trust Executive Committee
FROM: Sonja Zupanec, Island Planner
SUBJECT: Denman Island Local Trust Committee – DE Bylaw No. 234 (Denman Island LUB amendment)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 234, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”, in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Denman Island Local Trust Committee has referred Bylaw No. 234 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 Denman Island Local Trust Committee regarding the Executive Committee decision by May 4, 2021.

Other

None.

PURPOSE

Denman Island Local Trust Committee Bylaw No. 234, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019” (Attachment 6) would amend the LUB by: rezoning the parcel to two new site Specific Agriculture ‘A(15)’ and Affordable Housing ‘R4(2)’ zones to allow for the eventual subdivision into 2-3 lots and allow an increase in density in R4(2) zone to a maximum of 8 dwellings; permitting seniors affordable housing duplexes by way of a residential rental tenure zone; changing proof of adequate potable water requirement at the time of subdivision from 1200 litres/day/dwelling to providing proof of water licence (3680 litres/day as per licence); and regulating siting, size, lot coverage, parking, signage and several other land use parameters for the new Affordable Housing R4(2) zone.

BACKGROUND

The Denman Community Land Trust Association (DCLTA) were granted Executive Committee sponsorship of their bylaw amendment application in October 2017. The first significant hurdle in processing this application was to resolve the question about whether the proposed density of 8 new dwellings, could be serviced with adequate water and septic services. The applicant obtained approval for a conditional water licence and exclusion from the Agricultural Land Reserve in 2019. Bylaw drafting commenced in 2019, resulting in the first ‘Affordable Housing’ zone on Denman Island, specific for rental tenure housing. A housing agreement and restrictive covenant form part of the conditions of approval of Proposed Bylaw Nos. 233 and 234.

Denman Island Local Trust Committee Bylaw No. 234

Proposed Bylaw No. 234 was read for the first time at the November 3, 2020 LTC meeting, and read for a second time at the March 16, 2021 LTC meeting. The proposed bylaw was given third reading at the March 16, 2021 LTC meeting. The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement (Attachment 4).

Issues Relating To Provincial Interest

The proposed bylaw was referred to the following Provincial agencies and no issues were raised:

Ministry of Agriculture
Agricultural Land Commission
Ministry of Transportation and Infrastructure
Island Health

Issues Relating To First Nation Interest

The proposed bylaw was referred to the following First Nations with no issues raised:

- K’omoks First Nation,
- Qualicum First Nation,
- Tla’amin Nation,
- Snaw’naw’as Nation,
- Te’Mewx Treaty Association,
- We Wai Kai Nation,
- Stz’uminus First Nation,
- Lake Cowichan First Nation,
- Halalt First Nation,
- Lyackson First Nation,
- Penelakut Tribe,

- Cowichan Tribes,
- Laich-kwil-tach Treaty Society,
- Nanwakolas Council,
- We Wai Kum Nation,
- Xwemanlhkwu (Homalco) First Nation.

Issues Relating To Resources and Enforcement

None.

Public Comments

Public comments were solicited through two community information meeting and a public hearing. Thirteen written and four oral submissions were received at the public hearing.

Staff Comments

That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 234, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”, in accordance with Section 27 of the *Islands Trust Act*.

KEY ISSUES/CONCEPTS

- Consistency with the Islands Trust Policy Statement Directive Policies

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 Denman Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 234, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”, is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Denman Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Sonja Zupanec, Island Planner	March 23, 2021
Concurrence:	David Marlor, Director of Local Planning Services	April 8, 2021

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. DE Bylaw No. 234
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-234

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 16-Mar-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: DE-234

Trust Area: Denman Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: DE-234
Application No.: DE-RZ-2017.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 03-Nov-2020

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 28-Jan-2021

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 25-Jan-2021

File complete and ready for Public review: Yes

Public Hearings:

Location: Electronic Zoom Meeting
Proofread By: McErlean, Becky

Legal Paper: The Island Grapevine - also serves HORNBY
First Publish Date: 04-Mar-2021 Second Publish Date: 11-Mar-2021

Alternate Paper:
First Publish Date: Second Publish Date:

Mailout Date: 24-Feb-2021 Delivery Notices:
Second Reading Date: 16-Mar-2021 Date Public Hearing Held: 16-Mar-2021
Third Reading Date: 16-Mar-2021

Referrals: Bylaw DE-234

Agency	Sent	Received
Agricultural Land Commission <i>Rm. 133 4940 Canada Way: Gordon Bednard</i> <i>Comment:</i>	04-Feb-2020 28-Apr-2020 09-Jun-2020	
Comox Valley Regional District <i>600 Comox Road: Ton Trieu</i> <i>Comment:</i> - Consideration to be given to Denman Cross Island Trail impacts (traffic, signage and sightline accomodation to inform drivers -firesmart Practices, any restricted access for first responders re evacuation Are there any Wildland Urban Interface forest fire concerns Concerns regarding Wildland Urban Interface Forest Fire concerns	04-Feb-2020	12-Mar-2020
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment:</i> Interests Unaffected	04-Feb-2020	05-Feb-2020
Denman Island Fire Rescue <i>Fire Chief: Don Lockett</i> <i>Comment:</i> Approval Recommended Subject to the Conditions Outlined Below: 1. In consultation with Denman Island Fire Rescue (DIFR), Denman Community Land Trust Association (DCLTA) PID 009-708-537 Denman Island will, at their cost, ensure that there is adequate dedicated road access to allow DIFR vehicles to safely turn around to egress the property. 2. In consultation with Denman Island Fire Rescue, DCLTA will, at their cost, develop a Fire Safety Plan addressing three objectives; 1. Fire Prevention 2. Occupant Safety 3. Fire Control and Extinguishment.	04-Feb-2020	30-Mar-2020
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment:</i> No Comment	04-Feb-2020	06-Feb-2020
Hornby Island Local Trust Committee <i>700 North Road: Sue Ellen Fast</i> <i>Comment:</i> Interests Unaffected	04-Feb-2020	26-Jun-2020
Island Health <i>355-11th Street: Josh Moran</i> <i>Comment:</i> Interests unaffected. However, if or when the property gets to the subdivision stage please ensure the applicant is aware of VIHA subdivision Standards as the site will be reviewed under these with regards to minimum lot size and suitable soil conditions for an onsite sewerage system. Will also need to be compliant with sewerage System regulation and the Drinking water protection Act, Regulation.	04-Feb-2020	13-Feb-2020
K'omoks First Nation <i>3320 Comox Road: Monty Horton</i>	04-Feb-2020	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i>	04-Feb-2020	

Referrals: Bylaw DE-234

Agency	Sent	Received
Lyackson First Nation 7973A Chemainus Road: Referrals Coordinator	04-Feb-2020	
Ministry of Agriculture BC Access Centre: Jill Hatfield Comment: detailed response see letter sent	04-Feb-2020	07-Apr-2020
Ministry of Transportation and Infrastructure Courtenay Area Office: Tammy Thompson Comment: Interests Unaffected	04-Feb-2020	12-Mar-2020
Nanwakolas Council 203-2005 Eagle Drive: Referrals Office	04-Feb-2020	
Penelakut Tribe Chief and Council: Denise James	04-Feb-2020	
Qualicum Indian Band 5850 River Road: Michael Recalma	04-Feb-2020	
School District 71 607 Cumberland Road: Tom Demeo	04-Feb-2020	
Sliammon First Nation RR #2, Sliammon Road: Denise Smith	04-Feb-2020	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	04-Feb-2020	
Te'Mexw Treaty Association 13D Cooper Road: Eileen Charlie	04-Feb-2020	
We Wai Kai Nation 690 Headstart Crescent: Chief Brian Assu Comment: No Comment	04-Feb-2020	05-Feb-2020
We Wai Kum First Nation 1400 Weiwaikum Road: Robert (Bob) Pollard Comment: no comment	04-Feb-2020	08-Feb-2021

Referrals: Bylaw DE-234

Agency	Sent	Received
Xwemalhwu (Homalco) First Nation <i>1218 Bute Crescent: Mary Ann Enevoldsen</i>	04-Feb-2020	



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2017.1 (DCLTA)

File Name: Bylaw No. 234 (LUB)

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

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

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

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

None.

Completed By: Sonja Zupanec

Status

Date Resolution Referred to Exective Committee: 16-Mar-2021

Reading:

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 234

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 19TH DAY OF JANUARY , 2021

PUBLIC HEARING HELD THIS 15TH DAY OF MARCH , 2021

READ A SECOND TIME THIS 16TH DAY OF MARCH , 2021

READ A THIRD TIME THIS 16TH DAY OF MARCH , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 2020

ADOPTED THIS _____ DAY OF _____ , 2020

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234**

1. Schedule "A" of Denman Island Land Use Bylaw, 2008 is amended as follows:
 - 1.1 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by replacing the definition of "lot coverage" with the following:

"lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection."
 - 1.2 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by adding the following definitions in alphabetical order:

"dwelling, multi-family means a building containing two or more dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

dwelling unit, seniors affordable housing means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to seniors on an affordable basis as defined by a housing agreement.

dwelling unit, single family means a building containing one dwelling unit;

residential rental tenure means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit;"
 - 1.3 PART 2 GENERAL REGULATIONS, Section 2.1 **Accessory Buildings and Structures**, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Affordable Rental Housing (R4) Zone'." after the word "Bylaw".
 - 1.4 PART 2 GENERAL REGULATIONS, Section 2.1 **Travel Trailers**, 11 is amended by adding the words "except on a parcel zoned 'Affordable Rental Housing (R4)'" after the word "accommodation".
 - 1.5 PART 2 GENERAL REGULATIONS, Section 2.4 **Home Occupation Regulations, Permitted Home Occupation Uses** is amended by adding the following new regulations 3 and 4 after regulation 2 and by making such consequential numbering alterations to effect this change:

"3 Despite regulation 2 of this section, the following uses, and no others are permitted as home occupations in the R4 zone:

 - general business offices
 - professional offices, excluding health services
 - artist or artisan studios"

4 Notwithstanding 2.4 regulation 3 of this section, the following is prohibited in the R4 zone:

- on site purchase of any products or services
- on site attendance of clientele or customers
- creation of noise which disturbs persons"

- 1.6 PART 2 GENERAL REGULATIONS, Section 2.4 **Home Occupation Regulations, Number of Employees** is amended by adding the following new regulation 17 after regulation 16 and by making such consequential numbering alterations to effect this change:

"Despite regulation 16 of this section, no non-resident employees are permitted in the R4 zone."

- 1.7 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by removing:

- "one per one single family residential use"

And replacing it with:

- "one per one single family residential dwelling unit"

- 1.8 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by adding another bullet:

- "two per dwelling unit in a multi-family dwelling"

- 1.9 PART 2 GENERAL REGULATIONS, Section 2.5, Parking Regulations, Number of Parking Spaces Required, 17, Minimum number of bicycle parking spaces is amended by adding another bullet:

- "one per dwelling unit in a multi-family dwelling"

- 1.10 PART 2 GENERAL REGULATIONS, Section 2.6 Signs Regulations, Permitted signs, 1 is amended by adding "Affordable Rental Housing (R4)" after "(R3)".

- 1.11 PART 2 GENERAL REGULATIONS, Section 2.7 Screening Regulations, Landscape Screens, 8 is amended by removing "R3 zone" and replacing with "R3 and R4 zones".

- 1.12 PART 3 ZONE REGULATIONS, Section 3.1 Creation of Zones, 1, Zone Classification, Zoning Code, **Residential Zones** is amended by adding "Affordable Rental Housing R4".

- 1.13 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 1 – Permitted Uses is deleted in its entirety and replaced with:

Table 1 - Permitted Uses		R1	R2	R3	R4
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓

Accessory Uses

5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
10	Secondary suites and secondary dwelling units		✓		

*Secondary dwelling units must be approved through a Temporary Use Permit

1.14 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 2 – Permitted Buildings and Structures is deleted in its entirety and replaced with:

Table 2 - Permitted Buildings and Structures		R1	R2	R3	R4
1	Single family dwelling units	✓	✓	✓	
2	Multi-family dwelling units				✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓	
4	Buildings and structures accessory to a constructed multi-family dwelling unit				✓
5	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓	✓
6	Buildings and structures for parks and utilities	✓	✓	✓	✓
7	Pit privies	✓	✓	✓	
8	Fences	✓	✓	✓	✓
9	Signs, subject to Section 2.6	✓	✓	✓	✓
10	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓	
11	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓	✓
12	Common house			✓	✓

1.15 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures is deleted in its entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures		R1	R2	R3	R4
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1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15	
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a	10%
5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3

1.16 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 4 – Height is deleted in its entirety and replaced with:

Table 4 – Height		R1	R2	R3	R4
1	Maximum height of principal buildings and structures				
	located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	9.0 m
2	Maximum height of buildings and structures				
	accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m
	used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

1.17 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 5 – Setbacks is deleted in its entirety and replaced with:

Table 5 - Setbacks		R1	R2	R3	R4
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply					
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy				
	from the front lot line	7.5 m	7.5 m	30.0 m	10.0 m
	from the rear or side lot line	3.0 m	3.0 m	30.0 m	10.0 m
	from the exterior side lot line	4.5 m	4.5 m	30.0 m	10.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m	10.0 m

1.18 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 6 – Floor Area is deleted in its entirety and replaced with:

Table 6 - Floor Area		R1	R2	R3	R4
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0 m ²	6.0 m ²	10.0 m ²
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m ²	n/a
4	Maximum gross floor area of a dwelling unit in a multi-family dwelling	n/a	n/a	n/a	
5	Maximum gross floor area of a common house	n/a	n/a	279 m ²	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m ²	

1.19 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 7 – Subdivision is deleted in its entirety and replaced with:

Table 7 - Subdivision		R1	R2	R3	R4
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha	
2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha	

1.20 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new R4(2) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
R4(2)	- Despite line 7 of Table 1 of this Section, the following is not permitted: - the keeping of chickens or other livestock; - the sale of agricultural and horticultural products, including their storage, processing and direct marketing; - Despite line 2 of Table 2 of this Section, multi-family dwelling units are limited to each building containing a maximum of two seniors affordable housing dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance. - Despite line 12 of Table 2 of this Section, a Common House is not permitted. - Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8. - Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%.

- 6 Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house
 - from the front lot line is 7.5 m
 - from the rear or side lot line is 3 m
 - from the exterior side lot line is 3 m
- 7 Despite line 2 in Table 5 of this Section, the minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except for domestic chicken coops is 8.0 m.
- 8 Despite line 3 in Table 5 of this Section, the minimum setback from all lot lines for domestic chicken coops is 3 m.
- 9 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a seniors affordable dwelling unit is 65 m².
- 10 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.7 hectares.
- 11 Despite regulations 16 and 17 of Section 2.5, the minimum number of automobile parking spaces required is 1.5 per seniors affordable housing unit, and the minimum number of bicycle parking spaces required is 0.5 per seniors affordable housing unit.
- 12 Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.

1.21 PART 3 – ZONE REGULATIONS, Section 3.4 – “Resource Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new A(15) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

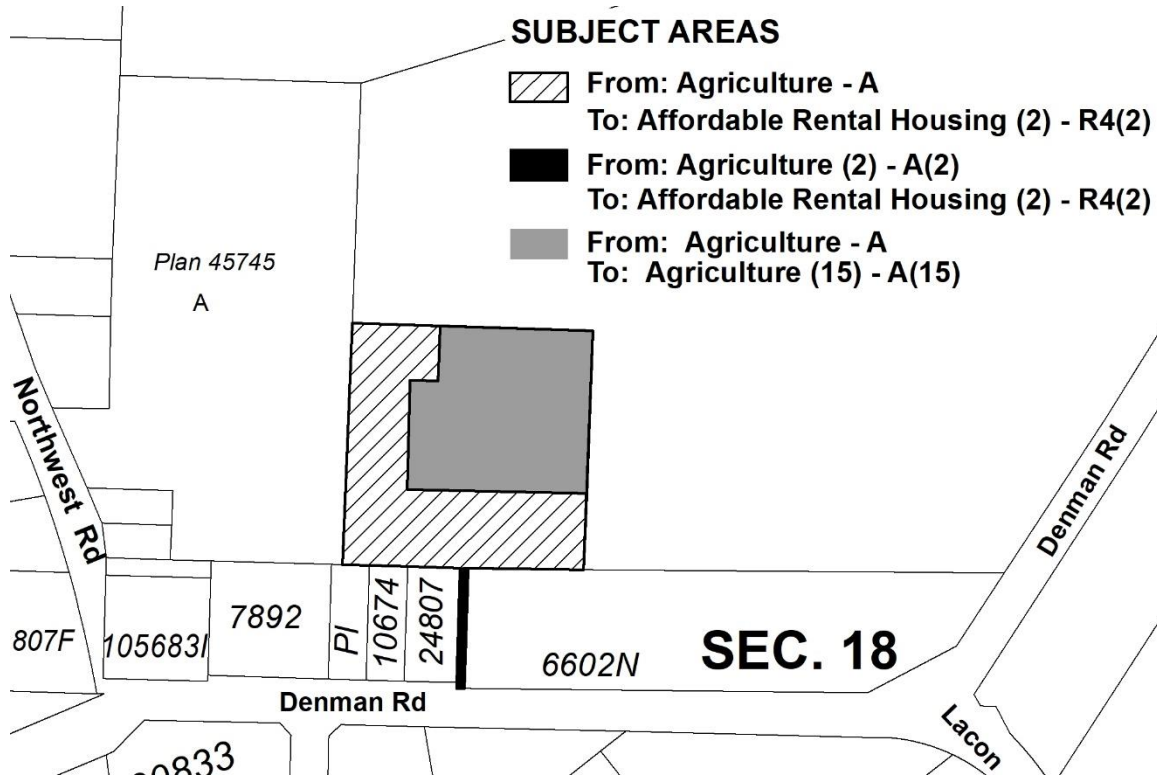
Site Specific Zoning Code	Site Specific Regulations
A(15)	1 Despite Table 7 of this Section, the minimum lot area is 0.8 hectares.

2. Schedule “B” of Denman Island Land Use Bylaw, 2008 is amended as follows:

- 2.1. Schedule “B” – North Sheet is amended by changing the name “North Sheet” to “North Map”.
- 2.2. Schedule “B” – South Sheet is amended by changing the name “South Sheet” to “South Map”.
- 2.3. Schedule “B” – North Map, is amended by changing the zoning classification of Lot A Section 18 Denman Island Nanaimo District Plan EPP68031 (PID 031-102-026) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.

Plan No. 1

Final plan to be inserted prior to bylaw adoption, subject to receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision



First Nation Engagement

Referral of: DE BYLAWS 233 AND 234

First Nation: K'OMOKS FIRST NATION

Date	Comment/Action	Initial
February 4, 2020	Email Referral Package sent.	BM/ME
February 12, 2021	Left message, Resent referral package via email with reminder	BW

First Nation: XWEMALHKWU (HOMALCO) FIRST NATION

Date	Comment/Action	Initial
February 4, 2020	Email Referral Package sent.	BM/ME
February 12, 2021	Resent referral package via email with reminder	BM

First Nation: TE'MEXW TREATY ASSOCIATION

Date	Comment/Action	Initial
February 4, 2020	Email Referral Package sent.	BM/ME
February 12, 2021	Resent referral package via email with reminder	BM

First Nation: NANWAKOLAS FIRST NATION

Date	Comment/Action	Initial
February 4, 2020	Email Referral Package sent.	BM/ME
February 12, 2021	Resent referral package via email with reminder	BM

First Nation: LACH-KWIL-TACH TREATY SOCIETY

Date	Comment/Action	Initial
February 4, 2020	Email Referral Package sent, for information only; no follow-up required.	BM

First Nation: STZ'UMINUS FIRST NATION

Date	Comment/Action	Initial
February 4, 2020	Email Referral Package sent.	BM/ME
February 12, 2021	Resent referral package via email with reminder	BM

First Nation: COWICHAN TRIBES

Date	Comment/Action	Initial
February 4, 2020	Email Referral Package sent.	BM/ME
February 6, 2020	Received Response – interests unaffected	BM

First Nation: HALALT FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 6, 2020</i>	<i>Received Response – no comment</i>	<i>BM</i>

First Nation: LAKE COWICHAN FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: LYACKSON FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: PENELAKUT TRIBE

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: WE WAI KAI NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 5, 2020</i>	<i>Received Response – no comment</i>	<i>BM</i>

First Nation: WEI WAI KUM FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 18, 2021</i>	<i>Received Response – no comment</i>	<i>BM</i>

First Nation: SNAW'NAW'AS NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: QUALICUM FIRST NATION

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 12, 2021</i>	<i>Resent referral package via email with reminder</i>	<i>BM</i>

First Nation: Tla'amin (SLIAMMON FIRST NATION)

Date	Comment/Action	Initial
<i>February 4, 2020</i>	<i>Email Referral Package sent.</i>	<i>BM/ME</i>
<i>February 22, 2021</i>	<i>Received Response – if development proceeds please stop work and advise nation of any artefacts or cultural evidence if found.</i>	<i>BM</i>



REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: NP-6500-20 (STVR Review)

DATE OF MEETING: April 14, 2021
TO: Islands Trust Executive Committee
FROM: Kim Stockdill, Island Planner
SUBJECT: North Pender Island Local Trust Committee – Bylaw No. 222

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve North Pender Island Local Trust Committee Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

North Pender Island Local Trust Committee has referred Bylaw No. 222 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 16, 2021.

PURPOSE

The North Pender Island Local Trust Committee (LTC) is reviewing the Temporary Use Permit (TUP) guidelines for Short Term Vacation Rentals (STVRs) as part of the LTC's Top Priority Project. The LTC is now proposing to

amend the TUP section in the North Pender Island Official Community Plan (OCP) Bylaw No. 171, 2007 in order to amend and add new STVR TUP guidelines.

BACKGROUND

North Pender Island Local Trust Committee Bylaw No. 222

Detailed background to the project, including staff reports is available on the Islands Trust website:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/np-stvr-review-project/>

First Reading: October 29th, 2020

Public Hearing: February 25, 2021

Second Reading: March 25th, 2021

Third Reading: March 25th, 2021

The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement (Attachment 5).

Issues Relating To Provincial Interest

No issues were raised by Provincial agencies.

Issues Relating To First Nation Interest

The bylaw was sent to the following First Nations for comment:

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

Cowichan First Nation and Halalt First Nation responded that they had no comment. Lyackson First Nation responded that the Lyackson First Nation defers to those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another local First Nation, Lyackson First Nation in no way surrenders its current rights and title claims.

No other comments were received by First Nations.

Issues Relating To Resources and Enforcement

No issues related to staff resources, funding, and enforcement.

Public Comments

There have been no public comments made directly to the Executive Committee on the potential approval of Bylaw No. 222.

Staff Comments

Rationale for Recommendation:

- An online survey has taken place to help inform the LTC on this topic;
- The proposed changes will not affect home occupation STVRs;
- The North Pender LTC has already made amendments to the bylaw reflecting comments received from the community.

The Executive Committee is being asked to approve this bylaw. Following Executive Committee approval, the bylaw will be sent to the Minister for approval, and then will be returned to the North Pender LTC for final approval.

KEY ISSUES/CONCEPTS

- Proposed Bylaw No. 222 will add new guidelines to the TUP section in the North Pender OCP for short term vacation rentals, and the bylaw will amend existing STVR TUP guidelines.

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. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” 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:	Kim Stockdill, Island Planner	April 6, 2021
Concurrence:	David Marlor, Director, Local Planning Services	April 8, 2021

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. 222
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-222

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 25-Mar-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: NP-222

Trust Area: North Pender Island Local Trust Committee

Type: Official Community Plan Bylaw

Bylaw No.: NP-222

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: Yes

Technical Staff: No

Planner: Yes

First Reading Date: 05-Nov-2020

Bylaw Sent to Referrals: Yes

Date Proposed Bylaw to Web: 30-Oct-2020

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: 16-Feb-2021

File complete and ready for Public review: No

Public Hearings:

Location: Electronic

Proofread By: Stockdill, Kim

Legal Paper: Gulf Island Driftwood

First Publish Date: 10-Feb-2021

Second Publish Date: 17-Feb-2021

Alternate Paper:

First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:

Date Public Hearing Held: 25-Feb-2021

Second Reading Date: 25-Mar-2021

Third Reading Date: 25-Mar-2021

Referrals: Bylaw NP-222

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	13-Nov-2020	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Christine Condron</i> <i>Comment: The CRD responded with 'Approval recommended for reasons outlined'. Including: particularly for suites, Building Permit and Occupancy approval from the CRD Building Inspection Dept. is required. There are a considerable amount of secondary suites, and cottages and houses that are without final occupancy approval for one reason or another. *see attached document for more details*</i>	13-Nov-2020	11-Dec-2020
Capital Regional District Planning & Protective Services <i>Building Inspection Division Headquarters: Robert Gutierrez</i> <i>Comment: M. Taylor Manager Chief Building Inspector responded with: particularly for suites, Building Permit and Occupancy approval from the CRD Building Inspection Dept. is required. There are a considerable amount of secondary suites, and cottages and houses that are without final occupancy approval for one reason or another. (Provided an attachment of more explanation re: Integrated Water Services & Planning & Protective Services.)</i>	13-Nov-2020	21-Jan-2021
Capital Regional District, Justine Starke, Manager, Southern Gulf Islands Service Delivery <i>Capital Regional District: Justine Starke</i>	13-Nov-2020	
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment: Cowichan Tribes responded to say they have no comments.</i>	13-Nov-2020	26-Nov-2020
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment:</i>	13-Nov-2020	
Halalt First Nation <i>Chief and Council: Jack Smith</i> <i>Comment: Halalt FN - responded by saying "no comments".</i>	13-Nov-2020	18-Nov-2020
Islands Trust, Bylaw Enforcement <i>200 - 1627 Fort Street: Warren Dingman</i>	13-Nov-2020	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment:</i>	13-Nov-2020	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i>	13-Nov-2020	08-Dec-2020



Referrals: Bylaw NP-222

Agency	Sent	Received
<i>Comment:</i> Lyackson First Nation defers to those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another local First Nation, Lyackson First Nation in no way surrenders its current rights and title claims.		
Magic Lake Estates Water & Sewer Local Services Committee 479 Island Highway: Ted Robbins	13-Nov-2020	
Malahat First Nation 110 Thunder Road, RR4: Heather Adams <i>Comment:</i>	13-Nov-2020	
Mayne Island Local Trust Committee Islands Trust: Jas Chonk <i>Comment:</i> Interests Unaffected.	13-Nov-2020	30-Nov-2020
Ministry of Municipal Affairs and Housing Planning and Land Use Management: Kris Nichols	13-Nov-2020	
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment:</i>	13-Nov-2020	
Penelakut Tribe Box 360: Denise James <i>Comment:</i> No Comment Received	13-Nov-2020	
Razor Point Improvement District 6612A Harbour Hill Road: Lynda Challis	13-Nov-2020	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Peter Luckham <i>Comment:</i> Interests unaffected.	13-Nov-2020	16-Dec-2020
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk	13-Nov-2020	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment:</i>	13-Nov-2020	
South Pender Island Local Trust Committee 200 - 1627 Fort Street: Jas Chonk <i>Comment:</i> Comments: Interests Unaffected	13-Nov-2020	29-Jan-2021
Trincomali Improvement District	13-Nov-2020	07-Dec-2020

Referrals: Bylaw NP-222

Agency	Sent	Received
7903 Trincoma Place: Mel MacDonald <i>Comment:</i> TID responded with: "Approval Recommended" but could have, in the alternative, responded "Interests Unaffected" due to the inclusion of the exception for TID under Part 6.4.8. The TID highlights that the clause excluding Trincomali Improvement District from vacation rental use was the reason they find the bylaw acceptable.		
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment:</i>	13-Nov-2020	
Tsawout First Nation Box 121: Cathy Webster <i>Comment:</i>	13-Nov-2020	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment:</i>	13-Nov-2020	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment:</i>	13-Nov-2020	



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: NP_6500_2020_STVR Review

File Name: Bylaw No. 222

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	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: 25-Mar-2021

Reading:

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	29 TH	DAY OF	OCTOBER	2020.
PUBLIC HEARING HELD THIS	25 TH	DAY OF	FEBRUARY	2021.
READ A SECOND TIME THIS	25 TH	DAY OF	MARCH	2021.
READ A THIRD TIME THIS	25 TH	DAY OF	MARCH	2021.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 222**

SCHEDULE 1

The North Pender Island Official Community Plan Bylaw No. 171, 2007, is amended as follows:

1. By deleting Part 6 Temporary Use Permits and replacing it with the following:

“PART 6 TEMPORARY USE PERMITS

An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.

Temporary Use Permit Policies and Guidelines

- 6.1 The North Pender Island Local Trust Committee may issue temporary use permits for any area covered by this plan.
- 6.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.
- 6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.
- 6.4 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:
 - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling, cottage, or secondary suite as temporary commercial accommodation for a period of less than a month at a time by persons other than the owner or a permanent occupier.
 - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
 - 6.4.3 The Local Trust Committee must consider the cumulative effects on the neighbourhood and Island of all temporary use permits issued for short term vacation rentals.

- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant must demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application must be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant must demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit must require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit must restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.12 The temporary use permit must require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit must require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit must require the applicant post the following information for guests:
- a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, outdoor burning, wildfire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and

- d) the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit must:

- a) limit the number of bedrooms that can be used for short term vacation rentals;
- b) limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;
- c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;
- d) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
- e) require the landowner/operator to post contact information and permit information at the entrance to the property;
- f) prohibit camping or occupancy of RVs on the property;
- g) prohibit the rental or provision of motorized personal watercraft;
- h) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- i) prohibit outdoor fires; and
- j) establish the dates during which the use may occur.

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.

6.4.17 An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.

6.4.18 The Local Trust Committee must not approve more than 20 temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.

6.4.19 A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval.

First Nation Engagement

Referral of: North Pender Local Trust Committee Bylaw No. 222

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
Nov 13, 2020	Called the Cowichan Tribes, they don't take voicemails. The email to Tracy did not work. Then emailed Candace Charlie as another contact.	MH
Nov 26, 2020	Response from Cowichan Tribes – No comments	MH

First Nation: Halalt First Nations

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Nov 18, 2020	Response from Halalt FN – No comments	MH

First Nation: Lake Cowichan First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral through the portal	MH
Dec 2, 2020	SSI Leg Clerk checked the portal for a response	DM

First Nation: Lyackson First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2 2020	Spoke to Maggie. They received referral & will be checking if they have any concerns tomorrow	BD
Dec 8, 2020	Comments: Letter from Lyackson First Nation: Lyackson First Nation defers to those First Nations' whose title and governing authorities are directly affected. By deferring this referral to another local First Nation, Lyackson First Nation in no way surrenders its current rights and title claims.	MH

First Nation: Malahat First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2, 2020	Detailed voicemail left for Heather.	BD

First Nation: Pauquachin First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2, 2020	Left a detailed voice mail for Alva Bob.	BD

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2, 2020	Left a detailed voice mail for Denise James.	BD

First Nation: Semiahmoo First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2, 2020	Spoke with Leanne, she's forwarding message to Joanne.	BD

First Nation: Stz'uminus First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2, 2020	Hasn't been looked at yet. Will forward to right person.	BD

First Nation: Tsawwassen First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2, 2020	Left a detailed voicemail for Victoria.	BD

First Nation: Tsawout First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2 2020	Left a detailed voicemail for Darwin.	BD

First Nation: Tsartlip First Nation

Date	Comment/Action	Initial
Nov 13, 2020	Confirmed sent the referral by email	MH
Dec 2, 2020	Left a detailed voicemail for Karen.	BD



File No.: 3036-60: AAPC

DATE OF MEETING: April 14, 2021
TO: Islands Trust Executive Committee
FROM: Kristine Mayes, Planner 1
SUBJECT: Salt Spring Island Local Trust Committee - Proposed Bylaw No. 522 - Advisory Planning Commission Bylaw Amendment

RECOMMENDATION

- 1. THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Bylaw No. 522, cited as "Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw, Amendment No. 1, 2021" in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Salt Spring Island Local Trust Committee has referred Bylaw No. 522 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: the proposed bylaw amendments are consistent with Islands Trust Policy 4.2.2 – Advisory Planning Commission Operating Guidelines.

Implementation/Communications: None.

First Nations: None.

Other: None.

PURPOSE

Salt Spring Island Local Trust Committee Bylaw No. 522, cited as "Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw, Amendment No. 1, 2021" (Appendix No. 1) is intended to amend Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw [No. 467].

BACKGROUND

In March 2020, the Salt Spring Island Agricultural Advisory Planning Commission (SSAAPC) put forward five recommendations for consideration of the Salt Spring Island Local Trust Committee (SSILTC) in respect to amending its Advisory Planning Commission Terms of Reference. At the direction of the SSILTC, staff reported back, advising four of the recommendations were outside the legislated capability of the SSILTC and SSAAPC with the exception of one recommendation – "Invite the Ministry of Agriculture to appoint a representative to the Agricultural Advisory Planning Commission". Bylaw No. 522 proposes to amend Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw [No. 467], 2013 by removing Section 6.8 – "The APC must not consult directly with other government agencies" – in its entirety, updating to reflect the correct sections of the

Local Government Act, and amending for clarity. The removal of Section 6.8 would allow return of a provincial employee to SSIAAPC meetings, in a resource capacity, should they choose to attend. Proposed Bylaw No. 522 was given three readings by the SSILTC on March 23, 2021 and referred to the Executive Committee for approval under Section 27 of the *Islands Trust Act*.

Issues Relating To Provincial Interest

None.

Issues Relating To First Nation Interest

None.

Issues Relating To Resources and Enforcement

None.

Public Comments

None.

Staff Comments

Staff recommend that the Executive Committee approve the bylaw as it is consistent with Islands Trust Council Policies and Procedures.

KEY ISSUES/CONCEPTS

Bylaw No. 522 proposes to amend Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw [No. 467], 2013 by:

- removing Section 6.8 – “The APC must not consult directly with other government agencies”;
- updating to reflect the correct sections of the *Local Government Act*; and
- amending for clarity.

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*
- [Islands Trust Policy 4.2.2](#), Section 3.5 [Advisory Planning Commission Operating Guidelines]

ALTERNATIVE

1. Determine that the bylaw is contrary to 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 Bylaw No. 522, cited as "Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw, Amendment No. 1, 2021" is contrary to 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:	Kristine Mayes, Planner 1	March 30, 2021
Concurrence:	David Marlor, Director Local Planning Services	April 8, 2021

ATTACHMENTS

1. Proposed SSILTC Bylaw No. 522

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 522

A BYLAW TO AMEND SALT SPRING ISLAND LOCAL TRUST COMMITTEE ADVISORY PLANNING COMMISSION BYLAW NO. 467, 2013

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw, 2013, Amendment No. 1, 2021.”

2. Salt Spring Island Local Trust Committee Bylaw No. 467, cited as “Salt Spring Island Local Trust Committee Advisory Planning Commission Bylaw, 2013,” is amended as follows:

- 2.1 Section 1.1 is amended by deleting the acronym “(APC)” after “Commission”.
- 2.2 Section 1.2 is amended by deleting the acronym “(AAPC)” after “Commission”.
- 2.3 Section 1.4 is amended by replacing “Sections” with “Parts” and replacing “of the Advisory Planning Commissions” with “APC”.
- 2.4 Section 2.1 is amended by replacing “Section 5” with “Section 461”.
- 2.5 Section 2.3 is amended by replacing “Section 5” with “Section 461”.
- 2.6 Section 2.6 is amended by adding “regional district director” after “Local Trustee”.
- 2.7 Subsection 3.1.1 is amended by replacing “Advisory Planning Commission(s)” with “APC”.
- 2.8 Subsection 3.1.3 is amended by replacing “Section” with “Article”.
- 2.9 Section 4.1 is amended by replacing “2, 7, 9 and 11 of Part 26” with “4 to 14 of Part 14 and Section 546”.
- 2.10 Section 6.6 is amended by adding “regional district director” after “Local Trustee”, adding “or approving officer” after “Islands Trust”, and deleting the word “at” after “attend”.
- 2.11 Section 6.8 is deleted in its entirety.
- 2.12 This bylaw is further amended by making such consequential numbering alterations to effect all changes.

PROPOSED

READ A FIRST TIME THIS 23RD DAY OF MARCH 2021

READ A SECOND TIME THIS 23RD DAY OF MARCH 2021

READ A THIRD TIME THIS 23RD DAY OF MARCH 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

PROPOSED

BRIEFING

To: Executive Committee **For the Meeting of:** April 14, 2021
From: Trust Area Services **Date Prepared:** April 8, 2021
SUBJECT: DRAFT ISLANDS TRUST TAX NOTICE INSERT FOR 2021/22 FOR BOWEN ISLAND

PURPOSE: To seek feedback on a draft revised Islands Trust tax notice insert for 2021/22 for Bowen Island.

BACKGROUND:

In August 2019, the Islands Trust learned that the Islands Trust was eligible to include a Rural Tax Notice Insert in the mailing of Rural Property Tax Notices by the Ministry of Finance, with the mailing costs paid by the Ministry of Finance. As far as current staff are aware, the Islands Trust has never previously used this service or mailed information about the Islands Trust to all property owners.

The Executive Committee reviewed the tax notice on March 24, 2021 and a finalized tax notice insert was submitted to the Province by April 1, 2021. There was discussion at that meeting about also requesting that Bowen Island Municipality provide an insert with the Bowen Island Municipality's tax notice to Bowen Island property owners.

Staff have prepared a draft insert for inclusion in the next Bowen Island Municipality tax notice. As this is the first insert to be sent by Islands Trust, the notice provides general information about the Islands Trust and basic budget information that is relevant to Bowen Island.

Bowen Island Municipality staff have been helpful in helping Islands Trust staff determine the potential printing and mailing costs. It is expected to cost \$670 to print 4700 copies and have them folded and stuffed into envelopes. Staff are attempting to select a paper weight that will not incur additional postage costs. If the weight of the stuffed envelope ends up over 30 grams then it will cost approximately \$1,220 in extra costs. The Islands Trust communications budget for 2021/22 is \$23,000.

ATTACHMENT(S):

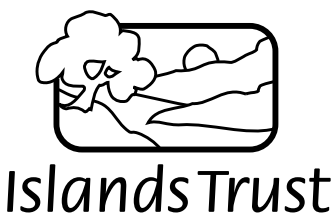
1. DRAFT revised tax notice insert for 2021/22 for Bowen Island.

FOLLOW-UP: Staff will integrate Executive Committee's feedback received and send to the graphic designer for revisions. Staff will then send the draft insert to Bowen Island Municipal Council with a cover briefing for consideration at their April 26, 2021 meeting.

Prepared By: Clare Frater, Director, Trust Area Services, April 8, 2021

Reviewed By/Date: Russ Hotsenpiller, CAO/April 9, 2021

Islands Trust Overview: Programs and 2021/22 Budget



The Islands Trust is located within the treaty and territorial lands and waters of the BOKEĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, STÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.

Islands Trust Overview

Islands Trust is a special-purpose government mandated to preserve and protect over 450 islands and surrounding waters of the Gulf Islands and Átl'k_a7tsem/Howe Sound. It was created by the provincial government in 1974 in response to the rate of land development and the need to protect the environment and amenities of the region.

Islands Trust Governance

Islands Trust has a governance structure unique in the world. There are two types of local governance in the Islands Trust Area: local trust committees and island municipalities. In 1999, Bowen Island held a referendum to become an island municipality. There are also 13 local trust committees that represent the 13 major island areas in the rest of the region.

Twenty-six elected trustees make up the Islands Trust Council which provides regional governance. There is also Islands Trust Conservancy, which protects special places in the Salish Sea, primarily through land acquisition and covenants.

Bowen Island is represented on Islands Trust Council by two municipal trustees: Trustee Sue Ellen Fast and Trustee Michael Kaile. Islands Trust Council has elected Trustee Fast to the Executive Committee and Islands Trust Conservancy Board.

British Columbia's Only Island Municipality: Special Preserve and Protect Responsibilities

As a municipal council within Islands Trust, Bowen Island Municipal Council has special responsibilities. The Council works collaboratively with Islands Trust as it fulfils its obligations to:

- have regard for the preserve and protect mandate of Islands Trust when adopting a bylaw or issuing a permit or license, and
- refer Bowen Island Municipality's Official Community Plan bylaws (and other bylaws that include a reference to a topic in the Islands Trust Policy Statement) to the Executive Committee to ensure they comply with the Policy Statement. (The land use planning standard for an island municipality is set by the Policy Statement rather than by Metro Vancouver's Regional Growth Strategy. This standard, designed by islanders for islands, ensures that Bowen Island development is done in a way that respects the preserve and protect mandate).

Islands Trust Services and Programs

Islands Trust regional services and programs are delivered in partnership with Bowen Island Municipality and Bowen Island community groups. These services and programs include:

- Land protection and conservation by Islands Trust Conservancy. On Bowen Island, the Conservancy owns and manages the David Otter Nature Reserve, Fairy Fen Nature Reserve, and Singing Woods Nature Reserve. The Conservancy also annually monitors the Terminal Creek conservation covenants and the McIntyre conservation covenant;
- Regional-scale conservation planning;
- Education programs and workshops;
- The History and Heritage Grant In Aid Program;
- Opportunity Fund Grant Program;
- The Natural Area Protection Tax Exemption Program;
- The Community Stewardship Awards Program;
- The Islands Trust Reconciliation Action Plan and First Nations engagement;
- Interagency collaboration with provincial ministries on specific topics such as forestry, species at risk, transportation, and crown lands;
- Advocacy on issues that matter to the community.

In addition, Islands Trust pays for licences for mapping software for Municipality staff and contractors, and provides mapping layers for land use planning. Bowen Island Municipality's planning staff are also invited to attend all Islands Trust professional development sessions.

Islands Trust 2021/22 Budget

Islands Trust Council's 2021/22 budget funds the following strategic projects relevant to Bowen Island:

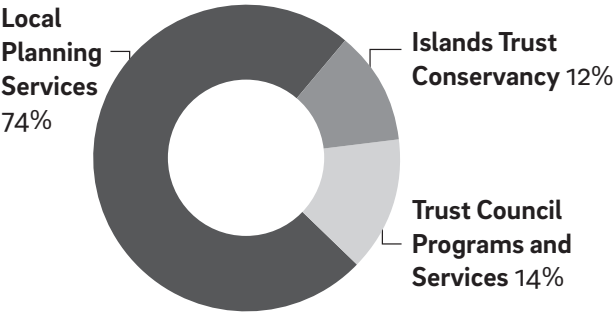
- Islands Trust governance and management review
- Policy Statement update
- Technology investments for online streaming of in-person public meetings
- Completion of a freshwater sustainability strategy for the Trust Area
- Development of heritage preservation overlay mapping
- Continued groundwater mapping and development of water budgets for groundwater aquifers
- Development of model bylaws re: groundwater use, rainwater catchment, greywater recycling
- Development of model bylaws re: exchanging bonus density for affordable housing

- Development of model development permit areas to protect Coastal Douglas-fir and associated ecosystems (including the dry forest types in the Coastal Western Hemlock zone found on Bowen Island)
- Delivery of a secretariat program which gives administrative support to regional coordination groups, including the Howe Sound Community Forum
- Development of climate change indicators specific to the Trust Area
- Delivery of a stewardship education program
- Species at risk program

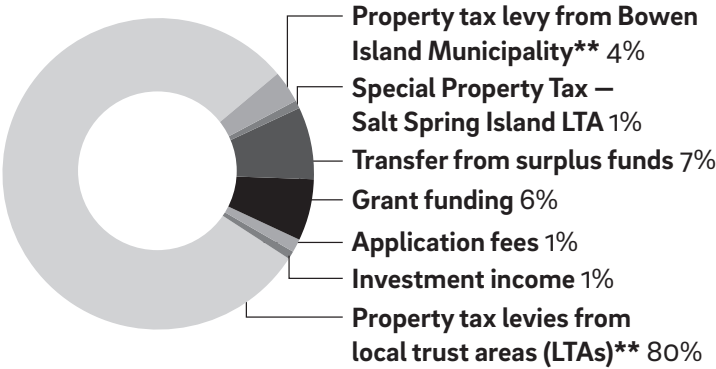
Following a public consultation process, Islands Trust Council approved its 2021/22 budget in March 2021. The budget is valued at \$9.1M, which includes:

- \$8.2M for annual operations, \$881,900 for strategic and special projects, and \$33,500 for capital purchases
- A 3.5% general tax increase for the Islands Trust Area as a whole* (excluding Bowen Island Municipality) plus 0.87% in new tax funds expected from new development and construction
- A 2.7% (\$8,167) tax requisition increase to Bowen Island Municipality; of this amount, 1.08% (\$3,273) is expected to come from new development and construction. The total 2021/22 requisition is \$311,188.

Where We Spend Money



Where Money Comes From



*Actual tax changes by individual LTA may vary based on distribution of property values within the Trust Area
 **Includes tax revenue from new construction

Bowen Island Financial Requisition

Property owners on Bowen Island pay property taxes towards a portion of Islands Trust operations. These taxes are collected by Bowen Island Municipality on behalf of Islands Trust.

The amount requisitioned to Bowen Island Municipality each year is based on the *Islands Trust Act* and Islands Trust Council’s Municipal Tax Requisition Calculation Policy. The calculation is designed to ensure that Bowen Island property owners contribute a similar amount per \$100,000 of assessed property value as other property owners in the Trust Area – but only towards Islands Trust’s regional services. Bowen Island property owners do not contribute to the Islands Trust’s land use planning services.

The Municipality calculates the amount each property owner pays towards the Islands Trust requisition based on a property’s assessed value. For the 2021/22 fiscal year, Bowen Island property owners can expect to pay the following towards Islands Trust:

\$X,XXX		\$500,000 assessed value
\$X,XXX		\$1 million assessed value
\$X,XXX		\$1.5 million assessed value

Celebrating conservation leaders: Bowen Island recipients of the Island Trust Community Stewardship Awards

- 2017** Bob Turner for raising awareness and promoting conservation of Howe Sound
- 2017** Everhard van Lidth de Juede for 30 years of fostering ecological sustainability on Bowen Island
- 2012** Dr. Donald Marshall for 15 years of fostering initiatives to reduce, reuse, and recycle on Bowen Island
- 2011** Sue Ellen Fast for 15 years of community and conservation work on Bowen Island

Islands Trust Conservancy

You love the islands of the Salish Sea – we do, too. Join us in protecting special places.
 📞 250-405-5186 ✉ itcmail@islandstrust.bc.ca
 🖱 islandstrust.bc.ca/conservancy

For more information or to subscribe to e-news, education events, and governance highlights: islandstrust.bc.ca

NOTE: Bowen Island Municipality issues your Property Tax Notice. Please refer to your Property Tax Notice for payment options. Questions about your tax notice should be directed to:
Bowen Island Municipality T: 604-947-4255 | E-mail: bim@bimbc.ca



700 North Road, Gabriola Island, BC V0R 1X3

Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

March 23, 2021

Executive Committee
Islands Trust

Dear Executive Committee,

I'm writing on behalf of the Denman Island Local Trust Committee to recommend that Executive Committee provide fee sponsorship to Denman Housing Association (DHA) for its rezoning application for 20 units of affordable rental housing.

This application aligns with numerous Denman Island Official Community Plan provisions, namely:

Preamble: The community acknowledges the need for affordable and special needs housing to maintain a diverse population in the face of rising land prices and to encourage seniors to remain on the island.

Objective 2: To ensure housing options preserve human diversity in the community.

Objective 4: To support the establishment of affordable housing, rental opportunities and special needs housing and provide the opportunity for Island seniors to remain in the community, especially in their own or their families' homes.

Policy 17: The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.

Policy 28: The Local Trust Committee should consider zoning amendment applications for affordable housing projects.

The need for housing options on Denman Island has been documented in numerous reports, most recently *the Islands Trust Northern Region Housing Needs Assessment*, which states that Denman Island needs 80 units of affordable housing to meet current needs.

Denman Housing Association originally proposed a similar project on a different property, but this project fell through when the owner of the property decided to terminate the agreement with DHA. The rezoning process was well along at that point.

The move to the new property demonstrates the tenacity and ability of DHA to pivot and adapt. Furthermore, the new property addresses one of the concerns about the original application that it was too far from services. The new property is in the downtown village centre, right across from the

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

Community Hall, kitty corner from the school, about 100 metres from the General Store, and a five-minute walk from the ferry terminal.

The community has demonstrated interest in having housing on this site. The current owners, who have entered into an agreement with DHA, carried out a community consultation process earlier this year. According to the land owners, Bente Pilgaard and Henning Nielsen, "The majority of the comments/responses were in favour of some form of housing, preferably affordable housing." (Source: email from Pilgaard and Nielsen to Laura Busheikin, dated March 17, 2021).

As well, DenmanWORKS, the Island's economic development agency (similar to a chamber of commerce) surveyed all the downtown village businesses about the proposed rezoning project for affordable housing, and based on that, wrote a letter to the Denman Housing Association stating that it "supports in principle" a rezoning of the property from commercial to residential (Source: letter to Denman Housing Association dated February 27, 2021).

Further support for affordable housing in the downtown village centre on Denman can be found in the *Denman Community Design Charrette*, January 2018. The charrette, based on three community engagement sessions, identified "housing" as one of three priorities for the downtown village area. (Source: *Denman Island Community Design Charrette*, page 1, on the Denman Island page of the Islands Trust website).

DHA is a grassroots community group run by volunteers, with a budget reliant entirely on fundraising and grants. The fees sponsorship will materially help them with their work.

Regards,



Sue Ellen Fast
Chair, Denman Island Local Trust Committee



REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** April 14, 2021

From: Penny Hawley, Planning Team **Date Prepared:** March 24, 2021
Assistant
Sonja Zupanec, Island Planner

SUBJECT: Request for Executive Committee Sponsorship of Development Application Fee

RECOMMENDATION: THAT the Executive Committee approve financial sponsorship of \$4,950.00 for rezoning application DE-RZ-2021.1 (Denman Housing Association [Denman Green]) which would amend Denman Island Official Community Plan Bylaw No. 185, 2008 and the Denman Island Land Use Bylaw No. 186, 2008 to allow for a proposed affordable housing project on Denman Island.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The attached application for Executive Committee sponsorship of development application fees complies with Islands Trust Policy 4.1.xiii.

1 PURPOSE:

The purpose of the Request for Decision (RFD) is to request the Executive Committee to consider the development application fee sponsorship application from the Denman Housing Association for rezoning application DE-RZ-2021.1 (Denman Housing Association [Denman Green]).

2 BACKGROUND:

Staff have reviewed the rezoning application and confirmed that an amendment to the Denman Island Official Community Plan and the Denman Island Land Use Bylaw is required, the fee for which is \$4,950.00. See receipt of application and fee in Attachments. The Denman Housing Association was unsuccessful in their last application DE-RZ-2018.1(DHA) and have returned with a new application to rezone a new parcel in the Denman Village to create 20 units of affordable housing and request sponsorship of development application fees by the Executive Committee.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

None.

FINANCIAL:

Approval of the application for sponsorship would reduce the funds that would otherwise be received from the rezoning application fee. Trust Council has allocated funds to cover costs for applications that are approved for sponsorship.

POLICY:

The attached application for Executive Committee sponsorship of development application fees complies with Islands Trust Policy 4.1.xiii.

IMPLEMENTATION/COMMUNICATIONS:

Staff will inform the applicant of the outcome of their request of the Executive Committee and proceed with processing the rezoning application.

FIRST NATIONS:

K'omoks First Nation will be notified of the application. If amending bylaws are drafted, referrals to all relevant Nations will be conducted.

OTHER:

None.

4 RELEVANT POLICY(S):

Islands Trust Policy 4.1.xiii

5 ATTACHMENT(S):

1. Development Application Fee Sponsorship Application Form
2. Development Summary Statement from Applicant, dated March 1, 2021
3. Letter to Applicant, receipt of application and fee

RESPONSE OPTIONS

Recommendation:

THAT the Executive Committee approve financial sponsorship of \$4,950.00 for rezoning application DE-RZ-2021.1 (Denman Housing Association [Denman Green]) which would amend Denman Island Official Community Plan Bylaw No. 185, 2008 and the Denman Island Land Use Bylaw No. 186, 2008 to allow for a proposed affordable housing project on Denman Island.

Alternative:

THAT the Executive Committee not approve financial sponsorship of \$4,950.00 for rezoning application DE-RZ-2021.1 (Denman Housing Association [Denman Green]) which would amend Denman Island Official Community Plan Bylaw No. 185, 2008 and the Denman Island Land Use Bylaw No. 186, 2008 to allow for a proposed affordable housing project on Denman Island.

Prepared By: Penny Hawley, Planning Team Assistant
Sonya Zupanec, Island Planner

Reviewed By/Date: Heather Kauer, Regional Planning Manager, March 24, 2021

Development Application Fee Sponsorship Application Form

*Under Islands Trust Policy 4.1.xiii, Trust Council Executive Committee may sponsor development application fees. When applying for sponsorship, please submit this form, or the details in a letter, **with your development application**. Applicants are encouraged to file this form with or after their development application.*

To be eligible for Executive Committee Sponsorship:

- ✓ The applicant is a non-profit agency or organization seeking to establish, expand or modify a facility for the benefit of the community at large and consistent with goals in the Official Community Plan (OCP).
- ✓ The applicant is an established or establishing institution supported by taxpayers that is seeking to establish, expand or modify a community facility. (Potential sponsorship of up to one half of the costs of the application)
- ✓ The applicant seeks to implement specific objectives of an OCP with broad community benefits.

The following are NOT eligible for Executive Committee Sponsorship:

- ✗ The applicant is a registered for-profit corporation under the Corporations Act.
- ✗ The applicant is a non-profit agency or organization seeking to establish, expand or modify a facility that would not benefit the community at large.
- ✗ An applicant claims that he or she cannot afford the cost of the application, and the application would not otherwise qualify for sponsorship or initiation.
- ✗ ALR and Subdivision referral application fees are not eligible.

SECTION 1: APPLICANT INFORMATION

(Please print or type all sections)

Organization Name: Denman Housing Association

Primary Contact: Simon Palmer

Address: 3720 East Road, Denman Island, B.C., V0R1T0

Telephone: 250 335 2559 E-mail: [REDACTED]

Charitable Status Number (If applicable): 84680 0936 RR0001

Organization Mandate (Attach bylaws, constitution or cite organization website): _____

Bylaws & Constitution - see Attachment 'M'

Board Members (Name, Position): Simon Palmer, President. Sonia Murillo Paz, Secretary
Dawn Binnington, Treasurer. Mimi Biermann, Director
Eli Hason, Director. Shaun White, Director

SECTION 2: DEVELOPMENT APPLICATION INFORMATION

Check development application where fee refund is requested:

- ☒ Official Community Plan
☒ Zoning Bylaw Amendment
☐ Development Permit

- ☐ Development Variance Permit
☐ Temporary Use Permit
☐ Other: _____

Development Application Submitted? ☒ Yes ☐ No

Application #: _____

Development Application Fees Paid (Amount): \$4,950

Receipt #: _____

SECTION 3

Objective of Development Application: To create 20 units of affordable housing

Describe how the Development Application furthers official community plan goals: OCP Part E 1

Objective 2. To ensure housing options preserve diversity in the community

Objective 4. To support the establishment of affordable housing

SECTION 4

I/we declare that all of the above statements and the information contained in the material submitted in support of the application are to the best of my/our knowledge true and correct.

Printed Name: Simon Palmer

Signature: _____

Date: MARCH 1, 2021

Contact Information (e-mail and/or phone): 250 335 2559 or _____

INFORMATION TO BE COMPLETED BY ISLANDS TRUST

Date of Executive Committee Consideration: _____ Decision: _____

Financial Details: _____

Fee Refunded: _____

Organization Charitable Status Number: _____

LTC Notified (Date): _____

Applicant Notified (Date): _____

Denman Housing Association

3720 East Road, Denman Island, B.C. V0R 1T0

DenmanAffordableHousing@gmail.com Tel. 250 335 2559

Registered Charity #84680 0936 RR0001

To: Denman Island Local Trust Committee March 1, 2021

Re: Applications to: Amend the Land Use Bylaw
Amend the Official Community Plan

Purpose: To create 20 units of Affordable Housing on a Dedicated Lot

Applicants: Henning Nielsen, on behalf Pandesign Inc
Simon Palmer, on behalf Nancy Snyder & Denman Housing
Association

SUMMARY STATEMENT

1. Application Summary:

a. Bylaw 186 Amendment to rezone that part of PID 009-704-523 being 28.62 ha, currently R2 on which 7 dwellings are permitted, to an R2(7) designation on which 4 dwellings only are permitted.

b. Bylaw 186 Amendment to rezone that 1.05 ha part of 1151 Kirk Road, PID 000-393-941 currently zoned C to R4(1) Community Housing designation on which 20 units of affordable housing are permitted.

The remaining 0.28 ha part zoned R1 is currently subject to a subdivision application filed with MoTI.

c. Bylaw 186 Amendment to rezone the proposed Lots 4 and 5 on Danes Road (see attached sub-division plan of PID 006-660-495) from R2 on which 2 dwellings are permitted to R2(8) designation on which 5 dwellings are permitted.

d. Amendment to the Official Community Plan Bylaw 185 permitting the transfer of 3 densities removed from the R2 part of PID 009-704-523 to the proposed Lots 4 and 5 on Danes Road, and permitting an increase of 20 densities, per OCP Policy 11, for Affordable Housing on the designated R4(1) lot per b. above.

(Applications & Land Titles – see Attachment A)

2. Background:

The Applicant organization, Denman Housing Association (DHA) was incorporated October 10 2012 with the express purpose of meeting the long-acknowledged island need for affordable housing.

(Certificate of Incorporation - Attachment B)

In November 2013 a DHA-commissioned Housing Needs Study concluded that 120 people on Denman Island, including 20 children, are living in sub-standard and/or unaffordable rental housing.

(Housing Study - Attachment C)

Island's Trust 'Housing Needs Assessment' of June 2018 states in summary, "Denman Island now requires up to 80 affordable housing units".

(Attachment D)

For over 7 years DHA has looked to acquire suitable land in numerous ways on which to build the affordable housing so clearly needed on Denman Island.

On February 25, 2021 DHA signed an Agreement of Intent with the owner of PID 000-393-941 to acquire 1.05 ha, transfer of title to which being contingent on completion of a. through d. of 1. Application Summary above.

3. Rationale for the Project – 'Denman Green'

- The need is proven.
- The opportunity has been long in coming, it is now and arguably unique.
- The location is ideal & meets OCP stipulations.
- DHA has the competence & financial resources to realize this opportunity.

4. Community Engagement

A Community Information Meeting was held on September 22, 2018. This was independently facilitated and a summary report will be made part of this Application.

Denman Housing Association

- hosted an Open House to discuss affordable housing on December 14, 2013.
- made a presentation to DIRA on February 12, 2018.
- has authored numerous Grapevine/Flagstone articles on affordable housing.
- has been the subject of two Comox Valley Record articles in April 2018 and December 2019.
- was interviewed by CBC Radio on April 23, 2018.
- has received 281 signatures in support of Denman Green affordable housing.

5. 'Denman Green' Site

The 1.05 ha site is partially cleared with a few mature trees that will be preserved where possible.

There do not appear to be any waterways or other sensitive areas on the proposed site. But a professional report will confirm this.

The site is bordered by Northwest Road on one side & Kirk Road on the other. A driveway linking the two will provide access to dwelling units.

The site is located within the village, opposite the school & Community Hall, five minutes to the General Store and ten to the ferry. See Attachment E

Surveyor's plan attached Attachment F.

Concept Site Plan attached Attachment G.

6. House Design and Energy Efficiency

BC Housing has indicated that their financing of construction & associated costs is contingent on

- off-island modular construction (with assembly & completion on site.
- cost-effective triplex & quadruplex units where possible.
- meeting BC Housing Step 4 standards (see Attachment H.

DHA is fortunate to have the volunteer services of a licensed Energy Adviser experienced in energy performance evaluations.

7. Water

- DHA recognizes the importance of an adequate supply, that the supply must not impact neighbouring wells' flows and that conservation is necessary.
- There is a 3 gpm tested well on the site which will undergo a 72 hour flow test by a certified Groundwater Engineer who will also assess the impact on neighbouring wells. His report will meet the requirements of Islands Trust Freshwater Specialist as well as Island Health and the Ministry of FLNRORD.
- DHA is applying for a Water Licence from the Ministry of FLNRORD.
- DHA intends to maximize the use of rainwater in order to conserve groundwater and expects to shortly conclude discussions with Island Health related to Average Daily Demand which in turn will determine the size of rainwater storage required and more.
- General conservation will be obtained by equipping housing units with the latest low-flow faucets, showerheads & toilets and by re-using greywater for flushing.
- DHA will obtain Island Health approval of all water system designs.
- OCP Bylaw 185 Water Management Objective 2 & 4 will be observed and Policy 1, 2 & 6 complied with as required.

8. Septic

- H2O Environmental Ltd. will perform and certify permeability tests and locate a dispersal field of a size sufficient to meet the needs of the 20 unit 'Denman Green' development.

9. Analysis

a. Trust Policies.

- Part V: Sustainable Communities states in part "... People of differing age groups and income levels should continue to have the opportunity to reside in island communities." And later "The health of a community is influenced

by numerous factors such as economic security..... the availability of such necessities as..... affordable food and housing.”

- Prioritizing “Facilitating Affordable, Attainable and Seniors Housing” in the Denman Island Work Program for 2018 and beyond is a clear statement by the Denman Island Local Trust Committee of support in principle for affordable housing projects such as ‘Denman Green’ and therefore this Application.

b. Official Community Plan Policies.

- The ‘Denman Green’ project, the subject of this Application, conforms to the principles outlined in the following policies – see Attachment I.

10. Denman Housing Association’s ‘Denman Green’ Project Description - see Attachment J.

11. Tenants – see Attachment K.

12. Islands Trust & OCP Policies Relevant to the Application - see Attachment L.

13. Development Application Fee Sponsorship

- An Application Form & attachments are attached – see Attachment M.

**Northern Office**

700 North Road, Gabriola Island, BC V0R 1X3
Telephone **250 247-2063** Fax 250 247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

March 17, 2021

File No. DE-RZ-2021.1

By email: [REDACTED]

Denman Housing Association
3720 East Road
Denman Island, BC V0R 1T0

Attention: Simon Palmer

Dear Simon:

Re: Bylaw Amendment (Rezoning)

009-704-523 (Snyder) South West ¼ of Section 13, Denman Island, Nanaimo District, Except Part in Plan VIP71627	000-393-941 (Pandesign Inc) Lot B, Sections 18 and 19, Denman Island, Nanaimo District, Plan 36263	006-660-495 (Nielsen & Pandesign Inc) East ½ of Section 28, Denman Island, Nanaimo District, Except Parts in Plans VIP87737 and VIP88293
---	---	---

This letter acknowledges that we have received a Bylaw Amendment (Rezoning) application for the above-noted properties. Our receipt no. 1036 in the amount of \$4,950.00 is enclosed for your records.

Sonja Zupanec is the planner assigned to your application and she will keep you apprised as to its status. She may be reached through toll-free access via Service BC: in Vancouver at 604-660-2421 and elsewhere in BC at 1-800-663-7867 and request a transfer to 250-247-2211. Please quote the above-noted file number on any correspondence or inquiries you may have.

Please be advised that the Islands Trust Northern Office is currently experiencing a high volume of applications, which may delay the processing of your application.

Yours truly,

Penny Hawley

Penny Hawley
Planning Team Assistant
Enclosure

cc: Dawn Binnington [REDACTED]
Denman Island Local Trustees



Victoria Office
Suite 200 - 1627 Fort Street
Victoria, BC V8R 1H8
information@islandstrust.bc.ca
Main: (250) 405-5151
Fax: (250) 405-5155

Salt Spring Office
1- 500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
ssiinfo@islandstrust.bc.ca
Main: (250) 537-9144
Fax: (250) 537-9116

Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
northinfo@islandstrust.bc.ca
Main: (250) 247-2063
Fax: (250) 247-7514

ISLANDS TRUST RECEIPT

\$ \$4,950.00

RECEIPT NUMBER 1036

AMOUNT Four Thousand, Nine Hundred & Fifty Dollars

RECEIVED FOR:

Application fee: DE-RZ-2021.1 Denman Housing Association (Denman Green)

RECEIVED FROM Denman Housing Association

RECEIVED DATE March 11, 2021

ISSUING OFFICE Northern Office

ISSUING OFFICER NAME Penny Hawley

	For office use only
GL CODE	40400
TRUST AREA	615

BRIEFING

To:	Executive Committee	For the Meeting of:	April 14, 2021
From:	Jason Youmans Island Planner	Date Prepared:	April 8, 2021
SUBJECT:	Memorandum of Understanding – Weston Lake Water Availability and Climate Change Assessment		

PURPOSE:

The purpose of this briefing is to facilitate Executive Committee review of a draft Memorandum of Understanding (MOU) between the Salt Spring Island Local Trust Committee (LTC) and the Capital Regional District.

Through this MOU the LTC will *fund* development of a Water Availability and Climate Change Assessment for Weston Lake on Salt Spring Island, while the Capital Regional District (CRD) will *manage* the contractor undertaking the assessment study.

BACKGROUND:

Information about this project, including a staff report, project charter, and draft deliverables for the eventual consultant undertaking the work are available [here](#).

In sum, the LTC intends to use a portion of special property tax requisition funds accumulated from previous fiscal years for its delegated authority under Trust Council Bylaw 154 to finance this study.

At its meeting of January 19, 2021 the Salt Spring Island Local Trust Committee passed the following resolution concerning the development of a Weston Lake Water Availability and Climate Change Assessment:

SS-2021-004

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request that Islands Trust Council amend the 2021/22 draft budget to include a draw of \$30,000 from Salt Spring Island Local Trust Committee surplus funds – which includes the remainder of the constituency grant received by SSIWPA in 2017 – for the development of a Weston Lake Water Availability and Climate Change Assessment Study to be carried out by a contractor in cooperation with the Capital Regional District.

CARRIED

This resolution followed on a resolution from the Salt Spring Island Watershed Protection Alliance (SSIWPA) from its December 17, 2021 meeting recommending that the LTC support such an initiative:

By general consent, the Salt Spring Island Watershed Protection Alliance recommends the Salt Spring Island Local Trust Committee allocate \$14,097 from the SSIWPA surplus (Constituency fund) to the Weston Lake Water Availability and Climate Change Assessment Study by the CRD.

At its December 15, 2021 meeting, the LTC received [correspondence](#) from CRD electoral area director Gary Holman seeking the LTC's financial support for this initiative.

Development of such a study was identified in SSIWPA's 2020/21 work plan, and again in its [2021/22 work plan](#).

This MOU is being provided to the Executive Committee for its review and comment consistent with Trust Council Policy 2.1.4 which states:

4. Memorandum of Understanding

The process to enter into a memorandum of understanding agreement between corporate entities of the Trust includes the following:

- 4.1 Initiation – The appropriate Trust corporate entity(s) passes a resolution instructing staff to prepare a draft memorandum of understanding and reviews the work program(s) with regard to time-frames and resource implications.
- 4.2 Draft Memorandum of Understanding - Staff prepares a draft memorandum of understanding for review and comment by appropriate Trust corporate entity(s), including the Executive Committee.
- 4.3 Proposed Memorandum of Understanding - The appropriate Trust corporate entity(s) approve the proposed memorandum of understanding.
- 4.4 Final Memorandum of Understanding – Once approval is given, then the relevant Chairs of the affected corporate entities of the Trust are the signing authorities for the memorandum of understanding.

ATTACHMENT(S):

- 1. Draft Memorandum of Understanding – Weston Lake Water Availability and Climate Change Impact Assessment**

FOLLOW-UP:

Staff will undertake any amendments recommended by Executive Committee, then seek LTC endorsement and signature of the MOU.

Prepared By: Jason Youmans, Island Planner

Reviewed By/Date: David Marlor, Director, Local Planning Services/April 8, 2021

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding is made and effective _____.

BETWEEN:

CAPITAL REGIONAL DISTRICT

625 Fisgard Street,

PO Box 1000

Victoria, BC V8W 2S6

(Hereafter, **CRD** or the **Managing Partner**)

AND:

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

1-500 Lower Ganges Road,

Salt Spring Island, BC V8K 2N8

(Hereafter, **SSILTC** or the **Funding Partner**)

Referred to hereafter as the “Parties”. The Parties desire to create an understanding for the purposes and on the terms stated in this agreement. Therefore, the Parties agree to the following:

NAME: The name of the project shall be the “**Weston Lake Water Availability and Climate Change Assessment**” (the “**Project**”).

PROJECT SUMMARY: The purpose of this project is to assess the volume of water available in Weston Lake which serves the Fulford Water System (CRD-operated), and the potential for future water availability in this lake system based on climate change predictions.

The study will be undertaken by a consultant.

Findings of this study will be used to inform operations and service area expansion options for the Fulford Water System as well as future land use considerations by the Salt Spring Island Local Trust Committee.

DURATION OF THE AGREEMENT: The duration of this memorandum of understanding shall be for 6 months, commencing on May 1, 2021 and terminating on November 1, 2021.

PURPOSE: The purpose of this memorandum of understanding is to ensure that participants and parties clearly understand their obligations under this agreement as they relate to the proposed project.

MEMORANDUM OF UNDERSTANDING

OBLIGATIONS:

The **Managing Partner (CRD)** commits to:

1. Work in cooperation with the **Funding Partner** to develop a Request for Proposals (RFP) to hire a qualified consultant with expertise in watershed hydrology and hydrological modelling;
2. Manage all aspects of the procurement process to obtain consulting services from a qualified consultant;
3. Work in cooperation with the **Funding Partner** to develop a Terms of Reference (ToR) to guide the consultant's work on the **Project**;
4. Manage the consultant in fulfilling the **Project** Terms of Reference;
5. Notify the **Funding Partner** in a timely fashion of any challenges that arise in the carrying out of the **Project** and work cooperatively to resolve them;
6. Provide the **Funding Partner** with draft **Project** deliverables for review and comment prior to public release; and
7. Work in cooperation with the **Funding Partner** to develop a communications plan associated with the public release of **Project** deliverables; and
8. Consider funding project costs above the contribution from the **Funding Partner**.

The **CRD** project manager may seek coordination assistance for this project as a representative of the Salt Spring Island Watershed Protection Alliance (SSIWPA) from SSIWPA Coordinator to:

- a. Coordinate on-island activities to support the consultant's work such as arranging meetings between the consultant and the SSIWPA Technical Working Group or other relevant stakeholders; and
- b. Compile/procure data and reports that the consultant may need and that are held by various agencies and volunteers on Salt Spring Island.

The **Funding Partner (SSILTC)** commits to:

1. Contribute funds as follows:
 - i. **\$14,097**, constituting the remainder of the provincial government constituency grant received by the Salt Spring Island Watershed Protection Alliance (SSIWPA) in 2017;
 - ii. Up to **\$15,903**, from the Salt Spring Island Local Trust Committee's unspent special property tax requisition funds.

MEMORANDUM OF UNDERSTANDING

2. Work in cooperation with the **Managing Partner** to develop a Request for Proposals (RFP) to hire a qualified consultant with expertise in watershed hydrology and hydrological modelling;
3. Work in cooperation with the **Managing Partner** to develop a Terms of Reference (ToR) to guide the consultant's work on the **Project**;
4. Provide the consultant with available data to inform the **Project**;
5. Work cooperatively with the **Managing Partner** to resolve any challenges that arise in the carrying out of the **Project**;
6. Provide the **Managing Partner** with timely review and comment on draft **Project** deliverables prior to public release; and
7. Work in cooperation with the **Managing Partner** to develop a communications plan associated with the public release of **Project** deliverables.
8. Work with SSIWPA coordinator to execute a communications plan associated with the public release of **Project** deliverables.

COMMUNICATIONS:

In all communications about the project (i.e. media, website, social media, etc.) the Parties shall refer to the **Project** in a manner that is consistent with the guidance and regulations of the **Managing Partner** (CRD). No Party shall hold itself out as or otherwise represent itself as an agent of the other Party, nor that it has authority to enter into or to cancel contracts on behalf of the other Party. Neither party shall claim to be the other's agent for any purpose unless there is consent in writing to act as an agent for a specific purpose that is reasonably necessary to carry out the venture detailed in this agreement. Nothing in this agreement shall be interpreted to render the Parties as employer or employee of either Party. Anyone working or volunteering for either Party to this Memorandum of Understanding must not do anything that misrepresents the **Project** or the commitment of either Party.

MEMORANDUM OF UNDERSTANDING

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED AND ACCEPTED THE TERMS OF THIS MEMORANDUM OF UNDERSTANDING.

SIGNED BY: The Capital Regional District (CRD)

Signature

Date

WITNESSED BY:

Signature

Date

SIGNED BY THE Salt Spring Island Local Trust Committee (SSILTC)

Signature

Date

WITNESSED BY:

Signature

Date

DRAFT

From: [Lori Foster](#)
Sent: Wednesday, April 7, 2021 3:09 PM
To: [Trustees](#)
Subject: AVICC Registration Open for May 28th Virtual Convention

Dear Trustees:

Registration is now open for the [AVICC](#) Virtual Convention. Register by April 30th for \$99. After April 30th it's \$119. Registration closes May 21.

Please see the [email below](#), from AVICC, for details.

If you are considering attendance, add AVICC attendance as an agenda item and request a resolution from your LTC or council committee to cover fees. All elected officials who serve on the Islands Trust Council are eligible to attend the AVICC Convention and vote as members.

Attendance at conventions is guided by a Trust Council policy: [6.12.2 UBCM/AVICC Membership and Resolutions](#) and [6.12.1 Trustee Training/Conference Attendance](#)

2.2 of the policy states that a "local trust committee may decide to have one or more of its members attend the annual AVICC and/or UBCM conventions by passing a resolution to make the related expenditures from its LTC Trustee Expenses account."

For your information, the following resolution has been submitted to AVICC by Islands Trust:

ELECTRONIC PERMIT AND PUBLIC HEARING NOTIFICATION

ISLANDS TRUST

RESOLUTION:

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

AND WHEREAS many small communities no longer have local newspapers, or a newspaper that meets the definition of gazette in the Interpretation Act;

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

BACKGROUNDER:

Under current legislation, public hearing notices are placed in two consecutive issues of a gazette newspaper, defined in the Interpretation Act as a newspaper that publishes at least once a week. The last notice must be no less than three days before and no more than 10 days before the public hearing. For a temporary Use Permit, the notice is published once in a gazette newspaper, and must appear no less than three days before and no more than 14 days before the date of consideration of issuance of the permit. There is currently no provision in legislation for public notices being provided electronically.

Because the legislation does not allow electronic notices currently, there are no examples in British Columbia of how this process would work. Consideration needs to be given to an appropriate platform for publishing the notices that is widely available, open to the public and reliable. This is most likely going to be the local government's own website and/or a locally recognized information source. This will likely be specified in any legislation to allow electronic notices (which could be an amendment to the Interpretation Act or specified in the enabling legislation). The time limits currently in effect for publishing should be maintained.

Regards,

Lori Foster
Executive Coordinator
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
In Victoria 250-405-5161
Enquiry BC Toll-free call 1-800-663-7867
Or from the lower mainland 1-604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustconservancy.ca



Please consider the environment before printing this email

I am humbly thankful to live and work in the traditional and treaty territories of the BOKEĆEN, Cowichan, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək ʷəŋən (SXIMEŁŁ, Songhees, T'Sou-ke), Lyackson, MÁLEXŁ, Penelakut, Qualicum, Scia'new, səliłwataʔt/seliłiwitlh, SEMYOME, Shishálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SÁUTW, Stz'uminus, Tla'amin, Tsawwassen, We Wai Kai, Wei Wai Kum, WJOŁŁP, WSIŁKEM, and xʷməθkʷəy̓əm.

From: AVICC <avicc@ubcm.ca>

Sent: Wednesday, April 7, 2021 9:35 AM

To: AVICC <avicc@ubcm.ca>

Subject: AVICC April Update: Registration Open for May 28th; Nomination Results; Member Dues; Excellence Awards

Please forward to elected officials, the CAO and Corporate Officer:

1. AVICC Virtual AGM and Convention May 28, 2021

Registration is now open for AVICC's virtual AGM and Convention on Friday, May 28th, and the link to register is at: <https://www.civicinfo.bc.ca/event/2021/AVICC>

The registration fee has been reduced for 2021 to \$99 for members registering by April 30th. Please use the email address of the delegate who will be attending as log in and voting credentials will be specific to the email used for registration.

The program for the Convention is being fine-tuned, and will be available before the early-bird registration cut-off on April 30th.

AVICC has received a large volume of resolutions this year. There were 46 resolutions received by the March 26th deadline. This compares to 39 resolutions received by the deadline in 2020, 48 resolutions in 2019, and 38 resolutions in 2018.

The Executive will be meeting as the Resolutions Committee on April 16th to review the resolutions and to endorse recommendations and comments for each. The Executive will then finalize the process to be followed in order to receive direction from the membership on the resolutions.

Normally there are three resolutions sessions held during the three-day AGM and Convention. In a one-day virtual meeting the same process will not be possible. Late resolutions and off-the-floor resolutions cannot be accommodated in the 2021 resolutions, and should be submitted directly to UBCM by their June 30th deadline.

2. Nomination Report for 2021/2022 Executive

AVICC's current President, 1st Vice President and Electoral Area Representative will be re-elected by acclamation at the AGM.

- President – Ian Morrison, Director, Cowichan Valley Regional District
- 1st Vice President – Penny Cote, Director, Alberni-Clayoquot Regional District
- Electoral Area Representative – Vanessa Craig, Director, Regional District of Nanaimo

There will be an election for the 2nd Vice President position, and for the three available Director at Large positions.

2nd Vice President (1 to be elected):

- Hazel Braithwaite, Councillor, District of Oak Bay (incumbent)
- Ben Geselbracht, Councillor, City of Nanaimo

Directors at Large (3 to be elected):

- Janet Dorward, Councillor, District of Port Hardy
- Colleen Evans, Councillor, City of Campbell River (incumbent)
- Sarah Fowler, Councillor, Village of Tahsis
- Mark Gisborne, Director, qathet Regional District (incumbent)
- Travis Hall, Director, Central Coast Regional District (incumbent)

Voting will be open to elected officials who are registered delegates for the 2021 AVICC AGM and Convention, and delegates will be assigned specific voting credentials as part of their convention registration. This is consistent with AVICC and UBCM usual procedure where registered delegates are eligible to vote.

Candidate biographies, links to candidate speeches, and voting credentials will be sent out prior to the AGM and Convention. The results of the elections will be announced on May 28th.

3. 2021 Member Dues

The AVICC Executive recognizes the financial impacts on our members of the COVID-19 pandemic, and has voted not to increase the rates for member dues in 2021. Invoices for 2021 member dues will be mailed out next week.

4. UBCM Excellence Awards – Upcoming Deadline May 14th

The deadline to apply for UBCM's 2021 Community Excellence Awards is coming up on May 14th. The awards recognize and celebrate UBCM members that have implemented projects or programs that demonstrate excellence in meeting the purposes of local government in BC. Applicants are encouraged to include any COVID-19 pandemic response actions and/or activities in their applications.

The program guide with the award categories and the application form are available on the UBCM website at [2021 Community Excellence Awards](#).

Please contact avicc@ubcm.ca with any questions.

Executive Committee
Islands Trust

April 1, 2021

Dear Executive Committee Members,

I am writing as a resident of Lasqueti Island regarding the First Nations Woodland Licence (FNWL) which is being offered to the Snaw-naw-as First Nation and includes two parcels of crown land on Lasqueti. It has now been over 7 weeks since the community was informed of the FNWL via a letter that was sent from MFLNRORD to the Trust and forwarded to us publicly by Trustee Peter Johnston. This is now about half-way through the expected period for completing the decision on the license. Since then, the Lasqueti community has received no further communication from the Trust or from the Province regarding this license, the process for awarding it, or opportunities for public engagement in relation to it.

I strongly support the reconciliation process and I also strongly support the conservation of forest lands within the CDF. I suspect that many in the Lasqueti community would agree with both these points. I also believe in a transparent, fair, and inclusive process for determining the disposition of public lands. So far, the Lasqueti community has been disenfranchised in this process - the province has not sought our input or provided information to us about the process in which they are engaged.

The Trust has mandates both for reconciliation and to preserve and protect the island environment. These need not be mutually exclusive goals -- but an effective, fair, and transparent process requires effort. You represent the Lasqueti community in relation to land-use planning and conservation on the island -- and have a responsibility to see that the best outcome for the island environment is achieved. And you have a responsibility to the community to keep us informed of what actions you are taking and the basis for decisions that are reached. Yet, we have heard nothing further from the Trust in relation to this matter beyond forwarding the initial announcement from FLNRORD.

Thus, I have three requests:

1. Convey publicly to the Lasqueti community what the Islands Trust has done so far to represent its mandates both for reconciliation and to “preserve and protect” in this process. Or if you have chosen not to engage in the process, please provide us the rationale for that choice.
2. Let us know if and how you have considered the island community perspectives. It seems that the Province does not consider the Lasqueti community relevant to the discussion. Does the Trust plan to undertake any efforts to understand the nature of community opinion on Lasqueti in relation to this matter? For instance, Indigenous Heritage and Crown Land stewardship and conservation are addressed in the current OCP revision. Has this been consulted?
3. Please make a statement to the community as soon as possible about what the Trust plans from here forward in relation to achieving both the mandates for Reconciliation and to preserve and protect. There are a variety of pathways to a positive outcome for both. For instance, it may be that conservation concerns can be allayed because commercial logging would not occur on the Lasqueti portions of the FNWL and thus be removed from allowable cut calculations, with the land on Lasqueti generating income from carbon credits in lieu of harvesting.

Note that in these requests I am not prejudging or advocating for a particular outcome regarding the decision on the FNWL, but rather I am requesting a clearer, more transparent, more inclusive process which allows the community to see that every effort is being made to make this an outcome which honours the full mandate of the trust and has the support of the Lasqueti community.

respectfully,



Ken Lertzman





Top Priorities Report

Executive Committee

1. *Islands Trust Act Amendments*

Investigate possibility of amendments to the Islands Trust Act to broaden the Islands Trusts ability to serve its communities and to strengthen its mandate to preserve and protect. Strategic Plan #20)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 26-Oct-2016

2. *Update Islands Trust Policy Statement*

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan #10, #16, #22, #23)

Responsible

Clare Frater

Dates

Target: 15-Sep-2022

3. *Climate Change Emergency*

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

Responsible

Russ Hotsenpiller

Dates

Rec'd: 05-Jun-2019

4. *Business Response to COVID-19*

Draft and implement safety plan, consider public messaging as needed.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 15-Apr-2020

Top Priorities Report

Executive Committee

5. *First Nations Reconciliation*

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

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

5. *Advocacy re: Freighter Anchorages*

That Trust Council add freighter anchorages to the list of Executive Committee list of top priorities.

Responsible

Clare Frater

Dates

Rec'd: 11-Mar-2021

**Projects Report****Executive Committee****1. *Development of an Islands Trust Communications Strategy*****Responsible****Date Received**

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

Clare Frater

30-Aug-2017

2. *Marine Advocacy***Responsible****Date Received**

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

Clare Frater

02-Sep-2020

3. *Broadcast Public Meetings***Responsible****Date Received**

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

Clare Frater

02-Sep-2020

Julia Mobbs

Russ Hotsenpiller

4. *Improve Communications about the Islands Trust***Responsible****Date Received**

Related to Strategic Plan Items #13 and #14.

Clare Frater

30-Aug-2017

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

Strategic Plan Item #3.

Clare Frater

02-Sep-2020

Kate Emmings



Projects Report

Executive Committee

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

Responsible

Date Received

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

16-Aug-2017

7. *First Nations Reconciliation*

Responsible

Date Received

MMIWG Calls for Justice Resolutions

21-Oct-2020

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