



# Executive Committee Agenda

Date: Wednesday, January 17, 2024  
Time: 9:15 am  
Location: Electronic meeting, Public venue  
Islands Trust  
200-1627 Fort Street  
Victoria, BC V8R 1H8

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	Pages
<b>1. CALL TO ORDER</b>	
<b>2. APPROVAL OF AGENDA</b>	
<b>2.1 Introduction of New Items</b>	
<b>2.2 Approval of Agenda</b>	
<b>2.2.1 Agenda Context Notes</b>	4 - 4
<b>3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING</b>	
None.	
<b>4. ADOPTION OF MINUTES</b>	
<b>4.1 Draft Executive Committee minutes of December 20th, 2023</b>	5 - 14
For review and adoption.	
<b>5. FOLLOW UP ACTION LIST AND UPDATES</b>	
<b>5.1 Follow Up Action List/Director/CAO Updates</b>	15 - 22
<b>5.2 Local Trust Committee Chair Updates</b>	
<b>5.3 Islands Trust Conservancy Liaison Update</b>	
<b>6. BYLAWS FOR APPROVAL CONSIDERATION</b>	
<b>6.1 Bowen Island Municipality - Traffic and Use of Streets Amendment Bylaw No. 629 - RFD</b>	23 - 63
THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 629 cited as "Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005, Amendment Bylaw No. 629, 2023" is not contrary to or at variance with the Islands Trust Policy Statement.	
<b>6.2 Denman Island Local Trust Committee Bylaw No. 247 - RFD</b>	64 - 71
THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 247, cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 247, 2019, Amendment No. 1, 2023" in accordance with Section 27 of the <i>Islands Trust Act</i> .	
<b>7. TRUST COUNCIL MEETING PREPARATION</b>	

7.1	Executive	
7.1.1	September Trust Council Meeting Feedback	72 - 73
7.1.2	Media & Social Media Training Session - March Trust Council - Session Outline	74 - 74
7.2	Planning Services	
7.3	Administrative Services	
7.4	Trust Area Services	
8.	EXECUTIVE COMMITTEE PROJECTS	
8.1	Trust Council Initiated	
8.1.1	Executive	
8.1.2	Trust Area Services	
8.1.2.1	Policy Statement Amendment Project Update - BRF	75 - 87
8.1.3	Planning Services	
8.1.4	Administrative Services	
8.2	Executive Committee Initiated	
8.2.1	Executive	
8.2.2	Trust Area Services	
8.2.2.1	2024 AVICC/UBCM Proposed Resolutions - RFD	88 - 92
	Annual item	
8.2.2.2	Website Update - BRF	93 - 95
8.2.3	Planning Services	
8.2.4	Administrative Services	
9.	NEW BUSINESS	
9.1	Executive/Trust Council	
9.1.1	CAO Hiring Committee - RFD	96 - 125
9.2	Trust Area Services	
9.2.1	LTC Chairs Report on Local Advocacy Topics	
9.3	Planning Services	
9.3.1	Rainwater Harvesting for Multi-Family Units - BRF	126 - 130
9.3.2	Triple Rock Land Cooperative (CoHo Landing) Development Fee Sponsorship Application - RFD	131 - 140

THAT the Executive Committee approve financial sponsorship for the \$1530.00 application fee for rezoning application DE-RZ-2024.1 from the Triple Rock Land Cooperative.

9.3.3	<b>Gabriola Agricultural Co-op Development Fee Sponsorship Application - RFD</b>	141 - 151
	<p>THAT the Executive Committee approve financial sponsorship for the \$7,956.00 application fee for rezoning application GB-RZ-2024.1 from the Gabriola Agricultural Cooperative Association.</p>	
9.4	<b>Administrative Services</b>	
	9.4.1 <b>Annual Auditor Appointment - RFD</b>	152 - 154
10.	<b>CORRESPONDENCE (for information unless raised for action)</b>	
	10.1 <b>2023-12-14 Letter of support for housing applications in the Trust area</b>	155 - 156
	10.2 <b>2023-12-15 Request to Meet re: Denman Island ferry issues</b>	157 - 158
	10.3 <b>Port of Vancouver - Active Vessel Traffic Management Program</b>	
	<a href="https://portvancouver.cmail20.com/t/j-e-siyhyud-l-r/">https://portvancouver.cmail20.com/t/j-e-siyhyud-l-r/</a>	
	10.4 <b>2024-01-05 AVICC AGM &amp; Convention - 3rd Call for Resolutions</b>	159 - 167
	10.5 <b>2024-01-08 WCMRC - Invitation to tour Incident Command Post at oil spill response exercise in Vancouver Harbour</b>	168 - 168
	10.6 <b>2024-01-09 Canadian Coast Guard - Marine Environmental &amp; Hazard Response - Potential ICP/Staging area sites</b>	169 - 171
11.	<b>WORK PROGRAM</b>	
	11.1 <b>Review and amendment of current work program</b>	172 - 174
12.	<b>NEXT MEETING</b>	
	Wednesday, January 31, 2024 at 9:15 a.m.	
13.	<b>CLOSED MEETING (if applicable)</b>	
	<p>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, subject to Sections 90(1),(g) litigation or potential litigation affecting the municipality; and (i) receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and that the recorder and staff attend the meeting.</p>	
14.	<b>ADJOURNMENT</b>	



**Executive Committee  
Agenda – Context Notes  
For the meeting of January 17, 2024**

Agenda No.	From	Context Notes
7.1.2	DTAS	<p><b>Trustee training on media and social media</b></p> <p>On November 22, 2023, Executive Committee received a request for decision about media and social media training for elected officials and directed staff to organize media and social media training session for Trust Council for 2024.</p> <p>Staff are proposing that this session happen in March 2024, led by Jan Enns as a half-day session at a cost of \$4,200 plus travel expenses for the presenter.</p> <p>Staff understand that Executive Committee members would like to talk further about the potential session.</p>



## **Executive Committee Minutes of Regular Meeting**

**Date:** December 20, 2023  
**Location:** Electronic meeting, Public venue  
Islands Trust  
200-1627 Fort Street  
Victoria, BC V8R 1H8

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

**Staff Present:** Russ Hotsenpiller, Chief Administrative Officer (CAO) (Victoria boardroom)  
David Marlor, Director, Legislative Services (DLS) (Victoria boardroom)  
Clare Frater, Director, Trust Area Services (DTAS)  
Julia Mobbs, Director, Administrative Services (DAS) - Regrets  
Stefan Cermak, Director, Planning Services (DPS) - Regrets  
Morgana van Niekerk, Communications Specialist  
Alexandra Trifonidis A/Executive Coordinator/Recorder (Victoria boardroom)

### **1. CALL TO ORDER**

The meeting was called to order at 9:16 am. Chair Luckham provided a territorial acknowledgement.

### **2. APPROVAL OF AGENDA**

#### **2.1 Introduction of New Items**

The following was presented for consideration as a new item:

- 9.2.2 Islands Trust Website - Trustee Maude

The following was presented for consideration as a comment on an item:

- 7.1.5 2024 TC and Committees Meeting Schedule - CAO Hotsenpiller suggested rescheduling the January 10<sup>th</sup> Executive Committee meeting

#### **2.2 Approval of Agenda**

**By general consent** the Committee approved the agenda as amended.

##### **2.2.1 Agenda Context Notes - None**

### **3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING**

None.

**4. ADOPTION OF MINUTES**

**4.1 Executive Committee DRAFT December 5, 2023, minutes**

The following change to the Executive Committee draft December 5, 2023 meeting minutes was noted:

- **5.2 Local Trust Committee Chair Updates** – In Vice Chair Peterson’s update it should read Southern Office not Northern Office

**By general consent** the Committee adopted the minutes of December 5th, 2023 as amended.

**5. FOLLOW UP ACTION LIST AND UPDATES**

**5.1 Follow Up Action List/Director/Chief Administrative Officer Updates**

The Committee reviewed the Follow-up Action List (FUAL).

**By general consent** Executive Committee request Staff to add to a future agenda: Honoraria for Indigenous elders providing welcomes or presentations at local trust committee meetings.

Director Frater updated the Committee on the following vacancies:

- Interviews are underway for Senior Policy Advisor position
- Interviews are underway for Species at Risk Coordinator position (Islands Trust Conservancy)
- Currently working with Public Service Agency on classifying the Administrative Coordinator position
- In the New Year, interviews will take place for the Senior Indigenous Relations Advisor position
- TAS Program coordinator position has been vacant, hoping to have Gillian Nicol return to the position after back filling in the Planning Dept.
- Islands Trust Conservancy Manager Emmings is back from leave. DTAS Fraser continues to act as Primary Manager at this time.

Committee paused the meeting at 9:53 a.m. due to a fire alarm, evacuated the building, and returned at 10:11 a.m.

**5.2 Local Trust Committee Chair Updates**

Local Trust Committee Chairs spoke to recently attended and upcoming Local Trust Committee meetings.

**5.3 Islands Trust Conservancy Liaison Update**

## DRAFT

Vice-Chair Elliott mentioned that Islands Trust Conservancy Chair Smith shared with the Islands Trust Conservancy Board, for their information, a link to a report on climate change and protected areas that she wrote for the Canadian Parks and Wilderness Society. At this time, no other new news to report.

### 6. BYLAWS FOR APPROVAL CONSIDERATION

None.

### 7. TRUST COUNCIL MEETING REVIEW

#### 7.1 Executive

##### 7.1.1 September Trust Council Meeting Feedback

Received for information.

**By general consent** the Committee forwarded the item to the next Executive Committee meeting.

##### 7.1.2 Roundtable Review of December Trust Council

Logistical changes that were implemented helped the overall feeling of improvement from the last Trust Council. Staff involvement was noted adding to the general workings of the meeting that was greatly appreciated.

Chief Administrative Officer Hotsenpiller spoke on the following:

- Consideration of a Committee of the Whole
- Trustees joining electronically and how they are seen on the screens for voting purposes and others
- Budget – No amendments were brought forward

Chair Luckham was reached out to by new Chair Fuller of San Juan County wanting to arrange an in-person meeting in the New Year, which Chair Luckham suggested could possibly coincide nicely with acknowledging Island Trusts 50 year anniversary. Plans are underway.

Committee recessed at 10:55 a.m. and returned at 11:00 a.m.

##### 7.1.3 Trust Council Follow-up Action List

Received for information.

##### 7.1.4 DRAFT-December Trust Council Business Decision Highlights

The draft December Trust Council Business Highlights were presented for approval.

The following amendments were noted:

## DRAFT

- [Housing Strategic Action Plan](#) - link brings you to the old plan
- [Housing Options Toolkit](#) - the tool kit was received not adopted

Discussion ensued on the following:

- [Procedural and Notice Bylaws](#) – paragraph format could be confusing, suggest using point form bullets for clarity.

**It was MOVED and SECONDED,**  
that Executive Committee request staff to amend the Trust Council Business Decision Highlights document by changing the paragraph under the Procedural and Notice Bylaws to a point form rather than a paragraph.

**DEFEATED**

**By general consent** the Committee request the December Trust Council Business Decision Highlights be published as amended.

### 7.1.5 [2024 TC and Committees Meeting Schedule](#)

CAO Hotsenpiller suggested pushing back the date of Executive Committees first meeting of the year from January 10<sup>th</sup> to January 17<sup>th</sup> for the following reasons:

- Staff return from holidays the week prior
- Agenda items would be due the second day back from holidays
- Turn around time – staff capability to produce work with the holidays in between meetings

Discussion ensued on the Ballenas Winchelsea 2024 meeting schedule logistics

**By general consent** the Committee direct that the January 10, 2024 meeting be reschedule to January 17, 2024.

**By general consent** the Committee ask staff to consider Bellenas Winchelsea dates in March.

Vice-Chair Peterson has conflicting travel dates. In consideration of changing the meeting dates, reflect on Vice Chair Peterson’s travel plans. Meeting location changes also need to be considered.

**7.2 Planning Services** - None

**7.3 Administrative Services** - None

**7.4 Trust Area Services** - None

## 8. EXECUTIVE COMMITTEE PROJECTS

**8.1 Trust Council Initiated**

8.1.1 Executive

None.

8.1.2 Trust Area Services

None.

8.1.3 Planning Services

None.

8.1.4 Administrative Services

None.

**8.2 Executive Committee Initiated**

8.2.1 Executive

None.

8.2.2 Trust Area Services

8.2.2.1 Advocacy for provincial assistance re: heritage protection BRF

DTAS Frater spoke to the briefing.

Discussion ensued:

- Process in place for applicants to know what to do
- Broader context to be taken to Trust Council for direction (item 1)
- To be discussed with the Islands Trust Conservancy at next meeting (Jan 31 agenda)

**By general consent** the Committee request this topic be brought back to the joint meeting on January 31, 2024.

8.2.2.2 Policy Statement Amendment Project Update BRF

DTAS Frater provided as an update. Discussion ensued on the following points:

- Timeline and pace of the project
- First Nation responses
- Next steps

Received for information.

# DRAFT

## 8.2.2.3 TPC request re: Islands Trust Webinar RFD

DTAS Frater spoke to the request for decision item.

### **EC-2023-128**

**It was MOVED and SECONDED,**

that Executive Committee request staff to develop a project charter for a webinar in 2024 on the role of Islands Trust.

**CARRIED**

## 8.2.2.4 2024 UBCM/AVICC resolutions RFD

DTAS Frater presented the annual item.

District of Highlands is leading the way in dealing with human waste.

### **EC-2023-129**

**It was MOVED and SECONDED,**

that Executive Committee direct staff to draft a resolution and backgrounder on supporting alternatives to plumbed sewage disposal systems for submission to the Association of Vancouver Island and Coastal Communities 2024 convention for Executive Committee's consideration in January 2024.

**CARRIED**

## 8.2.2.5 Islands Trust Communications Strategy BRF

DTAS Frater introduced the briefing and presented a backgrounder. Brought for comment.

Chair Luckham submitted comments by email to DTAS Frater.

Discussion ensued on the following:

- Project timelines
- Corporate clothing

**By general consent** the Committee request this item be put on the January 31, 2024 Executive Committee regular meeting agenda.

## 8.2.2.6 Expressions of Interest re: Invitation to Register for the 2024 Salish Sea Strategy Symposium RFD

Chair Luckham and Vice Chair Peterson have registered for the symposium at the time of this meeting.

Discussion ensued on the following:

- Budget concerns/grant application to cover trustee costs

## DRAFT

- Variety of trustees from different islands attending to be considered

### **EC-2023-130**

**It was MOVED and SECONDED,**

that Executive Committee:

- direct staff to apply for capacity funding from Transport Canada for trustee participation in the Salish Sea Strategy Symposium, and
- sponsor Trustees Peterson, Luckham and Lironi to attend to the Salish Sea Strategy Symposium January 23-24, 2024 subject to receipt of Transport Canada funding.

**CARRIED**

#### 8.2.2.7 NAPTEP Fee Sponsorship Request (Larmour), Salt Spring Island RFD

### **EC-2023-131**

**It was MOVED and SECONDED,**

that the Executive Committee approve financial sponsorship of \$450 for Natural Area Protection Tax Exemption Program (NAPTEP) application SS-NAP-2021.1 (Larmour), Salt Spring Island.

**CARRIED**

Executive Committee recessed at 12:32 p.m. and returned at 1:02 p.m. Morgana van Niekerk, Communications Specialist left the meeting.

#### 8.2.3 Planning Services

##### 8.2.3.1 Housing Statutes and Regulation Changes to BC Legislation BRF

DLS Marlor provided for update and went over the briefing.  
Discussion ensued:

- Reporting on the roll out challenges
- Which local trust committees will be opting in/out

### **EC-2023-132**

**It was MOVED and SECONDED,**

that Executive Committee request staff to forward the housing statutes and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake.

**CARRIED**

8.2.4 Administrative Services

None.

**9. NEW BUSINESS**

**9.1 Executive/Trust Council**

None.

**9.2 Trust Area Services**

9.2.1 LTC Chairs Report on Local Advocacy Topics

None.

9.2.2 Islands Trust Website

Vice-Chair Maude brought forward the challenges of the Islands Trust website and that he has been receiving many complaints.

**EC-2023-133**

**It was MOVED and SECONDED,**

that Executive Committee request that staff prepare a briefing on the status of the Islands Trust website.

**CARRIED**

**9.3 Planning Services**

9.3.1 Process to Request EC Sponsorship of a Development Application

Received for information.

**EC-2023-134**

**It was MOVED and SECONDED,**

that Executive Committee request staff to upload a public facing version of item 9.3.1 to the Land Use Application Guides and Forms page on the Islands Trust website.

**CARRIED**

**9.4 Administrative Services - None**

**10. CORRESPONDENCE**

**10.1 UBCM Meeting 2023**

Received for information.

## **DRAFT**

**By general consent** the Committee ask Staff to follow up with Ministry staff regarding the letter from Rob Fleming of November 29, 2023.

**10.2 Metro Vancouver Response to Bowen - Bylaw 608 and 609**

Received for information.

**10.3 BC Geographical Name Office Letter**

Received for information.

**10.4 AVICC Climate Change Health Community Gathering 2024**

Received for information. Dates are problematic for Chair.

**By general consent** the Committee request item 10.4 be shared with staff for their participation as they see fit.

**10.5 Letter from MoH re: New legislation to support local government housing initiatives**

Received for information.

**11. WORK PROGRAM**

**11.1 Review and amendment of current work program**

Unfortunately, the current work program was not attached to the agenda.

**12. NEXT MEETING**

The next Executive Committee meeting will be held on Wednesday, January 17, 2024, beginning at 9:15 a.m.

**13. CLOSED MEETING**

**EC-2023-135**

**It was MOVED and SECONDED,**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90, (c) labour relations or other employee relations.

**CARRIED**

The Committee closed the meeting to the public at 1:49 p.m. and reopened the meeting at 2:41 p.m.

**14. ADJOURNMENT**

**By general consent** the meeting adjourned at 2:42 pm.

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Peter Luckham, Chair

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Executive Committee  
Minutes of a Regular Meeting  
December 20, 2023

**DRAFT**

Page 9 of 10

**DRAFT**

Certified Correct:

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Alexandra Trifonidis, A/Executive Coordinator/Recorder

**Minutes are not official until adopted at a subsequent meeting.**

DRAFT

## Follow Up Action Report

### Executive Committee

#### Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Explore future education/workshop sessions on decision-making to benefit trustees.	Russ Hotsenpiller	Meeting: 24-May-2023 Target: 26-Sep-2023	In Progress
2 Staff prepare a briefing on the status of the Islands Trust website.	Clare Frater Russ Hotsenpiller	Meeting: 20-Dec-2023 Target: 17-Jan-2024	In Progress

#### Director Legislative Services

Activity	Responsibility	Dates	Status
1 Review the Executive Committee sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms. 2023-10-11 - Resolution: amended to produce a short summary of the process to request EC sponsorship.	David Marlor	Meeting: 14-Apr-2021 Target: 12-Dec-2023	Completed
2 Staff to report back on recording of meetings by members of the public re clarity on recording and report on recording of electronic meetings. 2023-10-11 EC meeting update: Create a one liner statement in the chair opening notes, for the Chair to read out regarding recording of the meeting by members of the public.	David Marlor	Meeting: 22-Mar-2023 Target: 22-Nov-2023	In Progress

## Follow Up Action Report

### Executive Committee

#### Director Legislative Services

Activity	Responsibility	Dates	Status
3 Staff to provide a briefing with respect to options for better understanding of the policy regarding Code of Conduct for vice-chairs, trustees and the public. 2023-10-11 EC update: review against Provincial guidelines and provide recommendation for any amendments.	David Marlor	Meeting: 12-Apr-2023 Target: 29-Nov-2023	In Progress
4 Staff to discuss, with interested trustees, requirements and options and report back on possibilities and effort required to improve Trustee access to key documents. On hold pending administrative staffing availability.	David Marlor	Meeting: 29-Jun-2023 Target: 05-Dec-2023	In Progress
5 Staff consider options and report back on possibilities and effort required to provide Trustee view access to integrated calendar of Trust Meetings. On hold pending IT staffing availability.	David Marlor	Meeting: 29-Jun-2023 Target: 28-Sep-2023	In Progress

#### Director of Planning Services

Activity	Responsibility	Dates	Status
1 Develop a communications strategy and materials to support awareness of the housing affordability advocacy request and rationale. OCT 11: Referred to Regional Planning Committee	Stefan Cermak	Meeting: 22-Sep-2022 Target: 27-Jun-2023	In Progress



# Follow Up Action Report

## Executive Committee

### Director of Planning Services

Activity	Responsibility	Dates	Status
<p>2 Coordinate a round table on housing, to include BC Housing, key ministers, housing leaders from island communities, and others, within the first six months of the new term and a panel session about housing challenges and solutions in the Islands Trust Area as part of trustee education</p> <p>OCT 11: Referred to Regional Planning Committee</p>	Stefan Cermak	Meeting: 22-Sep-2022 Target: 06-Dec-2023	In Progress
<p>3 Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.</p>	Clare Frater Stefan Cermak	Meeting: 29-Jun-2023 Target: 31-Mar-2024	In Progress
<p>4 Items 1 and 2 of the DPS FUAL (as presented in the agenda package) be referred to the RPC for recommendations and to report back on them to the EC.</p>	Stefan Cermak	Meeting: 11-Oct-2023 Target: 25-Oct-2023	In Progress
<p>5 Rainwater Catchment - staff to investigate new provincial guidelines for rainwater catchment for multi-family dwellings and report back to the EC.</p>	Stefan Cermak	Meeting: 11-Oct-2023 Target: 22-Nov-2023	Completed

## Follow Up Action Report

### Executive Committee

#### Director of Planning Services

Activity	Responsibility	Dates	Status
6 That the Executive Committee of the Islands Trust request staff to apply for the UBCM Complete Communities Grant to advance data gathering and mapping work supporting OCP reviews and Housing Projects.	Stefan Cermak	Meeting: 22-Nov-2023 Target: 01-Dec-2023	Completed
7 Galiano bylaws 287 and 288 - approved. Advise clerks and Galiano Island Local Trust Committee	Stefan Cermak	Meeting: 05-Dec-2023 Target: 22-Dec-2023	Completed
8 Metro Vancouver response to Bowen Island Municipality regarding bylaws 608 and 609 - defer to December 20, 2023 meeting.	Stefan Cermak	Meeting: 05-Dec-2023 Target: 14-Dec-2023	Completed
9 Staff to forward the housing statues and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake.	Stefan Cermak	Meeting: 20-Dec-2023 Target: 31-Mar-2024	In Progress
10 Staff to upload a public facing version of item 9.3.1 to the Land Use Application Guides and Forms page on the Islands Trust website.	Stefan Cermak	Meeting: 20-Dec-2023 Target: 15-Feb-2024	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.	Julia Mobbs	Meeting: 21-Oct-2020 Target: 18-Sep-2024	In Progress

## Follow Up Action Report

### Executive Committee

#### Director, Administrative Services

Activity	Responsibility	Dates	Status
2 Staff to research the possibility of self-insurance for the organization.	Julia Mobbs	Meeting: 29-Jun-2023 Target: 26-Jun-2024	In Progress

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Staff to work with trustees to organize two film screenings of the movie Dust n Bones and reconciliation discussions subject to support of affected local trust committees. (A grant in aid of 4,500 (from History and Heritage Grants in Aid program was provided in 2020 to host screenings on three islands but due to Covid-19 restrictions only one screening occurred.) EC previously indicated interest from Gabriola and Salt Spring Islands. As SSI LTC and Gabriola LTC initially expressed an interest in hosting a screening, Vice Chairs Peterson and Elliott will assess if the interest remains and will be involved in outreach and organizing those screenings.	Clare Frater	Meeting: 26-Feb-2020 Target: 31-Mar-2024	In Progress
2 Investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.	Clare Frater	Meeting: 07-Oct-2021 Target: 31-Mar-2024	In Progress

## Follow Up Action Report

### Executive Committee

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p><b>3</b> Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act. This request responded to changes to the Islands Trust Act to give Trust Council new discretionary powers relating to supporting and give financial assistance to others to</p> <p>(iii)engage in activities to gain knowledge about the unique amenities and environment of the trust area and to increase public awareness, understanding and appreciation of the unique amenities and environment;</p> <p>(iv)preserve and protect the unique amenities and environment of the trust area.</p> <p>Executive Committee has discussed there may be an opportunity to concurrently review the secretariat services, and grants in aid policies with the intention of identifying administrative efficiencies.</p>	Clare Frater	Meeting: 12-Apr-2022 Target: 30-Jun-2024	In Progress
<p><b>4</b> Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.</p>	Clare Frater Stefan Cermak	Meeting: 29-Jun-2023 Target: 31-Mar-2024	In Progress
<p><b>5</b> ITPS amendment - place on the next EC agenda for discussion on LTC and Bowen consultation and risks.</p>	Clare Frater	Meeting: 22-Nov-2023 Target: 20-Dec-2023	Completed

## Follow Up Action Report

### Executive Committee

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
6 7.4.7 Supporting Material for Discussion on Climate Change Action - ask staff to return to Executive Committee in 2024.	Clare Frater	Meeting: 22-Nov-2023 Target: 31-Jan-2024	In Progress
7 Request staff to organize media and social media training session for TrustCouncil for 2024.	Clare Frater	Meeting: 22-Nov-2023 Target: 31-Mar-2024	In Progress
8 EC request Staff to forward the invite for the Salish Sea Strategy Symposium to trustees and ask for expressions of interest to attend, and that Chair Luckham attend.	Clare Frater	Meeting: 05-Dec-2023 Target: 22-Dec-2023	Completed
9 Staff to add to a future EC agenda: Honoraria for Indigenous elders providing welcomes or presentations at local trust committee meetings.	Clare Frater	Meeting: 20-Dec-2023 Target: 08-Mar-2024	In Progress
10 The Committee request this Advocacy for provincial assistance re: heritage protection BRF be brought back to the joint meeting on January 31, 2024. JAN 11: Item has been added to the Jan 31 agenda.	Clare Frater	Meeting: 20-Dec-2023 Target: 31-Jan-2024	In Progress
11 Staff to develop a project charter for a webinar in 2024 on the role of Islands Trust.	Clare Frater	Meeting: 20-Dec-2023 Target: 31-Mar-2024	In Progress
12 Staff to draft a resolution and backgrounder on supporting alternatives to plumbed sewage disposal systems for submission to the Association of Vancouver Island and Coastal Communities 2024 convention for Executive Committee's consideration in January 2024.	Clare Frater	Meeting: 20-Dec-2023 Target: 31-Jan-2024	Completed

## Follow Up Action Report

### Executive Committee

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p><b>13</b> Committee request Islands Trust Communications Strategy BRF be put on the January 31, 2024 Executive Committee regular meeting agenda. JAN 11: Item has been added to the Jan 31 agenda</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 31-Jan-2024	In Progress
<p><b>14</b></p> <ol style="list-style-type: none"> <li>Staff to apply for capacity funding from Transport Canada for trustee participation in the Salish Sea Strategy Symposium, and</li> <li>Sponsor Trustees Peterson, Luckham and Lironi to attend to the Salish Sea Strategy Symposium January 23-24, 2024 subject to receipt of Transport Canada funding.</li> </ol>	Clare Frater	Meeting: 20-Dec-2023 Target: 23-Jan-2024	Completed
<p><b>15</b> Staff prepare a briefing on the status of the Islands Trust website.</p>	Clare Frater Russ Hotsenpiller	Meeting: 20-Dec-2023 Target: 17-Jan-2024	In Progress
<p><b>16</b> Staff to follow up with Ministry staff regarding the letter from Rob Fleming of November 29, 2023.</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 15-Feb-2024	In Progress
<p><b>17</b> Staff to share AVICC Climate Change Health Community Gathering 2024 with staff for their participation as they see fit.</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 15-Feb-2024	In Progress



# REQUEST FOR DECISION

## ISLAND MUNICIPALITY BYLAW SUBMISSION

File No.: 08-3020-20-01 BIM\_BL\_629

DATE OF MEETING: January 17, 2024  
 TO: Islands Trust Executive Committee  
 FROM: Mary Storzer, A/Senior Policy Advisor  
 SUBJECT: Bowen Island Municipality – Traffic and Use of Streets Amendment Bylaw No. 629

### RECOMMENDATION

1. **THAT the Executive Committee advise Bowen Island Municipality that Bylaw No. 629 cited as “Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005, Amendment Bylaw No. 629, 2023” is not contrary to or at variance with the Islands Trust Policy Statement.**

### IMPLICATIONS OF RECOMMENDATION

**Organizational** - None

**Financial** - None

**Policy** - None

**Implementation/Communications** - Communication to Bowen Island Municipality regarding the Executive Committee decision.

**Other** - None

### PURPOSE

To seek an Executive Committee decision regarding Bowen Island Municipality Bylaw No. 629, an amendment to the Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005.

This bylaw is being referred under s.15 of the Letters Patent. Bowen Islands Municipality. This is the first bylaw not related to an official community plan to be referred to Islands Trust. More referrals under section 15.1 can be expected in the future.

## BACKGROUND

Bowen Island Municipality Bylaw No. 629, would amend the Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005. The amendments, with an accompanying encroachment policy, have been developed to create a clear and consistent approach, including regarding fees and charges, to evaluate and permit encroachments onto municipal land. The bylaw provides definitions for “encroachment” as well as invasive and non-invasive encroachments. The bylaw delegates authority to the Director of Engineering to issue permits for encroachments. Schedules of Bylaw 133 would be updated to include the fees proposed and sample application forms and permits for the new encroachment permits. Issuance of the permits would follow the guidelines in the bylaw and the process and guidelines set out in the Encroachment Policy.

Proposed Bylaw No. 629 received First Reading on December 11<sup>th</sup>, 2023. Additional background is available in the [Staff Report to Bowen Council dated December 1, 2023](#).

Bowen Island Municipality staff reviewed the Islands Trust Policy Statement (ITPS) Directive Policies (included with Addendum 1) and have identified the following ITPS Directive policy as relevant (3.1.3, 3.4.4, 4.5.10, 5.1.3) and possibly relevant (5.2.3):

Policy No.	Directive Policy
3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
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.
5.2.3	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.

In discussions with Bowen Island Municipality staff and through review of the staff reports, the bylaw and the draft encroachment policy (that works in concert with the bylaw, as is conventional practice<sup>1</sup>), staff concurs with Bowen Island Municipality staff that the remaining ITPS policies do not apply, and that the proposal is not contrary to or at variance with the Island Trust Policy Statement Directive Policies, and see no objections to the Bylaw. Bowen Island staff have inserted staff comments into the checklist where they determined the Policy

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<sup>1</sup> BIM staff indicate that BIM’s approach to local service area expansion is dictated by both policy and bylaw.

Statement was consistent, and also for a number of policies that staff did not deem relevant but wished to provide comment on why those policies were not relevant to Bylaw No. 629.

### **Section 15 of Bowen Island Municipality Letters Patent**

As this is the first bylaw referred under Bowen Island Municipality's Letters Patent Section 15 is provided below for information:

*15. Where the municipality proposes to adopt a bylaw, other than an official community plan bylaw, which has any reference to a matter included in the trust policy statement, the municipality shall refer the proposed bylaw to the Islands Trust prior to third reading of the proposed bylaw, and the Islands Trust must advise the Council if it has any objections to the proposed bylaw within 45 days after the date of the referral, subject to the provisions of, and procedures which may be established in, an agreement between the municipality and the Islands Trust pursuant to section 17.0 of these Letters Patent, after which time Council may proceed with the proposed bylaw subject to section 15.1 of these Letters Patent.*

*15.1 Where the Islands Trust advises the municipality that it considers that the provisions of a proposed bylaw referred to in section 15.0 of these Letters Patent may be contrary to or at variance with the trust policy statement, the municipality must notify the minister, and the minister may proceed with either or both of the following: (a) provide advice or direction to the municipality and the Islands Trust regarding the proposed bylaw ;or (b) require the municipality and the Islands Trust to resolve the issue regarding the proposed bylaw by use of the dispute resolution mechanisms contained in sections 859 to 862, inclusive ,of the Municipal Act.*

### **Issues Relating To First Nation Interest**

The Bowen Island Municipality staff report does not indicate that any First Nations engagement occurred. The Islands Trust Policy Statement does not contain directive policies about engaging with First Nations.

### **Public Comments**

As of the date of this Request for Decision (RFD), Islands Trust Staff have not received any public comments. The Bowen Island Municipality staff report does not indicate receipt of any public comments but indicates that Information about the draft Encroachment Policy and amendment bylaw will be published in the Council meeting highlights.

### **Staff Comments**

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

Based on a review of the proposed Bylaw No. 629, the proposed Encroachment policy, the Bowen Island staff reports, discussions with Bowen Island Municipality staff and the ITPS Checklist, Islands Trust staff concludes

that the Bylaw No. 629 is not contrary to or at variance with the Islands Trust Policy Statement, and has no objections to the proposed bylaw.

**KEY ISSUES/CONCEPTS**

- Referral of Land Use Bylaw No. 629 under S. 15 of Bowen Island Municipality’s Letter Patent
- Written response to Bowen Island Municipality required by January 29, 2024 (45 days after date of receipt of the referral on December 14, 2023).
- Objections to the bylaw from Executive Committee limited to whether or not Bylaw No. 629 is contrary to or at variance with the Islands Trust Policy Statement.
- Staff considers that Bylaw No. 629 is not contrary to or at variance with the Islands Trust Policy Statement.

**RELEVANT POLICY**

- Islands Trust Policy Statement Directive Policies
- [Islands Trust Policy 1.3.1](#) [Policy Statement Implementation]
- [Bowen Island Municipality Letters Patent](#)

**ATTACHMENTS**

1. BIM Proposed Bylaw No. 629, 2023
2. Policy Statement Checklist
3. Dec. 11, 2023 BIM staff presentation to BIM Council re Encroachment Bylaw and Policy,
4. Dec 11, 2023 BIM staff report to BIM Council re BIM Traffic and Use of Streets Bylaw No. 133, 2005, Amendment Bylaw No.629, 2023, and draft Encroachment Policy

**Alternative**

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

THAT the Executive Committee request that staff advise Bowen Island Municipality in writing that the Executive Committee considers that Bylaw No. 629 cited as “Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005, Amendment Bylaw No. 629, 2023” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], triggering notification of the Minister.

Submitted By:	Mary Storzer, A/Senior Policy Advisor	January 10, 2024
Concurrence:	Clare Frater, Director, Trust Area Services Russ Hotsenpiller, CAO	January 11, 2025

**Bowen Island Municipality  
Bylaw No.629 2023**

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A Bylaw to amend Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005

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**WHEREAS**, “Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005” regulates traffic and the use of streets and public places in Bowen Island Municipality

**AND WHEREAS**, Council wishes to amend “Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005” to include a mechanism to permit encroachments onto Municipal Land

**THEREFORE**, the Council of Bowen Island Municipality, in open meeting assembled, enacts as follows:

**1. Citation**

1.2 This bylaw may be cited for all purposes as “*Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005, Amendment Bylaw No.629, 2023*”

**2. Amendments**

2.2 Bowen Island Municipality No.133 is amended at Section 1 DEFINITIONS by inserting the following definitions as follows:

“**Encroachment**” means anything placed, constructed or erected on the ground (excluding municipal improvement required and owned by the Municipality or other public utilities and infrastructure), that extends on, over or under Municipal Lands.

“**Encroachment, Invasive**” means an Encroachment that impedes the public’s general use of municipal land. Examples includes fences, buildings, and retaining walls over 0.6 metres in height.

“**Encroachment, Non-invasive**” means an Encroachment that does not impede the public’s general use of the municipal land. Examples include private utilities buried under Municipal Land, or retaining walls under 0.6 metres in height.

2.3 Bowen Island Municipality No.133 is amended by inserting Section 42, 43, & 44, and renumbering subsequent passages, to read as follows:

**Encroachment Permit**

42. The Director of Engineering may issue an Encroachment permit as outlined in Schedule “B” to allow those things otherwise prohibited by Section **Error! Reference source not found.** of this bylaw and subject to such other conditions in Section 43
43. As a pre-requisite to the issuance of a permit under Section 42 the Director of Engineering may require the applicant to:
- a. Provide a complete application including:
    - i) Complete Application form in the manner as provided in Schedule “B”
    - ii) Payment of application fee for an encroachment permit
    - iii) A Letter of intent explaining the circumstances for the encroachment;
    - iv) Drawings showing the location and area of the proposed or existing encroachment; and
    - v) Any other documents reasonably associated or necessary to process the permit application, to the Municipality's Public Works Department's satisfaction, along with the applicable Encroachment Permit Application Fee as set out in this Bylaw.
  - b. For applications for encroaching buildings or structures requiring a building permit, the applicant shall additionally provide:
    - i) A complete building permit application; and
    - ii) A registered plan of the encroachment area prepared by a British Columbia Land Surveyor, to be included in the registered Easement and Covenant.
    - iii) Payment of an additional fee for the review of an easement and covenant
  - c. The applicant shall indemnify, protect and save harmless the Municipality from and against all claims demands and lien claims of every kind arising out of or in any way connected with the work or other things for which a permit has been issued. Proof of appropriate insurance coverage with a limit of not less than \$2 million dollars (although the Municipality may determine if more is required) per occurrence and naming the Municipality as an additional insured will be required before a permit will be issued, and the validity of an Encroachment Permit will be conditional on the maintenance of the insurance coverage
  - d. Failure of the permit holder to repair damage and/or fulfil such obligations as are set out in a permit within the specified time shall result in the forfeiture of the deposit to the Municipality as liquidated damages.
  - e. Notwithstanding the foregoing, the Municipality shall have the right to seek additional compensation from the applicant.
44. Prior to the issuance of a permit, the applicant shall make the annual payment fee for an encroachment permit as specified in Schedule “A.” Subsequent payments shall be made January 1 each following year.

2.4 Bowen Island Municipality No.133 is amended by replacing Schedule “A” Permit Fees to read as follows:

<b>Permit Type</b>	<i>Application Fee</i>	<i>Permit Fee</i>	<b>Deposit Required</b>
Driveway Access		\$150.00	\$500.00
Invasive Encroachment Permit	\$150	Annual fee of the greater of \$150 or (Current Assessed Land value per m <sup>2</sup> ) x (m <sup>2</sup> of encroachment) x (5%)	
Non-invasive encroachment permit	\$150	Annual fee of the greater of \$100 or (Current Assessed Land value per m <sup>2</sup> ) x (m <sup>2</sup> of encroachment) x (2.5%)	
Parade, Event or Procession		\$50.00	To a maximum of \$500.00
Review of easement and covenant	\$350		
Construction of works in the Municipal Right of Way by a Public Utility		Nil	To a maximum of 10% of the value of the works
Construction of works in the Municipal Right of Way by anyone other than a Public Utility		\$150.00	To a maximum of 10% of the value of the works
Tree Cutting in the Municipal Right of Way by a Public Utility		Nil	\$500.00
Tree Cutting in the Municipal Right of Way by anyone other than a Public Utility		50.00	\$500.00

2.5 Bowen Island Municipality No.133 is amended by amending Schedule “B” Index of Sample Applications & Permits to include the following:

- Encroachment Permit

- 2.6 Bowen Island Municipality No.133 is amended by adding "Schedule A" as attached at page 29:
- 2.7 Bowen Island Municipality No.133 is amended by adding "Schedule B" as attached at page 40:

**READ A FIRST TIME** this 11<sup>th</sup> day of December, 2023;

**READ A SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;

**FINALLY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;

\_\_\_\_\_  
Andrew Leonard  
Mayor

\_\_\_\_\_  
Sophie Idsinga  
Interim Corporate Officer

## BOWEN ISLAND MUNICIPALITY

981 Artisan Lane.

P.O. Box 279,

Bowen Island, B.C. V0N 1G0

Phone: 604 947-4255/Fax 604 947-0193

E-mail: bim@bimbc.ca

### APPLICATION FOR ENCROACHMENT PERMIT

I/WE HEREBY APPLY FOR PERMISSION TO CONSTRUCT, USE AND MAINTAIN WORKS WITHIN MUNICIPAL LANDS. IT IS UNDERSTOOD THAT THE COMPLETION OF THIS FORM CONSTITUTES AN APPLICATION ONLY AND THE WORK MAY NOT BE COMMENCED UNLESS AND UNTIL A PERMIT IS RECEIVED.

Full legal description of the property :

\_\_\_\_\_

Civic Address \_\_\_\_\_ Bowen Island, B.C.

Encroachment Area \_\_\_\_\_ sq. m.

Description of proposed works \_\_\_\_\_

This proposed easement is

- Temporary for a period of \_\_\_\_\_
- Permanent)

Attachments:

- Letter of intent explaining the circumstances for the encroachment
- Sketch-plan showing the location and area of the proposed or existing encroachment

**I am/we are the registered owners of the above described property.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name and address: *(Please Print)*

\_\_\_\_\_  
\_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone: \_\_\_\_\_

I/We wish to have the Encroachment Permit issued in the name of

\_\_\_\_\_

Mailing address: \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone: \_\_\_\_\_

\_\_\_\_\_

SAMPLE ENCROACHMENT PERMIT

**BOWEN ISLAND MUNICIPALITY**

981 Artisan Lane  
Bowen Island, BC V0N 1G0  
Phone: 604 947-4255/Fax 604 947-0193  
Email: [bim@bimbc.ca](mailto:bim@bimbc.ca)  
[www.bimbc.ca](http://www.bimbc.ca)

**EXTENT & DESCRIPTION OF THE ENCROACHMENT:**

**ADJOINING PROPERTY INFORMATION (Dominant Tenement):**

**Civic Address:**

**Legal Description:**

**EASEMENT AREA INFORMATION:**

**Legal Description:**

and in accordance with application dated date is hereby authorized insofar as it relates to the use of the Municipal highway, interference with public works, or other matter under the jurisdiction of the Bowen Island Municipality (the Municipality), and permission to construct, use, and maintain the said encroachment (the works) is hereby granted to:

The Permit Holder

1. The said approval and permission to construct, use and maintain the said works is, however, at all times subject to the following conditions:
2. This permission is given in accordance with the terms of the Encroachment Agreement appended to this permit.
3. That the construction, alteration and maintenance of the said works are carried out to the latest Federal and Provincial Government requirements and standards, the MMCD and to the satisfaction of the Municipality.
4. That any person appointed by the Municipality for that purpose shall have free access to all parts of the said works for the purpose of inspecting same.
5. That the construction or alteration of the said works shall be completed by **date** to the satisfaction of the Municipality.
6. That the safety, economy and convenience of the travelling public must at all times be recognized and all traffic control must be undertaken by the Permit Holder to the satisfaction of the Municipality.
7. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.

8. That the Permit Holder shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said works, and shall save harmless and indemnify the Municipality and its officers, employees, agents and elected officials from and against any and all claims, actions, causes of action, losses, costs and demands whatsoever or whenever arising in respect of or in any way connected to the works. That, prior to proceeding with any excavation, the Permit Holder will be responsible for notifying any utility company whose works may be close to or affected by the installation.
9. That while reasonable care will be taken on the part of the Municipality to do as little damage as possible to any works authorized by this permit in the carrying-out of the construction, extension, alteration, improvement, repair, maintenance or operation of any public work adjacent thereto, the Municipality and its employees accept no responsibility of any kind for such damage.
10. That the Permit Holder and the Municipality agree that, in the event that relocation of the structure becomes necessary for *bona fide* municipal purposes, then the Permit Holder shall, within 30 (thirty) days written notice from the Municipality, remove the permitted works at their expense.
11. That the Permit Holder shall be responsible for siltation control during the construction of the works.
12. Any mud, soil, debris, or other foreign material tracked onto the highway during construction shall be removed by the Permit Holder at his expense, at least daily, or at any time the material unduly inconveniences or creates a hazard for traffic.
13. That the works shall be constructed and maintained in a manner that ensures that the works do not interfere with the flow of storm water, originating on the right of way or private properties.
14. That the Permit Holder shall be responsible for replacing any survey monuments that may be disturbed or destroyed by construction of the works allowed by this permit. Replacement must be by a British Columbia land surveyor at the Permit Holder's expense.
15. That the design shown on the drawing attached to this permit is a condition of this permit, and any change in such without the prior consent in writing of the Municipality shall render the permit void.
16. That upon completion of the works authorized by this permit, the Permit Holder shall request final inspection and acceptance of the works.
17. That all Annual Fees, as required in Schedule 'A' of the Encroachment Bylaw, shall be paid by the Permit Holder to the Municipality on or before the date specified on the billing prepared by the Municipality.
18. That the Permit Holder shall obtain, maintain and pay for Comprehensive General Liability Insurance, for an amount not less than \$2,000,000 per occurrence. Such insurance shall be primary insurance and shall include the Owner as a named insured and contain a standard form of Cross Liability clause and also provide for 30 days prior notice of cancellation, lapse or material change. Such insurance shall extend to include Blanket Contractual Liability and Tenant's Legal Liability coverage in an amount adequate to cover loss or damage to the works. The Permit Holder shall, upon the request of the Municipality, provide the Municipality with evidence of insurance in the form of a Province of British Columbia Certificate of Insurance. The Permit Holder further agrees that if there be a breach of the insurance requirements the Municipality may obtain the necessary insurance coverage on the Permit Holder's behalf and recover the costs thereof as Additional Fees.
19. Works permitted under this permit are limited to the Municipal land, and do not include works on private properties, which may be subject to other permits, including municipal development permits.
20. All permits and drawings shall be kept on site at all times during construction.
21. This permit is not valid without acceptance of the permit conditions by the applicant(s), provided by signing below.
22. I/We hereby accept and agree to the terms stated above.

(Permit Holder)

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Applicants Signature

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Date

**Permit Issued:**

Signature

Date:

Title:

**Inspection & Acceptance of Permitted**

**Works:**

**Authority to release Security Deposit.**

Signature:

Date:

Title:



Islands Trust

## POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

### Bylaw No. 629, 2023 – File: Encroachment Policy

#### PURPOSE

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

#### POLICY STATEMENT

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

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

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

#### DIRECTIVES ONLY CHECK LIST

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

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

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

### **Part III Policies for Ecosystem Preservation and Protection**

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
	<b>3.1</b>	<b>Ecosystems</b>
✓	<b>3.1.3</b>	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.
<b>Staff Comment</b>	The proposed policy associated with this bylaw would not permit encroachments that “harm an environmentally sensitive area” so as to protect those areas from the potential impact associated with an encroachment.	
<b>N/A</b>	<b>3.1.4</b>	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.
<b>N/A</b>	<b>3.1.5</b>	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.
	<b>3.2</b>	<b>Forest Ecosystems</b>
<b>N/A</b>	<b>3.2.2</b>	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.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
<b>N/A</b>	<b>3.3.2</b>	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.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
✓	<b>3.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
<b>Staff Comment</b>	The proposed policy associated with this bylaw would not permit encroachments that “harm ... a sensitive coastal area so as to protect those areas from the potential impact associated with an encroachment.	
<b>N/A</b>	<b>3.4.5</b>	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**

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
	<b>4.1</b>	<b>Agricultural Land</b>
<b>N/A</b>	<b>4.1.4</b>	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.
<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
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	<b>Forests</b>
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	<b>Wildlife and Vegetation</b>
	4.4	<b>Freshwater Resources</b>
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	<b>Coastal Areas and Marine Shorelands</b>
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.
✓	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.

<b>Staff Comment</b>	The proposed policy associated with this bylaw would not permit encroachments onto “public beach access and other trails,” so as to protect public access to and from the marine shoreline.	
<b>N/A</b>	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	<b>Soils and Other Resources</b>
<b>N/A</b>	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**

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
	<b>5.1</b>	<b>Aesthetic Qualities</b>
✓	<b>5.1.3</b>	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.
<b>Staff Comment</b>	Creating a clear policy to manage and enforce encroachments on the municipal road ways, and charge a consistent fee for use of municipal land, helps ensure that encroachments are reviewed and minimized, to protect the overall visual quality and scenic value travelling along Bowen’s road.	
	<b>5.2</b>	<b>Growth and Development</b>
<b>N/A</b>	<b>5.2.3</b>	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.
<b>Staff Comment</b>	BIM Staff are unclear if this policy would be determined to be applicable to the proposed bylaw and associate policy. The bylaw and associated policy would provide a clear avenue to review proposed encroachments for impact on, among other factors, sightlines and environmental impact. The policy would also prohibit encroachments into parkland, which could potentially be viewed as a social impact.	
<b>N/A</b>	<b>5.2.4</b>	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.
<b>N/A</b>	<b>5.2.5</b>	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.
<b>N/A</b>	<b>5.2.6</b>	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.
	<b>5.3</b>	<b>Transportation and Utilities</b>
<b>N/A</b>	<b>5.3.4</b>	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.
<b>Staff Comment</b>		Staff have marked this as not applicable as the proposed amendment bylaw does not alter any existing road classification system found in Bowen's Subdivision and Servicing Bylaw No. 447, 2017
<b>N/A</b>	<b>5.3.5</b>	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.
<b>N/A</b>	<b>5.3.6</b>	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.
<b>N/A</b>	<b>5.3.7</b>	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.
<b>Staff Comment</b>		Staff have marked this as not applicable as the proposed amendment bylaw and policy ensure that any with the issuance of any encroachment permit BIM would retain the ability to remove the encroachment to construct municipal infrastructure such as bicycle paths.
	<b>5.4</b>	<b>Disposal of Waste</b>
<b>N/A</b>	<b>5.4.4</b>	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.

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
	<b>5.5</b>	<b>Recreation</b>
<b>N/A</b>	<b>5.5.3</b>	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.
<b>N/A</b>	<b>5.5.4</b>	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.
<b>N/A</b>	<b>5.5.5</b>	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.
<b>Staff Comment</b>		Staff have marked this as not applicable as the proposed bylaw does not identify, or alter existing identifications, of sites providing safe public access to beaches or areas of recreational significance. The associated policy does prohibit any new encroachments onto public access to beaches or recreational parks and trails.
<b>N/A</b>	<b>5.5.6</b>	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.
<b>N/A</b>	<b>5.5.7</b>	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.
<b>Staff Comment</b>		Staff have marked this as not applicable as the proposed amendment bylaw and policy ensure that any with the issuance of any encroachment permit BIM would retain the ability to remove the encroachment to construct municipal infrastructure such as bicycle paths.

	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
<b>N/A</b>	<b>5.6.2</b>	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.
<b>N/A</b>	<b>5.6.3</b>	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.
	<b>5.7</b>	<b>Economic Opportunities</b>
<b>N/A</b>	<b>5.7.2</b>	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.
	<b>5.8</b>	<b>Health and Well-being</b>
<b>N/A</b>	<b>5.8.6</b>	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.

<b>POLICY STATEMENT COMPLIANCE</b>	
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✓	<b>COMPLIANCE WITH TRUST POLICY</b>
	<b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b>

# Mayor and Council Planning

## Encroachment Policy Bylaw No. 629, 2023

December 11, 2023

**BOWEN ISLAND**  
Municipality

## Overview

- RES#21-196 That Council direct staff to develop a policy to address encroachments on municipal property.
- November 14, 2023:  
That Council direct staff to prepare a bylaw to amend the Traffic and Use of Streets Bylaw to include provisions from the draft Encroachment Policy on how to address encroachments on municipal land.
- That the Draft Encroachment Policy Report dated October 30, 2023 be referred to the Finance Advisory Committee and Transportation Advisory Committee for information.

**BOWEN ISLAND**  
Municipality

## Encroachment Policy

- Staff made amendments to Encroachment Policy to:
  - Clarify retaining walls over 0.6m as “invasive”
  - Specify gravel shoulders are not “encroachments” per se
  - Include “invasive” encroachments as not supported, unless historic encroachments
- Staff have not completed referral to committees, but are seeking First Reading of Bylaw 629 to start Islands Trust Referral process

**BOWEN ISLAND**  
Municipality

## Bylaw 629

- Amend the Traffic and Use of Streets Bylaw
- Include definitions for “Encroachment” as well as invasive and non-invasive encroachments.
- Bylaw would delegate to the Director of Engineering to issue permits for encroachments
- Would update other fees in Bylaw 133

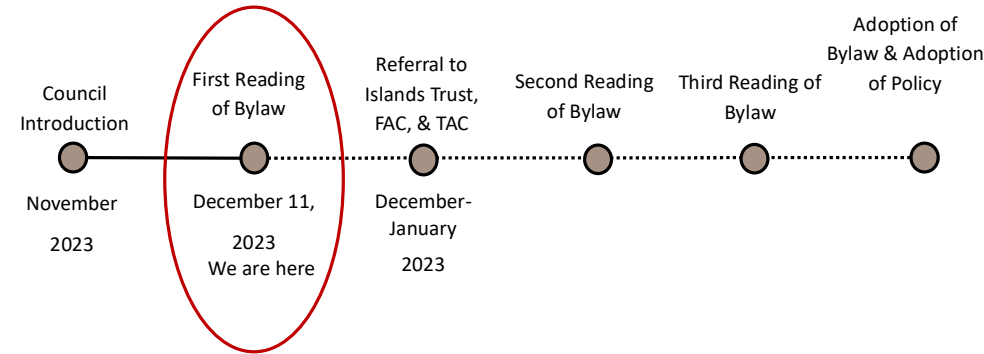
**BOWEN ISLAND**  
Municipality

## IT Policy Statement

- Checklist included referral to the Islands Trust
- Staff identified four directive polices that apply to the proposed Encroachment Policy (and draft bylaw)

**BOWEN ISLAND**  
Municipality

## BYLAW PROCESS



**BOWEN ISLAND**  
Municipality

## Recommendation

That Council give First Reading to Bylaw No. 629, 2023, cited as “Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005, Amendment Bylaw No.629, 2023”;

That Council refer Bylaw No. 629, 2023 and draft Encroachment Policy to the Finance Advisory Committee and the Transportation Advisory Committee for a recommendation; and

That Council refer Bylaw No. 629, 2023, draft Encroachment Policy, and attached Islands Trust Policy Statement Checklist, to the Islands Trust.

**BOWEN ISLAND**  
Municipality

# BOWEN ISLAND Municipality

To: Mayor Leonard and Council

From: Daniel Martin, Manager of Planning and Development

Date: December 1, 2023

Meeting Date: December 11, 2023

**Subject: Draft Encroachment Policy**

## RECOMMENDATION

That Council give First Reading to Bylaw No. 629, 2023, cited as “Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005, Amendment Bylaw No.629, 2023”;

That Council refer Bylaw No. 629, 2023 and draft Encroachment Policy to the Finance Advisory Committee and the Transportation Advisory Committee for a recommendation; and

That Council refer Bylaw No. 629, 2023, draft Encroachment Policy, and attached Islands Trust Policy Statement Checklist, to the Islands Trust.

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## PURPOSE

The purpose of this report is to present Council with a draft amendment bylaw and Encroachment Policy for consideration of First Reading.

## BACKGROUND

Throughout Bowen Island there are many places where individual property owners have built buildings and structures, or done other work, on the municipal road or property adjoining their property. This may have occurred prior to incorporation or may have occurred more recently. Encroachments occur inadvertently when a property owner is unaware of the limits of their property, occur when a property owner assumes that the municipality will not seek enforcement of encroachments, or occur when an encroachment results in what the property owner feels is a better overall development of their site.

In April 26, 2021 staff prepared a [report](#) regarding an encroachment at 205 Highland Trail which also highlighted the need for a municipal wide approach to dealing with encroachments onto municipal land. In response Council adopted the following resolution:

RES#21-196 That Council direct staff to develop a policy to address encroachments on municipal property.

Following that direction, staff presented a draft [Encroachment Policy](#) to Council at the November 14<sup>th</sup>, 2023 meeting. At that meeting Council adopted the following resolutions:

RES#23-355

**It was Moved and Seconded**

That Council direct staff to prepare a bylaw to amend the Traffic and Use of Streets Bylaw to include provisions from the draft Encroachment Policy on how to address encroachments on municipal land.

CARRIED UNANIMOUSLY

RES#23-356

**It was Moved and Seconded**

That the Draft Encroachment Policy Report dated October 30, 2023 be referred to the Finance Advisory Committee and Transportation Advisory Committee for information.

CARRIED UNANIMOUSLY

Staff have prepared the draft bylaw and are presenting it for consideration of First Reading and to enable the required referral to the Islands Trust to commence. Staff recommend this report, bylaw, and draft policy be referred to two advisory committees for recommendations, and would return the bylaw to Council for amendments or further readings once those referrals have been completed.

**COMMUNITY CHARTER**

Section 35 of the [Community Charter](#) permits municipalities the authority to “grant a licence of occupation or an easement or permit an encroachment, in respect of a highway that is vested in the municipality....” BIM has used this provision in the past to grant licence of occupations and easements to encroachments on Municipal highways.

**PROPOSED POLICY AMENDMENTS**

Following Council discussion at the November 14, 2023 meeting, staff have made a series of edits to the Encroachment Policy. Some of these edits are minor intended for clarity. Substantial amendments to the policy include:

1. Changing the definition of “invasive encroachment” to include retaining walls over 0.6 metres in height (changed from over 1.5 metres in height)
2. Including a guiding principle that the Municipality does not generally support invasive encroachments that benefit a private landowner
3. Including “invasive encroachments” in the category of encroachments that would not be permitted by staff, unless they are historic encroachments. Approval would have to come through application to Council.
4. Clarification that road side gravel shoulders are not considered encroachments when they do not convey exclusive use of an area, or include permanent features such as culvert or retaining walls.

Staff are not presenting the Encroachment Policy for adoption at this point. Council is encouraged to identify any amendments they wish to see in the policy. In particular if Council is unsure of the selected policy approach.

**AMENDMENT BYLAW NO. 629, 2023**

The draft amendment bylaw would include definitions for “Encroachment” as well as invasive and non-invasive encroachments. The bylaw would then delegate authority to the Director of Engineering to issue permits for encroachments. Schedules of Bylaw 133 would be updated to include the fees

proposed and sample application forms and permits for the new encroachment permits. Issuance of the permits would follow the guidelines in the bylaw and the process set out in the Encroachment Policy.

**OTHER AMENDMENTS TO BYLAW NO. 133**

When preparing an amendment bylaw for Bylaw No. 133 (Traffic and Use of Streets), staff will also bring amendments to existing fees in Schedule “A” Permit Fees. These fees were established in 2005 and have not been increased since. Staff are proposing increases to the fees to reflect increase staff costs since the adoption of Bylaw No. 133. As these fees have not previously been increased, the increases proposed by staff result in a large percentage increase but are needed to reflect cost increases since 2005.

Schedule A – Permit Fees		
Permit Type	Current Fee	Proposed Fee
Driveway Access	\$100	\$150
Parade, Event or Procession	\$25	\$50
Construction of works in the Municipal Right of Way by anyone other than a Public Utility	\$100	\$150
Remove Trees in the Right of Way	\$25	\$50

**FINANCIAL/ RESOURCE/MAINTENANCE CONSIDERATIONS**

The draft Encroachment Policy seeks to create a clear process for staff to permit encroachments on Municipal Land, which should result in less staff time navigating each encroachment as a stand-alone issue. Currently, the process of negotiating and entering into an easement and covenant is a time-consuming process for staff and owners. The lack of a clear policy and established fees means that staff are challenged to adequately recover costs associated with dealing with the encroachment.

Application Fees established by the bylaw provide a mechanism to ensure that payment is received prior to staff spending time on each application. Annual permit fees aim to capture the value of the Municipal Land that is being provided to each applicant.

Other increases in Bylaw No. 133 aim to bring the cost of the permit closer to the cost of staff time to process each application.

**OTHER CONSIDERATIONS**

**Islands Trust Policy Statement**

Section 15.0 of BIM’s [Letters Patent](#) require that when Bowen:

“proposes to adopt a bylaw, other than an official community plan bylaw, which has any reference to a matter included in the trust policy statement, the municipality shall refer the proposed bylaw to the Islands Trust prior to third reading of the proposed bylaw.”

Staff have reviewed the [Trust Policy Statement](#) and located policies that reference matters included in the trust policy statement, and so recommend that the amendment bylaw be referred to the Islands Trust. Identified policies, and staff comment is as follows:

*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.*

Staff Comment:

The proposed policy associated with this bylaw would not permit encroachments that “harm an environmentally sensitive area” so as to protect those areas from the potential impact associated with an encroachment.

*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.*

Staff comment:

The proposed policy associated with this bylaw would not permit encroachments that “harm ... a sensitive coastal area so as to protect those areas from the potential impact associated with an encroachment.

*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.*

Staff comment:

The encroachment policy does not permit encroachments onto “public beach access and other trails.”

*1.1.3 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*

Staff comment:

Creating a clear policy to manage and enforce encroachments on the municipal road ways, and charge a consistent fee for use of municipal land, helps ensure that encroachments are reviewed and minimized, to protect the overall visual quality and scenic value travelling along Bowen’s road.

Staff have prepared a draft Policy Checklist and provided it as an attachment to this report. The draft checklist provides these responses and also provides responses to additional policies that staff marked as “N/A” to provide a rationale as to why those policies are not applicable. Staff are seeking a motion to refer the amendment bylaw and checklist to the Islands Trust.

## **COMMUNICATION TO THE PUBLIC**

Information about the draft Encroachment Policy and amendment bylaw will be published in the Council meeting highlights.

## **NEXT STEPS**

Staff are presenting the draft bylaw for consideration of First Reading, along with the revised draft encroachment policy. Following discussion at this meeting, staff are seeking First Reading of the bylaw and referral of the bylaw and policy to the Islands Trust. Once comment has been received from the Trust, or the required number of days has passed, staff would return with any response and recommendation for second and third Reading of the bylaw. Finally, staff will return the bylaw and

policy to a Council Meeting for adoption of the bylaw and policy at the same meeting. The proposed process would run as follows:

1. Amendment bylaw is presented for consideration of First and referred to the Islands Trust. Council may provide additional comments on the draft policy.
2. Amendment bylaw is returned with Islands Trust comment for consideration of Second and Third Reading.
3. Amendment bylaw and policy are presented for adoption.

### CONCLUSION

The Municipality needs to assure safety and accessibility on all public property such as streets, sidewalks and unmaintained road right-of-ways. Encroachments exist and continue to be discovered and therefore a draft Encroachment Policy has been established to provide a consistent approach and fee structure to permit encroachments as they are identified.

Staff recommend First Reading of the bylaw be given and referred to the Islands Trust, based on Bowen’s Letters Patent. Given nature of the bylaw and policy, staff anticipate potential for further amendments to the bylaw and policy through the bylaw reading process.

### ALTERNATIVES

1. That Council request Staff to make further amendments to Bylaw No. 629 or the draft Encroachment Policy prior to consideration of any Bylaw readings and return it to a future Council Meeting.
2. Other options as determined by Council.

### ATTACHMENTS AND REFERENCES:

1. Draft Encroachment Policy – redlined version with updates
2. Amendment Bylaw No. 629
3. [Traffic and Use of Streets Bylaw No. 133, 2005](#)
4. Draft Islands Trust Policy Checklist

**Submitted by:** Daniel Martin, Manager of Planning and Deve

Note to Executive Committee - Checklist removed from this staff report for January 17, 2024 agenda to avoid confusion

### REVIEWED BY:

- |                                 |                                     |
|---------------------------------|-------------------------------------|
| CAO                             | <input checked="" type="checkbox"/> |
| Bylaw Services                  | <input type="checkbox"/>            |
| Communications                  | <input type="checkbox"/>            |
| Corporate Officer               | <input checked="" type="checkbox"/> |
| Finance                         | <input type="checkbox"/>            |
| Fire & Emergency                | <input type="checkbox"/>            |
| Environment & Parks             | <input checked="" type="checkbox"/> |
| Planning                        | <input type="checkbox"/>            |
| Public Library                  | <input type="checkbox"/>            |
| Public Works                    | <input type="checkbox"/>            |
| Recreation & Community Services | <input type="checkbox"/>            |

POLICY

<b>Title:</b> Encroachments into Municipal Land	<b>Policy No.</b> XXXX
<b>Authority:</b> Council	<b>Effective Date:</b> (date adopted by Council)
<b>Approved by:</b> Council	<b>Review Date:</b> (one year after date of adoption)

**POLICY OBJECTIVE:**

To establish a system regarding requests from private landowners to allow an Encroachment to remain or occur on Municipal Land.

**REASON FOR POLICY:**

To provide a fair, consistent, and effective response to encroachments into Municipal owned and/or controlled land.

**SCOPE:**

From time to time, it is necessary or desirable for property owners to encroach into Municipal owned and/or controlled properties, including Municipal streets. In recognizing that encroachments exist, will continue to be discovered, and new encroachments may be required and permitted, the Bowen Island Municipality seeks to adopt a policy for processing encroachment applications. This is necessary to ensure that the Municipality operates fairly and consistently ~~and that~~, steps are taken to limit the Municipality’s exposure to liability. This policy also aims to, and to ensure that encroachments do not adversely affect the public interest and do not restrict access to public property, that impair the Municipality’s such that the ability to maintain effective services to the public is impaired.

Provisions of this policy will be adopted into Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005.

**DEFINITIONS:**

- a. **“Applicant(s)”** means the owner(s) of land, registered under the *Land Titles Act*;
- b. **“British Columbia Land Surveyor”** means a professional land surveyor registered with the British Columbia Surveyors’ Association;
- ~~b.c.~~ **“boulevard”** means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjoining property or roadway, and includes curbs, sidewalks, ditches and improved and unimproved grounds.
- ~~c.d.~~ **“Council”** means the Council of the Bowen Island Municipality;
- ~~d.e.~~ **“Current Assessed Land Value”** means the assessed value of ~~a~~ the land of a property as assigned by BC Assessment;
- ~~e.f.~~ **“Easement”** means any rights granted to allow for the passage and maintenance of public utilities identified by a registered Easement granted to Bowen Island Municipality;
- ~~f.g.~~ **“Encroachment”** means anything placed, constructed or erected on the ground (excluding municipal improvement required and owned by the Municipality or other public utilities and infrastructure), that extends on, over or under Municipal Lands;
- ~~g.h.~~ **“Easement and Covenant”** means an Restrictive Covenant between the Applicant and the Municipality and registered on the title of the Applicant’s land, authorizing an Encroachment and which

establishes particular circumstances and conditions under which a use or building on the property may incorporate the use of adjoining land owned or controlled by the municipality;

Schedule A provides a template of a Typical Restrictive Covenant

- ~~h.i.~~ **“Encroachment Permit”** means a Permit for the encroachment issued by the Municipality;
- ~~h.j.~~ **“Historical Encroachment”** means an Encroachment that is located on its original location and was created prior to incorporation of the Municipality in 1999;
- ~~j.k.~~ **“Invasive Encroachment”** means an Encroachment that impedes the public’s general use of municipal land. Examples includes fence~~ss~~, buildings, and retaining walls over ~~1-50.6~~ metres in height;
- ~~k.l.~~ **“Municipality”** means Bowen Island Municipality;
- ~~l.m.~~ **“Municipal Land(s)”** means a Street, Easement, Municipal ~~P~~park, or Municipal owned or controlled lot;
- ~~m.n.~~ **“Non-invasive Encroachment”** means an Encroachment that does not impede the public’s general use of the municipal land. Examples include private utilities buried under Municipal Land, or retaining walls under ~~1-50.6~~ metres in height;
- ~~n.o.~~ **“Street”** means a public roadway, trail, and sidewalk, and any other way normally open to the use of the public, but does not include a private right-of-way on private property;
- ~~o.p.~~ **“Temporary Location”** means an encroachment of a structure that is not permanently attached to the ground.

## GUIDING PRINCIPLES

Encroachments onto or into Municipal Lands are not permitted except where authorized by the Municipality pursuant to this policy, or a formal agreement with the Municipality that pre-dates the establishment of this policy and remains in force. The Municipality recognizes that in some circumstances an encroachment may be necessary, or advantageous, to allow for a better overall development of a site. Generally, however, the Municipality does not support invasive encroachments that benefit a private landowner by taking exclusive use of public land.

### 1. Prohibited Encroachments

The following are examples of encroachments into Municipal Land that will generally **not** be permitted and/or approved:

- ~~a. Encroachments into parkland that are not historic encroachments;~~
- ~~b.a. Encroachments upon public beach access and other trails that are not historic encroachments;~~
- ~~c.a.~~ Encroachments within an emergency access;
- ~~d.a.~~ Encroachments over municipal utilities that are not historic encroachments;
- ~~e.b.~~ Encroachments that create, or have the potential to create, a hazardous situation;
- ~~f.c.~~ Encroachments that obstruct sightlines below a standard acceptable to the Municipality;
- ~~g.d.~~ Encroachments that impede, obstruct, or damage utilities or result in their unsafe exposure;
- ~~h.e.~~ Encroachments that harm an environmentally sensitive area or sensitive coastal area.

The following encroachments are only permitted if they are historic encroachments:

- ~~a. Encroachments into parkland that are not historic encroachments;~~
- ~~b. Encroachments upon public beach access and other trails that are not historic encroachments;~~
- ~~c. Encroachments over municipal utilities that are not historic encroachments;~~
- d. Invasive Encroachments.

Any encroachments of such a nature must be removed and the land on which they were situated must be returned the same condition as it was prior to the encroachment being made.

## **1.2. Minor Encroachments**

The following encroachments ~~are may be~~ considered minor in nature. Provided the minor encroachments do not present a safety issue, an Encroachment Permit ~~shall may~~ not be required for the following: Please contact the Municipality for confirmation that no permit or covenant is required for your existing or proposed minor encroachment.

### **a. Boulevard Improvements:**

Non-permanent landscaping features such as flower beds, gravel or woodchip ground cover, and low-lying shrubs that do not adversely impact public access points, Municipal assets, access, or operations and do not convey exclusive use of an area-

The Municipality may remove boulevard improvements if necessary to install, improve, or maintain municipal infrastructure.

### **b. Driveway Access Permits:**

Any encroachment associated with the issuance of a Municipal Driveway Access permit, and where Driveway Access Construction Guidelines are met.

~~Please contact the Municipality for confirmation that no permit or covenant is required for your existing or proposed minor encroachment.~~

## **2.3. Encroachment Permits:**

A property owner may seek authorization to encroach into Municipal owned or controlled properties by making an application to the Municipality in accordance with the procedures set out in the Procedures and Requirements Section below. Submission of a complete application does not guarantee that an encroachment will be approved, ~~and, t~~The Municipality may decline to authorize an encroachment for any reason.

~~The following encroachments will require a permit to construct works or occupy within a Municipal right of way in addition to an Encroachment Permit or Covenant.~~ If the encroachment requires a building permit, the Applicant will be required to enter into an Easement and Covenant in addition to the building permit and the encroachments will be registered on the title of the applicant's land.

The following lists potential encroachments but is not an exhaustive list of all potential encroachments. All applications will be evaluated on a case-by-case basis.

a. Hard surfaces such as concrete or asphalt surfaces

~~a.b.~~ Permanent landscaping features such as retaining walls and, rock garden beds, or paving stones;

~~b.c.~~ Fences;

~~c.d.~~ Stairs, steps and ramps;

~~d.e.~~ Irrigation systems;

~~e.f.~~ Construction waste bins;

~~f.g.~~ Construction site office or laydown area;

- h. Buildings or structures that require a building permit including, but not limited to, footings, sheds, garages, and garbage enclosures;
- g.i. Accessory Buildings and structure governed by Part 1 of the BC Building Code that do not require building permits
- h.i. Areas constructed for the parking of vehicles (beyond regular ~~on-street~~off-street parking);
- i-k. Awnings, balconies, eaves, sills, and other similar projections;
- j-l. Encroachments to facilitate the development of properties adjacent to the Municipal Land including, but not limited to, occupation of roads or rights of way, excavations, material or ~~motor~~ construction vehicle storageparking.

## PROCEDURES AND REQUIREMENTS

1. Applications for encroachments into Municipal Land must be made by completing the appropriate application form and submitting it, along with the required fee and the necessary accompanying documentation including:
  - a. Letter of intent explaining the circumstances for the encroachment;
  - b. Drawings showing the location and area of the proposed or existing encroachment; and
  - c. Any other documents reasonably associated or necessary to process the permit application, to the Municipality's Public Works department, along with the applicable Encroachment Permit Application Fee as set out in the Municipality's Traffic & Use of Streets Bylaw.

Applications for encroaching buildings or structures requiring a building permit shall also provide:

- a. A complete building permit application; and
  - b. A registered plan of the encroachment area prepared by a British Columbia Land Surveyor, to be included in the registered Easement and Covenant.
  - c. Payment of an additional fee for the review of an easement and covenant
2. Upon receipt by the Public Works Department, the application will be circulated internally for review and comment. This process may require Municipal staff to conduct a site visit to inspect the encroachment or require the submission of additional documentation as may be required to process the permit application. Applicants should anticipate that this process will take up to 3 months.
  3. If the application is reviewed and supported by staff, and there are no other requirements associated with the Application as outlined below, the Municipality may issue the applicant a permit for the encroachment (the "Encroachment Permit"). The Encroachment Permit may be issued on terms and conditions determined appropriate by staff.
  4. For encroachments that require issuance of a building permit, the Municipality will require the preparation, execution, and registration on title of an easement and covenant permitting the encroachment. When this is required, the applicant will be required to pay a document preparation fee to cover the Municipality's costs of preparing the documents. The covenant will need to be executed by the applicant and registered on the title of the adjoining land before the Municipality will issue an Encroachment Permit.
  5. The Municipality requires the payment of an Annual Permit Fee. As a condition of the Encroachment Permit, the applicant will be required to pay the fee as set out in the Traffic and Use of Streets Bylaw before the

Municipality will issue an Encroachment Permit. The rate at which the annual fee will be calculated is based on the area of land covered by the encroachment and the assessed value of the adjoining land. Invasive encroachments have a higher fee than non-invasive encroachments.

6. Encroachment Permits subject to an annual fee are valid for one calendar year and are renewed annually on January 1. Encroachment Permits for shorter periods of time may be issued and the fees will be pro-rated, monthly.
7. Authorized encroachments must comply with all Federal and Provincial laws and Municipal bylaws including the Traffic & Use Streets Bylaw and the Building Bylaw.
8. The Applicant will be required to indemnify and save the Municipality harmless against any damage, including property damage, bodily injury or any other losses, which may befall the Municipality as a result of the encroachment. Proof of appropriate insurance coverage with a limit of not less than \$2 million dollars (although the Municipality may determine if more is required) per occurrence and naming the Municipality as an additional insured will be required before a permit will be issued, and the validity of an Encroachment Permit will be conditional on the maintenance of the insurance coverage.
9. If an Applicant subsequently removes an authorized encroachment that is subject to both an Encroachment Permit and an easement and covenant, they will be required to pay a fee for the costs associated with preparing a release from the covenant if it has been registered on title.
10. For all encroachments into Municipal Lands, an Encroachment Permit and any associated agreements will be signed by the Director of Engineering or their designate.
11. Requests for authorization of encroachments that do not conform to this Policy and cannot be approved by staff pursuant to this policy may, at staff's discretion, be directed to Council for consideration.
12. An Encroachment Permit or easement and covenant will, in no case, be construed as a waiver of the Municipality's rights in respect of the Municipality's owned and/or controlled property. The Municipality reserves the right to direct that permitted encroachments be removed at any time on reasonable notice.
13. Minor amendments to this policy may be made from time to time by the Director of Engineering.
14. Encroachment fees will vary depending on the square footage of the encroachment, the assessed value of the subject land, the nature of the encroachment, and how invasive the encroachment is. The applicant will also be required to pay a \$150 application fee. The following fee structure, which may be amended from time to time, are applicable, and will be incorporated into the Municipality's Traffic & Use of Streets Bylaw.

**Table 1 - Fee Structure**

Encroachment Type	Annual Permit Fees
Non-invasive encroachment	Application Fee: \$150 Annual Fee: The greater of \$100 or (Current Assessed <u>land</u> value per m <sup>2</sup> ) x (m <sup>2</sup> of encroachment) x (2.5%)
Invasive encroachment	Application Fee: \$150 Annual Fee: The greater of \$150 or (Current Assessed <u>land</u> Value per m <sup>2</sup> ) x (m <sup>2</sup> of encroachment) x (5%)

Review of easement and covenant	\$350
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**RETROACTIVE ENCROACHMENT APPROVAL**

Where an unauthorized encroachment is identified, the owner or occupier that is encroaching will be required to apply for an Encroachment Permit within 30 days of the encroachment being discovered. Should the owner or occupier not make an application for an Encroachment Permit within 30 days of the encroachment being discovered, the owner or occupier will be required to have the encroachment be removed, at their expense, within 60 days.

If the encroachment is not removed as requested after 60 days, and no permit application is received within that time, the Municipality may remove the encroachment at the owner or occupier’s sole expense, and the Municipality will bill the owner or occupier of the encroachment. The owner or occupier of the encroachment will receive an invoice within 30 days for all costs incurred by the Municipality in connection with the removal of the encroachment. If the invoice remains unpaid at the end of the calendar year in which it was issued, the costs incurred by the Municipality will be added as taxes owing on the property, or the Municipality may pursue recovery of costs through other collection actions. Should extenuating circumstances exist that merit the Municipality affording additional time to occupiers for removing the encroachment, the Municipality may grant such additional time.

**Policy adopted by Council at its Regular Council Meeting held xxxx.**

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Andrew Leonard  
Mayor

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Sophie Idsinga  
Interim Corporate Officer

**Bowen Island Municipality**  
**Bylaw No.629 2023**

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A Bylaw to amend Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005

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**WHEREAS**, “Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005” regulates traffic and the use of streets and public places in Bowen Island Municipality

**AND WHEREAS**, Council wishes to amend “Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005” to include a mechanism to permit encroachments onto Municipal Land

**THEREFORE**, the Council of Bowen Island Municipality, in open meeting assembled, enacts as follows:

**1. Citation**

1.2 This bylaw may be cited for all purposes as *“Bowen Island Municipality Traffic and Use of Streets Bylaw No. 133, 2005, Amendment Bylaw No.629, 2023”*

**2. Amendments**

2.2 Bowen Island Municipality No.133 is amended at Section 1 DEFINITIONS by inserting the following definitions as follows:

**“Encroachment”** means anything placed, constructed or erected on the ground (excluding municipal improvement required and owned by the Municipality or other public utilities and infrastructure), that extends on, over or under Municipal Lands.

**“Encroachment, Invasive”** means an Encroachment that impedes the public’s general use of municipal land. Examples includes fences, buildings, and retaining walls over 0.6 metres in height.

**“Encroachment, Non-invasive”** means an Encroachment that does not impede the public’s general use of the municipal land. Examples include private utilities buried under Municipal Land, or retaining walls under 0.6 metres in height.

2.3 Bowen Island Municipality No.133 is amended by inserting Section 42, 43, & 44, and renumbering subsequent passages, to read as follows:

**Encroachment Permit**

42. The Director of Engineering may issue an Encroachment permit as outlined in Schedule “B” to allow those things otherwise prohibited by Section **Error! Reference source not found.** of this bylaw and subject to such other conditions in Section 43
43. As a pre-requisite to the issuance of a permit under Section 42 the Director of Engineering may require the applicant to:
- a. Provide a complete application including:
    - i) Complete Application form in the manner as provided in Schedule “B”
    - ii) Payment of application fee for an encroachment permit
    - iii) A Letter of intent explaining the circumstances for the encroachment;
    - iv) Drawings showing the location and area of the proposed or existing encroachment; and
    - v) Any other documents reasonably associated or necessary to process the permit application, to the Municipality's Public Works Department's satisfaction, along with the applicable Encroachment Permit Application Fee as set out in this Bylaw.
  - b. For applications for encroaching buildings or structures requiring a building permit, the applicant shall additionally provide:
    - i) A complete building permit application; and
    - ii) A registered plan of the encroachment area prepared by a British Columbia Land Surveyor, to be included in the registered Easement and Covenant.
    - iii) Payment of an additional fee for the review of an easement and covenant
  - c. The applicant shall indemnify, protect and save harmless the Municipality from and against all claims demands and lien claims of every kind arising out of or in any way connected with the work or other things for which a permit has been issued. Proof of appropriate insurance coverage with a limit of not less than \$2 million dollars (although the Municipality may determine if more is required) per occurrence and naming the Municipality as an additional insured will be required before a permit will be issued, and the validity of an Encroachment Permit will be conditional on the maintenance of the insurance coverage
  - d. Failure of the permit holder to repair damage and/or fulfil such obligations as are set out in a permit within the specified time shall result in the forfeiture of the deposit to the Municipality as liquidated damages.
  - e. Notwithstanding the foregoing, the Municipality shall have the right to seek additional compensation from the applicant.
44. Prior to the issuance of a permit, the applicant shall make the annual payment fee for an encroachment permit as specified in Schedule “A.” Subsequent payments shall be made January 1 each following year.

2.4 Bowen Island Municipality No.133 is amended by replacing Schedule “A” Permit Fees to read as follows:

<b>Permit Type</b>	<i>Application Fee</i>	<i>Permit Fee</i>	<b>Deposit Required</b>
Driveway Access		\$150.00	\$500.00
Invasive Encroachment Permit	\$150	Annual fee of the greater of \$150 or (Current Assessed Land value per m <sup>2</sup> ) x (m <sup>2</sup> of encroachment) x (5%)	
Non-invasive encroachment permit	\$150	Annual fee of the greater of \$100 or (Current Assessed Land value per m <sup>2</sup> ) x (m <sup>2</sup> of encroachment) x (2.5%)	
Parade, Event or Procession		\$50.00	To a maximum of \$500.00
Review of easement and covenant	\$350		
Construction of works in the Municipal Right of Way by a Public Utility		Nil	To a maximum of 10% of the value of the works
Construction of works in the Municipal Right of Way by anyone other than a Public Utility		\$150.00	To a maximum of 10% of the value of the works
Tree Cutting in the Municipal Right of Way by a Public Utility		Nil	\$500.00
Tree Cutting in the Municipal Right of Way by anyone other than a Public Utility		50.00	\$500.00

2.5 Bowen Island Municipality No.133 is amended by amending Schedule “B” Index of Sample Applications & Permits to include the following:

- Encroachment Permit

- 2.6 Bowen Island Municipality No.133 is amended by adding "Schedule A" as attached at page 29:
- 2.7 Bowen Island Municipality No.133 is amended by adding "Schedule B" as attached at page 40:

**READ A FIRST TIME** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;

**READ A SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;

**FINALLY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;

\_\_\_\_\_  
Andrew Leonard  
Mayor

\_\_\_\_\_  
Sophie Idsinga  
Interim Corporate Officer

## **BOWEN ISLAND MUNICIPALITY**

981 Artisan Lane.

P.O. Box 279,

Bowen Island, B.C. V0N 1G0

Phone: 604 947-4255/Fax 604 947-0193

E-mail: bim@bimbc.ca

### **APPLICATION FOR ENCROACHMENT PERMIT**

I/WE HEREBY APPLY FOR PERMISSION TO CONSTRUCT, USE AND MAINTAIN WORKS WITHIN MUNICIPAL LANDS. IT IS UNDERSTOOD THAT THE COMPLETION OF THIS FORM CONSTITUTES AN APPLICATION ONLY AND THE WORK MAY NOT BE COMMENCED UNLESS AND UNTIL A PERMIT IS RECEIVED.

**Full legal description of the property :**

\_\_\_\_\_

**Civic Address** \_\_\_\_\_ Bowen Island, B.C.

Encroachment Area \_\_\_\_\_ sq. m.

Description of proposed works \_\_\_\_\_

This proposed easement is

- Temporary for a period of \_\_\_\_\_
- Permanent)

Attachments:

- Letter of intent explaining the circumstances for the encroachment
- Sketch-plan showing the location and area of the proposed or existing encroachment

**I am/we are the registered owners of the above described property.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name and address: *(Please Print)*

\_\_\_\_\_  
\_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone: \_\_\_\_\_

I/We wish to have the Encroachment Permit issued in the name of

\_\_\_\_\_

Mailing address: \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone: \_\_\_\_\_

\_\_\_\_\_

SAMPLE ENCROACHMENT PERMIT

**BOWEN ISLAND MUNICIPALITY**

981 Artisan Lane  
Bowen Island, BC V0N 1G0  
Phone: 604 947-4255/Fax 604 947-0193  
Email: [bim@bimbc.ca](mailto:bim@bimbc.ca)  
[www.bimbc.ca](http://www.bimbc.ca)

**EXTENT & DESCRIPTION OF THE ENCROACHMENT:**

**ADJOINING PROPERTY INFORMATION (Dominant Tenement):**

**Civic Address:**

**Legal Description:**

**EASEMENT AREA INFORMATION:**

**Legal Description:**

and in accordance with application dated date is hereby authorized insofar as it relates to the use of the Municipal highway, interference with public works, or other matter under the jurisdiction of the Bowen Island Municipality (the Municipality), and permission to construct, use, and maintain the said encroachment (the works) is hereby granted to:

The Permit Holder

1. The said approval and permission to construct, use and maintain the said works is, however, at all times subject to the following conditions:
2. This permission is given in accordance with the terms of the Encroachment Agreement appended to this permit.
3. That the construction, alteration and maintenance of the said works are carried out to the latest Federal and Provincial Government requirements and standards, the MMCD and to the satisfaction of the Municipality.
4. That any person appointed by the Municipality for that purpose shall have free access to all parts of the said works for the purpose of inspecting same.
5. That the construction or alteration of the said works shall be completed by **date** to the satisfaction of the Municipality.
6. That the safety, economy and convenience of the travelling public must at all times be recognized and all traffic control must be undertaken by the Permit Holder to the satisfaction of the Municipality.
7. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.

8. That the Permit Holder shall at all times, accept full responsibility for any accident that may occur or damage that may be done to any person or property whatsoever caused directly or indirectly by the said works, and shall save harmless and indemnify the Municipality and its officers, employees, agents and elected officials from and against any and all claims, actions, causes of action, losses, costs and demands whatsoever or whenever arising in respect of or in any way connected to the works. That, prior to proceeding with any excavation, the Permit Holder will be responsible for notifying any utility company whose works may be close to or affected by the installation.
9. That while reasonable care will be taken on the part of the Municipality to do as little damage as possible to any works authorized by this permit in the carrying-out of the construction, extension, alteration, improvement, repair, maintenance or operation of any public work adjacent thereto, the Municipality and its employees accept no responsibility of any kind for such damage.
10. That the Permit Holder and the Municipality agree that, in the event that relocation of the structure becomes necessary for *bona fide* municipal purposes, then the Permit Holder shall, within 30 (thirty) days written notice from the Municipality, remove the permitted works at their expense.
11. That the Permit Holder shall be responsible for siltation control during the construction of the works.
12. Any mud, soil, debris, or other foreign material tracked onto the highway during construction shall be removed by the Permit Holder at his expense, at least daily, or at any time the material unduly inconveniences or creates a hazard for traffic.
13. That the works shall be constructed and maintained in a manner that ensures that the works do not interfere with the flow of storm water, originating on the right of way or private properties.
14. That the Permit Holder shall be responsible for replacing any survey monuments that may be disturbed or destroyed by construction of the works allowed by this permit. Replacement must be by a British Columbia land surveyor at the Permit Holder's expense.
15. That the design shown on the drawing attached to this permit is a condition of this permit, and any change in such without the prior consent in writing of the Municipality shall render the permit void.
16. That upon completion of the works authorized by this permit, the Permit Holder shall request final inspection and acceptance of the works.
17. That all Annual Fees, as required in Schedule 'A' of the Encroachment Bylaw, shall be paid by the Permit Holder to the Municipality on or before the date specified on the billing prepared by the Municipality.
18. That the Permit Holder shall obtain, maintain and pay for Comprehensive General Liability Insurance, for an amount not less than \$2,000,000 per occurrence. Such insurance shall be primary insurance and shall include the Owner as a named insured and contain a standard form of Cross Liability clause and also provide for 30 days prior notice of cancellation, lapse or material change. Such insurance shall extend to include Blanket Contractual Liability and Tenant's Legal Liability coverage in an amount adequate to cover loss or damage to the works. The Permit Holder shall, upon the request of the Municipality, provide the Municipality with evidence of insurance in the form of a Province of British Columbia Certificate of Insurance. The Permit Holder further agrees that if there be a breach of the insurance requirements the Municipality may obtain the necessary insurance coverage on the Permit Holder's behalf and recover the costs thereof as Additional Fees.
19. Works permitted under this permit are limited to the Municipal land, and do not include works on private properties, which may be subject to other permits, including municipal development permits.
20. All permits and drawings shall be kept on site at all times during construction.
21. This permit is not valid without acceptance of the permit conditions by the applicant(s), provided by signing below.
22. I/We hereby accept and agree to the terms stated above.

(Permit Holder)

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Applicants Signature

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Date

**Permit Issued:**  
Signature

**Inspection & Acceptance of Permitted  
Works:**

**Authority to release Security Deposit.**

Signature:

Date:

**Date:**

**Title:**

**Title:**

File No.: 3900-03; 4050-03

**DATE OF MEETING:** January 17, 2024  
**TO:** Executive Committee  
**FROM:** Warren Dingman, Bylaw Compliance & Enforcement Manager  
**DATE PREPARED:** December 14, 2023  
**SUBJECT:** Denman Island Local Trust Committee Bylaw No. 247

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## RECOMMENDATION

- 1. THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 247, 2019, Amendment No. 1, 2023” in accordance with Section 27 of the *Islands Trust Act*.**

## DIRECTORS COMMENTS

Denman Island Local Trust Committee has referred Bylaw No. 247 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.

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## 1 PURPOSE

The purpose of this request for decision is to summarize the amendments to the Denman Island Bylaw Enforcement Notice Bylaw No. 232 contravention schedules and the request by the Denman Island Local Trust Committee for its approval by the Executive Committee.

## 2 BACKGROUND

The Denman Island Local Trust Committee rescinded Siting and Use Bylaw No. 52 in May 2022, and there is currently no means to enforce the new Siting and Use Bylaw No. 240, other than court action, and an amended Schedule B of the Bylaw Enforcement Notice bylaw (BEN) referencing the new Bylaw No. 240 was required.

The Local Trust Committee (LTC) in consideration of proceeding with amendments to the BEN bylaw, also considered the large number of Land Use Bylaw contraventions listed, discussed the disproportionate impact of fines on low-income residents, and the need for enforcement on short-term vacation rentals (STVRs) that generate income while limiting the housing supply. For those reasons, the LTC priority for enforcement will be STVRs and they do not want fines for non-permitted dwellings, and only for a limited number of other reasons.

The LTC has amended the Schedule A (Land Use Bylaw Contraventions) and it now contains a reduced number of contraventions, with the emphasis on STVRs as previously stated, and contraventions regarding sensitive environmental areas.

# REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

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### 3 IMPLICATIONS OF RECOMMENDATION

#### ORGANIZATIONAL

The Local Trust Committee has concerns about the use of the BEN system, and so they have also established a policy where they will receive regular reporting on bylaw compliance and enforcement files so that the LTC can review and prioritize enforcement and enforcement resources for Denman. This will result in a more limited use of the BEN system through more oversight by the Local Trust Committee on which files proceed to enforcement actions.

#### FINANCIAL

There are no direct financial increases or increases in staff resources associated with the current amendments to the BEN bylaw and the use of the limited number of contraventions for which a penalty can be issued. However, there is the possibility of increased legal costs associated with future enforcement efforts as legal action becomes option for enforcing a greater number of offences.

### 4 RELEVANT POLICY(S)

Trust Council Policy 5.5.1, Bylaw Compliance & Enforcement.

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### 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. 247, cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 247, 2019, Amendment No. 1, 2023", 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:	Warren Dingman, Bylaw Compliance & Enforcement Manager	December 14, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	December 14, 2023

### ATTACHMENTS

1. EC Submission Cover
2. EC Policy Checklist
3. Proposed Denman Island LTC Bylaw No. 247



Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-247

Bylaw Type: Notice Enforcement Bylaw

Date of resolution referring bylaw to Executive Committee: 12-Jul-2023

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

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

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

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

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

**Distribution:** Executive Committee \_\_\_\_\_

Director, LPS \_\_\_\_\_

Local Trust Committee \_\_\_\_\_

Planner \_\_\_\_\_

Planning Clerk \_\_\_\_\_

**Executive Committee**

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**Policy Checklist**

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**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)**

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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**

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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**

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Completed By: Nadine Mourao

**Status**

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Date Resolution Referred to Executive Committee 14-Nov-23

# DRAFT

## DENMAN ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 247

#### A BYLAW TO AMEND THE DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW NO. 232, 2019

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

1. Denman Island Local Trust Committee Bylaw No. 232 cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019” is hereby amended as follows:
  - a. By deleting section 10 (b) and replacing it with the reference to the new siting and use permit bylaw number:
 

(b) Schedule B – Denman Island Local Trust Committee Siting and Use Bylaw No. 240, 2021.
  - b. By deleting Schedule A in its entirety and replacing it with a new Schedule A, contraventions and penalties, attached to and forming part of this bylaw.
  - c. By deleting Schedule B in its entirety and replacing it with a new Schedule B, contraventions and penalties, attached to and forming part of this bylaw.
2. This Bylaw may be cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023.

READ A FIRST TIME THIS 6<sup>TH</sup> DAY OF JUNE, 2023

READ A SECOND TIME THIS 6<sup>TH</sup> DAY OF JUNE, 2023

READ A THIRD TIME THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2023

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

\_\_<sup>XX</sup> DAY OF MONTH, 2023

ADOPTED THIS \_\_<sup>XX</sup> DAY OF MONTH, 2023

CHAIRPERSON

SECRETARY

# DRAFT

## SCHEDULE A

### DENMAN ISLAND LAND USE BYLAW NO. 186 CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description  The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1.2	Non Permitted Use Of Dwelling For Vacation Rental/Paying Guests	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.1	Building within setback of Cliff	\$500.00	\$375.00	\$525.00	Yes	100%
2.3.2	Encroachment into Setback from Natural Boundary of Stream/Lake/Wetland	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.3	Encroachment into Setback from Natural Boundary of the Sea	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.4	Exceed Minimum Difference in Elevation of Building/Structure and Natural Boundary of the Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 1	Non Permitted Use in Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 2	Non Permitted Building/Structure in Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 5	Non Permitted use of vehicles or machinery on the Foreshore	\$500.00	\$375.00	\$750.00	No	N/A

# DRAFT

## SCHEDULE B

### DENMAN ISLAND SITING AND USE BYLAW NO. 240 CONTRAVENTIONS AND PENALTIES

<b>Bylaw Section</b>	<b>Description</b> The following fines apply To the contraventions below:	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
2.	Fail To Obtain Siting and Use Permit	\$500.00	\$375.00	\$750.00	Yes	100%

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**From:** Peter Luckham <[pluckham@islandstrust.bc.ca](mailto:pluckham@islandstrust.bc.ca)>  
**Sent:** Monday, November 27, 2023 1:18 PM  
**To:** Judith Gedye <[jgedye@islandstrust.bc.ca](mailto:jgedye@islandstrust.bc.ca)>; EC <[ec@islandstrust.bc.ca](mailto:ec@islandstrust.bc.ca)>  
**Cc:** Robert Barlow <[rbarlow@islandstrust.bc.ca](mailto:rbarlow@islandstrust.bc.ca)>  
**Subject:** Re: Pender Council meeting feedback

Robert please add to our Dec 20th agenda

Peter Luckham Island Trust, Trustee, Thetis Island Chair Trust Council Islands Trust #200 1627 Fort Street Victoria, B.C. V8R 1H8 Home Phone: (250) 250-210-2553 Office Fax: (250) 405-5155 [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) Preserving island communities, culture and environment

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**From:** Judith Gedye  
**Sent:** Monday, November 27, 2023 9:46 AM  
**To:** EC  
**Subject:** Re: Pender Council meeting feedback

Hi Execs,

I have a note that I want to cross off my list, to mention changes in Bowen's meeting procedures which I think might be of interest.

Today we are discussing and voting on a change to our schedule which will have full council meetings every other Monday, and a regular Committee of the Whole (COW) meeting once a month (i.e. the last 3 Mondays of every month will have a meeting). COWs can have observers but no public comment or submissions. And similar to a closed meeting, if there are any next steps, those proposals, (but with the addition of a staff summary of the COW meeting), must go onto a regular council agenda: no decisions and an opportunity for feedback and reconsideration. The last 6 months we have been increasing COWs as they have been a really good way to share and exchange ideas amongst councilors. This council is very good at open and fair discussions. Now they will be a regular feature. If there is no topic to discuss it can be cancelled (fat chance!!)

The other point is our "consent agenda". Before an agenda is published, the mayor & CEO go through what is scheduled for the meeting and put as much as possible into the consent section. The test is if there is unlikely to be any comment or amendment it goes in. When the agenda is published, there is an opportunity, then & right up until the meeting begins, to pull any item from the consent section for comment immediately after the consent agenda is approved. Correspondence can get referred to a committee, or there are corrections to minutes, or clarification, occasionally there is controversy. Eg. at our last meeting we got a report from a consultant on our "active transportation plan" and it got pulled with referrals to several committees (finance, transportation & accessibility) and scheduling a COW w invitations to include members of those cttees.

Our last TC agenda had more consent items but they were scattered throughout the meeting and my recollection is unclear if they all got adopted. It's a little more complicated with the TC agenda and the sections of the Trust that are reporting, and when support staff might be present to speak to their agenda items, but the more we get used to this process the more can come off the table at the meetings.

Another item I want to have a deeper look at is the use of RFDs, but that is a different issue, and one that perhaps should get raised at a Governance Cttee meeting.

Thanks for your time, & hope this is helpful.  
Judi

**From:** Peter Luckham  
**Sent:** October 5, 2023 9:18:45 PM  
**Subject:** Pender Council meeting feedback

Trustees, I hope that your travels home were not unpleasant and all is well at home.

Executive committee meets next week where one of the topics we will be, reviewing is how council went.

Certainly there were challenges with how business was conducted, and a need for improvement. We would like to hear from you in order to learn and improve on how the meetings are chaired, scheduled and hosted. If you can take the time in the next couple of days to email [EC@islandstrust.bc.ca](mailto:EC@islandstrust.bc.ca) I/we would be grateful.

No later than Monday would be ideal as that would give us time to consider your remarks prior to our next meeting this would be appreciated by all of us.

With thanks, Peter

Peter Luckham Island Trust, Trustee, Thetis Island Chair Trust Council Islands Trust #200 1627 Fort Street Victoria, B.C. V8R 1H8 Home Phone: (250) 250-210-2553 Office Fax: (250) 405-5155 [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) Preserving island communities, culture and environment



## March 2024 Islands Trust Council

### Media & Social Media Training 1 p.m. – 4:30 p.m., Wednesday, March 13, 2024

**Purpose:** To provide in-person training that will help trustees strengthen their skills when conducting media interviews, speaking at or on behalf of the Islands Trust at community events and presentations where media or citizen journalists may be present, responding on social media, and identifying needs and opportunities for communications and engagement.

**Chair:** Peter Luckham, Chair, Islands Trust Council

**Guests:** Jan Enns

**Resources:** Russ Hotsenpiller, Chief Administrative Officer  
Clare Frater, Director, Trust Area Services  
Morgana Van Niekirk, Communications Specialist

1:00p.m.- 1:10 p.m.	<b>Welcome and Introductions</b>	Peter Luckham
1:10 p.m.- 3:00 p.m.	Training Session	ALL
3:00- 3:15 p.m.	BREAK	ALL
3:15 p.m.- 4:30 p.m.	Training Session	ALL



Province imposes changes to the Islands Trust Act. Staff are encouraging leadership to leadership conversations on this topic.

### **Communications materials**

Staff continue to work with a communications contractor to develop communications materials to support trustees and the public when the document is made public. Materials that are already substantially drafted include a Frequently Asked Questions document, social media posts, and news release. Work continues on revising the content and design of the Islands 2050 page, a video and additional materials.

### **Public Engagement Planning**

At its November 22, 2023 meeting the Executive Committee requested:

**staff to place the Policy Statement Amendment Project on the next Executive Committee agenda to support discussion about local trust committee and Bowen Island public engagement and risks.**

On December 20, 2024, the Executive Committee received a briefing on the Policy Statement Amendment Project but didn't discuss local trust committee and Bowen Island Municipality public engagement and risks so staff have attached the project charter and business case to support any conversations that arise. Should Executive Committee wish to consider recommending changes to the project, it should consider any impacts to the proposed FY24/25 budget and direct changes to the business case provided to Financial Planning Committee.

Staff will provide briefings to local trust committees and Bowen Island Municipality to consider once the draft is public, to seek their preferences for public engagement so staff can plan public engagement activities for later in 2024.

As noted in the business case Executive Committee provided to Trust Council for fiscal year 2024/25, the planned approach is to refer the draft document, after receiving approval in principle from Trust Council to local trust committees and Bowen Island Municipality for six months. During this time, local trust committees and Bowen Island Municipality could undertake local public engagement, with some Trust Area Services staff support, at regular or special meetings, to inform their referral responses. The proposed budget for public engagement is \$20,000 which works out to an average of \$1,538 per local trust area/Bowen Island. Funds could be used for facility rentals, minute takers, facilitators, staff travel, poster board design/production, materials, food/drink, etc. As noted in the business case, this de-centralized approach could result in uneven delivery of public engagement, unavailable resources due to overlapping decentralized engagement activities and, depending on the engagement and data collection methods used, a lack of public confidence in the engagement process. The lack of a central on-line public engagement methods, such as a survey and virtual community workshops, may result in some community members feeling that there were not offered a convenient way to provide their views on the new draft. Staff also note that depending on the data collection methods used Trust Council may not fully benefit from the public engagement input as it will designed to inform local trustees/Bowen Island Municipal Council, and it may be challenging to produce a central "What we Heard" report to report back to community.

### **ATTACHMENT(S):**

- 1) Policy Statement Project Charter V7
- 2) 2024/25 Policy Statement Amendment Project Funding Business Case

**FOLLOW-UP:** Staff will continue working with First Nations so that the new draft Policy Statement can be brought forward to Trust Council as early 2024 as possible with input from First Nations. Staff is developing a detailed work plan for the project next steps.

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**Prepared By:** Mary Storzer, Senior Policy Advisor

**Reviewed By/Date:** Clare Frater, Director Trust Area Services/January 11, 2024  
Russ Hotsenpiller, CAO/January 11, 2024

# Policy Statement Amendment Project - Project Charter V7

**Purpose** To support Trust Council’s update of the Islands Trust Policy Statement bylaw, incorporating feedback from First Nations, the public, and referral agencies, and approval by the Minister of Municipal Affairs.

**Background** Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement through the lenses of reconciliation, climate change, and affordable housing, and to undertake early engagement with First Nations and the public in the process.

## Objectives

- To adopt an updated Policy Statement bylaw that supports Trust Council’s commitments to reconciliation, climate change, and affordable housing, and reflects feedback from the public, First Nations, and partner agencies.

## In Scope

- Amendment drafting of V1 as directed by TC resolutions, communications, legal review, and implementation planning
- First Nations engagement, public engagement, and agency referrals
- Four readings/Ministerial approval

## Out of Scope

- Treaty or territorial negotiations or accommodation
- Consequential amendments to official community plans and land use bylaws

## Workplan Overview

Major Deliverable/Milestone	Dates
<b><u>Past Years (FY 2019-20, 2021-22, 2022-23)</u></b> -First Nations early engagement Phases 1 (2019-2021), 2 (2021-2022), and 3 (2023) -Public engagement Phases 1 (2019-2020), 2 (2021), and 3 (2022) -Policy review and analysis by Trust Council’s committees/working groups and staff (2020-22) -Amendment drafting and legal review Phase 1 (Apr-Jun 2021), Phase 2 (Dec 2022-Mar 2023)	2019-2023
<b><u>Present (FY 2023-24)</u></b> -Amendment drafting -EC/TPC and Trust Council receive revised draft Policy Statement (EC/TPC recommend changes)	To Dec 2023 Jan-March 2024
<b><u>Next Steps (FY 2024-25)</u></b> -As requested by TC, EC and TPC develop recommendations for further revisions -Trust Council considers TC/EC recommendations and passes resolutions on further revisions required <b>-Approval in principle by Trust Council</b> -Six month referrals period to local trust committees and Island Municipalities for local engagement	Apr.2024 June 2024 <u>Late Summer/Fall 2024</u> Fall 2024-Mar/Apr 2025
<b><u>Final Adoption (FY 2025-26)</u></b> -Trust Council receives referral responses and passes resolutions on further revisions required -Amendment drafting and amendment/ <b>First Reading by Trust Council</b> -Three month referral to First Nation governments, ITC Board, regional districts, other agencies as desired -Collation and consideration of feedback and preparation of document for Second / Third Reading - <b>Second and Third readings</b> (incorporate any desired revisions during same meeting) -Refer proposed bylaw to Minister with final FN engagement report; allow six months for review -Receive approval from Minister (estimated—no statutory timeline), and <b>Adoption</b> -Final graphic design and distribution, celebration event, implementation planning	June 2025 <u>Sept 2025</u> Oct– Dec 2025 Jan/Feb 2026 <u>Mar 2026</u> April 2026—Nov 2026 <u>Dec 2026</u> Post Dec 2026

## Project Team

Executive Committee Trust Programs Committee Director, TAS	Project Champion Policy Content Advisors Project Director
Sr. Policy Advisor	Project Manager & Policy Writer
Program Coordinator	Public Engagement Coordinator
Communications Specialist	Communications Coordinator

## Budget

Item	FY 23-24	FY 24-25	FY25-26
Communications	\$25,000	\$10,000	\$8,000
Public Engagement	\$0	\$20,000	\$0
Legal Review	\$5,000	\$5,000	\$5,000
<b>Total Activity Costs:</b>	<b>\$30,000</b>	<b>\$35,000</b>	<b>\$13,000</b>

## Approved by:

Clare Frater, Director, TAS

## Endorsement: TC

Date: September 27, 2023

\*Timeline assumes Trust Council does not schedule special meetings between regular quarterly meetings.



**Budget Funding Request  
Short-Form Business Case**

**TO BE COMPLETED BY INITIATOR**

<p><b>Requested by</b> (<i>Committee or Operational Unit</i>): Executive Committee</p>	<p><b>Budget Source</b> (select all that apply):</p>
<p><b>Department:</b> Trust Area Services</p>	<p><input checked="" type="checkbox"/> <b>Specific Project Funding</b> (select all that apply)</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Third Party Contractors</li> <li><input checked="" type="checkbox"/> Staff Travel Expense</li> <li><input checked="" type="checkbox"/> Staff Overtime Expense</li> <li><input type="checkbox"/> New Staff Member – Temporary for project</li> <li><input type="checkbox"/> Computer Hardware/Software</li> </ul>
<p><b>Name of Request:</b> Policy Statement Amendment Project (PSAP)</p>	<p><input type="checkbox"/> <b>Furniture &amp; Equipment</b></p> <p><input type="checkbox"/> <b>Computer Hardware/Software/Supplies</b></p> <p><input type="checkbox"/> <b>New Staff Resources</b> (see Staff Costing Tool)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Permanent</li> <li><input type="checkbox"/> Temporary</li> </ul>
<p><b>\$ Value of Request</b> (<i>indicate by fiscal year and total if project is multi-year</i>)</p> <p>FY24/25 \$35,000</p> <p>FY 25/26 \$13,000 estimated FY 26/27 \$ depends on implementation plan not yet developed</p> <p>Total: \$48,000 plus FY26/27 TBD</p> <p>Over \$280,000 has been spent since the project's inception in 2019 on public engagement, First Nations engagement, and other project related expenses, in addition to considerable staff hours.</p>	<p><input checked="" type="checkbox"/> <b>Other – please describe:</b> _____</p> <p><b>Budget Breakdown:</b></p> <p>-\$10,000: Implementation of Communications Strategy (design, development and distribution of engagement materials and supports, promotional ads, mail-outs, etc.)</p> <p>-\$20,000: Public Engagement Phase 4 (in-person engagement events/special meetings for some LTCs/IMs as desired, staff travel, etc.)</p> <p>-\$5,000: Legal Services</p>
<p><b>Date of Submission to Finance:</b> October 5, 2023</p>	<p><b>Funding Required for (date range):</b> April 1, 2024 – March 31, 2025</p>

**TIE TO ISLANDS TRUST GUIDING DOCUMENTS:**

Trust Council’s Policy Statement Amendment Policy (1.2.1) states that each term, Trust Council will identify Policy Statement review and/or amendment tasks. Early on in the 2018-2022 term, Trust Council requested Executive Committee, with involvement from Trust Programs Committee as appropriate, to review and develop recommendations for amendments to the Islands Trust Policy Statement, primarily through the priority lenses of reconciliation, climate change, and housing. This multi-year project commenced in 2019 and has involved, to date, three phases of public engagement, two phases of early and meaningful engagement with First Nation governments, substantial review and analysis by Trust Programs Committee and Executive Committee, and periodic Trust Council discussion. The project will reach completion after the draft new Policy Statement bylaw has achieved first, second, and third reading by Trust Council; approval by the Minister of Municipal Affairs; and final adoption by Trust Council.

In September 2022, Trust Council passed the following resolution:

***That Trust Council request staff to prepare a Policy Statement Amendment Project Communications Strategy for the consideration of the incoming Executive Committee and Trust Council in early 2023.***

Staff have contracted a communications consultant in FY 2023-24 to implement the communications strategy [Trust Council received in March 2023](#) (see page 160 March 2023 agenda).

The funding requested via this business case will support implementation of a project charter approved [by Trust Council in September 2023](#) (see page 318 of September 2023 agenda). The requested funds would be spent as follows:

- \$10,000: Continued implementation of Communications Strategy (design, development and distribution of engagement materials and supports, promotional ads, mail-outs, etc.) and hiring of contracted communications support.
- \$20,000: Public Engagement Phase 4 (in-person engagement events/special meetings hosted by some LTCs/IMs as desired, staff travel, etc.)
- \$5,000: Legal Services

**ISSUE/OPPORTUNITY:**

Background: The currently Policy Statement is almost 30 years old and does not adequately address reconciliation, climate change and housing. This business case is requesting funding for the next stage of the Policy Statement Amendment Project that has been underway since 2019 and has involved extensive engagement. While First Reading of the first draft of the bylaw had been anticipated in July 2021, Trust Council instead requested enhanced community engagement, followed by direction to staff to implement [32 resolutions](#). In March 2023, Trust Council adopted a project charter which allows for a substantial amount of time for consideration of future drafts of the revised Policy Statement. Due to staff vacancies in 2023, project implementation has been delayed by six months from what was articulated in the March 2023 project charter.

The project will reach completion after the draft new Policy Statement bylaw has achieved first, second, third, and fourth reading by Trust Council and final adoption by the Minister of Municipal Affairs. More detailed project information is available on the [Islands 2050 webpage](#).

**Current Project Status:**

Staff have developed a revised draft, as per Trust Council’s [32 resolutions](#), after engaging with internal and external staff partners and seeking legal counsel in the process. Staff are engaging with First Nations to seek their early input on the draft. Staff are now engaging and working in cooperation with eight First Nations who accepted capacity funding to seek their early input on the draft. Staff anticipate presenting Draft 2 of the revised Policy Statement to Trust Programs Committee and Executive Committee in January or February 2024.

along with a summary of comments from First Nations and recommendations for additional changes. These committees will then prepare recommendations for Trust Council to consider.

Staff have contracted a communications consultant to assist with implementation of a communications strategy for the project from now until March 2024.

**PROJECTED RESULTS/DELIVERABLES:**

The April 2024-March 2025 work on this project will result in First Reading of Bylaw 183 of the Policy Statement. The funding requested will enable this to happen through support for communications including materials, public engagement by local trust committees/Bowen Island Municipal Council, and revisions to Draft 2 of the Policy Statement, and legal review of the draft.

In the April 2024-March 2025 the following activities are proposed for the project :

- EC and TPC develop recommendations for further revisions, as requested by TC (Feb-April 2024)
- Trust Council considers TC/EC recommendations and passes resolutions on further revisions required. Staff will make those revisions. ((June 2024)
- Approval in principle by Trust Council (possibly in Late Summer/Fall 2024)
- A six-month internal referral process to local trust committees and Bowen Island Municipality (prior to First Reading). The intent is that local trust committees and Bowen Island Municipality will, as they deem necessary or desirable, undertake local public engagement using a method selected by the local trust committee/Bowen Island Municipal Council to inform their referral responses. As this is not part of local work programs the public engagement events would be supported/organized by Trust Area Services staff.
- After incorporating feedback from local trust committees and Bowen Island Municipality referral responses, Trust Council would undertake First Reading and then refer the document to other agencies/First Nations for at least three months.

**RISK ASSESSMENT:**

The proposed recommended option carries the following risks and options for mitigation:

Risk: A lack of timely and responsive communications materials risk developing a lack of public confidence in the project, circulation of misinformation, and poor levels of public engagement or high levels of engagement at the wrong points in the project. The lack of a proactive communications strategy at the outset of the project, lack of political consensus, ongoing vacancies in the TAS Communications Specialist position, and widespread misinformation about the project have slowed progress on the Policy Statement Amendment Project in recent years. To mitigate these risks going forward, Trust Council requested staff in September 2022 to develop a communications strategy to be implemented in FY 2023-24.

- These risks can be mitigated through ongoing implementation of the communications strategy with support from an external contractor to provide resiliency.

Risk: Extended timeframe incurred by having two referral periods increases the staff resources required for the project and increases risks to the project (e.g. staff turnover, emerging issue that competes for project resources). The approach of internal referral/public engagement prior to First Reading, does not represent typical local government bylaw review process.

- This risk could be mitigated by Trust Council foregoing the proposed approval in principle step and moving straight to First Reading, which would be followed by a concurrent referrals process and a coordinated public engagement process which could remove at least six months from the project timeline.

Risk: Adoption of revised Policy Statement in December 2026, after the next local elections.

- This risk could be mitigated by Trust Council foregoing the proposed approval in principle step and moving straight to First Reading, which would be followed by a concurrent referrals process and a coordinated public engagement process.
- This risk could be mitigated by Trust Council holding special meetings promptly when needed rather than considering the document only at regular quarterly meetings.

Risk: Lack of coordinated Trust Area-wide approach to public engagement. The planned approach is to refer the draft document, after receiving approval in principle from Trust Council to local trust committees and Bowen Island Municipality for six months. During this time, local trust committees and Bowen Island Municipality could undertake local public engagement, with some Trust Area Services staff support, at regular or special meetings, to inform their referral responses. This de-centralized approach could result in uneven delivery of public engagement, unavailable resources due to overlapping decentralized engagement activities and, depending on the engagement and data collection methods used, a lack of public confidence in the engagement process. The lack of a central on-line public engagement methods, such as a survey and virtual community workshops, may result in some community members feeling that there were not offered a convenient way to provide their views on the new draft.

- This risk could be mitigated by Trust Council reconsidering the approach to public engagement and undertaking a coordinated Trust-wide approach that includes a survey and possibly virtual community workshops

Risk: Lack of backfill for regular Senior Policy Advisor work leading to lack of progress on other initiatives and/or staff burnout. This business case assumes that the Senior Policy Advisor position is seconded to this project full-time, as has been the case in recent years. This means that the other duties that this position is responsible for do not have dedicated staff resources. In recent years, the Director of Trust Area Services has been undertaking many of these additional duties in addition to her regular work (often outside of regular work hours), and the Grants Manager has taken on legislative monitoring, and drafting of local trust committee advocacy letters and thank you letters to Trust Council delegates, as time permits within regular work hours. This informal backfill by the Director is not sustainable into the future and the ability of the Grants Manager to continue to support additional activities is in question as the demand for grant-related support is on the rise. The risk is that Trust Area Services' work in other areas (e.g. Trust Council/local trust committee advocacy/coordination, policy research/development, legislative monitoring, indicator reporting, agreement monitoring/development, organization of special Trust Council sessions, grants in aid administration, research into science topics for accuracy purposes, delegation thank you letters, etc.) would need to be paused or continue to be paused. An additional risk is staff burnout and/or lowered staff morale due to continuing requests for Trust Area Services support that cannot be accommodated in regular working hours.

- This risk (to other activities supported by Trust Area Services) could be mitigated by Trust Council funding backfill of the Senior Policy Advisor position or halting (not funding) OCP amendment project(s) to free up Planning Services staff time to support.

**ALTERNATIVES CONSIDERED:**

**Option 1: Status quo- Implement project charter as approved in September 2023: \$35,000**

*Description of activities in 2024/25*

- Trust Council considers TC/EC recommendations and passes resolutions on further revisions required and staff to make those revisions
- Legal review, as required
- Proactive and reactive communications about the project
- Approval in principle by Trust Council
- A six-month internal referral process to local trust committees and Bowen Island Municipality. During this time, local trust committees and Bowen Island Municipality can opt to undertake local public engagement as determined by them (could include some Trust Area Services staff support as needed) at regular or special meetings/events) to inform their referral responses.

*Benefits* – This is in keeping with the direction already provided by Trust Council.

*Risks* – as noted above

*Financial implications* – \$35,000 requested would go to:

- Communications - \$10,000 - further communications materials to support project implementation and specifically promotion of engagement during the six-month referral process
- Legal - \$5,000 - to support the legal aspects of the project as needed
- Public engagement - \$20,000 – to support local public engagement selected by local trust committees and Bowen Island Municipality. This is a modest amount and would not enable all entities to host in-person special LTC/IM meetings/engagement events or enable in-person Trust Area Services staff participation at all events.

*Resource requirements* – Requires the full-time support of Senior Policy Advisor and additional support from Director of Trust Area Services, and Program Coordinator and Communication Specialist. Staff hours required for public engagement depend on the options selected by local trust committees/Bowen Island Municipal Council. Staff hours required for re-drafting will depend on the scope of changes requested by Trust Council.

*Other implications*- None.

**Option 2: Option 1 with Trust-wide Virtual/Print Public Survey: \$55,000** (Option 1 plus \$20,000 for a Trust Area-wide survey to receive input).

*Description* – This option would include all elements of Option 1 with an additional Trust Area wide public engagement survey. The additional funding would go to contracted survey research and preparation, survey design, survey set-up, survey analysis, and survey results report.

*Benefits* – As for Option 1 with constituents also receiving a virtual engagement option (survey) and Trust Council also receiving survey results that are collected in a consistent manner across the Trust Area.

*Risks* – Lack of contractor availability for contractors skilled at survey design on policy topics.

*Financial implications* – \$55,000 requested would go to:

- All elements of Option 1, i.e.

- Communications - \$10,000 - further communications materials to support project implementation and specifically promotion of engagement during the six-month referral process
- Legal - \$5,000 - to support the legal aspects of the project as needed
- Public engagement - \$20,000 – to support local public engagement selected by local trust committees and Bowen Island Municipality. This is a modest amount and would not enable all entities to host in-person special LTC/IM meetings/engagement events or enable in-person Trust Area Services staff participation at all events.
- Trust-wide Survey - \$20,000 - \$18,000 for survey design and analysis by contractor, with \$2,000 for printing, distribution and return mail costs for print copies of the survey.

*Resource requirements –*

- All elements of Option 1, and
- Trust-wide Survey – staff time to procure contractor for survey and to monitor the contract

*Other implications - None.*

**Option 3: Option 2 with Virtual Community workshop: \$65,000** (Option 2 plus \$10,000 for virtual community workshop to receive input).

*Description –* This option would include all elements of Options 2 and a virtual community workshop that includes attendance by Islands Trust subject matter experts (possibly held over multiple days).

*Benefits –* All benefits of Option 2 plus constituents are offered an event that provides access to subject matter experts; participants in the virtual community workshop can hear the perspectives of people throughout the region, Trust Council receives collated workshop engagement results in a consistent manner.

*Risks –*All risks of Option 2 plus potential lack of contractor availability for virtual community workshop design, facilitation and note-taking.

*Financial implications –* \$65,000 requested would go to:

- All elements of Option 1, i.e.
  - Communications - \$10,000 - further communications materials to support project implementation and specifically promotion of engagement during the six-month referral process
  - Legal - \$5,000 - to support the legal aspects of the project as needed
  - Public engagement - \$20,000 – to support local public engagement selected by local trust committees and Bowen Island Municipality. This is a modest amount and would not enable all entities to host in-person special LTC/IM meetings/engagement events or enable in-person Trust Area Services staff participation at all events.
- Trust-wide Survey - \$20,000 - \$18,000 for survey design and analysis by contractor, with \$2,000 for printing, distribution and return mail costs for print copies of the survey.
- Virtual Community Workshop - \$10,000 – designed and delivered by contractor, with Islands Trust staff attending as subject matter experts

*Resource requirements –*

- All elements of Option 2, and
- Virtual Community Workshop – staff time to procure contractor for workshop, advise on content, and to monitor the contract; also a few hours from internal subject matters experts to participate in virtual community workshop.

*Other implications- None.*

**Option 4: Communication and legal elements of Option 1 with no public engagement: \$15,000**

*Benefits* – Cost and staff time savings; accelerated project delivery leading to some reduced risks to the project (e.g. staff turnover, emerging issue that competes for project resources)

*Risks* – Trust Council and local trustees would receive unstructured feedback and may receive negative comments about the lack of a fourth phase of public engagement for the project.

*Financial implications* – \$15,000 requested would go to:

- Communication and legal elements of Option 1 but with no public engagement.
  - Communications - \$10,000 - further communications materials to support project implementation and specifically promotion of engagement during the six-month referral process
  - Legal - \$5,000 - to support the legal aspects of the project as needed

*Resource requirements* – Staff hours saved by not undertaking public engagement depend on the options that would have been selected by local trust committees/Bowen Island Municipal Council, and the extent of unstructured public feedback received.

*Other implications-* Would require dedicated communications effort to advise the public of key messages such as the following:

- The draft being developed by Trust Council is informed by the results of previous phases of Trust Area wide public engagement, engagement with First Nations and referral agency comments.
- Trustees always want to hear the views of constituents to inform their decisions and votes
- Members of the public can write and present to Trust bodies/Bowen Island Municipality to share their views

**Option 5: Not proceed at this time or postpone until a future fiscal year: \$0**

*Benefits* – Staff and financial resources available for other work.

*Risks* –The risks of not proceeding include the following:

Risk: continuing to operate under the guidance of a 30-year old document that does not reflect Trust Council's commitments to improve language and guidance relating to reconciliation, climate change and affordable housing may result in decisions that are not consistent with current values or current/predicted environmental conditions.

Risk: the public engagement results may be viewed as dated and no longer relevant.

Risk: staff turnover during a pause in the project could result in a loss of corporate memory leading to inefficiencies and loss of knowledge.

Risk: The Province of BC may amend the Islands Trust Act to require the Islands Trust Council to amend or considering amending the Policy Statement at regular intervals. The Local Government Act requires regional districts to, every five years, seek input on the need for review of the regional growth strategies from its citizens; affected local governments; First Nations; boards of education, greater boards and improvement

district boards; and the Provincial and federal governments and their agencies; and consider whether the regional growth strategy must be reviewed for possible amendment.

*Financial implications* – Funds available for other initiatives.

*Resource requirements* – Staff time to communicate cancellation or delay of the project.

*Other implications*- None.

**Optional add-on to Options 1-4: Backfill Senior Policy Advisor position temporary part-time (for FY24/25 three days/week): \$71,600**

*Benefits* – Resources available for regular Senior Policy Advisor duties; reduced pressure on other staff to take on this positions’ work. (e.g. Trust Council/local trust committee advocacy/coordination, policy research/development, legislative monitoring, indicator reporting, agreement monitoring/development, organization of special Trust Council sessions, grants in aid administration, research into science topics for accuracy purposes, delegation thank you letters, etc.)

*Risks* – Delay in recruitment. This is mitigated by having an up to-date job profile that is already through classification process.

*Financial implications* – \$71,600 requested (would be in addition to costs of Options 1-6)

*Resource requirements* – Staff time to hire and supervise.

*Other implications*- None.

<b>SUMMARY TABLE OF OPTIONS</b>					
<b>Activities</b>	<b>Opt 1</b>	<b>Opt2</b>	<b>Opt3</b>	<b>Opt4</b>	<b>Opt5</b>
Communications (\$10k)	X	X	X	X	X
Legal (\$5k)	X	X	X	X	X
Local LTC/BIM led public engagement (\$20k)	X	X	X		
Trust-wide virtual/print survey (\$20k)		X	X		
Trust-wide Virtual Community Workshop (\$10k)			X		
<b>TOTAL COST</b>	<b>\$35k</b>	<b>\$55k</b>	<b>\$65k</b>	<b>\$15k</b>	<b>\$0</b>
<b>TOTAL COST with Optional Add-on for staffing backfill (\$71.6k)</b>	<b>\$106.6k</b>	<b>\$126.6k</b>	<b>\$136.6k</b>	<b>\$86.6k</b>	<b>N/A</b>

**CRITICAL SUCCESS FACTORS:**

- Full staffing levels within Trust Area Services; administrative support available to manage correspondence as needed
- Adequate internal and external communications to build a shared understanding by members of Trust Council, First Nations, referral agencies, and the public, on the revised draft Policy Statement and the project purpose, scope, and timeline.
- Available staff and contractors
- Trust Council leadership.

**RECOMMENDED OPTION:**

**Option 1** is recommended by Executive Committee as consistent with Trust Council’s adopted project charter.

**COST/BENEFIT ANALYSIS:**Quantitative Analysis:

Comparative regional growth strategy/official community plan update processes in BC local governments have notably higher budgets and cover smaller geographic areas.

Qualitative Analysis:

Amending the Islands Trust Policy Statement will enable Trust Council to more effectively carry out its mandate to preserve and protect the unique amenities and environment of the Trust Area. It will also help to fulfill Trust Council's commitments to address reconciliation, climate change, and housing.

**PURCHASING PROCEDURE:**

All expenditures will be in accordance with Procurement Policy 6.5.3.

**PROPOSED IMPLEMENTATION STRATEGY:**

As outlined above and as per the Policy Statement Amendment Project Charter and Communications Plan.

**STAFF RESOURCING**

In FY 2024-25, the project is estimated to require the following staff time:

- 0.25 FTE - TAS Director
- 1.0 FTE - Senior Policy Advisor
- 0.5 FTE - Program Coordinator
- 0.15 FTE - Senior Indigenous Relations Advisor
- 0.15 FTE – Communications Specialist
- 0.1 FTE - Legislative Services Clerk (or other clerks as available)
- Will also require support from staff across the organization.

Without additional staff resources, Trust Area Service's (TAS) regular workload will need to be reduced. During critical periods, a certain amount of overtime is expected to fulfil project needs.

**CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:**

Change management will be undertaken via proposed updated to the approved project charter.

Communications are guided by a communications plan.

This project will be managed by the Executive Committee with involvement by Trust Programs Committee as appropriate. Staff anticipate that Trust Programs Committee will be deeply involved in developing recommendations for amendment.

First Nations are providing comment on the staff draft in Fall 2024 and will receive the document for comment after First Reading. Staff have, through work with First Nations to date, heard an interest for the Policy Statement amendment process, including timelines, to be co-designed with participating First Nations, and that this multi-year project is not currently being delivered in a manner that reflects this. Staff have advised that if there is a desire for fundamental change the model of project delivery there is a need for it to be discussed between Islands Trust and First Nations' leadership.

Requested by: Executive Committee

Prepared by: Clare Frater, Director, Trust Area Services

Reviewed by: Russ Hotsenpiller, CAO



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

### 3 IMPLICATIONS OF RECOMMENDATION

**ORGANIZATIONAL:** Finalizing the resolution and backgrounder will take up to one hour of Trust Area Services and the Legislative Services Manager’s time. The documents will need to be submitted to AVICC by their deadline of February 7, 2024.

**FINANCIAL:** None anticipated.

**POLICY:** No implications for existing policy.

**IMPLEMENTATION/COMMUNICATIONS:** Upon approval by Executive Committee, staff will submit the resolutions and backgrounders to AVICC by the February 7, 2024 deadline and will include the resolution and backgrounder in the information package provided to trustees attending the 2024 AVICC/UBCM conventions. Alternatively, AVICC will accept “late resolutions” received by April 15, but these will not be included in the resolutions package sent out to members before the Convention, and must be of an emerging or urgent nature. Resolutions can also be sent directly to UBCM by June 30 to be considered at the UBCM Convention in September 2024.

**FIRST NATIONS:** Islands Trust has not undertaken engagement with First Nations on this topic. As plumbed septic and municipal systems require a lot of water and are, in many areas of B.C., expensive or challenging to build, increased ease of installation and use of approved alternative sewage disposal systems may help First Nations with regards to increasing the affordability of housing.

**OTHER:** None.

### 4 RELEVANT POLICY(S):

- [Policy 6.12.ii - UBCM/AVICC Membership and Resolutions](#)
- Policy Statement policies:
  - 4.4.7: Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies that promote efficient use of freshwater including cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices.
  - 5.4.5 Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies and safe alternatives for disposal of sewage effluent.

### 5 ATTACHMENT(S):

- Draft Resolution & Backgrounder for 2024 AVICC and UBCM conventions

### RESPONSE OPTIONS

#### Recommendations:

1. That the Executive Committee direct staff to forward a resolution with backgrounder for consideration at the 2024 Association of Vancouver Island and Coastal Communities (AVICC) and Union of BC Municipalities (UBCM) conventions, requesting that the Province review the Manual of Composting Toilets and Greywater Practice and provide funding for demonstration projects and professional development for practitioners.

**Alternatives:**

1. That the Executive Committee forward the resolution(s), as amended, to AVICC/UBCM.
2. That the Executive Committee not propose the resolution(s) to AVICC/UBCM.
3. That the Executive Committee submit the resolution(s) directly to UBCM by the June 30 deadline.

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**Prepared By:** Mary Storzer, A/Senior Policy Advisor, Trust Area Services

**Reviewed By/Date:** Clare Frater, Director, Trust Area Services, Jan 11, 2024  
Russ Hotsenpiller, Chief Administrative Officer, Jan 11, 2024



## 2024 RESOLUTION SUBMISSION TO UBCM

### ISLANDS TRUST SUPPORTING COMPOSTING TOILET AND GREYWATER PRACTICES

#### RESOLUTION:

WHEREAS there have been barriers to uptake of alternatives to plumbed sewage disposal systems despite their allowance under the Sewerage System Regulation and the 2016 Manual of Composting Toilet and Greywater Practice;

AND WHEREAS these barriers to uptake may include overly conservative requirements (and their application) for onsite application criteria for residuals in the Manual of Composting Toilet and Greywater Practice:

THEREFORE BE IT RESOLVED that UBCM call upon the Province of British Columbia's Ministry of Health to review the Manual of Composting Toilet and Greywater Practice to update the onsite application criteria for residuals based on current scientific knowledge; and provide funding for demonstration projects and for practitioners' professional development on composting toilets and greywater practices.

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#### BACKGROUNDER:

British Columbia is facing an acute shortage of affordable housing needed to support the long-term sustainability and resilience of local communities. In addition, it is facing the challenges of water scarcity exacerbated by climate change. Many residents in rural areas, including the Islands Trust Area, are not serviced by community sewage systems. Where not serviced by a community system, property owners are responsible for the disposal of liquid waste on their lot(s). Plumbed septic systems have traditionally been considered the most accepted means of addressing all liquid waste and related residuals. Plumbed septic systems require a lot of water and are, in many areas of B.C., expensive or challenging to build. Increased ease of installation and use of approved alternative sewage disposal systems are needed to help support new housing builds, and retrofits to houses that are currently using disposal means which are not supported under the Sewerage System Regulation.

In 2016, the Sewerage System Regulation recognized composting toilets and greywater systems as a sewerage system option, opening a pathway to build more of these systems. These systems must be built and maintained in accordance with the 2016 Manual of Composting Toilet and Greywater Practice<sup>1</sup>, under the supervision of either a Registered Onsite Wastewater Practitioner or qualified professional (e.g., wastewater engineer).

Despite the Manual of Composting Toilet and Greywater Practice's existence and the need for alternative solutions, there have been barriers to the uptake of composting toilets and greywater practices. The first is that the prescriptive requirements for onsite application criteria for residuals within the Manual of Composting Toilet and Greywater Practice are showing to be overly conservative based on scientific

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<sup>1</sup> <https://www2.gov.bc.ca/assets/gov/environment/waste-management/sewage/provincial-composting-toilet-manual.pdf>

knowledge re pathogen decay and phytotoxin control. The second is that some practitioners, including those signing off on the system, may be overly conservative in their interpretation of the Manual of Composting Toilet and Greywater Practice due to concerns over risks of these systems in relation to health safety.

This Resolution proposes that the Ministry of Health deal with these barriers by requesting a review of the seven-year-old Manual of Composting Toilet and Greywater Practice, especially regarding the onsite application of criteria for residuals (both for buried and for surface application), to update it based on current scientific knowledge. This Resolution also requests funding to support demonstration projects and professional development opportunities (e.g., through certification bodies, for practitioners on composting toilets and greywater practices including information regarding actual and perceived risks and interpreting the Regulation and Manual).

DRAFT

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**To:** Executive Committee                      **For the Meeting of:** January 17, 2024  
**From:** CAO                                      **Date Prepared:** January 10, 2024  
**SUBJECT:** Website Update

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**PURPOSE:** To provide an update on the ongoing website updates and error functions.

**BACKGROUND:** Since the implementation of the new website in April 2021, there have been a need for updates, performance management issues or site errors that have been less than ideal. The website is the primary public information conduit for the Islands Trust and is integral to operations.

In response to these challenges, in December 2023, Executive Committee raised the issue of website performance and asked for an update on the best way forward to resolve any issues in the future and to restore confidence in website performance.

Staff have undertaken a substantive review of current performance issues and anticipated remedies.

1. The framework of the new site can be fragile, based upon its construction. Security updates and updates aimed at improving performance *have* to happen and sometimes these are problematic for the more fragile areas of the website. However, as the updates get done and the weaker areas are identified, Caorda Web Solutions (contractor) fixes the issue resulting in a more resilient and robust website over time. Based upon their experience:
  - a. If we ever need a new website then we could use the updated components so long as the new site is built in WordPress.
  - b. Caorda does NOT recommend a new site at this time. Updates and recent repairs have significantly improved the website. Islands Trust could expect to begin procuring a new site about 2027.
2. Caorda can run a report on the website to find 404 errors throughout the website and can report back on the errors and file name behind the scenes. This, along with the broken links staff find as they go on with their work, will mean that all links will eventually be corrected.
3. The ITC donate button hasn't been working. The last donation received via the website was November 9, 2023. This is expected to be fixed shortly.
4. Policy documents are still not in date order (an issue that arose following a recent update). Caorda is still working on that.
5. Almost all custom widgets have been tested and checked throughout the website. The original web designers used a significant number of custom widgets and not all were very effective.
6. Document library update. Through a project in 2023, the document library was updated to improve performance. The older system was not fixable and code needed to be rewritten. The

update created a lot of issues that were not apparent until the changes were made live, but the code has now been cleaned up and the components are much more stable. Now there is just one way for the search to be done, which makes it faster and more reliable.

7. Document library search results order are being reviewed and Caorda will provide a quote in a technical fix is needed. There are some circumstances where a document should be one of the first results but does not appear in the first page of results (e.g. regional conservation plan).
8. Google search result names for documents. There are instances where Google will select the first text of a document and offer that text as the document name. Caorda is investigating and will advise whether a technical fix is needed or if staff need to change metadata on the backend of the site.
9. The Webfiles issue (folders for temporary project/application documents) was not related to the document library update. The Webfiles issue was due to the code that was written many years ago being based off code that has been out of use for decades. The code has now been translated into a modern, usable, and stable code.
10. The Meetings & Events Calendar needs a lot of work. There is unstable code used which means that many different paths are used to create and sort events which means it does not always work accurately. The backend and frontend of this section of the website do not work together well. Any issues that come up would not be as serious as with the document library. This work would focus on cleaning up the code and removing duplication, meaning that events can be saved to the database and appear on the front end side with improved with sorting and searching.
11. Staff, partly informed by trustee input, have identified design changes to the website that would improve the user experience:
  1. Make the header and footer images narrower – at the moment they are too tall and make it difficult to see enough of the page at once without scrolling. This goes for pretty much every page on the website.
  2. Move the Feedback tab into the footer and remove the announcement tab. It is recommended that this happen in conjunction with other design improvements.
  3. Re-arrange the content on local trust area pages (e.g. moving news section closer to the top). Perhaps the calendar feature can be smaller. The Trustee corner on each page is quite hidden on this website and needs addressing.
    1. Move Meeting and Events and the News sections nearer the top
    2. Redesign the list of news so more news can be seen on one page
    3. Meet your LTC - present better or reorganize the link to the page with all the info?
    4. Change the name of the “learn more” button to “office hours”
    5. Add another button called “trustee communications”

## Summary and Conclusion

- The website is 95%+ functional.
- The coding for the website has been improved and weak areas have been identified.
- The updating has been effective for critical issues.

**ATTACHMENT(S):** None.

**FOLLOW-UP:**

- There remains further work to be done:
    - Order of policy documents
    - Meeting and events calendar improvements
    - Document library search result improvements
    - Design updates, including moving feedback/announce buttons
  - There is current year budget to address these items. Quotes for the work are being obtained.
  - At this time, the recommendation is to continue to improve the website, despite some possible challenges, and to not invest in a new website or start over.
  - Executive Committee will be updated on a regular basis on improvements.
- 

**Prepared By:** Russ Hotsenpiller, CAO

**Reviewed By/Date:** Clare Frater, Director, Trust Area Services



## REQUEST FOR DECISION

**To:** Executive Committee                      **For the Meeting of:** January 17, 2024  
**From:** CAO                                      **Date Prepared:** January 11, 2024  
**SUBJECT:** Establishment of Chief Administrative Officer Hiring Committee

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### RECOMMENDATION:

1. **THAT the Executive Committee recommend the forming of a Chief Administrative Officer Hiring Committee (CAOHC);**
2. **THAT the first CAOHC meeting be scheduled for Friday January 19, 2024 from 9 to 11 am.**

**CHIEF ADMINISTRATIVE OFFICER COMMENTS:** report written by CAO

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- 1 **PURPOSE:** To establish a hiring committee for a new Chief Administrative Officer.
- 2 **BACKGROUND:** At the December 2023 Trust Council meeting the CAO indicated he (I) will be retiring in June of 2024. The Islands Trust is guided by TC Policy 2.4.1, Executive Committee Terms of Reference, where EC is responsible for forming a CAOHC, once the need arises. That time is now.

The CAOHC is comprised of members of Executive Committee as well as the Chairs of each of the standing committees. Since the last time the CAOHC was formed, a new Governance Committee has been established at the Islands Trust, and it would be logical to have the Chair as a member of the CAOHC.

In anticipation of EC directing the forming of the CAOHC, staff polled the members and Friday January 19, from 9 to 11 am is the first available meeting time and it is recommended that EC approve that date. Staff will provide some introductory materials and a basic timeline of the process to the Committee for their consideration.

Note that the hiring process for the CAO must follow the requirements of the *Public Service Act*. In the past the Public Service Agency has had a significant role in the hiring process. Staff have informed senior officials at the PSA of the impending hiring process for the Islands Trust.

### 3 IMPLICATIONS OF RECOMMENDATION

**ORGANIZATIONAL:** This process is critical to the regular business function of the Islands Trust and needs to be a priority. The timing is important and if a new CAO is not in place by June, the CAOHC will need to consider alternatives.

**FINANCIAL:** This specific decision does not have financial implications, however, the CAOHC may require funding if it decides to hire an external executive search firm to aid in securing a new CAO. This should be considered as part of the budget process.

**POLICY:** This process is governed by Trust Council Policy 2.4.1 Executive Committee Terms of Reference.

**IMPLEMENTATION/COMMUNICATIONS:** There will need to be some communications planning associated with the work of the CAOHC.

**FIRST NATIONS:**

**OTHER:**

**4 RELEVANT POLICY(S):**

**5 ATTACHMENT(S):**

- a. Simple timeline for process
- b. Terms of Reference for CAOHC
- c. Application sections of *Public Service Act*
- d. CAO job description

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**RESPONSE OPTIONS**

**Recommendation:**

**Alternative:**

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**Prepared By: R Hotsenpiller**

**Reviewed By/Date: Jan 11, 2024**

**ATTACH A**

**CAO Hiring Process (tentative)  
January 2024**

The following is a very basic process outline for key milestones associated with an executive hire. The CAOHC, with staff assistance, can develop a more detailed process with meeting times and desired outcomes as well as contingencies. This is for illustrative purposes.

**Key milestones for CAO hiring process:**

<b>Date/status</b>	<b>Task</b>	<b>Notes/DECISION POINTS</b>
<b>Dec</b>	receipt of notification to retire by CAO	Complete
<b>Dec 1<sup>st</sup> week Jan</b>	notification to Trust Council, Staff	complete
<b>Dec 15</b>	notification to Executive Services, PSA	complete
<b>January 19</b>	formation of CAOHC	First meeting: 1. Terms of reference 2. Staff contact 3. Schedule 4. Procurement process: PSA or contract firm 5. Job description
	initiation of consultant hiring process	Public Service or outside consultant? Budget determination
<b>Feb</b>	Discuss with Trust Council/trustees	Input process conducted by CAOHC as per hiring priorities
<b>Feb/March</b>	Advertise/outreach CAO position	
<b>March (early)</b>	Screening/testing	
<b>March (late)- early April</b>	Interviews	
	Reference check	
<b>April (late)</b>	Offer	
<b>to June 1</b>	New CAO provides notice period	
<b>June 15</b>	First day	
<b>June 15-30</b>	Orientation	
<b>June 30</b>	Last day of retiring CAO	

## **Attachment 1**

(Trust Council Policy 2.4.1)

### **Terms of Reference**

#### **Chief Administrative Officer Hiring Committee**

##### **Consultation with Trust Council during a Chief Administrative Officer Hiring Process**

### **1. Purpose**

- 1.1 These Terms of Reference are intended to guide a *Chief Administrative Officer Hiring Committee (CAOHC)*, if and when one has been formed pursuant to section 9.1 of Policy 2.4.1. Specifically, the purpose of these Terms of Reference is to ensure that such a committee consults with Trust Council early in the Chief Administrative Officer (CAO) hiring process and before the end of a new CAO's initial six-month probationary period.

### **2. References**

- 2.1 The following references are relevant to these Terms of Reference:

1. Policy 2.4.1 – Executive Committee Terms of Reference
2. Islands Trust CAO Position Description (current version at the time a CAOHC is formed)
3. Public Service Agency Policies and Procedures regarding hiring processes and probationary periods for Exempt Staff (current versions at the time a CAOHC is formed)
4. *Public Service Act*

### **3. Background**

- 3.1 The hiring process for a CAO must follow the requirements of the *Public Service Act*, including the policies and procedures of the BC Public Service Agency and requirements of the BC Merit Commissioner.
- 3.2 All appointments to the BC Public Service must be based on merit. All hiring processes are subject to audit by the BC Merit Commissioner to confirm that appointments have been made on the basis of merit.
- 3.3 Selection Criteria that may be used to select a CAO must be based on the current version of the Islands Trust Chief Administrative Officer Position Description, which outlines the required education, experience, knowledge, skills, abilities and competencies required of the position.
- 3.4 The first six months of employment for a new CAO is a probationary period. Management of the probationary period for a new CAO must follow the policies and procedures of the BC Public Service Agency.

#### **4. Process**

- 4.1 Once the Executive Committee has determined that it is necessary to begin the process for hiring a CAO, it will, as soon as practicable, form a Chief Administrative Officer Hiring Committee (CAOHC) to have oversight over:
- the entire CAO hiring process, including recruiting and selecting a new CAO
  - orienting and evaluating a newly-appointed CAO during the initial six-month probationary period.
- 4.2 Meetings of the CAOHC will be chaired by the Chair of the Islands Trust Council and will follow meeting procedures for committees as such procedures have been established in the Islands Trust Council's current Meeting Procedures Bylaw.
- 4.3 The CAOHC will seek advice from the Public Service Agency with regard to the CAO hiring process, to ensure the process is based upon a fair and appropriate methodology that meets the requirements of the BC Merit Commissioner.
- 4.4 The CAOHC will design a process for early consultation with Trust Council about CAO selection. Consultation at a meeting of Trust Council is preferable, but the CAOHC could use consultation through electronic or telephone survey where it believes this is in the best interests of the Islands Trust. Consultation with Trust Council will focus on the relative importance of those selection criteria that have been identified in the Islands Trust CAO Position Description and, therefore, may be considered in the selection process (education, experience, knowledge, skills, abilities and competencies).
- 4.5 In consultation with executive recruitment professionals at the BC Public Service Agency, and to the degree that is practicable, the CAOHC will consider any input it has received from Trust Council (re Section 4.4), when it is designing and developing:
- a CAO job advertisement;
  - the methodology for reviewing and rating CAO candidate resumes;
  - CAO candidate screening tools such as interview questions, written tests, work simulation exercises and evaluation of work samples.
- 4.6 In consultation with professionals at the BC Public Service Agency, and to the degree practicable, the CAOHC will consult with Trust Council before the end of a new CAO's initial 6-month probationary period and will consider the input it has received from Trust Council before making any decisions about the outcome of the probationary period.

This Act is current to December 27, 2023

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## **PUBLIC SERVICE ACT**

### **[RSBC 1996] CHAPTER 385**

#### ***Contents***

#### **Part 1 — Introductory Provisions**

- 1 Definitions
- 2 Purposes of Act
- 3 Application of Act
- 4 Consultation process

#### **Part 2 — Agency Head and Merit Commissioner**

- 5 BC Public Service Agency
  - 5.01 Appointment of merit commissioner
    - 5.1 Merit commissioner — merit principle
    - 5.11 Merit commissioner — dismissal process review
    - 5.12 Dismissals eligible for review
    - 5.13 Information for merit commissioner
    - 5.14 Scope of reviews by merit commissioner
  - 5.2 Annual report of merit commissioner
  - 5.3 Expenses of merit commissioner
- 6 Delegation
- 7 Access to facilities and records

#### **Part 3 — Appointments to the Public Service**

- 8 Appointments on merit
- 9 Probation
- 10 Exceptions to section 8
- 11 Repealed
- 12 Deputy ministers
- 13 Deputy ministers' pensions
- 14 Declaration of deputy minister status
- 15 Appointment by Lieutenant Governor in Council

#### **Part 4 — Review of Staffing Decisions**

- 16 Definitions
- 17 Request for feedback on staffing decision
- 18 Inquiry into staffing decision
- 19 Review by merit commissioner
- 20 Power to compel persons to answer questions and order disclosure

20.01 Contempt proceeding for uncooperative person

20.02 Repealed

20.1 Decision final

## Part 5 — Miscellaneous

21 Oaths

22 Dismissal and suspension of employees

22.1 Immunity protection

22.2 Inadmissibility

22.3 Merit commissioner not to be compelled

23 Repealed

24 Annual report

25 Power to make regulations

25.1 Review of dismissal review process

26 Transitional — deputy ministers' pensions

## Part 1 — Introductory Provisions

### Definitions

1 In this Act:

**"agency"** means the BC Public Service Agency continued under section 5 (1);

**"agency head"** means the head of the agency appointed under section 5 (2);

**"auxiliary employee"** means an auxiliary employee as defined in the regulations;

**"deputy minister"** means

(a) a person appointed as a deputy minister under section 12, or

(b) subject to section 14, a person who by an Act or by an order in council under that section is declared to have the status of a deputy minister;

**"dismissal file"** means the records of a ministry or a board, commission, agency or organization of the government to which this Act applies that are relevant in relation to a reviewable dismissal;

**"eligible dismissal"** means a reviewable dismissal that is eligible for review under section 5.12 (1);

**"employee"** means a person appointed under this Act other than a person appointed under section 15;

**"merit commissioner"** means the merit commissioner appointed under section 5.01;

**"reviewable dismissal"** means a dismissal that

(a) takes place on or after April 1, 2018, and

(b) is, or was initially, a dismissal under section 22 (2).

## Purposes of Act

- 2 The purposes of this Act are to
- (a) facilitate the provision of service to the public in a manner that is responsive to changing public requirements,
  - (b) recruit and develop a well qualified and efficient public service that is representative of the diversity of the people of British Columbia,
  - (c) encourage the training and development of employees to foster career development and advancement,
  - (d) encourage creativity and initiative among employees, and
  - (e) promote harmonious relations of the government and employees and bargaining agents that represent employees in the public service.

## Application of Act

- 3 Except as otherwise provided in this Act or in another Act, this Act applies
- (a) to all ministries of the government, and
  - (b) to any board, commission, agency or organization of the government and its members or employees, to which the Lieutenant Governor in Council declares this Act, or a provision of this Act, to apply.

## Consultation process

- 4 (1) In this section, "**consult**" means seeking advice or an exchange of views or concerns prior to the making of a decision respecting the matters that determine merit under section 8 (2) or the making of regulations under section 25.
- (2) The agency must consult with representatives of the employees' bargaining agents certified under the *Public Service Labour Relations Act* with respect to
- (a) the application of the matters that determine merit under section 8 (2), and
  - (b) regulations that may affect the employees represented by the bargaining agents that the minister intends to recommend to the Lieutenant Governor in Council under section 25.
- (3) In addition, the agency may consult with employees who are not represented by the bargaining agents referred to in subsection (2) with respect to the matters referred to in that subsection that affect members of those groups.

## Part 2 — Agency Head and Merit Commissioner

### BC Public Service Agency

- 5 (1) The division of the government known as the Public Service Employee Relations Commission is continued as the BC Public Service Agency under the administration of the minister.

(2) The Lieutenant Governor in Council must appoint, under section 12, an individual to be the agency head.

(2.1) to (2.5) [Repealed 2005-35-36.]

(3) The agency head is responsible for personnel management in the public service including but not limited to the following:

- (a) advising the minister respecting personnel policies, standards, regulations and procedures;
- (b) providing direction, advice or assistance to ministries in the conduct of personnel policies, standards, regulations and procedures;
- (c) recruiting, selecting and appointing, or providing for the recruitment, selection and appointment of, persons to or within the public service;
- (d) developing, providing, assisting in or coordinating staff training, educational and career development programs;
- (e) developing, establishing and maintaining job evaluation and classification plans;
- (f) acting as bargaining agent for the government in accordance with section 3 of the *Public Service Labour Relations Act*;
- (g) developing, establishing and maintaining occupational health and safety programs;
- (h) developing and implementing employment equity policies and programs;
- (i) conducting studies and investigations respecting staff utilization;
- (j) carrying out research on compensation and working conditions;
- (k) developing and implementing mechanisms to ensure effective human resource planning and organizational structures;
- (l) developing, implementing and maintaining a process to monitor, audit and evaluate delegations under section 6, to ensure compliance with this Act and the regulations;
- (m) establishing and maintaining a personnel management information system;
- (n) performing other duties assigned by the minister respecting personnel, consistent with this Act and the regulations.

(4) Subject to this Act and the regulations and on the recommendation of the agency head, the minister may issue policies respecting the matters referred to in subsection (3).

### **Appointment of merit commissioner**

**5.01** (1) The Lieutenant Governor in Council, on the recommendation of the Legislative Assembly, must appoint an individual to hold office as the merit commissioner

under this Act.

- (2) The merit commissioner is an officer of the Legislature and must
  - (a) faithfully, honestly and impartially exercise the powers and perform the duties of the office, and
  - (b) not divulge any information received under this Act, except if permitted by this Act.
- (3) The Legislative Assembly must not recommend an individual to be appointed under subsection (1) unless a special committee of the Legislative Assembly has unanimously recommended to the Legislative Assembly that the individual be appointed.
- (4) The merit commissioner is to be appointed for a term of 3 years and may be reappointed in the manner provided in this section for further 3 year terms.
- (5) The merit commissioner is entitled
  - (a) to be paid, out of the consolidated revenue fund, compensation as may be fixed by the Lieutenant Governor in Council, and
  - (b) to be reimbursed for reasonable travelling and out of pocket expenses personally incurred in performing the duties of the office.
- (6) The Lieutenant Governor in Council may appoint an acting commissioner if
  - (a) the office of commissioner is or becomes vacant when the Legislative Assembly is not sitting,
  - (b) the commissioner is suspended when the Legislative Assembly is not sitting,
  - (c) the commissioner is removed or suspended or the office becomes vacant when the Legislative Assembly is sitting, but no recommendation is made by the Legislative Assembly under subsection (1) before the end of the session, or
  - (d) the commissioner is temporarily absent because of illness or for another reason.
- (7) An acting commissioner holds office until
  - (a) a person is appointed under subsection (1),
  - (b) the suspension of the commissioner ends,
  - (c) the Legislative Assembly has sat for 30 days after the date of the acting commissioner's appointment, or
  - (d) the commissioner returns to office after a temporary absence,whichever is the case and whichever occurs first.

### **Merit commissioner — merit principle**

- 5.1** (1) The merit commissioner is responsible for monitoring the application of the merit principle under this Act by
- (a) conducting random audits of appointments to and from within the public service to assess whether
    - (i) the recruitment and selection processes were properly applied to result in appointments based on merit, and
    - (ii) the individuals when appointed possessed the required qualifications for the positions to which they were appointed, and
  - (b) reporting the audit results to the deputy ministers or other persons having overall responsibility for the ministries, boards, commissions, agencies or organizations, as the case may be, in which the appointments were made.
- (2) The merit commissioner, in carrying out the merit commissioner's responsibilities under this section, must not conduct audits or issue reports in respect of the period before June 5, 2001.
- (3) [Repealed 2005-35-38.]

### **Merit commissioner — dismissal process review**

- 5.11** The merit commissioner is responsible for monitoring the application of government practices, policies and standards to eligible dismissals by the following by conducting reviews of eligible dismissals in accordance with sections 5.12 to 5.14:
- (a) the agency;
  - (b) ministries;
  - (c) boards, commissions, agencies and organizations of the government to which this Act applies.

### **Dismissals eligible for review**

- 5.12** (1) A reviewable dismissal becomes eligible for review as follows:
- (a) if no grievance procedure under a collective agreement or proceeding before a court or a judicial or quasi-judicial tribunal in relation to the reviewable dismissal has been commenced, 12 months after the date of the dismissal;
  - (b) if a grievance procedure under a collective agreement or a proceeding before a court or a judicial or quasi-judicial tribunal in relation to the reviewable dismissal has been commenced, 6 months after the date on which the grievance procedure or the proceeding and all related proceedings are complete.
- (2) The agency head must notify the merit commissioner as soon as practicable after the agency head becomes aware that a dismissal about which information was provided to the merit commissioner under section 5.13 (1) is the subject of a

grievance procedure under a collective agreement or a proceeding before a court or a judicial or quasi-judicial tribunal.

(3) If the merit commissioner

- (a) receives a notification under subsection (2) and is conducting a review of the dismissal that is referred to in the notification, or
- (b) otherwise becomes aware that the merit commissioner is conducting a review of a dismissal that is the subject of a grievance procedure under a collective agreement or a proceeding before a court or a judicial or quasi-judicial tribunal,

the merit commissioner must defer the review until the date that is 6 months after the date on which the grievance procedure or the proceeding and all related proceedings are complete.

### **Information for merit commissioner**

**5.13** (1) The agency head must, at least once every 6 months, provide the merit commissioner with information about reviewable dismissals and eligible dismissals, including, without limitation,

- (a) the name of the employee who was dismissed,
- (b) the position or title of the employee who was dismissed,
- (c) the name of the ministry, board, commission, agency or organization that employed the employee who was dismissed,
- (d) the date of the dismissal, and
- (e) any other prescribed information.

(2) The agency head must provide the merit commissioner with the dismissal file for a reviewable dismissal as soon as practicable after the dismissal becomes eligible for review under section 5.12 (1).

### **Scope of reviews by merit commissioner**

**5.14** (1) The merit commissioner may review only dismissals eligible for review under section 5.12 (1).

- (2) The merit commissioner may determine which eligible dismissals to review.
- (3) For the purposes of a review, the merit commissioner may review the dismissal file and any other information the merit commissioner considers relevant.
- (4) When conducting a review of an eligible dismissal, the merit commissioner must not make a determination whether the dismissal met the legal standard for a just cause dismissal.

### **Annual report of merit commissioner**

**5.2** (1) The merit commissioner must report annually, no later than May 31, to the Legislative Assembly concerning the merit commissioner's activities under this Act

since the last report was made under this section.

- (2) The Speaker must lay each annual report before the Legislative Assembly as soon as practicable, if it is in session.
- (3) If the Legislative Assembly is not in session on the date of the annual report, or within 10 days after that date, the annual report must be promptly filed with the Clerk of the Legislative Assembly.
- (4) The report of the merit commissioner under this section,
  - (a) in relation to monitoring the application of the merit principle, must not disclose
    - (i) personal information, as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*, relating to individuals who applied for or were appointed to positions in the public service, or
    - (ii) the identity of persons who participated on behalf of the ministries, boards, commissions, agencies or organizations, as the case may be, in the selection of the individuals appointed to positions in the public service, and
  - (b) in relation to monitoring the application of government practices, policies and standards respecting eligible dismissals,
    - (i) may include
      - (A) references to particular instances of non-compliance with government practices, policies and standards,
      - (B) identification of persistent patterns of non-compliance with government practices, policies and standards, and
      - (C) recommendations in relation to dismissals, including recommendations for changes to government practices, policies and standards and how to eliminate patterns of non-compliance with government practices, policies and standards, and
    - (ii) must not disclose
      - (A) personal information, as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*, in relation to a particular instance or a persistent pattern of non-compliance with government practices, policies and standards respecting eligible dismissals, or
      - (B) the identity of a ministry, board, commission, agency or organization in relation to a particular instance or a persistent pattern of non-compliance with government practices, policies and standards respecting eligible dismissals.

- 5.3** The merit commissioner may make a special report to the Legislative Assembly if the merit commissioner believes that the amounts and establishment provided for the office of merit commissioner in the estimates are inadequate for fulfilling the duties of the office.

## Delegation

- 6** Subject to the regulations, the agency head may
- (a) delegate any of the agency head's powers, duties or functions under this Act to an employee of the agency,
  - (b) with respect to employees of a ministry or a board, commission, agency or organization to which this Act applies, delegate any of the agency head's powers, duties or functions under this Act to
    - (i) a deputy minister or other employee of the ministry, or
    - (ii) a member, officer or employee of the board, commission, agency or organization,
  - (c) delegate dismissal authority under section 22 (2)
    - (i) to an assistant deputy minister or an employee who has an equivalent classification level to an assistant deputy minister, and
    - (ii) to a member or officer of a board, commission, agency or organization to which this Act applies,
  - (d) establish conditions, standards or requirements for any delegation, and
  - (e) amend, replace or revoke any delegation made under this section.

## Access to facilities and records

- 7** For the purposes of carrying out their duties under this Act, the agency head and merit commissioner are entitled to access to
- (a) ministries,
  - (b) boards, commissions, agencies and organizations of the government to which this Act applies, and
  - (c) records, of ministries or of those boards, commissions, agencies and organizations, containing information pertinent to those duties or to personnel matters.

## Part 3 — Appointments to the Public Service

### Appointments on merit

- 8** (1) Subject to section 10, appointments to and from within the public service must
- (a) be based on the principle of merit, and
  - (b) be the result of a process designed to appraise the knowledge, skills and abilities of eligible applicants.

- (2) The matters to be considered in determining merit must, having regard to the nature of the duties to be performed, include the applicant's education, skills, knowledge, experience, past work performance and years of continuous service in the public service.
- (3) Regulations, policies and procedures with respect to recruitment, selection and promotion must facilitate
  - (a) opportunities for external recruitment and internal advancement to develop a public service that is representative of the diversity of the people of British Columbia, and
  - (b) the long term career development and advancement of employees appointed under this Act.
- (4) Subject to the regulations, the agency head may direct in respect of a vacancy or class of vacancies in the public service, that applicants be
  - (a) limited or given preference in a manner intended to achieve employment equity objectives,
  - (b) limited to employees to encourage career development and advancement,
  - (c) limited to employees of a stated occupational group, position level or organizational unit, or
  - (d) limited to a stated geographical area or locale.

## Probation

- 9 (1) If a person who is not an employee is appointed to a position in the public service, the person is on probation until the person has worked the equivalent of 6 months' full time employment.
- (2) If the appointment is made from within the public service, a probation period in the new position not exceeding the equivalent of 6 months' full time employment may be imposed.
- (3) A deputy minister or the agency head may reject an employee during the probation period if the deputy minister or agency head considers that the employee is unsuitable for employment in the position to which the employee was appointed.

## Exceptions to section 8

### 10 Subject to the regulations

- (a) section 8 (1) does not apply to an appointment that is a lateral transfer or a demotion, and
- (b) section 8 (1) (b) does not apply to the following:
  - (i) a temporary appointment of not more than 7 months in duration;
  - (ii) an appointment of an auxiliary employee;

- (iii) a direct appointment by the agency head in unusual or exceptional circumstances.

## Repealed

11 [Repealed 2003-88-10.]

## Deputy ministers

- 12 (1) The Lieutenant Governor in Council may appoint deputy ministers, associate deputy ministers and assistant deputy ministers.
- (2) An associate deputy minister has all the powers of a deputy minister.
- (3) Sections 5.1, 8 and 18 do not apply to appointments under this section.

## Deputy ministers' pensions

- 13 (1) Subject to subsection (2), when calculating the amount of a pension under the Public Service Pension Plan, continued under the *Public Sector Pension Plans Act*, each year of service as a deputy minister must be counted as 1 1/2 years of pensionable service.
- (2) Subsection (1) does not apply
- (a) to a person appointed as a deputy minister on or after September 1, 2001, or
  - (b) to a person holding the position of acting deputy minister.
- (2.1) Despite subsection (2) (a), subsection (1) continues to apply to a person who is a deputy minister before September 1, 2001 and is reappointed as a deputy minister on or after that date as long as there is no break in service as a deputy minister.
- (3) Despite the accrual of 35 years of pensionable service, contributions to the Public Service Pension Plan must continue for each additional year of service up to 35 years of contributory service.

## Declaration of deputy minister status

- 14 The Lieutenant Governor in Council may declare that a person has the status of a deputy minister and may set terms and conditions of employment, including remuneration, for that person and specify which sections of this Act or the regulations apply to that person.

## Appointment by Lieutenant Governor in Council

- 15 (1) The Lieutenant Governor in Council may appoint persons the Lieutenant Governor in Council considers
- (a) will be acting in a confidential capacity to the Lieutenant Governor, Executive Council or a member of the Executive Council, or
  - (b) will be appointed to a position that requires special professional, technical or administrative qualifications.

- (2) A person referred to in subsection (1) (a) or (b) may be appointed by the Lieutenant Governor in Council on terms and conditions, including remuneration, authorized by the Lieutenant Governor in Council or set out in the regulations.
- (3) This Act, other than subsections (1) and (2) and sections 21 and 25 (3), does not apply to a person appointed under this section.

## Part 4 — Review of Staffing Decisions

### Definitions

**16** In this Part, "**deputy minister**" means,

- (a) with respect to a position in a ministry, the deputy minister of that ministry, and
- (b) with respect to a position with a board, commission, agency or organization, the person having overall responsibility for the board, commission, agency or organization.

### Request for feedback on staffing decision

- 17** (1) An employee who is an unsuccessful applicant for an appointment to the public service may, within the prescribed time, request from the individual responsible for the appointment an explanation of the reasons why the employee was not appointed.
- (2) The responsible individual must provide an explanation as soon as practicable after receiving a request under subsection (1).

### Inquiry into staffing decision

- 18** (1) An employee who has made a request under section 17 may request an inquiry into the application of section 8 (1) with respect to the appointment.
- (2) A request under subsection (1) must be made within the prescribed period to the deputy minister responsible for the position and must include a detailed statement specifying the grounds on which the request is made.
- (3) The deputy minister who receives an application under subsection (1), or a person designated by the deputy minister, must inquire into the appointment and confirm the appointment or proposed appointment or direct that the appointment or proposed appointment be reconsidered.

### Review by merit commissioner

- 19** (1) An employee who is an unsuccessful applicant for an appointment to a position in a bargaining unit under the *Public Service Labour Relations Act* who has made a request under section 18 and disagrees with the decision of the deputy minister or designate under that section may request a review of the appointment by the merit commissioner on the ground that section 8 (1) has not been complied with.

- (2) A request under subsection (1) must be made in writing within the prescribed period to the merit commissioner and may only be based upon the grounds submitted to the deputy minister under section 18 (2).
- (3) Subject to the regulations, the merit commissioner must establish the procedure for the expeditious consideration of requests for reviews under subsection (1).
- (4) If an applicant requests a review under subsection (1), the merit commissioner must, before undertaking the review, inform the deputy minister of the review.
- (5) The merit commissioner may summarily dismiss a request for a review under subsection (1) if
  - (a) the request for review is not made within the time limit prescribed under subsection (2),
  - (b) the merit commissioner considers that the request for review is frivolous, vexatious or trivial or is not made in good faith,
  - (c) the request for review does not contain sufficient information to determine whether section 8 (1) has been complied with, or
  - (d) the grounds, even if proven, are not sufficient to establish that section 8 (1) has not been complied with.
- (6) After conducting a review, the merit commissioner may
  - (a) dismiss the review, or
  - (b) direct that the appointment or the proposed appointment be reconsidered.
- (7) This section does not apply with respect to an appointment to the public service that is referred to in section 10.

### **Power to compel persons to answer questions and order disclosure**

- 20** (1) For the purposes of a review under section 19, the merit commissioner may make an order requiring a person to do either or both of the following:
- (a) attend, in person or by electronic means, before the merit commissioner to answer questions on oath or affirmation, or in any other manner;
  - (b) produce for the merit commissioner a record or thing in the person's possession or control.
- (2) The merit commissioner may apply to the Supreme Court for an order
- (a) directing a person to comply with an order made under subsection (1), or
  - (b) directing any directors and officers of a person to cause the person to comply with an order made under subsection (1).

### **Contempt proceeding for uncooperative person**

**20.01** The failure or refusal of a person subject to an order under section 20 to do any of the following makes the person, on application to the Supreme Court by the merit commissioner, liable to be committed for contempt as if in breach of an order or judgment of the Supreme Court:

- (a) attend before the merit commissioner;
- (b) take an oath or make an affirmation;
- (c) answer questions;
- (d) produce records or things in the person's possession or control.

## Repealed

**20.02** [Repealed 2018-9-5.]

## Decision final

**20.1** A decision of the merit commissioner under section 19 is final and binding.

## Part 5 — Miscellaneous

### Oaths

**21** A person appointed to the public service and a person appointed under section 15 must swear or affirm an oath in the prescribed form.

### Dismissal and suspension of employees

- 22** (1) The agency head, a deputy minister or an employee authorized by a deputy minister may suspend an employee for just cause from the performance of the employee's duties.
- (2) The agency head, a deputy minister or an individual delegated authority under section 6 (c) may dismiss an employee for just cause.

### Immunity protection

- 22.1** (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against the merit commissioner, or a person acting on behalf of or under the direction of the merit commissioner, because of anything done or omitted
- (a) in the performance or intended performance of any duty under sections 5.11, 5.12, 5.14 and 19, or
  - (b) in the exercise or intended exercise of any power under sections 5.11, 5.12, 5.14 and 19 to 20.1.
- (2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted by that person in bad faith.

### Inadmissibility

**22.2** The following are inadmissible in evidence in any grievance procedure under a collective agreement or proceeding before a court or a judicial or quasi-judicial tribunal in relation to a dismissal that is, or was initially, a dismissal under section 22 (2):

- (a) an annual report under section 5.2;
- (b) any findings or records of the merit commissioner, or a person acting on behalf of or under the direction of the merit commissioner, respecting reviews of eligible dismissals or the preparation of an annual report under section 5.2.

### **Merit commissioner not to be compelled**

**22.3** The merit commissioner, and a person acting on behalf of or under the direction of the merit commissioner, must not be compelled to give evidence in a grievance procedure under a collective agreement or proceeding before a court or a judicial or quasi-judicial tribunal in relation to a dismissal that is, or was initially, a dismissal under section 22 (2).

### **Repealed**

**23** [Repealed 2007-21-6.]

### **Annual report**

**24** The minister must lay before the Legislative Assembly as soon as practicable, a report for the fiscal year ending March 31 respecting the work of the agency.

### **Power to make regulations**

**25** (0.1) The Lieutenant Governor in Council may make regulations respecting any matter for which regulations are contemplated by this Act.

(1) On the recommendation of the minister, the Lieutenant Governor in Council may make regulations respecting government personnel management, including regulations respecting the following:

- (a) the definition of "auxiliary employee" in section 1;
- (b) recruitment, selection and appointment of staff including standards and procedures respecting advertising vacancies and who may apply for those vacancies;
- (c) probation periods for employees who are appointed to positions in the public service;
- (d) health and safety of employees;
- (e) terms and conditions of employment;
- (f) job evaluation and classification;
- (g) standards of employee conduct;
- (h) all matters respecting discipline, suspension and dismissal of employees;

- (i) monitoring and auditing of all personnel functions.
- (2) Regulations under subsection (1)
- (a) may be different for different categories of employees, and
  - (b) may be made retroactive to a date not earlier than the date this section comes into force, and if made retroactive are deemed to have come into force on that date.
- (3) The Lieutenant Governor in Council may make regulations respecting the terms and conditions of employment of persons appointed under section 15.
- (4) The Lieutenant Governor in Council may make regulations respecting inquiries and reviews under Part 4 including regulations respecting the manner of applying for an inquiry under section 18 or a review under section 19 and the time limits for those applications.
- (5) [Repealed 2003-88-12.]

### **Review of dismissal review process**

- 25.1** A special committee of the Legislative Assembly must,
- (a) within 5 years after the date this section comes into force, begin a review of this Act in relation to dismissal process reviews by the merit commissioner, and
  - (b) within one year after the date of the appointment of the special committee, submit a report to the Legislative Assembly respecting this Act in relation to dismissal process reviews by the merit commissioner.

### **Transitional — deputy ministers' pensions**

- 26** (1) Despite section 13, section 4.1 of the *Public Service Act*, S.B.C. 1985, c. 15, continues to apply with respect to a person who became a deputy minister before November 5, 1991 and to whom the section would otherwise have applied.
- (2) For greater certainty, a deputy minister appointed on or after September 1, 2001 has no claim for payment of compensation because the deputy minister is ineligible for the benefit provided under section 13 (1).



**POSITION DESCRIPTION**  
Islands Trust

POSITION TITLE:	Chief Administrative Officer	POSITION NUMBER(S):	36524
DIVISION: (e.g., Division, Region, Department)	NA		
UNIT: (e.g., Branch, Area, District)	EXEC	LOCATION:	Victoria
APPROVED CLASSIFICATION		CLASS CODE	NA
SUPERVISOR'S TITLE:	Islands Trust Executive Committee	POSITION NUMBER	NA
SUPERVISOR'S CLASSIFICATION:	Trustees	PHONE NUMBER:	Various

**PROGRAM**

Located in Coast Salish territory, the Islands Trust is a special purpose government responsible for protecting the unique amenities and environment of more than 450 islands and surrounding waters in the southern Strait of Georgia and Howe Sound. Created by the Province via the Islands Trust Act, Islands Trust plans and regulates local land use, coordinates with other level of government and First Nations on key issues impacting the area, and protects land through the Islands Trust Conservancy.

**PURPOSE OF POSITION**

The Chief Administrative Officer (CAO) provides strategic and operational support to the Islands Trust political bodies including the Executive Committee, the Islands Trust Council, the LTCs, and the Trust Fund Board. The position orients new trustees on roles and responsibilities, counsels on governance requirements and issues; and ensures continuous learning opportunities are provided on governance, land use and related considerations. The CAO also facilitates strategic planning sessions, recommends the best instruments for achieving strategic goals such as legislative amendments, policy or procedure development, and guides liaisons between trustees and other agency officials with common or overlapping interests. Further the CAO provides leadership to Islands Trust staff, encouraging a highly engaged workforce and a positive work environment, while providing oversight to the provision of professional, technical and administrative expertise and services necessary to support the Islands Trust Council, the LTCs and the Trust Fund Board. The incumbent collaborates with other agencies to promote cooperative approaches to land use initiatives/issues, and champions opportunities to be a high performing, progressive and responsive organization.

**NATURE OF WORK AND POSITION LINKS**

The Islands Trust area is composed of 13 major islands and more than 450 smaller islands, covering approximately 5200 square kilometres of land and water. This remarkable area is home to an exceptional variety of species of birds, fish, inter-tidal life, wildlife and plants. About 25,000 people live with the Trust Area. The purpose of the Islands Trust is to preserve and protect the Islands Trust Area and this position assists locally elected trustees who are part of each island community to plan land use and regulate development in the trust area. The range of the organization's responsibilities include preparation and adoption of Official Community Plans and land use regulations such as zoning, and subdivision bylaws, and authorization of certain Local Government Act permits.

The Islands Trust provides a dynamic working environment with 16 governance bodies and a number of trustees: 26 trustees on the Island Trust Council; three Vice-Chairs and a Chair on the Executive Committee, 12 – three person LTCs; and three trustees and three government appointees on the Trust Fund Board. These trustees are elected every four

years and come from a variety backgrounds with varying levels of knowledge and skill sets.

Within this environment, the CAO ensures trustees understand governance issues such as administrative fairness, the separation of political vs. bureaucratic role/responsibilities as well as the legislation that directly influences operations, including: *Islands Trust Act* and regulations, *Local Government Act*, *Community Charter*, *Agricultural Land Reserve Act*, *Private Managed Forest Land Act*, *Freedom of Information and Protection of Privacy Act*, *Public Service Act* and *Ombudsperson Act* and how these Acts apply to Islands Trust. As well the CAO informs trustees and provides advice on land use policy and planning such as Official Community Plans and Development Permit Areas, and a variety of topical issues such as First Nations engagement and advocacy regarding Islands Trust policies with other levels of government. The CAO also counsels individual trustees on potential controversial issues such as administrative fairness, conflict of interest, receipt of gifts and influencing bureaucratic decision making, and how these situations should be managed or avoided.

The challenge of meeting the goals and requirements of 16 governance bodies given the finite fiscal and human resources, requires the CAO to mediate conflicts (i.e. trustee interests, employee workloads), manage expectations and recommend priorities based on impacts, resourcing and timelines. It is also challenging to ensure Islands Trust employees understand and respect island culture and to that end, the CAO champions opportunities to bring staff into the communities they serve. Key contacts:

- **Trustees and Committees** including the Islands Trust Council, Executive Committee, three standing committees of Council, LTCs and the Trust Fund Board: to provide strategic advice, counsel and operational support on governance and land use legislation, policy and procedures and financial planning; provide oversight of program and initiatives; and, manage issues.
- **Islands Trust Directors and Staff:** to lead staff and provide oversight to the planning, delivery and evaluation of local planning services, trust area services and administrative services.
- **Minister, Executive and Senior Managers of Community, Sport and Cultural Development:** to facilitate inter-governmental relations; inform and advocate for land use planning, administrative and governance legislation changes; influence policy; explain Islands Trust initiatives and issues; and, request a variety of ministerial approvals.
- **Executive and Senior Managers in Mandate Related Agencies** including: regional districts (seven); Provincial Ministries such as Transportation and Infrastructure, Environment, Agriculture, Forests Lands and Natural Resource Operations; the Public Service Agency, Merit Commissioner and the Ombudsperson's Office; Federal Ministries such as Transport Canada, Industry Canada and, Parks Canada; First Nations and other local governments such as Bowen Island Municipality and the USA's San Juan Island County Council: to build cooperative working relationships; collaborate, consult and exchange expertise in areas of common or overlapping interest; negotiate protocol and service agreements; and, advocate for Islands Trust initiatives, issues and resources.
- **Legal Representatives** at private law firms: to request and discuss legal advice, direct litigation activities and to address legal issues and lawsuits.
- **Stakeholders** including regional district electoral directors, Bowen Island Municipal Council Members, Members of the Legislative Assembly, Members of Parliament, First Nations Chiefs, managers and lawyers; other local government representatives and non-governmental organizations: to build cooperative relationships; collaborate, consult and exchange information on common/overlapping interest; negotiate agreements; and, resolve issues.

## SPECIFIC ACCOUNTABILITIES / DELIVERABLES

### Governance Accountabilities with Island Trust Elected Trustees

1. Provides strategic support to the Trust Council and the Executive Committee in discharging its responsibilities. Establishes terms of reference, orients trustees on roles and responsibilities, organizes ongoing educational sessions on governance, land use planning and topical issues, interprets and advises on legislation, provides expertise, advice and recommendations on governance and strategic directions/matters, and counsels individual trustees on potentially controversial issues and how to avoid or manage these situations.

2. Organizes and attends quarterly Trust Council meetings, monthly and ad hoc Executive Committee meetings and standing committee meetings such as the Financial Planning Committee. Oversees the preparation of the agenda, background information and guest speakers, provides expertise during the meeting, presents issues for consideration or decision (i.e. analysis and recommendations for policy issues, business cases for major expenditures) and directs follow up actions.
3. Oversees operational support to the 13 LTC's ensuring the provision of local planning and regulating resources, expertise and services. Oversees operational support to the Islands Trust Fund Board ensuring the provision of policy, ecosystem protection, fund management, property management and public relations resources, expertise and services.
4. Establishes and advises on a strategic planning framework and facilitates a strategic plan review every four years. Informs and guides the Executive Committee and Trust Council on resourcing levels (budget, staff and timelines) to carry out objectives given competing priorities. Provides quarterly reports on progress, status and issues.
5. Guides the Islands Trust's liaison with political and executive level representatives from related agencies. Supervises the preparation of speaking points/background information, briefs/coaches Executive Committee or council representatives and attends meetings, explains and advocates for Island Trust initiatives/issues, and requests ministerial approvals related to financial requisitions, intergovernmental agreements and land use regulations.
6. Negotiates interagency protocol agreements (i.e. Industry Canada, regional districts and Bowen Island Municipal Council), and directs the maintenance and updating of these agreements. Encourages proactive outreach and relationship building opportunities and facilitates resolution of significant or high profile interagency issues.
7. Manages Islands Trust lawsuits (i.e. negligence), liaising between trustees and legal team, providing direction to lawyers, assisting with case preparation, and acting as an expert witness.

#### **Corporate Accountabilities with Islands Trust Organization and Employees**

8. Translates the Executive Committee and Trust Fund Board's strategic direction into an operational framework and oversees the formulation and implementation of legislation, policy and programs to meet strategic goals.
9. Provides oversight to the three Islands Trust operational programs:
  - Land Use Planning – development/amendment of land use policy, regulation and procedures, provision of planning, mapping (GIS) and bylaw enforcement expertise and services.
  - Trust Area Services – development of policies, strategies and procedures related to communication, advocacy, land acquisition, grant administration, First Nations relations, performance measurement, and implementation of the *Islands Trust Policy Statement*. Development of policy and procedures related to the Islands Trust Fund, including fundraising and grant administration, as well as, the provision of public relations, eco-system protection and property management expertise and services.
  - Corporate Services – management and delivery of financial, human resource, information systems and administrative expertise and services.
10. Leads the management team in determining the resources necessary (staff, budget and equipment) to meet strategic goals, building business cases, determining appropriate organizational structure, allocating and managing fiscal and human resources including hiring, training and managing employee performance.
11. Accepts responsibility for any powers which may be delegated by the Head of the Public Service Agency under the Public Service Act.
12. Leads the management team in establishing annual work plans, determining employee roles and responsibilities, identifying work targets, strategies and performance measures. Provides oversight to the prioritization, implementation and delivery of targets based on strategic goals.
13. Provides leadership to a staff complement of approximately 50 employees located in three offices, promoting a positive work environment with high performing and engaged employees and sponsoring initiatives such as employee engagement surveys, island site visits and supervisory training.

14. Champions and leads change initiatives to ensure a progressive and responsive organization such as championing a green operations program, promoting cooperative working relationship with over 30 First Nations and implementing employee engagement measures and strategies.

**Issue Management Accountabilities**

15. On behalf of the Islands Trust, translates and presents land use information and issues to community officials and representatives. Investigates, and where possible resolves escalated issues with and between staff, trustees and other islanders. Identifies opportunities for compromises and mediates/negotiates solutions.

16. Manages and mediates intra-agency issues including disputes over jurisdiction, authority, application or implementation of policy and programs. Promotes the coordination of activities with other agencies and jurisdictions to ensure a consistent, harmonious and transparent approach.

17. Works with directors to develop and carry out issue management strategies and solutions.

**FINANCIAL RESPONSIBILITY**

Islands Trust has a budget of \$7 million a year.

**DIRECT SUPERVISION (i.e., responsibility for signing the employee appraisal form)**

Role	# of Regular FTE's	# of Auxiliary FTE's
Directly supervises staff	5	
Supervises staff through subordinate supervisors	50	

**PROJECT /TEAM LEADERSHIP OR TRAINING (Check the appropriate boxes)**

Role	# of FTE's	Role	# of FTE's
Supervises students or volunteers <input type="checkbox"/>		Provides formal training to other staff <input checked="" type="checkbox"/>	50
Lead project teams <input checked="" type="checkbox"/>	5-10	Assigns, monitors and examines the work of staff	

**TOOLS / EQUIPMENT**

Comprehensive knowledge of computer programs including proficiency in internet searching, related survey tools, proprietary software as well as Microsoft Office - Word, Excel and PowerPoint.

**WORKING CONDITIONS**

A dynamic political environment with 16 different legal entities, several sets of legislation, multiple interests and a diversity of issues.

Regular travel to all Island Trust areas to attend meetings and deliver presentations, work irregular hours and be on call for operational emergencies.

**PREPARED BY**

NAME: Linda Adams, CAO, Paul Brent, Laura Busheikin, Susan Morrison, Peter Grove, George Grams, Derek Masselink, Peter Luckham	DATE: July 2015	Signature of EE: (Linda Adams)
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**EXCLUDED MANAGER AUTHORIZATION**

I confirm that:

1. the accountabilities / deliverables were assigned to this position effective: July 2015,
2. the information in this position description reflects the actual work performed, and
3. a copy has / will be provided to the incumbent(s).

NAME:

Craig Elder, Director Admin Services

SIGNATURE:

DATE:

July 2015

**ORGANIZATION CHART**

*Charts have been attached*

## EDUCATION, EXPERIENCE, KNOWLEDGE and ABILITIES

### Education and Experience:

- A degree in a related field such as land use management or public administration, and considerable current and progressive management or senior professional experience (a minimum of five years of experience gained over last 10 years). Prefer a related graduate degree.
- Working independently in a complex political or governmental environment with experience managing or developing and implementing policy, legislation and/or programs.
- Leading and supervising staff, setting goals, coaching/mentoring employees and team building.
- Building cooperative working relationships and liaising with a variety of internal and external stakeholders.
- Negotiating, mediating and managing high profile issues and/or conflict.
- Explaining, and presenting high level policy, practices, and strategic plans both verbally and in writing, in a clear and concise style that is appropriate to the audience, including: delivering presentations to executives/senior management, island community representatives and stakeholder groups.
- Preference may be given to applicants with direct management experience in leading and supporting the creation of a new work unit, organization or business area, or experience leading and supporting an organization through a period of significant change or transformation

### Knowledge and Abilities

- Comprehensive knowledge of local government practices and the public sector environment with sound knowledge of the legislation, policies and current land use practices, initiatives and issues in B.C. and the Islands Trust mandate and issues.
- Comprehensive knowledge of local government and land use planning law.
- Knowledge of related case law and litigation practices.
- Considerable knowledge of strategic planning, human resource management, financial management and performance management.
- Comprehensive knowledge of computer programs including proficiency in internet searching, related survey tools, proprietary software including Microsoft Office - Word, Excel and PowerPoint.
- Ability to lead and supervise staff, set goals, coach/mentor employees and team build.
- Ability to build cooperative working relationships and effectively liaise with a variety of internal and external stakeholders.
- Ability to negotiate, mediate and manage high profile issues and/or conflict.
- Ability to explain, and present high level policy, practices, and strategic plans both verbally and in writing, in a clear and concise style that is appropriate to the audience, including: delivering presentations to executives/senior management, island community representatives and stakeholder groups.

### Other

- Successful completion of security screening requirements of the BC Public Service, which includes a criminal records check as required by the Islands Trust Executive Committee.
- A valid BC Drivers licence and Canadian passport is required.

## PROFESSIONAL VALUES

**Integrity** – to uphold the Standards of Conduct for the BC Public Service and to do what is right as a professional public servant. This is the single overarching characteristic of the public service.

**Courage** – to take thoughtful risks on both people and ideas. Have strong bias for action; have imagination and empower others to take initiative even in uncertain environments. See possibilities for a future orientation.

**Teamwork** – to collaborate and value teamwork. Build trust by respecting the ideas and contributions of others; encourage new ideas and communicate how the work of the team contributes to larger goals. Set the tone for positive

engagement of staff; support others in succeeding and share information freely as appropriate.

**Passion** – to have a passion for and take pride in work; excited about seeing ideas and people succeed; a model of motivation and a positive influence for others.

**Accountability** – to have a high standard of accountability. Set clear and measurable goals and measure success; stay focused on government priorities. Take responsibility for decisions and display persistence and tenacity to overcome obstacles.

**Service** – to value the service the organization provides with a clear focus on creating positive outcomes for citizens. Proactively work collaboratively across government to enable success. Value different viewpoints; and place organizational objectives ahead of personal goals.

## LEADERSHIP BEHAVIORIAL COMPETENCIES AND VALUES

**Vision** – to position and structure the organization to maximize its effectiveness.

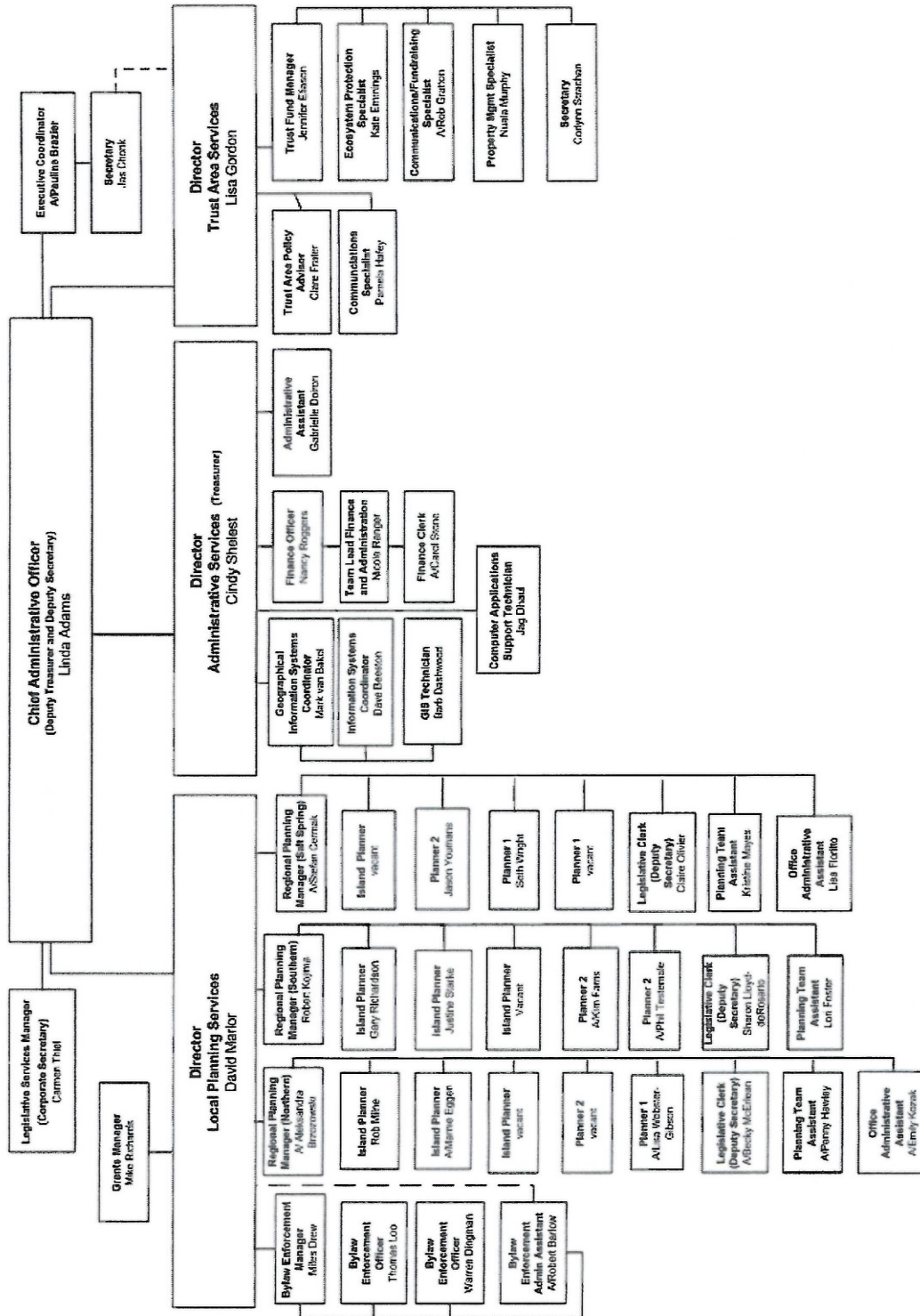
**Strategic Thinking** – to translate the vision into goals and strategies and support their accomplishment through facilitation and leading change.

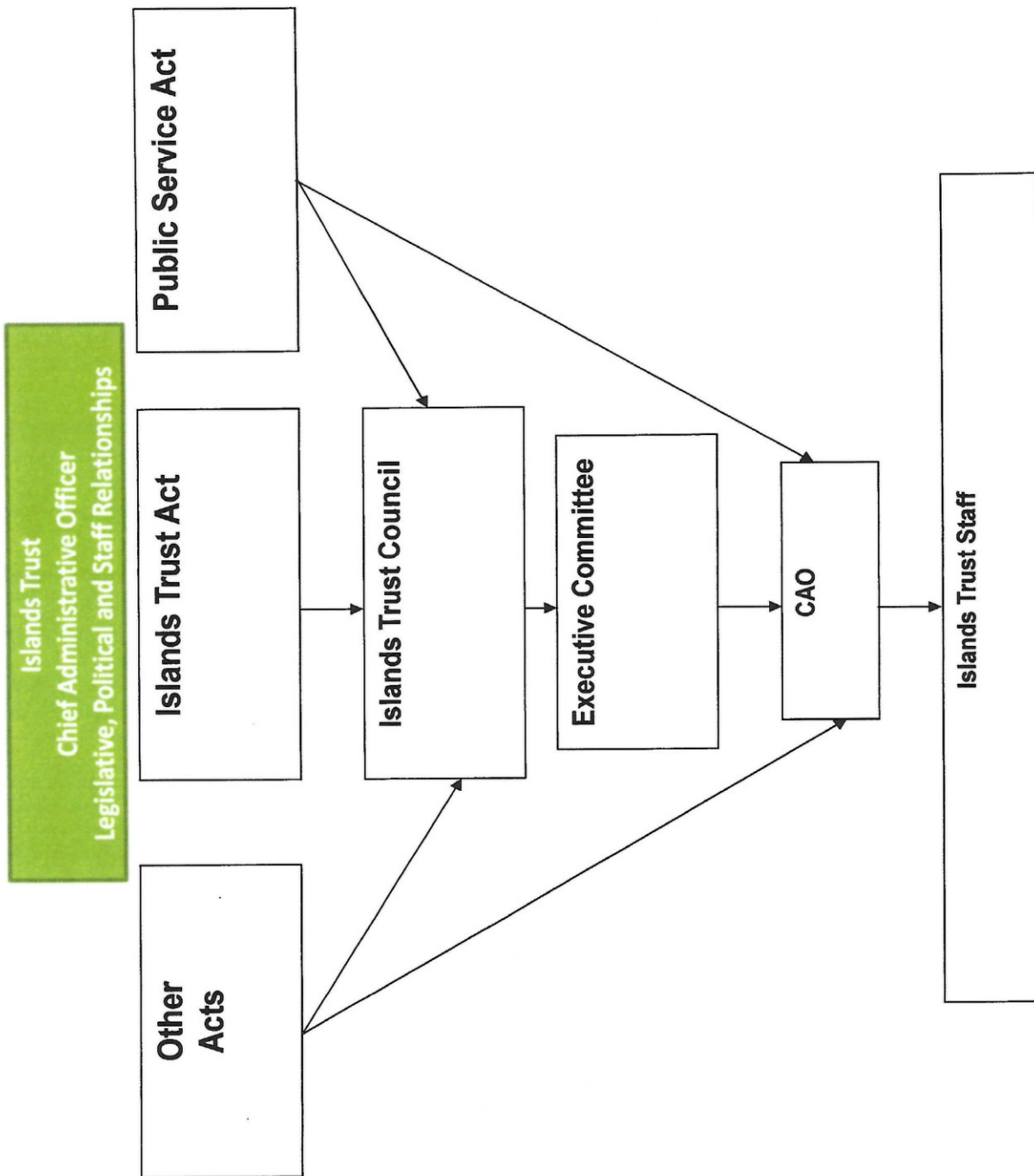
**Leading People** – to motivate, empower and lead employees to accomplish goals and objectives, rewarding high performance, promoting empowerment, and developing employees, providing opportunities for growth and managing issues within the organization.

**Stakeholder Relationships** – to ensure the enhancement of organizational relationships with external partners and stakeholders. This includes building strategic alliances, managing conflicts among different stakeholders, negotiating effectively to derive optimum solutions and effectively communicating ideas, analyses and proposals to stakeholders.

**Integrity and Authenticity** – to model integrity and authenticity, build a culture of trust, integrity, risk taking and creative thinking in the organization through demonstrating personal integrity, using feedback to self improve, following through on commitments and acting consistently with the espoused values and culture of the organization.

# Islands Trust Staff Organization Chart





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**To:** Executive Committee                      **For the Meeting of:** January 17, 2024

**From:** William Shulba, P.Geo.  
Senior Freshwater Specialist                      **Date Prepared:** January 9, 2024

**SUBJECT:** Investigation of New Provincial Guidelines on Rainwater Catchment for Multi-family Dwellings

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**PURPOSE:**

The purpose of this briefing is to provide an investigation of new provincial guidelines on rainwater catchment for multi-family dwellings to the Executive Committee following a resolution made on October 11, 2023.

**BACKGROUND:**

On October 11, 2023 the Executive Committee carried the following resolution

**that Executive Committee request staff to investigate new Provincial guidelines on rainwater catchment for multi-family dwellings, and report back at a future meeting.**

As of the writing of this briefing, staff are not aware of any new provincial guidelines on rainwater catchment specifically for multi-family dwellings.

In 2019 staff provided a response letter to the Ministry of Health’s request for comments on Guidance for Treatment of Rainwater Harvested for Potable Use in British Columbia - it is attached here for your review.

Staff are aware that following the release of the CSA Group/International Code Council [Rainwater harvesting systems. CSA B805-18/ICC 805-2018](#) in 2018 the Ministry of Health released the [“Guidance for Treatment of Rainwater Harvested for Potable Use”](#) as part of the [Drinking Water Officers’ Guide 2022](#) to supplement existing Ministry of Health’s [“Drinking Water Treatment Objectives \(Microbiological\) for Surface Water Supplies in British Columbia.”](#)

Staff are aware of the multitude of guidance documents for rainwater harvesting such as the [CMHC Guidelines for Residential Rainwater Harvesting Systems Handbook](#) which has informed regional handbooks such as the [Regional District of Nanaimo Rainwater Harvesting Best Practices Guidebook](#).

Staff produce a regulatory change bulletin (legislative monitoring spreadsheet) several times a year to track provincial policy that relates to the Islands Trust and as new rainwater harvesting regulation and guidelines become available those will be announced.

**ATTACHMENT(S):**

Letter: Re: Rainwater Harvesting Treatment Guidelines for Potable Use in British Columbia, dated October 31, 2019

**FOLLOW-UP:**

The Islands Trust Freshwater Sustainability Strategy contains a “Collaboration and Advocacy with Other Agencies” program and if the Executive Committee wishes to investigate rainwater harvesting future, that request could be made via the Regional Planning Committee.

**Prepared By:** William Shulba, P.Ge, Senior Freshwater Specialist

**Reviewed By/Date:** Stefan Cermak / January 10, 2024



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in BC 1.800.663.7867  
Email [information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca)  
Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

October 31, 2019

File: 5420 - Freshwater

Via e-mail: [david.fishwick@gov.bc.ca](mailto:david.fishwick@gov.bc.ca)

David Fishwick  
Project Manager, Drinking Water  
Healthy Community Environments, Ministry of Health  
PO Box 9646  
STN PROV GOVT  
Victoria BC V8W 9P1

Dear David Fishwick:

**Re: Rainwater Harvesting Treatment Guidelines for Potable Use in British Columbia**

I am providing a Staff response to the Ministry of Health's request for comments on *Guidance for Treatment of Rainwater Harvested for Potable Use in British Columbia*. In response, Islands Trust Staff recommend that the Ministry of Health consider:

- continuing to support rainwater harvesting systems through prudent guidelines to ensure that rainwater harvesting systems provide a safe and sustainable water supply for those who choose to use this water source;
- continued coordination with local government, such as Islands Trust, with respect to rainwater harvesting policy;
- investigating if **storage** should be included in the treatment guidance document including, but not limited to, acceptable storage periods, treatment prior to storage, treatment after storage, water quality in storage, implications of a changing climate on rainwater storage strategies, and general implications of the loss of rainwater due to system failure or other hazards;
- Rainwater Harvesting Risk Assessment Process will generally address hazards in an application area; therefore, rainwater feasibility studies for domestic, multi-family, commercial and institutional uses in areas such as the Islands Trust Area could be undertaken by the Province in coordination with local governments such as Islands Trust and regional districts; and
- provide recommendations for Provincial ministries and local government to engage the out of scope items of the *Guidance for Treatment of Rainwater Harvested for Potable Use in British Columbia*.

The Islands Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. This is a unique and special place composed of 13 major islands and more than 450 smaller islands covering approximately 5,200 square kilometres of land and water. The *Islands Trust Act* established the Islands Trust in 1974 and sets out its mandate:

*"To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."*

.../2

The Islands Trust mandate is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally. Islands Trust is responsible to both the present and future residents of the Trust Area and the Province of British Columbia.

Island community sustainability can only be met and sustained within the limitations of the natural environment. A balance must be established between the needs of all stakeholders. Therefore, the Islands Trust Policy Statement (a guiding document for all land uses in the Islands Trust Area), states that 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; and
- water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

To uphold these policies, understanding of past, current, and future uses of freshwater must be balanced by investigation of water resources, ecosystem needs, water use, climate change, and implications of land-use development.

Rainwater has been utilized by single-family domestic dwellings as an alternative water supply to supplement primary water resources such as groundwater and community supply systems. In some cases due to insufficiencies in primary water sources, rainwater has been utilized as a primary source for domestic users. Historically, rainwater has not been utilized to support proof of water for subdivision or re-zoning.

The *Guidance for Treatment of Rainwater Harvested for Potable Use in British Columbia* is a welcomed step forward for using rainwater for potable use in domestic, multi-family, commercial, and institutional use. The characterization of harvested rainwater as a type of surface water similar to lakes, rivers, creeks and springs, is consistent with precautionary principles and aligns with the *Water Sustainability Act* (WSA), *Water Sustainability Regulation* (WSR), *Drinking Water Protection Act* (DWPA), and *Drinking Water Protection Regulation* (DWPR).

The guidance document defines rainwater as water collected from natural precipitation, and any system used to collect, convey, store, treat and distribute rainwater for use is a rainwater harvesting system. This definition is consistent with the CSA/ICC Rainwater Standards.

Since, the guidance document defines rainwater as a surface water supply, most of the treatment objectives and the supporting reference material can be found in the B.C. Surface Water Treatment Objectives. The guidance document provides further explanations for treatment objectives for pathogenic microbes, enteric viruses, bacteria, and enteric protozoa in harvested rainwater for potable use.

It is understood that the guidance document is a treatment document. However, provincial approving officers and local governments will need to determine quantity and sustainability objectives for rainwater harvesting to be utilized as a primary supply for the purposes of proof of water for subdivision, re-zoning, and other land-use applications. Further to this, it is imperative to engage out of scope items of this guidance document to understand the viability of rainwater as proof of water, specifically, the sustainability of a rainwater supply for domestic, multi-family, commercial and institutional use. This includes guidelines best management practices for rainwater storage and treatment objectives prior, during, and post storage.

.../3

The guidance document provides an approach to hazard identification, risks assessment and mitigation through system design, as well as determining appropriate treatment objectives to achieve potability. A risk-based approach to identify water quality hazards of any rainwater harvesting system against the probability of such water quality hazard happening would require an investigation for every system. The guidance document presents a general framework for applications to be made to the local health authority for the issuance of construction and operating permits under the DWPA prior to commencing any construction. This process will look at how the water supplier plans to mitigate the risks identified for the proposed system. Water suppliers may consider employing contracted consultants familiar with drinking water processes and treatment objectives to assist with this process.

Tools of the proposed *Rainwater Harvesting Risk Assessment Process* includes a site visit, hazard identification, and source water quality study. The intention of this process is to identify risks regarding drinking water safety and availability, designing risk mitigation measures, and effective operational practices to ensure the best possible water quality is attained. The *Rainwater Harvesting Risk Assessment Process* is in advance of issuing a permit to construct a system and is at the discretion of the Drinking Water Officer.

Requiring an investigation for each application could impose significant workloads for health authority staff and may lead to delays in the issuance of construction permits for rainwater harvesting systems. Further to this, the *Rainwater Harvesting Risk Assessment Process* on each application may significantly increase costs for rainwater harvesting systems. The *Rainwater Harvesting Risk Assessment Process* will generally address hazards in an application area; therefore, rainwater feasibility studies for domestic, multi-family, commercial and institutional uses in areas such as the Islands Trust Area could be undertaken by the Province in coordination with local governments such as Islands Trust and regional districts.

Islands Trust Staff encourages the Ministry of Health to continue to development of the *Guidance for Treatment of Rainwater Harvested for Potable Use in British Columbia* and continually support rainwater harvesting systems through prudent guidelines to ensure that rainwater harvesting systems and storage provide a safe and sustainable water supply for those who choose to use this water source.

Sincerely,

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

William Shulba, P. Geo  
Senior Freshwater Specialist  
Licensed Science Officer  
Islands Trust  
[wshulba@islandstrust.bc.ca](mailto:wshulba@islandstrust.bc.ca)

cc: Islands Trust Executive Committee  
David Marlor, Director of Local Planning Services



## REQUEST FOR DECISION

**To:** Executive Committee                      **For the Meeting of:** January 17, 2024  
**From:** Chloë Straw, Planning Team              **Date Prepared:** January 10, 2024  
Assistant  
**SUBJECT:** Request for Executive Committee Sponsorship of Rezoning Application Fee

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**RECOMMENDATION:** THAT the Executive Committee approve financial sponsorship for the \$1,530.00 application fee for rezoning application DE-RZ-2024.1 from the Triple Rock Land Cooperative.

**CHIEF ADMINISTRATIVE OFFICER COMMENTS:** N/A

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**1 PURPOSE:**

The purpose of the Request for Decision (RFD) is to request the Executive Committee to consider the rezoning application fee sponsorship application from the Triple Rock Land Cooperative for rezoning application DE-RZ-2024.1.

**2 BACKGROUND:**

Staff have reviewed the rezoning application and confirmed that a rezoning is required, the fee for which is \$1,530.00. See receipt of application in Attachment 1: Development Application Fee Sponsorship Application Form.

The Triple Rock Land Cooperative has applied for a rezoning application to construct four additional units of affordable housing, and to allow secondary suites for all main dwelling units and requests sponsorship of the rezoning application fee by the Executive Committee. The Triple Rock Land Cooperative is seeking to provide affordable housing for the benefit of the Denman Island community. As a non-profit organization the Triple Rock Land Cooperative is eligible for sponsorship.

**3 IMPLICATIONS OF RECOMMENDATION**

**ORGANIZATIONAL:**

None.

**FINANCIAL:**

Funds to pay for this application fee will come from the sponsorship budget where the funds would otherwise be received from the applicant. Trust Council budgeted \$15,000 for fiscal year 2023/24 to cover costs for applications that are approved by Executive Committee sponsorship. If the remaining Trust Council budget is not sufficient to cover the full amount of the application fee, partial funding could be provided. (See Alternate Recommendation 1)

**POLICY:**

The attached application for Executive Committee sponsorship of 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:**

None.

**OTHER:**

None.

**4 RELEVANT POLICY(S):**

[Islands Trust Policy 4.1.xiii: Guidelines for Executive Committee Sponsored Development Applications](#)

**5 ATTACHMENT(S):**

1. Development Application Fee Sponsorship Application Form
2. Application Fee Package
3. List of Directors
4. Letter of Support

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**RESPONSE OPTIONS**

**Recommendation:**

**THAT the Executive Committee approve financial sponsorship for the \$1,530.00 application fee for rezoning application DE-RZ-2024.1 from the Triple Rock Land Cooperative.**

**Alternative Recommendations:**

- 1) **THAT the Executive Committee approve financial sponsorship of \$ [insert amount] towards the application fee for the rezoning application DE-RZ-2024.1 from the Triple Rock Land Cooperative.**
- 2) **THAT the Executive Committee decline financial sponsorship for the rezoning application fee from the Triple Rock Land Cooperative for rezoning application DE-RZ-2024.1.**

**Prepared By: Chloë Straw, Planning Team Assistant**

**Reviewed By/Date: Renée Jamurat, Regional Planning Manager – North Office/January 10, 2024**



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**North Pender, South Pender,  
Galiano, Mayne, Saturna**

**Salt Spring Office**  
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**Salt Spring**

**Northern Office**  
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Fax: (250) 247-7514  
northinfo@islandstrust.bc.ca  
**Gambier, Lasqueti, Hornby,  
Denman, Gabriola, Thetis,  
Ballenas-Winchelsea**

## 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: TRIPLE ROCK LAND COOPERATIVE

Primary Contact: LAURA BUSHEKIN

Address: 5201 DENMAN RD, DENMAN ISLAND, B.P. VORITO

Telephone: 250 218 3216 E-mail: Denmancoho@gmail.com

~~Charitable Status Number (If applicable):~~ Cooperative incorporation # CP-1897

Organization Mandate (Attach bylaws, constitution or cite organization website): "the creation of a co-operatively owned and managed affordable housing community on Denman Island." (cited for the Housing Agreement and the cooperative Memorandum of Association) (attached)

Board Members (Name, Position): see attachment

**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 #: *The application was submitted Dec 18, 2023 but has not yet been assigned a number*  
Receipt #: \_\_\_\_\_

Development Application Fees Paid (Amount): \_\_\_\_\_

**SECTION 3**

Objective of Development Application: *Changing zoning to allow four more units of affordable housing (there are already 15 units of affordable housing) and to allow secondary suites for all main dwelling units*  
Describe how the Development Application furthers official community plan goals: *see attachment*

**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: *LAURA BUSHEIKIN*

Signature: *[Handwritten Signature]* Date: *Jan 2, 2024*

Contact Information (e-mail and/or phone): *laura.bvsheikin@gmail.com 250-218-3216*

**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): \_\_\_\_\_

# Development Application Fee Sponsorship request from the Triple Rock Land Cooperative, Denman Island

## Answer to Section 3: Describe how the development application furthers official community plan goals:

This application supports a number of broad and deeply held community goals around housing and diversity because, if successful, it will create four primary dwelling units and up to 20 secondary suites, all regulated in multiple ways to be affordable housing.

### The application furthers the OCP's Housing Section Guiding Objective and the four objectives that flow from it.

**E1 Housing—Guiding Objective:** To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community.

**Objective 1** To ensure that housing options are sensitive to ground water availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island

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

**Objective 3** To set the maximum for the overall residential density of the Island as the residential density possible with the zoning regulations in place at the time of adoption of this Plan while providing flexibility for a range of dwelling types

**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

### As well, it aligns with the following OCP policies:

**E1 Housing—Policy 11** The overall residential density on Denman Island should not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section.

**E1 Housing—Policy 16** Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.

Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.

**E1 Housing—Policy 23** Zoning regulations should establish sufficient setbacks for septic disposal systems:

- to ensure that the wastewater has been cleaned before entering the sea, wetlands, lakes and other watercourses; and
- to protect adjacent properties from effluent or odours.

**E1 Housing— Policy 24** Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.

**E1 Housing— Policy 25** The Local Trust Committee should not approve a zoning amendment application that could fragment large areas of forested or agricultural land.

**E1 Housing— Policy 28** The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided:

- that the proposal is not located in a connectivity area identified on Schedule D;
- that the proposal does not impact negatively on adjacent properties;
- that the proposal is small-scale;
- that the proposal is clustered and the siting and height are sensitive to surrounding land uses;
- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;
- that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;
- that the proposed development will not place a strain on existing public services and infrastructure.

**Also, the TRLC fulfills this paragraph of the OCP vision statement** because it is an innovative project built and managed by members on a voluntary basis, and owned and managed cooperatively,:

Islanders historically have been an independent, diverse and creative people with a long history of volunteering for the benefit of the natural environment and the human community. We will be supportive, cooperative and respectful in our interactions. We will use innovative options to promote a diversity of age and financial means within the carrying capacity of the island.

**The Triple Rock Land Cooperative is financed by residents. Sponsorship will help the cooperative maintain affordability as it takes on the costs of rezoning and possible new development.**

## List of Directors of the Triple Rock Land Cooperative

Rose Dickson  
Phillipa Joly  
Elizabeth Gries  
Micah Gries  
Melisande Gagnon  
Kevin Mitchell  
Brad Taylor  
Sheelagh McKenzie  
Vali Majd  
Ian Avery  
Seva Ganga  
Yolande Laking  
Rosie Graham  
Tristan Pinal  
Rafal Jasinski  
Ania Jasinski  
Grzegorz Hajdrych  
Miho Hajdrych  
Tomas Hajek  
Laura Busheikin

Note: all members are director, as stipulated in our Cooperative Rules of Incorporation



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

Galiano, Mayne, North Pender,  
Saturna, South Pender Islands

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

Salt Spring Island

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

Denman, Gabriola, Gambier, Hornby,  
Lasqueti, Thetis, Ballenas-  
Winchelsea Islands

## Land Use Application

**Application Type:** Check all that apply

*See Associated Schedules for Information  
and Application Requirements*

<input checked="" type="checkbox"/> Bylaw Amendment	<input checked="" type="checkbox"/> OCP	<input checked="" type="checkbox"/> Land Use / Rezoning	<input type="checkbox"/> Land Use Contract	Schedule A
<input type="checkbox"/> Development Permit	<input type="checkbox"/> Renewal or Amendment			Schedule B
<input type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Renewal			Schedule C
<input type="checkbox"/> Heritage Alteration Permit				Schedule D
<input type="checkbox"/> LCRB License	<input type="checkbox"/> Liquor	<input type="checkbox"/> Temporary Change	<input type="checkbox"/> Cannabis Retail	Schedule E
<input type="checkbox"/> Order - Board of Variance				Schedule F
<input type="checkbox"/> Siting & Use Permit				Schedule G
<input type="checkbox"/> Soil Deposit / Removal	<input type="checkbox"/> Registration	<input type="checkbox"/> Permit		Schedule H
<input type="checkbox"/> Strata Conversion				Schedule I
<input type="checkbox"/> Subdivision Review	<input type="checkbox"/> Boundary Adjustment			Schedule J
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Renewal			Schedule K

**Description of Subject Property:**

<b>Civic Address</b>	<b>PID</b>
5201 Denman Rd, Denman Island, BC, V0R 1T0	028-101-677
<b>Legal Description</b>	
the South West 1/4 of Section 17, Denman Island, Nanaimo District, Except that part in Plan 14174 and Plan VIP77481	

**Purpose of Application:** Provide a brief description (attached additional pages if needed)

rezone from 15 to 19 units, allow secondary suites in all main dwellings, increase maximum floor area of dwellings and outbuildings

**Applicant:**

<b>Name</b>	<b>Company</b>
Laura Busheikin	Triple Rock Land Cooperative
<b>Mailing Address</b>	
5201 Denman Rd	
Denman Island V0R 1T0	
<b>Phone</b>	<b>Email</b>
250-218-3216	denmancoho@gmail.com

**Declaration:**

As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.

  
 Signature

**Office Use Only:**

Date Received	Fees Paid	Receipt No.	TAPIS No.
---------------	-----------	-------------	-----------

**Owner Authorization:**

As the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:

Laura Busheikin, Director

Print Name (Complete if applicant is not the owner(s))

... to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

**All registered owners on title must be listed on and sign the application. Corporations must include a list of directors.**

<i>Name/Company Name</i>	<i>Signature</i>
Triple Rock Land Cooperative	
<i>Mailing Address</i>	
5201 Denman Rd	
Denman Island, BC, V0R 1T0	
<i>Phone</i>	<i>Print Name</i>
250-888-9746	Yolande Laking, President
<i>Email</i>	<i>Date</i>
yolandelagking85@gmail.com	Dec 18, 2023

<i>Name/Company Name</i>	<i>Signature</i>
<i>Mailing Address</i>	
<i>Phone</i>	<i>Print Name</i>
	Yolande Laking
<i>Email</i>	<i>Date</i>

<i>Name/Company Name</i>	<i>Signature</i>
<i>Mailing Address</i>	
<i>Phone</i>	<i>Print Name</i>
<i>Email</i>	<i>Date</i>

**Application Checklist** The following materials must accompany the application:

- Completed application form
- Current title search (issued within 30 days)
- Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- Application fee (see applicable Local Trust Committee Fees Bylaw for current fees)
- If applicable, a [BC Contaminated Sites Regulation Disclosure Statement \(Schedule 1\)](#) must be completed
- If applicable, QEP Report registered in Province of BC [Riparian Areas Regulation \(RAR\)](#) Notification System
- Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws**

**NOTE** A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.

**Freedom of Information**

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-5155.

## Triple Rock Land Cooperative rezoning application.

I would like to give my support to the Executive for sponsorship of this rezoning application, the details to follow:

They are asking for four more dwelling units, an increase from the existing 15 units to 19 units and the option of secondary suites for all units (up to 19 secondary suites).

All units (primary and secondary) are required to be affordable housing. This is regulated via

- 1) A Housing Agreement registered on title, which required reporting whenever a housing unit changes hands;
- 2) The Cooperative Rules of Association, which state that their purpose is to create and manage affordable housing;
- 3) Triple Rock Land Cooperative's policies, which set limits on resale value; and
- 4) The zoning, which specifies affordable housing.

The project is small in scale and minimizes impact through a limit on house size and outbuilding floor area, the use of rainwater catchment for all household water needs, clustered development, and the use of composting toilets.

The project has been operating for almost 15 years and is considered a success by its residents, other collective land projects, academics, and community leaders, including those adjacent neighbors who, initially, were concerned for the impact on their wells etc.

All development at Triple Rock has been self-financed. The fee sponsorship would directly help the cooperative keep costs down and thus help it remain affordable, and the cost per unit of affordable rental (not counting the Suites) would work out to less than \$2000/unit!

Considering Denman has land already zoned for 28 affordable rental units, but has failed to secure almost 10 million dollars in CMHC and BC Housing funding, this sponsorship, by the Trust would result in the immediate availability by of four units, due to their existing waiting list of approved applicants.

David Graham

Denman Local Trustee



## REQUEST FOR DECISION

**To:** Executive Committee                      **For the Meeting of:** January 17, 2024  
**From:** Chloë Straw, Planning Team              **Date Prepared:** January 10, 2024  
Assistant  
**SUBJECT:** Request for Executive Committee Sponsorship of Rezoning Application Fee

---

**RECOMMENDATION:** THAT the Executive Committee approve financial sponsorship for the \$7,956.00 application fee for rezoning application GB-RZ-2024.1 from the Gabriola Agricultural Cooperative Association.

**CHIEF ADMINISTRATIVE OFFICER COMMENTS:** N/A

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**1 PURPOSE:**

The purpose of the Request for Decision (RFD) is to request the Executive Committee to consider the rezoning application fee sponsorship application from the Gabriola Agricultural Cooperative Association for rezoning application GB-RZ-2024.1.

**2 BACKGROUND:**

Staff have reviewed the rezoning application and confirmed that a rezoning is required, the fee for which is \$7,956.00. See receipt of application in Attachment 1: Development Application Fee Sponsorship Application Form.

The Gabriola Agricultural Cooperative Association has applied for a rezoning application to construct a year-round co-operative community food hub and requests sponsorship of the rezoning application fee by the Executive Committee. The Gabriola Agricultural Cooperative Association is seeking to provide increased opportunities for the sale of locally grown goods and food security for the benefit of the Gabriola Island community. As a non-profit organization, the Gabriola Agricultural Cooperative Association is eligible for sponsorship.

**3 IMPLICATIONS OF RECOMMENDATION**

**ORGANIZATIONAL:**

None.

**FINANCIAL:**

Funds to pay for this application fee will come from the sponsorship budget where the funds would otherwise be received from the applicant. Trust Council budgeted \$15,000 for fiscal year 2023/24 to cover costs for applications that are approved by Executive Committee sponsorship.

If the remaining Trust Council budget is not sufficient to cover the requested full amount of the application fee, partial funding could be provided. (See Alternate Recommendation 1)

**POLICY:**

The attached application for Executive Committee sponsorship of 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:**

None.

**OTHER:**

None.

**4 RELEVANT POLICY(S):**

[Islands Trust Policy 4.1.xiii: Guidelines for Executive Committee Sponsored Development Applications](#)

**5 ATTACHMENT(S):**

1. Development Application Fee Sponsorship Application Form
2. Application Fee Package
3. Letters of Community Support

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**RESPONSE OPTIONS**

**Recommendation:**

**THAT the Executive Committee approve financial sponsorship for the \$7,956.00 application fee for rezoning application GB-RZ-2024.1 from the Gabriola Agricultural Cooperative Association.**

**Alternate Recommendations:**

- 1) THAT the Executive Committee approve financial sponsorship of \$ [insert amount] towards the application fee for rezoning application GB-RZ-2024.1 from the Gabriola Agricultural Cooperative Association.**
- 2) THAT the Executive Committee decline financial sponsorship for the rezoning application fee from the Gabriola Agricultural Cooperative Association for rezoning application GB-RZ-2024.1.**

**Prepared By: Chloë Straw, Planning Team Assistant**

**Reviewed By/Date: Renée Jamurat, Regional Planning Manager – North Office/January 10, 2024**

### **Reason for ByLaw Amendment**

The last 5 years have seen a revitalization of this 90-year-old Gabriola institution in step with our changing need for local food security and environmental sustainability. We would like to continue this trend by making a food hub that highlights our local products year-round and encourages food dollars to stay on the island. In following that trend, step one is to use the current building to feature and sell local products on a more permanent basis. Step two would be to build a 2-storey, 10K square foot year-round building which would include a store featuring local products (3k square feet) and including a refillery (nuts, soaps, tea etc etc); meeting spaces, commercial kitchen for rent, café featuring local produce, vendor stalls for local food and craft products (along the lines of current market vendors), cold and dry storage, office rental, board meeting space, workshop areas. Our plans align with the social goals set out in the OCP “to encourage local food systems and community food security.” We see the development as a food gathering space for the community. We have talked with food-related partner organizations on the island who could all benefit from such a space. We have met with other organizations who would like to work with us to make this a reality, these include: PHC, GILSS, Chamber of Commerce, Health and Wellbeing Collaborative, Village Visioning, Museum, GAC, Sustainable Gabriola, GIRO, Commons, Island Futures, Gabriola Food Hub.

### **Community Consultation**

In the fall of 2021 we had a booth at the Fall Fair with a sketch of our drawing and our business plan. This was our initial foray into seeing where the community might be at with this idea. There was great enthusiasm. Since that time our board and vendors have continued to discuss the project during the market hours at Agi Hall. We have displayed the site drawing on the wall and aimed to create ideas and energy around it. Sustainable Gabriola’s round of Climate 12-12-12 talks included a discussion on Food Security and a year-round place to purchase local food as well as to have an on-island place to refill goods came up as a huge goal towards food security. Once the rezoning application is under way we plan to hold community forums at the Agi Hall to address the project further with the community. It has been our sense from most people that we have talked to that there is a hunger (pun intended!) for this type of communal meeting space around food.



**Victoria Office**  
 200-1627 Fort Street  
 Victoria, BC V8R 1H8  
 Telephone: (250) 405-5151  
 Fax: (250) 405-5155  
 information@islandstrust.bc.ca  
**North Pender, South Pender,  
 Galiano, Mayne, Saturna**

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

**Northern Office**  
 700 North Road  
 Gabriola Island BC V0R 1X3  
 Telephone: (250) 247-2063  
 Fax: (250) 247-7514  
 northinfo@islandstrust.bc.ca  
**Gambier, Lasqueti, Hornby,  
 Denman, Gabriola, Thetis,  
 Ballenas-Winchelsea**

## 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. X
- ✗ 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. X
- ✗ 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. X

**SECTION 1: APPLICANT INFORMATION**  
 (Please print or type all sections)

Organization Name: Gabriola Agricultural Co-op Association

Primary Contact: TALYN MARTIN

Address: 465 South Rd. Gabriola V0R 1X0

Telephone: 250 247 9336 E-mail: talynm@hotmail.com

Charitable Status Number (If applicable): ✓

Organization Mandate (Attach bylaws, constitution or cite organization website):  
gabriolaagriculturalcoop.ca

Board Members (Name, Position): Talyn Martin, BRAM DAVIS, GLANAM  
 BRADLEY, ELANA EVANS, JAMES PETERSEN, MARK  
 FIENCEN - all DIRECTORS all EQUAL

**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): 0

Receipt #: \_\_\_\_\_

**SECTION 3**

Objective of Development Application: Rezone from Institutional to Commercial to broaden opportunities for the co-op's future + development

Describe how the Development Application furthers official community plan goals: encourage local food systems and community food security

**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: TALYN MARTIN

Signature:  Date: May 12, 2023

Contact Information (e-mail and/or phone): talynne@hotmail.com 250-247-9336

Foodhub e.gabriola.agriculturalcoope.ca

**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): \_\_\_\_\_



**Islands Trust**  
www.islandstrust.bc.ca

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

Galiano, Mayne, North Pender,  
Saturna, South Pender Islands

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1 - 500 Lower Ganges Road  
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Salt Spring Island

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(250) 247-2063  
northinfo@islandstrust.bc.ca

Denman, Gabriola, Gambier, Hornby,  
Lasqueti, Thetis, Ballenas-  
Winchelsea Islands

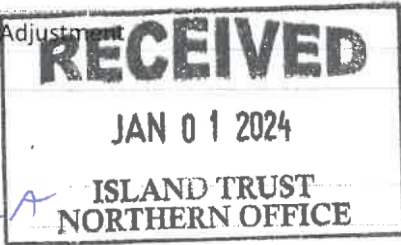
## Land Use Application

**Application Type:** Check all that apply

See Associated Schedules for Information and Application Requirements

- remove take co-op from list*
- Bylaw Amendment  
 Development Permit  
 Development Variance Permit  
 Heritage Alteration Permit  
 LCRB License  
 Order - Board of Variance  
 Siting & Use Permit  
 Soil Deposit / Removal  
 Strata Conversion  
 Subdivision Review  
 Temporary Use Permit
- OCP  Land Use / Rezoning  Land Use Contract  
 Renewal or Amendment  
 Renewal  
 Liquor  Temporary Change  Cannabis Retail  
 Registration  Permit  
 Boundary Adjustment  
 Renewal

- Schedule A ? *LAW USE BY LAW*  
 Schedule B  
 Schedule C  
 Schedule D  
 Schedule E  
 Schedule F  
 Schedule G  
 Schedule H  
 Schedule I  
 Schedule J  
 Schedule K



**Description of Subject Property:**

Civic Address

465 SOUTH RD. GABRIOLA I.A.

Legal Description

5 1/2 of SE ~~1/4~~ 1/4 of SECTION 20

PID

064-663-989

**Purpose of Application:** Provide a brief description (attached additional pages if needed)

REZONE THE PROPERTY TO BUILD A YEAR-ROUND CO-OPERATIVE COMMUNITY SPACE FOR LOCAL GOODS / OFFICE SPACE / CAFE ~~ETC~~  
*SALE OF*

**Applicant:**

Name

TALYN MARTIN - DIRECTOR

Company

Gabriola Agricultural Co-op *ASSOC.*

Mailing Address

1537 WILD CHERMIL TERRACE - GABRIOLA ISLAND  
 BL V0R 1X5

Phone

250-247-9336

Email

talynne@hotmail.com  
 foodhub@gabriolaagriculturalcoop.ca

**Declaration:**

As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.

Signature

**Office Use Only:**

Date Received

Fees Paid

Receipt No.

TAPIS No.

**Authorization:**

I/We, the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:


TALYN MARTIN

Print Name (Complete if applicant is not the owner(s))


... to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

All registered owners on title must be listed on and sign the application. Corporations must include a list of directors. BOARD OF ?


Name/Company Name: Gabriola Agricultural Co-op  
 Mailing Address: 1532 WILD Cherry Terrace, Gabriola BC V0R 1X5  
 Phone: 250-247-9336  
 Email: talynme@hotmail.com

Signature:   
 Print Name: TALYN MARTIN - DIRECTOR  
 Date: Feb 7, 22

Name/Company Name: Gabriola Agricultural Association Co-operative  
 Mailing Address: Graham Bradley, 600 South Road, PO Box 202, Gabriola, BC, V0R 1X0  
 Phone: 250-891-7900  
 Email: graham.ed.bradley@gmail.com

Signature:   
 Print Name: Graham Bradley  
 Date: Feb 14th 2022

Name/Company Name: Gabriola Agricultural Association Co-operative  
 Mailing Address: 640 Bluenwater rd, Gabriola, BC, V0R 1X5  
 Phone: 250 920 5253  
 Email: bramleydams@hotmail.com

Signature:   
 Print Name: Bramley Dams  
 Date: Feb 14 2022

**Application Checklist** The following materials must accompany the application:

PTO >

- Completed application form
- Current title search (issued within 30 days)
- Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- Application fee (see applicable Local Trust Committee Fees Bylaw for current fees)
- If applicable, a BC Contaminated Sites Regulation Disclosure Statement (Schedule 1) must be completed
- If applicable, QEP Report registered in Province of BC Riparian Areas Regulation (RAR) Notification System
- Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws

**NOTE** A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.

**Freedom of Information**

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-9155



Gabriola Island Land Stewards Society  
P.O. Box 123, Gabriola, BC, V0R 1X2  
gabriolaislandlss@gmail.com / gabriolaislandlss.ca

June 27, 2028

Gabriola Local Trust Committee  
700 North Road  
Gabriola Island, BC  
V0R 1X3

Re: Gabriola Agricultural Co-operative Association rezoning application

Dear Trustees Elliott, Luckham and Yates,

The Gabriola Island Land Stewards Society supports the Gabriola Agricultural Co-operative Association's application to rezone their property at the corner of South & North Roads (site of the farmers market) from Institutional to Commercial. We believe that the Agricultural Co-op's plans to develop this property are very much in keeping with the rural character of Gabriola, and will increase local food security, help alleviate poverty and contribute to addressing climate change by decreasing the amount of food transported onto Gabriola.

Sincerely,

Sibyl Frei  
President

July 4, 2023

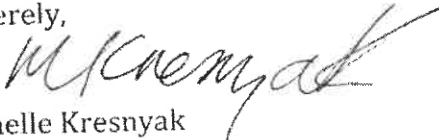
Gabriola Island Recycling Organization (GIRO)  
700 Tin Can Alley  
Gabriola Island, BC  
V0R 1X3

Re: Gabriola Agricultural Co-operative Association rezoning application

Dear Trustees Elliott, Luckham and Yates,

The Gabriola Island Recycling Organization supports the Gabriola Agricultural Co-operative Association's application to rezone their property at the corner of South & North Roads (site of the farmers market) from Institutional to Commercial. We believe that the Agricultural Co-op's plans to develop this property are very much in keeping with the rural character of Gabriola, and will increase local food security, help alleviate poverty and contribute to addressing climate change by decreasing the amount of food transported onto Gabriola.

Sincerely,



Michelle Kresnyak

General Manager  
GIRO

September 19, 2023

Gabriola Local Trust Committee  
700 North Road  
Gabriola Island, BC  
V0R 1X3

Re: Gabriola Agricultural Co-operative Association rezoning application

Dear Trustees Elliott, Luckham and Yates,

The Island Futures Society supports the Gabriola Agricultural Co-operative Association's application to rezone their property at the corner of South & North Roads (site of the farmers market) from Institutional to Commercial. We believe that the Agricultural Co-op's plans to develop this property are very much in keeping with the rural character of Gabriola, and will increase local food security, help alleviate poverty and contribute to addressing climate change by decreasing the amount of food transported onto Gabriola.

Sincerely,



Director  
Island Futures Society  
[www.islandfutures.ca](http://www.islandfutures.ca)



# People for a Healthy Community

NEIGHBOURS HELPING NEIGHBOURS

PO Box 325 - 675 North Road, Gabriola Island, British Columbia, V0R 1X0

250-247-7311 | [info@phcgabriola.org](mailto:info@phcgabriola.org) | [www.phcgabriola.org](http://www.phcgabriola.org)

---

September 11, 2023

Gabriola Local Trust Committee  
700 North Road  
Gabriola Island, BC  
V0R 1X3

Re: Gabriola Agricultural Co-operative Association rezoning application

Dear Trustees Elliott, Luckham and Yates,

People for a Healthy Community are in support of the Gabriola Agricultural Co-operative Association's application to rezone their property at the corner of South & North Roads (site of the farmers market) from Institutional to Commercial. We feel that the Agricultural Co-op's plans to develop this property matches our goals of working collaboratively on food security. This development will increase availability of food for the B.C. Farmer's Market Coupon Program which is growing annually. It will help reduce social isolation, an important determinant of health, by creating a community gathering place.

Sincerely,

Mary Lee Burns  
Chair of the Board of Directors  
People for a Healthy Community on Gabriola Society



## REQUEST FOR DECISION

**To:** Executive Committee                      **For the Meeting of:** January 17, 2024  
**From:** Administrative Services              **Date Prepared:** January 8, 2024  
**SUBJECT:**    **APPOINTMENT OF FINANCIAL STATEMENT AUDITORS**

---

### **RECOMMENDATION:**

That KPMG be appointed auditor for the Islands Trust and the Islands Trust Conservancy 2023/24 financial statement audit.

### **CHIEF ADMINISTRATIVE OFFICER COMMENTS:**

Through Bylaw 3, the Executive Committee has been delegated the responsibility to appoint financial auditors for Islands Trust and the Islands Trust Conservancy.

---

### **1    PURPOSE:**

The *Islands Trust Act* (“the Act”) Section 18 (1) says that:

*“The trust council must appoint an auditor to audit the accounts and transactions of the trust council and the local trust committees.”*

### **2    BACKGROUND:**

As per Section 10 of the Act [*“The trust council may, by bylaw adopted by at least 2/3 of its members present at the meeting at which the vote on adoption takes place, delegate its powers under sections 8 (1) (d) and (f) and (2) (a) to (f) and 9 (1), subject to any restrictions or conditions specified in the bylaw”*].

In 1990, Trust Council delegated this power to the Executive Committee through Bylaw 3 (attached).

### **3    IMPLICATIONS OF RECOMMENDATION**

**ORGANIZATIONAL:** KPMG was the successful proponent on a Request for Proposals for Audit Services for a five-year period to 2021. Appointment of KPMG for 2023/24 audit services represents an extension to the term, supported by staff in compliance with the Islands Trust procurement policy. The proposal still requires an annual appointment of the auditors by Executive Committee.

**FINANCIAL:** The approved annual budget includes the cost of the annual audit.

**POLICY:** None.

**IMPLEMENTATION/COMMUNICATIONS:** If approved, the Director, Administrative Services will engage KPMG as the auditors for the 2023/24 financial audit and advise the Financial Planning Committee accordingly.

**FIRST NATIONS:** None.

**OTHER:** None.

**4 RELEVANT POLICY(S):** Trust Council Bylaw No.3

**5 ATTACHMENT(S):** Islands Trust Bylaw No. 3.

---

**RESPONSE OPTIONS**

**Recommendation:** That KPMG be appointed financial statement auditor for the Islands Trust and the Islands Trust Conservancy 2023/24 financial statements.

**Alternative:** No other alternatives identified.

---

**Prepared By:** Director, Administrative Services  
**Reviewed By:** Russ Hotsenpiller, Chief Administrative Officer

ISLANDS TRUST COUNCIL

BYLAW NO. 3

\*\*\*\*\*

A Bylaw Relating to Administrative Matters of the Islands Trust.

\*\*\*\*\*

The Islands Trust Council, having jurisdiction in respect of the Province of British Columbia pursuant to the *Islands Trust Act*, R.S.B.C., 1989, enacts as follows:

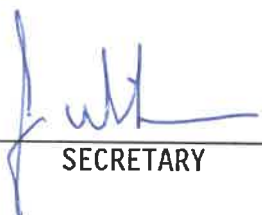
1. This bylaw may be cited for all purposes as the "Islands Trust Council Administration Bylaw, 1990".
  - (1) This Trust Council's Executive Committee is delegated authority for:
    - (a) the appointment of persons to the offices of secretary, treasurer and other officer positions, and the appointments of other employees to carry out the operations of the Trust Council, the executive committee, the local trust committees & the trust fund board.
    - (b) the appointment of auditors to audit the accounts & transactions of the Trust Council the local trust committees and the Trust Fund Board.
2. The Islands Trust Bylaw Investigations Officer position is designated as an officer of the Islands Trust.
3. Payment of premiums for Accident Insurance for Council members, Advisory Planning Commission members & Board of Variance members is authorized by Trust Council.

READ A FIRST TIME THIS 1st day of April , 1990

READ A SECOND TIME THIS 1st day of April , 1990

READ A THIRD TIME THIS 1st day of April , 1990

RECONSIDERED, AND FINALLY PASSED AND ADOPTED THIS 11th day of April , 1990

  
\_\_\_\_\_  
SECRETARY

  
\_\_\_\_\_  
CHAIRPERSON



200-1627 Fort Street, Victoria BC V8R 1H8  
Telephone **(250) 405-5151** Fax (250) 405-5155

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

Email: [information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca)

Web: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

December 14, 2023

File No.: 11-5770-20-10

Vincent Tong  
Chief Executive Officer  
BC Housing

Via email: [HousingHub@bchousing.org](mailto:HousingHub@bchousing.org)

Dear Vincent Tong:

**Re: Letter of Support for BC Housing Funding Applications for Affordable Housing Projects on Mayne, North Pender and Denman Islands**

On behalf of Islands Trust Council, I wish to extend our support for three Community Housing Fund applications that are currently with BC Housing for consideration. They are:

- Mayne Island: Salish Grove affordable housing project which proposes to add 10 units
- North Pender: Plum Tree Court <https://www.penderhousing.ca/expansion>
- Denman: Denman Green affordable housing project <https://denmanhousing.ca/denman-green/> which will add 20 units of affordable housing

In the Islands Trust Area, there is a pressing need for accessible and affordable housing options, especially for seniors, families, persons with disabilities, and workforce members who are finding it especially difficult to find suitable housing.

Trust Council recognizes the significant positive impact these projects could have by allowing seniors to age in place, families to have a safe and nurturing environment for their children to grow, persons with disabilities to have suitable housing, and workers to be able to accept employment on the islands because they can find housing. These benefits are critical to the viability of our isolated rural island communities.

Given the very positive impact of these affordable housing projects on all three islands, Islands Trust Council would like to convey its strong support for these projects and urges you to fund all three.

Yours sincerely,

Peter Luckham  
Chair, Islands Trust Council  
[pluckham@islandstrust.bc.ca](mailto:pluckham@islandstrust.bc.ca)

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

cc.  
Denman Island Local Trust Committee  
Mayne Island Local Trust Committee  
North Pender Island Local Trust Committee  
Islands Trust Executive Committee  
Islands Trust website



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](mailto:northinfo@islandstrust.bc.ca)  
Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

December 15, 2023

File No.: 11-5595-30-BC Ferries-10; 6410-03

via email: [customer.relations@bcferries.com](mailto:customer.relations@bcferries.com)

Nicolas Jimenez,  
President and CEO  
BC Ferries  
Suite 500, 1321 Blanchard St.  
Victoria, BC V8W 0B7

Dear Mr. Jimenez,

**Re: Request for meeting about impacts of Hornby Island bound ferry traffic to Denman Island community**

I am writing on behalf of the Denman Island Local Trust Committee to request a meeting about ways to seriously examine supplying a ferry to Hornby Island from Vancouver Island and not across Denman Island. We would like to reiterate our current and ongoing concerns and request to meet to discuss how these issues may be resolved.

The Denman Island Local Trust Committee would like to convey their strong concerns regarding

- accessing Hornby Island, through the busy summer months, directly from Buckley Bay,
- speeding and related road safety issues on Denman Island from Hornby Island bound ferry traffic,
- scheduled travel availability for residents carrying out routine errands and medical appointments, and,
- frequent cancelled sailings which we understand to be primarily caused by mechanical issues, and lack of employee housing on Denman Island.

We are pleased to hear that BC Ferries is committed to building more resiliency in both ship and crew availability. We also note that BC Ferries is making great efforts to improve communications with island communities and has shown dedication and creativity in responding to service disruptions by redeploying assets, hiring alternate transportation (i.e.: water taxis) in an effort to get customers to where they need to be.

.../2

***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

December 15, 2023  
Nicolas Jimenez, President and CEO  
BC Ferries

The Denman Island Local Trust Committee would like to arrange a meeting with you to offer some of our ideas to these concerns and to hear about your approaches to these issues. One of the ideas is to have BC Ferries examine the option of supplying a ferry directly to Hornby Island from Vancouver Island.

Thank you for your kind attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Maude', with a long horizontal flourish extending to the right.

David Maude,  
Chair, Denman Island Local Trust Committee

Copy to: Karen Ross, Chair Denman Island-Hornby Island Ferry Advisory Committees  
Josie Osbourne, MLA for Mid-Island-Pacific Rim  
Daniel Arbour, Electoral Area Director  
Electoral Area A, Comox Valley Regional District  
Kirk Handrahan, Executive Director  
Marine Branch, Ministry of Transportation and Infrastructure  
Islands Trust Executive Committee  
Denman Island Local Trust Committee  
Islands Trust website



## 2024 AGM & CONVENTION

# RESOLUTIONS NOTICE REQUEST FOR SUBMISSIONS

The AVICC Executive is calling for resolutions to be considered at the 2024 AGM and Convention that, subject to public health order restrictions, will be held in Victoria at the Victoria Conference Centre as an in-person event from April 12-14, 2024.

Members are asked to submit resolutions that meet the requirements outlined in the following pages.

### **DEADLINE FOR RESOLUTIONS**

AVICC must receive all resolutions by: **4:30 pm, Thursday, February 7, 2024**

### **IMPORTANT SUBMISSION REQUIREMENTS**

To submit a resolution to the AVICC for consideration please send a copy of the resolution as a **word document** by email to [info@avicc.ca](mailto:info@avicc.ca) by the deadline. AVICC staff will confirm receipt of the submission via email. If confirmation is not received within 3 business days, the resolution sponsor should follow up by phone at 236-237-1202. A mailed hard copy of the resolution is no longer required.

AVICC's goal is to have resolutions that can be clearly understood and that have specific actions. If a resolution is endorsed, its "therefore clause" will form the basis for advocacy work with other levels of government and agencies. Detailed guidelines for preparing a resolution follow, but the basic requirements are:

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

## **LATE AND OFF THE FLOOR RESOLUTIONS**

- a. A resolution submitted after the regular deadline is treated as a "Late Resolution". Late Resolutions must be received by AVICC by noon on **Wednesday, April 10th, 2024**.
- b. Late Resolutions are not included in the Resolutions Package sent out to members before the Convention. They are included in the Report on Late Resolutions that is distributed on-site.
- c. The Resolutions Committee only recommends Late Resolutions for debate if the topic was not known prior to the regular deadline date, or if it is emergency in nature.
- d. Off the Floor Resolutions are considered after all resolutions in the Resolutions Book and all Late Resolutions have been considered. Off the Floor Resolutions must be submitted in writing to the Chair of the Resolutions Session as soon as practicable, and copies must be made available to all delegates no later than 9:00am on Sunday morning. Contact AVICC staff for more information about how to organize an Off the Floor Resolution for consideration.
- e. The full Convention Rules, including detailed information about the process for Late and Off the Floor Resolutions, will be published and distributed to members in advance of the Convention.

## **AVICC RESOLUTIONS PROCEDURES**

UBCM urges members to submit resolutions to their Area Association for consideration. Resolutions endorsed at the AVICC annual meeting, except those that are considered to be regional in nature by UBCM (see below) are submitted automatically to UBCM for consideration.

A resolution deemed by UBCM to be specific to the AVICC region is considered a Regional Resolution and will not be automatically submitted to UBCM for consideration at the UBCM annual meeting, and instead will remain with AVICC, where it may be actioned.

UBCM has observed that submitting resolutions first to an Area Association results in better quality resolutions overall. Local governments may submit Council- or Board-endorsed resolutions directly to UBCM prior to June 15<sup>th</sup>, 2024. Detailed instructions are available on the UBCM website.

### **RESOLUTIONS PROCESS**

1. Members submit resolutions to AVICC for debate. All resolutions submitted to AVICC are forwarded to UBCM staff for analysis, comment, and recommendations.
2. For some resolutions, which focus on issues specific to the AVICC region, UBCM will indicate that they are considered a Regional Resolution and that it won't be admitted to UBCM for debate should it be endorsed. AVICC will work with local governments to address issues identified by UBCM staff to ensure the resolution reflects the intention of the local government.

3. The AVICC Resolutions Committee reviews and finalizes the recommendations, and the Resolutions Book is published and sent to members in advance of the annual meeting.
4. AVICC conveys any Regional Resolutions endorsed at their annual meeting to the appropriate level of government, or takes other action as determined by the AVICC Executive.
5. AVICC submits all other resolutions endorsed at its Convention to UBCM.
6. The UBCM Resolutions Committee reviews the resolutions for submission to its Convention.
7. Resolutions endorsed at the UBCM Convention are submitted by UBCM to the appropriate level of government for response.
8. UBCM will forward the response to the resolution sponsor for review.

## **AVICC & UBCM RESOLUTIONS GUIDELINES**

### **The Construction of a Resolution:**

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

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

### **Preamble:**

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

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

Only one sentence per WHEREAS clause.

### **Enactment Clause:**

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

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

## **HOW TO DRAFT A RESOLUTION**

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

Because your community seeks to influence attitudes and inspire action, limit the scope of a resolution to one specific subject or issue. If there are multiple topics in a resolution, the resolution may be sent back to the sponsor to rework and resubmit.

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

The issue identified in the resolution should be relevant to other local governments across BC. This will support productive debate and assist UBCM to represent your concern effectively to the provincial or federal government on behalf of all BC municipalities and regional districts. Local governments are welcome to submit resolutions that address issues specific to the AVICC region. A resolution that addresses a topic specific to the AVICC region may not be entered for debate during the UBCM Convention but may be actioned by the AVICC Executive if endorsed.

### **3. Use simple, action-oriented language.**

Explain the background briefly and state the desired action clearly. Delegates can then debate the resolution. Resolutions that are unclear or that address multiple topics may end up with amendments at the Convention.

### **4. Check legislative references for accuracy.**

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

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

### **5. Provide factual background information.**

Even a carefully written resolution may not be able to convey the full scope of the problem or the action being requested. Provide factual background information to ensure that the intent of the resolution is fully understood for the purpose of debate and UBCM (or AVICC for Regional Resolutions) can advocate effectively with other levels of government and agencies.

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

Resolutions submitted without background information **will not be considered** until the sponsor has provided adequate background information. This could result in the resolution being returned and having to be resubmitted.

### **6. Construct a brief, descriptive title.**

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

## **TEMPLATE FOR A RESOLUTION**

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

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

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

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

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



## 2024 AGM & CONVENTION

### CALL FOR NOMINATIONS FOR AVICC EXECUTIVE

AVICC members elect directors to the Executive Committee at the AGM. The Executive Committee ensures that the policies set by the general membership are carried forward, and provides direction for the Association between annual meetings. This circular is notice of the AVICC Executive Committee positions open for nomination, and the procedures for nomination.

#### 1. POSITIONS OPEN TO NOMINATIONS

The following positions are open for nomination:

- President
- First Vice-President
- Second Vice-President
- Director at Large (3 positions)
- Electoral Area Representative

#### 2. NOMINATION PROCESS AND QUALIFICATIONS FOR OFFICE

Candidates must be an elected official of an AVICC member and must be nominated by two elected officials of an AVICC member. Background information on the key responsibilities and commitments of an AVICC Executive member is provided following the nomination form. The Chair of the 2024 Nominating Committee is Past President Ian Morrison.

#### 3. NEXT STEPS

The Nominating Committee will review the credentials of each candidate for eligibility. A Report on Nominations including a photo and biography will be prepared under the direction of the Nominating Committee, and distributed prior to the Convention.

**To be included in the Report on Nominations,  
Nominations Must Be Received by 4:30 PM, Thursday, February 7, 2024**

#### 4. AT CONVENTION

Candidates may also be nominated at the Convention from the floor. Candidates and their two nominators must be elected officials of an AVICC member.

#### 5. SUBMISSION INFORMATION

All submissions should be forwarded to:

**Past President Ian Morrison, Chair, 2024 Nominating Committee  
c/o AVICC  
P.O. Box 28058  
Victoria, BC V9B 6K8  
Phone: (236) 237-1202  
email: [info@avicc.ca](mailto:info@avicc.ca)**

# NOMINATIONS FOR THE 2024-25 AVICC EXECUTIVE

We are qualified under the AVICC Constitution to nominate<sup>1</sup> a candidate and we nominate:

Candidate Name: \_\_\_\_\_

Local Government Position (Mayor/Councillor/Director): \_\_\_\_\_

Local Government Represented: \_\_\_\_\_

**AVICC Executive Office** Nominated For: \_\_\_\_\_

## MEMBERS NOMINATING THE CANDIDATE:

Printed Name: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Position: \_\_\_\_\_ Position: \_\_\_\_\_

Muni/RD: \_\_\_\_\_ Muni/RD: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

## CONSENT FORM

I consent to this nomination and attest that I am qualified to be a candidate for the office I have been nominated for pursuant to the AVICC Bylaws and Constitution<sup>2</sup>. I also agree to provide the following information to [info@avicc.ca](mailto:info@avicc.ca) by **4:30 PM, Thursday February 7, 2024**:

- Photo in digital format
- Biographical information of approximately 300 words that may be edited by AVICC

Printed Name: \_\_\_\_\_

Current Position: \_\_\_\_\_

Muni/RD/FN: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>1</sup> Nominations require two elected officials of local governments that are members of the Association.

<sup>2</sup> All nominees must be an elected official of an AVICC member. Nominees for the position of Electoral Area Representative must be an Electoral Area Director.

**Return To: Past President Ian Morrison, Chair, Nominating Committee,  
c/o AVICC, P.O. Box 20858, Victoria, BC V9B 6K8  
or via email to [info@avicc.ca](mailto:info@avicc.ca)**



## BACKGROUND INFORMATION FOR CANDIDATES TO THE AVICC EXECUTIVE

### **AVICC EXECUTIVE ELECTED POSITIONS**

The [AVICC Bylaws](#)<sup>1</sup> include detailed information about the AVICC Executive elections, positions, and roles. The AVICC elected positions and responsibilities of each are as follows:

#### **PRESIDENT**

- Acts as Meeting Chair;
- Participates in discussion, provides and votes on motions;
- Approves communications, meeting agendas, and financial transactions;
- Represents AVICC at external meetings and reports back to the AVICC Executive;
- Provides staff oversight;
- Handles all media relations;
- Hosts the AVICC luncheon at the UBCM Convention;
- Oversees the planning of the AVICC AGM & Convention; and
- Other functions as assigned by the AVICC Executive Committee.

#### **FIRST VICE-PRESIDENT and SECOND VICE-PRESIDENT**

- Acts as Meeting Chair if the President is absent from the meeting;
- Acts in the role of President in their absence;
- Participates in discussion, provides and votes on motions; and
- Other functions as assigned by the AVICC Executive Committee.

#### **DIRECTORS AT LARGE (THREE POSITIONS) AND ELECTORAL AREA DIRECTOR**

- Participates in discussion, provides and votes on motions.

### **IMMEDIATE PAST-PRESIDENT (APPOINTED POSITION)**

The immediate Past-President remains part of the AVICC Executive and acts in an advisory role to the President. The Past-President participates in discussion, provides and votes on motions, and acts as the Chair of the Nominating Committee.

### **EMPLOYEE**

The Association has one full-time permanent staff person, who provides the key administrative and operational functions for the organization, and who reports to the AVICC President on behalf of the AVICC Executive. AVICC's employee also acts as Secretary-Treasurer of the Association.

<sup>1</sup> <https://avicc.ca/wp-content/uploads/2018/10/2018-Bylaws-final-1.pdf>

## **EXECUTIVE MEETINGS**

The full Executive meets in person seven times a year (5 virtual and 2 in-person), following this general pattern:

- June- virtual
- August- virtual
- October- in-person
- December- virtual
- January- virtual
- March- virtual
- Thursday preceding the Annual Convention (afternoon)- in-person

If required, there may be a brief administrative meeting onsite after convention. Executive meetings (other than those in conjunction with the Convention) are generally held on a Friday. The October in-person meeting is typically held in Nanaimo. Travel expenses and a per diem for meals and incidentals are provided for in-person Executive Meetings (with reimbursement for only the added expenses that would not normally be incurred for attending the annual Convention).

**From:** Michael Lowry <[MichaelL@wcmrc.com](mailto:MichaelL@wcmrc.com)>

**Sent:** Monday, January 8, 2024 10:02 AM

**Subject:** Invitation to tour Incident Command Post at oil spill response exercise in Vancouver Harbour

Hello,

Parkland Corporation and Western Canada Marine Response (WCMRC) will hold an oil spill response exercise at the Bayshore Hotel in Vancouver on January 23, 2024.

This exercise intends for Parkland and WCMRC to demonstrate to Transport Canada our ability to respond to and manage a spill at the Parkland Legacy Barge in Coal Harbour by establishing an Incident Command Post (ICP) at the Bayshore Hotel. The exercise is part of our Transport Canada certification.

Parkland and WCMRC manage spill response using the Incident Command System (ICS), an international standard command and control system used to manage emergency incidents and typically includes participation from Indigenous Nations, Canadian Coast Guard, Environment and Climate Change Canada, B.C. Ministry of Environment and Climate Change Strategy, Department of Fisheries and Oceans, B.C. Ministry of Emergency Management and Climate Readiness, and local municipalities.

The incident scenario will be based around a fuel offload to the Legacy Barge, resulting in oil entering the water.

We would like to respectfully invite representatives from your organization for a tour of the ICP during this exercise.

**Date:** January 23, 2024

**Tour Time:** 11 am

**Location:** 1601 Bayshore Drive, Vancouver

If you or other representatives from your organization are interested in a tour of the ICP during this spill response exercise, please RSVP to myself at [michael@wcmrc.com](mailto:michael@wcmrc.com)

Sincerely,

Michael Lowry



**Michael Lowry**  
Senior Manager, Communications

T 604-293-3380  
C 778-991-0003  
W [wcmrc.com](http://wcmrc.com)

Head Office  
206-3500 Gilmore Way  
Burnaby, B.C. V5G 0B8

**From:** Enright, Wayne (he, him / il, lui) (DFO/MPO) <[Wayne.Enright@dfo-mpo.gc.ca](mailto:Wayne.Enright@dfo-mpo.gc.ca)>  
**Sent:** Tuesday, January 9, 2024 3:57 PM  
**To:** Clare Frater <[cfrater@islandstrust.bc.ca](mailto:cfrater@islandstrust.bc.ca)>  
**Cc:** Ciammaichella, Rita (she, her / elle, la) (DFO/MPO) <[Rita.Ciammaichella@dfo-mpo.gc.ca](mailto:Rita.Ciammaichella@dfo-mpo.gc.ca)>  
**Subject:** RE: Potential ICP/Staging area sites - GV

Hi Clare.

Great question! Bowen Island can provide their own info. As for the other areas, your trustees would likely be more aware of which sites would best fit our requirements. If we were to use a site that you've let us know about, we would be contacting that particular Regional District for permission anyway.

I'm of the opinion that more options are better than less, so if you provide duplicate sites to those from the Regional Districts, we could always reach out to them to figure things out with regard to permissions and who to contact if those sites are needed.

I hope that makes sense? Let me know if you have any other questions.

Wayne

**From:** Clare Frater <[cfrater@islandstrust.bc.ca](mailto:cfrater@islandstrust.bc.ca)>  
**Sent:** Monday, January 8, 2024 4:12 PM  
**To:** Enright, Wayne (he, him / il, lui) (DFO/MPO) <[Wayne.Enright@dfo-mpo.gc.ca](mailto:Wayne.Enright@dfo-mpo.gc.ca)>  
**Subject:** RE: Potential ICP/Staging area sites - GV

You don't often get email from [cfrater@islandstrust.bc.ca](mailto:cfrater@islandstrust.bc.ca). [Learn why this is important](#)

Hi Wayne,

Islands Trust trustees could provide feedback for the Gulf and Howe Sound Islands. However, I don't want to trip on feedback Bowen Island Municipality/regional districts might be offering, but don't know what regional districts are involved in your planning processes.

The following regional districts overlap with the Islands Trust Area:

Capital Regional District  
Comox Regional District  
Cowichan Valley Regional District  
quathet Regional District  
Sunshine Coast Regional District  
Nanaimo Regional District

We also have Metro Vancouver but you wouldn't be staging anything on the islands/islets in their jurisdiction.

Perhaps can you advise if regional districts should be giving you this feedback of if you want to hear from Islands Trust trustees.

Thanks so much,

**Clare Frater** (she, her, hers)  
Director, Trust Area Services  
Islands Trust | T 250-405-5192

**From:** Enright, Wayne (he, him / il, lui) (DFO/MPO) <[Wayne.Enright@dfo-mpo.gc.ca](mailto:Wayne.Enright@dfo-mpo.gc.ca)>

**Sent:** Monday, January 8, 2024 2:08 PM

**Cc:** [a.fisher@bcmetis.com](mailto:a.fisher@bcmetis.com); Carla Skuce <[cskuce@bimbc.ca](mailto:cskuce@bimbc.ca)>; [Cstashyn@bimbc.ca](mailto:Cstashyn@bimbc.ca); Ciammaichella, Rita (she, her / elle, la) (DFO/MPO) <[Rita.Ciammaichella@dfo-mpo.gc.ca](mailto:Rita.Ciammaichella@dfo-mpo.gc.ca)>; [charmaigne.pflugrath@burnaby.ca](mailto:charmaigne.pflugrath@burnaby.ca); [emergencyprogram@coquitlam.ca](mailto:emergencyprogram@coquitlam.ca); [nkimmitt@coquitlam.ca](mailto:nkimmitt@coquitlam.ca); [emergencyprogram@delta.ca](mailto:emergencyprogram@delta.ca); [emo@delta.ca](mailto:emo@delta.ca); [mbrotherston@delta.ca](mailto:mbrotherston@delta.ca); [ewilliams@newwestcity.ca](mailto:ewilliams@newwestcity.ca); [jgill@newwestcity.ca](mailto:jgill@newwestcity.ca); [anegenman@cnv.org](mailto:anegenman@cnv.org); [maciejkot@portcoquitlam.ca](mailto:maciejkot@portcoquitlam.ca); [egutenberg@portmoody.ca](mailto:egutenberg@portmoody.ca); [jpavey-tomlinson@portmoody.ca](mailto:jpavey-tomlinson@portmoody.ca); [kheaven@portmoody.ca](mailto:kheaven@portmoody.ca); [ctillyer@richmond.ca](mailto:ctillyer@richmond.ca); [Communications@Richmond.ca](mailto:Communications@Richmond.ca); [EPDutyofficer@richmond.ca](mailto:EPDutyofficer@richmond.ca); [kgray@richmond.ca](mailto:kgray@richmond.ca); [MLo@richmond.ca](mailto:MLo@richmond.ca); [mdiscusso@richmond.ca](mailto:mdiscusso@richmond.ca); [Cpaulin@richmond.ca](mailto:Cpaulin@richmond.ca); [TWalker@richmond.ca](mailto:TWalker@richmond.ca); [lypetersen@surrey.ca](mailto:lypetersen@surrey.ca); [SCMorris@surrey.ca](mailto:SCMorris@surrey.ca); [bonny.brokenshire@vancouver.ca](mailto:bonny.brokenshire@vancouver.ca); [daniel.stevens@vancouver.ca](mailto:daniel.stevens@vancouver.ca); [kirsten.jasper@vancouver.ca](mailto:kirsten.jasper@vancouver.ca); [margot.davis@Vancouver.ca](mailto:margot.davis@Vancouver.ca); [nassichuke@dnv.org](mailto:nassichuke@dnv.org); [mlatimer@squamish.ca](mailto:mlatimer@squamish.ca); [sMcClean@Squamish.ca](mailto:sMcClean@Squamish.ca); 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**Subject:** Potential ICP/Staging area sites - GV

Good afternoon!

I'm reaching out to you for some information regarding potential **Incident Command Post (ICP)** and/or **staging areas** for a marine spill response. Here's what we need to know:

What locations in your area do you know of that would make good potential ICPs/staging areas? Of particular interest are areas that are more remote, such as the West Coast of the Island, the Gulf Islands etc..

We are hoping to make a list of suitable locations/areas that would help streamline planning in the event of a larger marine spill. CCG does have several Mobile Incident Command Post vehicles and trailers that can be used in a pinch, but they are more suitable to smaller incidents with smaller Incident Management Teams. Ideally, an ICP would be indoors and have the room for a number of people, like a community rec centre, for example. A staging area can be any space that would be able to accommodate vehicles and equipment during the response, so parking lots or fields would be ideal.

If you are aware of any places fitting the descriptions above, please let us know the name and location. If you have any questions or comments, feel free to reach out to me or Rita Ciamaichella ([rita.ciamaichella@dfo-mpo.gc.ca](mailto:rita.ciamaichella@dfo-mpo.gc.ca)). If you are part of multiple plan areas, you may receive duplicates of this email – please disregard any duplicates.

Thank you, and Happy New Year!



## Wayne Enright

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To report marine pollution call 1-800-889-8852

## Active Projects Report

### Executive Committee

#### 1. Update Islands Trust Policy Statement

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Updated Project charter approved March 2023. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)

Responsible

Clare Frater  
Russ Hotsenpiller

Dates

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

#### 2. First Nations Reconciliation

Develop Islands Trust First Nations Reconciliation and engagement planning (Strategic Plan Items 4.5 & 4.6)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

#### 3. Provincial Funding Strategy

Develop a strategy to request additional funding from the Province, including revisiting the provincial grant funding formula to the Islands Trust.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 07-Mar-2023

#### 3. Request for Provincial Review

Per Trust Council request respond to Minister Kang to the effect that Trust Council will revisit the request for a review of Islands Trust mandate, governance and structure and provide the minister with an update.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 08-Mar-2023  
Target: 06-Dec-2023

## Active Projects Report

### Executive Committee

#### 4. *Strategic Planning*

#### Responsible

#### Dates

Guide the development and implementation of the Islands Trust Strategic Plan.

Russ Hotsenpiller

Rec'd: 03-May-2023

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#### 5. *Communications*

#### Responsible

#### Dates

Development of an Islands Trust Communications Strategy.

Clare Frater  
Russ Hotsenpiller

Rec'd: 03-May-2023

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## Future Projects Report

### Executive Committee

<b>1. <i>Marine Ecosystems</i></b>	<b>Responsible</b>	<b>Date Received</b>
Advance the preservation and protection of marine ecosystems.		03-May-2023
<b>2. <i>MOTI MOU's</i></b>	<b>Responsible</b>	<b>Date Received</b>
To engage with the Ministry of Transportation on a updated Memorandum of Understanding.		03-May-2023
<b>3. <i>Climate Change Emergency</i></b>	<b>Responsible</b>	<b>Date Received</b>
Programming associated with the Climate Change declaration of the Islands Trust.		03-May-2023
<b>4. <i>Request to Minister for Review of Islands Trust</i></b>	<b>Responsible</b>	<b>Date Received</b>
To follow up on the request by Trust Council for a review of the Islands Trust by the Minister of Municipal Affairs.		01-Nov-2023
<b>5. <i>Summary of requests by Trust Council to approach the Province to provide ongoing funding to the Islands Trust</i></b>	<b>Responsible</b>	<b>Date Received</b>
This work item is the combination of a number of requests by Trust Council (March 2023), (July 2023) and previous terms to develop a strategy to request further funding from the Province.		