



Executive Committee Agenda

Date: Wednesday, May 5, 2021
Time: 9:00 am
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1. Introduction of New Items	
2.2. Approval of Agenda	
2.2.1. Agenda Context Notes	
3. ADOPTION OF MINUTES	
3.1. April 14, 2021 draft minutes	4 - 13
4. FOLLOW UP ACTION LIST AND UPDATES	
4.1. Follow Up Action List/Director/CAO Updates	14 - 20
4.2. Local Trust Committee Chair Updates	
4.3. Islands Trust Conservancy Liaison Update	
5. BYLAWS FOR APPROVAL CONSIDERATION	
5.1. Thetis Island LTC Bylaw No. 108 (OCP amendment)	21 - 42
5.2. Thetis Island LTC Bylaw No. 109 (LUB amendment)	43 - 62
6. TRUST COUNCIL MEETING PREPARATION	
6.1. Executive	
6.1.1. Draft Trust Council June Schedule - Discussion	63 - 63
6.1.2. Review of Legal Services Policies - Briefing	64 - 79
6.1.3. Amendments to Trust Council Policy 2.3.1 Council Committee System - RFD	80 - 94
6.2. Local Planning Services	
6.3. Administrative Services	
6.4. Trust Area Services	
7. EXECUTIVE COMMITTEE PROJECTS	
7.1. Trust Council Initiated	
7.1.1. Executive	

7.1.1.1.	Review of options to provide hybrid, live, and electronic local trust committee meetings - Briefing	95 - 100
7.1.2.	Trust Area Services	
7.1.2.1.	First Draft of New Policy Statement Bylaw - Briefing	101 - 169
7.1.3.	Local Planning Services	
7.1.4.	Administrative Services	
7.2.	Executive Committee Initiated	
7.2.1.	Executive	
7.2.2.	Trust Area Services	
7.2.3.	Local Planning Services	
7.2.3.1.	Local Government Development Approval Program Grant Application - RFD	170 - 179
	That the Islands Trust Executive Committee supports the Islands Trust "Development Applications Service Delivery and Technology Improvement Initiative" application under the Local Government Approval Program, and supports staff providing overall management of the grant.	
7.2.4.	Administrative Services	
8.	NEW BUSINESS	
8.1.	Executive/Trust Council	
8.1.1.	Government of Canada's Nature Smart Climate Solutions Fund	
	<u>Webpage: Nature Smart Climate Solutions Fund</u>	
8.1.2.	Council Quorum - Discussion	
8.2.	Trust Area Services	
8.2.1.	LTC Chairs Report on Local Advocacy Topics	
8.3.	Local Planning Services	
8.4.	Administrative Services	
9.	CORRESPONDENCE (for information unless raised for action)	
9.1.	Ombudsperson Quarterly Report: October 1 - December 31, 2020	180 - 185
9.2.	C. Peters re: Human Sex Trafficking correspondence dated February 16, 2021	
9.3.	D. Kelly, Director, Forestry Tenures Branch (FLNRORD) response to Chair letter dated July 30, 2020 re: PMFLA amendments	186 - 187
9.4.	Minister Heyman email response dated April 19, 2021, re: rodenticide free British Columbia	188 - 188
9.5.	C. Miller re: Bowen Island cidery temporary use permit letter dated April 25, 2021	189 - 200
9.6.	City of Victoria to UBCM members re: support hospitality workers letter dated March 31, 2021	201 - 202
9.7.	City of Penticton to UBCM members re: Use of Provincial Paramountcy to undermine local government bylaws letter dated April 13, 2021	203 - 205

9.8.	Vancouver Island Economic Alliance updates correspondence dated April 19, 2021	206 - 208
9.9.	Response re: Request to extend consultation for VQO Sunshine Coast Natural Resource District dated April 28, 2021	209 - 210
10.	WORK PROGRAM	
10.1.	Review and amendment of current work program	211 - 214
11.	NEXT MEETING	
	The next Executive Committee meeting is scheduled for May 26, 2021, at 9:00 a.m., to be held electronically.	
12.	RISE AND REPORT DECISIONS FROM PREVIOUS CLOSED MEETING (if applicable)	
	None	
13.	CLOSED MEETING (if applicable)	
	That the Executive Committee close this meeting to the public subject to Section 90(1)(k) and (g) of the Community Charter in order to consider matters related to negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public and; litigation or potential litigation affecting the municipality and that staff be asked to remain in the meeting.	
14.	ADJOURNMENT	

Executive Committee Minutes of Regular Meeting

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

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

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

Others: Trustee Johnston and one member of the public attended the meeting

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

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration to add the following items:

- 7.2.1.1 Electronic Meetings – verbal discussion
- 8.1.1 Robert's Rule of Order Book - verbal discussion
- 8.1.2 Trustees presenting staff reports – verbal discussion
- 8.1.3 Traveling to the Gulf Islands – verbal discussion
- 9.3 Trustee Johnson correspondence date March 31, 2021, re: First Nations Wood Licence (FNWL) on Lasqueti
- 9.4 G. Scott Lasqueti Island Nature Conservancy correspondence dated April 1, 2021, re: FNWL on Lasqueti
- 9.5 Sunshine Coast Conservation Association re Visual Quality Objectives correspondence dated April 12, 2021
- 12. A closed meeting session re: potential litigation, a minister meeting, and employee relations

2.2 Approval of Agenda

By general consent, the agenda was adopted as amended.

2.2.1 Agenda Context Notes - None

3. ADOPTION OF MINUTES

3.1 March 24, 2021 draft minutes

By general consent, the March 24, 2021, draft minutes were adopted as presented.

4. FOLLOW UP ACTION LIST AND UPDATES

4.1 Follow Up Action List/Director/CAO Updates

Chief Administrative Officer (CAO) Hotsenpiller gave verbal updates on:

- forestry and tree-cutting powers advocacy,
- COVID updates including provincial health order extensions,
- Select Committee request for proposal status,
- Service Grant application consideration.

Director of Local Planning Services (DLPS) Marlor reported an large increase in applications and general planning inquiries over the last 5 years. This has resulted in delayed processing times.

Discussion on sending out messaging regarding the delays was heard.

EC-2021-051

It was Moved and Seconded,

That Executive Committee request staff to prepare communications and provide the information that applications to Islands Trust are up substantially and delayed timelines for processing can be expected.

CARRIED

Director of Trust Area Services (DTAS) Frater spoke to updates on:

- the Crown Land agreements project,
- Policy Statement Amendment Project draft bylaws,
- soon to be released Corporate Identity Guide,
- staffing updates, Programs Coordinator away on temporary assignment (TA) and Communications Specialist returning from TA,
- new website build status.

4.2 Local Trust Committee Chair Updates

Chairs of their local trust committees gave verbal updates on recently attended business meetings.

4.3 Islands Trust Conservancy Liaison Update - None

The meeting recessed for a break at 10:25 a.m. and reconvened at 10:32 a.m.

5. BYLAWS FOR APPROVAL CONSIDERATION

5.1 South Pender Island LTC Bylaws No. 119 (OCP amendment) and No.120 (LUB amendment)

Vice Chair Patrick spoke to the official community plan (OCP) and land use bylaw (LUB) amendment as presented. In general, this is a temporary use permit (TUP) process regarding short term vacation rentals (STVR).

Discussion was heard on the recording of the public hearing comments.

EC-2021-052

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EC-2021-053

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve South Pender Island Local Trust Committee Bylaw No. 120, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

5.2 South Pender Island LTC Bylaw No.121 (LUB amendment)

Vice Chair Patrick spoke to the land use bylaw (LUB) amendment which limits uses of recreational vehicles on a property.

EC-2021-054

It was Moved and Seconded,

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

CARRIED

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

Director of Local Planning Services (DLPS) Marlbor spoke to the official community plan (OCP) amendment regarding the associated affordable housing project as present in the report.

EC-2021-055

It was Moved and Seconded,

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

CARRIED

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

DLPS Marlbor spoke to the land use bylaw amendment (LUB), as presented, noting that conditions of approval include a housing agreement and restrictive covenant.

EC-2021-056

It was Moved and Seconded,

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

CARRIED

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

Vice Chair Patrick spoke to the official community plan (OCP) amendment which adds new short term vacation rental (STVR) and temporary use permit guidelines (TUP).

EC-2021-057

It was Moved and Seconded,

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

CARRIED

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

Chair Luckham spoke to the advisory planning commission (APC) bylaw amendment.

EC-2021-058

It was Moved and Seconded,

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

CARRIED

6. TRUST COUNCIL MEETING PREPARATION - None

6.1 Executive - None

6.2 Local Planning Services - None

6.3 Administrative Services - None

6.4 Trust Area Services – None

7. EXECUTIVE COMMITTEE PROJECTS

7.1 Trust Council Initiated

7.1.1 Executive – None

7.1.2 Trust Area Services

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

Director of Trust Area Services (DTAS) Frater spoke to feedback received from Bowen Island Municipal staff who wish for more conversation on the insert and recommend the insert be deferred for one year.

EC-2021-059

It was Moved and Seconded,

That Executive Committee request staff to collaborate with Bowen Island Municipal staff on an insert for the tax notice and a delay for a year would be appropriate.

CARRIED

7.1.3 Local Planning Services - None

7.1.4 Administrative Services - None

7.2 Executive Committee Initiated

7.2.1 Executive

7.2.1.1. Electronic Meetings

Chief Administrative Officer (CAO) Hotsenpiller gave a verbal report on delivering electronic meetings post COVID.

Discussion followed on:

- providing a physical space for public meetings,
- what electronic participation with the public would look like,
- electronic meeting management, role of trustees and staff.

Further reporting on this item will be forth coming.

7.2.2 Trust Area Services - None

7.2.3 Local Planning Services

7.2.3.1 Service Delivery Grant - Verbal Update

Director of Local Planning Services (DLPS) Marlor gave a verbal report in consideration of moving forward with the service delivery grant application.

DLPS Marlor will bring to the May 5th Executive Committee business meeting, a full report and draft application for consideration.

7.2.4 Administrative Services – None

8. NEW BUSINESS

8.1 Executive/Trust Council

8.1.1 Robert's Rules of Order Book

Executive Committee members were each mailed and received a copy of Robert's Rules of Order newly revised in brief version for reference.

8.1.2 Trustees Presenting Staff Reports

Vice Chair Fast wishes to no longer introduce staff reports on bylaw amendments to Executive Committee and will defer to staff for this.

8.1.3 Travel to the Gulf Islands

Executive Committee discussed waiting for provincial updates regarding the consideration of travel restrictions before making any communications decisions.

8.2 Trust Area Services

8.2.1 LTC Chairs Report on Local Advocacy Topics

Vice Chair Patrick and other southern Gulf Island trustees met with Member of Parliament (MP) Olsen. Discussion included the speculation tax and housing authority.

8.3 Local Planning Services

8.3.1 Vice Chair Fast letter re: Denman Housing Association

Vice Chair Fast's letter was brought forward from the last business meeting in support of sponsorship of item 8.3.2.

8.3.2 EC Sponsorship Request re: DE-RZ-2021.1 (Denman Housing Association / Denman Green) – RFD

Director of Local Planning Services (DLPS) Marlor spoke to the request for sponsorship.

EC-2021-060

It was Moved and Seconded,

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

CARRIED

Discussion followed on budgeting and policy regarding Executive Committee sponsorship applications.

By general consent, Executive Committee agreed to table further discussion of this item until after the lunch break.

8.3.3 Memorandum of Understanding– Weston Lake Water Availability and Climate Change Assessment – Briefing

The briefing is presented to Executive Committee (EC) for comment per policy 2.1.4. (4.2).

No comments were provided by the Executive Committee.

8.4 Administrative Services – None

The meeting recessed for lunch at 12:22 p.m. and reconvened at 1:02 p.m.

Chair Luckham welcomed back those watching livestream and the attendees present at today's meeting. He stated gratitude to live and work on Coast Salish First Nations treaty and traditional territory.

Executive Committee returned to discussion and consideration of item 8.3.2

8.3.2 EC Sponsorship Request re: DE-RZ-2021.1 (Denman Housing Association / Denman Green) – RFD

Discussion followed on:

- reporting and accounting of sponsorship applications,
- supporting sponsorship of an application may be seen as supporting an application.

EC-2021-061

It was Moved and Seconded,

That Executive Committee request that, in preparation of the next Trust Council budget, staff and Financial Planning Committee include an appropriate expense item for Executive Committee application sponsorships made pursuant to the Trust sponsorship policy.

At 1:08 p.m., Chair Luckham lost connectivity and left the meeting.

Vice Chair Fast assumed role of chair and called the question on the motion.

CARRIED

At 1:11 p.m., Chair Luckham regained connectivity and returned to meeting.

EC-2021-062

It was Moved and Seconded,

That Executive Committee request staff review the sponsorship policy and report back recommendations on local trust committee approvals, communications and funding mechanisms.

CARRIED

9. CORRESPONDENCE (for information unless raised for action)

9.1 AVICC May 28th Virtual Convention registration opens deadline May 21st

EC-2021-063

It was Moved and Seconded,

That all members of the Executive Committee be funded to attend the Association of Vancouver Island Coastal Communities (AVICC) May 28th virtual convention.

CARRIED

9.2 K. Lertzman re: First Nations Woodland Licence on Lasqueti Island

Executive Committee discussed the following points regarding the Lasqueti Island woodland license letters, items 9.2 to 9.5:

- the Trust's roll regarding this discussion between the First Nation and the province,
- our preserve and protect mandate which is nested in our reconciliation work,
- on-going staff to staff ministry meetings addressing crown land agreements.

By general consent, that Executive Committee respond, thanking the writers for their concerns, that we are having conversations with the ministry and First Nations going forward.

9.3 Trustee Johnson correspondence date March 31, 2021, re: First Nations Wood Licence (FNWL) on Lasqueti

See item 9.2

9.4 G. Scott Lasqueti Island Nature Conservancy correspondence dated April 1, 2021, re: FNWL on Lasqueti

See item 9.2

9.5 Sunshine Coast Conservation Association re Visual Quality Objectives correspondence dated April 12, 2021

Discussion that Executive Committee respond to Forests, Lands, Natural Resource Operations & Rural Development (FLNRORD) asking for an extension on behalf of all local trust committees, Bowen Island Municipality and the Islands Trust Conservancy.

By general consent, the Director of Local Planning Services will work with the Chair to request an extension to the consultation period.

10. WORK PROGRAM

10.1 Review and amendment of current work program

Presented for information. There were no amendments.

11. NEXT MEETING

The next Executive Committee meeting is scheduled to be held electronically, May 5, 2021 at 9:00 a.m.

12. CLOSED MEETING

At 1:45 p.m., the meeting was closed to the public.

EC-2021-064

It was Moved and Seconded,

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

CARRIED

At 2:15 p.m., the meeting was reopened to the public.

13. RISE AND REPORT DECISIONS FROM CLOSED MEETING

None

14. ADJOURNMENT

By general consent, the meeting was adjourned at 2:15 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator

DRAFT



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. By general consent, at its Dec 16, 2020 meeting, Executive Committee put this item on hold pending review by Trust Programs Committee.	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress
2 THAT Executive Committee direct that staff develop draft policy regarding the provision of electronic meetings for application by Trust Council and Committees for when the Provincial State of Emergency is concluded.	Carmen Thiel Russ Hotsenpiller	Meeting: 30-Sep-2020 Target: 24-Feb-2021	In Progress
3 That the report Potential legislative and procedure change by the Islands Trust in relation to forest protection - Briefing be brought to a future Executive Committee meeting for next steps.	Russ Hotsenpiller	Meeting: 18-Nov-2020 Target: 03-Feb-2021	In Progress
4 That EC arrange a ½ day session with the Chairs of the standing committees to discuss the work for the remainder of the term (18) months and beyond.	Russ Hotsenpiller	Meeting: 24-Mar-2021 Target: 05-May-2021	In Progress
5 Executive Committee respond, thanking the writers for their concerns re Lasqueti FNWL, that we are having conversations with the ministry and First Nations going forward.	Russ Hotsenpiller	Meeting: 14-Apr-2021 Target: 05-May-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed "overspends" for any particular budget item.	Carmen Thiel Julia Mobbs	Meeting: 21-Oct-2020	In Progress
2 That Executive Committee ask staff for a review of existing health coverage for Trustees.	Julia Mobbs	Meeting: 24-Mar-2021 Target: 05-May-2021	In Progress
3 In preparation of the next Trust Council budget, staff and Financial Planning Committee include an appropriate expense item for Executive Committee application sponsorships made pursuant to the Trust sponsorship policy.	Julia Mobbs	Meeting: 14-Apr-2021 Target: 01-Feb-2022	Completed
4 Staff review the sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor Julia Mobbs	Meeting: 14-Apr-2021 Target: 05-May-2021	In Progress

Director, Local Planning Services

Activity	Responsibility	Dates	Status
1 That Executive Committee request staff to continue this discussion (Local Planning Services Renewal Status Report - Briefing) to a future Executive Committee meeting and the pros and cons of reducing the projects per local trust committee to one.	David Marlor	Meeting: 03-Feb-2021 Target: 26-May-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
2 Develop policy for long form prosecution of development permits.	David Marlor	Meeting: 24-Feb-2021 Target: 26-May-2021	In Progress
3 Staff to prepare communications and provide the information that applications to Islands Trust are up substantially and delayed timelines for processing can be expected.	Clare Frater David Marlor	Meeting: 14-Apr-2021 Target: 05-May-2021	In Progress
4 Inform these local trust committees that the following bylaws were approved by the Executive Committee: ·South Pender Island LTC Bylaws No. 119, 120, and 121 ·Denman Island LTC Bylaws No. 233 and 234 ·North Pender Island LTC Bylaw No. 222 ·Salt Spring Islands LTC Bylaw No. 522 and EC Sponsorship application for DE-RZ-2021.1 was approved for \$4,950.	David Marlor	Meeting: 14-Apr-2021 Target: 05-May-2021	Completed
5 Service Delivery Grant - prepare the application for approval by Executive Committee	David Marlor	Meeting: 14-Apr-2021 Target: 05-May-2021	Completed
6 Staff review the sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor Julia Mobbs	Meeting: 14-Apr-2021 Target: 05-May-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
7 LPS Director will work with the chair to request an extension to the consultation period from April 30 to June 2021 re: FLNRORD VQO objectives in the Sunshine Coast Natural Resource District.	David Marlor	Meeting: 14-Apr-2021 Target: 05-May-2021	Completed

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 31-Mar-2020	In Progress
2 That staff be requested to draft a letter to BIM Council encouraging them to engage with First Nations consistent with the Islands Trust reconciliation declaration.	Clare Frater	Meeting: 02-Oct-2019 Target: 31-Mar-2021	In Progress
3 Authorize a grant of \$4,500 (from History and Heritage Grants) to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman and Gabriola Islands, subject to support of local trustees and affected local trust committees. Screening on HOLD due to COVID.	Clare Frater	Meeting: 26-Feb-2020 Target: 31-Mar-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
4 That staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to a Dust n Bones screening event on Salt Spring Island. On HOLD due to COVID.	Clare Frater	Meeting: 10-Mar-2020 Target: 31-Mar-2021	In Progress
5 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 31-Mar-2021	In Progress
6 The Executive Committee request staff to provide a Learning at Home series on the Murdered and Missing Indigenous Women and Girls Calls for Justice.	Clare Frater	Meeting: 05-Aug-2020 Target: 31-Mar-2021	In Progress
7 That Executive Committee request Director of Trust Area Services Frater invite the Coast Guard to make a presentation at Trust Council or, an education session to be arranged regarding oil spill response planning.	Clare Frater	Meeting: 30-Sep-2020 Target: 05-Feb-2021	In Progress
8 3. Executive Committee request that the Trust Programs Committee consider the Missing and Murdered Indigenous Women and Girls Calls for Justice when developing draft amendments to the Policy Statement.	Clare Frater	Meeting: 21-Oct-2020 Target: 31-Mar-2020	Completed



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
9 Staff to prepare communications and provide the information that applications to Islands Trust are up substantially and delayed timelines for processing can be expected.	Clare Frater David Marlor	Meeting: 14-Apr-2021 Target: 05-May-2021	In Progress
10 Collaborate with Bowen Island Municipal staff on an insert for the tax notice and a delay for a year would be appropriate.	Clare Frater	Meeting: 14-Apr-2021 Target: 01-Feb-2022	In Progress

Legislative Services Manager

Activity	Responsibility	Dates	Status
1 THAT Executive Committee direct that staff develop draft policy regarding the provision of electronic meetings for application by Trust Council and Committees for when the Provincial State of Emergency is concluded.	Carmen Thiel Russ Hotsenpillier	Meeting: 30-Sep-2020 Target: 24-Feb-2021	In Progress
2 That Executive Committee request, as the legal services policies are reviewed that parts B and D of the September 30, 2020 memorandum be taken into consideration.	Carmen Thiel	Meeting: 30-Sep-2020 Target: 16-Dec-2020	In Progress
3 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed "overspends" for any particular budget item.	Carmen Thiel Julia Mobbs	Meeting: 21-Oct-2020	In Progress

Follow Up Action Report

Executive Committee

Legislative Services Manager

Activity	Responsibility	Dates	Status
4 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council.	Carmen Thiel	Meeting: 03-Feb-2021 Target: 01-Dec-2021	In Progress
5 That the oath of office and standards of conduct be added to the current policy review.	Carmen Thiel	Meeting: 24-Mar-2021 Target: 30-Mar-2021	In Progress



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 6500-20
(Riparian Areas Protection
Regulation Implementation)

DATE OF MEETING: May 5, 2021
TO: Islands Trust Executive Committee
FROM: Marnie Eggen, Island Planner
SUBJECT: Thetis Island Local Trust Committee – Thetis Island Bylaw No. 108 – (OCP amendment- RAPR)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Thetis Island Local Trust Committee Bylaw No. 108, cited as “Thetis Island Official Community Plan, 2011, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Thetis Island Local Trust Committee refers Bylaw No. 108 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

None

Financial

None

Policy

Bylaw No. 108 is consistent with the Islands Trust Policy Statement.

Implementation/Communications

Communication to Thetis Island Local Trust Committee regarding the Executive Committee decision by June 1, 2021.

Other

None

PURPOSE

Thetis Island Local Trust Committee Bylaw No. 108, cited as “Thetis Island Official Community Plan, 2011, Amendment No. 1, 2020” (Attachment 6) is intended to establish a new Development Permit Area (DPA) No. 1: Riparian Areas to bring in protection measures applicable to Ralston Creek, in accordance with the Riparian Areas Protection Regulation (RAPR), formerly Riparian Areas Regulation (RAR).

BACKGROUND

In 2011, the Thetis Island Local Trust Committee (LTC) considered draft amendment bylaws to establish a development permit area (DPA) to protect the identified RAR-stream on Thetis Island, Ralston Creek. The LTC did not advance the draft bylaws at that time because affected landowners (a strata development group) disputed the fact that Ralston Creek was a “stream” under the RAR, backed by a report from a Qualified Environmental Professional (QEP). A legal opinion obtained by Islands Trust and received by the LTC in 2012 confirmed that the landowners claim was unsubstantiated and that Ralston Creek remained a “stream” under the RAR. Between 2013 and 2016, a statutory covenant was pursued as a way to implement RAR on Ralston Creek in an effort to work with the landowners towards a more amenable approach to protection. However, no traction was gained, as the landowners continued to dispute the “stream” designation. After a community information meeting held in 2017 and a third party assessment of the stream in 2018, Ralston Creek was re-confirmed to be a “stream” under the RAR. In 2019, the LTC endorsed a project charter to establish a development permit area. In the same year, RAR was updated by the province and was renamed - Riparian Areas Protection Regulation (RAPR).

Thetis Island Local Trust Committee Bylaw No. 108

Proposed Bylaw No. 108 was given first reading at the July 21, 2020 Local Trust Committee (LTC) meeting. It was read for a second and third time at the April 13, 2021 LTC meeting. The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement (Attachment 4).

Issues Relating To Provincial Interest

DPA 1 complies with RAPR and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) was a key referral agency during the course of the project and during bylaw development. As the proposed amendments are consistent with RAPR, FLNRORD advised that they have no further comments.

Issues Relating To First Nation Interest

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

- Halalt First Nation,
- Lake Cowichan First Nation,
- Stz’uminus First Nation
- Lyackson First Nation - defers to those First Nations’ whose title and governing authorities are directly affected.
- Penelakut Tribe,
- Cowichan Tribes – supports the adoption of the bylaw.

- Semiahmoo First Nation.

Issues Relating To Resources and Enforcement

None.

Public Comments

The LTC received public submissions in support of and against the proposed bylaws, which were considered at the public hearing held on February 2, 2021.

Staff Comments

The proposed bylaw is intended to create a new Development Permit Area No. 1: Riparian Areas to bring in protection measures applicable to Ralston Creek, in accordance with the Riparian Areas Protection Regulation (RAPR), formerly Riparian Areas Regulation (RAR). Staff recommend that the Executive Committee approve Proposed Bylaw No. 108.

KEY ISSUES/CONCEPTS

- Consistency with the Islands Trust Policy Statement Directive Policies

RELEVANT POLICY

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

ALTERNATIVE

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

THAT the Executive Committee request that staff advise the Thetis Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No 108, cited as “Thetis Island Official Community Plan, 2011, Amendment No. 1, 2020” is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Thetis Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	April 27, 2021
Concurrence:	David Marlor Director, Local Planning Services	April 27, 2021

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist

5. EC Policy Checklist
6. Bylaw No. 108
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Thetis Island Local Trust Committee

Bylaw No.: TH-108

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 13-Apr-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Trust Area: Thetis Island Local Trust Committee
Type: Official Community Plan Bylaw
Bylaw No.: TH-108
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: Yes

First Reading Date: 21-Jul-2020

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 26-Jan-2021

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 18-Jan-2021

File complete and ready for Public review: Yes

Public Hearings:

Location: Electronic Meeting - Zoom
Proofread By: McErlean, Becky

Legal Paper: Ladysmith - Chemainus Chronicle - for Thetis LTA Legal Notices
First Publish Date: 21-Jan-2021 Second Publish Date: 28-Jan-2021

Alternate Paper:
First Publish Date: Second Publish Date:

Mailout Date: 18-Jan-2021 Delivery Notices:
Second Reading Date: 13-Apr-2021 Date Public Hearing Held: 02-Feb-2021
Third Reading Date: 13-Apr-2021

Referrals: Bylaw TH-108

Agency	Sent	Received
Cowichan Tribes <i>Chief and Council:</i> Candace Charlie <i>Comment:</i> Supports the adoption of bylaws	31-Jul-2020	31-Jul-2020
Cowichan Valley Regional District <i>175 Ingram Street:</i> Mike Tippet <i>Comment:</i> Interests unaffected	31-Jul-2020	04-Aug-2020
Fisheries and Oceans Canada <i>Fisheries & Oceans Canada:</i> Alain Magnan	31-Jul-2020	
Gabriola Island Local Trust Committee <i>700 North Road:</i> Referrals Coordinator <i>Comment:</i> interests unaffected	31-Jul-2020	22-Oct-2020
Halalt First Nation <i>7973 Chemainus Rd:</i> Raven August <i>Comment:</i>	31-Jul-2020 23-Jul-2020	
Hulquminum Treaty Group <i>200-200 Cowichan Way:</i> Al Anderson <i>Comment:</i>	31-Jul-2020 23-Jul-2020	
Islands Trust Fund <i>200, 1627 Fort Street:</i> Jennifer Eliason <i>Comment:</i> Interests unaffected	31-Jul-2020	06-Oct-2020
Lake Cowichan First Nation <i>313B Deer Road:</i> Carole Livingstone <i>Comment:</i>	31-Jul-2020 23-Dec-2020	
Lyackson First Nation <i>7973A Chemainus Road:</i> Referrals Coordinator <i>Comment:</i> Lyackson First Nation defers to those First Nations' whose title and governing authorities are directly affected	31-Jul-2020 23-Dec-2020	21-Jan-2021
Ministry of Forests, Lands, Natural Resource Operations & Rural Development <i>2080 - A Labieux Road:</i> FrontCounter BC <i>Comment:</i> Planner spoke with MFLNRORD and they had no further comments.	31-Jul-2020	02-Feb-2021
Ministry of Transportation and Infrastructure <i>Vancouver Island District:</i> Michael Pearson <i>Comment:</i> no concerns	26-Apr-2021	28-Apr-2021
Penelakut Tribe <i>Chief and Council:</i> Denise James	31-Jul-2020 23-Dec-2020	

Referrals: Bylaw TH-108

Agency	Sent	Received
<i>Comment:</i>		
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Referrals Coordinator <i>Comment:</i> Interests unaffected	31-Jul-2020	02-Sep-2020
School District #79 - Cowichan Valley 2557 Beverly St: Referrals Coordinator	31-Jul-2020	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment:</i>	31-Jul-2020 23-Dec-2020	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey <i>Comment:</i>	31-Jul-2020 23-Dec-2020	



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 - Bylaw No. 108 (OCP)

File Name: Riparian Areas Protection
Regulation

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Marnie Eggen

Status

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

Reading:

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 108

A BYLAW TO AMEND THETIS ISLAND OFFICIAL COMMUNITY PLAN BYLAW, 2011

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

1. Citation
This bylaw may be cited for all purposes as “Thetis Island Official Community Plan, 2011, Amendment No. 1, 2020”.
2. Thetis Island Local Trust Committee Bylaw No. 88, cited as “Thetis Island Official Community Plan Bylaw, 2011,” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.

READ A FIRST TIME THIS 21ST DAY OF JULY , 2020

PUBLIC HEARING HELD THIS 2ND DAY OF FEBRUARY , 2021

READ A SECOND TIME THIS 13TH DAY OF APRIL , 2021

READ A THIRD TIME THIS 13TH DAY OF APRIL , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 2021

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

Chair

Secretary

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 108
Schedule "1"

1. Page i of Thetis Island Official Community Plan Bylaw, 2011 is amended as follows:
 - 1.1 Section "3" is amended by inserting "I" after "H".
 - 1.2 Section "4" is amended by adding "Schedule "I" – Development Permit Area" after "Schedule "H" – Shoreline Classification".
2. **SCHEDULE A – POLICY DOCUMENT** is amended as follows:
 - 2.1 **SECTION 4 – NATURAL AND HERITAGE RESOURCES**, subsection 4.1 NATURAL RESOURCES, NATURAL RESOURCES POLICIES, Surface Water Resources Policies, 8 is amended by replacing "Schedule I which are applicable to the Riparian Areas Regulation of the Fish Protection Act." with "Schedule G, including those applicable to the provincial *Riparian Areas Protection Regulation* of the *Riparian Areas Protection Act*."
 - 2.2 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.1 DEVELOPMENT PERMIT AREAS, Background is amended by replacing "Section 919.1" with "Section 488".
 - 2.3 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.1 DEVELOPMENT PERMIT AREAS is amended by adding the following after "Development Permit Area Policy 1...":

"Development Permit Designations

1. Development Permit Area No. 1: Riparian Areas

Development Permit Area No. 1 is established pursuant to Section 488 of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

Terms used in this section that are defined in the provincial *Riparian Areas Protection Regulation (RAPR)*, *Riparian Areas Protection Act* are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

Location

The Riparian Areas Development Permit Area includes all land designated on Schedule I of this plan, which includes any of the following that provides potential fish habitat, as defined as a stream in accordance with *RAPR*:

- a) a watercourse or body of water, whether or not usually containing water; and
- b) any of the following that is connected by surface flow to a watercourse or body of water referred to in (a):
 - (i) a ditch, whether or not usually containing water;
 - (ii) a spring, whether or not usually containing water;
 - (iii) wetland.

For a stream that is not located in a ravine, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary.

For a stream located within a ravine less than 60 metres wide, the development permit area is a 30 metre strip on each side of the stream, measured from the stream boundary to a point that is 30 metres beyond the top of the ravine bank.

For a stream located within a ravine that is 60 or more metres wide, the development permit area is a 10 metre strip on each side of the stream, measured from the stream boundary to a point that is 10 metres beyond the top of the ravine bank.

The designation and delineation of Development Permit Area 1 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies and the actual extent of the Development Permit Area may need to be determined on a site-specific basis by a qualified environmental professional or surveyor.

Justification

This development permit area contains streams, lakes/ponds and wetlands and their associated riparian areas, which have been identified as potential fish habitat. Riparian areas are necessary for stream and watershed health.

Riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Land use practices including land clearing, road building, construction of buildings and structures, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Thetis Island.

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended to protect riparian areas

from development so that the areas can provide natural features, functions and conditions that support fish life processes.

The objectives of this designation are:

1. To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
2. To protect the natural environment necessary to provide productive fish habitat, including streams and the adjacent land and vegetation; and
3. To direct their restoration and enhancement so that they can provide natural features, functions and conditions that support fish life processes.”

2.4 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.3 DEVELOPMENT APPROVAL INFORMATION, 6.3.1 Circumstances is amended by inserting “a) development permit areas;” after “Applicants for:” and renumbering subsequent listings to affect the change.

2.5 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.3 DEVELOPMENT APPROVAL INFORMATION, 6.3.1 Circumstances is amended by replacing “pursuant to a development approval information bylaw adopted under section 920.01 of the *Local Government Act*” with “pursuant to section 487 of the *Local Government Act*”.

2.6 **SECTION 6 – DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMITS**, subsection 6.3 DEVELOPMENT APPROVAL INFORMATION, 6.3.2 Special Conditions is amended by inserting the following before “1. Temporary use permits...” and renumbering subsequent listings to affect the change:

“1. Development Permit Area 1 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report submitted by a Qualified Environmental Professional (QEP) may be required for applicable development activities. Development Permit Area 1 protects the natural environment, specifically streams, lakes/ponds and wetlands and their associated riparian areas, which have been identified as potential fish habitat. Development approval information is required to determine under what circumstances and conditions development permits may be issued to manage development that potentially has a significant impact on aquatic and adjacent riparian ecosystems.”

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 108
Schedule "2"

1. Thetis Island Local Trust Committee Bylaw No. 88, cited as "Thetis Island Official Community Plan Bylaw, 2011," is amended by adding "Schedule "I" – Development Permit Area" as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "A" of Bylaw No. 88 as are required to effect this change.

**THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 108**

Plan No. 1



First Nation Engagement

Referral of: TH BL 108 and 109

First Nation: PENELAKUT TRIBE

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: LYACKSON FIRST NATION

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>
<i>January 21, 2021</i>	<i>Response received – defer to other First Nations</i>	<i>BM</i>

First Nation: HALALT FIRST NATION

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: COWICHAN TRIBES

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>July 31, 2020</i>	<i>Response received - supports bylaws</i>	<i>BM/ME</i>

First Nation: TSUUBAA-ASATX (LAKE COWICHAN)

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: STZ'UMINUS FIRST NATION

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: SEMYOME (Semiahmoo)

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: HUL'QUMI'NUM TREATY GROUP

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email – FOR INFORMATION ONLY</i>	<i>BM</i>

ME = Marnie Eggen, Island Planner

BM = Becky McErlean, Legislative Clerk



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 6500-20
(Riparian Areas Protection
Regulation Implementation)

DATE OF MEETING: May 5, 2021
TO: Islands Trust Executive Committee
FROM: Marnie Eggen, Island Planner
SUBJECT: Thetis Island Local Trust Committee – Thetis Island Bylaw No. 109 – (LUB amendment- RAPR)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Thetis Island Local Trust Committee Bylaw No. 109, cited as “Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2020” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Thetis Island Local Trust Committee refers Bylaw No. 109 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

None.

Financial

None.

Policy

Bylaw No. 109 is consistent with the Islands Trust Policy Statement and with proposed and accompanying Bylaw No. 108.

Implementation/Communications

Communication to Thetis Island Local Trust Committee regarding the Executive Committee decision by June 1, 2021.

Other

None.

PURPOSE

Thetis Island Local Trust Committee Bylaw No. 109, cited as “Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2020” (Attachment 6) is intended to establish the development permit area guidelines that will guide development within the new Development Permit No. 1: Riparian Areas.

BACKGROUND

In 2011, the Thetis Island Local Trust Committee (LTC) considered draft amendment bylaws to establish a development permit area (DPA) to protect the identified RAR-stream on Thetis Island, Ralston Creek. The LTC did not advance the draft bylaws at that time because affected landowners (a strata development group) disputed the fact that Ralston Creek was a “stream” under the RAR, backed by a report from a Qualified Environmental Professional (QEP). A legal opinion obtained by Islands Trust and received by the LTC in 2012 confirmed that the landowners claim was unsubstantiated and that Ralston Creek remained a “stream” under the RAR. Between 2013 and 2016, a statutory covenant was pursued as a way to implement RAR on Ralston Creek in an effort to work with the landowners towards a more amenable approach to protection. However, no traction was gained, as the landowners continued to dispute the “stream” designation. After a community information meeting held in 2017 and a third party assessment of the stream in 2018, Ralston Creek was re-confirmed to be a “stream” under the RAR. In 2019, the LTC endorsed a project charter to establish a development permit area. In the same year, RAR was updated by the province and was renamed - Riparian Areas Protection Regulation (RAPR).

Thetis Island Local Trust Committee Bylaw No. 109

Proposed Bylaw No. 109 was given first reading at the July 21, 2020 Local Trust Committee (LTC) meeting. It was read for a second and third time at the April 13, 2021 LTC meeting. The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement (Attachment 4).

Issues Relating To Provincial Interest

DPA 1 complies with RAPR and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) was a key referral agency during the course of the project and during bylaw development. As the proposed amendments are consistent with RAPR, FLNRORD advised that they have no further comments.

Issues Relating To First Nation Interest

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

- Halalt First Nation,
- Lake Cowichan First Nation,
- Stz’uminus First Nation
- Lyackson First Nation - defers to those First Nations’ whose title and governing authorities are directly affected.
- Penelakut Tribe,
- Cowichan Tribes – supports the adoption of the bylaw.
- Semiahmoo First Nation.

Issues Relating To Resources and Enforcement

The proposed amendments will enable enforcement and applicability of guidelines in the DPA.

Public Comments

The LTC received public submissions in support of and against the proposed bylaws, which were considered at the public hearing held on February 2, 2021.

Staff Comments

The proposed bylaw, if adopted, brings in protection measures applicable to Ralston Creek, Thetis Island in accordance with the Riparian Areas Protection Regulation (RAPR), formerly Riparian Areas Regulation (RAR). Staff recommend that the Executive Committee approve Proposed Bylaw No. 109.

KEY ISSUES/CONCEPTS

- Consistency with the Islands Trust Policy Statement Directive Policies.

RELEVANT POLICY

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

ALTERNATIVE

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

THAT the Executive Committee request that staff advise the Thetis Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 108, cited as "Thetis Island Official Community Plan, 2011, Amendment No. 1, 2020" is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Thetis Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	April 27, 2021
Concurrence:	David Marlor Director, Local Planning Services	April 27, 2021

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. Islands Trust Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 109
7. First Nations follow-up Tracking



Local Trust Committee Bylaws Submission for Executive committee Approval

Local Trust Committee: Thetis Island Local Trust Committee

Bylaw No.: TH-109

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 13-Apr-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Trust Area: Thetis Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: TH-109

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: Yes

Technical Staff: Yes

Planner: Yes

First Reading Date: 21-Jul-2020

Bylaw Sent to Referrals: Yes

Date Proposed Bylaw to Web: 28-Apr-2021

Resolutions:

Resolution Waiving Public Hearing: No

Resolution Authorizing Public Hearing: Yes

Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 18-Jan-2021

File complete and ready for Public review: Yes

Public Hearings:

Location: Electronic Meeting - Zoom

Proofread By: Eggen, Marnie

Legal Paper: Ladysmith - Chemainus Chronicle - for Thetis LTA Legal Notices

First Publish Date: 21-Jan-2021

Second Publish Date: 28-Jan-2021

Alternate Paper:

First Publish Date:

Second Publish Date:

Mailout Date: 14-Jan-2021

Delivery Notices:

Date Public Hearing Held: 02-Feb-2021

Second Reading Date: 13-Apr-2021

Third Reading Date: 13-Apr-2021

Referrals: Bylaw TH-109

Agency	Sent	Received
Cowichan Tribes <i>Chief and Council:</i> Candace Charlie <i>Comment:</i> supports the adoption of bylaws	31-Jul-2020 23-Dec-2020	31-Jul-2020
Cowichan Valley Regional District <i>175 Ingram Street:</i> Mike Tippet <i>Comment:</i> interests unaffected	31-Jul-2020	04-Aug-2020
Fisheries and Oceans Canada <i>Fisheries & Oceans Canada:</i> Alain Magnan	31-Jul-2020	
Gabriola Island Local Trust Committee <i>700 North Road:</i> Referrals Coordinator	31-Jul-2020	22-Oct-2020
Halalt First Nation <i>7973 Chemainus Rd:</i> Raven August <i>Comment:</i>	31-Jul-2020 23-Dec-2020	
Hulquminum Treaty Group <i>200-200 Cowichan Way:</i> Al Anderson	31-Jul-2020	
Islands Trust Fund <i>200, 1627 Fort Street:</i> Jennifer Eliason <i>Comment:</i> interest unaffected	31-Jul-2020	06-Oct-2020
Lake Cowichan First Nation <i>313B Deer Road:</i> Carole Livingstone <i>Comment:</i>	31-Jul-2020 23-Dec-2020	
Lyackson First Nation <i>7973A Chemainus Road:</i> Referrals Coordinator <i>Comment:</i> Lyackson First Nation defers to those First Nations' whose title and governing authorities are directly affected	31-Jul-2020 31-Dec-2020	21-Jan-2021
Ministry of Forests, Lands, Natural Resource Operations & Rural Development <i>2080 - A Labieux Road:</i> FrontCounter BC <i>Comment:</i> Planner spoke with MFLNRORD and they had no further comments.	31-Jul-2020	02-Feb-2021
Ministry of Transportation and Infrastructure <i>Vancouver Island District:</i> Michael Pearson <i>Comment:</i> no concerns	26-Apr-2021	28-Apr-2021
Penelakut Tribe <i>Chief and Council:</i> Denise James	31-Jul-2020 23-Dec-2020	

Referrals: Bylaw TH-109

Agency	Sent	Received
<i>Comment:</i>		
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Referrals Coordinator <i>Comment:</i> interests unaffected	31-Jul-2020	02-Sep-2020
School District #79 - Cowichan Valley 2557 Beverly St: Referrals Coordinator	31-Jul-2020	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment:</i>	31-Jul-2020 23-Dec-2020	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey <i>Comment:</i>	31-Jul-2020 23-Dec-2020	

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 - Bylaw No. 109 (LUB)
File Name: Riparian Areas Protection
Regulation

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Marnie Eggen

Status

Date Resolution Referred to Exective Committee: 13-Apr-2021
Reading:

PROPOSED

THETIS ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 109

A BYLAW TO AMEND THETIS ISLAND LAND USE BYLAW, 2011

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

1. Citation
This bylaw may be cited for all purposes as “Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2020”.
2. Thetis Island Local Trust Committee Bylaw No. 89, cited as “Thetis Island Land Use Bylaw, 2011,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS 21ST DAY OF JULY , 2020

PUBLIC HEARING HELD THIS 2ND DAY OF FEBRAURY , 2021

READ A SECOND TIME THIS 13TH DAY OF APRIL , 2021

READ A THIRD TIME THIS 13TH DAY OF APRIL , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

Chair

Secretary

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 109
Schedule “1”

1. Schedule “A” of Thetis Island Land Use Bylaw No. 89, 2011 is amended as follows:

1.1 **PART 1. ADMINISTRATION**, 1.1 DEFINITIONS, is amended by adding the following definition in alphabetical order:

“*watercourse* means a creek, pond, lake, river, stream, or brook, whether usually containing water or not and any spring or wetland that is integral to a watercourse.”

1.2 Add a new **PART 11. DEVELOPMENT PERMIT AREA GUIDELINES** immediately following “**PART 10. WATER ZONES**” as follows and renumber subsequent parts chronologically:

“PART 11. DEVELOPMENT PERMIT AREA GUIDELINES

11.1 Development Permit Area No. 1 – Riparian Areas

11.1.1 Definitions

Unless otherwise defined in this bylaw, Terms used in Section 11.1 that are defined in the *Riparian Areas Protection Regulation (RAPR)* of the *Riparian Areas Protection Act* have the same meaning as the definition given in the Regulation (e.g. stream, stream boundary, area of human disturbance), as it may be amended from time to time. Italicized terms (other than legislation) are defined in this bylaw.

11.1.2 Applicability

The following activities shall require a development permit whenever they occur within the Development Permit Area (DPA), unless specifically exempted under Subsection 11.1.3:

- (a) The addition, removal or alteration of soil, vegetation or *building* or other *structure*;
- (b) Creation of non-structural, impervious or semi-impervious surfaces;
- (c) Without limiting paragraph (a), the addition, removal or alteration of works and services described in section 506 (1) [*subdivision servicing requirements*] of the *Local Government Act*;
- (d) Subdivision as defined in section 455 of the *Local Government Act*;
- (e) Application of artificial fertilizer, pesticides or herbicides;
- (f) Any other development, as that term is defined under the *Riparian Areas Protection Regulation*.

11.1.3 Exempted Activities

The following activities are exempt from any requirement for a development permit in Development Permit Area No. 1:

- (a) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- (b) work authorized by Fisheries and Oceans Canada under section 35 of the *Fisheries Act*;
- (c) repairs or other non-structural alterations or additions to a pre-existing *building* or other *structure* to the extent that it remains on its existing foundation and does not alter, extend or otherwise increase the footprint, and that it is not damaged or destroyed to the extent described in section 532 of the *Local Government Act*;
- (d) the maintenance of an area of human disturbance, other than a *building* or other *structure*, if the area is not extended and the type of disturbance is not changed and does not involve the application of artificial fertilizer, pesticides or herbicides;
- (e) repair or replacement of a septic field within the same area of land as the existing septic field;
- (f) the removal of trees that have been examined by an International Society of Arboriculture Certified Arborist and certified in writing to pose a threat to life or property;
- (g) manual removal of invasive species and manual planting of native vegetation in accordance with best management practices;
- (h) pruning of not more than two trees in one growing season which does not involve the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- (i) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - (i) emergency actions for flood-protection and erosion protection;
 - (ii) clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow;
 - (iii) repairs to bridges and safety fences carried out in accordance with the *Water Act*; and
 - (iv) creation of a fire break in accordance with the *Wildfire Act*;
- (j) The construction of a trail if all of the following apply:
 - (i) The trail is 1 metre wide or less;
 - (ii) No trees are removed;
 - (iii) The surface of the trail is pervious;
 - (iv) The trail is designed and constructed to prevent soil erosion where slopes occur; and

- (v) Where the trail parallels the stream, the trail is more than 5 metres away from the stream boundary.

INFORMATION NOTE: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

11.1.4 Guidelines

Prior to undertaking any non-exempt development activities within the Development Permit Area No. 1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- (a) Applications for development permits must include an assessment report prepared by a Qualified Environmental Professional (QEP) in accordance with the assessment methods described in the *Riparian Areas Protection Regulation* (RAPR) and submitted to the responsible BC ministry. The report must include the QEP's recommendations regarding development approval conditions including the monitoring of development activities and subsequent reporting by the QEP to the applicant and the Local Trust Committee.
- (b) Applications for development permits received after site works are complete should include a condition and impact assessment report prepared by a QEP in accordance with *Professional Practice Guidelines – Legislated Riparian Assessments in BC* and the *Riparian Areas Regulation Assessment Methods*, as they may be amended from time to time.
- (c) In general, all development in this Development Permit Area should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a QEP has, as part of the assessment report or condition and impact assessment report, made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, or monitoring and reporting, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the QEP's report.
- (d) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified in the QEP's report and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term, which measures should be included as conditions of the development permit.

- (e) Where a QEP report describes an area within the DPA as suitable for development, the development permit should only allow the development to occur in that area.
- (f) If the nature of the proposed project within the DPA changes after the assessment report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.
- (g) The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in accordance with the recommendations in the QEP's report.
- (h) Land should not be subdivided so as to create new parcel boundaries intersecting or within 30 m of the stream boundary, unless the parcel boundary is being created for an ecological reserve under the *Ecological Reserve Act* for dedication to the Crown, or the subdivision complies with the recommendations of a QEP.
- (i) A development permit may designate areas of land within a subdivision that must remain free of development in accordance with the recommendations of a QEP.
- (j) No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within 30 metres of a stream, except in accordance with the recommendations of a QEP.
- (k) No subdivision plan should be designed in such a way that activities described in 11.1.2 would be likely to occur within 30 metres of the stream boundary, unless the development will comply with the recommendations of the QEP who assessed the impact of the subdivision on the riparian area. In such situations, the development permit may stipulate the extent of the area in which development may occur, in accordance with the QEP's report.

First Nation Engagement

Referral of: TH BL 108 and 109

First Nation: PENELAKUT TRIBE

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: LYACKSON FIRST NATION

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>
<i>January 21, 2021</i>	<i>Response received – defer to other First Nations</i>	<i>BM</i>

First Nation: HALALT FIRST NATION

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: COWICHAN TRIBES

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>July 31, 2020</i>	<i>Response received - supports bylaws</i>	<i>BM/ME</i>

First Nation: TSUUBAA-ASATX (LAKE COWICHAN)

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: STZ'UMINUS FIRST NATION

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: SEMYOME (Semiahmoo)

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email</i>	<i>BM/ME</i>
<i>December 23, 2020</i>	<i>Updated Referral package sent via email</i>	<i>BM/ME</i>

First Nation: HUL'QUMI'NUM TREATY GROUP

Date	Comment/Action	Initial
<i>July 31, 2020</i>	<i>Referral Package sent via email – FOR INFORMATION ONLY</i>	<i>BM</i>

ME = Marnie Eggen, Island Planner

BM = Becky McErlean, Legislative Clerk

Trust Council Quarterly Meeting Schedule
June 8-10, 2021
Electronic

Monday, June 7		Tuesday, June 8		Wednesday, June 9		Thursday, June 10	
9:00 Executive Committee pre-Trust Council Meeting				9:00 Consent Agenda Discussion Decision	Local Planning Services pending Director's Report Regional Planning Committee Work Program LPS Review pending items	9:00 Closed Meeting Rise and Report	
						10:30 BREAK	
						10:15 Trustee/Summary Updates	
	1:00	Land Acknowledgement Call to Order Approval of Agenda General Business Arising RWMs, Adoption of Minutes Follow-up Action List (FUAL)		10:30 BREAK		BC Ferries Advisory Committee Chairs	
	Consent Agenda			10:45 Consent Agenda Discussion Decision	Trust Area Services pending Director's Report TPC Work Program Islands Trust Conservancy Report Policy Statement Amendment draft bylaw Annual Report - RFD pending items	SSIWPA Howe Sound Community Forum GINPR Advisory Committee Anchorages Roundtable Update First Nations Secretariate Reports	
	1:15	Trustee Roundtable				Priorities Chart Proposed September TC Agenda Program Disposition of Delegations, Town Hall and Trustee Roundtable Correspondence	
	2:15	BREAK				Next Meeting	
	2:30	Executive pending CAO's Report EC Work Program Strategic Plan - Update Continuous Learning Plan Policies for Consideration pending items		12:00 LUNCH			
	3:30	Select Committee Update		1:00 Consent Agenda Discussion Decision	Administrative Services pending Director's Report FPC Work Program March 31 Audited Financials - RFD March 31 Allocated Financials - RFD pending items		
	4:00	BREAK		2:00	New Business Items		
	7:00 p.m.	Delegations		2:30 BREAK			
	8:00 p.m.	Town Hall		2:45	place holder		
				5:00 Recess for the Day			
	9:00 p.m.	Recess for the Day		6:00	Dan's Corner		



BRIEFING

To:	Trust Council	For the Meeting of:	June 8, 2021
From:	Carmen Thiel, Legislative Services Manager	Date Prepared:	April 29, 2021
SUBJECT:	Review of Legal Services Policies		

PURPOSE: To brief Executive Committee on how the three Trust Council policies, which deal with legal services, apply to the scenarios below and to seek input and consider amendments for review at the May 26, 2021 Executive Committee meeting, in preparation for the June Trust Council meeting.

BACKGROUND: The following Trust Council policies apply to legal services:

- **Policy 2.1.6 – Legal Advice**
Purpose is to ensure that legal advice obtained by the Islands Trust is handled in a sensitive and confidential manner with respect to its use and disposition and that it is given in the context of the legislated object of the Islands Trust.
- **Policy 6.9.1 – Legal Services Management**
Purpose is to outline the process to access and instruct legal counsel in a manner that is cost effective and efficient.
- **Policy 6.9.2 – Legal Services Access**
Purpose is to maximize the efficient and effective use of legal counsel services on a consistent basis. This policy involves controlling access to legal services, managing the provision of legal services and monitoring the use of legal counsel.

Note that it is intended to combine Policy 6.9.1 and 6.9.2 into one policy for consideration at the May 26, 2021 Executive Committee meeting.

In response to questions posed recently about whether Trust Council’s legal services policies cover certain scenarios, the following observations are provided:

Scenario 1: **Policy 2.1.6** provides for broader access by trustees to review of legal opinions received by Islands Trust than is currently the practice within the Trust.

Response: Sections 2.2 and 4.1 of the policy state that a trustee, employee, local trust committee, Executive Committee, council committee or the Islands Trust Conservancy Board may view legal advice received by the Islands Trust, unless it is deemed “restricted”.

Therefore, there should be no barrier for any of the aforementioned parties to view legal advice upon request.

Scenario 2: Is the decision to get a legal opinion made by staff, by political direction, or both? Who authorizes the expenditure for requested legal opinions?

Response: **Policy 6.9.2** applies. Sections 1.1.2 and 1.1.3 authorize the CAO, Director of Local Planning Services, Director of Administrative Services, Islands Trust Conservancy

Manager, Planners and Bylaw Compliance and Enforcement Officers to consult with legal counsel through the use of a Legal Services Request form endorsed by the CAO, a Director or designate.

Section 1.1.4 states that a resolution is required from a local trust committee in order to direct staff to access legal counsel services (e.g. provide legal advice), once the trust committee has been made aware of required costs.

Section 1.1.5 requires that where a local trust committee is initiating litigation, it must be reviewed/approved by the Executive Committee.

Similar to that required of local trust committees, Section 1.1.6 indicates that a resolution is needed from Executive Committee, Trust Council or council committees requesting staff to access legal services on their behalf, once they have been made aware of required costs. The CAO (or designate) approves such access (via a Legal Services Request form), which may be subject to Executive Committee review.

Policy 6.9.1, Section 3 Legal Service Approval, dealing with litigation, directs that:

- only the CAO and Directors can approve staff access to legal counsel to initiate the opening of a new litigation file or extension of an existing file, after obtaining an estimate, once Executive Committee has approved the request (per section 1.1.5 of Policy 6.9.2 above).
- the initiation of a major legal file beyond the initial legal counsel consultation must be approved by the Executive Committee, and
- The Executive Committee may at any time it deems necessary access legal counsel director through the Chair.

To summarize, the answer is that both staff and elected officials authorize legal costs/opinion based upon the requestor and the type of legal request.

Scenario 3: A local trust committee asks for a legal opinion (in accordance with section 1.1.4 of Policy 6.9.1 referenced above) and the CAO or a Director declines the request.

Response: **Policy 6.9.2**, Section 3.4 Legal Service Refusal, applies when a local trust committee asks for a legal opinion and the CAO or a Director refuses the service because:

- it is deemed to have previously been dealt with
- can be handled by staff
- is not of a legal nature, or
- if the budget does not have capacity to accommodate the request.

In this instance a local trust committee may request that such a decision be reviewed by the CAO or designate, and, if required, by the Executive Committee.

Staff have made some preliminary amendments to the attached policies in order to address inconsistencies and make the policies clear.

ATTACHMENT(S):

1. **Policy 2.1.6 – Legal Advice**
2. **Policy 6.9.1 – Legal Services Management**
3. **Policy 6.9.2 – Legal Services Access**

FOLLOW-UP:

Executive Committee input will inform further amendments. The amended policies will then be brought to the May 26, 2021 Executive Committee meeting, for consideration of inclusion on the June Trust Council meeting agenda for approval.

Prepared By: Carmen Thiel, April 29, 2021

Reviewed By/Date: Russ Hotsenpiller, CAO, April 30, 2021



Policy:	2.1.6
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	June 9, 1995; March 9, 1996; December 6, 1997
Policy Holder:	Chief Administrative Officer

LEGAL ADVICE

Purpose

To ensure that legal advice obtained by the Islands Trust is handled in a sensitive and confidential manner with respect to its use and disposition and that it is given in the context of the legislated object of the Islands Trust.

A. Definitions

n/a

B. Policy

1. Legal Counsel Relationship

- 1.1 All legal advice requested and obtained by the Islands Trust, whether in the form of a bylaw, legal opinion, land use document or other advice, must take into account the statutory Object of the Trust.
- 1.2 Every legal services agreement between the Islands Trust and its legal counsel must contain provision stipulating the requirement set out in paragraph 1.1 of this policy.
- 1.3 Any concerns regarding the provision of legal services must be forwarded to the Chief Administrative Officer (CAO) (or designate).
- 1.4 Requests to access alternate legal counsel other than the Islands Trust's designated legal counsel shall be given to the Executive Committee for approval.

2. Ownership

- 2.1 All legal advice obtained by the Islands Trust is the property of the Trust Council, as client, as it is the Trust Council that requests the legal advice pursuant to a legal services request form.
- 2.2 Except as otherwise provided in this policy, a local trust committee, the Executive Committee, a council committee, the Islands Trust Conservancy Board, a trustee, or an employee may view legal advice received by the Islands Trust.
- 2.3 Legal advice includes all written and oral advice, and all originals, drafts, and photocopies provided by legal counsel pursuant to a legal request.

- 2.4 A copy of all legal advice must be provided to the Corporate Secretary by its recipient within the Islands Trust, unless the legal advice has been directly copied to the Legislative Services Clerk by legal counsel.
- 2.5 A disposition of legal advice refers to providing the legal advice, in whole or in part, orally or in writing to persons or entities outside of the Islands Trust, or to persons or entities within the Islands Trust other than the person within the Islands Trust who has requested the legal advice.

3. Confidentiality

- 3.1 Except where otherwise determined by the Executive Committee, all written and oral communications made between the Islands Trust, and its legal counsel are confidential and subject to solicitor-client privilege and must not be disclosed except in accordance with this policy.
- 3.2 Unless otherwise advised by the Executive Committee, it is assumed that all legal advice received is covered by solicitor-client privilege, and should not be disclosed except in accordance with this policy.
- 3.3 Solicitor-client privilege may be expressly waived by the Islands Trust Council, in accordance with this policy.
- 3.4 The Executive Committee may decide, by resolution, to waive solicitor-client privilege over a particular document.
- 3.5 Trustees and employees must take precautions to ensure that there is no implied waiver of the solicitor-client privilege.
- 3.6 Because the client is the Islands Trust Council, all trustees and employees of a local trust committee, the Executive Committee, a council committee, or the Islands Trust Conservancy Board may access the legal advice without any waiver of solicitor-client privilege. It is only external disclosures of legal advice which may waive solicitor-client privilege.
- 3.7 When legal advice is designated as "Restricted" by the Executive Committee, every page will be stamped "Restricted" by the corporate secretary or the deputy secretary.

4. Dispositions - Internal

- 4.1 A local trust committee, a council committee, the Islands Trust Conservancy Board, a trustee or a staff person may have access to all legal advice obtained by the Islands Trust that is not designated "Restricted" in accordance with this policy.
- 4.2 "Restricted" legal advice is defined as legal advice where litigation has commenced and legal advice about matters of potential conflict of interest or personal liability.

- 4.3 A local trust committee, a council committee, the Islands Trust Conservancy Board, a trustee or a staff person may request specific legal advice to be designated "Restricted" by the Executive Committee. A request for a restricted designation shall be made to the corporate secretary or deputy secretary.
- 4.4 Once a request is made to the corporate secretary or deputy secretary for a "Restricted" designation, interim restricted access will be immediately effective, limiting access to the Executive Committee, corporate secretary, deputy secretary, and the Islands Trust Corporation, trustee or employee that requested the legal advice.
- 4.5 When the corporate secretary or deputy secretary receives a request or otherwise determines that specific legal advice should be designated as "Restricted" by the Executive Committee, the corporate secretary or deputy secretary shall refer the issue to the Executive Committee for consideration at its next regular meeting.
- 4.6 Any Islands Trust corporation, trustee or employee may appeal to the Executive Committee to reconsider a decision by the Executive Committee to designate specific legal advice as restricted, by advising the corporate secretary or deputy secretary that it wishes to appeal. The corporate secretary or deputy secretary shall refer the appeal to the Executive Committee for consideration at its next regular meeting.
- 4.7 Any legal opinions designated as "Restricted" by the Executive Committee will be kept separate and will not be entered into the legal opinion inventory.

5. Disposition - External

- 5.1 Legal advice provided to the Trust Council, Executive Committee, Islands Trust Conservancy Board or a local trust committee may be made available to the public upon resolution of the relevant decision-making body and resolution of the Executive Committee on behalf of Trust Council.
- 5.2 If the decision-making body and/or Executive Committee resolve to not disclose legal advice to a person requesting access to the advice, applicants are advised of this decision.
- 5.3 Formal Freedom of Information (FOI) requests concerning disclosure of legal advice must be forwarded to the head who will use discretion under Section 14 of the *Freedom of Information and Protection of Privacy Act* and the Freedom of Information Policy/Procedures manuals to determine if the legal advice/communication should or should not be disclosed.
- 5.4 In using discretion to determine if legal advice should or should not be disclosed, the head may consult with the relevant decision making body for which the legal advice was requested.

6. Review

- 6.1 In order to maintain confidentiality and privilege of legal advice, no reference should be made to the substance of any legal advice received by the Islands Trust in any document that may be available to the public.
- 6.2 Where a trustee or an employee must refer to the substance of legal advice, the report containing the reference should remain internal and the matter should be addressed only at a special meeting from which the public has been excluded.

C. Legislated References

Access to legal services procedure and standards of conduct guidelines

D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a



Policy:	6.9.1
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	September 16, 2005
Policy Holder:	Chief Administrative Officer

LEGAL SERVICES MANAGEMENT

Purpose

To outline the process to access and instruct legal counsel in a manner that is cost effective and efficient.

A. Definitions

n/a

B. Policy

1. Legal Counsel Access

- 1.1 Opening and/or extending legal files with legal counsel shall only be initiated through staff using established legal services management procedures.
- 1.2 Trustee requests for opening new and/or extending existing legal files must be initiated by a resolution of the appropriate approving authority.
- 1.3 Trustee requests for consultation with legal counsel may be facilitated by staff in a manner that permits obtaining of legal advice such that it is available to others concerned, and/or the Trust in general.
- 1.4 Where a trustee is a defendant in a litigation matter, he/she shall be able to directly access legal counsel on matters related to the litigation.

2. Legal Counsel Instruction

- 2.1 All resolutions requesting staff to access legal services should be clear in providing: instructions to legal counsel as to the key question(s) to be addressed, expected product, time-frame to respond, and materials to be provided to legal counsel.
- 2.2 All requests for legal counsel services should be initiated by staff using a Legal Services Request form processed according to established procedure.
- 2.3 Legal services requirements of an urgent nature may be initiated by staff and although established procedure may not initially be followed, a Legal Service Request form shall be processed immediately.

3. Legal Service Approval

- 3.1 Only the CAO and directors can approve staff access to legal counsel to initiate the opening of a new litigation file and/or extension of an existing file (obtain an estimate).
- 3.2 The initiation of a major legal advice file, and/or continuance of any litigation file beyond initial legal counsel consultation, shall be approved by the Executive Committee.
- 3.3 All legal service bills shall be approved by the Director of Administrative Services for payment subject to a satisfactory reconciliation with the relevant Legal Service Request cost estimate and the designate staff member's verification.
- 3.4 The Director of Local Planning Services shall be responsible to monitor and supervise the use of legal services as per the conditions of the Legal Services Contract.
- 3.5 The Executive Committee may, at any time, on matters where it deems it necessary, access legal counsel directly through the Chair.

C. Legislated References

Policy and Procedures Manual: Legal Services Access (6.9.2)

D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a



Policy:	6.9.2
Approved By:	Management Group – November 23, 1992 Trust Council
Approval Date:	December 5, 1992
Amendment Date(s):	June 6, 1997, September 16, 2005
Policy Holder:	Chief Administrative Officer

LEGAL SERVICES ACCESS

Purpose

To maximize the efficient and effective use of legal counsel services on a consistent basis. This policy involves controlling access to legal services, managing the provision of legal services and monitoring the use of legal counsel.

A. Definitions

n/a

B. Policy

1. Access

1.1 Authority

1.1.1 A staff member or a Trustee has the authority to contact legal counsel to deal with matters of a potential conflict of interest regarding his or herself.

1.1.2 The following staff have the authority to consult with legal counsel: Chief Administrative Officer (CAO), Director of Local Planning Services, Director of Administrative Services, Islands Trust Conservancy Manager, Planners, and Bylaw Compliance and Enforcement Officers. A Legal Services Request must be used for services that are expected to exceed \$100.00.

1.1.3 Staff must contact legal counsel through the use of a Legal Services Request form which shall be completed without charge by legal counsel, and endorsed by the CAO, a Director or designate.

1.1.4 Directions from trust committees (except section 1.1.1) to staff to access legal counsel services should result from a trust committee resolution once they have been made aware of required legal service costs.

1.1.5 Matters of local trust committees initiating litigation must be approved by the Executive Committee.

1.1.6 Requests from Executive Committee, Trust Council and/or Council Committees (except clause 1.1.1) to staff to access legal services shall result from a resolution once they have been made aware of required legal service costs. The CAO's (or designate's) approval of such access may be subject to Executive Committee review., The Islands Trust Conservancy Board will operate under its own policy and procedures.

1.2. Request Form (See Attachment 1)

The following provides guidelines and notes for the completion of the legal services request form.

1.2.1 To/From

All request forms go to the contractor providing legal services, with a copy to the file lawyer who you are consulting with, and copies to staff who should be aware of the request. The originating staff is the staff person making the request and who will be responsible for processing the request and managing the file.

1.2.2 File Code

1.2.2.1 All requests must identify the program unit requiring the legal services:

- 1.2.2.1.1 Trust Committee - specific matter and note which one on line
- 1.2.2.1.2 Executive Committee - specific matter identified by Executive Committee
- 1.2.2.1.3 Local Planning - planning unit or broad trust committee matter
- 1.2.2.1.4 Management - of an administrative nature
- 1.2.2.1.5 Policy/Research - of a legislative interpretation nature
- 1.2.2.1.6 Other - undefined under above terms
- 1.2.2.1.7 Islands Trust Conservancy Board - specific to the Islands Trust Conservancy and billed separately
- 1.2.2.1.8 Cost Recovery - to be paid by a third party and billed separately

1.2.2.2 Sub-Client Code

- 1.2.2.2.1 does it exist now? – name it
- 1.2.2.2.2 is it a new file? – give it a name
- 1.2.2.2.3 LYA code is the legal firm's reference code

1.2.3 Background

- Provide some background, context or terms of reference for the request.
- Indicate if additional information is provided as an attachment or under separate cover and also list other information available upon request.

1.2.4 Instructions

1.2.5.1 The request of services, or question to be addressed, or parameters must be stated very clearly to expect the lawyer to be able to provide a reasonable cost estimate. State if there are several stages involved, what the expected product is, and what are the expected time lines.

1.2.5.2 Identify who the lawyer should contact regarding questions if not the originating staff, and identify a target date for the lawyer to provide a cost estimate for the request.

1.2.5 Lawyer Response

The lawyer, at no cost, is expected to state a course of action on a clear product with cost estimates for billable fees and extraordinary disbursements and a target or targets for billing in stages and/or upon completion.

1.2.6 Request Approval

Approval by the CAO or designate Director indicates support for the request as to: the instructions; expected course of action or product; the matter has not been previously dealt with; and its importance to be addressed relative to their program unit.

1.2.7 Service Approval

Service Approval by the CAO or signed by a Director on behalf of the CAO which authorizes legal counsel to proceed to bill for services and for staff to consult further with legal counsel.

1.2.8 Completed Requests

Completed requests are distributed according to instructions provided to the CAO's office.

2. Managing Services

2.1. Relationship

Any concerns that cannot be dealt with at a lawyer/staff level or general concerns regarding the legal counsel/Trust relationship should be communicated to the CAO or designate on the part of the Trust and to a partner at the legal contractor.

2.2. Request Estimate Changes

2.2.1 It is the responsibility of the originating staff to solicit updates to the Legal Services Request estimates (and billing month) from the file lawyer and submit the request form as an update to previously quoted estimates.

2.2.2 It is the responsibility of the CAO's office or designated approving authority to forward copies of the approved request form to the Islands Trust Legislative Services Clerk responsible for maintaining legal files.

2.3. Legal Firm Correspondence

2.3.1 The legal firm will forward correspondence directly to the originating staff with a copy of all correspondence to the CAO or designate.

2.3.2 It is the responsibility of the originating staff to internally distribute copies of legal correspondence to appropriate trustees and staff as well as to the relevant manager and to the central file system.

2.4. Legal Opinion Inventory

2.4.1 It is the Corporate Secretary's or designate's office responsibility to forward appropriate legal correspondence for the Legislative Services Clerk's inclusion in the legal opinion inventory.

2.4.2 It is the Legislative Services Clerk's responsibility to coordinate and maintain a legal opinion inventory system that is readily accessible for trustees and staff.

2.4.3 Originating staff shall check the legal opinion inventory before making legal service requests.

3. Monitoring Services

The contract law firm provides individual invoices for each file by using an individual file code and marked attention to the originating staff in a monthly invoice package sent to the Director of Administrative Services.

3.1. File Review

The Director of Administrative Services distributes each file invoice to the appropriate originating staff Directors and managers for review, signature of approval, and return to the Director of Administrative Services.

3.2. Work in Progress System

The Director of Administrative Service's office maintains a registry of active legal files and records estimate billings from approved legal service requests on a calendar spreadsheet.

3.2.1 It is the responsibility of the Director of Administrative Service's office to distribute the active legal services chart to all legal service access designates (see 1.1.2.) on a monthly basis.

3.2.2 It is the responsibility of all designates to immediately advise the Director of Administrative Services of any corrections, edits, missing files, and/or fee estimates.

3.3. Legal Service Appraisal

The Director of Local Planning Services will advise the Management Group, and the Executive Committee quarterly the status of files subject of litigation proceedings.

3.4 Legal Service Refusal

The CAO, a Director or designate may, at any time, refuse to authorize the approval of a legal service request or legal service approval because:

- the service is not deemed to be required because the subject of the service request has been previously dealt with, it can be handled by staff and/or it is not of a legal nature; and/or
- the legal services budget does not have the capacity to accommodate the request.

Such a decision may be reviewed by the CAO or designate upon request of a local trust committee and, if required, by the Executive Committee.

C. Legislated References

Policy and Procedures Manual: Legal Services Management Policy (6.9.1)

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Attachment 1: Legal Services Request



LEGAL SERVICES REQUEST

- For legal counsel consultations exceeding \$100.00 billable costs
- Completed by legal counsel without billable fees
- See Legal Services Access Procedure for details

LSR File #:

IT Account #:

Description:

TO:

Copy To:

DATE:

FROM:

(← Originating Staff)

URGENT:

UNIT NAME:

(← i.e. billable costs to which unit?)

FILE CODE:

Existing

☐

New File

☐

File Name

LYA Code:

BACKGROUND (Description or Context Matter):

Additional Information:

Attached

☐

Available Upon Request:

☐

Is this Legal Services Request a Cost Recovery:

Yes

☐

No

☐

INSTRUCTIONS (to File Lawyer)

If this is a Cost Recovery, legal services work must not commence until written confirmation from the relevant Islands Trust staff that a cost recovery agreement has been finalized and signed. Please quote the following file number on all correspondence:

Legal service work must not commence prior to written authorization from the Director of Local Planning Services or his designate.



LEGAL SERVICES REQUEST

- For legal counsel consultations exceeding \$100.00 billable costs
- Completed by legal counsel without billable fees
- See Legal Services Access Procedure for details

Designate Staff Contact

Target Response Date

for Cost Estimate

Target Response Date

for Legal Services Completion

LAWYER RESPONSE

FEES

DISBS.

BILLING
MONTH

\$

\$

File Lawyer

LYA Partner

HAVE CHECKED LEGAL OPINION INVENTORY FOR SIMILAR OPINIONS:

☐ YES

☐ NO

Comments:

FUNDING APPROVAL:

DATE:



REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** June 8, 2021
From: Carmen Thiel, Leg. Serv. Mgr. **Date Prepared:** April 28, 2021
SUBJECT: Amendments to Trust Council Policy 2.3.1 Council Committee System

RECOMMENDATION: That Trust Council adopt amended Trust Council Policy 2.3.1 Council Committee System.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The proposed amendments to the policy will clarify meeting frequency, bring wording for quorum in line with the Trust Council Procedure Bylaw 101, and apply the principles of Robert's Rules of Order to ex-officio membership unless otherwise directed.

1 PURPOSE: To delete outdated wording and processes, clarify details around voting and quorum with regard to ex-officio membership, and include wording to reflect that Trust Council Procedure Bylaw No. 101 governs committee proceedings as applicable, with Robert's Rules of Order Newly Revised (RONR) to apply to in cases not provided for under Bylaw No. 101.

2 BACKGROUND: The policy was adopted in March 1998 and amended twice since then. This is one of the policies deemed a top priority for amendment in the Trust Council policy review project.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Proposed amendments will address:

- The terms of ex-officio membership to be in keeping with RONR; "Ex-officio" means "by virtue of office". An ex-officio committee member is a person who is automatically entitled to a position on a committee, for as long as he or she holds a certain office in the organization.

Parliamentarian Eli Mina advises that if an organization's bylaws are silent on the rights of ex-officio members and prescribe RONR as the parliamentary authority, both of which apply in this situation, then an ex-officio committee member has all the rights, such as attending meetings, making motions, speaking in debate, and voting, but none of the duties of the other members (such as the duty to attend meetings). Under RONR, an ex-officio committee member is not counted in calculating the quorum and in determining whether a quorum is present at a meeting.

Currently, the issue of the quorum status and voting privilege of the Trust Council Chair as an ex-officio member of Regional Planning Committee and Trust Programs Committee could use clarification.

Under Section 1. Membership, the policy reads as follows:

“The Financial Planning Committee is comprised of all members of the Executive Committee ...”. For this committee the Trust Council Chair is not designated as being ex-officio, and this has been interpreted as the Council Chair, as part of the Executive Committee (EC), having full voting privileges and being included in determining quorum, like all other EC members on the Financial Planning Committee.

However, for the other two council committees: *The Trust Council Chair is an ex-officio member of the Trust Programs Committee and Regional Planning Committee.*

Under Section 8. Rules of Conduct/Voting, the policy reads: *The Executive Committee member designate (excluding the Council Chair) shall have the full voting privileges of a committee member.* This has been interpreted as the individual Executive Committee designates on the Regional Planning Committee and the Trust Programs Committee having full voting privileges, while the Trust Council Chair, who sits on these committees as an ex-officio member does not have voting privileges.

The proposed changes to the policy under section 8.3 are to remove the words “(excluding the Council Chair)” and adding a new section 8.4: *The Trust Council Chair, as ex-officio member, shall have full voting privileges and shall not be included in determining quorum of a meeting*” in keeping with the advice under RONR.

If Trust Council wishes to retain the current practice where the Trust Council Chair does not have voting privileges on Regional Planning and Trust Programs committees, then the wording in section 8.5 should be changed to read: *The Trust Council Chair, as ex-officio member, shall be a non-voting member of the Regional Planning Committee and the Trust Programs Committee and shall not be included in determining quorum of a meeting.*

- An increase in the frequency of meetings to reflect current practice, i.e. changed from four to six meetings per year.
- The definition of quorum to mirror the wording in Bylaw No. 101.

FINANCIAL:

A formal change in meeting frequency, from four to six regular meetings, could affect a committee’s meeting expense budget, particularly with a return to at least some in-person meetings, as well as the availability of staff resources. In 2020 and 2021 committee meeting frequency changed to six regular meetings per year with additional special meetings for some committees.

POLICY:

Proposed amendments will result in an up to date policy that reflects current practice and clarifies certain provisions in the policy.

IMPLEMENTATION/COMMUNICATIONS:

Once approved, the policy will be posted to the Islands Trust website, and will be available for staff and trustee guidance regarding the Council Committee system.

FIRST NATIONS: N/A

OTHER: N/A

- 4 RELEVANT POLICY(S):** Trust Council Procedure Bylaw No. 101
Regional Planning Committee (RPC): Terms of Reference (Policy 2.3.2)
Financial Planning Committee (FPC): Terms of Reference (Policy 2.3.3)
Trust Programs Committee (TPC): Terms of Reference (Policy 2.3.4)
- 5 ATTACHMENT(S):**
- Attachment 1: Proposed Policy 2.3.1 as amended
 - Attachment 2: Track changes version of current Policy 2.3.1 showing amendments
-

RESPONSE OPTIONS

Recommendation: That Trust Council adopt amended Trust Council Policy 2.3.1 Council Committee System.

Alternative: That Trust Council request further amendments to Policy 2.3.1 prior to adoption.

Prepared By: Carmen Thiel, April 28, 2021

Reviewed By/Date: Russ Hotsenpiller, CAO, April 29, 2021



Policy:	2.3.1
Approved By:	Trust Council
Approval Date:	March 6, 1998
Amendment Date(s):	September 11, 2008; March 14, 2018
Policy Holder:	Chief Administrative Officer

COUNCIL COMMITTEE SYSTEM

Purpose

1. A Council Committee System is adopted by Trust Council comprised of three council committees and the Executive Committee (see Attachment 1):
 - 1.1 Regional Planning
 - 1.2 Financial Planning
 - 1.3 Trust Programs

A. Background

This Policy outlines general Terms of Reference (Section B: 1-9) applicable to all committees, the general role of all committees (Section B: 10) and an overview of committee-specific functions which are detailed further in each council committee's specific terms of reference.

B. Policy

1. Membership

- 1.1 Committee membership includes trustees who have been appointed by the Trust Council Chair.
- 1.2 One Executive Committee member will be assigned by the Trust Council Chair to the Regional Planning Committee and the Trust Programs Committee.
- 1.3 The Financial Planning Committee is comprised of all members of the Executive Committee, the Chair (or designate) of the Regional Planning Committee and the Trust Programs Committee, a member chosen by the Islands Trust Conservancy Board and three (3) other local or municipal trustees.
- 1.4 By the second Trust Council meeting following the quadrennial trustee elections or as required, the Chair of Trust Council will recommend council committee member appointments for ratification by Trust Council, based on an indication of interest by trustees and on Trust Area-wide considerations.
- 1.5 The Trust Council Chair is an ex-officio member of the Trust Programs Committee and the Regional Planning Committee.

2. Committee Chair

- 2.1 Committee members shall elect the Committee Chair and Vice-Chair at the first meeting of the term or as required.
- 2.2 The Trust Council Chair may appoint an interim Committee Chair when required.
- 2.3 The Committee Chair will normally chair the committee meeting. However, the Chair may designate the Vice-Chair to act as Committee Chair. In the absence of the Chair and Vice-Chair, the committee shall choose a committee member to act as Chair of a meeting.

3. Available Resources

- 3.1 Each committee, with the assistance of its management support, is responsible to conduct its activities within its assigned budget accounts.
- 3.2 A committee resolution is required to expend monies from the committee's assigned committee projects account.

4. Staff Support

- 4.1 Staff's primary function to a committee is to act in a support/advisory role and as such, a committee may make requests of staff.
- 4.2 It is the Chief Administrative Officer's (CAO) role to manage and direct staff support to the committees and concerns in this regard should be communicated by the Committee Chair to the CAO. Unresolved matters by the aforementioned means shall be dealt with by the Executive Committee.

5. Meetings

- 5.1 The number of committee meetings per year is six and any further meetings must be planned within the approved committee's meeting expense account.
- 5.2 Changes to the Master Meeting Schedule of regularly scheduled committee meetings must be coordinated with the Executive Coordinator.
- 5.3 Committee meetings during the Trust Council quarterly meetings are to be avoided.

6. Agenda/Minutes Preparation

- 6.1 Committee meeting agendas will be prepared by the designated staff in consultation with the Committee Chair.
- 6.2 The agenda will be distributed to committee members, and the CAO at least five calendar days before the meeting.
- 6.3 The agenda shall be determined as follows:

- 6.3.1 Additional items may be placed on the agenda by agreement of a majority of the committee members present at the meeting.
- 6.3.2 The agenda shall be approved as the first item of business.
- 6.3.3 The agenda should include:
 - 6.3.3.1 Approval of previous meeting minutes
 - 6.3.3.2 Follow-Up Action List (FUAL)
 - 6.3.3.3 Trust Council referral items
- 6.4 Minutes must be done in accordance with Trust Council Policy 6.13 Islands Trust Minutes Guidelines.
- 6.5 Each committee is required to maintain a FUAL using the Trust's standardized format.
- 6.6 The FUAL is updated within seven days of the Committee meeting and subsequently placed on the agenda of the next scheduled meeting..
- 6.7 Draft minutes of a committee meeting are considered for approval at the next meeting.

7. Council/Committee Relationship

- 7.1 Each committee shall maintain a work program - which must include:
 - 7.1.1 Items referred to the committee from Trust Council (including date of referral).
 - 7.1.2 Projects, new initiatives, ideas and issues identified by the committee.
 - 7.1.3 The top three (3) priorities/strategies that it is working on, as approved by Trust Council, and must include any of Trust Council's priorities that it has assigned.
- 7.2 Each committee shall review and prioritize items within its work program, each Trust Council item referred to it, and shall report to Trust Council at the next quarterly Trust Council meeting on such items.
- 7.3 Committees are required to submit top priorities in a Work Program Report to the Executive Coordinator in time for the Trust Council agenda package preparation deadline. The Work Program Report is to be presented by the Council Committee Chair (or designate).
- 7.4 All Council Committee proposals and/or recommendations to be placed on the Trust Council agenda shall be referred to the Executive Committee . These must be submitted for the Executive Committee's last meeting prior to when the Trust Council agenda package is distributed to trustees.

- 7.5 The Council Committee Chair (or designate) may request an opportunity to directly present committee matters to the Executive Committee.
- 7.6 It is the role of the Executive Committee members of Council Committees to ensure inter-committee liaison on relevant information, referrals, status on Council priorities/strategies, and to keep the Executive Committee apprised of the Council Committee's directions and activities and vice versa.

8. Rules of Conduct/Voting

- 8.1 Trust Council Procedure Bylaw 101 governs the proceedings of committees as applicable. In cases not provided for under Bylaw 101, Robert's Rules of Order Newly Revised shall apply to the proceedings of committees.
- 8.2 The quorum of a Council committee is a majority of all of its members.
- 8.3 The Executive Committee member designate shall have the full voting privileges of a committee member.
- 8.4 The Trust Council Chair, as ex-officio member, shall have full voting privileges and shall not be included in determining quorum of a meeting.

9. Liaison

- 9.1 Liaison with provincial, federal and local government politicians shall be requested by a Committee Chair to the Trust Council Chair or the CAO so that the Trust's political liaison can be coordinated. The Council Committee is expected to provide an outline regarding the purpose of the meeting, a proposed discussion strategy and recommended Islands Trust representation.
- 9.2 Liaison with provincial, federal and local government staff shall be requested by the staff liaison member (in consultation with CAO when liaison is required with senior staff). It is expected that trustees, for the purpose of committee business, would meet other government staff with an Islands Trust staff member.
- 9.3 Liaison with the media shall be coordinated through the CAO and the Trust Council Chair who in turn may refer specific inquiries to the Council Committee Chair.

10. General Role

- 10.1 To provide policy advice to Trust Council in response to Trust Council's referrals, committee initiatives and external requests of the Trust.
- 10.2 To provide feedback to staff on matters going to Trust Council.
- 10.3 To implement and maintain a committee-specific work program.
- 10.4 To make recommendations to Trust Council on inter-agency liaison or protocol initiatives.

- 10.5 To create sub-committees (or task forces) which may be comprised of trustees, staff or external persons as required for a specific duration to examine a particular committee matter upon approval by Trust Council.
- 10.6 To provide input and feedback to the annual budget process.
- 10.7 To provide input to Trust Council's organizational strategic planning process.

C. Legislated References

Trust Council Policy and Procedures Manual:

Regional Planning Committee (RPC): Terms of Reference (2.3.2)

Financial Planning Committee (FPC): Terms of Reference (2.3.3)

Trust Programs Committee (TPC): Terms of Reference (2.3.4)

Trust Council Meeting Procedure Bylaw 101

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Attachment 1: Committee-Specific Functions

Attachment 1: COMMITTEE-SPECIFIC FUNCTIONS

REGIONAL PLANNING COMMITTEE (RPC)	TRUST PROGRAMS COMMITTEE (TPC)
1. Growth Management Tools 2. Community Planning Tools 3. Development Management Tools 4. Local Planning Service Delivery	1. Environmental Policy 2. Research and Information Systems Program 3. Sustainable Communities Policy 4. Trust Area Program Initiatives
FINANCIAL PLANNING COMMITTEE (FPC)	EXECUTIVE COMMITTEE (EC)
1. Annual Budget 2. Long Term Financial Planning 3. Fiscal Controls 4. Annual Audit	1. Bylaw Approval 2. Policy Agenda Coordination 3. Legislation Agenda 4. Communications Agency Liaison 5. Chief Administrative Officer Liaison 6. Trust Council Business 7. Strategic Direction



Policy:	2.3.1
Approved By:	Trust Council
Approval Date:	March 6, 1998
Amendment Date(s):	September 11, 2008; March 14, 2018
Policy Holder:	Chief Administrative Officer

COUNCIL COMMITTEE SYSTEM

Purpose

1. A Council Committee System is adopted by Trust Council comprised of three ~~c~~Council ~~c~~Committees and the Executive Committee (see Attachment 1):
 - 1.1 Regional Planning
 - 1.2 Financial Planning
 - 1.3 Trust Programs

A. Background

This Policy outlines general Terms of Reference (Section B: 1-9) applicable to all committees, the general role of all committees (Section B: 10) and an overview of committee-specific functions which are detailed further in each ~~c~~Council ~~c~~Committee's specific terms of reference.

B. Policy

1. Membership

- 1.1 Committee membership includes trustees ~~(including members of a local trust committee who are not members of Trust Council)~~ who have been appointed by the Trust Council Chair.
- 1.2 One Executive Committee member will be assigned by the Trust Council Chair to ~~each committee, the Regional Planning Committee and the Trust Programs Committee.~~
- 1.3 The Financial Planning Committee is comprised of all members of the Executive Committee, the Chair (or designate) of ~~other cCouncil cCommittees~~ the Regional Planning Committee and the Trust Programs Committee, a member chosen by the Islands Trust Conservancy Board and three (3) other locally ~~elected~~ or municipal trustees.
- 1.24 By the second Trust Council meeting following the quadrennial trustee elections or as required, the Chair of Trust Council will recommend ~~c~~Council ~~c~~Committee member appointments for ratification by Trust Council, based on an indication of interest by trustees and on Trust Area-wide considerations.

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Commented [CT1]: There are no circumstances where a trustee is not a member of Trust Council. The wording in brackets was included in anticipation of a referendum for additional Salt Spring Island local trustees. Since that never came to fruition, the phrase can be deleted as it causes confusion.

1.35 The Trust Council Chair is an ex-officio member of the Trust Programs Committee and ~~the~~ Regional Planning Committee.

2. Committee Chair

- 2.1 Committee members shall elect the Committee Chair and Vice-Chair at the first meeting of the term or -as required.
- 2.2 The Trust Council Chair may appoint an interim Committee Chair when required.
- 2.3 The Committee Chair will normally chair the committee meeting. However, the Chair may designate the Vice-Chair to act as Committee Chair. In the absence of the Chair and Vice-Chair, the committee shall choose a committee member to act as Chair of ~~the~~ a meeting.

3. Available Resources

- 3.1 Each committee, with the assistance of its management support, is responsible to conduct its activities within its assigned budget accounts.
- 3.2 A committee resolution is required to expend monies from the committee's assigned committee projects account.

Commented [RB2]: Needs Julia's review: what is this "project account"? How does it relate to the Work Program projects?

4. Staff Support

- 4.1 Staff's primary function to a committee is to act in a support/advisory role and as ~~such~~such, a committee may make requests of staff.
- 4.2 It is the Chief Administrative Officer's (CAO) role to manage and direct staff support to the committees and concerns in this regard should be communicated by ~~the Committee~~the Committee Chair to the CAO. Unresolved matters by the aforementioned means shall be dealt with by the Executive Committee.

5. Meetings

- 5.1 The number of committee meetings per year is ~~four~~six and any further meetings must be planned within the approved committee's meeting expense account.
- 5.2 Changes to the Master Meeting Schedule of regularly scheduled committee meetings must be ~~requested-coordinated through-with~~ the Executive Coordinator.
- 5.3 Committee meetings during the Trust Council quarterly meetings are to be avoided.

Commented [RB3]: For 2021, all three Committees scheduled 6 and one Committee has already added 2 special meetings.

6. Agenda/Minutes Preparation

- 6.1 Committee meeting agendas will be prepared by the designated staff in consultation with the Committee Chair.
- 6.2 The agenda will be distributed to committee members, ~~the Trust Council Chair~~ and the CAO at least ~~40~~five calendar days before the meeting.

Commented [RB4]: The Trust Council Chair is a member of all Council Standing Committees and therefore automatically receives a copy of agendas.

- 6.3 The agenda shall be determined as follows:
- 6.3.1 Additional items may be placed on the agenda by agreement of a majority of the committee members present at the meeting.
 - 6.3.2 The agenda shall be approved as the first item of business.
 - 6.3.3 The agenda should include:
 - 6.3.3.1 Approval of previous meeting minutes
 - 6.3.3.2 Follow-Up Action List (FUAL)
 - 6.3.3.3 Trust Council referral items
- 6.4 Minutes ~~should~~must be kept in a standard format and include: those present and absent, numerically sequenced resolutions, status of resolutions, disposition of agenda items and specific matters requested by a member attending. It is not intended that minutes are to be a recording of everything that is said at a meeting but rather a listing of key points relative to agenda items and resolutions~~done~~be done in accordance with Trust Council Policy 6.13 Islands Trust Minutes Guidelines.
- 6.5 Each committee is required to maintain a FUAL using the Trust's standardized format.
- 6.6 The FUAL is updated within seven days of the Committee meeting and subsequently placed on the agenda of the next scheduled meeting. The FUAL is to be distributed to all committee members, the designated staff member, the Council Chair and the CAO within seven days of the committee meeting.
- 6.7 Draft mMinutes of a committee meeting are approved-considered for approval at the next meeting, and approved minutes signed by the Recorder shall be distributed to all committee members, CAO and Executive Committee within three days of the committee's approval of the minutes.

Commented [CT5]: While the FUAL is distributed to designated staff members within seven days of a meeting, it is generally not provided to committee members, including the Council Chair, until the agenda of the next meeting is distributed.

7. Council/Committee Relationship

- 7.1 Each committee shall maintain a work program - which must include:
- 7.1.1 Items referred to the committee from Trust Council (~~dated~~including referral date).
 - 7.1.2 Projects, nNew initiatives, ideas, and issues identified by the committee.
 - 7.1.3 The top three (3) pPriorities/~~s~~Strategies that it is working on, as approved by Trust Council, which-and must include any of Trust Council's priorities that it has ~~been~~ assigned.
- 7.2 Each committee shall review and prioritize items within its work program, each Trust Council item referred to it, and shall report to Trust Council at the next quarterly Trust Council meeting on such items.

- 7.3 Committees are required to submit a Highlights Report to the Executive Coordinator, ~~to be presented by the committee Chair (or designated committee member), in time~~ for the Trust Council agenda package preparation deadline. The Highlights Report is to be presented by the Council Committee Chair (or designate).
- 7.4 All ~~Council~~ Committee proposals and/or recommendations ~~to be placed on the Trust Council agenda~~ shall be referred to the Executive Committee ~~to be placed on the Trust Council agenda~~. These must be submitted for the Executive Committee's last meeting prior to when the Trust Council agenda package is distributed to trustees.
- 7.5 The Council Committee Chair (or designate) may request an opportunity to directly present committee matters to the Executive Committee.
- 7.6 It is the role of the Executive Committee members of Council Committees to ensure inter-committee liaison on relevant information, referrals, status on Council priorities/strategies, and to keep the Executive Committee apprised of the ~~Council~~ Committee's directions and activities and vice versa.

8. Rules of Conduct/Voting

- 8.1 Trust Council Meeting Procedure Bylaw 101 governs the proceedings of committees as applicable. In cases not provided for under Bylaw 101, Robert's Rules of Order Newly Revised shall apply to the proceedings of committees. Unless otherwise provided or agreed to by members, the Trust issued edition of Robert's Rules of Order shall apply.
- 8.2 ~~Unless otherwise provided or agreed to by members, voting shall be by a show of hands.~~
- ~~8.38.2~~ A The quorum of any of a Council Committee shall be committee is comprised of 50% majority of all of its members the current membership appointments.
- ~~Meetings may be conducted without a quorum, however, resolutions must be ratified at the committee's next meeting.~~
- 8.34 The Executive Committee member designate ~~(excluding the Council Chair)~~ shall have the full voting privileges of a committee member.
- 8.54 The Trust Council Chair, as ex-officio member, shall have full voting privileges and shall not be included in determining quorum of a meeting.

9. Liaison

- 9.1 Liaison with provincial, federal, and local government politicians shall be requested by ~~the a~~ e Committee Chair to the Trust Council Chair ~~(or the CAO)~~ so that the Trust's political liaison can be coordinated. The Council ~~C~~committee is expected to provide an outline regarding the purpose of the meeting, a proposed discussion strategy and recommended Islands Trust representation.

Commented [RB6]: The Islands Trust doesn't issue editions of RONR!

Commented [CT7]: This point is already covered in the TC Procedure bylaw.

Commented [CT8]: This wording matches exactly what is in the TC Procedure bylaw. It can either be left in the policy as clarification, or taken out since its covered in the bylaw.

Commented [RB9]: A quorum is the minimum number of members of a deliberative assembly necessary to conduct the business of that group. Therefore without quorum, business cannot be conducted.

Commented [CT10]: This is a change from former practice and reflects procedure from Roberts Rules. Ex-officio means "by virtue of office". An ex-officio committee member is a person who is automatically entitled to a position on a committee, for as long as he or she holds a certain office in the organization. Eli Mina advises that if an organization's Bylaws are silent on the rights of ex-officio members and prescribe Robert's Rules of Order Newly Revised (RONR) as the Parliamentary Authority, then an ex-officio committee member has all the rights (attending, making motions, speaking in debate, and voting) but none of the duties of other members (such as the duty to attend meetings). Under RONR, an ex-officio committee member is not counted in calculating the quorum and in determining whether a quorum is present at a meeting.

- 9.2 Liaison with provincial, federal, and local government staff shall be requested by the staff liaison member (in consultation with CAO when liaison is required with senior staff). It is expected that trustees, for the purpose of committee business, would meet other government staff with an Islands Trust staff member.
- 9.3 Liaison with the media shall be coordinated through the CAO and the Trust Council Chair who in turn may refer specific inquiries to the Council Committee Chair.

10. General Role

- 10.1 To provide policy advice to Trust Council in response to Trust Council's referrals, committee initiatives and external requests of the Trust.
- 10.2 To provide feedback to staff on matters going to Trust Council.
- 10.3 To implement and maintain a committee-specific work program.
- 10.4 To make recommendations to Trust Council on inter-agency liaison or protocol initiatives.
- 10.5 To create sub-committees (or task forces) which may be comprised of trustees, staff or external persons as required for a specific duration to examine a particular committee matter upon approval by Trust Council.
- 10.6 To provide input and feedback to the annual budget process.
- 10.7 To provide input to Trust Council's organizational strategic planning process.

C. Legislated References

Trust Council Policy and Procedures Manual:

- Regional Planning Committee (RPC): Terms of Reference (2.3.2)
- Financial Planning Committee (FPC): Terms of Reference (2.3.3)
- Trust Programs Committee (TPC): Terms of Reference (2.3.4)

Trust Council Meeting Procedure Bylaw 101

Current Council Committee Members List

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Attachment 1: Committee-Specific Functions

Commented [CT11]: This is not a legislated reference nor is it the usual place where committee membership would be listed. The committee membership, which changes after each election, is listed on the Islands Trust website once committee appointments have been made (every four years) and the chair and vice chair have been elected.

Attachment 1: COMMITTEE-SPECIFIC FUNCTIONS

REGIONAL PLANNING COMMITTEE (RLPC)	TRUST PROGRAMS COMMITTEE (TPC)
1. Growth Management Tools 2. Community Planning Tools 3. Development Management Tools 4. Local Planning Service Delivery	1. Environmental Policy 2. Research and Information Systems Program 3. Sustainable Communities Policy 4. Trust Area Program Initiatives
FINANCIAL PLANNING COMMITTEE (FPC)	EXECUTIVE COMMITTEE (EC)
1. Annual Budget 2. Long Term Financial Planning 3. Fiscal Controls 4. Annual Audit	1. Bylaw Approval 2. Policy Agenda Coordination 3. Legislation Agenda 4. Communications Agency Liaison 5. Chief Administrative Officer Liaison 6. Trust Council Business 7. Strategic Direction

To: Executive Committee **For the Meeting of:** May 5, 2021

From: Mark van Bakel **Date Prepared:** April 29, 2021
R Hotsenpiller

SUBJECT: Review of options to provide hybrid live and electronic Local Trust Committee Meetings

PURPOSE: To discuss the information technology (IT) and administrative options available to Islands Trust for hybrid public meetings (combining physical brick and mortar venues with concurrent digital sessions), and present cost and staff resource impacts .

BACKGROUND: As Executive Committee is aware, there will be a requirement for local governments to provide ‘in-person’ meetings once the provincial emergency powers associated with the pandemic conclude. This report provides further detail on how we could conduct such meetings.

In response to COVID-19 protocols, staff and trustees have replaced brick and mortar publicly accessible venues with digital Zoom sessions as the primary meeting location. Today, all Islands Trust public meetings including local trust committees (LTC), Islands Trust Conservancy (ITC), Council Committees, and Trust Council are conducted digitally using the Zoom webinar and meeting platforms. In addition to providing a safe and cost effective alternative to physical meetings, Zoom also facilitates live streaming using a contracted private streaming service, in full compliance with the Freedom of Information and Protection of Privacy Act (FOIPPA).

In the coming months, how we provide access to public meetings will depend in part on the evolving COVID-19 protocols but largely on how we choose to apply existing information technology options.

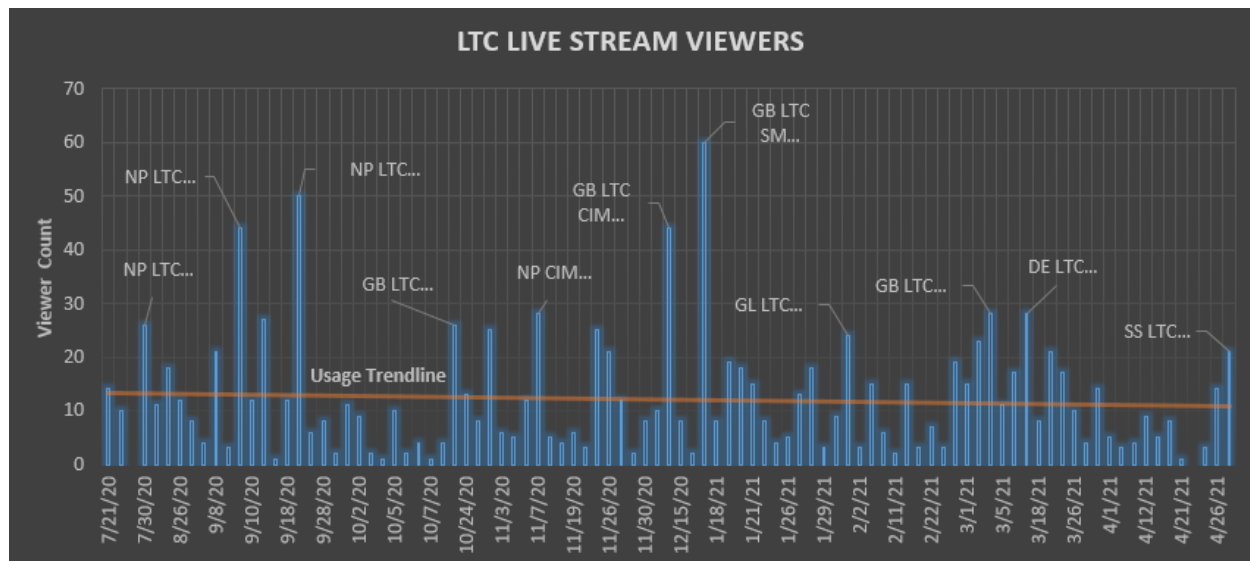
Current Practices

All LTC, ITC, Council Committee, and Trust Council meetings are currently being conducted digitally, providing the public with three options when considering how to engage in Islands Trust meetings:

1. **Attend** the Zoom Webinar, actively participate in the Zoom Webinar (i.e. town hall sessions as directed by the meeting chair) ;
2. **Watch** the Live Stream, passively observing the live proceedings, or
3. **Watch** the Video on Demand (VOD) after the meeting.

Since June 17th, when tracking of live stream analytics began there has been a total **246 Zoom webinars**, with a total of **7077 participants** (Staff, Trustees and Public). Over this same period there have been an estimated **3,108 live stream viewers** with Trust Council, Gabriola and North Pender LTCs attracting the greatest public interest.

LTCs officially began live streaming on July 21, 2020. Unfortunately we are unable to provide Zoom LTC webinar attendee totals independent of ITC, Council Committee, and Trust Council meetings. What we can say is, as of April 29, 2021, there have been a total of 95 LTCs, **with 1152 live stream viewers**, and **2570 VOD views**. Overall trends indicate a stable running average demand by live stream viewers over time. (See LTC Live Stream Viewers chart below).



Assumptions

As we consider how to deliver a hybrid of a live/electronic meeting options key assumptions guide our planning:

1. We are undertaking a difficult task, that is, to bring electronic boardroom interactivity to 13 different corporate bodies, and as such we accept the complexity and variability associated with any preferred outcome.
2. That our current electronic meeting protocol has been of benefit to greater public participation and transparency.
3. Trustees want to maintain electronic interactive capability for in person meetings.
4. The ability to hold ZOOM meetings has lead to an increase in requests for LTC meetings and special meetings across the Islands Trust.
5. It is inefficient to send multiple staff to a given LTC meeting for environmental, productivity and planning management reasons, so limiting the requirement for physical attendance is of benefit.
6. We wish to maintain flexibility in delivering public engagement.
7. Our current staffing during COVID with regard electronic meetings has resulted in the loss of approximately .75-1.0 fte between the Northern, Southern and Salt Spring offices. Staff have calculated that approximately 350-400 hours have gone to meeting administration since January. Extrapolated over a year this would be approximately 1600 hours which represents 0.9 fte.

Issues

Given the above, and the desire expressed by trustees generally to continue with interactive ZOOM/electronic capability for in person meetings, what issues do we have to address?

1. Hardware will need to be provided to each meeting in order to provide electronic connectivity.
2. How do the hardware kits get to each LTC meeting?
3. Who sets up the equipment and breaks it down?
4. What does the public see and hear, both in a meeting space and on a ZOOM platform?
5. What do the trustees and staff see and hear during a meeting?

6. Do we need to project agendas and reports?
7. Who and how many planning staff attend a given LTC meeting?
8. Do all LTCs need the same level of electronic meeting capability?
9. How much funding does the Islands Trust want to direct to provision of LTC meetings.
10. Other.

Technology

To address these requirements, and meet the public's demand for continued digital engagement, staff propose a model that provides combined physical brick and mortar venues with concurrent digital sessions. Using Zoom and the contracted private streaming service that facilitates ongoing live streaming and video on demand (VOD) services would continue and be combined with regular live meeting procedures. The resulting hybrid meeting options follow:

1. **Attend** in person (Or **Attend** the Zoom Webinar)
2. **Watch** the Live Stream, passively observing the live proceedings, or
3. **Watch** the Video on Demand (VOD) after the meeting.

Hardware Requirements

Whether the public attends via Zoom, or in person, the hardware requirements for hybrid public meeting are the same. The final price however is dependent on the quantity (QTY) of hardware packages distributed. Individual packages are estimated at **\$3,320**.

QTY	DESCRIPTION	UNIT PRICE	COMMENTS
1	Devio SRC-20 Biamp (comes with table top microphone)	\$2,500	
1	Laptop	\$0	Existing Inventory
1	Logitech Webcam and Tripod	\$180	
1	Cellular WIFI Hub	\$0	Existing Inventory
1	Portable Powered Speaker Set	\$100	
1	Power Bar and Extension Cable	\$50	
1	Travel Case – customized with foam inserts	\$150	
1	Portable Screen	\$50	3 in Inventory. Unit price \$200
1	20 foot RCA Cable	\$20	
1	Projector	\$250	3 in Inventory. Unit price \$1000
1	Gaffer Tape	\$20	
	Total	\$3,320	

Unit pricing does not include shipping or taxes.

For a detailed description of each component listed above, as well as a sample setup process see attached *ITC Hardware Package*.

Staff Requirements

As described above, the current staffing requirement for administering LTC meetings and special meetings during COVID times is approximately .9 FTE. This has created a productivity deficit that requires that 'as and when' administration is hired, overtime is needed or work left undone. It is therefore recommended that new dedicated staff be hired to provide the new LTC meeting process for the Islands Trust.

Initial Recommendation: The following is a broad recommendation for consideration of Executive Committee.

It is proposed that:

1. That a new position is developed and funded to coordinate LTC public meeting production.
 - a. This position would develop hardware kits, coordinates kit dispersion and scheduling, train on island staff and administer the majority of meetings.
 - b. Approximate cost: \$80,000
2. That up to seven meeting kits are developed and the following each get a dedicated kit left on island:
 - a. Hornby/Denman
 - b. Salt Spring
 - c. Gabriola
 - d. N Pender/S Pender
 - e. Galiano
 - f. Gambier/Keats
3. That 2 roving kits are developed for Mayne, Thetis, and Saturna.

Approximate total cost for 2 and 3 is : \$22,000
4. Minute takers are trained to set up the meeting spaces and steward the equipment.

At the EC meeting on May 5 staff can provide an overview of what the 'in meeting' experience would be for the various participants.

In general we have, as an organization, absorbed the extra costs created by our response to the pandemic. It is not reasonable to rationalize those costs on an ongoing basis, so Executive Committee and Trust Council will need to support either increased funding to this initiative or a reduction in service expectations.

ATTACHMENT(S):

1. **ITC Hardware Package.doc**

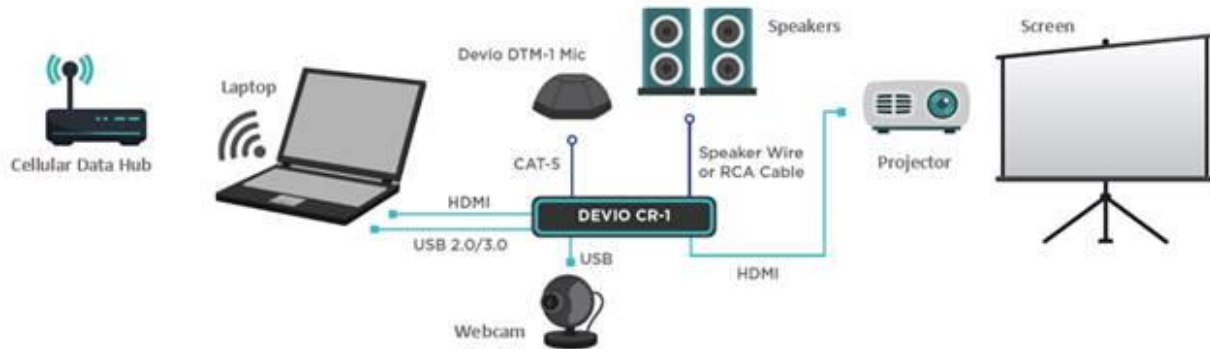
FOLLOW-UP: If Executive Committee is in favour of this approach, the recommendation would be refined with specific meeting protocols, options for budget amendment and costs and provided in an RFD at the next EC meeting with the intention that the matter be referred to the June 2021 Trust Council meeting.

Prepared By: Mark Van Bakel
Russ Hotsenpiller

Reviewed By/Date: R Hotsenpiller, April 30, 2021

Proposed LTC Hardware Package

The diagram below includes all hardware package components, and suggests an approximate layout. Descriptions of each component, and a sample setup process follow.



Devio SRC-20 Biamp

This is the same device used in the Victoria, Salt Spring and Gabriola office boardrooms. It is designed to be portable, but can be mounted behind a screen as we have done in the boardrooms. One of the defining features of this digital sound processor (DSP) is the ability to auto tune in changing meeting spaces. Regardless of the venue, be it a small room or cavernous hall, we will be able to ensure quality audio.

Laptop

We propose using dedicated refurbished (no longer under warranty) laptops from our existing inventory. Dedicated laptops will help ensure the device is preconfigured with all necessary software and operating system settings, bringing us as close as possible to plug and play.

Logitech Webcam and Tripod

We have tested a wide angle (120 degree capture) web camera and believe this low cost solution will succeed in capturing a predefined committee, chair and speaker seating and podium configuration. Two cameras, one for Trustees and one for the public, were deemed to make the entire configuration too complicated for setup and administration.

Cellular Data Hub

We propose using existing inventory Trust Council cellular Data WIFI hubs. Note that this will not guarantee sufficient internet connectivity. We have compiled a list of known LTC venues to assess potential connectivity issues (see attached). At least 4 venues have been identified with no available connectivity, and 9 that are questionable.

Portable Powered Speaker Set

Two speakers are required. One pointing in the direction of the public seating, and another pointing in the direction of the Trustees.

Travel Case

We have had great success with purchasing inexpensive suitcases with custom foam inserts, which provide for safe storage and transport.

Portable Projector and Screen

We currently have 3 portable screens plus the really big one used for Trust Council. We recommend purchasing one more under the 4 kit model. We have 4 projectors however one is for the Victoria office for use at meetings like LPS Pro Days. We recommend purchasing one more.

Sample setup process

1. Arrive on site with all equipment in travel case. Inspect location and ensure tables etc. set up in reasonable locations if not adjust accordingly.
2. Open case and place equipment in prescribed locations – visual chart provided - Projector, screen, laptop, devio, speakers, mic etc.
3. Run cables as prescribed between locations of equipment, electrical, speaker etc. - visual chart included as well cables clearly labeled. Apply safety tape to cables as required.
4. Power up equipment in order per instructions (Wifi hub, projector, devio, speaker, computer).
5. Connect to computer and verify internet connectivity. Select DEVIO icon on desktop – request silence in room and run sound balance.
6. Start Zoom meeting. Ensure projector selected as duplicate display. Confirm audio working. Start meeting.

Total time for setup estimated at 15 minutes.

BRIEFING

To:	Executive Committee	For the Meeting of:	May 5, 2021
From:	Trust Area Services	Date Prepared:	April 27, 2021
SUBJECT:	First Draft of New Policy Statement Bylaw		

PURPOSE: To present Executive Committee with a first draft of a new Islands Trust Policy Statement Bylaw for review and consideration.

BACKGROUND:

First Draft of a new Policy Statement Amendment Bylaw:

Staff has prepared a first draft of a new Policy Statement bylaw for Trust Programs Committee's (TPC) and Executive Committee's review and consideration prior to First Reading in June. TPC will have two opportunities to discuss this first draft prior to First Reading – on May 3 and on May 14. EC will have an opportunity to review on May 5 and May 26. On May 3, staff will provide an introductory presentation to Trust Programs Committee (EC members invited to attend) with rationale for the proposed amendments based on input received from First Nations, the public, Trust Council, individual trustees, TPC and its three working groups, and staff. This meeting will also be an opportunity for early questions and comments from TPC.

Attachment 1 is the first draft (Version 1.0) of the new Policy Statement bylaw. Amendments have been grouped into four categories and colour coded in relation to the project scope:

Sections highlighted in blue: primarily reconciliation-related amendments

Sections highlighted in green: primarily climate change-related amendments

Sections highlighted in pink: primarily housing-related amendments

Sections highlighted in yellow: general edits for clarity, accuracy, or brevity

Attachment 2 is the current Policy Statement (2003 consolidated version) with annotations to indicate which sections/policies have been moved or removed in the new document, along with the rationale.

Committee Consultations Prior to First Reading:

- **May 3 Special TPC Meeting:**
Staff will introduce the first draft of the new Policy Statement bylaw to TPC (and EC members that attend), provide an introductory presentation, and receive early questions and comments.
- **May 5 Executive Committee meeting**
- Staff will provide the first draft to RPC and receive early questions and comments.
- **May 12 Regional Planning Committee (RPC) Meeting:**
Staff will provide the first draft to RPC and receive early questions and comments.
- **May 14 Regular TPC Meeting:**
Staff will provide a Request for Decision, recommending that TPC forward the new amended Policy Statement bylaw to Executive Committee (as is, or as amended by TPC).
- **May 25 Islands Trust Conservancy (ITC) Board Meeting:**
Staff will provide the first draft to the ITC Board and receive early questions and comments.

- **May 26 Executive Committee Meeting:**
Staff will incorporate feedback from TPC and RPC and provide a Request for Decision, recommending that EC forward the bylaw to Trust Council for First Reading in June.

Policy Statement Amendment Project Background:

Trust Council has assigned the Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement, including:

- General update: Introduction, Part 1, Part 2 and 'Schedule 1 – Definitions';
- Update of the whole document through the lens of Reconciliation;
- Update of the whole document through the lens of Climate Change;
- Update regarding Affordable Housing to ensure that the document:
 - gives affordable housing a greater profile for its role in sustainable communities;
 - includes a reference to affordable housing in its policy direction to Local Trust Committees and Island Municipalities;
 - includes a clear and well thought-out definition of 'affordability';
 - includes a clearly articulated vision, goals and objectives for affordable housing.

The first three stages of the Policy Statement Amendment Project were focused on First Nations engagement and relationship building, two phases of public engagement, regular meetings of three TPC working groups, a number of special TPC meetings, Trust Council discussions on interpretations of the Trust Object, individual trustee feedback, and ongoing staff research and analysis. A summary of input received through First Nations and public engagement processes, input from trustees, TPC and its working groups, and staff analysis, was included in the March 2021 Trust Council agenda package and will be further updated and refined prior to First Reading.

The project is now completing Stage Four of its timeline, dedicated to analyzing, synthesizing, and integrating all of the input received to date into a new Policy Statement bylaw. The project timeline aspires to reach Fourth Reading by the end of the 2018-2022 term.



ATTACHMENT(S):

1. DRAFT New Policy Statement Bylaw No. 183 (Version 1.0)
2. Annotated Current Policy Statement Bylaw No. 17 (2003 Version)

FOLLOW-UP: In order to promote an efficient discussion on May 14, TPC members will be encouraged to send written feedback to Staff/Dilani Hippola at dhippola@islandstrust.bc.ca after the May 3 meeting and no later than May 6, for inclusion in the May 14 TPC agenda package. Reconciliation related questions may be addressed to Staff/Lisa Wilcox at any time. Staff will provide a more detailed written rationale for the proposed amendments as part of the May 14 Regular TPC Meeting agenda package and the May 26 Executive Committee agenda package .

Prepared By: Dilani Hippola, Senior Policy Advisor, Trust Area Services

Reviewed By/Date: Gillian Nicol, Program Coordinator / April 27, 2021

Lisa Wilcox, Senior Intergovernmental Policy Advisor / April 27, 2021
Clare Frater, Director, Trust Area Services / April 27, 2021
David Marlor, Director, Local Planning Services / April 27, 2021
Russ Hotsenpiller, CAO / April 27, 2021



Islands Trust

Amended Draft Version 1.0

Islands Trust Council **DRAFT** Bylaw No. 183:
ISLANDS TRUST POLICY STATEMENT BYLAW, 2021

ISLANDS TRUST POLICY STATEMENT

DRAFT 1.0 - April 27, 2021

Sections highlighted in blue: primarily reconciliation related amendments

Sections highlighted in green: primarily climate change related amendments

Sections highlighted in pink: primarily housing related amendments

Sections highlighted in yellow: general edits for clarity, accuracy, or brevity

References highlighted in (blue parentheses) at the end of each policy refer to the corresponding policy in the 2003 consolidated version of the Policy Statement or indicate (new) policies.

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PART 1 - INTRODUCTION

1.1 ACKNOWLEDGMENT (new)

Islands Trust Council acknowledges that the Islands Trust Area is located within the treaty and territorial lands and waters of the BOKEĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, STÁUTW, Stz'uminus, łaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIKEM, Xeláltxw, Xwémalhkww/ʔop qaymıxʷ, and xʷməθkʷəy̓əm (collectively referred to hereinafter as 'First Nations').

Islands Trust Council acknowledges that the lands and waters encompassing the Trust Area are subject to the treaty and territorial rights of First Nations. The Trust Area has been home to Indigenous Peoples since time immemorial and the close relationship of First Nations to these lands and waters continues to this day. Islands Trust Council honours the rich history and cultural heritage of the region and has committed to reconciliation and meaningful engagement with First Nations in the Trust Area.

1.2 ESTABLISHMENT OF THE ISLANDS TRUST

To understand the Islands Trust governance model, it is helpful to understand its origins. In the 1960s, as the urban centres of Vancouver, Nanaimo, and Victoria were experiencing rapid population growth, the Gulf Islands in British Columbia began facing unprecedented pressure for residential development. Without any meaningful form of local government for non-incorporated island communities at the time, Gulf Island residents began expressing widespread concern that the area's highly-valued and fragile environment could be irreversibly damaged by unrestrained development. In 1969, the provincial government responded by instituting a temporary freeze on the subdivision of land until island communities could adopt plans and regulations to control growth.

In 1972, an all-party provincial Select Standing Committee on Municipal Affairs was established to investigate the unique problems facing the Trust Area. In its 1973 report to the Legislative Assembly of British Columbia, the Committee concluded that development pressures arising from the area's proximity to major urban centres were damaging the very features that made the region so attractive to residents and visitors. The Committee recommended the formation of an 'Islands Trust' to assume the primary responsibility for coordinated governance of the region.

In response to the Committee's recommendations, the Government of British Columbia enacted the ***Islands Trust Act*** in 1974. The Act established the Islands Trust as a **special-purpose government** with a conservation-oriented responsibility to preserve and protect the Islands Trust Area for the benefit of residents of the Trust Area and of British Columbia more broadly.

In the years following the establishment of Islands Trust, pressure for development of the Trust Area islands continued. Between 1974 and 1987, the Area's resident population increased by sixty per cent, far exceeding the growth rate of adjacent areas. Several amendments were made to the *Islands Trust Act* during this period, giving the Islands Trust community planning and land-use authority comparable to that of a regional district under the ***Local Government Act***. Aware of the urgent need for plans to guide decisions on growth management and land-use, Trust Area communities developed Official Community Plans. Nonetheless, pressure for residential development continued, as did public concern for the future of the Trust Area.

In 1987, the provincial government initiated a second review related to the Islands Trust Area, this time focusing on public opinion of Islands Trust and its role. The results showed overwhelming public support for both Islands Trust and the Islands Trust Object, and suggested ways in which the Trust and its legislation could be strengthened. In response, an amended *Islands Trust Act* was put into effect in 1990, reaffirming the Province's commitment to careful planning and development in the Trust Area. In the amended Act, Islands Trust retained its original authority and its dual responsibility to residents of both the Trust Area and British Columbians more broadly. The new legislation also amended the structure of Islands Trust and greatly broadened its functions and responsibilities. One of the most notable changes was the assignment of a regional-level planning function to Islands Trust Council.

1.3 PRESENT CONTEXT

The Trust Area continues to experience pressure from population growth and tourism, along with new and urgent demands to mitigate and adapt to the multifaceted impacts of climate change across the region. Increasingly unpredictable and volatile weather patterns are significantly compromising the well-being of ecosystems and the communities that live interdependently with them. Biodiversity loss is at an all time high in the fragile and sensitive ecosystems of the Trust Area, with hundreds of terrestrial and aquatic species at risk that are increasingly vulnerable to the cumulative effects of development and an ever-growing marine shipping industry. A lack of safe, secure, and affordable housing on many islands, and throughout the Province, is of major concern to the long-term sustainability and resilience of Trust Area communities. In addition, a broad recognition of the treaty and territorial rights and title of First Nations in the Trust Area is inspiring new governance approaches rooted in Trust Council's commitment to reconciliation. In this complex policy landscape, the Policy Statement plays a vital role in articulating Trust Council's general policy approach, centred firmly in the Islands Trust Object to preserve and protect the unique amenities and environment of the Trust Area, not only for this generation but also for many generations to come.

1.4 THE ISLANDS TRUST OBJECT AND ITS MEANING

The *Islands Trust Act* sets out the special-purpose mandate for the Islands Trust, referenced in the legislation as its "object":

"The object of the Trust 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, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." (*Islands Trust Act*)

The following sections provide a fuller explanation of the key phrases in the Islands Trust Object.

"... to preserve and protect the Trust Area..."

The area of jurisdiction of the Islands Trust is established by Schedule A of the *Islands Trust Act*. Islands Trust Council strives to ensure the long-term integrity of the 'unique amenities and environment' of the Trust Area. This entails first identifying the 'unique amenities and environment' and then instituting measures for their preservation and protection. The mandate to "preserve" requires policy approaches that place priority on preserving the integrity of the environment and Indigenous cultural heritage in the Trust Area. The mandate to "protect" calls for policy approaches that promote sustainability and resilience.

“...and its unique amenities and environment...”

The Trust Area is valued and unique, not because of any one quality or feature, but rather because of its particular combination of characteristics and location. These include elements such as the Trust Area’s: 450+ islands and surrounding waters in the Salish Sea; a mild climate; extensive coastline; sheltered waters; sensitive, rare, and biodiverse ecosystems that are home to hundreds of terrestrial and aquatic species-at-risk; almost continuous tree cover and large undeveloped areas; abundant recreational opportunities; scenic natural beauty and tranquil rural atmospheres; a clean and healthy environment; compact marine-oriented settlements; and the combination of self-sufficiency and interdependence that island living entails. There is also a duty to preserve and protect the rich and unique Indigenous cultural heritage and archaeological significance in the region including, but not limited to cultural sites, ancestral remains, artifacts, petroglyphs, pictographs, place names, culturally significant species, medicinal plants, and traditional harvesting areas.

“... for the benefit of the residents of the Trust Area and of British Columbia generally ...”

The Islands Trust is responsible to the present and future residents of the Trust Area and British Columbia, as well as to First Nations who have resided in the area since time immemorial. All residents and visitors to the Trust Area derive benefit from the protection of the region, its extraordinary natural beauty and biodiversity, rich Indigenous cultural heritage, and tranquil rural island atmosphere. Further benefits include the preservation and protection of one of the most ecologically sensitive and biodiverse regions in the country, the safeguarding of natural carbon sinks to sequester greenhouse gas emissions, and opportunities for nature connection in close proximity to major urban centres.

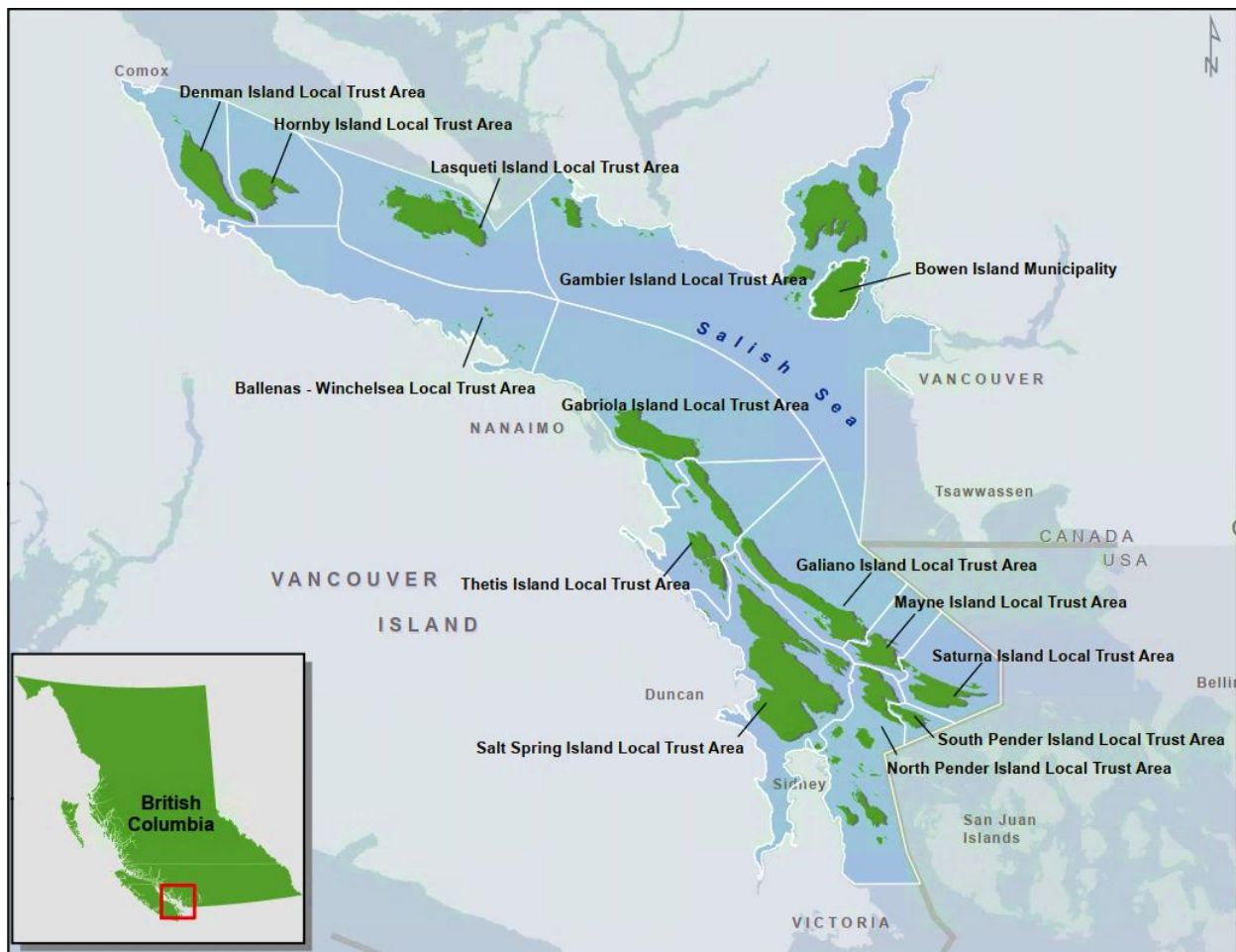
“... in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of the Province ...”

Islands Trust Council seeks to fulfill its mandate in cooperation with others and works collaboratively to ensure that the preserve and protect mandate is recognized by all jurisdictional bodies. Trust Council further recognizes that meaningful engagement and cooperation with First Nations is critical to the preservation and protection of the region, to Trust Council’s reconciliation commitments, and to implementation of the provincial *Declaration on the Rights of Indigenous Peoples Act*. To fulfill its mandate, Islands Trust must be an educator, coordinator, collaborator, and initiator, guiding individuals, organizations and other government agencies to uphold and support the Islands Trust Object. While Islands Trust can provide the necessary leadership, responsibility for the preservation and protection of the Trust Area rests with many. Many provincial agencies, regional districts, improvement districts, and municipalities also have responsibilities and interests in the Trust Area. Strategic coordination with government agencies, non-governmental organizations, communities, property owners, residents, and visitors, is needed to effectively govern the region.

1.5 LOCATION OF THE ISLANDS TRUST AREA

The “Trust Area” is a unique and special place -- an archipelago of 13 major islands and more than 450 smaller islands and surrounding waters in the Salish Sea, situated between the mainland of British Columbia and southern Vancouver Island. Located within the sensitive Coastal Douglas-fir and Coastal Western Hemlock biogeoclimatic zones, the Trust Area is home to an exceptional variety of rare and culturally significant species, including over 100 federally-listed and over 300 provincially-listed species at risk. The region is home to more than 26,000 residents and is the homeland of more than 28,000 Coast Salish Peoples.

(new map)



PART 2: PURPOSE AND IMPLEMENTATION OF THE POLICY STATEMENT

2.1 PURPOSE OF THE ISLANDS TRUST POLICY STATEMENT

Section 15 of the *Islands Trust Act* stipulates that Trust Council must, by bylaw, adopt a Trust Policy Statement that applies to the Trust Area. The purpose of the Policy Statement is to establish a general statement of policies of Trust Council to carry out the Islands Trust Object to preserve and protect the unique amenities and environment of the Trust Area.

The Policy Statement is a visionary statement. It aims to establish a vision for the future of the Trust Area that reflects the values and interests of residents, First Nations, and British Columbians, for this generation and for generations to come. It provides a framework for Trust Council to assume a leadership role in regional place protection planning for the Trust Area as a whole, which includes a combination of conservation-oriented land-use planning, engagement with First Nations, inter-agency coordination and advocacy, as well as public engagement and education.

As the Trust's overarching policy document, the Policy Statement guides the formulation of regional strategic plans, official community plans and regulatory bylaws, protocol agreements and other cooperative arrangements with First Nations, inter-agency coordination and advocacy strategies, as well as public engagement and education initiatives.

The Policy Statement bylaw becomes effective upon the date of adoption. It is not retroactive and has no effect on any local trust committee or municipal bylaw in effect before its adoption.

2.2 ROLES AND RESPONSIBILITIES

Islands Trust Council cannot effectively implement the Policy Statement without the support of First Nations and a wide range of partners. The original 1974 vision was that the Trust would be a "fully representative co-coordinating body", whose task it was to bring together each group, agency, or government partner to act in the best interests of the islands and residents, with due regard for the broader and Province-wide interest. Assistance, cooperation, and collaboration are required from local trust committees, island municipalities, Islands Trust Conservancy, First Nations and their associations and organizations, the provincial government, other government agencies, non-governmental organizations, communities, property owners, residents and visitors. In the spirit of the *Islands Trust Act*, it is expected that all corporate entities of the Trust will coordinate and advocate to other agencies on matters involving potential conflict between the legislated Islands Trust Object and the legislated mandates of other agencies.

Role of the Minister of Municipal Affairs

The Minister of Municipal Affairs of the Government of British Columbia (or the designated provincial minister responsible for municipal affairs) approves the Policy Statement bylaw and provides an avenue of appeal for municipalities if neither the Executive Committee nor Trust Council approves a bylaw that has been submitted to them. The Minister and Ministry staff can also facilitate communication between the Islands Trust and other government agencies on policy matters.

Role of Islands Trust Council

The *Islands Trust Act* assigns to Islands Trust Council the responsibility for development, adoption, amendment, and implementation of the Policy Statement. Recognizing the varying roles and responsibilities of other parties to help fulfill the Islands Trust Object, Trust Council has included three types of policies in the Policy Statement:

a) Commitments of Trust Council

These policies reflect Trust Council's high-level regional commitments, positions, priorities, and approaches related to the Islands Trust Object and its implementation. They help clarify Trust Council's regional governance approach and offer interpretive context to guide decision-making at all levels.

b) Directive Policies for Local Trust Committees and Island Municipalities

These policies direct local trust committees and island municipalities to include certain types of policies and approaches in their official community plans and bylaws, unless explicit reasons are given to justify not doing so. Directive policies generally commence with the phrase "Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws..." These policies strive for a harmonized regional approach while also leaving flexibility for more detailed, locally-appropriate implementation tools and strategies.

c) Coordination Policies for Trust Council

These policies reflect Trust Council's role in coordinating, advocating, and engaging with a host of other parties (including government agencies, non-governmental organizations, property owners, residents and visitors) regarding decisions or actions they can undertake in support of the Policy Statement and the Islands Trust Object. In some cases, these can form the basis of protocol agreements between the Trust and other agencies. Sections 8 and 9 of the *Islands Trust Act* stipulate that Trust Council may enter into coordination agreements and make recommendations to other parties for the purpose of carrying out the Islands Trust Object.

Trust Council may review the Policy Statement annually to prioritize actions, assess progress, and consider possible amendments. Trust Council also serves as an avenue of appeal for local trust committees and island municipalities if a bylaw submitted to the Executive Committee is not approved.

Role of Executive Committee

The Executive Committee of Trust Council is required to review all bylaws of local trust committees and those bylaws of island municipalities that deal with the adoption of an official community plan. Such bylaws have no effect unless approved by Executive Committee, and the Committee cannot approve such a bylaw if it is "contrary to or at variance with" the Policy Statement. If there is no official community plan in place for an island municipality, Executive Committee is required to review all bylaws of the municipality and no bylaw that is contrary to the Policy Statement can be approved. Executive Committee also monitors the progress of Trust Council in achieving the goals defined in the Policy Statement, and makes recommendations to Trust Council in this regard.

Role of Local Trust Committees

As set out in the *Islands Trust Act*, bylaws of local trust committees cannot be "contrary to or at variance with" the Policy Statement. The Policy Statement contains policies that direct local trust committees to address certain matters in their official community plans and regulatory bylaws, but generally does not stipulate the specific policies, planning tools, or regulations to be used because the social and environmental characteristics of islands vary. Official community plans must contain policies relating to Trust Council's directives or must explicitly state the reasons and justifications for not doing so. Each local trust committee works with its island community to develop policies and regulations to fulfill the Islands Trust Object and Policy Statement in ways that are suitable to local needs and conditions.

Role of Island Municipalities

Municipalities in the Trust Area, like local trust committees, are directed to address certain matters in their official community plans. Where a particular policy requires an island municipality to address a particular matter, the official community plan must contain policies that implement Trust Council's directive unless the island municipality sets out explicitly in the plan the reasons and justifications for local policies that do not do so.

Role of Islands Trust Conservancy

The *Islands Trust Act* assigns the Islands Trust Object to the Islands Trust Conservancy Board, as well as to Trust Council, local trust committees and island municipalities. Although the Islands Trust Conservancy Board does not take direction from Trust Council, it plays an essential role in helping to support the Policy Statement objectives and the fulfillment of regional place protection planning in the Trust Area through science-based conservation planning, engagement with First Nations, identification and protection of core conservation areas, as well as education and communication initiatives. To support the Islands Trust Object, the Islands Trust Conservancy also plays a key role in accepting voluntary donations of property and covenants and purchasing lands.

Role of First Nations

First Nations play an integral role in governance and cooperative decision-making in the Trust Area. Trust Council acknowledges the treaty and territorial rights and title of First Nations in the Trust Area and is committed to aligning Islands Trust policies and processes with the *Declaration on the Rights of Indigenous Peoples Act*. Trust Council is further committed to ensuring that it seeks meaningful engagement with First Nations now and into the future. Cooperative mechanisms such as protocol agreements and mutually supportive strategies and action plans provide frameworks for effective communication, information sharing, and cooperative decision-making.

Role of Other Government and Non-Governmental Organizations

Other government agencies and non-governmental organizations play an important role in contributing to the preservation and protection of the unique amenities and environment of the Trust Area through cooperative actions based on the Policy Statement and the Islands Trust Object. Cooperative mechanisms such as protocol agreements and mutually supportive strategies and action plans support the sustainability of the Trust Area and fulfillment of the Islands Trust Object.

Role of Property Owners, Residents, Visitors and Communities

The assistance and cooperation of property owners, residents, visitors, and communities is vital to the preservation and protection of the unique amenities and environment of the Trust Area and to the implementation of the Policy Statement in each local planning area. Individuals have many opportunities to participate in local planning decisions and to work with other members of their communities to support the Islands Trust Object. The Trust can also empower communities and individuals with education and tools to help support the preserve and protect mandate and specific policies contained in the Policy Statement.

2.3 IMPLEMENTATION AND AMENDMENTS

The Policy Statement bylaw may be amended by Trust Council with the approval of the **minister responsible for municipal affairs**. Regardless of the source, all proposals for amendments to the Policy Statement are compiled by Executive Committee and brought forward for the consideration of Trust Council. Trust Council may, from time to time, initiate a review of the entire Policy Statement.

Trust Council's Policies 1.2.1 (Policy Statement Amendment Policy) and 1.3.1 (Policy Statement Implementation Policy) guide the use and amendment of the Policy Statement. These are separate policies approved by Trust Council and do not require a legislative approval process.

PART 3: REGIONAL GOVERNANCE (new)

GOAL: To foster regional governance approaches that uphold the Islands Trust Object and honour regional commitments to reconciliation and climate action.

CONTEXT:

Establishing Priorities and Limitations: Advancing the Islands Trust Object is the preeminent duty of Trust Council, its committees, and all locally elected trustees in the Trust Area. This unique statutory mandate, unlike any other governance system in the country, specifically names the unique amenities and environment of the Trust Area as being worthy of priority attention. (See Section 1.4 for a detailed description of the Islands Trust Object.) When enacting policies locally across the region, potential for conflict exists. In order to maintain focus on the special-purpose mandate of Islands Trust now and into the future, regional priorities, values, principles, and approaches should be guided by area-based mapping of significant ecosystems and cultural heritage, along with evidence-based understandings of each island's carrying capacity.

Reconciliation: Trust Council has adopted a Reconciliation Declaration acknowledging that First Nations have resided in the lands and waters that encompass the Trust Area since time immemorial and honouring the rich history and cultural heritage of this special region. Trust Council acknowledges that it has a duty to seek meaningful engagement with First Nations in the Trust Area. Trust Council further strives to be guided by the specific reconciliation principles and recommendations of the United Nations Declaration on the Rights of Indigenous Peoples, the *Declaration on the Rights of Indigenous Peoples Act*, the Truth and Reconciliation Calls to Action, and the Missing and Murdered Indigenous Women and Girls Calls for Justice, that fall within Trust Council's jurisdiction.

Climate Action: The global climate and biodiversity crises are necessitating reimagined and dynamic approaches to regional governance in the Trust Area. Trust Council has adopted a Climate Emergency Declaration committing to urgent and equitable climate action across the region. Ecosystems, communities, and the built environment will continue to face the increasingly adverse impacts of a changing climate, including rising sea levels, warmer and more acidic oceans, extreme weather events, and temperature changes. It will be necessary to identify, monitor, mitigate, and adapt to the ripple effects of these impacts on the integrity of the environment and the sustainability and resilience of Trust Area communities. In this context, Trust Council will benefit from being guided by the best available science and Indigenous ways of knowing. Uncertainties around the rate and scale of climate change impacts are also requiring more precautionary and adaptive management approaches across the region. Precautionary approaches emphasize caution, pausing, and review before leaping into innovations which may cause harm due to scientific uncertainty. Adaptive approaches are structured, iterative processes of decision-making intended to reduce uncertainty over time through periodic monitoring and evaluation, and evidence-based policy adjustments.

3.1 Regional Governance Policies

Commitments of Trust Council

- 3.1.1 Trust Council holds that its primary responsibility is to provide leadership for the preservation, protection, stewardship, and restoration of the unique amenities and environment of the Trust Area. (Guiding Principle #1)
- 3.1.2 Trust Council commits to place priority on preserving and protecting the integrity of the environment and Indigenous cultural heritage in all decision-making. (Guiding Principle #2)
- 3.1.3 Trust Council holds that, to achieve the Islands Trust Object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation. (Guiding Principle #4)
- 3.1.4 Trust Council holds that decision-making should be guided by an evidence-based understanding of the carrying capacity of each island, or group of islands, informed by the best available science and area-based mapping tools, and respectful of Indigenous ways of knowing. (Guiding Principle #3)
- 3.1.5 Trust Council commits to seek meaningful engagement with First Nations in the Trust Area, recognizing First Nations' treaty and territorial lands and waters, and will be guided by the specific reconciliation principles and recommendations of the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration on the Rights of Indigenous Peoples Act, the Truth and Reconciliation Calls to Action, and the Missing and Murdered Indigenous Women and Girls Calls for Justice, that fall within Trust Council's jurisdiction. (new)
- 3.1.6 Trust Council commits to coordinate and advocate to other government agencies and non-governmental organizations to uphold the Islands Trust Object. (new)
- 3.1.7 Trust Council commits to seek open, consultative public participation, acknowledging its importance to effective decision-making in the Trust Area. (Guiding Principle #5)
- 3.1.8 Trust Council commits to implement a plan for the advancement of the Policy Statement as part of its annual budget process, and the Executive Committee of Trust Council commits to report to Council on progress in achieving the goals of the Policy Statement. (Guiding Principle #6)

Directive Policies for Local Trust Committees and Island Municipalities

- 3.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, place priority on the integrity of the environment and Indigenous cultural heritage in all decision-making and, where necessary, limit the rate and scale of growth and development. (new)
- 3.1.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, seek evidence-based understandings of the carrying capacity of their planning areas, informed by the best available science, area-based mapping tools, and respectful of Indigenous ways of knowing. (new)
- 3.1.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, seek meaningful engagement with First Nations and strive to align decision-making with the principles of the Declaration on the Rights of Indigenous Peoples Act that fall within their jurisdiction. (new)

PART 4: ECOSYSTEM PRESERVATION AND PROTECTION

GOAL: To Preserve, Protect, **Restore,** and **Sustainably Steward** Trust Area Ecosystems

CONTEXT:

Environmental Integrity: Ecosystems are the interconnected combinations of living and non-living components present in a particular location. They are made up of living elements such as plants, animals, and people, and non-living elements such as topography, water, and climate. Ecosystems are dynamic and their characteristics can change over time. An ecosystem has environmental integrity when its dominant characteristics, natural composition, structure, function, and processes occur within their natural ranges of variation and can withstand and recover from most disruptions imposed by human activity or environmental dynamics such as climate change.

Climate and Biodiversity Crises: Trust Council acknowledges that ecosystems in the Trust Area today are subject to escalating pressures from the built environment and human use and from the global climate and biodiversity crises. Climate change impacts such as increasing storm surge flooding, windstorms, droughts, wildfires, invasive species, and ocean acidification are threatening ecosystems in the Trust Area like never before. Biodiversity - understood as the diversity within species, between species, and of ecosystems - is declining at an alarming rate. The Trust Area holds the highest density of species of concern in the country, making the region locally, nationally and globally significant. It also plays an important role in provincial and national efforts to reduce greenhouse gas emissions by capturing and storing carbon in natural areas such as forests, soils, mycelium, wetlands, and eelgrass meadows.

Restoration and Adaptive Management: With the climate and biodiversity crises in mind, it has never been more critical to preserve and protect ecosystems in the Trust Area. In addition, there is now an imperative to restore these fragile ecosystems and assist in their recovery due to the cumulative impacts of development and human use of natural resources amidst growing climate change impacts. Restoration can happen in many ways, such as active reforestation or by removing pressures so that nature can recover and adapt on its own. The specific impacts of the climate and biodiversity crises and their policy implications may be difficult to predict in exact detail, timing, and scope. Within this context, Trust Council commits to undertake adaptive management processes across the Trust Area which include regular monitoring, evaluation, and modification of policies and plans, as needed. The establishment and protection of networks of protected areas and unfragmented forest reserves that are large enough to contain and sustain native Trust Area species will also be critical. On small islands, well-connected natural corridors are essential supports for the preservation of biodiverse, healthy ecosystems.

Precautionary and Sustainable Stewardship: With responsible, precautionary stewardship and sustainable, regenerative use, ecosystems will be more healthy and resilient and better able to support human well-being in a variety of ways. These include, but are not limited to, the provision of clean drinking water, carbon capture and storage, and the safeguarding of local and Indigenous food security and harvesting. Sustainability, in this context, is defined as the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs. Stewardship, in this context, refers to the responsible use and protection of natural systems, through conservation and sustainable use. In the long term, Trust Council acknowledges that it is far less costly to steward natural systems sustainably than to have to replace or rehabilitate them once they are depleted.

4.1 Environmental Integrity Policies

Commitments of Trust Council

- 4.1.1 Trust Council holds that proactive land use planning is essential to the preservation and protection of Trust Area ecosystems. (3.1.1 first bullet)
- 4.1.2 Trust Council holds that protection must be given to the natural processes, habitats, and species of the Trust Area, including those of old forests, Coastal Douglas-fir forests, Coastal Western Hemlock forests, Garry Oak/Arbutus forests, wetlands, open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp forests, eelgrass meadows, glass sponge reefs, and spawning areas. (3.1.1 second bullet)
- 4.1.3 Trust Council commits to establishing a network of protected areas throughout the Trust Area, acknowledging that unfragmented connectivity is necessary to preserve ecosystems in their natural state and in sufficient size and distribution to sustain their environmental integrity. (3.1.2)
- 4.1.4 Trust Council shall strive to identify and monitor the cumulative effects of existing and proposed development to avoid detrimental effects on the watersheds, groundwater regions, and the Trust Area's fragile species and their habitats, informed by the best available science and respectful of Indigenous ways of knowing. (3.1.1 third bullet)
- 4.1.5 Trust Council shall strive to identify and monitor the impacts of climate change on ecosystems through climate vulnerability assessments and adaptive management processes that are informed by the best available science and respectful of Indigenous ways of knowing. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, establish, and maintain a network of protected areas in their planning area that serves to preserve representative ecosystems in their natural state and in sufficient size and distribution to sustain their environmental integrity. (3.1.4)
- 4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration, of the following components of their planning area: (3.1.3)
- sensitive ecosystems
 - contiguous, unfragmented forests
 - freshwater networks and groundwater recharge areas
 - eelgrass meadows, sponge glass reefs, kelp forests, and spawning areas
 - species and ecosystems at risk
 - Indigenous cultivation and harvesting areas such as clam gardens, camas meadows, and other areas as identified by First Nations
- 4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, regulate land use and development to restrict emissions to air, land, and water. (3.1.5)

- 4.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to reduce climate vulnerability and support climate adaptation measures for ecosystems within their planning area. (new)

Coordination Policies for Trust Council

- 4.1.10 Trust Council shall seek the best available science and traditional ecological knowledge regarding ecosystem preservation, protection, restoration, and sustainable stewardship in the Trust Area through respectful, culturally-sensitive and collaborative approaches with First Nations, Indigenous Knowledge Holders, the Province, other government agencies, non-governmental organizations, and communities. (new)
- 4.1.11 Trust Council shall coordinate and advocate to other government agencies to foster actions, programs, and incentives that: (3.1.9)
- place priority on the integrity of the environment in the Trust Area
 - protect the diversity of native species and habitats in the Trust Area; and
 - prevent pollution of the air, land, freshwater networks, and marine waters of the Trust Area
- 4.1.12 Trust Council shall coordinate and advocate to other government agencies to:
- regulate and monitor the harvesting of fish, wildlife, and vegetation in the Trust Area so as to protect terrestrial and aquatic species populations and habitats (4.3.1)
 - consult with First Nations, local trust committees, island municipalities, and Trust Area communities prior to decisions regarding regulation of hunting or harvesting of wildlife or vegetation in the Trust Area (4.3.1)
 - consult with First Nations to preserve First Nations' traditional harvesting areas; and (new)
 - to protect, for public use, areas supporting naturally occurring shellfish populations and other marine life, and to establish public shellfish reserves in the Trust Area. (4.3.2)
- 4.1.13 Trust Council shall advocate to the provincial government to enforce standards for the control of emissions polluting the air, lands, and waters of the Trust Area. (3.1.10)
- 4.1.14 Trust Council shall, in cooperation with First Nations, encourage other government agencies, non-governmental organizations, Crown corporations, municipalities, regional districts, non-governmental organizations, property owners and residents, to protect natural areas in the Trust Area through education, stewardship tools, acquisitions, conservation covenants and careful management. (3.1.11)

4.2 Freshwater Stewardship Policies

Commitments of Trust Council

- 4.2.1 Trust Council commits to take a precautionary and strategic approach to the stewardship of watershed ecosystems, freshwater networks, and groundwater recharge areas in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, the public, and on the basis of the best available science. (new)
- 4.2.2 It is Trust Council's policy that: (3.3.1)
- the watershed ecosystems, freshwater networks, and groundwater recharge areas of the Trust Area should be identified, protected, and where possible, restored or rehabilitated; and
 - the natural wetlands of the Trust Area, including those in the Agricultural Land Reserve that have not been altered in the past for agriculture, should not be drained, filled, or degraded.
- 4.2.3 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in their supply of freshwater.¹ (4.4.1)
- 4.2.4 It is Trust Council's policy that desalination plans should not be permitted in the Trust Area due to their high energy demands and adverse impacts to coastal and marine ecosystems. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to prevent further loss or degradation of watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species at risk in their planning area. (3.3.2)
- 4.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure: (4.4.2, 4.4.1)
- that freshwater quality is maintained;
 - that neither the density nor intensity of land use is increased in groundwater regions where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable;
 - that existing, anticipated, and seasonal water demand and supply projections are considered and allowed for; and
 - that islands are self-sufficient in their supply of freshwater¹.
- 4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that freshwater use is not to the detriment of in-stream uses such as: fish and fish habitat uses; Indigenous cultural and spiritual use; aesthetic and recreational uses; and, the maintenance of water quality in lakes, streams, and wetlands. (4.4.3)
- 4.2.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit desalination plants in the Trust Area. (new)

¹ ...with the sole exception of Piers Island which is already piped into the Capital Regional District water supply.

Coordination Policies for Trust Council

- 4.2.9 Trust Council shall coordinate and advocate to the provincial government, regional districts, improvement districts, and other agencies to enact legislation protecting freshwater sustainability, watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species at risk in the Trust Area, in accordance with the Islands Trust Object. (4.4.6)
- 4.2.10 Trust Council shall coordinate and advocate to the provincial government to implement property tax incentives for the retention of groundwater and watershed recharge areas and freshwater wetlands in the Trust Area. (4.4.5)
- 4.2.11 Trust Council shall encourage, educate, and advocate to government agencies and non-governmental organizations, property owners, residents, and visitors to adopt water conservation practices in the Trust Area, including through the use of innovative technologies such as rainwater harvesting, above-ground water cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices. (4.4.4, 4.4.7)
- 4.2.12 Trust Council shall encourage government agencies, non-governmental organizations, property owners, residents, and visitors to protect watershed ecosystems through voluntary donations, acquisitions, conservation covenants, and careful management. (3.3.3)

4.3 Forest Stewardship Policies

Commitments of Trust Council

- 4.3.1 Trust Council commits to take a precautionary and strategic approach to the stewardship of forest ecosystems in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, the public, and on the basis of the best available science. (new)
- 4.3.2 It is Trust Council's policy that:
- forest ecosystems in the Trust Area should be protected; (3.2.1)
 - the remaining stands of relatively undisturbed Coastal Douglas-fir, Coastal Western Hemlock, Garry Oak, and Arbutus, and their associated ecosystems, should be preserved and protected; (3.2.1)
 - forest cover is a representative characteristic of the Trust Area and should be maintained; and (4.2.4)
 - the aesthetic value of forest land should be protected. (4.2.5)
- 4.3.3 It is Trust Council's policy that forest harvesting in the Trust Area should be limited, small-scale, sustainable, regenerative, supportive of climate action, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new, replacing 4.2.1 - 4.2.2)
- 4.3.4 It is Trust Council's policy that management plans related to sustainable forest harvesting in the Trust Area should include appropriate monitoring and evaluation mechanisms to uphold the long-term environmental integrity of forest ecosystems, and should preserve and protect the inherent rights of First Nations to harvest forest resources for cultural purposes. (4.2.3 + new)
- 4.3.5 It is Trust Council's policy that the clear-cutting of forests and logging of old-growth trees is inappropriate anywhere in the Trust Area, acknowledging the multiple adverse impacts these activities incur on the fragile ecosystems, environmental integrity, and carbon capture and storage potential of the Trust Area. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.3.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prioritize the environmental integrity of the Trust Area by protecting unfragmented forest ecosystems, on a scale of forest stands and landscapes, from the potentially adverse impacts of growth, development and land use. (3.2.2, 4.2.6)
- 4.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, retain large land holdings and parcel sizes to enable sustainable forest harvesting practices and direct the location of roads and utility corridors to minimize the fragmentation of forests. (4.2.7)
- 4.3.8 Local Trust Committees and Island Municipalities shall, in their Official Community Plans and regulatory bylaws, designate protected forest ecosystem reserves where the preservation of native biodiversity and corridors is especially critical and where there should be no extraction. (4.2.8)

Coordination Policies for Trust Council

- 4.3.9 Trust Council shall coordinate and advocate to the provincial government to grant Islands Trust the necessary jurisdictional authority to preserve and protect forest ecosystems, including:
- legislation to prohibit clear-cutting and logging of old-growth in the Trust Area; and
 - authority to regulate tree cutting in the Trust Area. (new)
- 4.3.10 Trust Council shall coordinate and advocate to the provincial government to adopt legislation establishing sustainable forest harvesting practices that protect environmental integrity on a scale of forest stands and landscapes by preserving, protection, and restoring: (4.2.11)
- the diversity of forest structure and composition;
 - the physical, chemical, and biotic diversity of soils;
 - natural aquatic and wetland ecosystems;
 - the full range of natural habitats in the forest landscape, including old-growth; and
 - connectivity of forest habitats sufficient for the dispersal needs of native species.
- 4.3.11 Trust Council shall coordinate and advocate to the provincial government to:
- implement engagement mechanisms that ensure the full and meaningful participation of First Nations and Trust Area communities in decisions concerning the use of forest lands; (4.2.9)
 - provide education and extension programs to promote sustainable forest harvesting and the protection of forest ecosystems; (4.2.10)
 - adopt statutes and guidelines to reduce invasive non-native species in forest ecosystems; (4.2.12)
 - designate forest ecosystem reserves where no extraction shall take place in order to promote the preservation of native biodiversity; (4.2.13)
 - require that applicants identify the protective actions needed to maintain sustainable forest land use and environmental integrity, prior to approval of tree cutting plans; and (4.2.14)
 - implement property tax incentives for the practice of sustainable forest harvesting. (4.2.15)
- 4.3.12 Trust Council shall encourage the Province, when developing specific forest tenures, to assign to Trust Council or to the Islands Trust Conservancy Board, the holding of areas not to be harvested. (4.2.16)
- 4.3.13 Trust Council shall encourage government agencies, non-governmental organizations, property owners, residents, and visitors to protect forest ecosystems through voluntary donations, acquisitions, conservation covenants, and careful management. (3.2.3)

4.4. Agricultural Land Stewardship Policies

Commitments of Trust Council

- 4.4.1 Trust Council commits to take a precautionary and strategic approach to the stewardship of agricultural lands in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, the public, and on the basis of the best available science. (new)
- 4.4.2 It is Trust Council's policy that agricultural activity in the Trust Area should be small-scale, sustainable, regenerative, supportive of climate action, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new, 4.1.2, 4.1.3)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify and preserve appropriate areas for agricultural land to support small-scale, sustainable, regenerative agriculture, while carefully considering downstream impacts, wildlife habitat, and adjacent properties. (4.1.3, 4.1.4, 4.1.6)
- 4.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location and construction of roads and utility corridors to minimize fragmentation of agricultural lands. (4.1.7 simplified)
- 4.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, encourage sustainable farming consider and land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land. (4.1.5, 4.1.8)

Coordination Policies for Trust Council

- 4.4.6 Trust Council shall coordinate and advocate to the provincial government to ensure:
- that where a road must sever agricultural land to provide access to lands beyond, the road is built to the minimum standard necessary to service that land; (4.1.10)
 - that farming in the Agricultural Land Reserves in the Trust Area does not adversely impact Indigenous food security and traditional harvesting practices, cultural heritage, or the environmental integrity of protected area networks in the Trust Area; (new)
 - that legislation, guidelines, and incentives are established to support local farmers in adopting the highest standards of environmental protection of ecosystems, wildlife habitats, and native species diversity, in accordance with the Islands Trust Object; (new)
 - that support is given to small-scale sustainable farmers to reduce greenhouse gas emissions emanating from agriculture and adapt to climate variability in the Trust Area; (new)
 - retain a separate farm class to provide property tax incentives; (4.1.12)
 - that the threshold for farm income necessary for farm class status is appropriate to the small scale of sustainable agriculture within the Trust Area; and (4.1.12)
 - that the total land area subject to the farm class may include land that is left uncultivated to protect environmental integrity. (4.1.12)

4.5 Soil and Mineral Stewardship Policies

Commitments of Trust Council

- 4.5.1 Trust Council holds that the preservation and protection of healthy and productive soils is integral to the environmental integrity, food security, and carbon capture and storage capacity of the Trust Area. (new)
- 4.5.2 It is Trust Council's policy that there should be no extraction of peat, metals, minerals, or petroleum resources in the Trust Area. (4.6.1)
- 4.5.3 It is Trust Council's policy that there should be no extraction of aggregate from the foreshore or the sea floor of the Trust Area. (4.6.2)
- 4.5.4 It is Trust Council's policy that there should be no removal or excavation of soil or fill from middens or foreshore areas that have been identified as culturally significant areas. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.5.5 Local trust committees and island municipalities shall, in their regulatory bylaws related to soil removal and deposit, include policies that foster the preservation, protection, and restoration of productive soils in the Trust Area. (4.6.3)

4.6 Coastal and Marine Stewardship Policies

Commitments of Trust Council

- 4.6.1 Trust Council commits to take a precautionary and strategic approach to the stewardship of coastal and marine ecosystems in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, the public, and on the basis of the best available science. (new)
- 4.6.2 It is Trust Council's policy that coastal and marine food harvesting and aquaculture in the Trust Area should be small-scale, sustainable, regenerative, supportive of climate action, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new/4.5.1)
- 4.6.3 It is Trust Council's policy that development, activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, restrict public access to, from or along the marine shoreline, or interfere with natural coastal processes. (4.5.3, 4.5.4)
- 4.6.4 It is Trust Council's policy that development should be directed to sites away from: (4.5.5)
- areas of environmental sensitivity;
 - areas of naturally occurring stocks of clams or oysters; and
 - First Nations' traditional harvesting areas, middens, and other archaeologically significant resources.
- 4.6.5 It is Trust Council's policy that aquaculture should be directed to sites away from: (4.5.6)
- areas of recreational significance;
 - areas where an aquaculture operation would conflict with established or designated upland land uses; and
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.
- 4.6.6 It is Trust Council's policy that aquaculture related development, activity, buildings, or structures should not result in site alteration including, but not limited to, substrate modification or the use of metal pipes or plates. (4.5.7)
- 4.6.7 It is Trust Council's policy that the following restrictions are necessary in order to preserve and protect the sensitive coastal and marine waters of the Trust Area:
- artificial reefs should not be developed;² (3.4.3)
 - finfish farms should not be permitted; (4.5.2)
 - seawalls and other hard shoreline armouring should not be developed; (new)
 - private docks should be limited to boat access only properties; (new)
 - freighter anchorage sites in the Southern Gulf Islands should be eliminated; and (new)
 - oil tankers should not be permitted to transit through Trust Area waters. (new)

² Interpretive Note: Small scale habitat enhancement structures known as 'reef balls', which are placed in marine areas with the approval of Fisheries and Oceans Canada, are not considered to be artificial reefs for the purposes of this policy.

Directive Policies for Local Trust Committees and Island Municipalities

- 4.6.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate locations for marine dependent land uses and means to prevent further loss or degradation of coastal and marine ecosystems in their planning area. (3.4.4, 4.5.8)
- 4.6.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies that preserve, protect, and support the restoration of seagrass meadows and kelp beds, acknowledging their multifaceted roles in supporting carbon capture and storage, soft shoreline protection, and the provision of habitats and spawning areas for coastal and marine aquatic species. (new)
- 4.6.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location of buildings and structures such that they do not: (4.5.5, 4.5.10)
- adversely impact sensitive coastal and marine ecosystems, naturally occurring stocks of shellfish, spawning areas, kelp forests, seagrass meadows, middens, or archaeological sites;
 - interfere with natural coastal processes;
 - restrict First Nations' access to traditional coastal and marine harvesting sites;
 - restrict public access to, from, or along the marine shoreline
- 4.6.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location and operation of commercial aquaculture tenures away from:
- areas of cultural, spiritual, archaeological, or recreational significance;
 - areas where an aquaculture operation would conflict with established or designated upland land uses, anchorages or moorages. (new, based on 4.5.6)
- 4.6.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location, size, and nature of marinas such that they do not compromise the environmental integrity of the coastal and marine environment, Indigenous cultural heritage, or community character in their planning area. (4.5.9)
- 4.6.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boathouses, boardwalks, and causeways. (4.5.11)
- 4.6.14 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit private docks except where properties are boat access only. (new)
- 4.6.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, consider the current and anticipated impacts of sea level rise and determine shoreline buffers and setbacks accordingly. (new)
- 4.6.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit the use of seawalls and other hard shoreline armouring in the Trust Area and include policies that foster soft shoreline protection. (new)

Coordination Policies for Trust Council

4.6.17 Trust Council shall coordinate and advocate to federal and provincial government agencies to:

- establish a network of protected coastal and marine areas and implement statutes and guidelines for sustainable coastal zone management (3.4.2)
- adopt legislation establishing sustainable aquaculture practices that protect environmental integrity and First Nations rights to traditional shellfish harvesting in the Salish Sea; (new)
- develop existing and new programs such as “harvest refugia”, which protect and enhance the populations of native marine species of the Trust Area; (3.4.6)
- research the impacts of the introduction of new marine species into the coastal and marine waters of the Trust Area before such species are introduced; (3.4.7)
- prohibit finfish farms in the marine waters of the Trust Area; (4.5.2)
- prohibit the development of artificial reefs in the Trust Area². (3.4.3)

4.6.18 Trust Council shall coordinate and advocate to federal and provincial government agencies to:

- develop legislation to regulate sewage discharge from shoreline areas and boats; and (3.4.8)
- support the removal of abandoned and derelict vessels, plastics, ghost fishing gear, and other marine debris from the sensitive coastal and marine waters of the Trust Area; (new)
- eliminate and prohibit the use of commercial freighter anchorage sites in the Trust Area, acknowledging the multiple adverse impacts this practice incurs on the sensitive coastal and marine ecosystems, environmental integrity, and carbon capture and storage potential in the Trust Area; and (new)
- prohibit oil tankers from transiting through the sensitive coastal and marine waters of the Trust Area. (new)

PART 5: HERITAGE PRESERVATION AND PROTECTION (new)

GOAL: To Preserve and Protect Natural, Cultural, and Community Heritage in the Trust Area

CONTEXT:

The Islands Trust Area is a place of exceptional cultural heritage and has been home to the BOKEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səliłwətaḡt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SṠÁUTW, Stz'uminus, ʔaḡəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ḡop qaymıxʷ, and xʷməθkʷəḡəm Peoples since time immemorial. The relationship of First Nations to these lands, waters, and place is intrinsically linked to the preservation and protection of the Trust Area.

Heritage Preservation: Trust Council recognizes heritage as a 'unique amenity' of the Trust Area that is to be preserved and protected under the Islands Trust Object. In this context, heritage includes places, objects, knowledge, artistic expressions, or events that are of historical, cultural, aesthetic, educational, or scientific significance. In the Trust Area, heritage preservation includes the Indigenous cultural heritage of First Nations who have called these lands and waters home since time immemorial, in addition to the extraordinary natural landscapes and community heritage buildings on each island.

Indigenous Cultural Heritage: Indigenous cultural heritage in the Trust Area includes, but is not limited to, areas utilized and occupied by Indigenous Peoples such as village sites, cultural and spiritual areas, known and unknown archaeological areas, objects and artifacts, culturally modified trees, cultivation areas, harvesting areas on land and marine foreshores, fish weirs and clam gardens, medicinal plants and culturally significant species and landmarks. Indigenous cultural heritage also includes ancestral loved ones' resting places, trees used for burial boxes, cairns, caves used for cultural purposes, petroglyphs and pictographs, and place names. First Nations have an inherent right to identify their own cultural heritage, interpret its meaning, and safeguard its value. This inherent right exists outside of the colonial frameworks that have traditionally regulated and defined heritage.

Community Heritage:

Community heritage in the Trust Area can include buildings, settlement areas, places, objects, artistic expressions, or events identified by the community as having heritage character or heritage value to the community, to be protected for future generations.

Natural Heritage:

Natural heritage in the Trust Area is understood to include natural features, geological and physiographical formations, and delineated natural areas which are of outstanding universal value from an aesthetic, conservation, or scientific perspective.

5.1 Heritage Preservation and Protection Policies

Commitments of Trust Council

- 5.1.1 Trust Council holds that the preservation, protection, and restoration of natural, cultural, and community heritage in the Trust Area is essential to the Islands Trust Object and must be guided by meaningful, respectful, and culturally sensitive engagement with First Nations. (5.6.1)
- 5.1.2 It is Trust Council's policy that local and regional planning decisions should not incur adverse impacts to the natural heritage, Indigenous cultural heritage, or community heritage in the Trust Area. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 5.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration of natural heritage sites in their planning area. (new)
- 5.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration of Indigenous cultural heritage in their planning area in cooperation with First Nations and other government agencies. (5.6.3)
- 5.1.5 Local Trust Committees and Island Municipalities shall, in their Official Community Plans and regulatory bylaws, identify, preserve, protect, and support the restoration of local community heritage in their planning area. (5.6.2)

Coordination Policies for Trust Council

- 5.1.6 Trust Council shall engage with First Nations, First Nation organizations and societies, Indigenous Knowledge Holders, other government agencies, non-governmental organizations, and Trust Area communities to seek the best available archaeological inventory data, Indigenous Knowledge, and local knowledge regarding natural heritage, Indigenous cultural heritage, and local community heritage in the Trust Area. (new)
- 5.1.7 Trust Council shall engage and advocate to other government agencies, non-governmental organizations, property owners, residents, and visitors with educational materials and tools to help preserve and protect natural heritage, Indigenous cultural heritage, and local community heritage in the Trust Area. (new)
- 5.1.8 Trust Council shall encourage other government agencies, non-governmental organizations, property owners and residents to protect natural, cultural, and community heritage in the Trust Area through tax incentive programs, voluntary donations, acquisitions, conservation covenants and careful management. (new)

PART 6: SUSTAINABLE AND RESILIENT COMMUNITIES

GOAL: To Foster Sustainable and Resilient Communities in the Trust Area

CONTEXT:

Sustainability and Resilience: Sustainable and resilient communities can be understood to be communities that are able to meet their own needs and adapt to new environmental, social, and economic pressures without compromising the integrity of the environment or the ability of future generations to meet their own needs. Resilience, in this context, refers to the capacity of communities to continue to function in the face of external stressors such as climate change, while also learning to adapt, reorganize and evolve into new modes of sustainability.

Rural Island Planning: Islands within the Trust Area are rural and contrast markedly with surrounding urban areas, as do their respective resident communities. Traditional land use planning approaches are often ill-suited or insufficient in addressing the limited carrying capacities of Trust Area ecosystems or the higher standards of environmental integrity mandated by the Islands Trust Object. In the face of the climate emergency and housing crisis throughout the Province, business as usual is no longer viable. The climate and biodiversity crises are compromising the sustainability and resilience of communities and the ecosystems they depend on in unprecedented ways. It is also increasingly difficult for people from differing age groups and income levels to find safe, secure, and affordable housing in the region. In order to respond to these crises and safeguard the sustainability and resilience of Trust Area communities, Trust Council needs to advance integrated approaches that address the vulnerabilities of rural island communities while also safeguarding the environmental integrity and cultural heritage that make the Trust Area so special.

Regional and Localized Approaches: Underpinning the Islands Trust regional governance approach is a strong acknowledgment that a degree of local autonomy supports effective governance in the Trust Area. Each island within the Trust Area has unique characteristics and has developed in its own unique way over the years. While the preeminent duty of all locally elected officials is to uphold the Islands Trust Object and regional mandate in all aspects of local planning and decision-making, they are to do so in a way that is sensitive and suitable to local circumstances, and guided by open, consultative public participation.

6.1 Rural Island Planning Policies

Commitments of Trust Council

- 6.1.1 It is Trust Council's policy that the rural characteristics of islands in the Trust Area, including the scenic value of rural landscapes, opportunities for nature connection, and low levels of noise and light pollution, are unique amenities that are to be preserved and protected in accordance with the Islands Trust Object. (5.1.1-5.1.3)
- 6.1.2 Trust Council shall strive to identify and monitor the impacts of climate change on Trust Area communities through climate vulnerability assessments and adaptive management approaches that are informed by the best available science and respectful of Indigenous ways of knowing. (new)
- 6.1.3 It is Trust Council's policy that growth, residential and commercial development, and economic opportunities in the Trust Area should be small scale, sustainable, climate resilient, and in alignment with the Islands Trust Object. (5.2.1, 5.7.1)
- 6.1.4 It is Trust Council's policy that recreational activities, trails, and active transportation networks in the Trust Area should be small scale, sustainable, and should not compromise the integrity of protected areas, terrestrial and aquatic ecosystems, or Indigenous cultural heritage. (5.5.1)
- 6.1.5 Trust Council holds that destination gaming facilities such as casinos and commercial bingo halls are not appropriate to and should not be located in the Trust Area. (5.5.2)
- 6.1.6 Trust Council holds that there should be public access, on each island in the Trust Area, to beaches and areas of recreational significance, while not compromising Indigenous cultural heritage or First Nations access to coastal and marine harvesting areas. (5.5.5)
- 6.1.7 Trust Council holds that open, consultative public participation, is vital to effective decision-making in the Trust Area. (5.8.1-5.8.2)
- 6.1.8 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs in accordance with the Islands Trust Object. (5.8.3)
- 6.1.9 Trust Council holds that island municipalities shall, in all of their actions, have regard for the Islands Trust Policy Statement and the Islands Trust Object. (5.8.4)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.1.10 Local trust committees and island municipalities shall, in the development and implementation of official community plans and regulatory bylaws, provide opportunities for public engagement and collaboration. (5.8.2)
- 6.1.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prioritize the protection of views, tree cover, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area. (5.1.3, 5.2.2)

- 6.1.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies related to the aesthetic, environmental, and social impacts of development. (5.2.3)
- 6.1.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources, and community character. (5.2.4)
- 6.1.14 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive for efficient and sustainable use of the land base without exceeding density limits defined in their official community plans. (5.2.5)
- 6.1.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards. (5.2.6)
- 6.1.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate locations, types, and safe public access to:
- recreational facilities;
 - bicycle, pedestrian, and equestrian trail systems; and
 - community marinas, boat launches, docks, and anchorages that are small scale, sustainable, and that do not compromise the integrity of protected areas, terrestrial and aquatic ecosystems, Indigenous cultural heritage, or Indigenous access to coastal and marine harvesting areas. (5.5.4-5.5.7)
- 6.1.17 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit destination gaming facilities such as casinos and commercial bingo halls. (5.5.3)
- 6.1.18 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies addressing economic opportunities that are compatible with sustainability and protection of community character. (5.7.2)
- 6.1.19 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies addressing their community's long-term needs for educational, institutional, community, and health-related facilities and services, as well as cultural and recreational facilities and services. (5.8.6)
- 6.1.20 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to reduce the climate vulnerability of communities, including by prioritizing:
- protection of the carbon capture and storage capacity of natural areas;
 - low-carbon housing, buildings, transportation, and agriculture;
 - preservation, protection, and restoration of biodiversity;
 - groundwater sustainability;
 - shoreline and foreshore protections; and
 - wildfire risk mitigation (new)

Coordination Policies for Trust Council

- 6.1.21 Trust Council shall coordinate and advocate to regional districts, improvement districts, and provincial and federal government agencies to understand and adapt policies and support systems to safeguard the rural island nature, sustainability, and resilience of Trust Area communities, in accordance with the Islands Trust Object. (new)
- 6.1.22 Trust Council shall coordinate and advocate to government agencies, non-governmental organizations, property owners, residents, and visitors to help develop and adopt evidence-based climate mitigation and adaptation strategies, action plans, and measures that are appropriate to the unique strengths and vulnerabilities of rural islands in the Trust Area. (new)
- 6.1.23 Trust Council shall encourage provincial government agencies to work with local communities through public consultation processes to evaluate and modify road construction and road system proposals to encompass the environmental, economic, and social values of the community. (5.3.9)
- 6.1.24 Trust Council shall encourage property owners, residents, and visitors to reduce the burning of wood and fossil fuels by adopting sustainable alternative technologies. (5.1.4)
- 6.1.25 Trust Council shall encourage government agencies, non-governmental agencies, property owners, residents, and visitors to use renewable sources of energy within the Trust Area. (5.8.8)

6.2 Housing Policies

Commitments of Trust Council

- 6.2.1 Trust Council holds that community sustainability and resilience are supported by the availability of diverse housing options that cater to a range of age groups and income levels, and that respect the environmental integrity, Indigenous cultural heritage, and carrying capacity of islands in the Trust Area. (5.8.6)
- 6.2.2 Trust Council holds that where residential development must occur, it should be compact, energy-efficient, and appropriately situated in order to minimize greenhouse gas emissions, safeguard protected area networks, sustainably steward groundwater regions, and preserve and protect Indigenous cultural heritage in the Trust Area. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that development, of any scale or for any purpose, prioritizes the reduction of greenhouse gas emissions, safeguards protected area networks, respects the carrying capacity of groundwater regions, and protects Indigenous cultural heritage. (new)
- 6.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to address housing needs by identifying appropriate locations where density increases to support safe, secure, and affordable housing developments would not adversely impact protected area networks, Indigenous cultural heritage, or the carrying capacity of groundwater regions. (new)
- 6.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify and assess the impacts of short term rentals of residential dwellings on the availability of safe, secure, and affordable housing in their planning area and, where necessary, regulate and limit the number of short term rentals accordingly. (new)
- 6.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate floor area and lot coverage limits for new residential development in their planning area, in order to effectively minimize greenhouse gas emissions, cumulative effects, biodiversity loss, climate vulnerability, and destruction of Indigenous cultural heritage. (new)

Coordination Policies for Trust Council

- 6.2.7 Trust Council shall coordinate and advocate to other government agencies, non-governmental organizations, and property owners, to foster safe, secure, and affordable housing in the Trust Area, in alignment within the Islands Trust Object, and respectful of protected area networks, Indigenous cultural heritage, and the carrying capacity of groundwater regions. (new)
- 6.2.8 Trust Council shall advocate to other government agencies, non-governmental organizations, and property owners to foster safe, secure, and affordable housing for Indigenous Peoples in the Trust Area, in alignment with the Islands Trust Object and respectful of protected area networks, Indigenous cultural heritage, and the carrying capacity of groundwater regions. (new)

6.3 Transportation Policies

Commitments of Trust Council

- 6.3.1 Trust Council holds that community sustainability and resilience are supported by appropriately situated public and active transportation networks that serve to reduce greenhouse gas emissions and promote health and well-being. (new)
- 6.3.2 Trust Council holds that no island in the Trust Area should be connected to Vancouver Island, the mainland or another island by a bridge or tunnel³. (5.3.2)
- 6.3.3 Trust Council holds that local trust committees and island municipalities should be consulted and involved in decision-making related to the provision of transportation and ferry services, utilities, or facilities that may affect the sustainability and resilience of communities in their planning areas. (5.3.1)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.3.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, foster the establishment of appropriately situated public and active transportation networks, including but not limited to bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use. (5.3.7)
- 6.3.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to ensure that road location, design, construction, and systems do not adversely impact the integrity of protected area networks, contiguous forests, freshwater networks, groundwater regions, agricultural lands, coastal and marine areas, or Indigenous cultural heritage in the Trust Area. (5.3.5)
- 6.3.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, develop a classification system of rural roadways, including scenic or heritage road designations, in recognition of the Islands Trust Object. (5.3.4)
- 6.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate areas for the landing of emergency helicopters. (5.3.6)

Coordination Policies for Trust Council

- 6.3.8 Trust Council shall advocate to provincial and federal agencies to ensure safe shipment of materials that are hazardous to the environment. (5.3.8)
- 6.3.9 Trust Council shall coordinate provincial government agencies and local communities to work together to evaluate and modify road construction, road system proposals, and active transportation networks to address the needs of rural island communities in the Trust Area. (5.3.9)
- 6.3.10 Trust Council shall advocate to provincial government agencies in support of the electrification of ferries in the Trust Area. (new)

³ ...with the sole exception of the existing bridge between North and South Pender Islands

6.4 Waste Disposal Policies

Commitments of Trust Council

- 6.4.1 It is Trust Council's policy that it is acceptable for waste originating in the Trust Area to be safely disposed of within the Trust Area. (5.4.1)
- 6.4.2 It is Trust Council's policy that:
- neither hazardous nor industrial waste should be disposed of in the Trust Area;
 - local recycling operations should be established; and
 - local programs for chipping of wood waste and disposal of hazardous wastes should be established. (5.4.2)
- 6.4.3 It is Trust Council's policy that there should be minimal burning of solid waste in the Trust Area. (5.4.3)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify acceptable locations for the disposal of solid waste. (5.4.4)

Coordination Policies for Trust Council

- 6.4.5 Trust Council shall coordinate and advocate to government agencies, corporations, property owners, and residents to contribute to the reduction of greenhouse gas emissions by reducing waste, and to use innovative technologies and safe alternatives for disposal of sewage effluent. (5.4.5)



Islands Trust

ISLANDS TRUST

POLICY STATEMENT

Commented [DH1]: This annotated version of the 2003 Policy Statement highlights policies that have been significantly moved or excluded in the new draft Policy Statement. Policies or sections that have been removed/excluded have been highlighted in yellow in the comments below. Other amendments/updates to the transferred text and new additions are highlighted in the new document.

CONSOLIDATED - APRIL, 2003

ISLANDS TRUST COUNCIL

BYLAW NO. 17

**AS AMENDED BY ISLANDS TRUST COUNCIL
BYLAW NOS. 42, 48, 53 AND 87**

**THIS BYLAW IS CONSOLIDATED FOR CONVENIENCE ONLY AND IS NOT
TO BE CONSTRUED AS A LEGAL DOCUMENT**

Commented [DH2]: Due to the number of amendments required, the new Policy Statement will be an entirely new Bylaw No. 183 (not a series of amendments to the former Policy Statement)

This copy is consolidated for convenience only and is amended by the following:

<u>Bylaw No.</u>	<u>Amendment No.</u>	<u>Adoption Date</u>
Bylaw No. 42	Amendment No. 1/96	November 4, 1996
Bylaw No. 48	Amendment No. 1/97	March 6, 1998
Bylaw No. 53	Amendment No. 1/98	December 4, 1998
Bylaw No. 87	Amendment No. 1/02	December 6, 2002

Commented [DH3]: The new Policy Statement will be a new Bylaw No. 183

ISLANDS TRUST COUNCIL

BYLAW NO. 17

A BYLAW TO ADOPT A POLICY STATEMENT FOR THE TRUST AREA

The Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act* S.B.C. 1989 c.68, enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as "The Islands Trust Policy Statement Bylaw, 1993".

APPLICATION

2. This Bylaw applies to the Trust Area, as defined in Schedule A of the *Islands Trust Act* S.B.C. 1989 c.68.

ORGANIZATION

3. Parts I, II, III, IV, and V and Schedule 1 of the "Islands Trust Policy Statement" attached to and forming part of the bylaw are hereby adopted as the trust policy statement pursuant to S.13(1) of the *Islands Trust Act*.

READINGS

READ A FIRST TIME THIS 31ST DAY OF OCTOBER, 1993

READ A SECOND TIME THIS 31ST DAY OF OCTOBER, 1993

READ A THIRD TIME THIS 31ST DAY OF OCTOBER, 1993

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS PURSUANT TO SECTION 13(2)(c) OF THE *ISLANDS TRUST ACT* THIS 9TH DAY OF JUNE, 1994

RECONSIDERED AND FINALLY ADOPTED THIS 11TH DAY OF JUNE, 1994

Gordon McIntosh
Secretary

Graeme Dinsdale
Chairperson

Commented [DH4]: The new Policy Statement will be a new Bylaw No. 183

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ISLANDS TRUST COUNCIL BYLAW NO. 17: A BYLAW TO ADOPT A POLICY STATEMENT FOR THE TRUST AREA

Commented [DH5]:

A new Table of Contents and slightly amended organizational structure to the new Policy Statement document strives for a more streamlined and efficiently categorized approach, with new sections devoted to Heritage and Housing. Significant changes include:

- Introduction sections now included as Part 1 of the bylaw
- Moved 'The Islands Trust Object and its Meaning' to Part 1 'Introduction'
- Updated Part 2 'Purpose and Implementation'
- New Part 3 on 'Regional Governance' including former 'Guiding Principles for Trust Council'
- Updated Part 4 including consolidation of 'Ecosystem Preservation and Protection' policies with former 'Stewardship of Resources' policies
- New Part 5 on 'Heritage Preservation and Protection'
- Updated Part 6 'Sustainable and Resilient Communities' including new section on Housing Policies

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INTRODUCTION

HISTORY AND CONTEXT

History of the Trust Area

The “Trust Area” encompasses, generally, the islands and waters between the Mainland and British Columbia and Southern Vancouver Island, with the exception of lands and waters within adjacent municipal boundaries and boundaries of Indian Reserves.

The Trust Area is a unique and special place -- a scenic archipelago of 13 major islands and more than 450 smaller islands. The Area is drier and warmer than most surrounding areas, and is rich in resources and cultural history. The Trust Area provides habitats for an exceptional variety of species: more than 200 types of migratory and resident birds, numerous species of fish and diverse marine and intertidal life, terrestrial wildlife and vegetation. Outstanding scenery and recreational resources include panoramic viewpoints, sheltered bays with warm sand or pebble beaches and protected marine waterways and anchorages that contribute to the Trust Areas beauty and appeal.

This unique combination of resources and amenities has attracted people to the Trust Area since the end of the Ice Age. Aboriginal peoples used the Area extensively for summer encampments and for fishing, hunting and berry-picking. Sunny valleys and suitable soils later supported homesteading and agriculture-related settlement. Eventually, the traditional activities of fishing and shellfish harvesting were supplemented by more extensive farming, logging, recreation-related activities and, most recently, increased residential settlement.

Surrounding areas have also attracted growing populations. By 1960s, 50 per cent of the total population of British Columbia resided in areas adjacent to the Trust Area. Pressure for residential development of islands in the Trust Area escalated. In 1969, when it became apparent that the Trust Area’s highly-valued environment could be irreversibly damaged by unrestrained residential development, the provincial government imposed a temporary freeze on subdivision of land until the island communities could adopt plans and regulations to control growth.

Establishment of the Islands Trust

The significance and sensitivity of the Trust Area, and the need for protective measures was internationally recognized more than 20 years ago. In 1973, an International Joint Commission proposed that the islands and waters adjacent to the British Columbia-Washington State border be protected as an international park in order to maintain water quality and to preserve and protect marine and land-based wildlife habitats and archaeological and historical sites.

At the same time, concerns were being raised at the provincial level. In 1972 an all-party special committee of the legislature was established to investigate the unique problems facing the Trust Area. The committee concluded that pressures arising from the Area’s proximity to major urban centres were damaging the very features that made the Trust Area so attractive to residents and visitors.

In response to these findings, the provincial government enacted the *Islands Trust Act* in 1974. The Act established the Islands Trust as a unique land-use planning agency, acting for residents of both the Trust Area and the province generally, and having a special conservation-oriented responsibility - to preserve and protect the Trust Area and its unique amenities and environment.

Commented [DH6]: Moved to 1.5 Location of the Trust Area and updated

Commented [DH7]: Removed inaccurate and offensive language related to the history of First Nations in the area.

Commented [DH8]: Moved to 1.2 Establishment of the Islands Trust

Increasing Pressure and Amendments to the *Islands Trust Act*

Pressure for development of the Trust Area islands continued. Between 1974 and 1987, the Area's resident population increased by 60 per cent, far exceeding the growth rate of adjacent areas. Several amendments were made to the Act during this period, giving the Islands Trust community planning and land-use authority comparable to that of a regional district under the *Municipal Act*. Aware of the urgent need for plans to guide decisions on growth management and land-use, the Trust Area's island communities developed Official Community Plans. Pressure for residential development continued, however, as did public concern for the future of the Trust Area.

In 1987, the provincial government initiated a second review related to the Trust Area. That review focused on public opinion of the Islands Trust and its role. The results showed overwhelming public support for both the Islands Trust and its object, and suggested ways in which the Trust and its legislation could be strengthened. In response, a redrafted *Islands Trust Act* was put into effect in 1990, reaffirming the Province's commitment to careful planning and development in the Trust Area. In the redrafted Act, the Islands Trust retained its original authority and its dual responsibility to both Trust Area residents and other British Columbians. The new legislation also amended the structure of the Islands Trust and greatly broadened its functions and responsibilities.¹ One of the most notable changes was the assignment of a regional-level planning function to the Islands Trust Council.

Commented [DH9]: Simplified and combined with 1.2 Establishment of the Islands Trust

Present Context

The Trust Area is situated in the heart of the Georgia Basin-Puget Sound bioregion. Sustainability of the region's physical environment, native species and quality of life are threatened by low-density urban sprawl and rapid population growth.² Approximately five million people presently live in the areas surrounding the Trust Area. Populations on the Lower Mainland, on Southern Vancouver Island and around Puget Sound are growing much more rapidly than in other regions of the United States and Canada.³ Projections indicate that if trends continue, the total population of the region will double in 25 years to over 10 million.

The Trust Area continues to experience extreme pressure from population growth and tourism. With a population increase of 26 per cent between 1986 and 1991, it is one of the fastest-growing areas in the Province and Canada. Increasing numbers of tourists are also travelling to and through the Trust Area. The number of passengers on the main ferry routes through the Area increased by 44 percent between 1986 and 1992, and by 37 per cent on routes to Trust Area islands. Most visitors come to islands during the summer months when demand for fresh water is highest and water supplies are lowest, placing pressure on limited water supplies.

Public and private concern continues for the long-term well-being of the Trust Area. Increasing numbers of people from the rapidly growing surrounding urban areas can be expected to be attracted to the Trust Area as a place of residence and recreation. Accelerating negative impacts accompanying development in the surrounding urban regions - pollution of air and marine waters, discharge of pulp mill effluent, disposal of waste, ocean dumping and spills associated with marine shipping - threaten the Trust Area's environment, amenities and fragile ecosystems.

Commented [DH10]: Updated and removed time sensitive statistics

Commented [DH11]: GENERAL AMENDMENTS: REMOVED ALL FOOTNOTES except where there was an exception to a policy to be noted. DEFINITIONS were moved to the preamble sections of each chapter for ease of reference and fuller interpretive context. TIME SPECIFIC REFERENCES were removed throughout the document.

¹ The present structure of the Islands Trust and the functions of its corporate bodies are described in a brochure available from the offices of the Islands Trust.

² 1993 report of the BC Round Table on the Environment and the Economy.

³ BC Round Table on the Environment and the Economy, Sustainability in the Georgia Basin/Puget Sound Region, 1992.

The Challenge

The Islands Trust today faces a major challenge. While populations, numbers of visitors and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Area's resources and systems are limited. Potential for conflict exists: conflict between short and long-term interests and between unlimited use of the Trust Area and ongoing stewardship.

To keep everything in the Trust Area exactly as it is today is impossible. Changes will occur. If the Area's environment and unique character are to be preserved and protected, priorities must be defined and management strategies established. The *Islands Trust Act* identifies the need for leadership in addressing this task and assigns this role to the Islands Trust. The policies of the Islands Trust established today and in the years ahead will be of fundamental importance to the well-being of this highly valued area.

Commented [DH12]: Updated and moved to Part 3.1 Regional Governance preamble sections

The Islands Trust Policy Statement

The Islands Trust Policy Statement has been developed in response to the need for preservation and protection of the Trust Area and its unique amenities and environment, to the need for leadership in achieving this objective, and to the legislated requirements of the *Islands Trust Act*. Goals and policies contained in the Policy Statement reflect values and concerns for the future of the Trust Area expressed by the public and Trust Council's belief that not only this generation, but also future generations, should have the continued opportunity to enjoy the environment and amenities of this very special place.

Commented [DH13]: Simplified and moved to 1.3 Present Context

ORGANIZATION OF THE ISLANDS TRUST POLICY STATEMENT

The Islands Trust Policy Statement is comprised of Islands Trust Council Bylaw No. 17, and Parts I to V and Schedule 1 of that Bylaw. The introduction is not part of the Islands Trust Policy Statement Bylaw, and is intended simply to provide some background related to the Trust Area, the Islands Trust and the context for development of the Policy Statement.

Part I of the document outlines the purpose of the Policy Statement and the means by which it will be implemented. The important roles of individuals, Trust Council, its Executive Committee, Trust Area communities and municipalities, the Islands Trust Fund Board, other government and non-government agencies, First Nations, property owners, residents and visitors, in implementation of the Policy Statement also clarified in Part I.

Part II of the document defines the Islands Trust's legislated object, provides an interpretation of that object, and identifies principles by which the Islands Trust will be guided in fulfillment of its object.

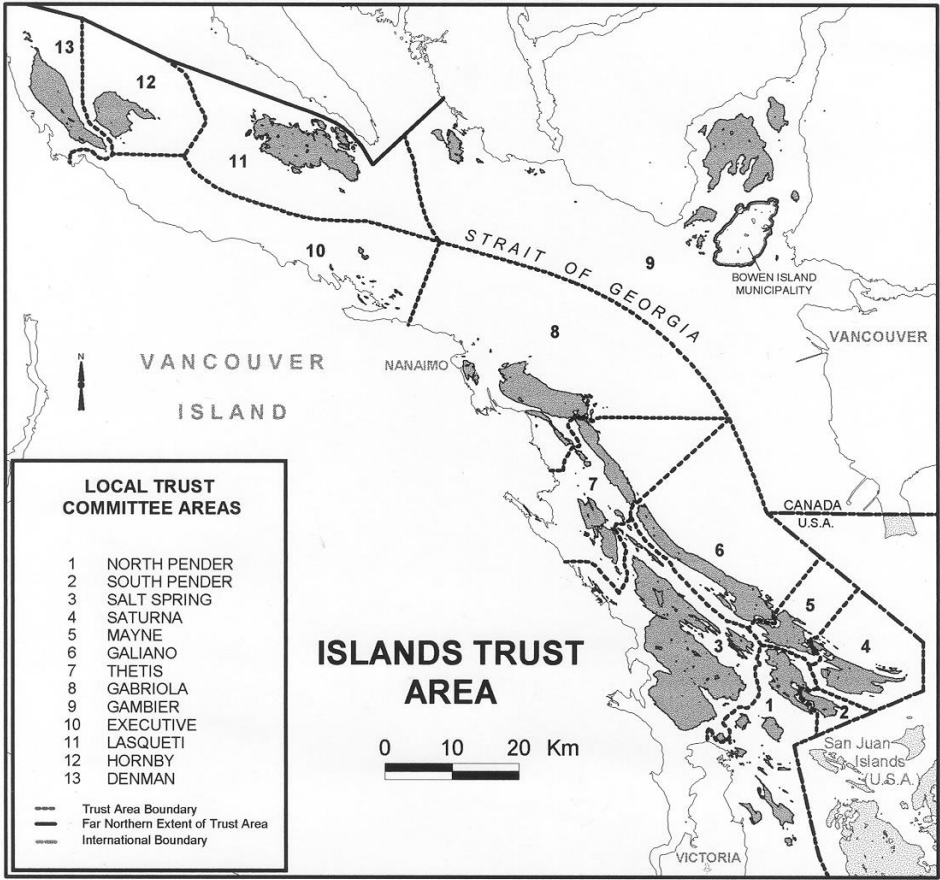
Parts III, IV, and V discuss Trust Council's vision for the future of the Trust Area in terms of goal and policies. Part III focuses on ecosystem preservation and protection, Part IV on stewardship of resources, and Part V on sustainable communities.

Schedule 1 provides definitions for some of the terms used in the document.

Commented [DH14]: REMOVED – extraneous; table of contents provides overview

LOCATION OF THE TRUST AREA

Commented [DH15]: Updated map to reflect 'Salish Sea' and clearer identification of local trust areas and island municipalities



PART I: PURPOSE AND IMPLEMENTATION OF THE TRUST POLICY STATEMENT

The purpose of the Policy Statement is to establish a vision for the future of the Islands Trust Area that reflects the values of residents of the Trust Area and of the Province generally. Achieving this vision depends on the actions of many stakeholders. The Policy Statement provides a general strategy for land use planning which translates the broad goals of the Province and the Islands Trust into specific actions to preserve¹ and protect² the Trust Area.

The Policy Statement clarifies the positions and policies of the Islands Trust and provides guidance for the formulation of bylaws, plans and policies. It is a document to be utilized by local trust committees and island municipalities when they are formulating local bylaws, by the Executive Committee of Trust Council when it is reviewing plans and bylaws of local trust committees and island municipalities, and by the Province and other agencies when they are reviewing their own plans and policies for compatibility with those of the Islands Trust.

The Policy Statement bylaw becomes effective upon the date of adoption. It is not retroactive and has no effect on any local trust committee or municipal bylaw in effect before its adoption.

ROLES AND RESPONSIBILITIES

The Islands Trust Council cannot effectively implement the Policy Statement without the support of all stakeholders. Assistance, cooperation and collaboration are required from local trust committees, island municipalities, the Trust Fund Board, the Provincial Government, other government agencies, non-government organizations, communities, First Nations, property owners, residents and visitors. In the spirit of the legislated object of the Islands Trust, it is expected that all corporate entities of the Islands Trust will consult with other agencies on matters involving potential conflict between the legislated object of the Trust and the legislated mandate of other agencies.

Role of the Minister of Community Services

The Minister approves the bylaw and provides an avenue of appeal for municipalities if neither the Executive Committee nor Trust approves a bylaw that has been submitted to them. And the Minister and Ministry staff can facilitate communication between the Islands Trust and other government agencies on policy matters.

¹ Preserve - to maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.

² Protect - to maintain over the long-term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

Role of the Islands Trust Council

The *Islands Trust Act* assigns to the Islands Trust Council the responsibility for development and adoption of the Trust Policy Statement. Recognizing the varying roles and responsibilities of the many stakeholders and its own jurisdiction, Trust Council has included three types of policies in the Policy Statement bylaw:

a) Commitments of Trust Council

These policies state the position or philosophy of Trust Council on various matters. For this category of policy, several introductory phrases are used, for example, "Trust Council holds that", "It is the position of Trust Council that", and "It is Trust Council's policy that"

b) Policies that Direct Local Trust Committees and Island Municipalities

These policies direct local trust committees and island municipalities to address³ certain matters in their official community plans and regulatory bylaws. Where a policy requires a local trust committee or island municipality to address a particular matter, the official community plans must contain policies that implement the policy stated by Trust Council, unless the plan sets out explicitly the reasons and justifications for local policies that do not implement that policy. Directive policies commence with the phrase "Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address"

c) Recommendations to Other Government Agencies, Non-Government Organizations, Property Owners, Residents and Visitors

These policies serve as recommendations from Trust Council to government agencies, non-government organizations, property owners, residents and visitors regarding decisions or actions that they might undertake in support of the Policy Statement and the Islands Trust object, and specify principles of guidance for protocol agreements between the Trust and other agencies. These policies begin with the phrase "Trust Council encourages"

Trust Council may review the Policy Statement annually to prioritize actions, assess progress, and consider possible amendments. **Council also serves as an avenue of appeal for local trust committees and island municipalities if a bylaw submitted to the Executive Committee is not approved.**

Commented [DH16]: REMOVED: The term "address" was removed/edited throughout the document such that the specific intent of each policy and directive verbs could be more clearly expressed (without changing the intent or prescriptiveness of the policy). Note definition of 'address' in footnote below.

Commented [DH17]: Updated to "Coordination Policies for Trust Council" to reflect the role Trust Council plays in coordination and/or advocacy; more directive verbs used for clarity.

³ Address - direct attention to matters in a way that implements the policy of Trust Council.

Role of the Executive Committee

The Executive Committee of Trust Council is required to review all bylaws of local trust committees and those bylaws of island municipalities that deal with the adoption of an official community plan. Such bylaws have no effect unless approved by the Executive Committee, and the Committee cannot approve such a bylaw if it is "contrary to or at variance with" a directive policy. If there is no official community plan in place for an island municipality, then the Executive Committee is required to review all bylaws of the municipality, and no bylaw that is contrary to a directive policy in the Policy Statement can be approved.

The Executive Committee also monitors the progress of Trust Council in achieving the goals defined in the Policy Statement, and makes recommendations to Council in this regard.

Role of Local Trust Committees

As set out in the *Islands Trust Act*, bylaws of local trust committees cannot be "contrary to or at variance with" the Trust Policy Statement. The Policy Statement contains policies that direct local trust committees to address certain matters in their official community plans and regulatory bylaws. While directive policies identify matters that must be addressed in official community plans and regulatory bylaws, such policies do not stipulate the specific policies and regulations to be included because the social and environmental characteristics of the islands vary. However, where a certain policy requires a local trust committee to address a particular matter, the official community plan must contain policies that implement the policy stated by Trust Council or the plan must set out explicitly the reasons and justifications for local policies that do not do so. Each local trust committee works with its island community to develop policies and regulations to suit local needs, while still supporting the Islands Trust object and the Policy Statement. Local trust committees are not required to comply with any policy in the Policy Statement not stated as a directive policy.

Role of Island Municipalities

Municipalities in the Trust Area, like local trust committees, are directed to address certain matters in their official community plans. Where a particular policy requires a municipality to address a particular matter, the official community plan must contain policies that implement the policy stated by Trust Council unless the municipality sets out explicitly in the plan the reasons and justifications for local policies that do not do so.

Role of the Islands Trust Fund Board

The *Islands Trust Act* assigns the Islands Trust object to the Trust Fund Board, as well as to Trust Council and the local trust committees. Although the Board does not take direction from Trust Council, it can support the policies of the Policy Statement through, for example, the acceptance of voluntary donations of property and covenants, the purchase of lands and through education and communication initiatives.

Role of Other Government and Non-Government Organizations

Government agencies and non-government organizations can contribute greatly to the preservation and protection of the environment and amenities of the Trust Area through cooperative actions based on the Policy Statement. Cooperative actions such as protocols and mutually supportive strategies and action plans are necessary for the sustainability of the Trust Area.

Role of First Nations

First Nations consider the Trust Area to be within their traditional territory. As such, they may have rights to and interests in the Trust Area. Proposed regulations that may affect aboriginal rights will be preceded by meaningful consultation and negotiation of conflicts with known claims.

Role of Property Owners, Residents and Visitors

The assistance and cooperation of property owners, residents and visitors is vital to the preservation and protection of the environment and amenities of the Trust Area and the implementation of the Policy Statement. Individuals have the opportunity to participate in local planning and to work with other members of the community and the trustees to develop official community plans and bylaws that address local needs and support the object of the Islands Trust.

AMENDMENTS AND REVIEW

The Policy Statement bylaw may be amended by the Islands Trust Council with the approval of the Minister of Community Services. Regardless of the source, all proposals for amendments to the Policy Statement are compiled by the Executive Committee and brought forward for the consideration of Trust Council.

The Islands Trust Council may, from time to time, initiate a public review of the entire Policy Statement.

PART II: THE ISLANDS TRUST'S OBJECT AND GUIDING PRINCIPLES

THE ISLANDS TRUST OBJECT AND ITS MEANING

The *Islands Trust Act* provides the following definition of the purpose of the Islands Trust, which is referred to in the legislation as its “object”:

Amend
Mar 6/98
BL 48

“The object of the Trust 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, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

The Islands Trust has responsibility for conservation⁴ through land use planning and regulation and for leadership in stewardship — that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area. It is in this context that the word “stewardship” is used within this document. The Islands Trust seeks to integrate ecosystem preservation and protection, sustainable communities and stewardship of resources.

The *Islands Trust Act* provides special legislation for preservation and protection of the Georgia Strait-Howe Sound geographic area and creates a conservation-oriented agency to work towards this objective. The object establishes the value of the Trust Area by identifying the need for preservation and protection of the Area. The following sections provide a fuller explanation of the key phrases in the legislated object of the Trust.

“... to preserve and protect the Trust Area and its unique amenities and environment...”

The area of jurisdiction of the Islands Trust is established by Schedule A of the *Islands Trust Act*. The Trust Area is valued and is unique, not because of any one quality or feature, but rather because of its particular combination of characteristics and location.

“... for the benefit of the residents of the Trust Area and of British Columbia generally ...”

The Islands Trust is responsible to the present and future residents of both the Trust Area and the Province of British Columbia. Their needs can only be met and sustained within the limitations of the natural environment and the island communities of the Trust Area. A balance must be established between the needs of all stakeholders.

“... in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of the Province ...”

To achieve its object, the Islands Trust must be an educator, coordinator, and initiator, guiding individuals, organizations and other agencies in support of the object. While the Islands Trust can provide the necessary leadership, responsibility for stewardship of the Trust Area rests with many. Individuals, other government agencies, organizations, and the Province itself all have important roles to play. Cooperative actions are required of other agencies, organizations and individuals to

⁴ Conservation - actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or area of human heritage value or character.

ensure that activities are carried out in a manner that is sensitive to the needs of Trust Area ecosystems⁵ and island communities.

Commented [DH18]: Moved section on "The Islands Trust Object and its Meaning" to 1.4

GUIDING PRINCIPLES

The following principles, derived from the Islands Trust object and from input received from the public during public forums, will guide Trust Council in its day-to-day planning and decision-making.

- * The primary responsibility of the Islands Trust Council is to provide leadership for the preservation, protection and stewardship of the amenities, environment and resources of the Trust Area.
- * When making decisions and exercising judgment, Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area.
- * Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of local knowledge in this regard.
- * Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation.
- * Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area.
- * Trust Council will implement a plan for the advancement of the Policy Statement as part of its annual budget process, and the Executive Committee of Trust Council will report to Council on progress in achieving the goals of the Policy Statement.

Commented [DH19]: Moved to new Part 3: Regional Governance and turned into Regional Governance Policies – i.e. Commitments of Trust Council and some Directive Policies for local trust committees and island municipalities – to give prominence to these regional governance approaches that are critical to the Islands Trust Object and regional commitments to reconciliation and climate action.

⁵ Ecosystem - complexes of living organisms interacting with the non-living environment that sustains them. All ecosystems have three fundamentals: composition, structure and function. The composition of ecosystems is defined as an inventory of the living components including humans. The structure of an ecosystem is the physical arrangement of its living and non-living components. Function refers to the exchanges and flows of energy, material or information within and among the living and non-living components of an ecosystem.

PART III: ECOSYSTEM PRESERVATION AND PROTECTION

Commented [DH20]: COMBINED PART III and PART IV for clarity and cohesion.

GOAL: TO FOSTER PRESERVATION AND PROTECTION OF THE TRUST AREA'S ECOSYSTEMS

As humans occupy and modify the Trust Area, ecosystems are subject to various pressures. Protection of these ecosystems is essential if they are to remain healthy and productive for the benefit of future generations.

The principle of sustainability⁶ must be upheld. Protective measures are varied and can include actions ranging from preservation of natural areas⁷ in the form of parks and ecological reserves, to increasing public awareness and understanding of the need for sustainable use⁸ and stewardship⁹ by all landowners.

The task of protecting the Trust Area is particularly challenging because ecosystems do not stop at political boundaries. Cooperative management programs are required to coordinate the actions of all stakeholders. Government, property owners, residents and visitors share responsibility for the preservation and protection of the Trust Area ecosystems.

POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

3.1 Ecosystems

Commitments of Trust Council

3.1.1 Trust Council holds that:

- proactive land use planning is essential for the protection of Trust Area ecosystems,
- protection must be given to the natural processes, habitats¹⁰ and species¹¹ of the Trust Area, including those of the old forests, Coastal Douglas-fir forests, Coastal Western Hemlock, Garry Oak/Arbutus forests, wetlands¹², open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors¹³, lagoons, and kelp and eel grass beds, and

⁶ Sustainable - capable of being maintained indefinitely; capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

⁷ Natural Areas - areas that have experienced minimal modification by humans.

⁸ Sustainable Use - use of renewable resources which is within the capability of those resources for renewal and which conserves the ecological processes that support the use.

⁹ Stewardship - voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

¹⁰ Habitat - the place or situation in which a human, animal or plant lives.

¹¹ Trust Area Species - species native to the Trust Area, dependent on the Trust Area for all or part of their life cycle, or using the Trust Area seasonally or for migratory purposes.

¹² Wetland - land that has the water table at, near, or above the land's surface or which is saturated for a long enough period to promote aquatic processes.

¹³ Drift Sector - an integrated and independently operating beach system or erosion-transportation-accretion operating along the coastline.

- planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.

3.1.2 It is Trust Council's policy to work towards the establishment of a network of protected areas that preserves representative ecosystems in their natural state and in sufficient size and distribution to sustain their ecological¹⁴ integrity.

Directive Policies

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.

3.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.

3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.

Recommendations

3.1.6 Trust Council encourages all government agencies and non-government organizations to consider both monetary and non-monetary costs when making resource management and land use decisions.

3.1.7 Trust Council encourages the Provincial government and the government of Washington State to proceed with their proposal for a joint environmental monitoring system for the Georgia Basin Region.

3.1.8 Trust Council encourages the Provincial government to establish property tax incentives for conservation or habitat protection.

3.1.9 Trust Council encourages actions and programs of other government agencies which:

- place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,
- protect the diversity of native species and habitats in the Trust Area, and
- prevent pollution of the air, land and fresh and marine waters of the Trust Area.

3.1.10 Trust Council encourages the Provincial government to enforce standards for control of emissions polluting the air of the Trust Area.

¹⁴ Ecological - related to the interrelations among plants, animals (including humans) and their environment.

Commented [DH21]: REMOVED as per direction from TPC working group on climate change and engagement feedback – general desire to move away from commodification and/or monetization of nature

Commented [DH22]: REMOVED – time sensitive project, inappropriate for general nature of Policy Statement

Commented [DH23]: REMOVED – accomplished through NAPTEP

Amend
Nov 4/96
BL 42

- 3.1.11 Trust Council encourages agents of the government of British Columbia or the government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers to protect environmentally sensitive areas and significant natural sites, features and landforms through voluntary stewardship, acquisitions, conservation covenants and careful management.

3.2 Forest Ecosystems

Commitment of Trust Council

- 3.2.1 It is Trust Council's policy that:

- forest ecosystems in the Trust Area should be protected, and
- the remaining stands relatively undisturbed Coastal Douglas fir, Coastal Western Hemlock, Garry Oak and Arbutus should be preserved.

Directive Policy

- 3.2.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems¹⁵ within their local planning areas from potentially adverse impacts of growth, development and land-use.

Recommendation

- 3.2.3 Trust Council encourages government agencies, non-government organizations, property owners and occupiers to protect forested areas through voluntary donation, acquisition, conservation covenants and careful management.

3.3 Freshwater and Wetland Ecosystems and Riparian Zones¹⁶

Commitment of Trust Council

- 3.3.1 Trust Council holds that:

- the freshwater wetlands, bodies of surface water, natural drainage patterns, water courses, fish-bearing streams, watershed and groundwater recharge areas of the Trust Area should be identified, protected and, where possible, restored or rehabilitated, and
- the natural wetlands of the Trust Area, including those in the Agricultural Land Reserve that have not been altered in the past for agriculture, should not be drained, filled or degraded.

Amend
Mar 6/98
BL 48

Directive Policy

- 3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

¹⁵ Unfragmented Forest Ecosystem - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

¹⁶ Riparian Zone - relating to the bank of a river, lake, stream or watercourse.

Recommendation

- 3.3.3 Trust Council encourages government agencies, non-government organizations, property owners and occupiers to protect freshwater bodies, watercourses, wetlands, riparian zones and aquatic wildlife habitats through voluntary donation, acquisition, conservation covenants and careful management.

3.4. Coastal and Marine Ecosystems

Commitments of Trust Council

- 3.4.1 It is the position of Trust Council that development should not be allowed within a line drawn 300 metres offshore or mid-channel (whichever is less) of any island or islet in the Trust Area owned entirely by the Crown or affected by Order in Council 467¹⁷.

Commented [DH24]: REMOVED: concerns relating to First Nations rights

Amend
Nov 4/96
BL 42

- 3.4.2 It is Trust Council's policy that marine areas be protected and coastal zone management principles be defined in consultation with agents of the government of British Columbia, the government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers.

Commented [DH25]: Moved to coordination policy

- 3.4.3 Trust Council holds that artificial reefs should not be developed in the Trust Area.

Interp. Memo
Mar 7/03

Interpretation Note: Small scale habitat enhancement structures known as 'reef balls', which are placed in marine areas with the approval of Fisheries and Oceans Canada, are not considered to be artificial reefs for the purposes of this policy.

Directive Policies

- 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.
- 3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

Recommendations

- 3.4.6 Trust Council encourages the Provincial and Federal governments to develop existing and new programs such as "harvest refugia", which protect and enhance the populations of native marine species of the Trust Area.
- 3.4.7 Trust Council encourages the Provincial and Federal governments to research the impacts of the introduction of new marine species into the marine water of the Trust Area before such species are introduced.
- 3.4.8 Trust Council encourages the Federal and Provincial governments to develop and adopt legislation that regulates sewage discharge from shores and boats and addresses its detrimental impact on marine or coastal ecosystems.

¹⁷ Order in Council 467 - Provincially established legislation that reserves certain Crown lands, including lesser islands and islets in the Trust Area from disposition under the *Land Act*.

PART IV: STEWARDSHIP OF RESOURCES

GOAL: TO ENSURE THAT HUMAN ACTIVITY AND THE SCALE, RATE AND TYPE OF DEVELOPMENT IN THE TRUST AREA ARE COMPATIBLE WITH MAINTENANCE OF THE INTEGRITY OF TRUST AREA ECOSYSTEMS.

With responsible management, the natural resources of the Trust Area can be used long into the future. In the long term, it is less costly to use resources sustainably than to have to replace or rehabilitate them once they are depleted. Indiscriminate use or development of natural resources can threaten the island lifestyles and environments that are valued by the people who live in and visit the Trust Area.

Commented [DH26]: COMBINED PARTS III and IV; Feedback from engagement processes and TPC working groups to reframe notion of "natural resources" to more integrated ecosystem stewardship.

POLICIES FOR STEWARDSHIP OF RESOURCES

4.1 Agricultural Land

Amend
Nov 4/96
BL 42

Commitments of Trust Council

- 4.1.1 Trust Council recognizes that agriculture is a traditional and valuable activity in the Trust Area.
- 4.1.2 Trust Council shall consult with the Ministry of Agriculture, Fisheries and Food and the British Columbia Land Reserve Commission to request that agriculture policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.
- 4.1.3 It is Trust Council's policy to encourage agricultural management practices that are compatible with sustaining wildlife habitat.

Commented [DH27]: REMOVED: A statement of concern for some First Nations; Feedback that agriculture is not a "traditional" activity for First Nations and has had adverse impacts on First Nations interests (environmental impacts compromising Indigenous food harvesting in coastal and marine areas, impacts to traditional hunting grounds, etc.). Other general concerns expressed by Islands Trust Conservancy staff about impacts of agricultural activity and livestock on sensitive ecosystems, noting downstream effects, invasive species, impacts to natural areas, etc.

Directive Policies

- 4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
- 4.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
- 4.1.7 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.
- 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.

Amend
Mar 6/98
BL 48

- 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.

Commented [DH28]: REMOVED: Obscure policy that has not been applied; intent unclear

Recommendations

- 4.1.10 Trust Council encourages the Ministry of Transportation to ensure that, where a road must sever agricultural land to provide access to lands beyond, the road is built to the minimum standard necessary to service that land.
- 4.1.11 Trust Council encourages the British Columbia Land Reserve Commission to approve applications from property owners for inclusion of their land with potential for agriculture in the Provincial Agricultural Land Reserve.
- 4.1.12 Trust Council encourages the Provincial government and the British Columbia Assessment Authority to:
- retain a separate farm class to provide significant property tax incentives;
 - ensure that the threshold for farm income necessary for farm class status is appropriate to agriculture within the Trust Area; and
 - acknowledge that the total land area subject to the farm class may include land left uncultivated.

Commented [DH29]: REMOVED: due to First Nations concerns and feedback from Islands Trust Conservancy staff regarding ALR lands sometimes compromising First Nations interests, protected area networks and conservation-oriented land securement strategies.

Amend
Dec
4/98
BL 53

4.2 Forests

Commitments of Trust Council

- 4.2.1 Trust Council recognizes that forestry is a traditional land use in the Trust Area, and supports sustainable forestry as an appropriate form of land use.
- 4.2.2 It is the position of Trust Council that sustainable forestry depends on maintaining and, where necessary, restoring the ecological integrity of forests.
- 4.2.3 It is the position of Trust Council that to achieve sustainable forestry, forest owners should undertake planning to address the integrity of forest ecosystems, including monitoring and evaluation to modify forestry plans and activities as needed.
- 4.2.4 It is the position of Trust Council that forest cover is a representative characteristic of the Trust Islands and should be maintained.
- 4.2.5 It is the position of Trust Council that the aesthetic value of forest land should be protected.

Commented [DH30]: REMOVED: similar concerns as in agriculture section to framing as "traditional" or "appropriate"; generally reframing forestry references to "sustainable forest harvesting".

Directive Policies

- 4.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
- 4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:
- the retention of large land holdings and parcel sizes for sustainable forestry use, and
 - the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.

- 4.2.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.

Recommendations

- 4.2.9 Trust Council encourages the Provincial government to adopt mechanisms that will ensure full and meaningful participation of communities in decisions concerning the use of forest land.
- 4.2.10 Trust Council encourages the Provincial government to implement education and extension programs to promote sustainable forestry and the protection of forest ecosystems.
- 4.2.11 Trust Council encourages the Provincial government to adopt Provincial statutes and guidelines that establish forestry practices to protect the ecological integrity on a scale of forest stands and landscapes by maintaining and, where necessary, restoring:
- the diversity of forest structure and composition;
 - the physical, chemical, and biotic diversity of soils;
 - natural aquatic and wetland ecosystems;
 - the full range of natural habitats in the forest landscape, including old growth; and
 - connectivity of forest habitats sufficient for the dispersal needs of native species.
- 4.2.12 Trust Council encourages the Provincial government to adopt Provincial statutes and guidelines that will reduce invasive non-native plant species in the forests.
- 4.2.13 Trust Council encourages the Provincial government to designate forest ecosystem reserves, where no extraction will take place, to promote the preservation of native biological diversity.
- 4.2.14 Trust Council encourages the Provincial government, prior to giving approval to cutting plans, to require that the applicant identify those elements of the forest needed to maintain sustainable forest land use.
- 4.2.15 Trust Council encourages the Provincial government to implement property tax incentives for the practice of sustainable forestry.
- 4.2.16 Trust Council encourages the Provincial Ministry of Forests, when developing specific forest tenures, to assign to Trust Council or Trust Fund Board the holding of areas not to be harvested.

4.3 Wildlife and Vegetation

Recommendations

4.3.1 Trust Council encourages Provincial and Federal government agencies to:

- regulate and monitor the harvesting of the fish, wildlife and vegetation of the Trust Area so as to protect populations and habitats, and
- consult with local trust committees, island municipalities, the communities of the Trust Area and First Nations prior to decisions regarding regulation of hunting or harvesting of Area wildlife or vegetation.

4.3.2 Trust Council encourages Provincial and Federal government agencies to protect, for public use, areas supporting naturally occurring shellfish populations and other marine life and to establish public shellfish reserves in the Trust Area.

Commented [DH31]: Moved Recommendations from this section to Coordination Policies of 4.1.1 – Environmental Integrity Policies

4.4 Freshwater Resources

Commitment of Trust Council

4.4.1 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.

Directive Policies

4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and
- existing, anticipated and seasonal demands for water are considered and allowed for.

4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses¹⁸.

Recommendations

4.4.4 Trust Council encourages island property owners, residents and visitors to adopt conservation practices in their use of freshwater.

4.4.5 Trust Council encourages the Provincial government to implement property tax incentives for the retention of groundwater and watershed recharge areas and freshwater wetlands.

4.4.6 Trust Council encourages the Provincial government to adopt legislation that protects the sustainability and quality of the groundwater of the Trust Area.

4.4.7 Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies that promote efficient use of freshwater resources, including cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices.

¹⁸ Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and the maintenance of water quality in lakes and streams and wetlands.

4.5 Coastal Areas and Marine Shorelands¹⁹

Commitments of Trust Council

- 4.5.1 It is Trust Council's policy that aquaculture²⁰ is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character.
- 4.5.2 Trust Council holds that finfish farms should not be located in the marine waters of the Trust Area.
- 4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.
- 4.5.4 It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.
- 4.5.5 It is Trust Council's policy that development should be directed to sites away from:
- areas of environmental sensitivity, and
 - areas of naturally occurring stocks of clams or oysters.
- 4.5.6 It is Trust Council's policy that aquaculture should be directed to sites away from:
- areas of recreational significance,
 - areas where an aquaculture operation would conflict with established or designated upland land uses, and
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.
- 4.5.7 It is the position of Trust Council that aquaculture related development, activity, buildings or structures should not result in site alteration²¹.

Directive Policies

- 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.
- 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.

¹⁹ Marine Shorelands - lands immediately adjacent to the marine shorelands.

²⁰ Aquaculture - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or under the foreshore or in the sea.

²¹ Site Alteration - includes, but is not limited to substrate modification or the use of metal plates or pipes.

- 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 Soils²² and Other Resources

Commitments of Trust Council

- 4.6.1 Trust Council holds that there should be no extraction of peat, metals, minerals, coal or petroleum resources in the Trust Area.
- 4.6.2 Trust Council holds that there should be no extraction of aggregate from the foreshore or the sea floor of the Trust Area.

Directive Policy

- 4.6.3 Local trust committees and island municipalities shall, in local bylaws relating to soil removal and deposit, address the protection of productive soils.

²² Soils - the entire layer of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act* or the *Mining Placer Act*.

PART V: SUSTAINABLE COMMUNITIES²³

GOAL: TO SUSTAIN ISLAND CHARACTER AND HEALTHY COMMUNITIES

Communities within the Trust Area are predominantly rural in character and contrast markedly with surrounding urban areas. Each island community has developed somewhat independently of other communities. Residents of all island communities value the safe and supportive nature of their island and their quality of life. Most feel strongly that people of differing age groups and income levels should continue to have the opportunity to reside in island communities.

The health of a community is influenced by numerous factors such as economic security, education, social support systems, the cleanliness and safety of the environment, and the availability of such necessities as educational and social services, transportation, affordable food and housing. Public involvement in decisions that affect a community is also critical to the health of that community. Participation in the decision-making process influences whether an individual or group is able to realize aspirations, satisfy needs or cope with change.

POLICIES FOR SUSTAINABLE COMMUNITIES

5.1 Aesthetic Qualities

Commitments of Trust Council

- 5.1.1 Trust Council holds that the overall visual quality of the Trust Area and its scenic values should be protected from disturbance, particularly those areas that have distinctive features or are highly visible.
- 5.1.2 It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character.

Directive Policy

- 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.

Recommendation

- 5.1.4 Trust Council encourages property owners, residents and visitors to reduce the burning of wood and fossil fuels by adopting alternative or innovative technologies.

5.2 Growth and Development

Commitments of Trust Council

- 5.2.1 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.2 Trust Council holds that tree cover on the islands is of great importance and should be preserved.

Amend
Mar 6/98
BL 48

Commented [DH32]: Moved policies to 6.1 Rural Island Planning Policies

Commented [DH33]: Moved policies to 6.1 Rural Island Planning Policies

²³ Sustainable Communities - human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.

Directive Policies

- 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

5.3 Transportation and Utilities

Commitments of Trust Council

- 5.3.1 Trust Council holds that local trust committees and island municipalities should be consulted and involved in the decision-making process regarding provision of utilities, transportation services or facilities that might affect land use in their local planning areas.
- 5.3.2 It is Trust Council's policy that no island in the Trust Area should be connected to Vancouver Island, the mainland or another island by a bridge or tunnel, notwithstanding the existing bridge between North and South Pender Islands.

Directive Policies

- 5.3.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
- 5.3.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
- 5.3.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
- 5.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.

Recommendations

Commented [DH34]: REMOVED "and Utilities" as all of the policies pertain to Transportation

Amend
Nov 4/96
BL 42

Amend
Nov 4/96
BL 42

5.3.8 Trust Council encourages Provincial and Federal agencies to ensure safe shipment of materials hazardous to the environment.

Amend
Nov 4/96
BL 42

5.3.9 Trust Council encourages the Ministry of Transportation and local communities to work together through a public consultation process to evaluate and modify road construction and road system proposals to encompass the environmental, economic and social values of the community.

5.4 Disposal of Waste

Commitments of Trust Council

5.4.1 It is Trust Council's policy that the safe disposal in the Trust Area of waste originating in the Trust Area is acceptable.

5.4.2 It is Trust Council's policy that:

- neither hazardous nor industrial waste should be disposed of in the Trust Area,
- local recycling operations should be established, and
- local programs for chipping of wood waste and disposal of hazardous wastes should be established.

5.4.3 It is Trust Council's policy that there should be a reduction in the burning of solid waste in the Trust Area.

Directive Policy

5.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

Recommendation

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.

5.5 Recreation

Commitments of Trust Council

5.5.1 It is Trust Council's policy that recreational activities in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.

Amend
Mar 6/98
BL 48

5.5.2 Trust Council holds that destination gaming facilities such as casinos and commercial bingo halls are not appropriate to and should not be located in the Trust Area.

Commented [DH35]: Moved policies to 6.1 Rural Island Planning Policies

Directive Policies

Amend
Mar 6/98
BL 48

5.5.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.

5.5.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and
- the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.

5.5.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address:

- the identification of sites providing safe public access to beaches,
- the identification and designation of areas of recreational significance, and
- the designation of locations for community and public boat launches, docks and anchorages.

5.5.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.

5.5.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.

5.6 Cultural and Natural Heritage²⁴**Commitment of Trust Council**

5.6.1 Trust Council holds that the natural and human heritage of the Trust Area — that is the areas and property of natural, historic, cultural, aesthetic, educational or scientific heritage value²⁵ or character²⁶ — should be identified, preserved, protected and enhanced.

Directive Policies

5.6.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.

5.6.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.

Commented [DH36]: Moved policies to NEW PART 5: Heritage Preservation and Protection

²⁴ Heritage - a place, feature or event of cultural, biological, archaeological, paleontological or geological significance.

²⁵ Heritage Value - historical, cultural, aesthetic, educational or scientific worth or usefulness of property or an area.

²⁶ Heritage Character - the overall effect produced by traits or features which give property or an area a distinctive quality or appearance.

5.7 Economic Opportunities**Commitment of Trust Council**

- 5.7.1 Trust Council holds that economic opportunities should be compatible with the conservation of resources and protection of community character.

Directive Policy

- 5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Commented [DH37]: Moved policies to 6.1 Rural Island Planning Policies

5.8 Health and Well-being**Commitments of Trust Council**

- 5.8.1 Trust Council holds that public participation should be part of the decision-making processes of all levels of government.
- 5.8.2 It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.
- 5.8.3 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.
- 5.8.4 Trust Council holds that island municipalities shall, in all of their actions have regard for the Trust Policy Statement and the object of the Islands Trust.
- 5.8.5 It is the position of Trust Council that the development and maintenance of healthy communities in the Trust Area through the process described in the Provincial Ministry of Health's "Healthy Communities Program" should be encouraged.

Commented [DH38]: Moved policies to 6.1 Rural Island Planning Policies

Directive Policies

- 5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Commented [DH39]: REMOVED: time-sensitive project, inappropriate to general nature of the Policy Statement

Commented [DH40]: Moved to new section 6.2 devoted to Housing Policies

Recommendations

- 5.8.7 Trust Council encourages Provincial, Federal and local governments to provide information and databases to local trust committees and communities to assist them in land use planning.
- 5.8.8 Trust Council encourages government agencies, corporations, property owners, residents and visitors to use renewable sources of energy within the Trust Area.

Commented [DH41]: REMOVED: unclear what the intent of this policy is

Amend
Nov 4/96
BL 42

SCHEDULE I

DEFINITIONS

Address - direct attention to matters in a way that implements the policy of Trust Council.

Aquaculture - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or under the foreshore or in sea.

Conservation - actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or areas of human heritage value or character.

Drift Sector - an integrated and independently operating beach system of erosion-transportation-accretion operating along the coastline.

Ecological - related to the interrelations among plants, animals (including humans) and their environment.

Ecosystem - complexes of living organisms interacting with the non-living environment that sustains them. All ecosystems have three fundamentals: composition, structure and function. The composition of ecosystems is defined as an inventory of the living components including humans. The structure of an ecosystem is the physical arrangement of its living and non-living components. Function refers to the exchanges and flows of energy, material or information within and among the living and non-living components of an ecosystem.

Habitat - the place or situation in which a human, animal or plant lives.

Heritage - a place, feature or event of historical, cultural, aesthetic, educational or scientific significance.

Heritage Character - the overall effect produced by traits or features which give property or an area a distinctive quality or appearance.

Heritage Property - property or areas that have historical, cultural, aesthetic, educational or scientific value or character.

Heritage Value – historical, cultural, aesthetic, educational or scientific worth or usefulness of property or an area.

Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and maintenance of water quality in lakes and streams and wetlands.

Marine Shorelands - lands immediately adjacent to the marine shoreline.

Natural Areas - areas that have experienced minimal modification by the human species.

Order in Council 467 - Provincially established legislation that reserves certain Crown lands, including lesser islands and islets in the Trust Area, from disposition under the *Land Act*.

Preserve - to maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.

Protect - to maintain over the long term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

Renewable Resources - resources that are capable of being replaced by natural ecological cycles within reasonable human time frames.

Riparian Zone - relating to the bank of a river, lake, stream or watercourse.

Site Alteration - includes, but is not limited to substrate modification or the use of metal plates or pipes.

Soil - the entire layer of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act* or the *Mining Placer Act*.

Stewardship - voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

Sustainable - capable of being maintained indefinitely; capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

Sustainable Communities - human communities that have achieved a balance between environmental, economic and social systems and that respect the carrying capacity of the supporting environment.

Sustainable Use - use of renewable resources which is within the capacity of those resources for renewal and which conserves the ecological processes that support the use.

Trust Area Species - species native to the Trust Area, dependent on the Trust Area for all or part of their life cycle, or using the Trust Area seasonally or for migratory purposes.

Unfragmented Forest Ecosystems - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

Wetland - land that has the water table at, near, or above the land's surface or which is saturated for a long enough period to promote aquatic processes.

Commented [DH42]: REMOVED SCHEDULE 1 – DEFINITIONS; instead included key definitions in the preamble to each chapter or in policies themselves for clarity.

REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** May 5, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** April 29, 2021

SUBJECT: Local Government Development Approval Program – Grant Application

RECOMMENDATION: That the Islands Trust Executive Committee supports the Islands Trust “Development Applications Service Delivery and Technology Improvement Initiative” application under the Local Government Approval Program, and supports staff providing overall management of the grant.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: This grant opportunity fits well with the on-going Local Planning Services Renewal, and Trust Council’s governance review initiative. Part of the application includes much needed upgrades to the information technology to improve transparency, streamline operations and improve data analysis and reporting on development applications.

1 PURPOSE:

To seek Executive Committee endorsement for a grant application to improve development application service delivery and upgrade development application information systems.

2 BACKGROUND:

As reported in the March 24, 2021 briefing to the Executive committee the province last announced a new \$15 million grant program for local governments (including Islands Trust and local trust committees) to improve service delivery. The grant would cover 100 per cent of the cost of undertaking work in the following categories:

- A. Conducting internal reviews of current development approvals processes to identify opportunities for greater efficiency and effectiveness.
- B. Updating or creating specific internal approvals procedures that will result in more effective and efficient development approvals processes.
- C. Supporting efficient and effective decision making in order to further local government planning and development objectives.
- D. Facilitating collaboration or coordination with external partners (e.g. development community, provincial Ministry, other local governments).
- E. Improving information technology to facilitate development application processing.
- F. Training and capacity building for staff, elected officials (e.g. change management training), or external partners (e.g. application processes) in order to support the project.
- G. Other activities that support the improvement of the local government development approval process and that meet the intent of the program may be considered for funding.

The deadline for making an application is May 7, 2021, and the grantor expects to announce successful applicants by August 2021. The work funded by the grant must be completed within

two years of the date of grant approval. Maximum grant awarded per local government is suggested at \$500,000.

In the briefing, staff outlined some activates that could be considered for the grant. Following the March 24, 2021 meeting, staff evaluated the options presented to the Executive Committee against the grant criteria, as well as how well the option meet the Islands trust requirements, defined as:

- Reducing on-going costs to the organisation
- Improving service delivery and efficiency of operations
- Improving public access to information
- Improving application processing for the public and staff
- Supporting reconciliation

The following three options scored highest in the review:

1. Hire a consultant to review Local Planning Services application processing delivery, and make recommendations for improvements, to streamline process, reduce redundancies, and make processing more efficient;
2. Update Trust Area Property Information System (TAPIS) and MapIT to improve functionality, and improve front-facing public information delivery.
3. Update website to include an on-line application portal (this may be a component or integrated with TAPIS update), and
4. Additionally the inclusion of public meeting electronic hardware would substantially assist in public outreach and access to public decision making.

Staff has developed an application for these three projects, linking them together as a package focused on improvements to development application processing, public transparency and reconciliation. The application explains the current situation and the challenges facing the organization, with First Nations engagement and equity in housing woven into the narrative.

A breakdown of the work and costs is included as an attachment to the Grant application.

A requirement of the grant application is a resolution from the Executive Committee to support the grant as requested, and to confirm willingness to take on management of the grant, should it be awarded.

3 IMPLICATIONS OF RECOMMENDATION

The grant application as drafted will be submitted by the deadline on May 7, 2021. If the grant is awarded, staff will begin the process of securing consultants to undertake the work as outlined in the grant application.

ORGANIZATIONAL:

Management staff time and Information services staff time would be involved in managing and delivering the work. Implementation of new information technology would require training and new systems and processes (cost of which is built into the grant application).

FINANCIAL:

The grant covers 100 per cent of the cost of implementation, including consultants to undertake the work, and software and hardware for the information technology upgrade. On-going costs of maintaining the new software is not included. Savings annually are expected through improvements to development application service delivery from changes in processes, and the implementation of the new software. The net change is expected to reduce annual costs.

POLICY:

There are no policy implications from the recommendation.

IMPLEMENTATION/COMMUNICATIONS:

A communication plan would be developed as part of the project, for staff, trustees and the public.

FIRST NATIONS:

Any changes to processes resulting for the upgraded software and development application review recommendations would involve engagement with First Nations.

OTHER:

The Grant has a deadline of completion two years from date of grant being awarded. All work would likely need to be completed by August 2023. The grant will likely have interim reporting requirements that staff will need to manage as part of the project.

There is a risk that the grant will not be awarded, or it will be partially awarded. The Grant has a \$15 million budget, and the grant applications is open to all government. The focus is to improve development application service delivery, and the grant states that preference will be given to those communities with high growth rates.

4 RELEVANT POLICY(S):

There are no relevant policies.

5 ATTACHMENT(S):

Development Applications Service Delivery and Technology Improvement Initiative– Grant Application

RESPONSE OPTIONS**Recommendation:**

That the Islands Trust Executive Committee supports the Islands Trust “Development Applications Service Delivery and Technology Improvement Initiative” application under the Local Government Approval Program, and supports staff providing overall management of the grant.

Alternative:

That the Islands trust Executive Committee not support the grant application, or require changes to the grant application. Changes to the grant application would be problematic as we have limited time to develop further rationale and case for an alternative funding request, given the deadline is May 7, 2021.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller, Chief administrative Officer/April 29, 2021
Carmen Thiel, Legislative Services Manager/April 29, 2021
Julia Mobbs, Director, Administrative Services/April 29, 2021
Clare Frater, Director, Trust Area services/April 29, 2021
Mark Van Bakel, Senior technical Analyst/April 29, 2021
Mike Richards, Grants Manager/April 29, 2021

Denman	1022	1165	+14.0
Gabriola	4045	4033	-0.3
Galiano	1138	1044	-8.3
Gambier	275	247	-10.2
Hornby	958	1016	+6.1
Lasqueti	426	399	-6.3
Mayne	1071	949	-11.4
North Pender	2035	2067	+1.6
Salt Spring	10322	10640	+3.1
Saturna	335	354	+5.7
South Pender	201	235	+16.9
Thetis	340	389	+14.4

TOTAL 22168 22538 1.7

Please note: No population recorded in the census for the Ballenas Winchelsea Local Trust Area

B. Population growth rate (2011 – 2016 Census, Stats Can):

Overall +1.7% however, as in "3. A." above, there has been significant variations in different Local Trust Areas. Some local trust areas with significant populations, such as Salt Spring, are seeing high growth rates. These rates are challenging given the limited land base and availability of freshwater on these islands.

C. Description of the development trends in your community in last 5 years. This could include scale and typical type of developments, number and type of applications and permits, and/or type of applicants (large developers, builders or contractors, property owners):

Development trends vary by island. There are 13 local trust areas in the Islands Trust and their focus is land use planning (official community plans and land use bylaws) with a mandate to preserve and protect the islands. Therefore the goal is to manage development in a way that puts the environmental and cultural heritage issues first and foremost. Between them, the 13 local trust committee have a total of 20 official community plans and 20 land use bylaws to administer. This leads to additional complexity in development application processing.

Applications are typically landowners looking to make changes to the use on their property, to move zoning around to protect environmental features and move density to more appropriate locations, such as village centres. We also receive applications to provide services on the islands, such as locally focused commercial and industrial activities.

In the last five years, we have processed: 63 rezoning applications; 94 subdivision applications (the largest of which involved a quarter of an island, 120 lots and many amenity provisions tied to a rezoning); 217 development variance permits, 161 development permits; 116 temporary use permits; 32 agricultural land reserve applications; 1583 building permit referrals for the regional districts; and 29 other applications and referrals. This is a total of 2296 applications.

The volume is increasing, with our applications in the first three months of 2021 being 84 per cent higher than the five year average.

D. General community awareness or engagement regarding development processes:

Islands Trust is known for its focus on protection and preservation over development for the sake of development; and that the intent is to manage growth for the local island communities while preserving and protecting the environment and unique amenities of the islands.

We have recently issued a press release to advise the public of volume of applications and that due to the increased volumes, processing times will take longer.

4. Rationale for Proposed Activities. Based on the local development context identified in Question 3, identify the current challenges facing your local government regarding development approvals.

The biggest challenge is that the islands are attractive to speculation and retirement buyers, and surrounded by highly developed urban areas of Metro Vancouver, east side of Vancouver Island and metropolitan Seattle. The pressures of population looking for places to recreate and the reputation of the islands leads to high demand for short term tourist accommodations during the summer months. This leads to use of residences as tourist accommodation as this form of tenure is more lucrative than renting out as a residence. This then can lead to higher real estate prices and lower housing stock for islanders. We are seeing an inequity in ability of various population groups to be able to afford to live on the islands.

The price of real estate on the islands makes it difficult if not impossible for people working in the service industry to live on the islands, and for most islands commuting is not an option due to distance and infrequent ferry schedules. The aforementioned short term rentals compounds the problem. This results in the islands losing the community as only those with money are able to afford to live on the islands. Equity of population, and developing a means to allow a diverse population to live and work on the islands and maintain the unique amenities of the islands is part of the preserve and protect mandate of the Islands Trust.

Due to the geographic make-up of the Islands Trust Area, and the fact many property owners either do not live within the Islands Trust area, or they live on an island that makes it difficult for them to attend in-person public meetings in which development applications are considered. Local trust committees do not have a dedicated meeting room (such as a town hall), and therefore hold their business meetings in rented halls on the islands.

Other planning challenges on the islands are the provision of freshwater to support the existing and projected populations, engagement with First Nations, engagement with other agencies that provide services on the islands, and a very active and involved community.

A result of the above is an increasing complexity for the planning staff. This leads to longer and more involved processes, consuming more staff time for each application. This is very noticeable when compared to the time commitments from 10 years ago. We are unable to add more staff due to budgetary constraints, and instead are looking at ways to provide development approval planning support in more efficient ways.

5. Evidence and Readiness. Based on the challenges identified above provide an overview of any additional evidence for making changes to the development approval processes. This may be derived from existing internal development approval process review, strategic plan, other relevant staff report, increase in development applications, projected increase in housing need based on recent housing needs assessment. *Copies of documents should not be submitted with the application.*

In 2018 we undertook an internal review of application processing and how we provide planning services generally to the 13 local trust committees. Coming out of that review, we undertook a reorganisation of planners to focus some planners on the proactive long range planning, created

a new position to centralize referrals and are in the process of reviewing application processing internally.

To further support the changes, we identified a need to make major improvements in our electronic systems used for recording, tracking and managing applications, as well as improvements to make local trust committee business meetings more accessible to the public. We also identified that an independent review of the current application processing practices would yield improvements that would be aimed at efficiency, transparency and improved processing times and systems.

6. Proposed Activities. Refer to Sections 4 to 6 of the *Program & Application Guide* for funding requirements and eligibility and provide the following information:

A. Describe the specific activities you plan to undertake:

1. Hire a consultant to review the development application processing approach currently used at the Islands Trust and make recommendation on changes that could be made to improve efficiency. This will be focussed on the steps used, the reporting and detail in the reporting to the elected officials for each type of major application - rezoning, development vairance permit, development permits and temporary use permits. Part of this will be to look at means to "fast-track" or prioritise" those applications that improve equity and access to affordable housing.

2. Replace the in-house property information system, which provides information layers for each property in the Trust Area and includes planning activity on the properties with a new system. The intent is to use a system that follows accepted protocols in BC local governments. The new system will provide more reporting options (currently limited) on applications and harmonisation of tracking of staff time on applications for reporting purposes (currently done via two different systems that cannot share data). The new system would include an application portal for the public to make and track applications. This project will provide more clarity and transparency, and also thorough better tracking provide data for analysis on various applications. This will enable us to tweak processes and resource allocation, and further the objective of reconciliation and equity between various population groups for access to housing on the islands.

3. Improve public access to local trust committee meetings by providing technology and staff support to allow public participation electronically, and to record and broadcast these meetings. This will involve purchase of camera, laptop and microphone technology to allow recording, broadcasting, and public electronic involvement in the meetings.

B. How will the proposed activities meet the intent of the funding program and the challenges identified in Question 4:

This proposal meets the requirements of sections A and E in the "Activities Eligible for Funding" from the Program and Application Guide, in providing a review of the development application processing, and improving technology to improve transparency and delivery of development application processing.

The proposal will meet the challenges identified in Question 4 by identifying areas where we can streamline the development application process, allowing us to be more efficient and shorten the timeline and cost to the applicant. The proposal is a two pronged approach - one is a review by a qualified external consultant on the actual processes undertaken; the second is provision of new technology for use by staff and the public. These two together will provide a much smoother, more efficient and more transparent process than we are able to provide with the current technology and systems.

The provision of technology to allow recording, broadcasting and public involvement in the local trust committee meetings will improve equity in accessibility to the decision making process for all residents and landowners. The current standard (once the pandemic health

orders are lifted) is that only those able to attend the meeting in-person can participate and witness the local trust committee decision making in relation to development applications.

This leads to better ability to meet the Islands Trust mandate to preserve and protect the islands, while managing development growth, and accommodating changing needs of the island populations, including better ability to provide appropriate zoning for affordable housing.

7. Outcomes & Performance Measures. Please describe the proposed outcomes and performance measures.

A. What outcomes will indicate project success (addressing challenges identified in Question 4):

Less staff time used in processing development applications

Consistency of processing applications between all 13 local trust areas

Better transparency for the public on status and progress of applications

On-line development application system

An improved referral process with First Nations

B. What performance measures will be used to assess these outcomes:

Planning hours used per application type measured against the current situation

Turn-around time per application time vs current system

Public use of the development application portal and on-line application

Volume of enquiries to planners about applications with the new system verses the current system

Higher response and engagement by First Nations in development applications in early application and during the processing of the application.

Improved referral times to First Nations and other agencies.

8. Internal & External Partnerships. Please indicate how you intend to consult, engage, or collaborate with the following and what specific role they will play in the proposed activities. If possible, please identify the specific agencies or organizations you intend to work with.

Internal partners (i.e. local government departments):

Islands Trust Local Planning Services - responsible for delivery of planning services to the 13 local trust committees. This group will work with the consultant to review the current system; this group will consider and implement the advice of the consultant.

Islands Trust Information Technology - will be responsible for procurement, implementation, commissioning and maintenance of the new technology system.

External partners (i.e. development community, provincial Ministry, other local governments):

Engagement with First Nations - through our Senior Intergovernmental Policy Advisor, ensure that changes in processes and information provided to the public is appropriate and further reconciliation.

Other:

None

9. Additional Information. Please share any other information you think may help support your submission.

We have just completed a 2.5 year website refresh project focussed on providing more accessible information to the public, and reflecting reconciliation and climate change emergency declarations of Trust Council. At the time of developing the website review project, review of development application services and new technology to support that was identified as desirable, but out of scope and budget.

SECTION 4: Required Attachments

Please submit the following with the completed Application Form:

- ☐ Detailed project budget
- ☐ Council or Board, or Local Trust Committee resolution that indicates support for the proposed project and a willingness to provide overall grant management
- ☐ For projects with external partners: written confirmation from the external partner confirming their role and willingness to participate.

Submit the completed Application Form and all required attachments as an e-mail attachment to lgps@ubcm.ca and note "2021 LGDAP" in the subject line.

SECTION 5: Signature. Applications are required to be signed by an authorized representative of the applicant. Please note all application materials will be shared with the Province of BC.

I certify that: (1) to the best of my knowledge, all information is accurate and (2) the area covered by the proposed project is within the applicant's jurisdiction (or appropriate approvals are in place).

Name:	Title:
Signature:	Date:

Islands Trust

Development Applications Service Delivery and Technology Improvement Initiative

Grant Application Funding Breakdown

Grant Section	Name	Activity	Cost
A.	Review of Development Application Processing	Consultant, by competitive bid, to review current processes at the Islands Trust, make recommendations to improve efficiency and streamline processing times	\$45,000 consultant contract \$3,000 legal \$2,000 contingency Total: \$50,000
E.	Replace in-house property information system.	Software/license purchase by competitive bid – to include property information, planning layers, bylaw enforcement and planning activity tracking, sensitive ecosystem mapping, public facing module for public application and tracking, map link/module.	\$120,000
		Consultant, by competitive bid, to undertake transition from current to new system, implementation to fit Islands Trust business requirements and workflows	\$120,000
		Migration of data from current system to the new system.	\$40,000
		Training of staff on the new system.	\$25,000
		Travel and other expenses related to the implementation of the software (three office locations Victoria, Gabriola and Salt Spring with physical infrastructure).	\$25,000
	Technology to support 13 Local Trust Committees' on-island business meetings	Electronic package – camera and microphones and laptop hardware to support recording and broadcast of local trust committee meetings.	\$3,400 per package, times seven units (shared between 13 local trust committees) = \$23,800
		TOTAL for Information System upgrade	\$330,000
A+E	Development applications renewal project total costs	TOTAL Grant Application	\$403,800



OMBUDSPERSON
BRITISH COLUMBIA

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



Dear Mr. Luckham,

RE: Quarterly Reports: October 1 – December 31, 2020

This package of documents details the complaint files the Office of the Ombudsperson closed for **Islands Trust** between October 1 and December 31, 2020. No action is required on your part, however we hope that you will find this information useful and share it within your organization.

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

Enclosed you will find detailed reports containing the following:

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

complainants' anonymity.

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

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

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

Yours sincerely,



Jay Chalke
Ombudsperson
Province of British Columbia

Enclosures



Type of complaint closure	# closed
Enquiries – Many people who contact us are not calling to make a complaint, but are seeking information or advice. These contacts are classified as <i>Enquiries</i> to distinguish them from <i>Complaints</i> , which are requests that our office conduct an investigation.	0
Complaints with No Investigation – Our office does not investigate every complaint it receives. First, we determine whether we have authority to investigate the complaint under the <i>Ombudsperson Act</i> . We also have discretion to decline to investigate for other reasons specified in the <i>Ombudsperson Act</i> .	0
Early Resolution Investigations – Early Resolution investigations provide an expedited process for dealing with complaints when it appears that an opportunity exists for the authority to take immediate action to resolve the issue. Typical issues that are addressed through Early Resolution include timeliness, communication, and opportunities for internal review.	0
Complaint Investigations – When we investigate a complaint we may conclude with a determination that a complaint is not substantiated, or with a negotiated settlement of the complaint, or with public findings and recommendations. We may also exercise discretion to cease investigation for a number of other reasons specified in the <i>Ombudsperson Act</i> .	Total: 1
Reason for closing an Investigation:	
Pre-empted by existing statutory right of appeal, objection or review.	0
Investigation ceased with no formal findings under the <i>Ombudsperson Act</i> .	
More than one year between event and complaint	0
Insufficient personal interest	0
Available remedy	0
Frivolous/vexatious/trivial matter	0
Can consider without further investigation	1
No benefit to complainant or person aggrieved	0
Complaint abandoned	0
Complaint withdrawn	0
Complaint settled in consultation with the authority - When an investigation leads us to conclude that action is required to resolve the complaint, we try to achieve that resolution by obtaining the voluntary agreement of the authority to settle the complaint. This allows matters to be resolved fairly for the complainant and authority without requiring a formal finding of maladministration.	0
Complaint substantiated with formal findings under the <i>Ombudsperson Act</i> .	0
Complaint not substantiated under the <i>Ombudsperson Act</i> .	0
Ombudsperson Initiated Investigations – The Ombudsperson has the authority to initiate investigations independently from our process for responding to complaints from the public. These investigations may be ceased at the discretion of the Ombudsperson or concluded with formal findings and recommendations.	0



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

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

Sector-Specific Complaint Topics - All Local Government

Business Licensing	7	5%
Bylaw Enforcement	46	30%
Council Member Conduct (incl. Conflict of Interest)	7	5%
Official Community Plan/Zoning/Development	28	18%
Fees/Charges (incl. Taxes)	19	12%
Open Meetings	4	3%
Services (incl. Garbage, Sewer, Water)	15	10%
Response to Damages Claim	3	2%
Other	26	17%

General Complaint Topics - All Local Government

COVID-19	7	3%
Disagreement with Decision or Outcome	70	31%
Accessibility	7	3%
Delay	11	5%
Administrative Error	8	4%
Treatment by Staff	18	8%
Communication	36	16%
Process or Procedure	52	23%
Review or Appeal Process	3	1%
Employment or Labour Relations	1	0%
Other	13	6%



Notice: Use of this document as evidence against an individual or institution in a court or tribunal proceeding is prohibited by s. 20(2) of the Ombudsperson Act.

Closing Summary Index

Closing summaries are provided for all investigated files closed in each quarter. Identifying information is removed from the closing summary itself to allow for broader distribution within your organization for quality improvement purposes without disclosing personal information. The table below provides an index of these investigated files and lists the complainant's name, file number and authority contact involved. Files closed under our Early Resolution Program are also identified. This identifying information is provided separately to assist you in following up on individual files with involved staff as needed.

File Number	Complainant	Authority	Authority Contact	ER file
20-182042 /001	Panacui, Oreste	Islands Trust	Mr. Russ Hotsenpiller Chief Administrative Officer	



Closing Summary

Authority:	Islands Trust
File Number:	20-182042 /001
Closing Date:	09-Dec-2020
Closing Status:	<i>Closed; Investigation; Ceased (discretion) (s.13); Can consider without further investigation (s.13(e)); No findings</i>
General Complaint Topics:	Disagreement with Decision or Outcome Review or Appeal Process
Authority-specific Complaint Topics:	Official Community Plan/Zoning/Development

A person contacted our office after the Thetis Local Trust Committee (the LTC) denied a bylaw rezoning application. The person was concerned that the decision was rushed, and that the LTC did not have a valid reason to deny the application. The person also had concerns that they were told by Islands Trust there was no appeal process.

We investigated whether the Islands Trust provided adequate reasons to the person in its letter denying the application.

The Islands Trust records indicated it had advised the complainant about the approximate timeframe for a successful rezoning application and that it could depend on the complexity of the application and staff workload. Regarding the complainant's contention that the Islands Trust advised there was no appeal process, the information the Islands Trust provided to the complainant was consistent with the relevant development procedure bylaw.

The Islands Trust provided us with the information considered by the LTC when it denied the application. When we consider the adequacy of reasons we are generally assessing whether the reasons provided allow a person to understand the basis for the decision that has been reached. Reasons need not respond to every issue raised in a complaint in order to be considered reasonable.

When viewed in the context in which the decision was made, namely, during a meeting in which the LTC was engaged in legislated decision-making, it appeared the Islands Trust provided a reasonable explanation of the information the LTC reviewed and assessed when it decided to deny the application. In considering the sufficiency of the reasons, we reviewed the Meeting Minutes of the LTC, which provided further information about what the LTC considered and discussed when it voted on the application. On the whole, the Minutes and the decision letter explained the basis for the denial. As result, we ended our investigation and closed our file.



File: 10497-01
Reference: 257679, 259384

April 23, 2021

BY EMAIL: pluckham@islandstrust.bc.ca

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

Dear Peter Luckham:

Thank you for your July 30, 2020 email to Doug Donaldson, former Minister of Forests, Lands, Natural Resource Operations and Rural Development, Selina Robinson, former Minister of Municipal Affairs and Housing and Scott Fraser, former Minister of Indigenous Relations and Reconciliation, and your September 18, 2020 email to Doug Donaldson regarding your concerns with the oversight of forestry activities within the Islands Trust Area and a request for amendments to the *Private Managed Forest Land Act* (PMFLA). I have been asked to respond, and I apologize for the delay, but feel it is the appropriate time to report out on our collective work that has been undertaken on the issue over several months.

I appreciate your concerns regarding Section 21 of the PMFLA, which is in place to ensure that oversight of forestry activities is conducted under the authorities of the Managed Forest Council. The legal opinion that you have included regarding potential legislative changes is duly noted. I appreciate the complexity of this issue as Islands Trust seeks to revise their policies to address the development of properties under their jurisdiction. I have allocated resources in our branch to work with Islands Trust and fully examine this issue to formulate possible solutions.

As you are aware, in 2019 a review of the Private Managed Forest Land (PMFL) Program was undertaken. Though still underway, this review brought to light a number of issues for communities across the province. I would like to thank Islands Trust for providing feedback to the process since its initiation.

To better understand the interaction between the PMFL Program and Islands Trust, as identified by both yourself and brought to light through the PMFL Program review, in January 2021 my staff undertook a specific examination of forestry activities within the Islands Trust Area. The object of this work is to fully understand the mandate and aspirations

Page 1 of 2

of the Islands Trust, and to explore options for better integrating the Islands Trust mandate with the goals and regulatory framework of the PMFL Program.

On March 4, 2021, a meeting was held with representatives from Islands Trust to better understand your perspective and the guiding principles within which Islands Trust operates. After incorporating the additional information provided by Islands Trust from that meeting, we have been able to share a draft of our analysis for review and feedback. It is my understanding that another meeting has been scheduled for later this month to continue the work started in March.

We will continue to work collaboratively with Islands Trust to continue to address issues as they evolve, and I am optimistic that this approach will develop options for consideration by the Honourable Minister Conroy and the Honourable Minister Osborne. I want to thank you for your letter, and for the commitment and effort that Islands Trust has dedicated to working with our ministry.

Yours truly,



Doug Kelly
Director

pc: Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNR.Minister@gov.bc.ca)
Honourable Josie Osborne, Minister of Municipal Affairs and Housing (MUNI.Minister@gov.bc.ca)
Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation (IRR.Minister@gov.bc.ca)
Sarah Fraser, Assistant Deputy Minister, Rural Opportunities, Tenures and Engineering Division (sarah.fraser@gov.bc.ca)
Richard Elliott, Executive Director, Rural Opportunities, Tenures and Engineering Division (richard.elliott@gov.bc.ca)
Patrick Russell, Manager, Timber Tenures, Forest Tenures Branch (patrick.russell@gov.bc.ca)
Tara Faganello, Assistant Deputy Minister, Local Government Division, Ministry of Municipal Affairs and Housing (tara.faganello@gov.bc.ca)
Kris Nichols, Manager, Planning and Land Use, Ministry of Municipal Affairs and Housing (kris.nichols@gov.bc.ca)
Phil O'Connor, Executive Director, Managed Forest Council (phil@mfcouncil.bc.ca)

Reference: 375549i

April 19, 2021

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

Dear Peter Luckham:

Thank you for your letter April 12, 2021, regarding the use of anticoagulant rodenticides and requesting a ban on their use in British Columbia. I share your concerns regarding the protection of wildlife in our province and I appreciate that you requested action on this important topic.

I am aware that anticoagulant rodenticides pose unintended risks to wildlife in B.C. through primary and secondary poisoning. I am also aware of reports in 2020 regarding owl deaths as a result of their use. My ministry maintains a commitment to protect wildlife from adverse impacts resulting from pesticide use. Ministry staff are taking action to address risks associated with the use of these products, including increasing compliance verification of current Integrated Pest Management Regulation requirements; raising awareness with rodenticide users on the impacts of misusing rodenticides; coordinating with provincial wildlife experts and Canadian Wildlife Service staff; and developing education materials for the public and pest control operators to better manage rodents within an integrated pest management system.

I have asked ministry staff to develop options for improvements to how rodenticides are regulated in B.C., including consideration of bans, and I will write back to you with details on our next steps once they have been determined.

Thank you again for taking the time to write and participating in our efforts to protect wildlife.

Sincerely,

George Heyman
Minister

From: CHRISTINE MILLER <[REDACTED]>
Sent: Sunday, April 25, 2021 8:45 PM
To: Lori Foster <lfoster@islandstrust.bc.ca>
Subject: Bowen Island - cidery, Millers

Hi Lori:

This is Heather Miller (the email has my mother's name attached, but we are in this together) - I spoke with you last week re our situation on Bowen Island with the cidery. Attached is a letter for the Executive Committee? the question mark relates to the presence of Trustee Fast as one of the members of that committee; the issue, adn TUP, we write to you about are now the subject of legal action against the Municipality, encompassing her, as one of the Councillors who unanimously passed this TUP on March 22. We don't feel that she ought to be part therefore of any Trust discussion, decision or vote on this matter. We are writing ahead of BIM Council's meeting tomorrow, which may move the Bylaw we refer to into third reading, or may suspend its consideration - however, we didn't feel we could wait any longer to write to the Trust, and also just have so many urgent letters to write and things to follow up on, that we are seriously overwhelmed by it all.

Yours,
Heather

Christine and Heather Miller

Bowen Island
VON 1G2

April 25, 2021

Dear Chair Luckham and fellow Trustees;

We write to urge you to rescind the motion EC-2021-001 adopted by you at the regular meeting of your executive committee on January 13th 2021, as minuted:

6.1 Bowen Island Municipality Bylaw No. 528 (LUB amendment)

Acting Director of Local Planning Services Cermak spoke to the bylaw amendments which include technical updates and housekeeping items. Executive Committee discussed the referral of bylaws to First Nations.

EC-2021-001

It was Moved and Seconded,

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

CARRIED.

With respect, Bylaw No. 528 was presented to you, and considered by you, as merely technical, a housekeeping tidy-up, and with the benefit of strengthening protection around watercourses, with no need for your planner or committee to consider in detail the "nitty-gritty".

We are writing to you today, Sunday April 25, with Bylaw no. 528 going before BIM Council tomorrow night for second reading, with Islands Trust approval attached. We have also written to the BIM Council urging them to suspend consideration of this Bylaw; that communication is attached with this for your consideration.

The claim that this Bylaw is "good" for watercourse protection, and the attaching of Islands Trust approval, both are ironic, because buried within this Bylaw, in the elimination of the "vineyard" definition – ie removing vineyards and wineries completely from view, subsumed under "agriculture" - and with a number of other elisions of terms related to agriculture, an important protection that we on Bowen Island had, thanks to the Islands Trust, has been erased. This has real, immediate and devastating consequences to watercourses, and to our safe supply of clean water, and creates a disturbing set of precedents. In effect, we feel that this Bylaw is akin to the omnibus/portmanteau bills used by Stephen Harper, with a poison pill embedded within, and that the Islands Trust has been manipulated into giving consent to something you did not, and would not, intend.

On February 22nd 2021, a Temporary Use Permit (TUP) went before Council for the first time, asking for a cidery to be established at 620 Laura Road, a property neighboring ours in a rural residential neighborhood. There are no cideries, wineries, or breweries on Bowen Island; there is a distillery, in Snug Cove, built in the period from 2017-2019. The issue of wastewater from the distillery has been considered and addressed by the Municipality, with technical reports commissioned by them on the issue from 2017, as that facility discharges its wastewater into the municipal system handled by the Cove Bay Water Treatment Plant. There was, very briefly (less than a year) a brewery on-island, but they left; waste management issues were among those driving their departure.

February 22 was the first we were aware of this proposed cidery, and we were immediately concerned about the water impact. We have lived on Bowen for 41 years, and remember the history that led to vineyards and wineries being prohibited here; in the 1990s, someone started a guesthouse with a vineyard, making wine, and the Islands Trust (Bowen not then being a municipality) intervened with attention to the issue of wastewater. Much of the language, definitions and ideas in our LUB as a result of that history are among those being eliminated in this Bylaw now presented to you.

The TUP was constructed and built around what appears to be a deliberate attempt to obscure facts, both by the applicants and by the BIM planner, i.e. that a cidery, functionally and legally is a winery, and that the fermentation process is a “light industrial” process. The applicants in fact used the very part of our zoning that specifically prohibits vineyards (and wineries) to obtain a manufacturing liquor license for a land-based winery; the actions of LRCB, and of our municipality in supporting that, are also being questioned, with an investigation requested.

We are aware that there are many cideries, wineries, breweries etc on other Gulf Islands, but the Islands are both similar and different, in water environments and growing climates; there are very Bowen Island specific constraints, around water and growing conditions, that make a cidery, particularly on the site proposed, a very, very bad idea. That this use has now been authorized, with absolutely no wastewater treatment in place, no consideration of the amount of water being used and that impact on other wells and the aquifer, no concern re the very real risk of sewage contamination, no protections or considerations re the stream running right through the middle of the cidery site (a tributary to fish-bearing streams, supporting endangered wildlife, a stream immediately flowing from that land onto ours and into a large wetland), no concern re the fact that this stream and water from this area are in the headwaters zone for the Grafton Lake watershed, etc, all of those things to us are very, very wrong.

Despite these concerns and many others being expressed to Council in the very time-restricted public comment process allowed, both our planner and then Council failed to address these issues except nominally and did not take any steps or actions to even check basic facts. There were multiple misleading statements and claims by both the applicants and the planner. The TUP was unanimously passed by Council on March 22nd.

That decision is now being legally challenged, and the conduct of our planner and BIM staff are also being addressed, in an open investigation file with the Ombudsperson concerning this and previous serious failures of fairness and disclosure. There are significant issues related to procedural fairness at all levels of the municipality. However, in relation specifically to the planner, Daniel Martin, who prepared both the Bylaw

considered by you and the TUP recommendation, there are grounds for an investigation as to whether his actions constitute a deliberate, sustained and extended manipulation of process to deliver a particular result benefiting the applicants for the TUP, extending back to the beginnings of this Bylaw if not before. These concerns are being addressed to the BIM CAO and to both the Ombudsperson and the professional body of which he (Daniel Martin) is a Candidate member, the Planning Institute of British Columbia (PIBC), as his conduct appears to fall far short of their code of ethics and professional behavior.

Despite the clear duty of care of multiple levels of government in relation to protecting our access to adequate and safe drinking water, and to protecting sensitive ecosystems and the natural environment, we now have been left unprotected and alone to face an immediate and real threat. We have clearly communicated the issues and the risks to our municipal government and to Vancouver Coastal Health, to no effect. We have now spent \$1000 (money we really don't have!) having both our well and pond water tested merely to establish a baseline for assessing the ongoing and very real and imminent threat of water pollution, and the potential failure of our well, etc. We are actively escalating this issue to the most senior levels of the Provincial Government and to the Federal Government. Attached is our submission to Council on water to provide some context.

The gravity of this situation and the very constricted timeframe in which we learnt about this proposal, and had to respond, while continuing to receive and realize new information, has been overwhelming for us. For example, we only discovered after having exhausted ourselves in order to make a submission to Council before their deadline of March 22, that the applicant had been, and was, manufacturing on site with no wastewater treatment in place. This is truly a nightmare - how blind and indifferent everyone appears to be to our need for safe water, as if this is some frivolous fancy we have. Water is so basic and elemental, and so visceral a need, something we put in our bodies every day, we cannot comprehend how this could happen and why no one is taking it seriously. This is profoundly traumatic.

Therefore, with respect, we ask you to rescind your approval of EC-2021-001 in order to consider more fully the issues we have identified. It is simply fact, scientific fact, that a cidery is the same as a winery, the same industrial process is used by both in fermentation, that process produces vast quantities of contaminated wastewater, and it cannot just be dumped into streams and aquifers without care or thought.

We believe that the use of this Bylaw to erase the protection that we did have is contrary to and at variance with significant parts of the Islands Trust Policy Statement, among them those found in sections 3.3, 4.4 and 5.4.

We would welcome your attention; sadly, we can no longer feel that any of our Council, including those who serve as Trustees, serve to protect or represent our interests,

Yours sincerely,

Christine and Heather Miller

Re. Item 7.3 Proposed Housekeeping Land Use Bylaw Amendments

Dear Mayor and Council

In relation to item 7.3 and the recommendation put before you, namely:

*That Bylaw No. 528, 2020 cited as "Bowen Island Municipality Land Use Bylaw No. 57, 2002, Amendment Bylaw No. 528, 2020" be read a second time as amended; and
That Council refer Bylaw No. 528, 2020 to a public hearing.*

we urge you to suspend consideration of this bylaw and not proceed with the second reading.

We are extremely concerned that under the guise of a general housekeeping bylaw containing multiple terms, definitions and practices, despite a repeated statement that the project goal was merely to clarify and streamline the Land Use Bylaw but not make substantial changes to permitted land uses, the Bylaw put before you for second reading does in fact make substantial changes to permitted land uses and that these have not been discussed or addressed.

We were further concerned and in fact alarmed after reviewing the discussions with the Council of the Whole, the APC in September and again in January, and the presentation to the Islands Trust in January.

Note, the approval of the APC is attached to partial and misleading representations of the full Bylaw, and further amendments were made after the process with them was completed, and their endorsement given.

Note also, the presentation to the Islands Trust, we feel, omitted consideration of substantial changes which we do not believe they would have approved. We have written to the Islands Trust advising them of our concerns.

In the TUP presented to you on Feb 22nd and passed by you on March 22nd, the definition of a vineyard, the prohibition on wineries and related discussion on "Agriculture" featured heavily. This Bylaw, by eliminating the term "vineyard", effectively erases a term and set of land use permissions and more importantly prohibitions that, with respect, are still contentious and at issue. There are also further redefinitions and changes involving agriculture which are problematic.

In fact, the Municipality now faces a legal action related to these matters. We personally are finalizing communication to the Planner and the CAO re formal investigations into the Planner's conduct and actions in relation to both this Bylaw and the TUP, not least as related issues extending over a considerable period of time.

We feel it is important to also note here that as a matter of fact, not of opinion or interpretation, a cidery is legally and functionally a winery, both using the same industrial process of fermentation to produce alcohol, and that the production of, in this case, cider is again, in fact, not opinion or interpretation, a light industrial process that produces vast quantities of contaminated wastewater. The LUB was written, in prohibiting vineyards and thereby wineries, to protect against precisely the harm now being visited upon us.

Again, we strongly urge you to suspend consideration of this Bylaw,

Yours sincerely,
Christine and Heather Miller

water and the natural environment

If this TUP goes through:

Will our drinking water be safe?

We don't know

Will we have enough water to meet our own needs and look after our horses?

We don't know

Will Murray Creek, our pond, and the wetland on our property and below be polluted?

We don't know

Will the wildlife this water system supports be damaged? Will the ability of the fish-bearing streams that draw from Murray Creek be damaged? Will the quality of the Grafton Lake watershed be affected?

We don't know

Although the TUP application process requires the site plan include the location of all natural and topographic features including watercourses, the application and plan for this TUP does not mark or identify Murray Creek, which bisects the site.

Neither the siting of compost, nor of the toilets that must be available to serve the cidery customers, neither of those things are on the plan.

There are no limits or even potential ranges given in any of the material put forwards for this TUP, either in the planning report or in the responses of the applicants, for how many litres of cider will be produced, and no occupancy limit beyond the one limit mandated by the LRCB that no more than 30 people may be in the picnic area. Apart from that, with an orchard, tasting room and other parts of the property freely available to the public, there is no limit to how many people can be on site during opening hours. There could be 1 person, there could be a 1,000, on this property during those hours. The current proposal wants to set those as from 9am to 11pm; we've been told the applicant is willing to concede to 9am to 9pm. That is 12 hours a day, all or some or most of the 365 days in a year – there is no limit on days of opening. There are no limits.

The cidery could produce 20,000 litres of cider a year, it could be 50,000– who knows?

A cidery sounds wonderful, bucolic, wholesome, everything you would want in a rural setting.

This is in fact an industry, with associated industrial processes that ought to be carefully delimited and considered in any municipal zoning process, including the issuing of a TUP; the manufacturer liquor licence required for a cidery to open and operate immediately triggers BC Assessment to amend their land use information to record light industry as a site useⁱ

Issuing the TUP to allow this light industry in a Rural Residential zone, and framing that as part of a progression to Rural Commercial zoning, creates a precedent for allowing light industry in those zones – that is a very, very big issue, and one that should not be allowed to proceed without serious consideration of the OCP and other limits, including full, informed public consultation.

This is an industry that produces vast quantities of polluted wastewater. Cideries and wineries are essentially the same industrial process, which is why for the purposes of the law, eg in the liquor licensing process, they are the same thing; a cidery is a land-based winery, that is the basis and ground of their licencing.

In the words of Hollis Hughes, who has provided wastewater treatment solutions for California's wine industry for thirty years:

*Wastewater generated by wineries is typically too polluted [high in BOD] for a municipal wastewater treatment plant, so the winery must treat it onsite prior to releasing the water into a sewer, river, or even using it for irrigation...The high-BOD water, if released into a river, would suck up all the oxygen and effectively kill every living thing in the waterway...*ⁱⁱ

Having exhausted our own ability to research this, and wanting the very best quality information, we have reached out to senior faculty at the UBC Faculty of Land and Food Systems, who have been kind enough to provide us with some reference material and the names of other academics whose work is more focused on this area; we are reaching out to them now for more information.

From references supplied by them, we learnt more about what is in that wastewater: *"It is necessary to seek physicochemical and biological treatments to remove or reduce contamination in the waste lees due to phenols, pesticides, heavy metals, considerable concentrations of nitrogen, phosphate and potassium as well as high organic content..."*ⁱⁱⁱ

How much wastewater? The information we have found gives a range from 5 to 10+ times the amount of cider produced – so 50,000 litres of cider could produce 500,000 litres of polluted wastewater.

This is wastewater too toxic to be handled in municipal drainage systems without prior treatment.

Our municipal drainage system, in this neighbourhood, is through the ground and into the waterways.

We have, since this TUP proposal was made known to us, asked the Municipality and the applicants if there has been an environmental assessment, a hydrological impact assessment, done by a qualified professional, or if there is an environmental standards plan in place. Mr Purdy supplied answers to some the questions we asked, but defined the waste as “greywater” - it’s not.

There has not been an assessment, done by a qualified professional, addressing the scope and environmental impact of the cidery, a light industrial facility actually already running and producing cider, in a residential neighbourhood, located in a particularly sensitive and important waterscape.

Why does this matter?

A topographical map of Bowen shows clearly that this site, and Laura and Westside Roads more generally, are at the head of the main valley bisecting Bowen, and water run off from Mount Gardner is funnelled through this area into Bowen Brook which feeds Grafton Lake.

Our backyard is, in water terms, the backyard of everyone who relies on water from our location down to the Lake, and then through the Snug Cove water system, and it’s also the backyard of every form of aquatic life along the way.

Murray Creek runs through the property seeking this TUP (620 Laura Road) and bisects the orchard and cidery sites; it feeds the two ponds on site, and flows immediately into a larger pond on the property below this site (our property, 1355 Westside Road). There is another pond drawing from this area on another neighbouring lot; from the pond on our land, Murray Creek continues through a forested and wetland area to the intersection of Sunset and Adams Road, where it flows into Bowen Brook; as all the mapping used by the Municipality to identify the Grafton Lake protected watershed area, and other water issues, shows, the Laura Road/Westside Road neighbourhood is the headwaters zone for drinking water for very significant parts of the island, and for the water supporting fish and other aquatic populations.

Peggy’s Creek also originates close to this site, and flows through another large pond at the end of Westside Road into an extended wetland area; this waterway also then feeds into the Bowen Brook waterway which feeds Grafton Lake, and is also used for surface water by multiple households between this headwaters zone and the lake.

The water flow through this site is not only important for the network of watercourses, but also for those of us with wells; properties on Laura Road, Westside Road, along Adams Road, up Sunset, draw their water primarily from deep wells drawing from the fractured rock beneath us.

On our property, 1355 Westside Road, we experience decreased flow in the summer, and have long conserved and managed our water carefully. Not only for our own domestic use - we have seven horses here whose health and well-being depends entirely on our care; making sure they have sufficient, clean, fresh water is crucial.

We have had a horse farm on our land since buying this newly cleared plot in 1990 and derive a livelihood from it, as well as making our home here; this is not a hobby farm, it is a working farm in the full meaning of that term.

As farmers, we see ourselves as stewards of this land, and given its unique, important place in Bowen's environment, as citizens bearing a responsibility to the community to take good care of the water. We have always taken care to guard "our" creek – Murray Creek – and our pond; our fields are distanced from the creek, pond and wetland, more than the 30m setback required, we manage our manure carefully, we monitor and think about the gravel and hog fuel we add to the land. We've checked and continue to check our practice against the best professional and legal standards. We consulted with the Certified Organic Associations of British Columbia (COABC) and their regionally accredited certification body IOPA (Islands Organic Producers Association) about the use of wormers for horses and its impact re using manure as compost; we don't use Ivermectin wormers, even though they are traditionally allowed under organic standards, because of concerns about its impact on soils.

Our land is not just home to us and our horses; we have bats, frogs, otters, salamanders, newts, owls, geese, the occasional odd duck, swallows, hummingbirds, crows, ravens, deer, and on and on. As we could tell from the footprints left in the wetland at the bottom of our property, every bear that's been on Bowen, and the wolf dog, plus a lot of deer, see our land as a corridor; this neighbourhood is a crossroads for animal traffic. The otters too, travelling up and down Murray Creek, in and out of our pond. We have mosses and lichens, lots of indigenous trees, grasses; we pull out and eradicate the scotch broom that keeps trying to encroach. We try to respect nature and its processes, and co-exist in harmony with it.

impacts to consider: proposed TUP 620 Laura Road

levels of water use: every aspect of the proposal involves significant water use above the base level of a residential property; besides the 4080sf main residence, the property also has an 1800sf barn/guest accommodation area, currently a non-compliant, unlicensed Residential Guest Accommodation. Therefore, basic residential uses of water and sewage are already significant; the proposed cidery requires water for irrigation, the washing of fruit before processing, water

required in the cider-making process itself, the cleaning and sanitation to food-safe standards of equipment, the bottling of cider, and then the need for both water and sewage for the immediate needs of employees/staff and visitors

farming: although the applicants state they follow organic practices and plan to pursue organic certification, even organic management of a large monoculture crop involves the application of fertilizers, pesticides, herbicides, etc, which run-off into streams and permeate the ground.

cider production: an industrial operation, producing contaminated wastewater, with no limits in place or communicated around production levels, or adequate information on remediation and care; on top of basic operations, what happens if there is a contaminated or spoilt run that needs to be disposed of?

compost: again, using the figures we can find, it takes anywhere from 3-5 lbs of apples to produce 1 litre of cider:

the raw juice represents 75% of the processed apple mass and the remaining 25% is the by-product, apple pomace...The disposal of apple pomace into the environment, due to its high bio-chemical oxygen demand, represents a pollution problem. Direct dumping is also difficult, because of the high costs of transportation and the generation of foul smell.^{iv}

50,000 litres of cider equals anywhere from 37,500 to 62,500 lbs (18.75 – 31.25 tons) of solid waste; 20,000 litres, 15,000 to 25,000lbs (7.5 to 12.5 tons). Those are very significant amounts to deal with – to compost them, as the applicants have suggested they will do, means the addition of even more material, to balance the extremes of the pomace. Where is that going to be? How much leaching into the ground will there be?

The applicant responded to our concerns about compost by communicating that they had “a few possible locations” for pomace on-site, and that the fruit coming from the Similkameen would be delivered to the site as prepared juice, not fruit. This for us is insufficient, and creates a whole extended level of questions about the issues related to the sourcing of the ingredients for this cider, and just how “local” their product will be.

Currently, according to the applicants, they leave pomace on the ground and the deer eat it; they’ve even set up cameras so they can watch the deer coming and going for this food.

Feeding the deer the pomace waste is actually harmful to them, to the point where it can kill them– it fills them up with a food source their digestion can’t handle, and that doesn’t provide the nutrition they need, which they would get from the woody browse that’s more work for them to find and eat than the attractive, sugary food source left on the ground – they can literally starve to death on that diet, or suffer such serious impacts in digestion and malnutrition that they die. Feeding wild animals, or any animals, food that is not right for their biology is not funny, or cute, or entertaining.

A final brief note – as the reference above suggests, odour is potentially a very significant nuisance for neighbours and others, which hasn't been mentioned or captured in the discussion so far – both in the wastewater and solid waste, yeast and sugar promote the production of hydrogen sulfide, producing a rotten eggs smell – this is something that has seriously impacted quality of life for many. See for instance

- <https://www.uticaod.com/article/20140607/news/140609537>
- <https://www.sandiegouniontribune.com/sdut-pa-brewery-shuts-down-over-stinky-odor-complaints-2010aug05-story.html>

Those examples refer to craft beer breweries, which are more usually found in towns/cities, but the causal issue – yeast and sugar decomposing – is the same for a cidery.

CONCLUSIONS

We have yet to see or hear anything, from either the Municipality or the applicants, that indicates to us that there been has a sufficient standard of due diligence in protecting our water and health, and that of the natural environment.

Putting a light industrial process, one that is especially and particularly productive of pollution, in a rural residential neighbourhood, on a site where the same business has so many other water impacts, in an area whose water ranges so far, without careful, accountable, open attention, is beyond anything we can comprehend.

We have written to Vancouver Coastal Health, seeking information from them about the remarks sent to us by the applicants, and the scope and nature of VCH's responsibilities, as they are responsible for drinking water, and the applicant has indicated he is "working closely" with VCH; as he says that "[w]e are working with VCH and a qualified wastewater engineer to implement a gray water system", we would like to establish with VCH the extent and nature of their involvement. We will also be writing to the Ministry of Environment and Climate Change Strategy, responsible for the effective protection, management and conservation of BC's water, land, air and living resources, and to the Islands Trust once we receive a reply from Vancouver Coastal Health and have a clearer understanding from them of the situation.

i <https://info.bccassessment.ca/Services-products/property-classes-and-exemptions/understanding-property-classes-and-exemptions>

ii <https://www.spiritedbiz.com/every-last-drop-wastewater-treatment-doesnt-waste-water/>

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- iii B. Pérez-Bibbins a,b , A. Torrado-Agrasar c , J.M. Salgado a,b , R. Pinheiro de Souza Oliveira d , J.M. Domínguez a,b,: Potential of lees from wine, beer and cider manufacturing as a source of economic nutrients: An overview
Journal: *Waste Management* Article history: Received 12 November 2014 Accepted 8 March 2015
Available online 29 March 2015
- iv Vukušić, J.L., Millenautzki, T., Cieplik, R. *et al.* Reshaping Apple Juice Production Into a Zero Discharge Biorefinery Process. *Waste Biomass Valor* (2020). <https://doi.org/10.1007/s12649-020-01245-5>

some selected sources:

Waterscape Bowen Island, <https://bowenisland.civicweb.net/document/154959>

Grafton Lake Watershed Study 2002-2003,
<https://www.bowenislandmunicipality.ca/files/GraftonLkWatershed2003.pdf>

watershed, water resource, maps and other information regulating BIM land-use planning, provided via <https://www.bowenislandmunicipality.ca/land-use-planning>:
<https://bowenisland.civicweb.net/filepro/documents/34226>

The impact of the winery's wastewater treatment system on the winery water footprint A. Saraiva ; G. Rodrigues ;H. Mamede ;J. Silvestre ;I. Dias ;M. Feliciano ;P. Oliveira e Silva ;M. Oliveira *Water Sci Technol* (2019) 80 (10): 1823-1831. <https://doi.org/10.2166/wst.2019.432>

Winery Process Wastewater Management Handbook: Best Practices and Technologies February 2018

<https://www.bcwgc.org/sites/default/files/uploads/Wastewater%20Management%20-%20Final%20Digital.pdf>

Feasibility Study For A Small Farm Cidery in Nelson County, VA <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/c/7021/files/2016/06/Nelson-County-Feasibility-Study-Final-1-23-13-1fh3ah9.pdf>

"Biochemical oxygen demand". *Encyclopedia Britannica*, 18 Oct. 2011,
<https://www.britannica.com/science/biochemical-oxygen-demand>.



March 31, 2021

The Honourable Harry Bains
Minister of Labour
PO Box 9064, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Minister Bains,

On behalf of Victoria City Council, I am writing today to request favourable consideration for the below motion passed at the March 11, 2021 Council meeting:

WHEREAS the covid pandemic has exacerbated existing inequalities and its social, health, and economic impacts are particularly devastating for women and racialized communities; and

WHEREAS the tourism and hospitality industries have been drastically impacted; and

WHEREAS of the 50 000 hotel workers that were laid off in March 2020, the majority are women and people of colour; and

WHEREAS the duration of the pandemic means that recall rights require extension; and

WHEREAS there are reports of hotels in British Columbia refusing to commit to bringing workers back to their jobs when business returns; and

WHEREAS the City of Victoria is committed to a COVID recovery plan that takes better care of people, the environment, and the community than the systems we had before the pandemic; and

WHEREAS the City of Victoria recognizes hotel workers and people who work in the tourism industry as valued and valuable members of our community;

THEREFORE, BE IT RESOLVED THAT the City of Victoria affirms that people should not lose their livelihoods due to the pandemic; and

.../2

THAT the City of Victoria write to the Ministers of Labour and Tourism expressing our support for the right for laid off workers to return to their jobs when the pandemic eases; and

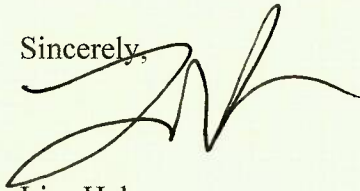
THAT this letter be forwarded to all BC municipalities asking to write their support; and

THAT the City of Victoria writes to the Association of Vancouver Island and Coastal Communities.

Though not expressly in the resolution, the intention of this motion was to write to both the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities, encouraging them to host future conferences and events in venues that respect worker rights and pay at least a living wage. A copy has been sent to both organizations.

Thank you for your time and consideration. Please do not hesitate to reach out should you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to be 'LH', with a stylized flourish extending to the right.

Lisa Helps
Victoria Mayor

Cc: Honourable Melanie Mark, Minister of Tourism, Arts, Culture and Sport
The Association of Vancouver Island and Coastal Communities (AVICC)
The Union of British Columbia Municipalities (UBCM)



Mayor's Office, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Tel: 250-490-2400 Fax: 250-490-2402

www.penticton.ca

April 13, 2021

President Brian Frenkel
c/o Union of British Columbia Municipalities
525 Government Street
Victoria, BC V8V 0A8

Re: B.C. Government's Use of Provincial Paramountcy to Undermine Local Government Bylaws

Dear President Frenkel:

On behalf of Penticton City Council, I am requesting the Union of British Columbia Municipalities write a letter to Premier John Horgan requesting the reconsideration of invoking Provincial Paramountcy as it relates to the violation of Penticton City Council's authority and the City of Penticton's Zoning Bylaws at 352 Winnipeg Street, Penticton, BC.

The following is a timeline of events:

- When COVID-19 struck in March, 2020 many facilities that provided showers, laundry services, and meals to our most vulnerable in our community had to close and/or adapt. The City via its Emergency Operations Centre (EOC), Emergency Management BC and BC Housing worked together to find a temporary "hygiene station" and isolation shelter for anyone that was needing to isolate during COVID.
 - 352 Winnipeg Street was not an ideal site for a hygiene station as it was adjacent to two seniors' homes. However, as the site contained a vacant and free standing building that could quickly be fitted for a hygiene station, the EOC supported and worked with BC Housing to quickly stand-up the hygiene station.
- In September, 2020 BC Housing approached the City to turn the isolation shelter into a 42 bed Temporary Emergency Winter Shelter. This use was contrary to City Zoning Bylaws and although met with trepidation from the neighbourhood, Council ultimately approved a Temporary Use Permit (TUP) for the isolation shelter to be converted and operate as Temporary Winter Shelter until April 1, 2021.
 - Video of the lengthy Council debates from our October 6th and 20th, 2020 meetings can be found on our website to better understand how clear individual Council members were that this was not an appropriate location, but that in the midst of the pandemic, they would grant a TUP on this one occasion.

- In March 2021, BC Housing sought an extension to this TUP until March 31, 2022 in effect changing the use from a temporary, emergency winter shelter to a year round shelter. Council denied this request based on zoning bylaws and the previous clearly communicated unsuitability of this location.
 - Via resolution, Council further directed Penticton's Safety and Security Advisory Committee to develop location selection criteria for a new, permanent winter shelter for Penticton.
 - Council initially learned of the Province's interests in exploring the use of paramountcy via an interview on Global news with Minister David Eby, who had met with Council twice early in the year to discuss a supportive housing project at 3240 Skaha Lake Rd., Penticton, BC.
- Again in March, BC Housing stated their intention to continue operations of the facility "on a balance of convenience" and asked Council to reconsider. Having been presented no alternate location as requested or new information; based on zoning bylaws and the previously communicated unsuitability of this location Council did reconsider the request and again denied the request.
 - Via resolution, Council further directed staff to work with BC Housing to find alternate solutions.
- At the writing of this letter, 352 Winnipeg now operates in contravention of the City of Penticton bylaws as a newly established year round shelter following the threat of Provincial Paramountcy.

While the issue at hand is a matter of land use and planning, it is important to note according to data provided directly from the current Minister responsible for Housing to City Council, Penticton has the highest number of supportive housing beds per capita in the Interior region. Each of these beds was developed with Penticton City Council's input and with respect for their role in the local decision making process.

In closing, Penticton City Council is hoping Minister David Eby, whom has invoked paramountcy on behalf of the Province, or Premier John Horgan as the head of a Government that promised to work collaboratively with Local Governments, reconsiders their position and adheres to our City's bylaws. As this could happen to any one of the other 188 local governments in B.C., we ask that the Union of British Columbia Municipalities, on behalf of its membership, request Premier John Horgan reconsider the use of Provincial Paramountcy with respect to 352 Winnipeg Street, Penticton, BC.

Yours truly,



John Vassilaki

Mayor

cc. Penticton City Council
 Donny van Dyk, Chief Administrative Officer
 Dan Ashton, Member of Legislative Assembly
 BC Local Government Elected Officials

Council seeks support from UBCM to help challenge Provincial Paramountcy

(Penticton, BC – April 13, 2021) – On behalf of City Council, Penticton Mayor, John Vassilaki, has sent a letter to the Union of British Columbia Municipalities (UBCM) President, Brian Frenkel, requesting UBCM prepare a letter to BC Premier, John Horgan, supporting Council's position that the Province's recent use of Paramountcy is a violation of two Council decisions and the City's zoning Bylaws.

"My letter to Mr. Frenkel made it very clear that the issue at hand is a matter of land use and cooperative planning between two levels of government," said Penticton Mayor, John Vassilaki. "The Attorney General and Minister Responsible for Housing, David Eby, would have British Columbians believe that the City of Penticton is not doing its part to support the housing crisis. This is simply not the case and information provided directly from the Minister shows that Penticton has the highest number of supportive housing beds per capita in the interior region. All of these beds were developed with Penticton Council's input and with respect for Council's role in the decision making process.

"Today our previous working relationship of bilateral cooperation has been replaced by a unilateral hammer that puts our residents at risk of having the Provincial Government plan our community. As such, Council has reached out to Mr. Frenkel and the UBCM membership at large to seek their support in reversing the Province's conduct towards Penticton, or any other community they disagree with."

-30-

Contact:

Philip Cooper
Communication Manager
City of Penticton
250-490-2583



April 19, 2021

Islands Trust Council
Islands Trust
200 - 1627 Fort St
Victoria, BC V8R 1H8

Dear Chair Peter Luckham and Trustees:

This letter is to accompany our gift to you of several copies of VIEA's 2020 'State of the Island' Economic Report. This Report, unique in Canada as a non-government account of a regional economy (Vancouver Island and Gulf Islands), is produced annually with the 7th edition to be released at the 15th annual 'State of the Island' Economic Summit, Oct. 26-28, 2021.

Since the Economic Report is produced as a service to inform all public and private decision-makers of important trends in our Island region, we wish to raise your awareness of the availability of this resource. In fact, VIEA itself exists to connect and unite decision-makers in addressing gaps and leveraging economic opportunities.

You may already be aware of the Island Good product brand developed by VIEA (2014-2017) and launched in 2018. Island Good is a sales and market share advantage for anyone producing and selling products made in the Island region. There are over 140 Island Good licensed businesses producing everything from potatoes to mattresses. From Hardy Buoys Smoked Fish in Port Hardy to Singing Bowl Granola in Victoria, and from Live Edge Design furniture in Duncan to 40 Knots Winery in Comox, 'It's all good, when it's Island Good!'

You may have also heard of Foreign Trade Zone Vancouver Island (FTZVI). VIEA applied to the Government of Canada for FTZ designation in 2017 and was awarded the designation in 2018. And with a focus on attracting Foreign Direct Investment, VIEA used its new FTZVI designation to write and market the business case for commercial scale seaweed aquaculture. Responding investors created Cascadia Seaweed Corporation which now has offices in Sidney and farms expanding throughout the Island region in partnership with First Nations. VIEA was also signatory to the creation of the Pacific Seaweed Growers Association.

Other current VIEA initiatives include a two-year pilot project to discover cost-effective solutions for recovering waste wood for use in manufacturing (The end of slash piles!), and convening community economic development people to improve our individual and collective ability to respond to inquiries from prospective investors.

We thought you should know that:

- VIEA serves ALL of the Vancouver Island region—from Ogden Point to Cape Scott, including the Gulf Islands;
- VIEA is a non-government, non-profit organization with membership fees scaled by number of employees to be broadly accessible--\$165.00 - \$1,000.00 per year;
- VIEA exists to inform, connect and unite decision-makers and to lead creation of economic opportunities;
- VIEA provides tools to improve economic prospects for the broadest possible number of stakeholders—making these available to enhance public and private economic and business development.

We invite you to explore the range and depth of information available at viea.ca, including our searchable First Nations map, as well as details about FTZVI and Island Good at ftzvi.com and islandgood.ca.

We encourage you to consider participating as a member of the Vancouver Island Economic Alliance. (Membership application included for your convenience.)

‘Together, We’re Better!’



Dan Hurley, Chair



George Hanson, President & CE

VANCOUVER ISLAND

ECONOMIC ALLIANCE



Name _____

Position _____

Organization _____

Business Address _____

City _____ Province _____ Postal Code _____

Telephone No. _____ Fax No. _____

E-Mail _____

PAYMENT OF FEES:

- ☐ For large Corporations (500 plus employees) and large communities with populations over 10,000 – **Membership fee \$1,000 annually**
- ☐ For medium sized businesses (employees 50-499 employees), small communities (under 10,000 pop) – **Membership fee \$500 annually.**
- ☐ For small sized businesses (employees 2-50 employees)- **Membership fee \$265.00**
- ☐ For Micro sized business/home based business - **Membership fee \$165.00**

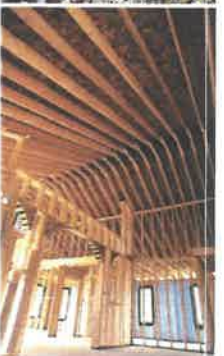
PAYMENT OPTIONS

- ☐ A cheque is enclosed (Please make all cheques payable to the Vancouver Island Economic Alliance)
Address: P.O. Box 76, Station 'A', Nanaimo, BC, V9R 5K4

OR

- ☐ Please invoice _____ for the amount indicated above

Signature _____ Date _____



MEMBERSHIP APPLICATION

From: "Lefler, Derek FLNR:EX" <Derek.Lefler@gov.bc.ca>

Sent: Wednesday, April 28, 2021 11:28

To: David Marlor

Cc: Clare Frater; FTA DSC, FOR P FLNR:EX; Rietman, Andrea FLNR:EX; Sheldrake, Jeff FLNR:EX

Subject: RE: Request to extend consultation for VQO Sunshine Coast Natural Resource District

Hi David,

Thank you very much for reaching out on this topic. The gap in our engagement process specifically with local governments has been brought to my attention and my team and I recognize that we are missing an important piece in making this Government Action Regulation (GAR) Order a robust decision.

As such, the District is initiating a targeted second round of engagement with local governments and other organized interest groups, with the goal of improving the understanding of both the Visual Quality Objectives GAR Order, and generating informed community feedback.

The current public review and comment period has been open for 90 days and will not be formally extended. However, please be assured that this does not conclude our engagement efforts. Rather, the District will be sending out an information package to a targeted audience, with the offer of virtual presentations from my team to follow, based on geographic interests. The goal of this second round of engagement will be to offer meaningful discussion on the topic and for the District to receive written feedback that can be considered in the final decision.

I am happy to discuss this further as required, and otherwise, please stay tuned for more information coming your way. I will look forward to engaging with you and your team very soon.

Kind regards,

Derek Lefler, RPF

District Manager

Sunshine Coast Natural Resource District

Ministry of Forests, Lands, Natural Resource Operations & Rural Development

Office: 604-485-0707

From: David Marlor <dmarlor@islandstrust.bc.ca>
Sent: April 23, 2021 8:40 AM
To: Lefler, Derek FLNR:EX <Derek.Lefler@gov.bc.ca>
Cc: Frater, Clare ISLT:IN <cfrater@islandstrust.bc.ca>
Subject: Request to extend consultation for VQO Sunshine Coast Natural Resource District

Hi Derek,

I am writing to request that you to extend the consultation period for the FLRORD draft order to establish Forestry Visual Quality Objectives in the Sunshine Coast Natural Resource District from April 30, 2021 to at least the end of June 2021.

Islands Trust became aware of the draft order through a letter from the Sunshine Coast Conservation Association. The Gambier Island Local Trust Committee, Bowen Island Municipality and the Islands Trust Conservancy did not receive a referral for the draft order. We would appreciate receiving a referral for these elected bodies, and being given the opportunity to provide comment; hence the request for the extension to at least the end of June 2021.

Please contact me for further information and look forward to your response.

Thank you.

David Marlor (he, him, his)
Director, Local Planning Services
Islands Trust
200 1627 Fort Street | Victoria, BC V8R 1H8
T 250 405 5169 | www.islandstrust.bc.ca
You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



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

I am humbly thankful to live and work in the treaty lands and territories of the BOKEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəx", Scia'new, səlilw'ətaʔl, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, STÁUTW, Stz'uminus, łaʔəmen, toq qaymíx", Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W JOLEELP, WSIKEM, Xeláltxw, Xwémalhkwx/ʔop qaymíx", and x"məθk"əyə m.



Top Priorities Report

Executive Committee

1. *Islands Trust Act Amendments*

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

Responsible

Russ Hotsenpiller

Dates

Rec'd: 26-Oct-2016

2. *Update Islands Trust Policy Statement*

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

Responsible

Clare Frater

Dates

Target: 15-Sep-2022

3. *Climate Change Emergency*

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

Responsible

Russ Hotsenpiller

Dates

Rec'd: 05-Jun-2019

4. *Business Response to COVID-19*

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

Responsible

Russ Hotsenpiller

Dates

Rec'd: 15-Apr-2020

Top Priorities Report

Executive Committee

5. *First Nations Reconciliation*

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

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

5. *Advocacy re: Freighter Anchorages*

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

Responsible

Clare Frater

Dates

Rec'd: 11-Mar-2021

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

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

Clare Frater

30-Aug-2017

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

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

Clare Frater

02-Sep-2020

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

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

Clare Frater

02-Sep-2020

Julia Mobbs

Russ Hotsenpiller

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

Related to Strategic Plan Items #13 and #14.

Clare Frater

30-Aug-2017

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

Strategic Plan Item #3.

Clare Frater

02-Sep-2020

Kate Emmings



Projects Report

Executive Committee

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

Responsible

Date Received

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

16-Aug-2017

7. *First Nations Reconciliation*

Responsible

Date Received

MMIWG Calls for Justice Resolutions

21-Oct-2020

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