



Executive Committee

Agenda

Date: October 6, 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	4 - 4
3. RISE AND REPORT DECISIONS FROM PREVIOUS CLOSED MEETING	
None	
4. ADOPTION OF MINUTES	
4.1. September 20, 2021 draft minutes	5 - 8
5. FOLLOW UP ACTION LIST AND UPDATES	
5.1. Follow Up Action List/Director/CAO Updates	9 - 15
5.2. Local Trust Committee Chair Updates	
5.3. Islands Trust Conservancy Liaison Update	
6. BYLAWS FOR APPROVAL CONSIDERATION	
6.1. Galiano Island Local Trust Committee Bylaw No. 271 (LUB amendment) - RFD	16 - 35
THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 271, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2019" in accordance with Section 27 of the <i>Islands Trust Act</i>.	
6.2. Gabriola Island Local Trust Committee Bylaw No. 303 (LUB amendment) - RFD	36 - 51
THAT the Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019", under Section 27 of the <i>Islands Trust Act</i>.	
6.3. Denman Island Local Trust Committee Bylaw No. 239 (housing agreement) - RFD	52 - 70
THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 239, cited as "Denman Island Housing Agreement Bylaw No. 239, 2020", in accordance with Section 27 of the <i>Islands Trust Act</i>.	

7. TRUST COUNCIL MEETING REVIEW & PREPARATION

7.1. Executive

7.1.1. Roundtable Review September Trust Council - verbal

7.1.1.1. Feedback - Trustee Grove

71 - 71

7.1.1.2. Feedback - Trustee Johnston

72 - 73

7.1.2. September Trust Council Business Decision Highlights

74 - 75

7.1.3. Trust Council Follow Up Action List

7.2. Local Planning Services

7.3. Administrative Services

7.4. Trust Area Services

8. EXECUTIVE COMMITTEE PROJECTS

8.1. Trust Council Initiated

8.1.1. Executive

8.1.1.1. UBCM Minister Meeting Synopsis - Briefing

76 - 77

8.1.1.2. Trust Council / Executive Committee 2022 draft schedule - Briefing

78 - 82

See item 2.2.1 Agenda Context Notes

8.1.2. Trust Area Services

8.1.2.1. 2022/23 Executive Committee project budget requests - Briefing

83 - 84

See item 2.2.1 Agenda Context Notes

8.1.3. Local Planning Services

8.1.3.1. GL-RZ-2021.1 (GALI) Development Application Fee Sponsorship - RFD

85 - 91

THAT the Executive Committee approve financial sponsorship of \$4400 for rezoning application GL-RZ-2021.1 (GALI) which would amend the land use bylaw to allow for an affordable housing development with up to 20 dwelling units.

8.1.4. Administrative Services

8.2. Executive Committee Initiated

8.2.1. Executive

8.2.2. Trust Area Services

8.2.3. Local Planning Services

8.2.4. Administrative Services

9. NEW BUSINESS

9.1. Executive/Trust Council

9.1.1. Trustee Busheikin Conference Funding Request (attached)

92 - 93

See item 2.2.1 Agenda Context Notes

9.2.	Trust Area Services	
9.2.1.	LTC Chairs Report on Local Advocacy Topics	
9.3.	Local Planning Services	
9.4.	Administrative Services	
10.	CORRESPONDENCE (for information unless raised for action)	
10.1.	S. Brands re: News Release IT to improved development application process email dated Sept 14, 2021	94 - 94
10.2.	D. Korbin re: Governance of the gulf islands email dated September 10, 2021 referred by Select Committee Sept 13, 2021	95 - 98
10.3.	D. Korbin re: for addition to next agenda email dated August 4, 2021 referred by Select Committee Sept 13, 2021	99 - 99
10.4.	S. Warwick re: News Release IT to improved development application process email dated Sept 9, 2021	100 - 100
10.5.	Private Forest Landowners Association letter dated August 30, 2021 Posted to the Islands 2050 webpage under public correspondence.	101 - 102
10.6.	Rebuild Lytton Fund letter dated Aug 27, 2021	103 - 104
10.7.	Minister Heyman re: rodenticide ban email dated July 21, 2021	105 - 106
11.	WORK PROGRAM	
11.1.	Review and amendment of current work program	107 - 111
12.	NEXT MEETING The next meeting of the Executive Committee is scheduled October 27, 2021	
13.	CLOSED MEETING (if applicable) That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.	
14.	ADJOURNMENT	

Agenda No.	From	Context Notes
8.1.1.2	CAO	Trust Council / Executive Committee 2022 draft schedule – Executive Committee are provided this draft schedule in anticipation of recommending it at their Oct 27 meeting. Consideration needs to be made for any extra Trust Council or EC meetings given the October 2022 local government elections.
8.1.2.1.	CAO	2022/23 Executive Committee project budget requests – These budgets are for projects of Executive Committee. There are also general or departmental budgets that are traditionally recommended by staff on ECs behalf for the November FPC meeting. These budgets deal with meeting and training costs. A general report on these costs will be provided verbally at the Oct 6 meeting with decisions anticipated for the Oct 27 EC meeting.
9.1.1	Executive Coordinator	Trustee Busheikin has requested support to attend the Vancouver Island Economic Summit . Executive Committee may authorize resources as directed by Policy 6.12.1 (1.1.3)



Executive Committee Minutes of Regular Meeting

Date: September 20, 2021
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Members Present: Peter Luckham, Chair, Thetis Island Trustee
Dan Rogers, Vice Chair, Gambier/Keats Island Trustee
Laura Patrick, Vice Chair, Salt Spring Island Trustee (joined at 9:33 a.m.)
Sue Ellen Fast, Vice Chair, Bowen Island Municipal Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Local Planning Services (DLPS)
Clare Frater, Director, Trust Area Services (DTAS)
Julia Mobbs, Director, Administrative Services (DAS)
Carmen Thiel, Legislative Services Manager (LSM)
Lori Foster, Executive Coordinator/Recorder

Members of the public: None were present

1. CALL TO ORDER

At 9:09 a.m., Chair Luckham called the meeting to order and humbly stated gratitude to live and work on Coast Salish First Nations traditional and treaty territory.

Vice Chair Patrick sent regrets for the call to order and joined the meeting at 9:33 a.m.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration to add the following items:

8.2.1.1. add discussion - ventilation at in-person meetings

9.1.1 SIRRA (Saturna Island Residents & Ratepayers Association) public ability to speak at Trust Council

2.2 Approval of Agenda

By general consent, the agenda was approved as amended

2.2.1 Agenda Context Notes

For information as contained in the agenda package.

3. RISE AND REPORT DECISIONS FROM PREVIOUS CLOSED MEETING

3.1 September 8th closed meeting

Chair Luckham reported the following: at the September 8, 2021 Executive Committee closed meeting, the August 4th in-camera minutes were adopted and Executive Committee approved and forwarded the Trust Council closed meeting agenda to its September closed session.

4. ADOPTION OF MINUTES

4.1 September 2, 2021 Special Meeting minutes

By general consent, the September 2, 2021 Special Meeting minutes were adopted as presented.

4.2 September 8, 2021 meeting minutes

By general consent, the September 8, 2021 meeting minutes were adopted as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List/Director/CAO Updates

Staff reviewed follow-up action list (FUAL) items and gave verbal updates on work in progress and informed Executive Committee of staffing updates.

5.2 Local Trust Committee Chair Updates

Local Trust Committee Chairs gave verbal updates on recently attended and upcoming meetings and the status of some current applications.

Executive Committee noted the work of Ruth Simons and the Atl'ka7tsem/Howe Sound Biosphere Region recently recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) with a celebration to follow where some Executive Committee members will be in attendance.

At 9:33 a.m. Vice Chair Patrick joined the meeting.

Vice Chair Patrick gave a verbal update on upcoming meetings.

5.3 Islands Trust Conservancy Liaison Update

Islands Trust Conservancy's, Vice Chair Fast, noted the Atl'ka7tsem/Howe Sound Biosphere Region UNESCO award.

6. BYLAWS FOR APPROVAL CONSIDERATION – None

7. TRUST COUNCIL MEETING PREPARATION - None

7.1 Executive - None

7.2 Regional Planning Services - None

7.3 Administrative Services – None

7.4 Trust Area Services

7.4.1 Presentation - Canadian Coast Guard Planning for Integrated Environmental Response

EC-2021-126

It was Moved and Seconded

That Executive Committee request staff forward the presentation Canadian Coast Guard Planning for Integrated Environmental Response to trustees.

CARRIED

8. EXECUTIVE COMMITTEE PROJECTS – None

8.1 Trust Council Initiated - None

8.1.1 Executive - None

8.1.2 Trust Area Services - None

8.1.3 Local Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 In-person Local Trust Committee Meetings Update – Briefing

CAO Hotsenpiller spoke to the briefing as presented.

Vice Chair Fast raised the issue of ventilation at in-person meetings and spoke researching an air monitor that measures carbon monoxide levels in rooms.

Executive Committee discussed vaccine passport requirements by community halls versus local government meetings not requiring vaccine passports.

CAO will speak to this in his update to Trust Council.

8.2.2 Trust Area Services – None

8.2.3 Local Planning Services – None

8.2.4 Administrative Services – None

9. NEW BUSINESS

9.1 Executive/Trust Council

9.1.1 SIRRA public ability to speak at Trust Council

CAO Hotsenpiller spoke to policy regarding presentations and delegations in consideration of a late request to an item addressing the tree cutting session by the Saturna Island Ratepayers Association.

By general consent, Chair Luckham will respond to the writer.

9.2 Trust Area Services – None

9.2.1 LTC Chairs Report on Local Advocacy Topics - None

9.3 Local Planning Services - None

9.4 Administrative Services – None

10. CLOSED MEETING – None

11. CORRESPONDENCE - None

12. WORK PROGRAM

12.1 Review and amendment of current work program

The work program report was received for information.

13. NEXT MEETING

The next Executive Committee meeting is scheduled for October 6, 2021, to be held electronically.

14. ADJOURNMENT

EC-2021-127

It was Moved and Seconded,

That the meeting be adjourned at 10:13 a.m.

CARRIED

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area. By general consent, at its Dec 16, 2020 meeting, Executive Committee put this item on hold pending review by Trust Programs Committee.	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress
2 Trust Council referred the matter of electronic meetings back to Executive Committee for further consideration including cost/benefits and all comments at Trust Council.	Russ Hotsenpiller	Meeting: 09-Jun-2021 Target: 21-Sep-2021	In Progress
3 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: 10-Nov-2021	In Progress
4 That Executive Committee ask staff to write a letter to our minister respecting possible follow-up actions regarding the meeting with K'òmoks and Minister Conroy.	Russ Hotsenpiller	Meeting: 26-May-2021 Target: 10-Nov-2021	In Progress
5 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-2021 Target: 10-Nov-2021	In Progress



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
6 Bring back to EC, a briefing on the Trust Council tree cutting session from its September meeting.	Russ Hotsenpiller	Meeting: 21-Sep-2021 Target: 17-Nov-2021	In Progress

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 that the expenses for the Chair to attend the celebration of the Alt'ka7tsem/Howe Sound Biosphere Reserve announcement be covered by the Executive Committee.	Julia Mobbs	Meeting: 04-Aug-2021 Target: 30-Sep-2021	In Progress
2 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 Target: 10-Nov-2021	In Progress
3 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: 10-Nov-2021	In Progress
4 That more information be brought back regarding the financial implications of Employee & Family Assistance Plan EFAP if the deductible changed to further consider if staff should enrol the new term of trustees in the Union of British Columbia Municipalities (UBCM) enhanced benefits plan with the Employee & Family Assistance Plan add-on.	Julia Mobbs	Meeting: 26-May-2021 Target: 10-Nov-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
1 That Executive Committee support an amendment to current funding from the provincial Healthy Watersheds Initiative to receive additional grant funding of up to \$55,000 to support work with Naut'sa mawt Tribal Council and the Islands Trust.	David Marlor	Meeting: 08-Sep-2021 Target: 17-Nov-2021	In Progress
2 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: 10-Nov-2021	In Progress
3 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: 10-Nov-2021	In Progress
4 that Executive Committee endorse the proposed amendments to Trust Council Policy 5.5.1 and request staff draft a Request for Decision for the September 2021 Trust Council meeting. Deferred to December 2021	David Marlor	Meeting: 04-Aug-2021 Target: 10-Nov-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Local Planning Services

Activity	Responsibility	Dates	Status
5 that Executive Committee direct staff to draft amendments to the Trust Council Bylaw Compliance and Enforcement Policy (5.5.1) to include the following: a) Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.	David Marlor	Meeting: 04-Aug-2021 Target: 10-Nov-2021	In Progress

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 10-Nov-2021	In Progress
2 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: 10-Nov-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
3 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
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: 10-Nov-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: 17-Nov-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: 10-Nov-2021	In Progress
7 Staff to investigate the benefits and opportunities for the Islands Trust to cooperate with others in the anticipated Fall 2021 grant intake for the Government of Canada Nature Smart Climate Solutions Fund.	Clare Frater	Meeting: 05-May-2021 Target: 10-Nov-2021	In Progress
8 That Executive Committee recommends staff investigate preparing a discussion guide to support and facilitate public engagement on the draft policy statement.	Clare Frater	Meeting: 21-Jul-2021 Target: 10-Nov-2021	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
9 Share with MLA Olsen's office, the forestry session materials included in the September 2021 Trust Council agenda.	Clare Frater	Meeting: 08-Sep-2021 Target: 20-Sep-2021	Completed
10 that Executive Committee request Trust Area Services staff to work closely with the Howe Sound Biosphere Region Initiative organization regarding a joint communications plan and strategy for the Biosphere.	Clare Frater	Meeting: 04-Aug-2021 Target: 30-Sep-2021	In Progress
11 that the Chair work with staff to prepare a response to Trustee Johnston's correspondence of July 22, 2021.	Clare Frater	Meeting: 04-Aug-2021 Target: 10-Nov-2021	In Progress
12 That the Executive Committee approve up to \$15,000 from the Islands 2050 public engagement budget to be used for capacity funding for First Nations early and ongoing referral engagement of the draft new Policy Statement.	Clare Frater	Meeting: 21-Jul-2021 Target: 10-Nov-2021	In Progress
13 That the Executive Committee approve up to \$15,000 from the Islands 2050 public engagement budget to be used for capacity funding for First Nations early and ongoing referral engagement of the draft new Policy Statement.	Clare Frater	Meeting: 21-Jul-2021 Target: 10-Nov-2021	In Progress
14 Executive Committee request staff to provide a briefing on the potential for webinars on Indigenous perspectives on climate change.	Clare Frater	Meeting: 08-Sep-2021 Target: 10-Nov-2021	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
15 Trust Council requested staff prepare correspondence for the Chair to the appropriate ministries affirming Trust Council's support for the location of a dedicated Emergency Response Towing Vessel in Sidney, B.C.	Clare Frater	Meeting: 23-Sep-2021 Target: 17-Nov-2021	In Progress
16 Trust Council requested staff provide a report outlining potential options for how the Trust and local trust committees can engage and assist with the Coast Guard Oil Spill response planning process.	Clare Frater	Meeting: 23-Sep-2021 Target: 17-Nov-2021	In Progress

Legislative Services Manager

Activity	Responsibility	Dates	Status
1 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council.	Carmen Thiel	Meeting: 03-Feb-2021 Target: 01-Dec-2021	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: 10-Nov-2021	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 Target: 10-Nov-2021	In Progress



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 3900-04
GL-RZ-2019.2 (Gauvreau)

DATE OF MEETING: October 6, 2021
TO: Islands Trust Executive Committee
FROM: Brad Smith, Island Planner
SUBJECT: Galiano Island Local Trust Committee – Bylaw No. 271

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 271, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2019” in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Galiano Island Local Trust Committee has referred Bylaw No. 271 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommend that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

None

Financial

None

Policy

None

Implementation/Communications

Communication to Galiano Island Local Trust Committee regarding the Executive Committee decision by October 8, 2021.

Other

None

PURPOSE

Galiano Island Local Trust Committee Bylaw No. 271, cited as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2019” (Attachment 6) is intended to amend the zoning classification of the subject property from Village Residential 1 (VR1) to Retail Commercial 1 (C1).

The proposed change in zoning is consistent with the current Official Community Plan (OCP) land use designation of ‘Community Facility/Commercial’ for the subject property.

BACKGROUND

Galiano Island Local Trust Committee Bylaw No. 271

An application to rezone the property was received by Islands Trust on September 30, 2019. At the November 4, 2019 meeting, LTC directed staff to proceed with the application including the drafting of an amending bylaw.

The LTC gave first and second reading of proposed Bylaw No. 271 at the February 3, 2020 regular LTC meeting and directed staff to schedule a Community Information Meeting (CIM) in conjunction with a Public Hearing.

Subsequently, Covid 19 limited the ability of the Islands Trust to undertake CIMs and public hearings. In response, at the June 1, 2020 meeting the LTC resolved to waive the requirement for a public hearing in accordance with section 464(2) of the *Local Government Act* and to not undertake a CIM.

Following the completion of statutory requirements to waive a public hearing, LTC gave proposed Bylaw No. 271 third reading on September 7, 2021.

The LTC considered and determined that the bylaw is not contrary to or at variance with the Islands Trust Policy Statement by Resolution without meeting (RWM) on February 3, 2020.

Issues Relating To Provincial Interest

Proposed Bylaw No. 271 was referred to the following agencies:

- Ministry of Transportation and Infrastructure
- Island Health
- CRD, Building Inspection Services
- Galiano Island Fire Rescue – South Department
- Mayne Island Local Trust Committee
- Thetis Island Local Trust Committee
- Salt Spring Island Local Trust Committee
- South Pender Island Local Trust Committee

All concerns raised by agencies have been addressed.

Issues Relating To First Nation Interest

Proposed Bylaw No. 271 was referred to the following First Nations:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Musqueam Indian Band
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Stz'uminus First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tseycum First Nation
- Tsawwassen First Nation
- WSANEC Leadership Council

One response was received from Tsawout First Nation noting no concerns at this time.

Tseycum First Nation Issues Relating To Resources and Enforcement

None

Public Comments

- None at time of finalizing staff report.

Staff Comments

Executive Committee is being asked to approve Galiano Island Local Trust Committee Bylaw No. 271, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2019" in accordance with Section 27 of the *Islands Trust Act*.

Based on the foregoing, the recommendation on page 1 is supported as:

- The proposed bylaw amendment is consistent with the ITPS;
- First Nation referrals were completed and no responses were received;
- Agency referrals were completed and concerns have been addressed;
- Statutory processes have been completed including the waiving of a Public Hearing prior to third reading of the bylaw.

KEY ISSUES/CONCEPTS

- The amending bylaw will rezone the property from a residential to a commercial use;

- The property is already designated in the OCP for commercial use so only a land use bylaw amendment is required; and,
- The applicant has been diligent in addressing all concerns raised throughout the rezoning process and has received significant community support with no dissenting views to the proposed rezoning.

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 Galiano Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 271, cited as "Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2019" is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Galiano Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Brad Smith, Island Planner	September 22, 2021
Concurrence:	David Marlor, Director of Local Planning Services	September 29, 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. 271
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Galiano Island Local Trust Committee

Bylaw No.: GL-271

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 07-Sep-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: GL-271

Trust Area: Galiano Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: GL-271
Application No.: GL-RZ-2019.2
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 03-Feb-2020

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 06-Feb-2020

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: Chonk, Jas

Date: 11-Aug-2021

File complete and ready for Public review: Yes

Public Hearings:

Location:
Proofread By: Chonk, Jas

Legal Paper: Gulf Island Driftwood
First Publish Date: 25-Aug-2021

Second Publish Date: 01-Sep-2021

Alternate Paper: The Active Page
First Publish Date: 01-Aug-2021

Second Publish Date:

Mailout Date: 06-Aug-2021
Second Reading Date: 03-Feb-2020

Delivery Notices: 11-Aug-2021
Date Public Hearing Held:
Third Reading Date: 07-Sep-2021

Referrals: Bylaw GL-271

Agency	Sent	Received
Capital Regional District - All Referrals Christine Condon 625 Fisgard Street: Christine Condon	16-Dec-2019	
Cowichan Tribes 5760 Allenby Rd: Tracey Flemming Comment: No Comment Received	28-Jun-2021	
Galiano Island Fire Department RR #2, Site 46 Comp 23: Karen Harris Comment: Interests are unaffected by bylaw	16-Dec-2019	16-Dec-2019
Gambier Island Local Trust Committee 700 North Road: Sue Ellen Fast	16-Dec-2019	
Halalt First Nation 7973 Chemainus Rd: Raven August Comment: No Comment Received	28-Jun-2021	
Island Health Health Protection and Environmental Services: Doug Watters Comment: Approval Recommended for Reasons Outlined Below: I have been in contact with the applicant. Applicant plans to convert part of house into a Food Facility/Restaurant once zoning changed to C1. Food Facility will have to comply with the Food Facility Regulation and the Drinking Water Protection Act and Regulation.	16-Dec-2019	13-Jan-2020
Lake Cowichan First Nation 313B Deer Road: Carole Livingstone Comment: No Comment Received	28-Jun-2021	
Lyackson First Nation 7973A Chemainus Road: Linda Aidnell Comment: No Comment Received	28-Jun-2021	
Mayne Island Local Trust Committee Islands Trust: Dan Rogers Comment: Interests Unaffected by Bylaw.	16-Dec-2019	27-Jan-2020
Ministry of Transportation and Infrastructure Ministry of Transportation and Infrastructure: Owen Page Comment: The Ministry has no objection to the rezoning proceeding as proposed.	16-Dec-2019	19-Dec-2019
Musqueam Nation 6735 Salish Dr.: Referrals Coordinator	28-Jun-2021	

Referrals: Bylaw GL-271

Agency	Sent	Received
Pauquachin First Nation 9010 West Saanich Road: Darlene Henry <i>Comment:</i> No Comment Received	28-Jun-2021	
Penelakut Tribe Box 360: Denise James <i>Comment:</i> No Comment Received	28-Jun-2021	
Salt Spring Island Local Trust Committee 1 - 500 Lower Ganges Road: Peter Luckham	16-Dec-2019	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment:</i> No Comment Received	28-Jun-2021	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	28-Jun-2021	
Thetis Island Local Trust Committee Northern Office: Laura Patrick <i>Comment:</i> Interests Unaffected by Bylaw.	16-Dec-2019	11-Feb-2020
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment:</i> No Comment Received	28-Jun-2021	
Tsawout First Nation Box 121: Cathy Webster <i>Comment:</i> Upon review of the information provided, Tsawout First Nation does not have any concerns at this time.	28-Jun-2021	06-Jul-2021
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment:</i> No Comment Received	28-Jun-2021	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment:</i> No Comment Received	28-Jun-2021	
WSANEC WSANEC Leadership Council Society: Justin Fritz	28-Jun-2021	



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: BL 271 & GL-RZ-2019.2
LTC Endorsement: February 3, 2020

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
--	--	---------------------------------

PART V: Policies for Sustainable Communities

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

CONSISTENT	NO.	DIRECTIVE POLICY
------------	-----	------------------

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

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

Executive Committee

Policy Checklist

Checklist Key:

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

Executive Committee Legislative Role Policy (2.4)

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

Checklist Key:

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

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

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

Comments

Completed By: Jas Chonk

Status

Date Resolution Referred to Exective Committee: 07-Sep-2021

Reading:

PROPOSED

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 271

A BYLAW TO AMEND GALIANO ISLAND LAND USE BYLAW NO. 127, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2019”.

2. Galiano Island Local Trust Committee Bylaw No. 127, cited as “Galiano Island Land Use Bylaw No. 127, 1999,” is amended as follows:

Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 4, Section 5, Galiano Island, Cowichan District, Plan 13671 from Village Residential 1 (VR1) to Retail Commercial 1 (C1), as shown on Plan No. 1 attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS 3RD DAY OF FEBRUARY 2020.

READ A SECOND TIME THIS 3RD DAY OF FEBRUARY 2020.

READ A THIRD TIME THIS 7TH DAY OF SEPTEMBER 2021.

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

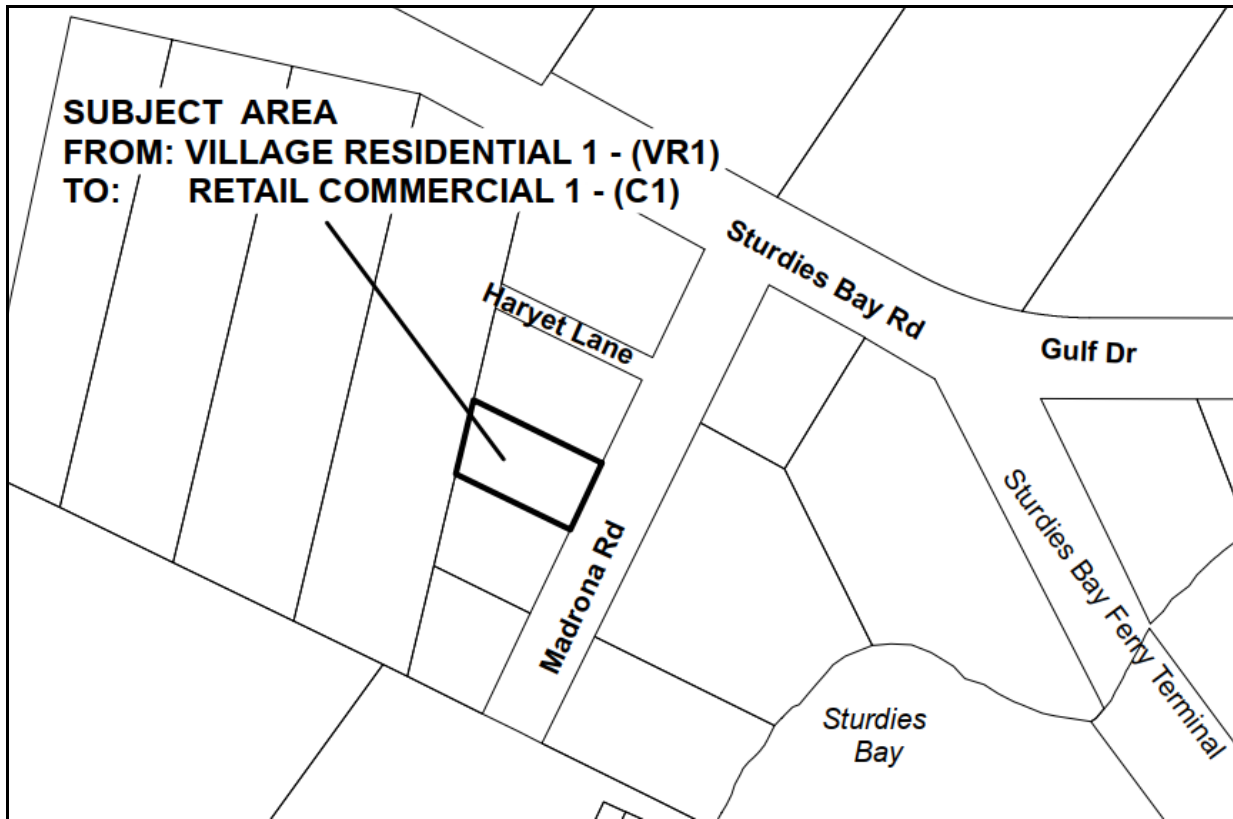
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 271

Plan No. 1



First Nation Engagement

Referral of: Galiano Bylaw No. 271 (GL-RZ-2019.2 (Gavreau))

First Nation: Cowichan Tribes

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a detailed message.	JC

First Nation: Halalt

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a detailed message.	JC

First Nation: Lake Cowichan

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Checked portal and left a detailed message as well.	JC

First Nation: Lyackson

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a detailed message.	JC

First Nation: Musqueam Indian Band

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a detailed message.	JC

First Nation: Pauquachin

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a detailed message.	JC

First Nation: Penelakut Tribe

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	No concerns at this time, nation would like to be kept in the progress of the project.	JC

First Nation: Semiahmoo

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a detailed message.	JC

First Nation: Stzuminus

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	No comment – not enough staff resources to deal with referrals.	JC

First Nation: Tsartlip

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a detailed message.	JC

First Nation: Tsawout

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
July 6, 2021	Upon review of the information provided, Tsawout First Nation does not have any concerns at this time.	JC

First Nation: Tsawwassen

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a message, referral coordinator will advise in day or two if the nation has any concerns.	JC

First Nation: Tseycum

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	No concerns.	JC

First Nation: WSANEC Leadership Council

Date	Comment/Action	Initial
June 28, 2021	Sent Referral	JC
Sept 13, 2021	Sent Follow-up Email	JC
Sept 23, 2021	Left a detailed message.	JC



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: 6500-20
GB Cannabis Regulations

DATE OF MEETING: October 6, 2021
TO: Islands Trust Executive Committee
FROM: Heather Kauer, Regional Planning Manager
SUBJECT: Gabriola Island Local Trust Committee – Bylaw No. 303

RECOMMENDATION

1. **THAT the Executive Committee approve Gabriola Island Local Trust Committee Bylaw No. 303, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”, under Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Gabriola Island Local Trust Committee has referred Bylaw No. 303 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

IMPLICATIONS OF RECOMMENDATION

Organizational

None.

Financial

None.

Policy

None.

Implementation/Communications

Communication to Gabriola Island Local Trust Committee regarding the Executive Committee decision by October 21, 2021.

Other

None.

PURPOSE

Gabriola Island Local Trust Committee Bylaw No. 303 cited as Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019 (Attachment 6) is intended to amend the Gabriola Island Land Use Bylaw, 1999 (LUB), by adding definitions and regulations related to cannabis and cannabis production. Amendments are needed to reflect the introduction of the federal *Cannabis Act* and changes to Agricultural Land Commission (ALC) regulations.

BACKGROUND

Gabriola Island Local Trust Committee Bylaw No. 303

The project seeks to update the LUB to ensure consistency with federal and provincial policies and legislation, and the Gabriola Official Community Plan (OCP). Milestones in this process include:

November 22, 2018: The Gabriola LTC initiated the Top Priority Project to update the Land Use Bylaw regarding Cannabis production regulations;

May 16, 2019: The LTC endorsed the project charter;

July 11, 2019: First Reading; Referred to: Gabriola Advisory Planning Commission; Snuneymuxw First Nation; Agricultural Land Commission; Regional District of Nanaimo; and Islands Trust Bylaw Compliance and Enforcement;

May 14, 2020: Second Reading;

June 25, 2020: Community Information Meeting;

October 22, 2020: The LTC asked that the Cannabis project be removed temporarily from the Top Priority Projects list to make room for staff to work on a different project;

January 29, 2021: The LTC put the Cannabis project back on the Top Priority Projects list;

June 17, 2021: Community Information Meeting; Public Hearing;

September 9, 2021: Third Reading and forward to the Executive Committee.

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 and First Nation Interest

None.

Issues Relating To Resources and Enforcement

This bylaw may not address all pre-existing unlawful cannabis production facilities on Gabriola Island.

Public Comments

None.

Staff Comments

This bylaw will remove outdated language regarding medical cannabis and make the bylaw consistent with Federal regulations.

RELEVANT POLICIES

- 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 Gabriola Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 303, cited as cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”, is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Gabriola Island Local Trust Committee on steps needed to address the specified issues.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	September 21, 2021
Concurrence:	David Marlor, MCIP, RPP Director, Local Planning Services	September 29, 2021

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. Bylaw Referrals Report
4. IT Policy Statement Directives Only Checklist
5. EC Policy Checklist
6. Bylaw No. 303
7. First Nations follow-up Tracking



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Gabriola Island Local Trust Committee

Bylaw No.: GB-303

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 09-Sep-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Bylaw: GB-303

Trust Area: Gabriola Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No.: GB-303
Application No.:
Trust Initiated: Yes

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 11-Jul-2019

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 15-Jul-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: 03-Jun-2021

File complete and ready for Public review: Yes

Public Hearings:

Location: Electronic Meeting
Proofread By: McErlean, Becky

Legal Paper: Gabriola Sounder
First Publish Date: 02-Jun-2021

Second Publish Date: 09-Jun-2021

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:
Second Reading Date: 23-Jan-2020

Delivery Notices:
Date Public Hearing Held: 17-Jun-2021
Third Reading Date: 09-Sep-2021

Referrals: Bylaw GB-303

Agency	Sent	Received
Agricultural Land Commission <i>Rm. 133 4940 Canada Way: Gordon Bednard</i>	25-Jul-2019	
Islands Trust, Bylaw Enforcement <i>200 - 1627 Fort Street: Warren Dingman</i> <i>Comment: Bylaw Enforcement Notification Bylaw No. 263 will need to be amended and the contravention schedule updated in order to allow bylaw staff to use Bylaw Notices to enforce any infractions created by the adoption of the new regulations. Bylaw No. 303 should be adopted along with any necessary amendments to Bylaw No. 263.</i>	25-Jul-2019	11-Sep-2019
Nanaimo Regional District <i>6300 Hammond Bay Road: Jeremy Holm</i> <i>Comment: Interests Unaffected</i>	25-Jul-2019	30-Jul-2019
Snuneymuxw First Nation <i>668 Centre Street: Chief and Council</i>	24-Jul-2019	
Snuneymuxw First Nation <i>668 Centre Street: Lacey McRae Williams</i> <i>Comment:</i>	26-Mar-2021 08-Jul-2021	



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20

File Name: GB Cannabis Regulations.

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	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
✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

Status

Date Resolution Referred to Exective Committee: 09-Sep-2021

Reading:

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 303

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation:

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2019”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as shown on Schedule 1, attached to and forming part of this bylaw:

READ A FIRST TIME THIS 11TH DAY OF JULY , 2019

READ A SECOND TIME THIS 14TH DAY OF MAY , 2020

PUBLIC HEARING HELD THIS 17TH DAY OF JUNE , 2021

READ A SECOND TIME, AS AMENDED THIS 9TH DAY OF SEPTEMBER, 2021

READ A THIRD TIME THIS 9TH DAY OF SEPTEMBER, 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF JULY , 2021

ADOPTED THIS _____ DAY OF _____ , 20xx

Chair

Secretary

Gabriola Island Local Trust Committee
Bylaw No. 303
Schedule 1

Schedule “A” of Gabriola Island Land Use Bylaw No. 177 cited as “Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1. Part G – DEFINITIONS, G.1 Definitions is amended by adding the following text to the definition of “agriculture” after the word “farm”:

“, but excludes cannabis production;”

2. Part G – DEFINITIONS, G.1 DEFINITIONS is amended by deleting the definition of “horticulture” in its entirety and adding the following definition:

<i>“horticulture</i>	the cultivation of fruits, vegetables, or ornamental plants for economic gain, but exclude cannabis production;”
----------------------	--

3. Part G – DEFINITIONS, G.1 Definitions is amended by adding the following definitions:

<i>“cannabis”</i>	any plant of the genus Cannabis;
-------------------	----------------------------------

<i>“cannabis production</i>	to develop, as permitted by the <i>Cannabis Act</i> (Canada) and regulations under that Act a cannabis product by any method or process, including by: a. manufacturing it, b. synthesizing it, or c. altering its chemical or physical properties by any means; d. growing it or any living thing from which it may be extracted or otherwise obtained
-----------------------------	---

<i>“cannabis product</i>	the plant material from cannabis and any article or substance that is manufactured or refined that includes cannabis or cannabis derivatives intended for personal use;
--------------------------	---

4. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses is amended by adding:

j. cannabis production except as permitted on land within the Agricultural Land Reserve and Agricultural Zone.

5. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.2.3 Height, Article B.2.3.2, Clause e. is deleted in its entirety and replaced with:

e. 15.0 metres (49 feet) for buildings used exclusively for cannabis production.

6. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause a. Permitted Principal Uses, Item v is deleted and replaced with:

“v Cannabis production;”

7. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item iii last bullet is deleted in its entirety and replaced with:

“ • the minimum setback for buildings and structures except for fences, used for cannabis production is 30 metres (98.4 feet) from any lot line and 150 metres (492.13 feet) from any school property line or P3 zone.”

8. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause b. Lot Coverage Limitations, Item ii text is amended by adding:

“ • The maximum combined lot coverage of buildings and structures used for the purpose of cannabis production is 200 square metres (2,152 square feet).”

First Nation Engagement

Referral of: GB BL 303

First Nation: SNUNEYMUXW FIRST NATION

Date	Comment/Action	Initial
<i>July 24, 2019</i>	<i>Sent referral package</i>	<i>BM/SZ</i>
<i>March 26, 2021</i>	<i>Reminder sent regarding Public Hearing</i>	<i>BM/HK</i>
<i>June 16, 2021</i>	<i>SFN requests more time to comment in meeting with staff</i>	<i>HK</i>
<i>July 8, 2021</i>	<i>Staff sent reminder email about next LTC meeting to consider the bylaw; no response received</i>	<i>HK</i>

SZ = Sonja Zupanec, Island Planner

HK = Heather Kauer, Regional Planning Manager

BM = Becky McErlean, Legislative Clerk



Islands Trust

REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

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

DATE OF MEETING: October 3, 2021
TO: Islands Trust Executive Committee
FROM: Sonja Zupanec, Island Planner
SUBJECT: Denman Island Local Trust Committee – DE Bylaw No. 239 (Denman Island Housing Agreement)

RECOMMENDATION

1. **THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 239, cited as "Denman Island Housing Agreement Bylaw No. 239, 2020", in accordance with Section 27 of the *Islands Trust Act*.**

DIRECTORS COMMENTS

Denman Island Local Trust Committee has referred Bylaw No. 239 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw.

IMPLICATIONS OF RECOMMENDATION

Organizational

None.

Financial

None.

Policy

None.

Implementation/Communications

Approval of this housing agreement bylaw will support final adoption of Proposed Bylaws 233 (OCP) and 234 (LUB) for rezoning a 0.7 ha parcel of land for eight units of seniors affordable housing.

Other

None.

PURPOSE

Denman Island Local Trust Committee Bylaw No. 239, cited as cited as "Denman Island Housing Agreement Bylaw No. 239, 2020 (Attachment 4) would enact a housing agreement on a 0.7 ha parcel rezoned for eight units of seniors affordable housing (BL 233 and 234).

BACKGROUND

The Denman Community Land Trust Association (DCLTA) were granted Executive Committee sponsorship of their bylaw amendment application in October 2017. The first significant hurdle in processing this application was to resolve the question about whether the proposed density of 8 new dwellings, could be serviced with adequate water and septic services. The applicant obtained approval for a conditional water licence and exclusion from the Agricultural Land Reserve in 2019 and demonstrated adequate proposed septic services. Bylaw drafting commenced in 2019, resulting in the first 'Affordable Housing' zone drafted for Denman Island, specific for rental tenure housing. The housing agreement (BL 239) and a restrictive covenant form part of the conditions of approval of Proposed Bylaw Nos. 233 (OCP) and 234 (LUB).

Denman Island Local Trust Committee Bylaw No. 239

Proposed Bylaw No. 239 was read for the first time at the November 3, 2020 Local Trust Committee (LTC) meeting, and read for a second time and third time at the September 7, 2021 LTC meeting.

Issues Relating To Resources and Enforcement

Annual review of statutory declarations will need to be conducted and filed appropriately to ensure compliance with the conditions of the housing agreement.

Staff Comments

That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 239, cited as "Denman Island Housing Agreement Bylaw No. 239, 2020", in accordance with Section 27 of the *Islands Trust Act*.

KEY ISSUES/CONCEPTS

RELEVANT POLICY

- Section 27 of the *Islands Trust Act*

Submitted By:	Sonja Zupanec, Island Planner	September 13, 2021
Concurrence:	David Marlor, Director of Local Planning Services	September 29, 2021

ATTACHMENTS

1. EC Submission Cover
2. Bylaw Submission Checklist
3. EC Policy Checklist
4. DE Bylaw No. 239



Local Trust Committee Bylaws
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-239

Bylaw Type: Housing Agreement Procedure Bylaw

Date of resolution referring bylaw to Executive Committee: 07-Sep-2021

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

Received by Islands Trust Secretary:

Signature: _____
Secretary

Date: _____

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

Date bylaw will appear on Executive Committee agenda: _____

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

Distribution: Executive Committee

Director, LPS

Local Trust Committee

Planner

Planning Clerk

Trust Area: Denman Island Local Trust Committee
Type: Housing Agreement Procedure Bylaw
Bylaw No.: DE-239
Application No.: DE-RZ-2017.1
Trust Initiated: No

Proofread By:

Clerk: Yes
Planner: Yes

Technical Staff: No

First Reading Date: 03-Nov-2020

Bylaw Sent to Referrals: No
Date Proposed Bylaw to Web: 10-Nov-2021

Resolutions:

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

Secretary Signature Block:

Secretary's Signature: McErlean, Becky

Date: 08-Sep-2021

File complete and ready for Public review: Yes

Public Hearings:

Location:
Proofread By:

Legal Paper:
First Publish Date:

Second Publish Date:

Alternate Paper:
First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:
Date Public Hearing Held:
Third Reading Date: 07-Sep-2021

Second Reading Date: 07-Sep-2021

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: Becky McErlean

Status

Date Resolution Referred to Exective Committee: 07-Sep-2021

Reading: 07-Sep-2021

Third Reading

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 239

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*;

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

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

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Housing Agreement Bylaw No. 239, 2020”.

2. Any two Trustees of the Denman Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with Denman Community Land Trust Association.

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

READ A SECOND TIME THIS 7TH DAY OF SEPTEMBER , 2021

READ A THIRD TIME THIS 7TH DAY OF SEPTEMBER , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

Housing Agreement and Section 219 Covenant

THIS AGREEMENT DATED FOR REFERENCE THE ____ DAY OF ____, 20__ is BETWEEN:

Denman Community Land Trust Association a society incorporated under the laws of the province of British Columbia and having its office at 3771 East Road, Denman Island, B.C. V0R 1T0

(the "Owner");

AND:

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

(the "Trust Committee")

WHEREAS:

- A. The Owner is the registered owner of the lands situated at _____ Denman Road on Denman Island British Columbia and legally described as:

[Insert Legal Description of Lands]

(the "Lands");

- B. The Lands have been rezoned by the Denman Island Local Trust Committee by means of Denman Island Land Use Bylaw 2008 Amendment No. 1, 2019 and Denman Island Official Community Plan, 2008, Amendment No. 1, 2019 has been put in place to permit the development of a seniors' affordable housing project;
- C. The Owner intends to rent the units in the housing project, by way of a Tenancy Agreement, at an affordable rate to Qualified Occupants;
- D. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of Dwelling Units located on those lands;
- E. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;

- F. The Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands on the terms and conditions of this Agreement; and
- G. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

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

a. **Definitions** – In this Agreement:

“Affordable Dwelling Unit” means a deed restricted or rent controlled Dwelling Unit that is designated as an Affordable Dwelling Unit by this Agreement and is available to Seniors on an affordable basis as set out in this agreement;

“Annual Household Income” means the gross income, as shown on line 150 of their preceding year’s T1 General Income Tax and Benefit returns or an equivalent document produced by the Canada Revenue Agency, of all Qualified Occupants of an Affordable Dwelling Unit combined;

“Dwelling Unit” means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy;

“Family Member” means a person under the age of 65 years old who lives with and is related to the Tenant through blood or marriage including a person with whom the Tenant is living in a marriage-like relationship;

“Qualified Occupant” means a Senior or Family Member who meets the eligibility criteria for occupancy as set out in Schedule B;

“Residential Tenancy Act” means the most recent version of the British Columbia Residential Tenancy Act;

“Senior” means a person 65 years of age or older;

“Schedule B” means that Schedule B annexed hereto or any variation thereof made by the Owner that does not contradict any of the terms in the balance of this Agreement;

“Tenant” means a Senior who has entered into a Tenancy Agreement;

“Tenancy Agreement” means an agreement between a landlord and a tenant respecting possession of an Affordable Dwelling Unit, use of common areas and services and facilities, and includes a licence to occupy an Affordable Dwelling Unit.

- b. **Agreement over the Lands** – Pursuant to section 219 of the Land Title Act and section 483 of the Local Government Act, the Owner covenants and agrees that:
- i. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any permit issued for the Lands by the Local Trust Committee and this Agreement;
 - ii. it will design and construct not less than eight Dwelling Units on the Lands provided that construction may, at the sole discretion of the Owner, proceed in stages;
 - iii. all Dwelling Units located on the Lands will be used only as Affordable Dwelling Units pursuant to the terms of this Agreement;
 - iv. it will maintain the Affordable Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands; and
 - v. the Affordable Dwelling Units will only be used and occupied by Qualified Occupants as a permanent, principal, and sole residence pursuant to a Tenancy Agreement.
- c. **Affordable rental housing eligibility** – The Owner covenants and agrees that Affordable Dwelling Units will only be occupied in accordance with the following criteria:
- i. the Owner will only select Tenants in accordance with the Tenant Selection Procedure set out in Schedule B;
 - ii. prior to entering into a Tenancy Agreement, the Owner will ensure that each Qualified Occupant who will reside in an Affordable Dwelling Unit meets the applicable criteria set out in Schedule B;
 - iii. the Affordable Dwelling Units will only be occupied by Qualified Occupants whose Annual Household Income has not, in any of the previous three years, exceeded 160% of the most recently published before tax Low Income Cut-offs, for rural areas and with a family size that corresponds with the number of Qualified Occupants residing in an Affordable Dwelling Unit, as determined and published from time to time by Statistics Canada or its successor in function. If Statistics Canada discontinues the publication of the Low Income Cutoff, the Owner may substitute a similar monetary amount based upon available statistical information (adjusted to economic circumstances on Denman Island) which estimates the minimum income required to meet basic living needs and which, for example, may include reference to the CMHC Core Needs Income Threshold.;
 - iv. an Affordable Dwelling Unit will not have more than two total occupants, and if the Affordable Dwelling Unit has two occupants, the composition of the occupants shall be:
 - 1) two Seniors related through blood or marriage or that have a marriage-like relationship; or
 - 2) one Senior and one Family Member.

v. only Seniors shall be parties to an Affordable Dwelling Unit's Tenancy Agreement, that is, a Family Member shall not be a Tenant; and

vi. a Tenancy Agreement for an Affordable Dwelling Unit will identify each Qualified Occupant who will be residing in an Affordable Dwelling Unit.

d. **Tenancy** – The Owner covenants and agrees to:

i. include in every Tenancy Agreement for an Affordable Dwelling Unit a term:

- 1) requiring the Tenant and each permitted occupant of the Affordable Dwelling Unit to comply with this Agreement;
- 2) entitling the Owner to terminate the Tenancy Agreement if the Tenant or a permitted occupant of the Affordable Dwelling Unit fail to comply with this Agreement;
- 3) entitling the Owner to terminate the Tenancy Agreement if the Affordable Dwelling Unit is made available as a short-term vacation rental; and
- 4) entitling the Owner to terminate the Tenancy Agreement if the Affordable Dwelling Unit is occupied by a person or persons other than the Qualified Occupants identified in the Tenancy Agreement;

ii. not consent to the subletting of an Affordable Dwelling Unit or an assignment of a Tenancy Agreement governing an Affordable Dwelling Unit;

iii. deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Dwelling Unit within 10 days of any request to do so; and

iv. specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to the Unit, and provide to each Tenant, upon their request, a copy of this Agreement.

e. **Rental rates** - The Owner covenants and agrees that it will:

i. not charge any Tenant a rent for an Affordable Dwelling Unit, exclusive of utilities, that on an annual basis is greater than 30% of the Annual Household Income of all Qualified Occupants of the Affordable Dwelling Unit, provided 'rent' does not include any sums received by way of institutional rent subsidy or rent assistance available from time to time; and

ii. not require a Tenant under a Tenancy Agreement to pay any extra charges or fees for use of septic services or property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges. For metered water, each Affordable Dwelling Unit located on the Lands will be allocated a share of the usage permitted under a

water licence issued by the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development. A Tenant will be required to pay a penalty if their consumption exceeds their allocation.

- f. **Order to Comply** - If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated on the notice of default provided to the owner by the Trust Committee.
- g. **Statutory Declaration from Owner** – The Owner shall deliver to the Trust Committee by the end of June of each year, a completed statutory declaration, substantially in the form attached as Schedule A sworn by the Owner, in relation to the Units. The Owner irrevocably authorizes the Trust Committee to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement.
- h. **Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the Residential Tenancy Act and subject to the concurrent delivery of such a notice to the Society.
- i. **No Transfer** – The Owner must not transfer the Lands, other than to another non-profit organization or society incorporated under the Society Act, having as its objective the management of affordable housing. The Local Trust Committee must approve any transfer prior to its finalization.
- j. **Society Standing** – The Owner must maintain its standing as a society under the Society Act, and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.
- k. **Specific Performance of Agreement** – The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the owner of this Agreement, in view of the public interest in restricting the occupancy of the Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee's Land Use Bylaw, as amended from time to time.
- l. **Assignment** – The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.
- m. **Indemnity** – The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other

person for whom the Owner is at law responsible, including breaches of this Agreement.

- n. **Release** – The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
- o. **Trust Committee Powers Unaffected** – This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
- p. **No Public Law Duty** – Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.
- q. **No Waiver** – No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.
- r. **Arbitration** – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the Commercial Arbitration Act of British Columbia.
- s. **Notice on Title** – The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the Land Title Act and a housing agreement under Section 483 of the Local Government Act, and agrees that the Owner will register a notice of this housing agreement against title to the Lands.
- t. **Covenant Runs with the Land** – Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the Land Title Act in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.
- u. **Limitation on Owner's Obligations** – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.

- v. **Amendment and Termination** – This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner.
- w. **Notices** – Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.
- x. **Enurement** – This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.
- y. **Remedies Cumulative** – The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.
- z. **Severability** – Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.
- aa. **Joint and Several** – In the case of more than one owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.
- bb. **Included Words** – Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.
- cc. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.
- dd. **Joint Venture** – Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Trust Committee or give the Owner any authority or power to bind the Trust Committee in any way.
- ee. **Time of Essence** – Time is of the essence in this Agreement.

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

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

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

ii. **Interpretation** – In this Agreement:

i. the word "enactment" has the meaning given in the Interpretation Act on the reference date of this Agreement;

ii. reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;

iii. reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

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

.

SCHEDULE "A"

OWNER'S STATUTORY DECLARATION

CANADA, PROVINCE OF BRITISH COLUMBIA

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

I, _____, Denman Island, BC, declare that:

1. I am the _____ [director, officer, employee] of the Denman Community Land Trust Association, the Owner of the land known as Pepper Lane, Denman Road, Denman Island, legally described as: *[Insert Legal Description of Lands]* (the "Lands").
2. The terms in this declaration have the same meaning as those defined in the Housing Agreement.
3. I make this declaration to the best of my personal knowledge.
4. This declaration is made pursuant to the Housing Agreement registered against the Lands.
5. For the period from _____ to _____, the Affordable Dwelling Units were used only by Qualified Occupants meeting all eligibility requirements of the Housing Agreement, including, without limitation, the restrictions on Annual Household Income.
6. At no time during the last year were any of the Affordable Dwelling Units used as a short-term vacation rental or sublet.
7. The rental amounts charged for the Affordable Dwelling Units were in compliance with the Housing Agreement.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

DECLARED BEFORE ME at _____, British Columbia, this _____ day of _____, 20____.

A Commissioner for taking Affidavits
Columbia

Signature of person making declaration in British

SCHEDULE B

DENMAN COMMUNITY LAND TRUST ASSOCIATION TENANT SELECTION PROCEDURE FOR PEPPER LANE

1. A vacancy for an Affordable Dwelling Unit at Pepper Lane shall be advertised by Denman Community Land Trust Association (“the Owner”) in at least two editions of one or more publications circulated on Denman Island.
2. Only Seniors, that is, persons 65 years of age and over (to a maximum of 2 such persons) may apply for an Affordable Dwelling Unit. Seniors of all ethnicities and races including but not limited to all on-reserve and off-reserve, status and non-status, and self-identifying indigenous, Inuit and Metis people, as outlined in Calls for Justice #4.1 of the “Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls and 231 Calls for Justice” (June, 2019) may become “tenants” upon entering into a tenancy agreement.
3. Where the applicant consists of only 1 Senior, 1 additional person who is under 65 years of age and related to the Senior (a “Family Member”) may occupy an Affordable Dwelling Unit, but a Family Member may not enter into a tenancy agreement for, or become a tenant of, an Affordable Dwelling Unit. However, where a tenancy agreement comes to an end due to the Tenant’s death or voluntary surrender of that agreement, any Family Member who then meets all the age, income, asset and other requirements herein will be offered the opportunity to enter into a new lease for that Affordable Dwelling unit on similar terms
4. Quiet, friendly pets weighing less than 30 pounds may be allowed at Pepper Lane if specifically approved in writing by a tenant selection committee which in exercising its discretion shall take into account, among other things, the number and kind of pets already in residence.
5. Smoking is prohibited inside all Affordable Housing Units. Tenants may smoke outside at Pepper Lane provided the smell cannot be detected in or nearby any of the other Affordable Housing Units.
6. Applicants must meet the following financial requirements:
 - i) the combined gross annual income of the applicant(s) and any Family Member for the previous three years must not exceed 160% of the Before Tax Low Income Cutoff for Rural Areas for 1 or 2 persons, as applicable, as determined by Statistics Canada* or its successor agency;
 - ii) the aggregate household assets of the applicant(s) must not exceed \$60,000. Similarly, the aggregate household assets of the Family Member must not exceed \$60,000 (These limits shall be adjusted annually beginning in 2021 based on the Consumer Price Index rate of inflation for Victoria as calculated by Statistics Canada). Assets included for valuation are: cash, funds on deposit, stocks, bonds, term deposits, annuities, mutual funds, equity in a business or real estate, RRSPs and RRIIFs. Assets excluded for valuation are: personal jewelry, furniture, a vehicle for personal use, bursaries and scholarships, and trade tools for employment.

7. Applicants shall obtain from the Owner such application form as it may prescribe from time to time and in returning the completed form to the Owner shall include verification of the financial information above required, including:

- i) copies of the 3 most recent years' Notice of Assessment from Canada Revenue Agency;
- ii) a statement of assets included for valuation as detailed in section 6 ii) above.

8. Applicants who meet these financial qualifications shall be referred to a tenant selection committee which shall be composed of not less than five people appointed by the directors of the society. The committee members need not be affiliated with the Owner but must be residents of Denman Island who have been such for not less than three years. Where possible, the committee will include two members nominated by two other charitable societies on Denman Island (one nominee per society) and a retired or practicing physician. Committee members must not be related to, or close friends with, any of the people who are then applying for a tenancy.

9. The committee shall screen applicant(s) and any Family Member to determine those who meet the following mandatory requirements:

- i) Subject to section 13 below, the applicant(s) must have been primarily resident on Denman Island for at least the two years preceding the consideration of the application;
- ii) the applicant(s) must have provided satisfactory references to establish that they would be responsible Tenant(s), i.e. would pay rent promptly, cause no damage, and create no nuisance; and
- iii) any Family Member must provide satisfactory references to establish that they would be a responsible occupant i.e. would cause no damage and create no nuisance.

10. From the qualified applicants, the committee will select the Tenant(s) after due consideration of the following criteria:

- i) Subject to section 13 below, the length of the applicant's and any Family Member's connection to Denman Island;
- ii) Subject to section 13 below, the contribution of the applicant and any Family Member to Denman Island through paid or volunteer work;
- iii) the degree of unsuitability of the applicant's present housing;
- iv) the degree of suitability of the personal characteristics of the applicant and any Family Member to the type of accommodation and living arrangement offered at Pepper Lane; and
- v) all things being equal between competing applicants, to meet the needs of as many as possible, preference shall be given to a couple over a single applicant.

11. Upon selecting Tenant(s), the committee shall:

- i) promptly advise all qualified applicants of their decision;
- ii) maintain a waiting list of those qualified applicants still seeking residence at Pepper Lane.

* If Statistics Canada discontinues the publication of the Low Income Cutoff, the Owner may substitute a similar monetary amount based upon available statistical information (adjusted to economic circumstances on Denman Island) which estimates the minimum income required to meet basic living needs and which, for example, may include reference to the CMHC Core Needs Income Threshold.

12. Tenants at Pepper Lane will be entitled to age in place provided they arrange for any medical or other personal assistance they require.

13. The requirements of subsections 9(i), 10(i) and 10(ii) will be waived for indigenous elders who are seniors and whose ancestry relates to those First Nations having territorial claims to Denman Island.

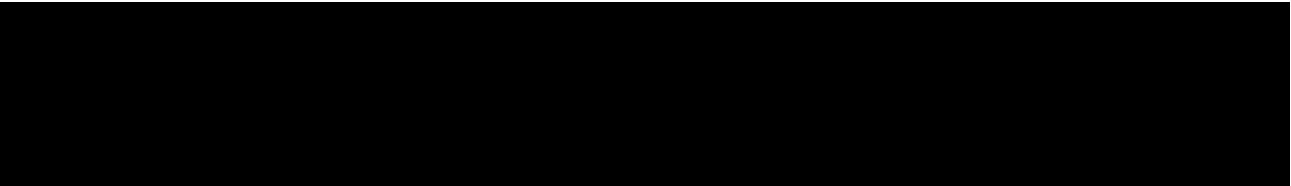
From: Peter Grove <pgrove@islandstrust.bc.ca>
Sent: Friday, September 24, 2021 7:04:15 AM
To: EC <ec@islandstrust.bc.ca>
Subject: TC

Good morning. I hope this is going to the whole EC and Russ. I can find no way of checking as far as I can see....

The bleak Covid news and increasing concerns about the variant , leads me to repeat the concerns I raised at our recent meeting.

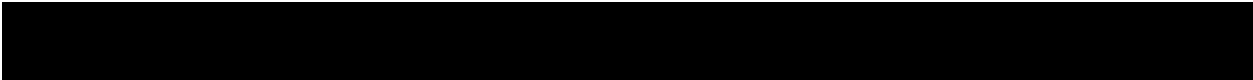
We repeatedly state that our meetings must be “safe places”. An in person meeting is quite simply not a safe place at this time.

We can reduce the risk by requiring all persons present in the room provide evidence of full vaccination. Anything less is simply not acceptable. We have a huge responsibility to one another, to our families and friends and our communities.



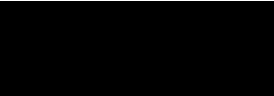
I know you are aware of this, but I think it will help you to know that at least I will be making a stand if necessary and I expect that will be many others who do the same.

Thank you for all you do. And for an excellent meeting



Best, P

Peter Grove



Sent from my iPhone

From: Peter Johnston
Sent: Thursday, September 23, 2021 8:56 PM
To: Executive Committee Mailbox
Subject: request for changes to Trust Council agenda package

Hello executive committee members,

I would like to request that when a Trust Council agenda package is put together, at least the first page of each item be labeled in large and/or bold type with the agenda item number.

I have tried, on Lori's suggestion, using the thumbnails and bookmarks, but they don't work for me, and I have a considerable amount of trouble locating the item that we are dealing with, especially when we deal with items out of their order in the agenda package.

I was also surprised by the huge number of pages in the agenda package for our September meeting. It would be very helpful if the package could be kept much smaller, or possibly sent out earlier.

One suggestion is to post individual items, especially those not expected to change, on the web site, so that we could read them earlier than the entire agenda package is assembled and posted. The page they are on could be accessible only for trustees, or open to anyone interested. I don't know which is better, but I usually choose openness.

There are some items that might not need to have been included in the agenda package, but could have been available by having a link to them posted. I'm thinking particularly of the track changes version of a couple of policies that we were deciding about amending.

I also find it tiresome to read staff reports, and then have them tell us all, or remind us, of what they had reported. Do most other organizations go through this sort of process at their meetings? Could the written reports not be posted on the web site, and could not trustees post their questions and requests for clarification on the web site, and staff respond to them on the site? This would be in public, and we would be able, before the meeting began, to pinpoint and note any matters that needed discussion or decision at the meeting. I'm certain the page could be set up to record which trustees had accessed it, and for what lengths of time. One possibility is that the reports could be divided up and posted in different weeks each month, or in the month before a Trust Council meeting. It would help the meeting proceed and feel more productive if these matters could be taken care of before the meeting itself, and we could concentrate on more interesting and productive information exchange, discussion and thinking on important issues. It strikes me that other tasks, like amending policies, could also have their information and question and answer functions accomplished in this way, rather than at an actual meeting, when only the decision part would be done, as the other part would have been done ahead of time, at the time that was convenient for each trustee.

Thanks for all your time and energy that you give to the Trust and Trust Council, and the Local Trust Committees, and your communities and our region. Peter



Islands Trust Council Highlights September 21-23, 2021

The following is a list of highlights of Trust Council's activities and decisions during its September 21-23, 2021, meeting held electronically. These highlights are not the official minutes of the Trust Council meeting; Trust Council will adopt those at its next meeting scheduled November 30 – December 2, 2021.

Continuous Learning Plan

Trust Council prioritized public engagement tools and approaches as a priority topic for future learning opportunities.

Trust Council Policy Review Project

Trust Council reviewed and actioned the following policies:

- ***Policy 2.1.2 Standards of Conduct***

Amendments were referred to December Trust Council requesting trustees provide input to Executive Committee.

- ***Policy 2.2.3 Trust Council Resolutions without Meeting (RWM)***

Trustees are no longer requested to “Reply All” during an RWM email vote deleting 4.3.3.4 from the procedures.

Deletion of item 3.1 from the procedures, “trustee discussion during an RWM”, was referred back to senior staff for consideration that the principle of the RWM would be offended.

- ***Policy 7.6.1 FOI Policy and 7.6.2 FOI Procedure***

Trust Council updated administrative policy 7.6.1 and procedure 7.6.2 regarding processing requests under the Freedom of Information (FOI) and Protection of Privacy Act.

Tree Cutting Authority Session

A summary of the tree cutting authority breakout sessions will be brought back to Executive Committee, recordings are posted to the website.

Policy Statement Amendment Project Phase 3 Public Engagement Plan

Trust Council approved a budget of an additional \$82,000 to support implementation of phase 3 option 3 of a public engagement plan for the draft Policy Statement.

Policy Direction: NAPTEP Fees

Staff will bring back policies for sponsorship of Natural Area Protection Tax Exemption Program (NAPTEP) applications and return to Trust Council for further review and approval.

Shoreline and Residential Density Reports Strategic Plan

Trust Council referred the Residential Floor Area report back to the Regional Planning Committee for updates identifying environmental benefits and incorporating work being done on North Pender and South Pender islands.

Regarding the Shoreline Protection Model Bylaw Report, Trust Council will circulate it to and invite local trust committees and Bowen Island Municipality provide comment on any intent to undertake policy or regulatory amendments.

2020/21 Statement of Financial Information

Trust Council approve the 2020/21 Statement of Financial Information as presented.

That Trust Council approve the June 30, 2021 Financial Report as presented.

Disposition of Delegations, Town Hall and Presentations

Vessel Drift and Response Analysis Presentation

Trust Council requested staff prepare correspondence for the Chair to the appropriate ministries affirming Trust Council's support for the location of a dedicated Emergency Response Towing Vessel in Sidney, B.C.

Oil Spill Planning in the Islands Trust Area Presentation

Trust Council requested staff provide a report outlining potential options for how the Trust and local trust committees can engage and assist with the Coast Guard Oil Spill response planning process.

To: Executive Committee **For the Meeting of:** October 6, 2021
From: Lisa Wilcox, SIPA **Date Prepared:** September 27, 2021
SUBJECT: Synopsis of Minister Meeting for UBCM 2021

PURPOSE: To consider outcomes of the meeting with the Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation (MIRR) during the Union of British Columbia Municipalities (UBCM) minister meeting held via conference call at 2:00 p.m., September 8, 2021.

BACKGROUND: Islands Trust Executive Committee and senior staff requested a meeting with Honourable Murray Rankin:

Topic #1: Request submitted to UBCM

Request: Islands Trust Chair Peter Luckham and the Islands Trust Executive Committee would like to present to the Minister, the Islands Trust Reconciliation Report and discuss with him the importance of the new draft of the amended Islands Trust Policy Statement (ITPS).

Background: Islands Trust Council, over the past two years, has undertaken to implement the Truth and Reconciliation (TRC) Calls to Action and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Indigenous Peoples Act (DRIPA) to create a mutually respectful and meaningful relationship with the First Nations that encompass the Islands Trust Area. The new draft of the amended Policy Statement has been re-drafted with the cooperation of First Nations to become one of the first local government policy documents that attempts to align with DRIPA. The Islands Trust Council has also undertaken, since 2019, to implement the TRC Calls to Action with training, policy reviews, recognition of historic wrongs, and an initiative to further preserve and protect cultural heritage.

SUMMARY OF OUTCOMES:

Executive Committee met with Honourable Murray Rankin, (MIRR) as part of UBCM ministry meetings.

Islands Trust requested this conference call with Honourable Murray Rankin to:

- Provide and discuss with the Minister the [Islands Trust Reconciliation Report 2019-2021](#);
- Provide the Minister with an update of the Islands Trust New Draft Policy Statement Bylaw 183 early and meaningful engagement with First Nations;
- Provide the Minister with an update on Islands Trust initiatives related to the preservation and protection of cultural heritage in collaboration with First Nations and Cultural Knowledge Holders;
- Request assistance from the MIRR with the continued implementation and alignment of policies and process with the Truth and Reconciliation (TRC) Calls to Action and the Declaration on the Rights of Indigenous Peoples Act (DRIPA). It is the hope of Islands Trust Executive and senior staff that MIRR will assign an Executive Director to assist;

- Honourable Murray Rankin expressed his advocacy and support for the Islands Trust reconciliation process and work that is been undertaken to build mutually respectful and meaningful engagement with First Nations in the Islands Trust Area; and
- Minister Rankin recognized that the work of reconciliation is a long term and important undertaking that is central for the Islands Trust and all local governments.

ATTACHMENT(S): none

FOLLOW-UP: Senior staff will follow up with senior MIRR staff to continue this important dialogue and to follow up on the assignment of an Executive Director.

Prepared By: Lisa Wilcox, Senior Intergovernmental Policy Advisor

Reviewed By/Date: Russ Hotsenpiller, CAO, October 1, 2021

BRIEFING

To: Executive Committee **For the Meeting of:** **October 6, 2021**
From: **Executive Coordinator/CAO** **Date Prepared:** October 1, 2021
SUBJECT: **DRAFT Executive Committee and Trust Council Schedule 2022**

PURPOSE: To provide a draft 2022 Executive Committee / Trust Council schedule for discussion.

BACKGROUND:

i. Executive Committee 2022 Meeting Schedule

Attachments 1 and 2 show Executive Committee dates in green taking into consideration the October 15 election date, Trust Council meetings, Union of BC Municipalities and council committee scheduling requirements. The current draft presents 19 Executive Committee meetings.

ii. Selection of Trust Council meeting dates, 2022

The draft Trust Council/Executive Committee 2022 schedule is built out from the election date October 15. [Meeting Procedures Bylaw No. 101; 2.1.](#), states that Council shall be held on the first Wednesday in November following a general local election which is November 2, 2022.

The following Trust Council meeting dates are proposed for 2021: **March 8-10, June 21-23, September 20-22 and November 1-3.**

iii. New Council Convenes

New term trustees would convene November 1-3 to take their oath of office and elect an Executive Committee. Typically, council committee members are appointed to Financial Planning, Trust Programs and Regional Planning Committees and orientation begins at this inaugural meeting of Trust Council. A topic of conversation will be what extra sessions should be planned for the calendar year that this schedule represents and what possible extra meeting should be considered for January 2023.

iv. Trust Council Meeting Locations

Meetings are required to have a physical location where the public can attend. Executive Committee may consider recommendations to Trust Council for on-island locations, Nanaimo, and Victoria as meeting location options.

All Council Committees

Provided for information, attachment 3 shows consideration of potential committee meetings for 2022. Each committee adopts its own schedule after Executive Committee has adopted its 2022 schedule.

ATTACHMENT(S):

1. Executive Committee 2022 Draft Meeting Schedule
2. 2022 EC-TC schedule – calendar view - DRAFT
3. 2022 All Committees inclusive – calendar view DRAFT

FOLLOW-UP: Executive Committee should adopt its 2022 schedule by its October 27th meeting. Once EC has adopted its 2022 meeting schedule, council committees and local trust committees can confirm their meeting schedules before year end.

Prepared By: Lori Foster, Executive Coordinator

Reviewed By/Date: CAO, October 1, 2021

Islands Trust Executive Committee 2022 DRAFT Meeting Schedule

The public location for all meetings will be the Islands Trust Victoria office (#200, 1627 Fort Street) starting at 9:00 AM unless otherwise noted.

1. January 12
2. February 2
3. February 23
4. March 8 (pre Trust Council)
5. March 23
6. April 13
7. May 11
8. June 8
9. June 21 (pre Trust Council)
10. July 6
11. July 27
12. August 17
13. September 7
14. September 20 (per Trust Council)
15. October 5
16. October 19
17. November 1 (pre Trust Council)
18. November 16
19. December 14

TRUST COUNCIL MEETINGS

March 8-10
June 21-23
September 20-22
November 1-3* Victoria

COUNCIL COMMITTEE MEETINGS

FPC – Jan 18, Feb 16, May 25, Aug 31, Oct 12, Nov 30
TPC – Feb 11, April 8, May 13, Aug 26, Nov 25
RPC – Feb 9, May 18, Aug 24, Nov 23

*The November 1-4 Trust Council date is set by Policy and Bylaw 101 Meeting Procedures bylaw following a municipal election year.

Islands Trust Council and Committees Schedule

SEPTEMBER 2021							OCTOBER 2021							NOVEMBER 2021							DECEMBER 2021						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						1	2		1	2	3	4	5	6				1	2	3	4
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
							31																				

DRAFT 2022 Executive Committee / Trust Council Schedule

JANUARY 2022							FEBRUARY 2022							MARCH 2022							APRIL 2022						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5			1	2	3	4	5						1	2
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12	3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28						27	28	29	30	31			24	25	26	27	28	29	30
30	31																										
MAY 2022							JUNE 2022							JULY 2022							AUGUST 2022						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2		1	2	3	4	5	6
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30	28	29	30	31			
SEPTEMBER 2022							OCTOBER 2022							NOVEMBER 2022							DECEMBER 2022						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2							1			1	2	3	4	5					1	2	3
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
							30	31																			

	Trust Council
	Executive Committee
	Statutory Holiday
	Election Day
	AVICC/UBCM
	Salish Sea Conference

Islands Trust Council and Committees Schedule

SEPTEMBER 2021						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER 2021						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER 2021						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

DRAFT 2022 Islands Trust Council & Committees Schedule

JANUARY 2022						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY 2022						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH 2022						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL 2022						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

MAY 2022						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE 2022						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY 2022						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST 2022						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER 2022						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER 2022						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER 2022						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER 2022						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

	Trust Council
	Executive Committee
	Statutory Holiday
	Election Day
	AVICC/UBCM
	Salish Sea Conference
	Financial Planning
	Regional Planning Committee
	Trust Programs Committee
	Select Committee
	A box outlined in bold black is Executive Committee deadline/cutoff/sand through the hourglass/ date to have all items in to EC.

BRIEFING

To: Executive Committee **For the Meeting of:** October 6, 2021
From: Clare Frater **Date Prepared:** October 1, 2021
SUBJECT: 2022/23 Executive Committee project budget requests

PURPOSE: To advise the Executive Committee of potential non-staffing budget requests related to responsibilities of Executive Committee.

BACKGROUND:

Staff are working to develop project budgets for the 2022/23 fiscal year. Initial estimates and approaches are outlined below. Generally, business cases are not required for projects \$5,000 or less. Communications funding has always been considered without a business case and staff recommend the same approach to Reconciliation Action Plan funding.

Strategic Plan item #	Potential funding request	2022/23 Amount proposed	2021/22 funding	Notes
4.6	Reconciliation Action Plan implementation	\$17,000	\$17,000	To support ongoing implementation of the Reconciliation Action Plan .
	History and Heritage Grants in Aid	\$5,000	\$5,000	Staff recommend keeping the amount the same.
	Application Sponsorship	\$7,000	\$5,000	Executive Committee has discussed the need to increase this budget.
N/A	Communications	\$50,000*	\$23,000	An increase in budget is proposed to respond to an increasing demand for communications about Islands Trust and its projects. In addition, new Census results will be available in 2022/23 which provides an opportunity to creating infographics and update the Island Profiles linked through each local trust area/Bowen Island landing pages on the website (sample) Also, it is anticipated that a number of publications will be designed in 2021/22 that could be printed. This increase will also provide additional opportunity to contract

				communications support as needed as issues arise.
1.3	NAPTEP Regulation Exemption reduction tax shift analysis	\$5,000	N/A	To accomplish the tax shift analysis required for a business case to the Province of BC regarding Trust Council's desire that legislation be amended to increase the NAPTEP exemption. To date, staff have not engaged in this work due to other priorities.
4.2	Website –design or functionality changes	\$15,000	\$7,000	The funding would support any changes to the new website requested by the newly-elected Trust Council or the public. Staff have received requests for changes that outside the scope of the website renewal project (e.g. changes to the approved design/functionality). Staff have overspent the existing website budget in 2021/22 due to a large number of
3.1, 4.4, 5.6	Policy Statement Amendment Project	\$5,000	\$29,400	The funding would support any additional legal review of the draft Policy Statement and graphic design of the final document.
N/A	NAPTEP application sponsorship	\$1,000	N/A	In September, Trust Council asked staff to prepare a draft policy regarding sponsorship of NAPTE applications. This budget would support implementation of that potential future policy.
TOTAL		\$105,000*	\$86,400	

*This includes funding for communications contractors.

ATTACHMENT(S):

1. None.

FOLLOW-UP: Staff will incorporate Executive Committee project budgets into the draft 2022/23 budget .

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Russ Hotsenpiller, CAO/October 1, 2021

REQUEST FOR DECISION

To: Executive Committee **For the Meeting of:** October 6, 2021

From: Brad Smith, Island Planner **Date Prepared:** September 22, 2021

SUBJECT Request for Executive Committee Sponsorship of Development Application Fee

RECOMMENDATION: THAT the Executive Committee approve financial sponsorship of \$4400 for rezoning application GL-RZ-2021.1 (GALI) which would amend the LUB to allow for an affordable housing development with up to 20 dwelling units.

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

1 PURPOSE:

The purpose of the Request for Decision (RFD) is to request the Executive Committee to consider the development application fee sponsorship application from the Galiano Affordable Living Society (GALI).

2 BACKGROUND:

The GALI rezoning application is to increase the density on the subject property from one (1) affordable housing unit per lot to 20 units per lot and to permit a multi-unit residential form and character for the units.

GALI, a registered non-profit society, has submitted a request for sponsorship of development application fees by the Executive Committee.

Staff have reviewed the rezoning application and confirm that only an amendment to the Galiano Island Land Use Bylaw No. 108 (LUB) is required, the fee for which is \$4400. See receipt of application and fee in Attachments.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

None.

FINANCIAL:

Trust Council has allocated \$5,000 annually for this budget item. In Fiscal Year 2021/22 the Executive Committee to date has approved two applications totaling \$6050¹ (\$1,050 over the budget amount). Approval of this application would result in a total of \$10,450 charged to this budget item (\$5,450 over the budget). Approval of the application for sponsorship would reduce the funds that would otherwise be received from the rezoning application fee.

¹ Denman Green (Rezoning) \$4,950; Hornby Thrift Store/Museum (TUP) \$1100

POLICY:

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

IMPLEMENTATION/COMMUNICATIONS:

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

FIRST NATIONS:

None.

OTHER:

None.

4 RELEVANT POLICY(S):

Islands Trust Policy 4.1.xiii

5 ATTACHMENT(S):

1. Development Application Fee Sponsorship Application Form
2. Fee Payment
3. Trust Council Policy 4.1.13

RESPONSE OPTIONS**Recommendation:**

THAT the Executive Committee approve financial sponsorship of \$4400 for rezoning application GL-RZ-2021.1 which would amend the LUB to allow for up to 20 units of affordable housing.

Alternative:

THAT the Executive Committee approve financial sponsorship of \$XXXX [as specified by the Executive Committee] for rezoning application GL-RZ-2021.1 which would amend the LUB to allow for up to 20 units of affordable housing.

THAT the Executive Committee not approve financial sponsorship for rezoning application GL-RZ-2021.1 which would amend the LUB to allow for up to 20 units of affordable housing.

Prepared By: Brad Smith, Island Planner

Reviewed By/Date: David Marlor, Director, Local Planning Services/September 29, 2021

Development Application Fee Sponsorship Application Form

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

To be eligible for Executive Committee Sponsorship:

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

The following are NOT eligible for Executive Committee Sponsorship:

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

SECTION 1: APPLICANT INFORMATION

(Please print or type all sections)

Organization Name: Galiano Affordable Living Initiative Society

Primary Contact: Michael Hoebel

Address: Suite 6 - 33 Manzanita Rd

Telephone: 250-539-2003 E-mail: mike.hoebel@gmail.com

Charitable Status Number (If applicable): _____

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

www.gali.ca

Board Members (Name, Position): Lisa Gauvreu (President), Michael Hoebel (Vice-President), Lauren Magner (Treasurer), Colleen Doty (Secretary), Barb Grehan (member), George Harris (member), Geoff Inverarity (member), Joanne Randle (member), Thea Bridge-Battle (member), Carol Guin (member).

SECTION 2: DEVELOPMENT APPLICATION INFORMATION

Check development application where fee refund is requested:

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

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

Development Application Submitted? ☒ Yes ☐ No

Application #: GL-RZ-2021.1

Development Application Fees Paid (Amount): \$4,400

Receipt #: 3047

SECTION 3

Objective of Development Application: The application seeks rezoning to accommodate 20 affordable rental units of community housing within four buildings on site and one common building to be used as a storage and laundry.

Describe how the Development Application furthers official community plan goals: Galiano OCP's housing policies state

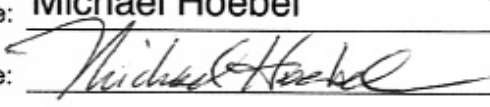
Applications for rezoning to a higher density than permitted by current zoning shall be considered where the application would result in the provision of seniors, affordable or special needs housing

Applications for rezoning to a higher density than permitted by current zoning shall be considered where the application would result in the provision of seniors, affordable or special needs housing

SECTION 4

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

Printed Name: Michael Hoebel

Signature: 

Date: July 3, 2021

Contact Information (e-mail and/or phone): mike.hoebel@gmail.com

INFORMATION TO BE COMPLETED BY ISLANDS TRUST

Date of Executive Committee Consideration: _____ Decision: _____

Financial Details: _____

Fee Refunded: _____

Organization Charitable Status Number: _____

LTC Notified (Date): _____

Applicant Notified (Date): _____



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

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

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

ISLANDS TRUST RECEIPT

\$ \$4,400.00

RECEIPT NUMBER 3047

AMOUNT :Four thousand four hundred dollars

RECEIVED FOR:

Re-zoning application for affordable housing development.

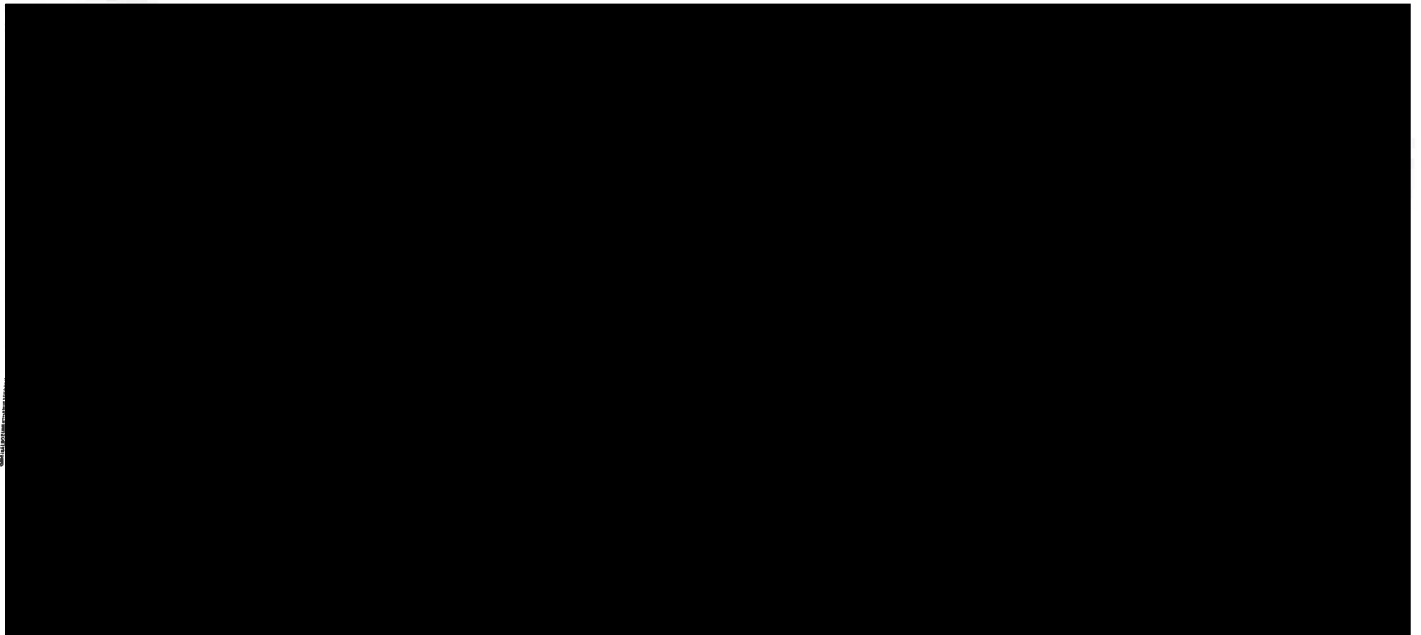
RECEIVED FROM Aida Kudic, New Commons Development Inc.

RECEIVED DATE March 17, 2021

ISSUING OFFICE Victoria Office

ISSUING OFFICER NAME Dionne LoForte

	For office use only
GL CODE	Click here to enter GL CODE.
TRUST AREA	Click here to enter Area.





Policy:	4.1.13
Approved By:	Trust Council
Approval Date:	June 10, 2004
Amendment Date(s):	March 9, 2011; December 6, 2017
Policy Holder:	Director of Local Planning Services

GUIDELINES FOR EXECUTIVE COMMITTEE SPONSORED OR LOCAL TRUST COMMITTEE INITIATED DEVELOPMENT APPLICATIONS

Purpose

To clarify the circumstances when it is appropriate for a committee to sponsor or initiate a property-specific development application.

Note: This policy does not apply to general changes to Official Community Plan policies or zoning regulations that would apply to many properties and that are initiated by a local trust committee as part of a general review of policies or regulations.

A. Definitions

Executive Committee Sponsored Application – means when the Executive Committee assumes sponsorship of a development application for a specific property or properties and pays the appropriate fee on behalf of an applicant.

Trust Committee Initiated Application – means when a local trust committee initiates a development application for a specific property or properties without fee on its own behalf or on behalf of a property owner.

B. Policy

1. Development Applications

May include Official Community Plan and Zoning Bylaw Amendments, Development Permits, Development Variance Permits and Temporary Use Permits.

2. Covenants

Covenants are not considered development applications. If a covenant results from a development application approval condition, the costs of preparing the covenant are to be borne by the applicant.

3. Conditions appropriate for Executive Committee sponsorship of a property-specific development application are:

- 3.1 When the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility for the benefit of the community at large and consistent with goals in the Official Community Plan (OCP).
- 3.2 When the applicant is an established or establishing institution supported by taxpayers that is seeking to establish, expand or modify a community facility.

3.3 When the applicant seeks to implement specific objectives of an OCP with broad community benefits.

4. Conditions not appropriate for Executive Committee sponsorship or local trust committee initiation of a property-specific development application include:

4.1 When the applicant is a registered for-profit corporation under the *Corporations Act*.

4.2 When the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility that would not benefit the community at large.

4.3 When an applicant claims that he or she cannot afford the cost of the application, and the application would not otherwise qualify for sponsorship or initiation.

5. Conditions appropriate for a local trust committee initiated development application on a specific property or properties.

5.1 Where a local trust committee has made an error (e.g., as part of a bylaw consolidation) in assigning an appropriate designation or land use regulation to a specific property and moves to correct the error.

5.2 Where a local trust committee wishes to modify an existing land use regulation on a specific property or properties as an alternative to entertaining a host of development variance applications that it believes are appropriate.

6. Where the Executive Committee wishes to sponsor a property-specific application, the costs of the relevant application fees will be charged to the fund for the sponsorship of development applications that is allocated to the Executive Committee in the base budget following an appropriate resolution from the Executive Committee.

7. Initiation of a development application by a local trust committee does not fetter the discretion of the local trust committee when it makes decisions about the outcome of the application. Local trust committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between a local trust committee's sponsorship or initiation of an application and the local trust committee's role in decision-making regarding that application.

8. Sponsorship by the Executive Committee for a development application that requires approval of the Executive Committee under s.27 of the *Islands Trust Act* does not fetter the discretion of the Executive Committee. Executive Committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between the Executive Committee's role in decision making regarding that application.

C. Legislated References

1. *Corporations Act*

2. *Islands Trust Act, Section 27*

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

n/a

ISLANDS TRUST
REQUEST FOR TRAINING, CONFERENCE AND WORKSHOPS
EMPLOYEE INFORMATION

Name: Title:

Supervisor Name:

COURSE/CONFERENCE INFORMATION

Name of Course/Conference:

Date(s) of Course/Conference:

Offered by:

Training Location:

Brief Summary of Course/Conference content: (attach detailed course information)

two days of workshops, plenary sessions, discussions and networking opportunities. In particular, I look forward to attending a workshop aimed at local government that is focussing on how to create systems that support economic, environmental and economic sustainability, a workshop on changes in the agrifood landscape (of particular interest since the Denman LTC is reviewing agricultural regulations) and one on diversity and inclusion.

Describe how this training will benefit Islands Trust and you?

See above re topics of workshops. This will give me insight into the economic forces that shape our island communities and to a large degree determine our environmental impact and our options for doing things in more sustainable ways.

Are you aware of other staff members who are attending this event?

Not this year, but Trustee Peterson attended last year. I have been in touch with him and he said it was useful.

OVERTIME AND TRAVEL STATUS

- ☐ Attendance required (e.g. – mandatory or job requirement)
- overtime by collective agreement; full travel status

- ☐ Developmental training or conference
- overtime and travel status may be negotiated with supervisor

Overtime ☒ Not Applicable ☐ Overtime defined by collective agreement
☐ Other arrangement negotiated – please indicate details:

Estimated number of overtime hours:

Travel Status ☐ Not Applicable ☐ Full travel status

☐ Negotiated travel expenses – please indicate details:

Enter details of negotiated overtime and travel expenses

COST SUMMARY:

Registration	Covered by a community group
Per Diem meal costs	82 (two days/dinner only)
Accommodation	67.18 (two nights, private lodging)
Travel	129.20 (99 for mileage plus 30.20 for ferry)
TOTAL	268.38

To use the embedded excel sheet above, hover the cursor over the sheet and double click to open the table. Enter the \$ amount, and the total will calculate automatically. To close, move the cursor outside the sheet and left click once.

**** Contact the Victoria Receptionist for assistance with accommodation and travel estimates. *All travel arrangements (flights, hotel reservations, etc.) are to be coordinated through the Victoria Receptionist.***

Employee Signature _____ Date _____

Supervisor: [Conference/Training Evaluation Form](#) required yes ☐ no ☐

Supervisor Signature _____ Date _____

DO NOT SIGN unless detailed course information is attached

Confirm you have registered for this course yes ☒ no ☐ (Finance please register)

INSTRUCTIONS TO EMPLOYEE:

REGISTRATION & PAYMENT INSTRUCTIONS:

1. Submit form to your supervisor for approval. ***Your supervisor's signature is required before you register.***
2. Register for the course/conference and choose "cheque payment" as the option. Print and attach the invoice to this form. FINANCE WILL ARRANGE FOR PAYMENT OF YOUR COURSE/CONFERENCE FEE. ***If you are unable to register without making payment, please contact Finance immediately.***
3. Submit completed form to the Human Resources Coordinator in Victoria.

It is the Employee's responsibility to notify the Human Resources Coordinator immediately if the Employee is unable to attend the course so that any available refund can be obtained.

From: Web Comments webcomments@islandstrust.bc.ca

To: Stewart Brands

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

Sent: Tuesday, September 14, 2021 3:29 PM

Subject: FW: NEWS RELEASE: Islands Trust to improve development application process

Hello Mr. Brands,

Thank you for the feedback. The web comments inbox is only viewed by staff. Would you like us to add your feedback to the next Executive Committee agenda as correspondence?

Sincerely,

Alexandra Trifonidis

From: Stewart Brands

To: Web Comments <webcomments@islandstrust.bc.ca>

The form I prefer that could be public and more descriptive and ending with a suggestion would be far more appropriate. This is:

Has it occurred to the Trust and those who value the rain forests that, resident food gardens require rain forest removal to create a clearing many more times the size of the garden because gardens need sunlight?

Is it not also clear that if more and more resident property food gardens are created then more and more rain forest would be removed?

Moreover is it understood that food gardens require large amounts of aquifer water and that increase of tree falling causes an increase of desiccation?

Given that the answers to the questions are affirmative, is it possible that adding large sunlight areas by tree falling for private food gardens to easement clearing, building clearing, septic field clearing and driveway clearing on each lot does not Preserve and Protect the natural forest habitat?

Having private garden allotments for private individuals on public lands, which have already been cleared, is a solution that would prevent further forest removal for food gardens on multiple private lots. These public clearings would be schools zones, fire hall lots, or hydro easement land. This is a possible solution to the conundrum.

The public building rooves could be rain catchments for storage of garden water thereby preserving and protecting the aquifers.

Encouraging this form of private gardening on public lots in a Policy Statement would be more compatible to the Trust mandate than falling forests on every private lot for food gardens, would it not, given the average number of trees needed to be felled on each lot is approximately 20-40 for each food garden created?

Private gardens on public land is a reality on Galiano Island. Mr. New of Galiano is highly skilled in this field and he could organise this solution to preserve and protect the regions' rainforest in this way for every island of the region.

Perhaps the Trust Executive could approach Mr. New of Galiano to organise this valuable concept to further protect rainforests from the multiplication of garden clearing on every private lot.

This is a better form of the opposing interests represented by private lot food gardens and the need to Preserve and Protect the natural rain forest habitat.

Thanks, Stewart.

From: Donn K <[REDACTED]>
Sent: Friday, September 10, 2021 10:03 AM
To: Lee Middleton; klangeris@islandstrust.bc.ca; Paul Brent; Steve Wright; David Critchley; Peter Luckham; Deb Morrison; Benjamin McConchie; Michael Kaile
Cc: Lori Foster
Subject: Governance of the Gulf Islands

Lee Middleton
Chair, of the Trust Council Select Committee Governance and Management Review
Members of the Trust Council Select Committee Governance and Management Review
Courtesy Copy Lori Foster

Islands Trust Governance and Management

Introduction:

While not generally known to the residents of the Trust area, Trust Council has simultaneously started a Governance and Management Review (henceforth the Governance Review) using outside consultants alongside the redraft of the Foundational Policy Statement. (Bylaw 183) The Terms of Reference for the Governance Review dated November 8th, 2020 stated it was important “Before any changes are made to the policy statement it is imperative that the Trust’s performance is reviewed to determine if there are ‘other’ improvements that need to be made before the Trust enacts policy based on what was heard during the policy statement review consultation.” (

page 8 of the Terms of Reference) It is now apparent that the public consultation process will proceed far in advance of the results of this Governance Review perhaps throwing into question the usefulness of the expenditure for their consultant's report. I would submit that no further action take place on the policy review until after receipt of this report and a public consultation on the recommendations for reorganization that this report generates.

A Brief Description of the Problems with the Existing Governance Structure

The key questions posed to the Consultants unfortunately ignore the nature of the existing organization. Briefly the Island communities are ruled by a quasi-provincial non resident independent planning bureaucracy nominally overseen by twenty six trustees that form the Trust Council, from the thirteen major Islands. But the thirteen major Islands of the Trust area constitute a region in name only. To suggest a disparate group of local politicians can exercise effective control over a permanent civil service strains credibility.

The Executive Committee of the Trust Council consisting of four trustees not only provides the executive political function of the Trust Council but individuals from the Executive sit as Chairs for all the individual Local Trust Committees. Four individuals then have majority control of four local trusts and one third of the votes of the remaining nine. Any faction gaining control of the Executive Committee leverages its power to direct the activities of the trust during any four year term of office.

Consequently, we have a lack of effective accountability of the local trustees to the residents that elect them, a non resident civil service operating relatively independently of the senior provincial government, free to pursue its own aggrandizement, and a regional executive that exercises legislative authority at the local level. We also have an unusual structure where the small Islands such as South Pender have as much authority in the Trust Council level as Islands with larger populations such as North Pender and Salt Spring.

Fundamentally the structure is designed to ensure a lack of accountability of the trustees to the Island communities they ostensibly serve. What other municipal government lacks effective control of its civil service while paying the wages to those who do not reside in its community?

What Should Be Done?

I would recommend the following changes to the Governance of the Islands Trust:

- a. Eliminating off-Island Trustees as Chairs for the LTC's. The current structure is simply a method of exercising control over the local populations reducing their ability to organize opposition to the policies of the Trust Council. Local Trustees should be serving the interests of the residents, making them accountable to the residents.
- b. To represent the interests of the Province of British Columbia, the Province should appoint voting members to the Trust Council. These could be Civil Servants from the

Ministry of Municipal Affairs or other Ministries or, should the Province believe it to be advantageous, from First Nations.

- c. The planning resources of the Trust should be reduced in size, with more reliance on outside consultants for special projects.
- d. The Staff of the Trust should be moved to the Ministry of Municipal Affairs where they would come under the control of the Minister and the Senior Deputy Ministers.
- e. So long as the Trust operates according to a rule of equality of Islands, regardless of population size, development and growth, it is necessary to enhance the autonomy of the Islands to prevent a dominant faction of Trust Council imposing its agenda on all.
- f. Foundational policy documents of Trust Council, such as Bylaw 183 should be put to a referendum of the entire population of the Islands.

D. Korbin

From: Donn K <

Sent: Sunday, August 8, 2021 5:52 PM

To: Lori Foster <lfoster@islandstrust.bc.ca>

Subject: Re: Attn Lori Foster re Trust Council Select Committee Governance and Management Review

Hello Ms. Foster

I am wondering the following questions could be placed as correspondence to the Select Committee.

1. Are there any legal or other impediments to the Trust Council substantively reducing the staff head count in the Victoria office? This could be the result of the elimination of individual positions or a reduction in the administrative budget? In the event of an budget reduction, would Trust Council or the CAO decide on positions to be eliminated? Would redundant individuals be reabsorbed into the provincial public service?
2. Are there any legal or other impediments to the Trust Council employing contract workers directly or through a consulting firm to supply the services now provided by public servants?
3. How could the provision for off Island chairs for all the local trust committees be removed?

Thank you

Donn Korbin

From: Web Comments <webcomments@islandstrust.bc.ca>
Sent: Tuesday, September 14, 2021 11:35 AM
Cc: Clare Frater <cfrater@islandstrust.bc.ca>
Subject: FW: NEWS RELEASE: Islands Trust to improve development application process
To: Executive Admin execadmin@islandstrust.bc.ca

From: Shannon Warwick
Sent: Thursday, September 9, 2021 4:12 PM
To: Web Comments <webcomments@islandstrust.bc.ca>
Subject: Re: NEWS RELEASE: Islands Trust to improve development application process

It would be really nice if some of these funds could pay for impact studies that May be required in applying for a variances in support of providing affordable housing.

Shannon
Be The Change~

[NEWS RELEASE: Islands Trust to improve development application process – Sept 9, 2021](#)

Islands Trust to improve development application process

Lək'wəŋən, METULIYE/Victoria, B.C. – Islands Trust has been awarded a \$367,795 grant from the Province of B.C for a Development Application Service Delivery and Technology Improvement Program.



Molly Steeves
MODUS Planning, Design & Engagement Inc
molly@thinkmodus.ca

August 30, 2021

Re. Private Forest Land Owners Association Submission to Islands Trust *DRAFT new Policy Statement*

Dear Miss Steeves,

This Private Forest Landowners Association (PFLA) submission is in response to the Islands Trust August 20, 2021 announcement “Public engagement plan in development: More opportunities for community input on DRAFT new Policy Statement planned”.

The PFLA’s primary concern with the Islands Trust *DRAFT new Policy Statement* is its general lack of acknowledgement of the jurisdiction of the Managed Forest Program.

As a reminder, Managed Forest Land is a BC Assessment property classification (Class 7) established in 1988 to encourage private landowners in British Columbia to manage their lands for long-term forest production. The Managed Forest Program is the jurisdiction of the Province of British Columbia, specifically the Ministry of Forests, Lands, Natural Resource Operations and Rural Development under the Private Managed Forest Land Act.

Private managed forest landowners are thoroughly regulated and are subject not only to the Private Managed Forest Land Act but an additional 35 Acts and Regulations including the Water Sustainability Act, Drinking Water Protection Act, Environmental Management Act, Wildlife Act, Wildfire Act, Assessment Act, and the federal Migratory Birds Convention Act, Fisheries Act and Species at Risk Act.

The lack of recognition of the jurisdiction of the Managed Forest Program by the Islands Trust in its *DRAFT new Policy Statement* would affect a significant number of private landowners who reside in the Islands Trust area - approximately 30% of the PFLA’s 287 unique members. Many of those members are smaller land holders who have managed forests on their family lands for multiple generations.

Like BC's Farm Class, designed to incentivize long term food production, Class 7 Managed Forest Lands in BC are a commitment to long term stewardship of private land forests. We ask that the Islands Trust *DRAFT new Policy Statement* recognize the jurisdiction of the Managed Forest Program by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development under the Private Managed Forest Land Act.

Sincerely,



Megan Hanacek, RPF, RPBio
Private Forest Landowners Association, CEO

Cc: Hon. Katrine Conroy, Minister Forests, Lands, Natural Resource Operations and Rural Development, FLNR.Minister@gov.bc.ca
Cc: Islands Trust 2050, islands2050@islandstrust.bc.ca
Cc: Peter Luckham, Chair, Islands Trust Council, pluckham@islandstrust.bc.ca
Cc: Russ Hotsenpiller, CAO, Islands Trust, rhotsenpiller@islandstrust.bc.ca



Regional District of Mount Waddington

PO Box 729 2044 McNeill Road, Port McNeill, BC V0N 2R0

Telephone (250) 956-3161 Fax (250) 956-3232

Web-site: www.rdmw.bc.ca Email: info@rdmw.bc.ca

File No. 310.01

August 27, 2021

By e-mail to BC Local Governments

Dear Regional District Chairs and Boards, Mayors and Councils:

The people of the Regional District of Mount Waddington (RDMW) are independent, resilient, and compassionate. Although we may be a little geographically and politically isolated, we are caring, and community oriented. When trouble befalls one of our friends, we show up to help.

The Village of Lytton suffered a catastrophic loss this summer. The RDMW would like to remind the population of Lytton and the Thompson-Nicola Regional District that they do not stand alone in their time of need.

To help Lytton rebuild, the Electoral Area Directors of the RDMW will contribute one dollar for every person in their representative areas. In doing so, the Electoral Area Directors of the RDMW wish to challenge all other local governments to make a similar gesture.

This is a time for solidarity and the rebuilding of community, lives, and dreams. The Regional District of Mount Waddington is honoured to contribute.

Sincerely,

Andrew Hory
Chair and Area B Director

Sandra Daniels
Area A Director

James Furney
Area C Director

Rod Sherrell
Area D Director



BC CLIMATE ACTION
COMMUNITY
SINCE 2012

INCORPORATED JUNE 13, 1966

MUNICIPALITIES: VILLAGE OF ALERT BAY, VILLAGE OF PORT ALICE, DISTRICT OF PORT HARDY, TOWN OF PORT MCNEILL
ELECTORAL AREAS: "A" (BROUGHTON ARCHIPELAGO, SOINTULA / MALCOLM ISLAND, MAINLAND); "B" (COAL HARBOUR, HOLBERG, QUATSINO, WINTER HARBOUR);
"C" (FORT RUPERT, HYDE CREEK, TSULQUATE); "D" (CORMORANT ISLAND, TELEGRAPH COVE, WOSS)

Regional District of Mount Waddington

VILL001 VILLAGE OF LYTTON

DATE 27-Aug-2021

CHEQUE NO.

3956

DATE	INVOICE #	DESCRIPTION / VOUCHER NO.	AMOUNT
27-Aug-2021	VILLAGE OF LYTTON	VILLAGE OF LYTTON - COMMUNITY REBUILD DONA LYTTON	3,413.00

TOTAL

3,413.00

THIS DOCUMENT CONTAINS SECURITY FEATURES

SEE DETAILS ON REVERSE

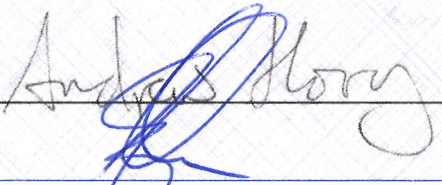
REGIONAL DISTRICT OF MOUNT WADDINGTONP.O. BOX 729, PORT McNEILL, BC V0N 2R0
TEL: 250-956-3301 FAX: 250-956-3232CANADIAN IMPERIAL BANK OF COMMERCE
P.O. BOX 340, PORT McNEILL, BC V0N 2R0

003956

DATE 20210827
Y Y Y Y M M D D

PAY Three Thousand Four Hundred Thirteen AND 00/100 Dollars

\$*****3,413.00

TO THE
ORDER OF**VILLAGE OF LYTTON**380 Main Street
PO Box 300
Lytton BC V0K 1Z0

⑈003956⑈ ⑆07040⑈010⑆ 77⑈00814⑈

On 7/21/2021 1:17 PM, Minister, ENV ENV:EX wrote:
Reference: 375549

July 21, 2021/

Peter Luckham, Chair, Islands Trust Council

Email: pluckham@islandstrust.bc.ca

Dear Peter Luckham:

I am writing to provide an update on the use of anticoagulant rodenticides in B.C. Since my last correspondence to you on this topic, Ministry of Environment and Climate Change Strategy staff have worked with me to develop a plan to improve how rodenticides are regulated in B.C.

As you may know, rodenticides are evaluated and registered for use by Health Canada. In B.C., they are further regulated under the /Integrated Pest Management Act/ (IPMA) and Regulation (IPMR), administered by the Ministry of Environment and Climate Change Strategy. I acknowledge that several municipalities have requested a ban on anticoagulant rodenticides in B.C., and I am pleased to announce I have signed a Minister's Order, created under Section 8 of the IPMA, which bans the use of certain rodenticides to prevent wildlife poisonings.

The Minister's Order, effective July 21, 2021, bans the sale and use in B.C. of second-generation anticoagulant rodenticides (SGARs) that contain brodifacoum, bromadiolone or difethialone as the active ingredient. The Minister's Order will be in place for 18 months while ministry staff undertake a science review to better understand the risks of SGARs to wildlife and determine mitigation methods. Recommendations to amend the IPMR may be made based on the outcome of the science review. Exemptions to the ban are being provided for essential services and agricultural operators. This initiative forms part of the work undertaken by my ministry to mitigate unintended wildlife poisonings from rodenticide use in B.C.

In addition to imposing a temporary ban on the use of SGARs, ministry staff are taking action to address risks associated with the use of rodenticides, including:

- * Conducting compliance inspections of vendors and users to ensure the products are only being used by certified operators for essential services and that an integrated pest management approach is being utilized prior to pesticide use;
- * Raising awareness with rodenticide users on the impacts of misusing rodenticides with an emphasis that prevention is the only long-term strategy;
- * Coordinating with Indigenous Peoples, local government, and provincial and national wildlife experts;
- * Developing education materials for the public and agricultural operators to better manage rodents as part of an integrated pest management program;
- * Updating materials used by individuals intending to become certified to apply or sell rodenticides; and
- * Making recommendations for a long-term solution, including potential regulatory amendments.

Details of the ban, including a recorded presentation, are available

at www.gov.bc.ca/RodentIPM <<http://www.gov.bc.ca/RodentIPM>>. We will also be offering a series of live informative webinars on the Minister's Order. Please visit www.gov.bc.ca/RodentIPM <<http://www.gov.bc.ca/RodentIPM>> for registration instructions.

If you have any questions about the Minister's Order temporarily banning the sale and use of SGARs, please direct them to BC.IPM@gov.bc.ca <<mailto:BC.IPM@gov.bc.ca>>.

Thank you again for taking the time to express your concern regarding rodenticide use and participating in our efforts to protect wildlife.

Sincerely,

George Heyman

Minister



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 5.1)

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 3.1, 4.4 , 5.6, 5.7)

Responsible

Clare Frater

Dates

Target: 15-Sep-2022

3. *Climate Change Emergency*

Matters pertaining to Islands Trust declaring a climate change emergency. (Strategic Plan 3.1)

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 4.5 & 4.6)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

5. *Preserve and protect marine ecosystems*

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

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 4.2)

Clare Frater

30-Aug-2017

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

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

Clare Frater

02-Sep-2020

3. *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 4.1)

Clare Frater

02-Sep-2020

Julia Mobbs

Russ Hotsenpiller

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

Related to Strategic Plan Items 4.1 & 4.2

Clare Frater

30-Aug-2017

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

Strategic Plan Item 1.3

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. *Strengthen relations with First Nations*

Responsible

Date Received

MMIWG Calls for Justice Resolutions (Strategic Plan Item 4.6)

21-Oct-2020

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

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

4. Staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.

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

8. *Strengthen relations with First Nations*

Responsible

Date Received

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

26-May-2021

Projects Report

Executive Committee

9. <i>Governance</i>	Responsible	Date Received
Related to Section 5 of the Strategic Plan The possibility of utilizing Section 8(2)(e) of the Islands Trust Act. Responsibilities of trust council: 8(2)For the purpose of carrying out the object of the trust, the trust council may (e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its unique amenities and environment -		21-Jul-2021