



Mayne Island Local Trust Committee Regular Meeting Agenda

Date: September 27, 2021
Time: 1:00 pm
Location: Mayne Island Agricultural Hall
430 Fernhill Road, Mayne Island, BC

			Pages
1.	CALL TO ORDER	1:00 PM - 1:00 PM	
2.	APPROVAL OF AGENDA	1:00 PM - 1:05 PM	
3.	TOWN HALL AND QUESTIONS	1:05 PM - 1:20 PM	
4.	COMMUNITY INFORMATION MEETING		
	None		
5.	PUBLIC HEARING		
	None		
6.	MINUTES	1:20 PM - 1:30 PM	
6.1.	Local Trust Committee Minutes Dated July 19, 2021 (for Adoption)		4 - 10
6.2.	Section 26 Resolutions-without-meeting Report Dated Sept 2021		11 - 11
6.3.	Advisory Planning Commission Minutes Dated September 8, 2021 (for Receipt)		12 - 15
7.	BUSINESS ARISING FROM THE MINUTES		
7.1.	Follow-up Action List Dated Sept 2021		16 - 17
8.	DELEGATIONS		
9.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		
10.	APPLICATIONS AND REFERRALS	1:30 PM - 2:30 PM	
10.1.	MA-DVP-2021.1 (Irving) - Staff Report (attached)		18 - 27
10.2.	MA-DVP-2021.4 (Strong) - Staff Report (attached)		28 - 45

10.3.	MA-TUP-2021.3 (HaQ) - Staff Report (attached)	46 - 56
10.4.	Trust Council Policy Statement Bylaw No. 183 Referral (for response) (attached)	57 - 99
10.5.	Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 504 and 505 (for response) (attached)	100 - 111
10.6.	Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 523 and 524 (for response) (attached)	112 - 121
11.	LOCAL TRUST COMMITTEE PROJECTS	2:30 PM - 3:15 PM
11.1.	Flexible Housing - Staff Memo (attached)	122 - 125
11.2.	OCP and LUB Minor Amendments – Staff Memo (attached)	126 - 129
12.	REPORTS	3:15 PM - 3:25 PM
12.1.	Work Program Reports (attached)	
12.1.1.	<u>Top Priorities Report Dated Sept 2021</u>	130 - 131
12.1.2.	<u>Projects List Report Dated Sept 2021</u>	132 - 133
12.2.	Applications Report Dated Sept 2021 (attached)	134 - 137
12.3.	Trustee and Local Expense Report Dated July 2021 (attached)	138 - 138
12.4.	Adopted Policies and Standing Resolutions (attached)	139 - 142
12.5.	Local Trust Committee Webpage	
12.6.	Chair's Report	
12.7.	Trustee Report	
12.8.	Islands Trust Conservancy Report Date August 2021	143 - 144
13.	NEW BUSINESS	3:25 PM - 3:45 PM
13.1.	New Fee Bylaw - Request for Decision (attached)	145 - 161
14.	UPCOMING MEETINGS	
14.1.	Next Regular Meeting Scheduled for October 25, 2021 at the Agricultural Hall, Mayne Island	
15.	TOWN HALL	3:45 PM - 4:00 PM
16.	CLOSED MEETING (Distributed Under Separate Cover)	

16.1. Motion to Close Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(d)(g) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated July 19, 2021*
- *Request for Legal Action*

AND that the recorder and staff attend the meeting.

16.2. Recall to Order

16.3. Rise and Report

17. ADJOURNMENT

4:00 PM - 4:00 PM



DRAFT

Mayne Island Local Trust Committee Minutes of Regular Meeting

Date: July 19, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: Dan Rogers, Chair
David Maude, Local Trustee
Jeanine Dodds, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Phil Testemale, Planner 2
Wil Cottingham, Planning Team Assistant (Host)
Pat Todd, Recorder

Public: There were approximately nine (9) attendees at the Zoom Webinar.

1. CALL TO ORDER

Chair Rogers called the meeting to order at 1:01 p.m. Chair Rogers acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was adopted as presented.

3. TRUSTEE REPORT

Trustee Dodds reported on meeting with neighbours of the rezoning application for the Housing Project along with Planner Chadwick. Trustees have had 2 meetings (informal) for the Community about the Islands Trust Draft Policy Statement. Many questions were raised. Appreciation was expressed for efforts of Mairead Boland (Saturna Island), David Lindquist and Dawn Cressmen (Mayne Island) to design Facebook page.

Trustee Maude also spoke to the Draft Policy and the time involved, however worthwhile, as people are getting more understanding of the Island Trust functions and processes. There are extensive road improvements underway.

4. CHAIR'S REPORT

Chair Rogers reviewed the process to date for the Draft Policy Statement – lengthy discussions have taken place at Trust Programs Committee, then to Executive Committee and then to Trust

Council. Options are being explored for the structure of Local Trust meetings as restrictions are being lifted.

In-person meetings are likely in the fall; there is interest in including electronic participation to facilitates staff attendance beyond the Island Planner.

5. TOWN HALL AND QUESTIONS - none

5.1 Update on Trust Policy Statement

Chair Rogers spoke regarding the process and that Trustees were asked to get a statement out to community requesting feedback and comments.

Three factors were stated:

- Having First Reading – target is for December;
- Process for community input and comments – likely to engage a third party to facilitate process; funds have been approved; Trustees to take Draft to community; and
- Identify how amendments are included – not addressed at this time.

Engagement with First Nations is important.

The following issues were discussed:

- Timelines of process and whether proposed amendments should be included prior to First Reading;
- Critical issue for Mayne Island is proposed ban for new docks; Staff have been requested to identify 3 options to ban;
- Simplification and clarity of language ;
- Design for future issues/concerns, e.g., climate change;
- Engagement with First Nations is often not a public situation; “Government to Government”; approximately 35 to 40 Authorities; and
- Checklist as to First Nations Authorities contacted and who has responded.

6. COMMUNITY INFORMATION MEETING - none

7. PUBLIC HEARING - none

8. MINUTES

8.1 Local Trust Committee Minutes Dated June 21, 2021

The following amendments to the minutes were presented for consideration:

- Page 8, Town Hall, second sentence to read: “Chair Rogers detailed that in the Islands 2050 process there were over 1,000 respondents to date, and it has been and continues to be an extensive process.”

By general consent, the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting Report - None

8.3 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated July 2021

Trustee Dodds requested a copy of MA-TUP-2021 as CRD has issued a Stop Work Order for lack of a Building Permit.

Planner Testemale will follow up with applicants.

10. DELEGATIONS - none

11. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage.

12. APPLICATIONS AND REFERRALS

12.1 MA-DVP-2021.1 (Irving)

Planner Testemale outlined the application that addresses structures set back from the sea and was initiated as a Bylaw Enforcement Action.

MA-2021-043

It was Moved and Seconded,

that the Mayne Island Local Trust Committee refer MA-DVP-2021.1(Irving) to the Mayne Island Advisory Planning Commission for comment.

CARRIED

Mr. Edgcumbe, neighbour to property, commented on noise, negative impact on view and pleasure of property from hot tub and deck.

Chair Rogers reviewed the APC referral process and advised that concerns should be submitted in writing to staff.

12.2 MA-DVP-2021.3 (Begrand)

Planner Testemale spoke to application which would bring building into compliance (sited in error) and allow for stairs to be constructed. There were no responses to notification.

MA-2021-044

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.3 (Begrand).

CARRIED

12.3 MA-TUP-2021.3 (HaQ)

Planner Testemale reviewed the Temporary Use Permit (TUP) application for a part-time Short Term Vacation Rental (STVR) with a maximum of 6 guests. Application is in response to a Bylaw Enforcement Action.

Applicant stated that use is primarily by family, they are very selective of guests and have spoken to neighbours who have raised no concerns.

Chair Rogers spoke to the extensive information booklet available to guests and suggested applicant work with Planner and IT staff to include a First Nations territorial rights and cultural history on Mayne Island statement with that information.

MA-2021-045

That the Mayne Island Local Trust Committee direct staff to proceed with Temporary Use Permit application MA-2021.3 (HaQ) by undertaking statutory notification.

CARRIED

MA-2021-046

That the Mayne Island Local Trust Committee direct staff to refer application MA-TUP-2021.3(HaQ) to the Mayne Island Advisory Planning Commission.

CARRIED

Planner Testemale will work with the applicant to add a condition in the TUP for a brief First Nations Acknowledgement in the guest package.

A break was called from 2:28 to 2:40 p.m.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Flexible Housing

Planner Chadwick reviewed the items to be addressed in the draft bylaws. There will be a map identifying Pilot areas for next meeting.

Planner Chadwick informed the LTC that a Provincial report has come out on Tiny Homes which she will forward to Trustees.

- Ultimate goal is to reduce lot coverage/footprint.
- Lessen environmental impact/ecological impact.
- Cap on number of outbuildings and square footage.
- Keep tiny homes in mind.
- Define RV and tiny home.

14. REPORTS

14.1 Work Program Reports (attached)

14.1.1 Top Priorities Report Dated July 2021

Received for information.

14.1.2 Projects List Report Dated July 2021

Received for information.

14.2 Applications Report Dated July 2021

Received for information.

Question was raised regarding the parking lot at St. John's Point. It was expected that an application would be coming forward, but there is no submission to date. It was suggested to write a letter restating neighbours' concerns as to inadequate parking.

14.3 Trustee and Local Expense Report Dated May 2021

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage – to be updated

14.6 Islands Trust Conservancy Report Date May 25, 2021

Chair Rogers has suggested to IT Conservancy that a representative attend an LTC meeting (yearly) to raise awareness of Conservancy projects. There have been a number of exciting purchases lately.

15. NEW BUSINESS

15.1 Referral to APC Clarification

Planner Chadwick requested, on behalf of the APC, areas of focus the Trustees wanted the Commission to consider regarding the Affordable Housing proposal referral.

Among the highlights of the discussion were:

- Set backs and neighbours to the West;
- Balance with environment regarding trees to be cleared;
- Rain water report, flooding, neighbour wells drying up;
- Traffic impacts; and
- Whether LTC should be concerned with these issues.

Planner Chadwick reviewed the information/questions to be forwarded to the APC, and she will come and meet with the Commission in August.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for September 27, 2021, Location: TBD

This is likely to be a “live” (in-person) meeting, and may record or arrange for call-ins.

17. TOWN HALL

Jon Hoff spoke to the importance of forwarding all original letters received by IT, regarding Affordable Housing proposal, to APC for consideration.

Rebecca Ewing added that she has all correspondence and would be happy to forward, and extended an invitation to Chair Rogers to visit the property when he is on the Island in September.

18. CLOSED MEETING

18.1 Motion to Close Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d)(g) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated March 29 and June 21, 2021*
- *Request for Legal Action*

AND that the recorder and staff attend the meeting.

18.2 Recall to Order

Chair Rogers recalled the meeting to order at 3:45 p.m.

18.3 Rise and Report

Chair Rogers reported the adoption of minutes from the June 21, 2021 meeting, and that request for legal action has been deferred to the September 27, 2021 meeting.

19. ADJOURNMENT

By general consent, the meeting was adjourned at 3:48 p.m.

Dan Rogers, Chair

Certified Correct:

Pat Todd, Recorder



Resolutions Without Meetings Log

Mayne Island

Resolution Number	Action	Date
2021-004	Carried	23-Aug-2021
THAT the Mayne Island Local Trust Committee authorize Trustee Jeanine Dodds to draft a letter to Shelley Marshall, Senior Wildlife Biologist for the West Coast Region at the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, addressing possible changes to the hunting regulations for Mayne Island.		

DRAFT



**MAYNE ISLAND
ADVISORY PLANNING
COMMISSION
RECORD OF MEETING**



Date: Wednesday, September 8, 2021
Location: Mayne Island Community Centre

Members Present: Stephen Cropper, Chair
Ian Birtwell, Vice Chair
Bill Bender
Chris Roehrig
Aaron Reith
Gordon Miller
Deb Foote

Islands Trust Members: Jeanine Dodds

Staff Present: Lauren Edwards (Recorder)

Members of the Public: None

Regrets: Christie Meers

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF THE AGENDA

By general consent the agenda was adopted as presented.

3. APPROVAL OF THE MINUTES OF APC MEETING FEBRUARY 18, 2021

It was Moved and Seconded,
that the Advisory Planning Commission minutes of February 18, 2021 be
adopted as presented.

CARRIED

4. BUSINESS ARISING FROM THE MINUTES – none

5. REFERRALS

MA-DVP-2021.1 (Irving)

- Islands Trust Staff Report was received for information.
- The property is located in the Oyster Bay area with two structures within 25 feet of the waterfront.
- Discussed the recommended options provided in the Staff Report which were to leave the gazebo structure, remove both; leave both or deny the permit.
- Discussed the benefits or interests to the community and the consequences to the applicant for not granting the variance.
- The property was purchased with the structures on it.
- It was clarified that bylaw enforcement is actioned upon receipt of a complaint or through a building inspector site visit.
- It was reported that the structures are in need of repair and that the hot tub is close to a neighbour.
- It was reported that an email of July 30th received by Trustee Dodds indicated that an immediate neighbour no longer has any concerns regarding the structures. The hot tub proximity had a previous referral due to a complaint.
- Discussed the current location of the structures and the distances they could be moved to be in compliance.
- Discussed generally the siting of structures past and present and bylaw contravention and enforcement.

MA-APC-2021-002

It was Moved and Seconded,

that the Advisory Planning Commission support the staff recommendation.

CARRIED

MA-TUP-2021.3 (HaQ)

- Islands Trust Staff Report was received for information.
- A bylaw complaint had been received.
- A redacted letter from a neighbour was read aloud.
- Based on a site visit, it was reported that the house is well screened from view, faces the back and appears to be newer; and, that the yard was tidy with a very large water tank and net fencing around the perimeter.
- Clarification was provided regarding the process to monitor permitted time usage.
- Concerns were expressed regarding home ownership for business purposes, housing availability and community connection.
- It was reported that the applicant has historical family connection in the community, that sporadic rental as an Airbnb has not been obvious, and that it remains a family summer home.
- There was general discussion about setting limits for short-term vacation rentals.
- A suggestion was made that Islands Trust put a pause on future considerations due to the West Coast drought.
- It was reported that the applicant has requested very few days for operating, that there is a listing of guest rules and that the income is to cover maintenance costs.

- Discussed setting a length for the Temporary Use Permit (TUP) that would provide time enough to demonstrate cooperation with bylaws.

MA-APC-2021-003

It was **moved** and **seconded**,

that the staff recommendation be accepted by the Mayne Island Advisory Planning Commission with the amendment: under point a) May 1st to September 30th – 30 days;

and,

the maximum number of days between October 1st and April 30th will remain at 30 days;

and,

that the permit be valid for two years under point 4.

CARRIED

6. TRUSTEES REPORT

Trustee Dodds reported:

- on the current status of the Trust Policy Statement update;
- on the progress towards flexible housing with a bylaw expected soon;
- that the September 27th meeting will be held in person at the Agricultural Hall;
- that staff are trying to accommodate in-person meetings with Zoom function;
- that work needs to be done on ways to access information;
- that money has been saved due to less travel for meetings;
- that the Trust Council will continue to meet via Zoom; and
- that improved internet access continues to be lobbied for.

7. NEW BUSINESS - None

8. ELECTION OF CHAIR AND VICE-CHAIR

Chair – Stephen Cropper by acclamation

Vice-Chair – Ian Birtwell by acclamation

9. NEXT MEETING DATE AND TIME

September 22nd at 7:00 p.m. at the Mayne Island Community Centre.

10. ADJOURNMENT

By general consent the meeting was adjourned at 8:31 p.m.

Stephen Cropper, Chair

Date

Certified Correct:

Lauren Edwards, Recorder



Follow Up Action Report

Mayne Island

21-Jun-2021

Activity	Responsibility	Dates	Status
1 9.1 Trustee Maude to draft response to South Gulf Islands Wayfinding and forward to staff for distribution		Target: 30-Jun-2021	In Progress
2 10.5 MA-RZ-2020.1 (MIHS) 1) staff to explore alternative options to having Sean McHugh on housing agreement 2) S.219 covenant to restrict building on lot 2 until housing in complete 3) S. 219 covenant to identify site proposal A as building location 3) Refer application package to APC (to include all related materials) 4) staff to explore possible link between well testing and dry up of well on neighbouring property 5) Ministry of Agriculture to be added to referral list	Jas Chonk Narrisa Chadwick William Shulba	Target: 06-Jul-2021	In Progress

19-Jul-2021

Activity	Responsibility	Dates	Status
1 8.0 Minutes - Minutes of June 21 adopted as amended.	Sheree Rialp	Target: 23-Jul-2021	Completed
2 9.1 Staff to provide assistance to Agricultural Society with building permit.	Phil Testemale	Target: 23-Jul-2021	Completed
3 12.1 MA-DVP-2021.1 (Irving) Application to be sent to APC	Jas Chonk Sheree Rialp	Target: 30-Jul-2021	Completed
4 12.2 MA-DVP-2021.3 (Begrant) - DVP Approved	Jas Chonk Sheree Rialp	Target: 30-Jul-2021	Completed

Follow Up Action Report

Mayne Island

19-Jul-2021

Activity	Responsibility	Dates	Status
5 12.3 MA-TUP-2021.3 (Haq) -Undertake notification and refer to the APC. Staff to assist applicant with writing First Nations acknowledgement for guest information package.	Jas Chonk Phil Testemale Sheree Rialp	Target: 30-Jul-2021	Completed
6 13.1 Flexible Housing - staff to address lot coverage and tiny homes on wheels in draft bylaw	Narrisa Chadwick	Target: 27-Aug-2021	Completed
7 15.1 Staff to provide questions related to MA-RZ-2020.1 (MIHS) to the APC	Narrisa Chadwick	Target: 22-Jul-2021	Completed
8 16.1 Next regular meeting to be scheduled as in person.	Jas Chonk Sheree Rialp	Target: 13-Aug-2021	Completed
9 IN CAMERA - item deferred to September meeting	Jas Chonk Warren Dingman	Target: 27-Aug-2021	Completed



File No.: MA-DVP-2021.1 (Irving)
(MA-BE-2020.1)
(MA-DVP-2002.7)

DATE OF MEETING: September 27, 2021
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Warren Dingman, Manager of Compliance and Enforcement
Narissa Chadwick, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Robert Irving
Location: 511 Bayview Drive

RECOMMENDATION

1. That the Mayne Island Local Trust Committee amend Development Variance Permit MA-DVP-2021.1 (Irving) by removing 2. a) ii) and Schedule 'C' in their entirety, and by removing notations on Schedule 'A' accordingly; And,
2. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.1 (Irving) as amended.

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The variances are for the siting of two (2) existing **accessory structures** on the subject property.

RATIONALE FOR VARIANCE

Granting the variance will:

- Retroactively permit the siting of two (2) structures within the setback from the Natural Boundary of the Sea (NBS) on the subject property.
- Bring the property into compliance with the Land Use Bylaw.

BACKGROUND

Background to this application including one (1) previous staff report is available on the Islands Trust website:

<https://islandstrust.bc.ca/document/mayne-ltc-regular-meeting-agenda-9/>

The application is the result of a Bylaw Enforcement file (MA-BE-2020.28). There is no new development proposed, and the variances would vary the setback from the Natural Boundary of the Sea (NBS) for an existing gazebo and hot tub/deck structure that were constructed illegally on the property (Figure 2).

Specifically, the application is to vary the setback provisions under **General Regulations** in the Mayne Land Use Bylaw No. 119, 2018 (LUB) as shown in Figure 2 and as follows:

- a) Subsection 3.3 (3) which states that no building or structure may be constructed within 7.5 metres (25 feet) of the natural boundary of the sea (NBS) is varied to permit:
 - i. A structure (gazebo) within 5.4 metres (17.7 feet) of the NBS; and,
 - ii. a structure (hot tub/deck) within 4.0 metres (13.1 feet) of the NBS.

Specific File Activity:

The DVP application was initially reviewed by the Local Trust Committee on July 19, 2021.

The following is a summary of key resolutions and file activity that have occurred for this application since the last report:

- The LTC passed the following resolution at its July 19, 2021 regular meeting to send the application to the Advisory Planning Commission (APC) for comments:

MA-2021-043

It was Moved and Seconded,

that the Mayne Island Local Trust Committee refer MA-DVP-2021.1(Irving) to the Mayne Island Advisory Planning Commission for comment.

CARRIED

- Staff referred the application to the Mayne Island Advisory Planning Commission (APC) on July 21, 2021.
- The APC held a meeting on September 8, 2021. The draft minutes of that meeting are agenda item 6.3. The excerpted resolution from the minutes is as follows:

MA-APC-2021-002

It was Moved and Seconded,

that the Advisory Planning Commission support the staff recommendation.

CARRIED

A copy of the proposed permit MA-DVP-2021.1(Irving) is Attachment 2.

Issues and Opportunities

Impact on Neighbouring Properties and Public Realm

The most impacted neighbour by the proposed variances is adjacent Lot B to the east (Figure 2 and Attachment 2.6). The location, size and use of the hot tub deck is assessed as potentially more obtrusive and impactful to that neighbour and the public realm (beach foreshore) than the gazebo. Although the structure includes a privacy wall, potential impacts include privacy, noise and interruption of views. Additionally, the structure does not appear to be well maintained.

The smaller gazebo structure has been in place for a longer time, and by location, design and appearance is less obtrusive to neighbours and the public. Additionally, given the nature of the structure, its use is likely to be less impactful than that of the hot tub.

At the July 19th meeting, the neighbouring to the east (513 Bayview) expressed concerns with regard to the siting and use of the hot tub and deck. However, the owner subsequently sent correspondence indicating that they have no concerns with the gazebo and hot tub remaining (Attachment 1).

Advisory Planning Commission

The minutes of the APC indicates the discussion focused on concerns over potential impacts to both the immediate neighbour and the public realm (foreshore area) with granting the variances as drafted. The resolution of the APC is to support the recommendations of the July 19, 2021 staff report that are reiterated on page 1 of this report.

The Intent of the Regulation being Varied

The overall purpose of setback from the Natural Boundary of the Sea are:

- Protection of the shoreline environment
- Limit the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

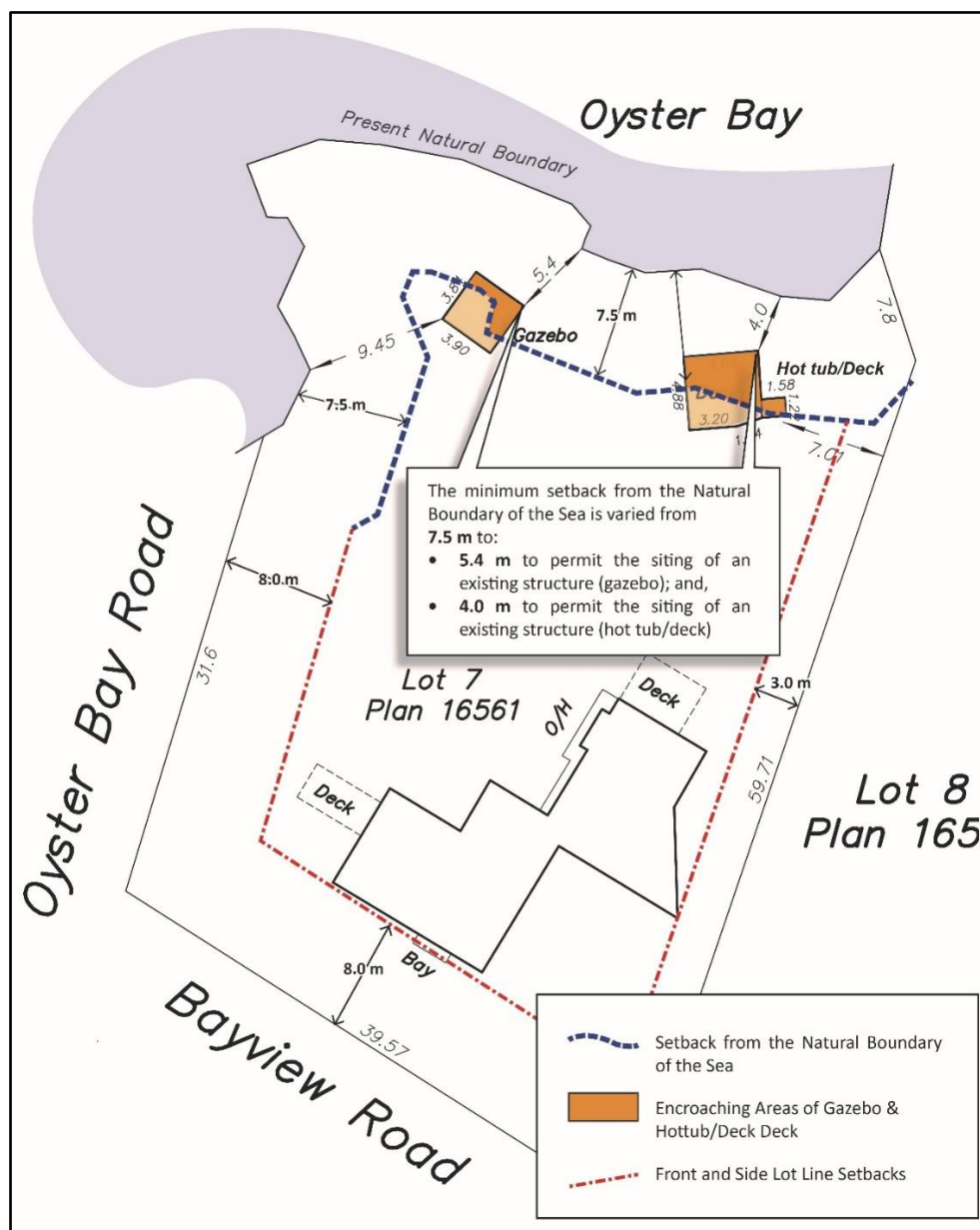
Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on July 9, 2021.

To date, the only response to the notification is the above-mentioned letter from the direct neighbour to the east that expressed no concerns with the variances as drafted (Attachment 1). Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

Figure 2 – Site Plan



Rationale for Recommendation

Staff is recommending that resolutions on page 1 be supported for the following reasons:

- The rationale for compliance is reasonable.
- The recommended variance does not challenge the intent of the regulation.
- Granting the variance for the gazebo would be less impactful to neighbours and the public realm than those for the hot tub/deck.
- Neighbours have been notified and one letter stating no objection to the variances has been received.
- The APC has reviewed the application and concurs with the recommendations.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust_____.

2. Approve the variances as drafted

The LTC may approve the DVP as drafted and circulated for notification.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.1 (Irving).

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2021.1 (Irving) for the follows reasons_____.

NEXT STEPS

- If the application is approved as recommended on page 1, the owner will be required to remove the hot tub/deck under a compliance agreement within a reasonable timeframe, or apply to the Board of Variance.
- If both variances are denied, the owners will be required to remove both structures under a compliance agreement within a reasonable timeframe or apply to the Board of Variance.

Submitted By:	Phil Testemale, Planner 2	September 15, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	September 16, 2021

ATTACHMENTS

1. Correspondence
2. Draft Development Variance Permit MA-DVP-2021.1 (as circulated)

Attachment 2

From: David Maude
Sent: Saturday, July 31, 2021 7:37 AM
To: Narissa Chadwick; Phil Testemale
Subject: FW: Leard gazebo and hot tub

From: Gillian Kenzie [REDACTED]
Sent: Friday, July 30, 2021 7:53 PM
To: David Maude; Jeanine Dodds
Cc: [REDACTED]
Subject: Leard gazebo and hot tub

Dear Jeannine and David,
I am one of the owners at [REDACTED], Mayne Island. We are next door neighbors to the Leards.
I have discussed the gazebo and hot tub issue with Doug Leard and all my concerns have been addressed. I have no issue with either the gazebo or the hot tub remaining as is.

Yours truly,
Gillian Kenzie
[REDACTED]

Attachment 3



Islands Trust

Proposed

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2021.1**

To: Douglas Leard and Melanie Ferrandi
c/o Robert Irving

1. This Development Variance Permit applies to the land described below:

Lot 7, Section 15, Mayne Island, Cowichan District, Plan 16561
(PID: 004-007-921)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Subsection 3.3 (3) which states that no building or structure may be constructed within 7.5 metres (25 feet) of the natural boundary of the sea (NBS) is varied to permit:
- i. A structure (gazebo) within 5.4 metres (17.7 feet) of the NBS; and,
 - ii. a structure (hot tub/deck) within 4.0 metres (13.1 feet) of the NBS.

The development shall be consistent with Schedules 'A', 'B' and 'C' attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2021.

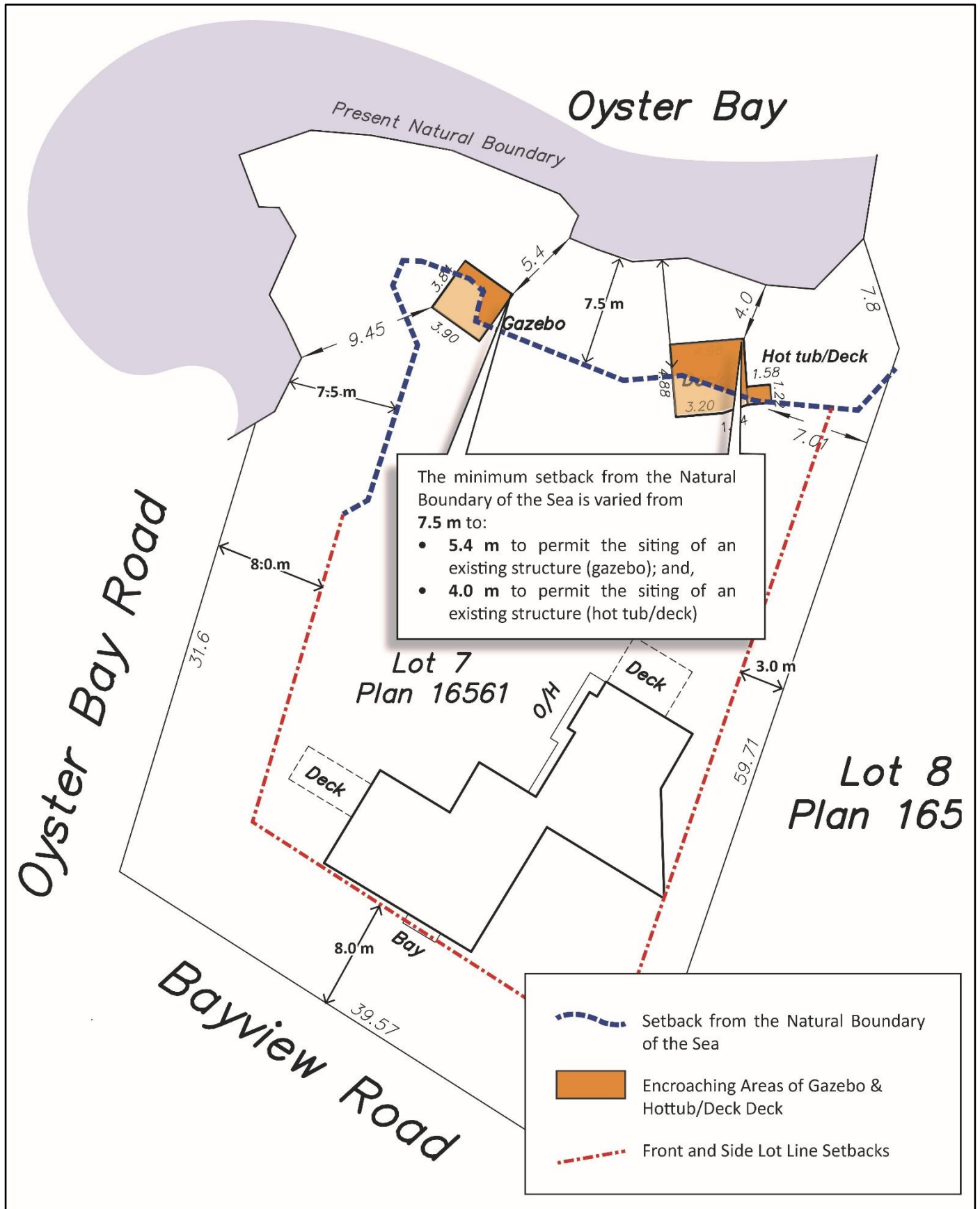
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 2023, THIS PERMIT AUTOMATICALLY LAPSES.

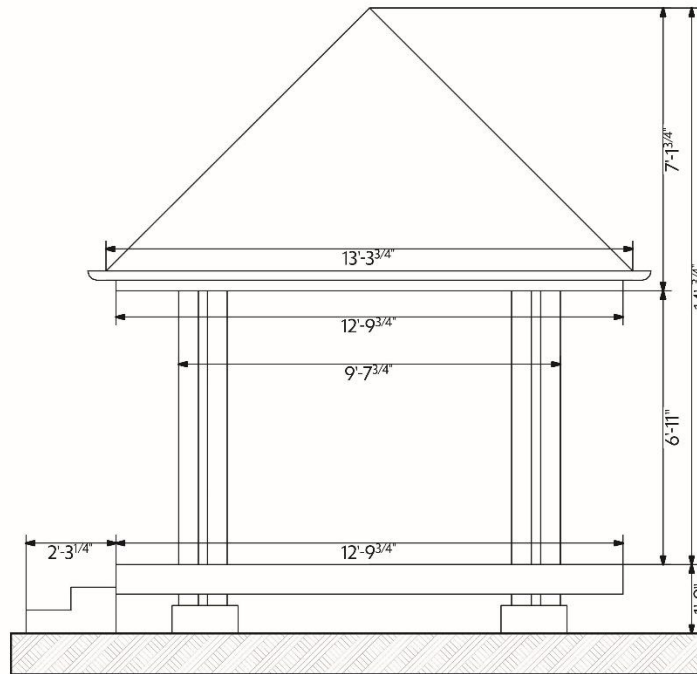
MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.1

SCHEDULE 'A'



MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.1

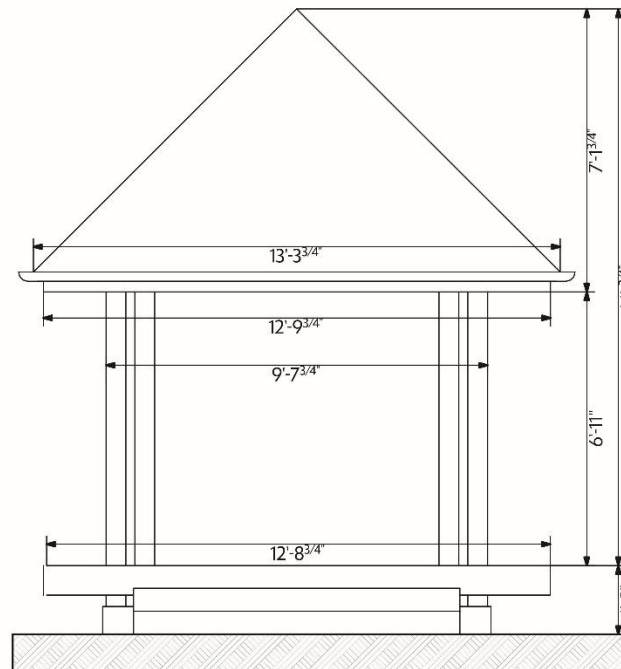
SCHEDULE 'B'



1

GAZEBO NORTH ELEVATION

N.T.S.



2

GAZEBO EAST ELEVATION

N.T.S.

IRVING PITCHER ARCHITECTS

613 HORTON BAY ROAD, MAYNE ISLAND, BC V0N 2J0
TEL: 250.539.5225 FAX: 250.539.5226

LEARD DVP

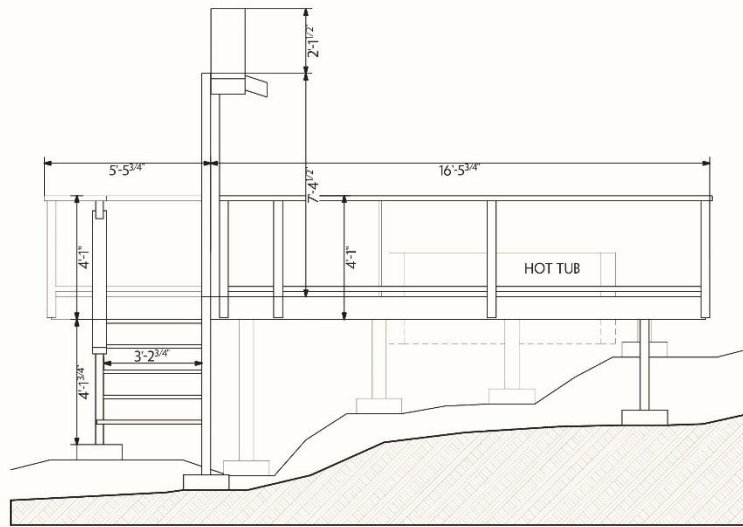
511 BAYVIEW DR., MAYNE ISLAND, BC

PROJECT MANAGER: R IRVING AIBC

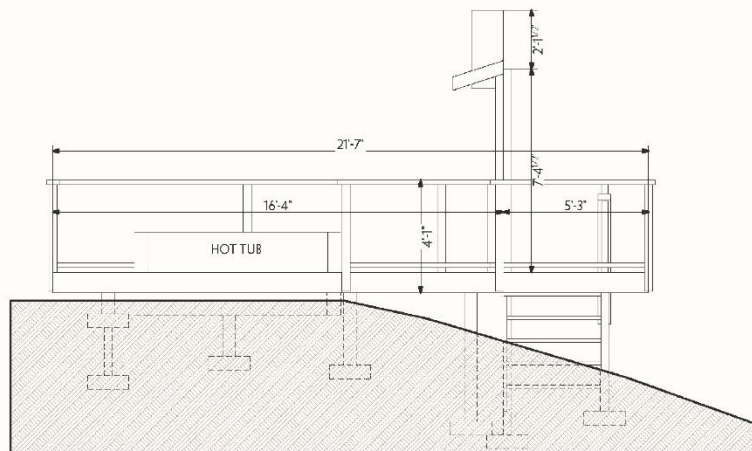
DATE ISSUED: 3/15/2021

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.1

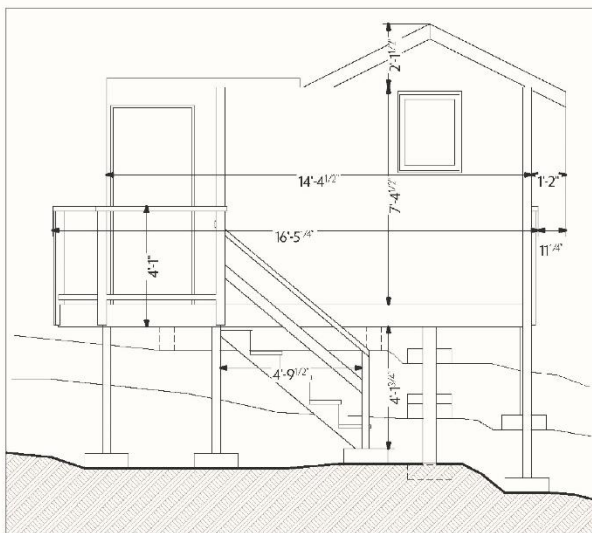
SCHEDULE 'C'



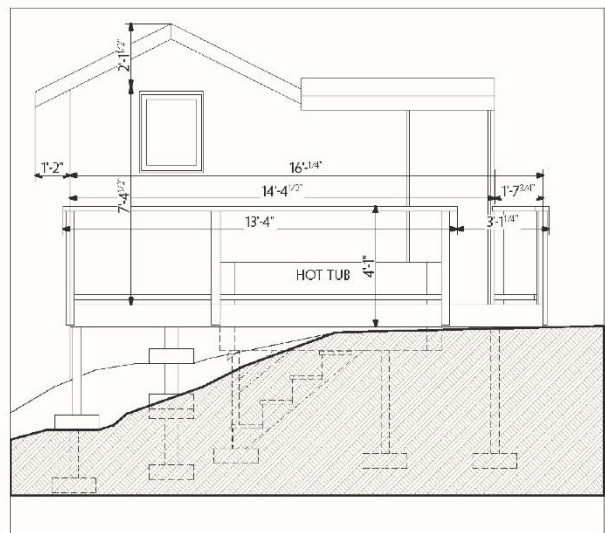
1 HOT TUB DECK NORTH ELEVATION N.T.S.



1 HOT TUB DECK SOUTH ELEVATION N.T.S.



1 HOT TUB DECK EAST ELEVATION N.T.S.



HOT TUB DECK WEST ELEVATION N.T.S.

DATE OF MEETING: October 4, 2021
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Deborah Strong
Location: 763 Steward Drive

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve issuance of Development Variance Permit application MA-DVP-2021.4 (Strong).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The siting variances are for an existing **accessory building (shed)**.

RATIONALE FOR VARIANCE

Granting the variance will:

- Bring the property into compliance with the Land Use Bylaw.
- Minimize further site impacts that may result by moving or rebuilding the building to conform to setbacks.

BACKGROUND

The application is the result of a Building Permit Review application (MA-BP-2021.8) for a new dwelling on the property that identified the non-conformity with the shed. The purpose of the application is to bring the property fully into compliance with the Land Use Bylaw, (LUB). There is no alteration or extension proposed for the shed.

Specifically, the application is to vary the **rear** and **interior side lot setback** provisions of the **Settlement Residential Zone** in the Mayne Land Use Bylaw No. 119, 2018 (LUB) as shown in Figure 2 and as follows:

- a) Article 5.1 (8) (a) which states that minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line is varied to permit an existing accessory building (shed) within 1.2 metres (3.9 feet) of a rear lot line; and,

- b) Article 5.1 (8) (b) which states that minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit an existing accessory building (shed) within 0.4 metres (1.3) of an interior side lot line.

The subject property is located at **763 Steward Drive** and currently contains: a single family dwelling that was constructed in 1969; a small artist's studio and the subject accessory building (shed - Attachment 2.3).

The year of construction of the shed is unknown, although it was in place when the applicant purchased the property in 2014. It is a single storey, 4.5 m² (48.4 ft²) building used to store a variety of tools for gardening and property maintenance (Attachment 2.4). A cover letter from the applicant is Attachment 3.

The applicant is in the process of constructing a new dwelling on the property, and, once the dwelling is completed, is required to convert the existing dwelling to an accessory use. The existing dwelling does not conform to siting, but has legal, non-conforming status, as the 1969 date of construction predates the zoning bylaw.

The property is relatively flat and open with mature trees on a large portion. The boundary to the most impacted neighbour to the west (761 Steward Drive) is partially screened and the closest building on that property is an also an accessory one. The minimum distance to the dwelling on that property is estimated to be approximately 25 metres from the subject shed.

A copy of the Notice and proposed permit MA-DVP-2021.4 (Strong) are Attachments 5 & 6.

Staff visited the subject property on July 7, 2021.

Figure 1 – Subject Property

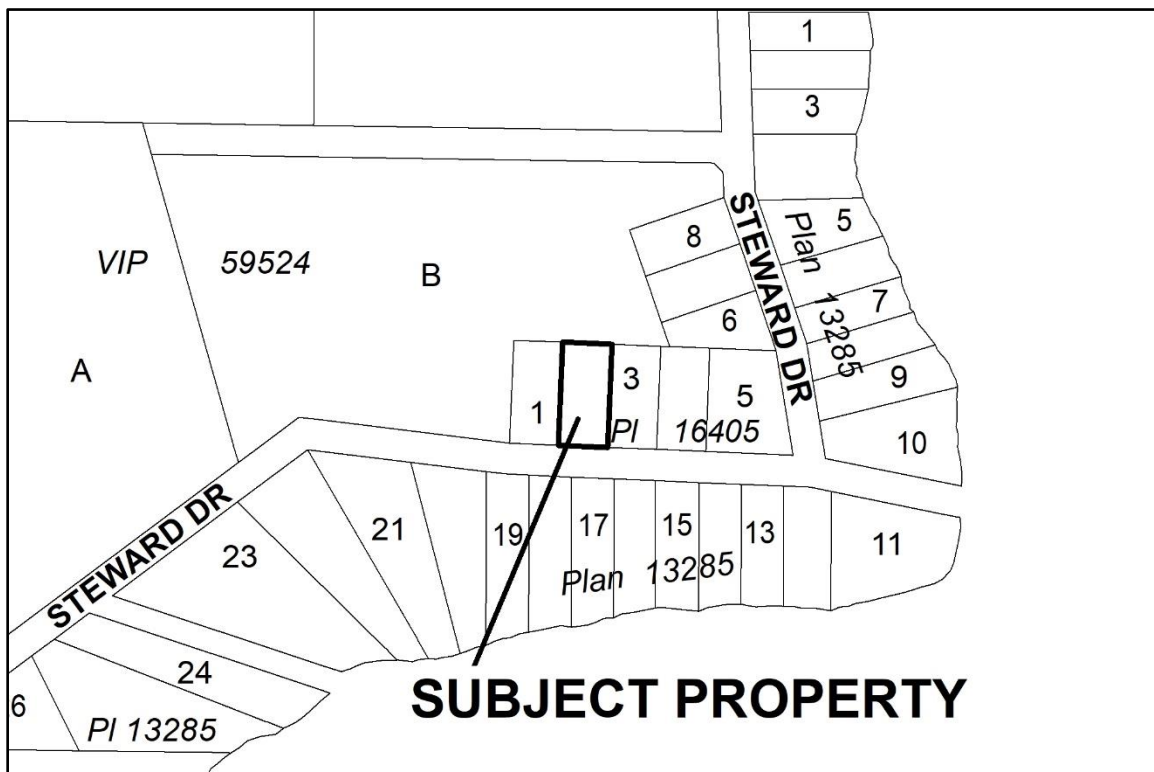
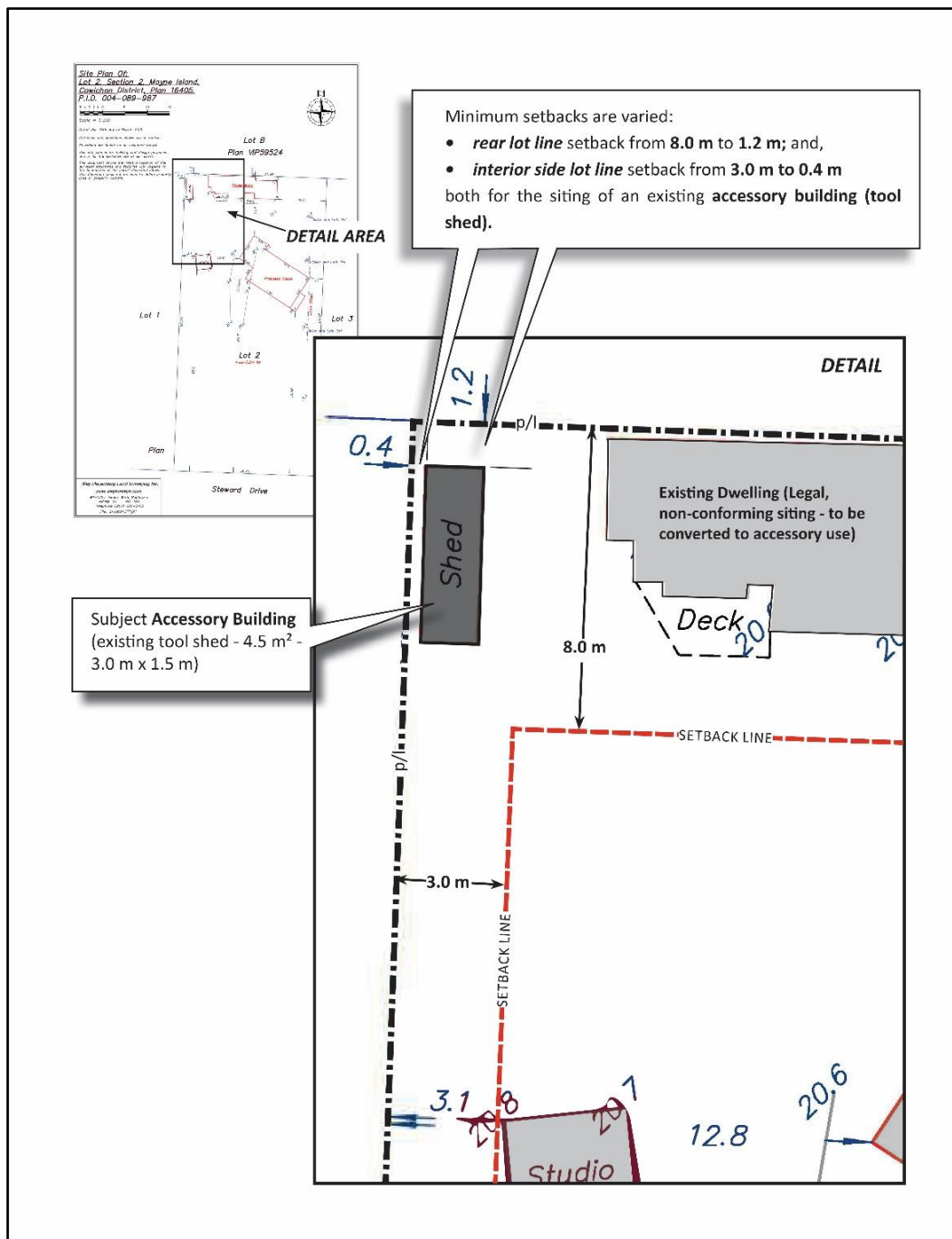


Figure 2 – Site Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **Settlement Residential (SR)** in the Mayne Land Use Official Community Plan (OCP) No. 144. There are no **Development Permit Areas** designated on the subject property.

Land Use Bylaw:

The property is zoned **Settlement Residential (SR)** in the Mayne Land Use Bylaw No. 146.

The siting, use and density of the new dwelling and conversion of the existing dwelling to accessory all comply with the zone on the property. If granted, the siting variances for the accessory building would bring the property fully into compliance with the LUB.

Issues and Opportunities

Impact on Neighbouring Properties

The most impacted neighbour by the proposed variance would be the adjacent property to the west (761 Steward) with distances noted above. As the subject shed appears to have been constructed well before 2014, and is small and unobtrusive, any impacts would be considered minor if the variance is granted.

Additionally, the owners of 761 provided an e-mail to the applicant stating their support for the application (part of Attachment 4).

Site Impacts

The applicant has stated that one of the rationales for a variance is to minimize further site disruption and impacts to the natural environment that would be incurred if the building was to be moved or reconstructed to meet the setback requirements.

The Intent of the Regulation being Varied

The overall purpose of siting regulations are to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on September 16, 2021.

The applicant provided as part of the application three (3) e-mails in support of the proposed variances that are Attachment 4.

At the time of writing, staff have received no submissions in response to notification. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* directly to the applicants.

Rationale for Recommendation

Staff is recommending that the application be supported for the following reasons:

- The rationale for the variance is reasonable.
- The variance is for an existing shed that appears to have been in place a long time period.
- Impacts to neighbouring properties with the granting of the variances would be minor.
- The proposed variance does not challenge the intent of the regulation.
- The applicant has provided three letters of support and notification, to date has generated no further responses.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust_____.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny application MA-DVP-2021.4 (Strong) for the follows reasons _____.

NEXT STEPS

- If the application is denied, the owners could apply to the Board of Variance.

Submitted By:	Phil Testemale, Planner 2	September 15, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	September 16, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Cover Letter from applicant
4. Neighbour Correspondence
5. Notice
6. Draft Development Variance Permit MA-DVP-2021.4

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 2, Section 2, Mayne Island, Cowichan District, Plan 16405
PID	004-089-987
Civic Address	763 Steward Drive

LAND USE

Current Land Use	Residential (Settlement Residential)
Surrounding Land Use	Residential (Settlement Residential)

HISTORICAL ACTIVITY

File No.	Purpose
MA-BP-2021.8	Construction of a new dwelling and conversion of existing home to accessory.

POLICY/REGULATORY

Official Community Plan Designations	The property is designated Settlement Residential (SR) in the Mayne Island Official Community Plan No. 144, 2007 (OCP) There are no designated Development Permit Areas (DPAs) on the subject property and no development activity is proposed.
Land Use Bylaw	The property is zoned as Settlement Residential (SR) in the Mayne Island Land Use Bylaw No. 146, 2008 (LUB).
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed on TAPIS
Sensitive Ecosystems	Mature Forest - see Attachment 2.2
Hazard Areas	None shown on TAPIS
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates no areas of archaeological potential on the property. Notwithstanding, the applicant has been sent the Islands Trust Chance Find Protocol and provincial guidance. Additionally, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during

	development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	There is no new development associated with the variance and therefore no potential GHG emission changes resulting from approval. The property is upland limiting potential climate change induced hazards.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

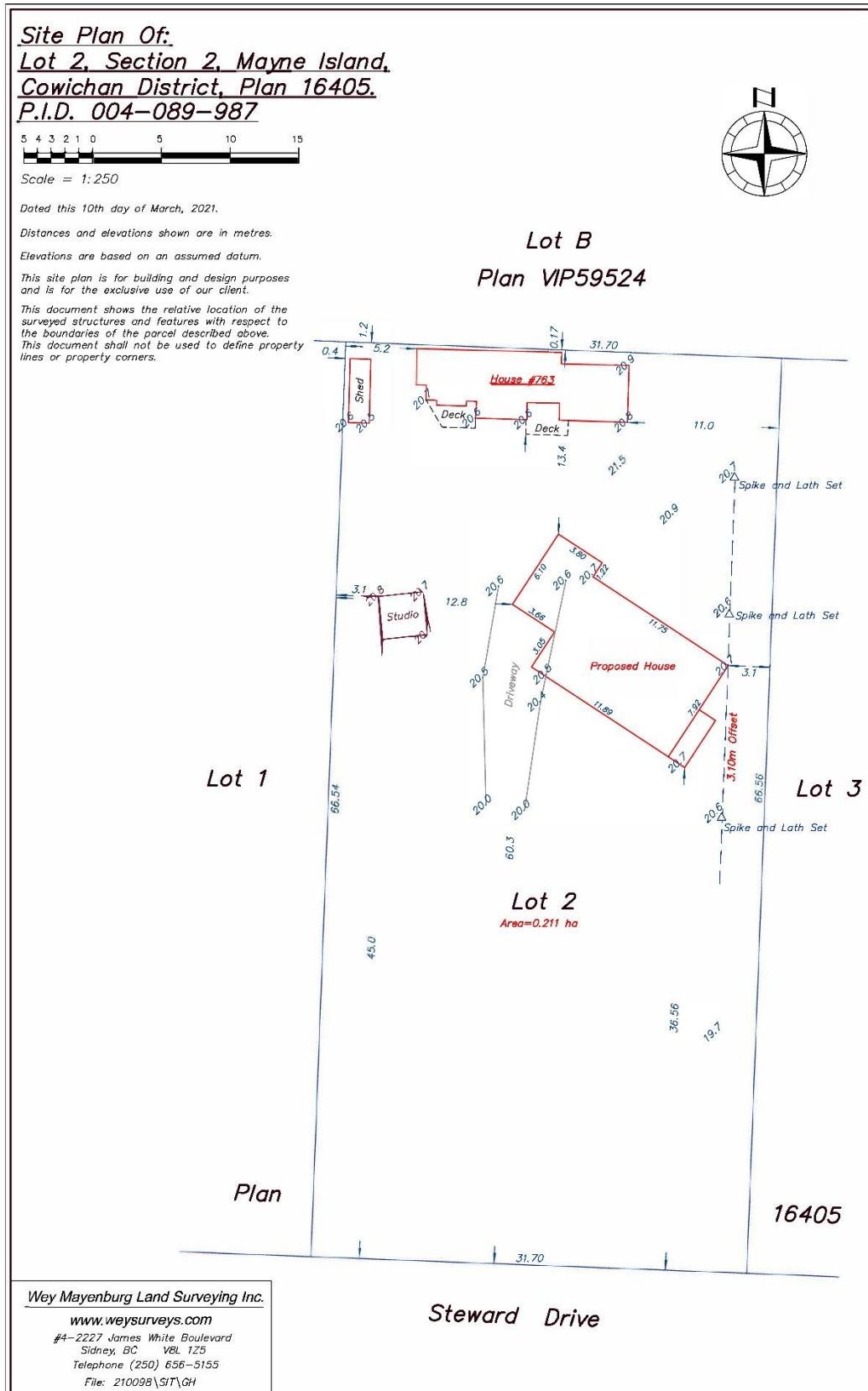
2.1 ORTHOPHOTO & ZONING



2.2 SENSITIVE ECOSYSTEM MAPPING



2.3 SURVEY PLAN



2.4 PHOTOGRAPHS

One: view of existing shed



Two



Three: View toward adjacent property (west)



Attachment 3

Land Use Application - 763 Steward Drive, Mayne Island

I am seeking permission to retain an existing small tool shed that is sited within the setback areas of my property. It was flagged as non-conforming during the process of obtaining a building permit.

The tool shed already existed on the property when I purchased it in 2014 and it is in keeping with the culture of the neighbourhood. I have obtained emails of support from three neighbours.

Additionally, I am sensitive to the need for natural habitat preservation and feel that the shed's current site will have the least impact. My goal is to retain as much natural habitat on my property as possible.

Existing/Proposed uses, buildings and structures

I am in the process of building a new house on my lot which will be my residence.

I am an artist and I operate an Art Studio as a home occupation; there is currently a small Art Studio on the property. There is also a non-conforming seasonal dwelling that has been approved for conversion into an accessory building. Once it has been decommissioned as a dwelling, it will provide additional Art Studio space for my work.

The existing tool shed is used to house a variety of tools for gardening and property maintenance, and I have an ongoing need for this type of storage.

Variance application

Anita Lau <[REDACTED]>
To: Deb Strong <[REDACTED]>

Mon, Jun 14, 2021 at 7:25 PM

To Whom it may Concern,

We have no objections to having Deborah's shed stay where it is. We are her next door neighbours at [REDACTED].

Sincerely,

Anita Lau and Mark Nelstrop

Variance Application

Kari Aletter <[REDACTED]>
To: Strong Deb <[REDACTED]>

Mon, Jun 14, 2021 at 3:30 PM

Hi Deb - confirming that Glenn and I have no challenge with the current placement of your Tool Shed. It was there when we purchased our property and has never posed any issues for us.

Kari Aletter & Glenn Dallas

[REDACTED]
Mayne Island, [REDACTED]
[REDACTED]

>
>
>
> Sent from my iPhone

Stephen G. Withers

[REDACTED]

Mayne Island

e-mail: [REDACTED]

Cell [REDACTED]

To whom it may concern,

I write this to confirm that I have no objection to the storage shed on the property of Deborah Strong at 763 Steward Drive staying in its current position. It is tidy, functional and out of sight, and causes me no concerns.

Yours sincerely

Stephen G Withers

Stephen G Withers

Attachment 5



Islands Trust

NOTICE MA-DVP-2021.4

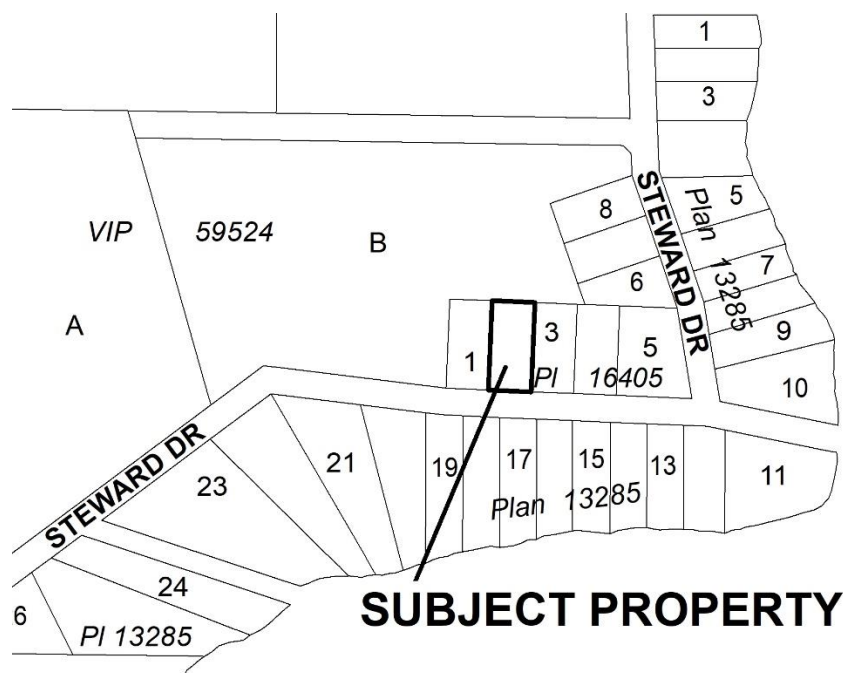
MAYNE ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Mayne Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Mayne Island Land Use Bylaw No. 146 as follows:

- A variance to reduce the rear interior and interior side yard lot line setback for an existing accessory building (tool shed), as shown on the attached, proposed permit.

The property is located at **763 Steward Drive** and is legally described as Lot 2, Section 2, Mayne Island, Cowichan District, Plan 16405 (PID: 004-089-987).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **September 3, 2021** and continuing up to and including **September 16, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC: 1-800-663-7867; by fax at (250) 405-5155; or by email to southinfo@islandstrust.bc.ca before **4:30 p.m., September 16, 2021**.

The Mayne Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 p.m., September 27, 2021**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary

Attachment 6



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
MA-DVP-2021.4**

To: Deborah Strong

1. This Development Variance Permit applies to the land described below:

Lot 2, Section 2, Mayne Island, Cowichan District, Plan 16405
(PID: 004-089-987)

2. Mayne Island Land Use Bylaw 146, 2008 is varied as follows:

- a) Article 5.1 (8) (a) which states that minimum setback for any building or structure is 8 metres (26 feet) from any front or rear lot line is varied to permit an existing accessory building (shed) within 1.2 metres (3.9 feet) of a rear lot line; and,
- b) Article 5.1 (8) (b) which states that minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line is varied to permit an existing accessory building (shed) within 0.4 metres (1.3) of an interior side lot line.

The development shall be consistent with Schedule 'A' attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF XXXX, 2021.

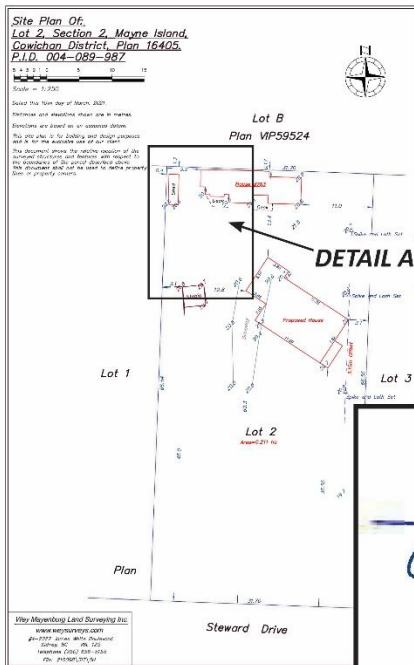
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 2023, THIS PERMIT AUTOMATICALLY LAPSES.

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-DVP-2021.4

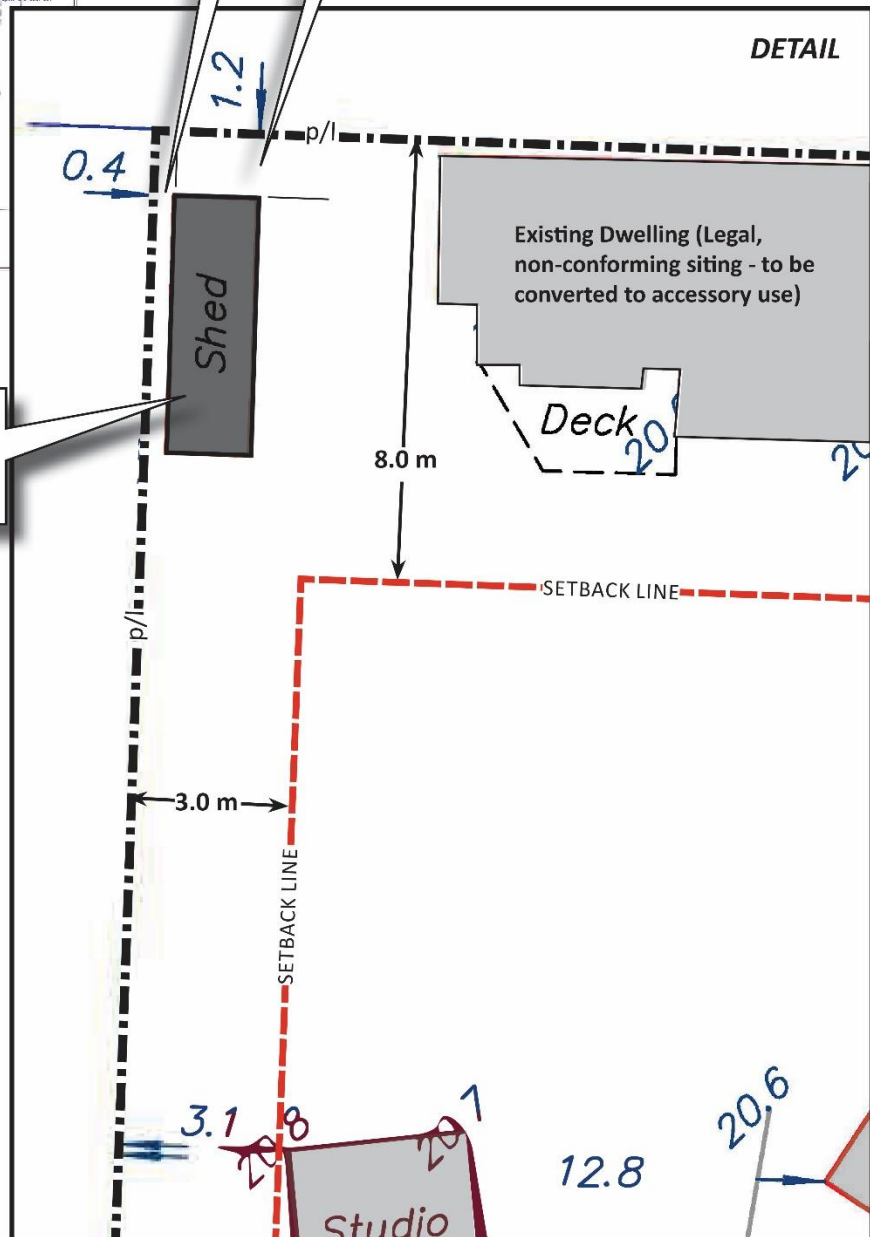
SCHEDULE 'A'



Minimum setbacks are varied:

- **rear lot line** setback from 8.0 m to 1.2 m; and,
 - **interior side lot line** setback from 3.0 m to 0.4 m
- both for the siting of an existing accessory building (tool shed).

Subject Accessory Building
(existing tool shed - 4.5 m² -
3.0 m x 1.5 m)





File No.: MA-TUP-2021.3 (HaQ)

MA-BE-2021.3

DATE OF MEETING: September 27, 2021
TO: Mayne Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Narissa Chadwick, Island Planner
SUBJECT: Temporary Use Permit for STVR
Applicant: Farheen HaQ
Location: 752 Seaview Road

RECOMMENDATION

1. That the Mayne Island Local Trust Committee approve application MA-TUP-2021.3 (HaQ) for a period of two (2) years.

REPORT SUMMARY

The purpose of the report is to provide updated information and a recommendation for issuance of a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

BACKGROUND

Background to this application including one (1) previous staff report is available on the Islands Trust website:

<https://islandstrust.bc.ca/document/mayne-ltc-regular-meeting-agenda-9/>

The application is to allow for a TUP for a STVR use within an existing 93 m² (1000 ft² - approx.) dwelling with two (2) bedrooms located at 752 Seaview Road. The application is for a maximum of six (6) guests, with rental of the dwelling for a maximum of forty-five (45) days from May 1 to September 30, and thirty (30) days from October 1 to April 30¹. The use will be part-time and secondary to the continued use of the property by family and friends.

The applicant's rationale is to comply with land use regulations and that the use is to help with maintenance costs and upkeep for the property.

There is no construction or land alteration associated with this application.

¹ The Draft TUP (Attachment 1) allows sixty (60) days in the summer consistent with the one issued TUP for an STVR use (MA-TUP-2021.2 [Costello & Baker])

The permit as circulated for notification is Attachment 1. A copy of the Notice is Attachment 2

Staff have not visited the property due to Provincial Health Orders for COVID 19.

Specific File Activity:

The TUP application including a draft TUP was initially reviewed by the Local Trust Committee on July 19, 2021.

The following is a summary of key resolutions and file activity that have occurred for this application since the last report:

- The LTC passed the following resolutions at its July 19, 2021 regular meeting:

MA-2021-045

That the Mayne Island Local Trust Committee direct staff to proceed with Temporary Use Permit application MA-2021.3 (HaQ) by undertaking statutory notification.

CARRIED

MA-2021-046

That the Mayne Island Local Trust Committee direct staff to refer application MA-TUP-2021.3(HaQ) to the Mayne Island Advisory Planning Commission.

CARRIED

- At the July 19, 2021 regular meeting, Chair Rogers requested that staff work with the applicant on a brief statement of First Nations territorial rights and cultural history on Mayne Island to be included with the information package provided to guests.
- The Senior Intergovernmental Policy Advisor drafted the statement (Attachment 3), and staff amended the TUP to include that as a condition (3. g)) in the draft TUP.
- Staff referred the application to the Mayne Island Advisory Planning Commission (APC) on July 21, 2021.
- The APC held a meeting on September 8, 2021. The draft minutes of that meeting are agenda item 6.3. The excerpted resolution is:

MA-APC-2021-003

It was **moved** and **seconded**,

that the staff recommendation be accepted by the Mayne Island Advisory Planning Commission with the amendment: under point a) May 1st to September 30th – 30 days;

and,

the maximum number of days between October 1st and April 30th will remain at 30 days;

and,

that the permit be valid for two years under point 4.

CARRIED

Issues and Opportunities

Advisory Planning Commission

The APC minutes indicate the discussion focused on ensuring seasonal time limits and monitoring of STVR use, as well as the commercial use of residential properties, housing availability, drought, and potential community impacts. The discussion also noted that the dwelling and parking on the property are well screened, and the number of days requested for the STVR use is small and secondary to the principal residential use. The APC resolution supports the recommendations of the July 19, 2021 staff report (reiterated on page 1 - above) including limiting the valid period to two (2) years. They also recommend further limiting the use to thirty (30) days in summer months.

Cumulative Impacts

Based on discussion at the July meeting and at the APC meeting, the following is context on cumulative impacts that may be considered by the LTC:

- *Sense of community* - The majority of homes in residential zones should be occupied by residents rather than visitors. Consideration should be given to the density of STVRs in an identifiable residential node or local neighbourhood relative to the number of homes occupied by residents.
- *Size and number of guests* – Relative to other permitted operations in the local neighbourhood or greater area.
- *Frequency of Use* – Uses where the owners are the primary occupants and the STVR is a secondary use will have different impacts than where the use of the home is primarily or exclusively as an STVR.
- *Traffic and parking* – May be increased in neighbourhoods with a higher density of STVRs.
- *Overall number of STVRs on the island* - Impacts on residential housing stock, both rental and owner occupied, including issued TUPs, pending TUPs, outright permitted and unlawfully operating ones. Consideration should be given to striking an appropriate balance between housing needs and vacation rental accommodation, and the probability and feasibility of long term rental if the permit is not granted.
- *Bylaw Enforcement* – Neighbourhoods where the existing STVRs have been the subject of Bylaw Enforcement may be less tolerant of additional STVRs due to on-going impacts.

The one other current TUP for STVR use on Mayne is located at 538 Arbutus Drive (MA-TUP-2020.2 [Costello & Baker]) 235 metres directly east. Bylaw Compliance and Enforcement staff report that it has three (3) active STVR enforcement files on Mayne Island, including the subject property. The other two (2) are on Edith Point Road and Deacon Hill Road, well outside of the local neighbourhood. Enforcement staff monitor for new STVR operations on a regular basis.

It is at the LTC's discretion to determine where the threshold for cumulative impacts lies.

TUP Conditions

The TUP conditions have the objective to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, provide the ability to enforce compliance of the TUP. The recommended term of

two (2) years is consistent with TUP-2020.3 and the APC recommendations. That allows a reasonable period of two (2) summer seasons to gauge any impacts and concerns prior to a renewal application.

As above, the sixty (60) day summer period (condition 3. a) in draft permit) is also consistent with TUP 2020.3. The LTC could opt to limit the condition to a total of thirty (30) days consistent with the APC recommendation, or any other time-period less than sixty (60) days.

The LTC may also opt to amend the draft TUP to add further conditions. However, as notification has been undertaken, significant conditions cannot be removed without re-notification to neighbours.

Consultation

TUP notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper September 15, 2021 (Attachment 2). The notice was also posted to the Mayne Island community bulletin boards. The notification period ended at 4:30 p.m. on September 16, 2021.

At the time of writing, staff have received the following:

- A letter of opposition was received from a neighbour that was subsequently retracted stating no objections to the use.
- A letter opposed was received stating concerns about the corporate ownership and commercial use of residential property, as well as potential impacts on neighbouring properties, and a potential difficulty managing problems that may arise (Attachment 4).

The applicant clarified that the purchase of the property was made under the owner's (single person) corporation, but that has subsequently been removed from the title. Further, the applicant stated that the property has only ever been used as personal property.

- A letter of support from the neighbour across Seaview Drive is Attachment 5. That indicates an awareness of, and lack of issues during a four (4) year period.

First Nations

As noted above, staff drafted a First Nations statement acknowledging First Nations territorial rights and cultural history on Mayne Island and the surrounding waters that includes links to resources on reconciliation. Providing that to all guests is a condition in the draft TUP to which the applicants willingly agreed.

Rationale for recommendation

In summary, the recommendations on page 1 are supported as:

- The guest capacity of six (6) people and seasonal limits to STVR use are reasonable;
- The cumulative impacts of STVR use from approval of the TUP would be small given the neighbourhood and island context;
- The rationale for the use is reasonable;
- The applicants have incorporated water conservation measures with the proposal and agreed to included a statement of First Nations rights and history on Mayne Island;
- The proposed time period of two (2) years is a reasonable time-frame for the impacts of the use to be measured prior to any renewal application;

- The APC has reviewed the application and concurs with the recommendations (with a shorter Summer rental period);
- Consultation through notification to neighbours and the APC has generated mainly support with limited opposition; and,
- The permit provides conditions consistent with required and draft guidelines to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Add conditions

The LTC may wish to amend the TUP by adding conditions and/or changing the time period that the permit would be valid. If selecting this alternative the LTC should specify the additional conditions

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee request that the proposed Temporary Use Permit MA-2021.3 (HaQ) be amended by the addition of the following condition(s): _____

3. Deny the application

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

That the Mayne Island Local Trust Committee deny Temporary Use Permit application MA-2021.3 (HaQ).

Submitted By:	Phil Testemale, Planner 2	September 17, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	September 17, 2021

ATTACHMENTS

1. Proposed MA-TUP-2021.3 as circulated for notification
2. Notice
3. First Nations Statement for Guest Information
4. Correspondence – opposed
5. Correspondence – in favour

Attachment 1



Islands Trust

**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
MA-TUP-2021.3 (HaQ)**

752 Seaview Road

To: Leapfrog Solutions Incorporated, Inc. No. 629071
c/o Farheen HaQ

1. This Permit applies to the land described below:

Lot B, Section 9, Mayne Island, Cowichan District, Plan 27798
(PID: 000-625-281).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

- a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) the maximum number of days the short term vacation rental use is permitted between May 1 to September 30 in a calendar year is a total of sixty (60) days;
 - b) the maximum number of days the short term vacation rental use is permitted between October 1 to April 30 in a calendar year is a total of thirty (30) days;
 - c) the property owner or either one of two contact persons be available on Mayne Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and the two island contact persons must be posted at the entrance to the house with the permit information and provided to guests upon arrival;
 - d) the property owner or Short Term Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the name and contact number of property owner and the two island contact persons must be provided, and a copy of the temporary use permit;
 - e) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - f) the property owner or Short Term Vacation Rental operator must post for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage and disposal of garbage and recycling, septic care, and control of pets. The guest information must also remind guests that the property is located in a residential area;
 - g) the guest information provided to guests must include a statement acknowledging First Nations territorial rights and cultural history on Mayne Island and the surrounding waters and include links to resources on reconciliation.
 - h) pets should be kept under control at all times;
 - i) the owner must provide parking for a minimum of two (2) vehicles on the property;
 - j) outdoor lighting must not be directed onto surrounding properties;

- k) a maximum of one unilluminated and wooden sign not exceeding a total sign area of 0.4 square metres advertising the Short Term Vacation Rental is permitted. The sign must be located on the lot occupied by the Short Term Vacation Rental use;
 - l) the maximum number of guests is limited to six (6) persons.
 - m) the maximum number of bedrooms is two (2);
 - n) camping and occupancy of recreational vehicles are prohibited;
 - o) all outdoor fires are prohibited;
 - p) the rental or provision of motorized personal watercraft is prohibited;
 - q) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer or any other person designated by the Islands Trust to administer this Permit is authorized to enter, at any reasonable time, the property for the purpose of inspecting and determining whether the conditions, prohibitions and requirements of the Permit are being met;
 - r) that an application for renewal include hydro and water meter readings for the term of the TUP; and,
 - s) that water conservation information be provided to guests and signs be posted at all water sources.
4. This permit is valid for three (3) years and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date Issued



Islands Trust

Attachment 2

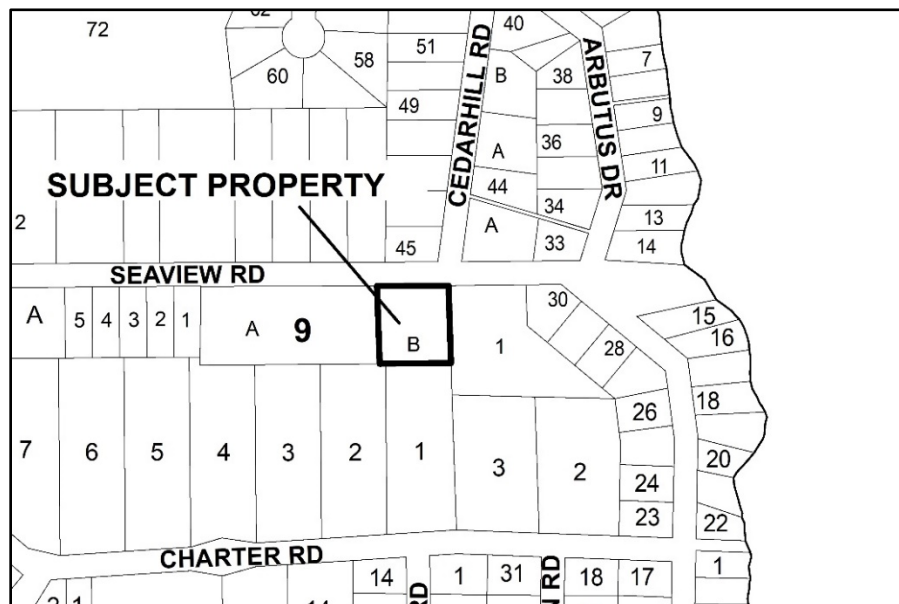
NOTICE MAYNE ISLAND LOCAL TRUST COMMITTEE MA-TUP-2021.3

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Mayne Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply Lot B, Section 9, Mayne Island, Cowichan District, Plan 27798 (PID: 000-625-281). This property is located at **752 Seaview Road**.

The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental** use within the Dwelling Unit.

The establishment of the use would be subject to the conditions specified in the attached permit. The permit would be issued for three (3) years and the owner may apply to the LTC to have it renewed once for up to an additional three (3) years.

The general location of the subject property is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **September 3, 2021** and continuing up to and including **September 16, 2021**.

For the convenience of the public only, and not to satisfy Section 494 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Mayne Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC: 1-800-663-7867; by fax at (250) 405-5155; or by email to southinfo@islandstrust.bc.ca before **4:30 p.m., September 16, 2021**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 p.m., September 27, 2021**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Attachment 3

FIRST NATIONS

Welcome to our home which is located in the treaty lands and waters of the Snuneymuxw First Nation. Snuneymuxw First Nation has called Gabriola Island home for over 10,000 years and their creation stories go back to time immemorial. The Snuneymuxw People speak Hul'qumi'num and the word welcome is nanut kwu and to have a good day is 'uy'skweyul.

Gabriola Island is a place where the Snuneymuxw People lived and utilized the lands and waters; gathering camas plants, using cedar for clothing and homes, and creating fish weirs and clam gardens. Gabriola Island has many cultural places and was a gathering place for many Coast Salish Peoples throughout the Salish Sea.

The Snuneymuxw First Nation was forcibly removed from Gabriola Island beginning in the 1850s and moved to small reserves located around Nanaimo, only two uninhabited tiny reserves are on Gabriola Island. In 1854 the Crown and Snuneymuxw First Nation signed a pre-Confederation treaty which was supposed to protect their lands and waters. Unfortunately, it has been systematically undermined and the impacts of residential school to language, culture, and family ties continue to this day.

In this context, the Snuneymuxw First Nation is today revitalizing their language, reconnecting with the lands and waters of Gabriola and the Salish Sea, and practicing their culture. We all have a role in reconciliation and we ask you to please be respectful of the treaty lands and waters of the Snuneymuxw People as you enjoy your visit to our home and Gabriola Island.

To learn more about the Snuneymuxw visit <https://www.snuneymuxw.ca/welcome> and to learn about reconciliation visit the National Centre for Truth and Reconciliation <https://nctr.ca/map.php>.

Huy ch q'u (thank you).

Attachment 4



From: Rick Roberts <[REDACTED]>
Sent: Wednesday, September 15, 2021 10:03 AM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: Jeanine Dodds <jdodds@islandstrust.bc.ca>; David Maude <dmaude@islandstrust.bc.ca>; Rick Roberts <[REDACTED]>
Subject: MA-TUP-2021.3

To: Phil Testemale

I am opposed to the issuance of a Temporary Use Permit to permit short term vacation rental use for the property at 752 Seaview Road, Mayne Island.

I have owned the property at [REDACTED] for 33 years, and expect surrounding properties to be used for personal full time, or seasonal, residential use.

To grant this Temporary Use Permit would introduce commercial use to the neighbourhood, and set a precedent for other Temporary Use Permits of a similar nature in the future. This would seriously alter the nature of our residential neighbourhood.

There have been many documented cases in British Columbia where Air BnB rentals have been mis-managed and negatively impacted neighbouring properties, with little, or no recourse for the impacted property owners.

Mayne Island does not have resident police to contact in the event of a problem, and without knowing the property owner, or their two island contact persons, I am not comfortable that any control over irresponsible renters would be maintained.

The property in question appears to be owned by a Corporation, which questions the motive of the applicant and further distances any individual from being held accountable.

I strongly oppose this proposed Temporary Use Permit and urge you to decline it.

Respectfully,

Myrna Roberts
[REDACTED] Mayne Island
[REDACTED]

Attachment 5

From: Jessica Wood <[REDACTED]>
Sent: Thursday, September 16, 2021 4:02 PM
To: Phil Testemale <ptestemale@islandstrust.bc.ca>
Cc: Farheen HaQ <[REDACTED]>
Subject: Application Support Letter for MA-TUP-2021.3 (HaQ)



Dear Local Trust Committee,

I am writing in support our neighbour, Farheen Haq's application for a Temporary Use Permit to allow Short Term Vacation Rental at 752 Seaview Rd.

We have lived across street from the Haq's property for 4+ years and know the Haq family to be kind, and respectful neighbours. They are great communicators and approached us directly about applying for this permit.

We are aware that throughout this time they have had occasional guests at their property which they have informed us about. They seem to be very discerning and respectful of our neighbourhood. We have never had any issues with the Haqs or any of their guests. As we understand it the property has a large water tank that they use for watering their garden and backup water for their home if needed. Being water-wise is a big priority for their family and ours.

As a resident of Seaview Rd, I am happy to have the Haq family as our neighbour and support them supplementing their income with the occasional guest use of their home.

Please don't hesitate to get in touch if you have any questions.

Thank you,

Jessica Wood

[REDACTED]

Mayne Island

[REDACTED]

From: Daniela Murphy
Sent: Thursday, July 22, 2021 1:57 PM
To: Becky McErlean; Jas Chonk; Kate Emmings
Cc: Corlynn Strachan
Subject: Referral of Islands Trust Policy Statement - Draft Bylaw No. 183
Attachments: TC-BL-183_Policy Statement Bylaw Referral Form.pdf; New-Draft-Policy-Statement-Colour-Coded.pdf

Dear Referral Coordinator,

Islands Trust is engaging with agencies and community groups for input concerning an update to the Islands Trust Policy Statement. As per Section 15 of the Islands Trust Act, the Policy Statement is a general statement of Islands Trust Council's policies to carry out its preserve and protect mandate. It guides the development of local official community plans and regulatory bylaws throughout the Islands Trust Area. The document has not been substantively updated in over 25 years. In the face of new environmental, social, and economic realities, Trust Council is now striving to update the document through the lenses of reconciliation, climate change and affordable housing.

There are many draft amendments to the Policy Statement in different locations throughout the document that may affect your agency. We would encourage you to review the [Project Overview Briefing](#) along with other resources available on the [Islands 2050 webpage](#). Your response is important to this process as it can help us prepare for the future and ensure that the Policy Statement furthers the Islands Trust mandate to preserve and protect.

Agencies Information Session Webinar

On **Wednesday, July 28, 2021 from 1:00 p.m. to 3:00 p.m.**, Islands Trust will be hosting a Zoom webinar for referral agencies to provide information on the draft Policy Statement Bylaw and an opportunity for questions and answers.

Please register in advance for this Zoom webinar:

https://islandstrust.zoom.us/webinar/register/WN_nyXptbv6RWugCwftiQyJmA

After registering, you will receive a confirmation email containing information about joining the webinar.

Your Response is Respectfully Requested:

Attached to this email is a bylaw referral package that includes our referral form and links to the draft bylaw. Project information can be found on our website here:

<https://islandstrust.bc.ca/programs/islands-2050/>

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have. Your referral response with regards to this draft bylaw is respectfully requested by **Tuesday, October 22, 2021**. If we do not receive a response from you within the time requested, we will proceed with the approval process.

Should you have any questions or require further information, please contact David Marlor, Director – Local Planning Services at islands2050@islandstrust.bc.ca or at 250-405-5151.

Please direct referral responses to islands2050@islandstrust.bc.ca

or by mail to:

Islands Trust - Islands 2050
200 – 1627 Fort Street
Victoria, BC
V8R 1H8

Thank you for your time and attention to this matter.
Respectfully,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

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

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəx", Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skw̓xwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymɨx", Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymɨx", and x"məθk"əyəm.



ISLANDS 2050 BYLAW REFERRAL FORM

Islands Trust – Islands 2050
200 – 1627 Fort Street
Victoria, BC V8R 1H8
islands2050@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Islands Trust Area Bylaw No.: TC 183 Date: July 22, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 90 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The Islands Trust Act requires that Islands Trust Council adopt a Policy Statement. The current Policy Statement has not been substantively updated in over 25 years. The purpose of this bylaw is to update the Policy Statement through the lenses of reconciliation, climate change, and affordable housing.

GENERAL LOCATION:

The Islands Trust Policy Statement is a general policy that applies to all of the Islands Trust Area, including Bowen Island Municipality. For a map of the Islands Trust Area, please visit: <https://islandstrust.bc.ca/mapping-resources/mapping/>

YOUR RESPONSE IS RESPECTFULLY REQUESTED:

Your response to this referral will help to ensure that the Policy Statement furthers the mandate of the Islands Trust, in cooperation with the Province and other agencies. Please note that the Islands Trust Policy Statement requires the approval of the Minister of Municipal Affairs before Trust Council can adopt this bylaw.

There are many draft amendments to the Policy Statement in different locations throughout the document that may affect your agency. We would encourage you to review the [Project Overview Briefing](#) along with other resources available on the [Islands 2050 webpage](#).

On Wednesday, July 28, 2021, from 1:00 p.m. to 3:00 p.m., Islands Trust will be hosting a Zoom webinar to provide information to referral agencies on the draft Policy Statement Bylaw and an opportunity for questions and answers.

Please register in advance for this Zoom webinar: <https://islandstrust.zoom.us/j/9448123456>

After registering, you will receive a confirmation email containing information about joining the webinar.

If you are unable to attend on this day, the session will be recorded and posted to the [Islands 2050 webpage](#) on the Islands Trust website.

Please return the response form by **Tuesday, October 22, 2021** to islands2050@islandstrust.bc.ca

OTHER INFORMATION:

For more information on the Islands 2050 Policy Statement Amendment Project, including the Draft New Policy Statement: <https://islandstrust.bc.ca/programs/islands-2050/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: David Marlor

Title: Director, Local Planning Services

This referral has been sent to the following agencies:

Federal Agencies

Environment and Climate Change
Fisheries & Oceans, Canada (Fish Protection and Aquaculture - Pacific Region)
Transport Canada
Parks Canada

Regional Agencies

Capital Regional District
Comox Valley Regional District
Cowichan Valley Regional District
Metro Vancouver Regional District
Nanaimo Regional District
qathet Regional District
Sunshine Coast Regional District

School District Boards

School District No. 45 (West Vancouver – Gambier)
School District No. 46 (Gambier)
School District No. 64 (Gulf Islands: Galiano, Mayne, North Pender, South Pender, Salt Spring, Saturna)
School District No. 68 (Gabriola/Ballenas Winchelsea)
School District No. 69 (Lasqueti/Ballenas Winchelsea)
School District No. 71 (Denman/Hornby)
School District No. 79 (Thetis)

First Nations

Cowichan Tribes
SXIMELEŁ (Esquimalt) Nation
Halalt First Nation
Homalco First Nation
K'ómoks (Comox) First Nation
Klahoose First Nation
Lake Cowichan First Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
xʷməθkʷəy̓əm Musqueam Indian Band
BOKEĆEN (Pauquachin) First Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
Semiahmoo First Nation
Shíshálh (Sechelt) Nation
Snaw-naw-as (Nanoose) First Nation
Snuneymuxw (Nanaimo) First Nation
Lekwungen (Songhees) Nation
Skwxwú7mesh (Squamish) Nation
Stz'uminus First Nation
Tla'amin (Sliammon) First Nation
T'Sou-ke (Sooke) Nation
WJOLEŁP (Tsartlip) First Nation
S7ÁUTW (Tsawout) First Nation
Tsawwassen First Nation
Tsleil-Waututh/ Səlílwətaʔ/Selilwitulh (Burrard Inlet) Nation
WŚIKEM (Tseycum) First Nation
We Wai Kai (Cape Mudge) First Nation
Wei Wai Kum (Campbell River) First Nation

Treaty Groups

Nanwakolas Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Naut'sa mawt Tribal Council
Te'Mexw Treaty Association

Adjacent Local Trust Committees and Municipalities

Ballenas-Winchelsea Islands Local Trust Committee
Bowen Island Municipality
Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Islands Trust Conservancy Board

Provincial Agencies

Agricultural Land Commission
Attorney General (Housing Policy Branch)
BC Ferries
Ministry of Agriculture
Ministry of Energy, Mines and Petroleum Resources
Ministry of Environment and Climate Change Strategy
Ministry of Environment and Climate Change Strategy (BC Parks and Conservation Officer Service Division)
Ministry of Environment and Climate Change Strategy (Climate Action Secretariat)
Ministry of Forests, Lands, Natural Resource Operations and Rural Development – South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
Ministry of Health
Ministry of Indigenous Relations and Reconciliation (West Coast Office; South Coast Office)
Ministry of Municipal Affairs and Housing (Intergovernmental Relations and Planning Branch)
Ministry of Transportation and Infrastructure on Vancouver Island and South Coast

Improvement District Boards

Gabriola Fire Protection District
Graham Lake Improvement District
Schmidt Improvement District
Galiano Estates Improvement District
Gossip Island Improvement District
Montague Improvement District
Spanish Hills Improvement District
Wise Island Improvement District
Bennett Bay Waterworks District
Campbell-Bennett Bay Improvement District
Lighthouse Point Waterworks District
Mayne Island Improvement District
Village Point Improvement District
Georgina Improvement District
Razor Point Improvement District
Trincomali Improvement District
Harbour View Improvement District
Mount Belcher Improvement District
North Salt Spring Waterworks District
Piers Island Improvement District
Salt Spring Island Fire Protection District
Scott Point Waterworks District
Saturna Shores Improvement District
Thetis Island Improvement District
Vaucroft Improvement District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Islands Trust Area (Islands 2050)

(Island)

(Signature)

(Date)

TC 183

(Bylaw Number)

(Title)

(Agency)



Islands Trust

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

ISLANDS TRUST POLICY STATEMENT

Updated – July 15, 2021

(Engagement Draft - Colour-Coded Version)

Sections highlighted in blue: primarily reconciliation related amendments

Sections highlighted in green: primarily climate change related amendments

Sections highlighted in pink: primarily housing related amendments

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

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

A clean version of this draft (without colour coding) is available on the Islands 2050 webpage at: <https://islandstrust.bc.ca/programs/islands-2050/>.

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PART 1 - INTRODUCTION

1.1 ACKNOWLEDGMENT (new)

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

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

1.2 ESTABLISHMENT OF THE ISLANDS TRUST

To understand the Islands Trust governance model, it is helpful to understand its origins. In the 1960s, as the urban centres of Vancouver, Nanaimo, and Victoria were experiencing rapid population growth, the Gulf Islands in British Columbia began facing unprecedented pressure for residential development. Gulf Island residents, whose islands were under the jurisdiction of regional districts at the time, began expressing widespread concern that the area's highly-valued and fragile environment could be irreversibly damaged by unrestrained development. In 1969, the provincial government responded by instituting a temporary 10-acre minimum lot size freeze on the subdivision of land until island communities could adopt plans and regulations to control growth.

In 1972, an all-party provincial Select Standing Committee on Municipal Affairs was established to investigate the unique problems facing the Trust Area. In its 1973 report¹ to the Legislative Assembly of British Columbia, the Committee concluded that development pressures arising from the area's proximity to major urban centres were damaging the very features that made the region so attractive to residents and visitors. The Committee recommended the formation of an 'Islands Trust' to assume the primary responsibility for coordinated governance of the region.

In response to the Committee's recommendations, the Government of British Columbia enacted the *Islands Trust Act*² in 1974. The Act established Islands Trust as a trust with a conservation-oriented responsibility to preserve and protect the Islands Trust Area for the benefit of residents of the Trust Area and of British Columbia more broadly.

In the years following the establishment of Islands Trust, pressure for development of the Trust Area islands continued. Between 1974 and 1987, the Area's resident population increased by sixty per cent, far exceeding the growth rate of adjacent areas. Several amendments were made to the *Islands Trust Act* during this period, giving Islands Trust community planning and land use authority comparable to that of a regional district under the *Local Government Act*. From 1974 to 1977, local trust committees vetted regional district bylaws for compliance with the Islands Trust Object. In 1977, in response to concerns about administrative inefficiencies, the *Islands Trust Act* was amended to transfer land use regulation from regional districts to local trust committees. Aware of the urgent need for plans to guide decisions on growth management and land use, Trust Area communities developed official community plans. Nonetheless, pressure for residential development continued, as did public concern for the future of the Trust Area.

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

¹ British Columbia, [Official Report of Debates of the Legislative Assembly \(Hansard\)](#), 30th Parl, 3rd Sess, p 255 (25 September 1973).

² British Columbia, [Islands Trust Act](#), RSBC 1996, c 239.

1.3 PRESENT CONTEXT

Many of the challenges that the Islands Trust Area was facing in 1974 remain pressing today, and are further complicated by new social, economic, and environmental dynamics.

In 2019, Trust Council adopted a Reconciliation Declaration acknowledging that First Nations have resided in the lands and waters that encompass the Trust Area since time immemorial and honouring the rich history and cultural heritage of this special region. Trust Council acknowledges that it has a duty to seek meaningful engagement with First Nations in the Trust Area and strives to be guided by the specific reconciliation principles and recommendations of the Truth and Reconciliation Commission's Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, the *Declaration on the Rights of Indigenous Peoples Act*, and the Missing and Murdered Indigenous Women and Girls Calls for Justice, that fall within Trust Council's jurisdiction.

Trust Council also adopted a Climate Emergency Declaration in 2019, committing to urgent and equitable climate action across the region. The health and integrity of ecosystems, communities, and the built environment are increasingly compromised by the adverse impacts of climate change such as rising sea levels, ocean acidification, storm surge flooding, windstorms, droughts, wildfires, and invasive species. Biodiversity - the diversity within species, between species, and of ecosystems - is declining at an alarming rate, leading to species extinctions locally and across the globe. In order to effectively preserve and protect the unique amenities and environment of the Trust Area in this context, it will be critical to identify, monitor, mitigate, and adapt to the ripple effects of climate change on both ecosystems and communities. In this context, Trust Council will benefit from being guided by the best available science, social science, local knowledge, and Indigenous ways of knowing. In the face of uncertainties around the rate and scale of climate impacts, it will also be important to foster more precautionary and adaptive approaches to decision-making, safeguarding future generations as best as possible.

Research by the Islands Trust Conservancy on the conversion of natural areas for human use highlights that some islands in the Trust Area are reaching or surpassing accepted thresholds for ecosystem health³. A widely accepted threshold for the region is approximately 30-40% of converted area for any given habitat. As land conversion begins to go above this threshold, the number of species in a given habitat can be expected to decline far more rapidly. A 2021 report on *The State of the Salish Sea*⁴ describes the Salish Sea bioregion as being under relentless pressure from an accelerating convergence of global and local environmental stressors and the cumulative impacts of 150 years of development. It chronicles how ecosystem decline has outpaced protection and restoration efforts, and how population growth and urbanization have led to detrimental changes to the landscape and seascape, including habitat fragmentation, shoreline armoring, conversion of vegetated areas to impervious surfaces, and profound changes in watershed and wetland hydrology. The report calls for strategic, multijurisdictional policy approaches, informed by multiple ways of knowing and grounded in an understanding of the complex relationships between people and place:

"...Now is the time to shift thought and policy paradigms from treating the environment as a resource to instead build systems of relationships and responsiveness that are based in science and incorporate the interconnected system of humans and environments."

³ Islands Trust (2019). *State of the Islands Indicator Project: Final Report*

⁴ Sobocinski, K.L. (2021). *State of the Salish Sea*. G. Broadhurst and N.J.K. Baloy (Contributing Eds.). Salish Sea Institute, Western Washington University.

Many islands in the Trust Area are also facing a lack of safe, secure, and affordable housing that is threatening the long-term sustainability and resilience of Trust Area communities. The gap between those who can, and those who cannot, afford a home is growing rapidly amidst a backdrop of skyrocketing real estate values, loss of rental stock, prevalence of not-permitted, unsafe, and unhealthy housing with no permanency or security for families, and growing rates of homelessness. Without affordable, safe, secure, and diverse housing options, seniors are finding it difficult to age in place and an increasing percentage of island workers must commute from off-island locations. First Nations community members continue to be alienated from their homelands and opportunities to live on the islands due to the forced removal and genocide they experienced and continue to experience to this day. As Trust Council endeavours to support community needs for affordable housing within the confines of its jurisdictional mandate, it acknowledges the need for place-based, multigenerational, and integrated solutions to sustainability that address equity, diversity, and inclusion in meaningful ways, while respecting the natural limitations and adaptive capacities of island ecosystems.

In this complex policy landscape, the Policy Statement plays a vital role in articulating Trust Council's strategic policy priorities, principles, and approaches, centred firmly in the Islands Trust Object to preserve and protect the unique amenities and environment of the Trust Area, not only for this generation, but also for many generations to come, including First Nations who wish to come home or have access to traditional uses.

1.4 THE ISLANDS TRUST OBJECT AND ITS MEANING

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

“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” (*Islands Trust Act*)

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

“... to preserve and protect the Trust Area...”

The Islands Trust Area is a scenic archipelago of 13 major islands, over 450 smaller islands and islets, and surrounding waters in the Salish Sea. The area of jurisdiction is established by Schedule A of the *Islands Trust Act*. The region is home to more than 26,000 residents and is the homeland of more than 28,000 Coast Salish Peoples.

The mandate to ‘preserve and protect’ aims to ensure the continued existence, either at current or enhanced levels, of the unique amenities and environment of the Trust Area. This involves first identifying the unique amenities and environment in each local planning area and then instituting measures for their preservation and protection. Appropriate developments can thus be guided to areas which are most suitable, with minimal impact to the unique amenities and environment of the area. Official community plan and bylaw provisions such as setbacks and parcel size can be used as site specific protection measures where development is permitted.

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

The Trust Area is valued and unique, not because of any one quality or feature, but rather because of its particular combination of characteristics and location.

Located within the Coastal Douglas-fir and Coastal Western Hemlock biogeoclimatic zones, the Trust Area is home to an exceptionally high biodiversity of rare and culturally significant species, including over 100 federally-listed and over 300 provincially-listed species at risk. These ecosystems are classified as ‘sensitive’ because of their rarity and vulnerability to disturbances such as human impacts and climate change. The Trust Area also plays an important role in provincial and national efforts to reduce greenhouse gas emissions by capturing and storing carbon in natural areas such as forests, soils, mycelium networks, wetlands, and eelgrass meadows.

Islands are places of last refuge and first (local) extinction. Existing at the interface of land and sea, they provide transition habitats that support high terrestrial and marine biodiversity. At the same time, islands need extra care due to a number of unique vulnerabilities they hold as small, closed systems, surrounded by water. Unlike larger islands or the mainland, islands in the Trust Area have significant water supply constraints, due to small watersheds, shallow soils, a heavy reliance on groundwater, and a high vulnerability to the impacts of a changing climate, such as drought and saltwater intrusion. Species habitat and migration corridors on these islands are also constrained by the natural boundaries of shorelines and are impacted by the proportion and configuration of land converted for human use. In addition, coastal and marine ecosystems, resident communities, and First Nations’ archaeological sites and shoreline harvesting are all highly vulnerable to the climate change impacts associated with sea level rise and ocean acidification.

The Trust Area is also valued and unique because it is located within the treaty and territorial lands and waters of the Coast Salish Peoples. First Nations have called these lands and waters home since time immemorial and their relationship with this place continues to this day as stewards and caretakers for seven generations to come. First Nations in the Trust Area have creation stories that describe the spiritual and geophysical formation of the islands in the Salish Sea. Their history, stewardship, and knowledge of the region is reflected through oral history, language, place names, cultivated features of the landscape, Indigenous law, and protocols. Indigenous descriptions of the interrelationships between the landscape and all beings provide important context to the understanding of this special place. In this context, Indigenous cultural heritage is recognized as a unique amenity in the Trust Area and includes, but is not limited to: cultural and spiritual sites; ancestral loved ones' burial cairns and resting places; artifacts; petroglyphs; pictographs; place names; culturally significant species; medicinal plants; and traditional harvesting areas.

Trust Area islands are also home to vibrant communities that aspire to live sustainably and in respectful relationship with these lands and waters. Trust Council understands its preserve and protect mandate is strengthened by healthy and inclusive communities that are dependent on sustainable, energy efficient, and appropriately located housing, transportation, and infrastructure. Trust Area communities strongly value the rich natural beauty and biodiversity of the islands, the silence, quietude and tranquility of rural island landscapes and dark night skies, and the abundant opportunities for nature connection that the islands afford. These opportunities are not only to be enjoyed by residents, but also by British Columbians and visitors to the region, who all play important roles in helping to preserve and protect the Trust Area. Effective stewardship of the Trust Area relies on a collective community commitment to foster lower ecological footprints by reducing greenhouse gas emissions, striving to find new paths to conserve finite natural resources, and seeking nature-based solutions to climate change.

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

Islands Trust is responsible to the present and future resident communities of the Trust Area and British Columbia, as well as to First Nations who have resided in the area since time immemorial. Resident communities include a diverse mix of year-round residents, part-time residents, absentee land owners, and First Nations who were forcibly removed from their homelands through colonization. The benefits to British Columbians include the preservation and protection of one of the most ecologically sensitive and biodiverse regions in the country, the safeguarding of natural carbon sinks to sequester greenhouse gas emissions, and opportunities for nature connection in close proximity to major urban centres.

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

First Nations, and a number of municipalities, regional districts, improvement districts, other persons and organizations, and provincial agencies have responsibilities and interests related to the preservation and protection of the Trust Area. Trust Council recognizes that it does not have the jurisdictional powers to fulfill its mandate independently and must obtain the assistance of other jurisdictions. To achieve its object, Islands Trust must be an educator, coordinator, collaborator, and initiator, guiding individuals, communities, organizations, and other government agencies to uphold and support the Islands Trust Object. While Trust Council can provide the necessary leadership, responsibility for the preservation and protection of the Trust Area rests with many, including Trust Area residents, communities, other government agencies, organizations, and the Province. Trust Council further recognizes that meaningful engagement and cooperation with First Nations is critical to the preservation and protection of the region, to Trust Council's reconciliation commitments, and to the implementation of the provincial *Declaration on the Rights of Indigenous Peoples Act*.

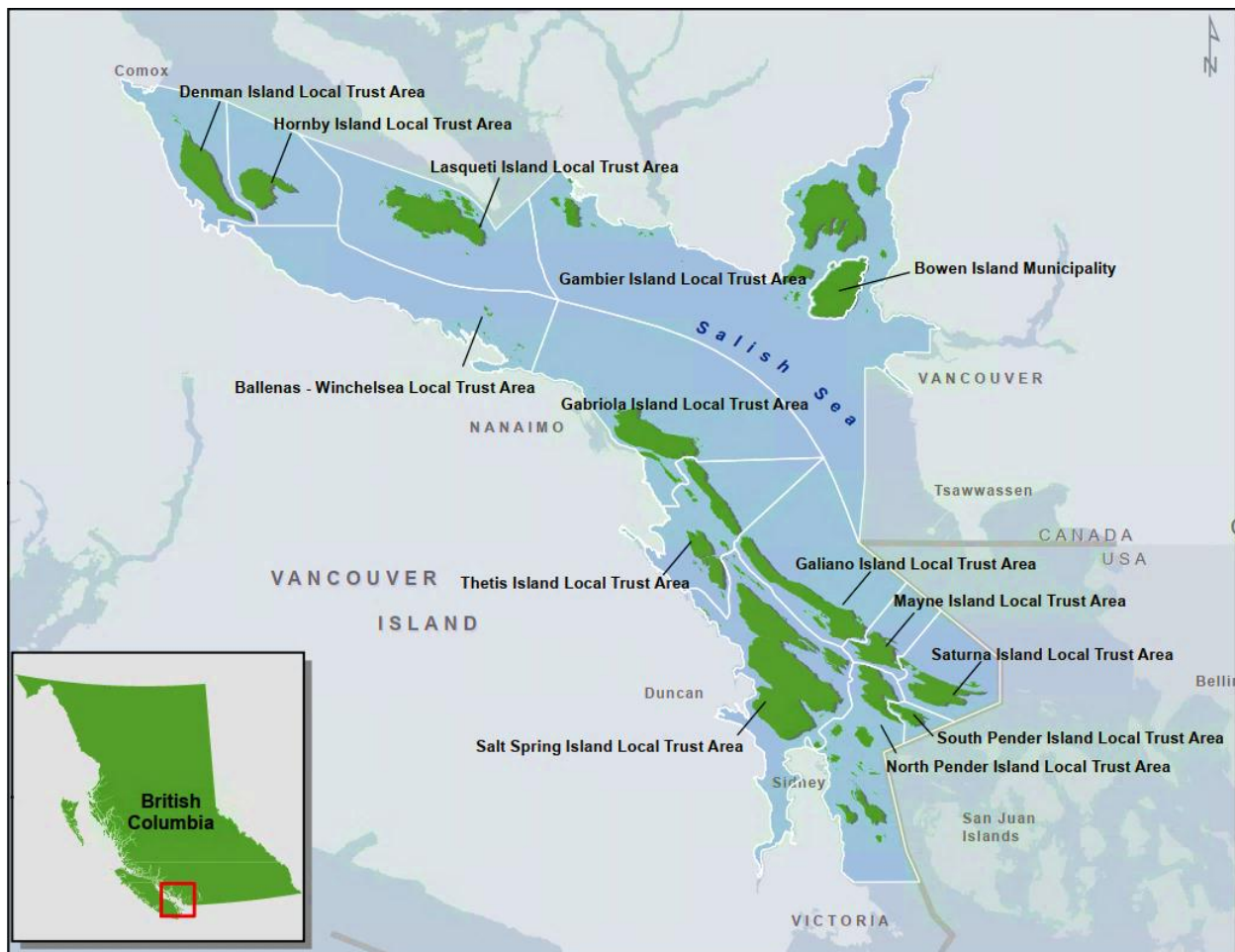
1.5 LOCATION OF THE ISLANDS TRUST AREA

The Islands Trust Area is an archipelago of 13 major islands and more than 450 smaller islands and surrounding waters in the Salish Sea, situated between the mainland of British Columbia and southern Vancouver Island. The specific boundaries of the Trust Area are noted in Schedule A of the *Islands Trust Act*.

The 13 major islands include:

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

(new map)



PART 2: PURPOSE AND IMPLEMENTATION OF THE POLICY STATEMENT

2.1 PURPOSE OF THE ISLANDS TRUST POLICY STATEMENT

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

The Policy Statement aims to establish a vision for the future of the Trust Area that reflects the values and interests of the environment, residents, First Nations, and British Columbians, for this generation and for generations to come. It provides a framework for Trust Council to assume a leadership role in 'place protection planning' in the Trust Area, which entails preserving and protecting the unique amenities and environment of the Trust Area through a combination of:

- conservation-oriented land use planning and regulation;
- engagement with First Nations;
- inter-agency coordination and advocacy;
- public / community engagement; and
- stewardship education.

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

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

2.2 ROLES AND RESPONSIBILITIES

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

Role of the Minister of Municipal Affairs

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

Role of Islands Trust Council

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

a) Commitments of Trust Council

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

b) Directive Policies for Local Trust Committees and Island Municipalities

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

c) Coordination Policies for Trust Council

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

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

Role of Executive Committee

Part 3 of the *Islands Trust Act* stipulates that the Executive Committee of Trust Council is required to review all bylaws of local trust committees and those bylaws of island municipalities that deal with the adoption of an official community plan. Such bylaws have no effect unless approved by Executive Committee, and the Committee cannot approve such a bylaw if it is "contrary to or at variance with" the Policy Statement. If there is no official community plan in place for an island municipality, Executive Committee is required to review all bylaws of the municipality and no bylaw that is contrary to the Policy Statement can be approved. Executive Committee also monitors the progress of Trust Council in achieving the goals defined in the Policy Statement, and makes recommendations to Trust Council in this regard.

Role of Local Trust Committees

As set out in the *Islands Trust Act*, bylaws of local trust committees cannot be "contrary to or at variance with" the Policy Statement. The Policy Statement contains policies that direct local trust committees to address certain matters in their official community plans and regulatory bylaws, but generally does not stipulate the specific policies, planning tools, or regulations to be used because the social and environmental characteristics of islands vary. Official community plans must contain policies relating to

Trust Council's directives or must explicitly state the reasons and justifications for not doing so. Each local trust committee works with its island community to develop policies and regulations to fulfill the Islands Trust Object and Policy Statement in ways that are suitable to local needs and conditions.

Role of Island Municipalities

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

Role of the Islands Trust Conservancy Board

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

Role of First Nations

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

Role of Other Government and Non-Governmental Organizations

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

Role of Property Owners, Residents, Visitors and Communities

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

2.3 IMPLEMENTATION AND AMENDMENT POLICIES

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

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

Trust Council's Policy Statement Implementation Policy establishes policies and procedures for statutory bylaw referrals and other implementation strategies and decision support tools that assist Executive Committee, local trust committees, island municipalities, Islands Trust planning staff, and other relevant parties to ensure that bylaws are consistent with the Islands Trust Policy Statement.

PART 3: REGIONAL GOVERNANCE (new)

GOAL: To establish regional governance approaches that uphold the Islands Trust Object

CONTEXT:

The Governance Challenge: The Islands Trust Area today faces converging challenges and compounding vulnerabilities. Trust Council must contend with intense development pressures, increasing climate change impacts, one of the highest densities of species at risk in Canada, freshwater scarcity, changing demographics, and a widespread lack of affordable housing. While populations, numbers of visitors, and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Trust Area's natural systems remain limited and are increasingly compromised by climate change and the cumulative effects of human activity. Potential for conflict exists: conflict between the unending pressures for development and intensified use, and the duty to preserve and protect the unique amenities and environment of this special place. To keep everything in the Trust Area exactly as it is today would be impossible. Changes will occur. Nonetheless, if the Trust Area's unique amenities and environment are to be preserved and protected for current and future generations, priorities must be defined and management strategies established.

Establishing Priorities and Limitations: Advancing the Islands Trust Object is the preeminent duty of Trust Council, its committees, and all locally elected trustees in the Trust Area. This unique statutory mandate prioritizes the preservation and protection of the unique amenities and environment of the Trust Area. Acknowledging the need to shift towards less human-centric and less settler-centric planning paradigms, Trust Council commits to place priority on preserving and protecting the integrity of the environment and Indigenous cultural heritage in the Trust Area. This entails, first and foremost, the identification and safeguarding of protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage. To these ends, Trust Council should be guided by detailed, area-based understandings of the Trust Area and its unique amenities and environment, that are informed by multiple ways of knowing, including the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. Furthermore, the uncertainties around the rate and scale of climate change are mandating more precautionary approaches to stewardship of the Trust Area. The **Precautionary Principle** states that the lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental damage to habitats or species when there is a threat of serious or irreversible environmental degradation. Having established these clear understandings, priorities, and approaches, community needs can then be addressed sustainably, equitably, and within the natural limitations of these special islands, for the benefit of current and future generations.

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

3.1 Regional Governance Policies

Commitments of Trust Council

- 3.1.1 The primary responsibility of Trust Council is to provide leadership for the preservation and protection of the **unique amenities and environment** of the Trust Area. (Guiding Principle #1)
- 3.1.2 Trust Council commits to place priority on preserving and protecting the integrity of the environment **and Indigenous cultural heritage** in all decision-making. (Guiding Principle #2)
- 3.1.3 It is Trust Council's policy that, to achieve the Islands Trust Object, the rate and scale of growth and development in the Trust Area must be carefully managed and requires limitation. (Guiding Principle #4)
- 3.1.4 It is Trust Council's policy that **decision-making should be guided by the Precautionary Principle, and the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing.** (Guiding Principle #3)
- 3.1.5 **Trust Council commits to seek close collaboration and policy alignment with the Islands Trust Conservancy Board, acknowledging the interconnected roles each entity plays in regional conservation planning and in carrying out the Islands Trust Object.** (new)
- 3.1.6 **Trust Council commits to seek meaningful engagement with First Nations in the Trust Area, recognizing First Nations' treaty and territorial lands and waters, and will be guided by the specific reconciliation principles and recommendations of the Truth and Reconciliation Commission's Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration on the Rights of Indigenous Peoples Act, and the Missing and Murdered Indigenous Women and Girls Calls for Justice, that fall within Trust Council's jurisdiction.** (new)
- 3.1.7 **Trust Council commits to take a leadership role in coordinating with, and advocating to, other government agencies and non-governmental organizations, and making recommendations to the provincial government, for the purpose of carrying out the Islands Trust Object.** (new)
- 3.1.8 Trust Council commits to seek open, consultative public participation, acknowledging its importance to effective decision-making in the Trust Area. (Guiding Principle #5)
- 3.1.9 It is Trust Council's policy that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the Islands Trust Object. (5.8.3)
- 3.1.10 It is Trust Council's policy that island municipalities shall, in all of their actions, have regard for the Islands Trust Policy Statement and the Islands Trust Object. (5.8.4)
- 3.1.11 Trust Council commits to implement a plan for the advancement of the Policy Statement as part of its annual budget process, and to direct Executive Committee to report on progress achieved in fulfilling the goals defined in the Policy Statement. (Guiding Principle #6)

Directive Policies for Local Trust Committees and Island Municipalities

- 3.1.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, place priority on the integrity of the environment and Indigenous cultural heritage in all decision-making and limit the rate and scale of growth and development in their planning area. (new, based on Guiding Principles #1 and #4)
- 3.1.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ground decision-making in the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new, based on Guiding Principle #3)
- 3.1.14 Local trust committees and island municipalities shall, in the development and implementation of official community plans and regulatory bylaws, provide opportunities for public engagement and collaboration. (5.8.2)
- 3.1.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, seek meaningful engagement with First Nations and strive to align decision-making with the principles of the *Declaration on the Rights of Indigenous Peoples Act* that fall within their jurisdiction. (new)

PART 4: ECOSYSTEM PRESERVATION AND PROTECTION

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

CONTEXT:

Environmental Integrity: The Islands Trust Area contains the most biodiverse and endangered ecosystems in British Columbia and a number of species that are of high cultural significance to First Nations. These ecosystems are treasured for their intrinsic value and also for the many supports they provide to human well-being. An **ecosystem** is understood as a dynamic system of living species interacting with their non-living environment. Some ecosystems rely on a delicate mix of species and conditions that are easily affected by human activities and environmental disturbances. These ecosystems are termed 'sensitive' and are prevalent in the Trust Area. An ecosystem has '**environmental integrity**' when its dominant characteristics, natural composition, structure, function, and processes occur within their natural ranges of variation and can withstand and recover from most disruptions imposed by human activity or environmental dynamics such as climate change. In the Trust Area, the establishment of networks of protected areas and unfragmented forest reserves that are large enough to contain and sustain native Trust Area species is essential to environmental integrity.

Restoration: In the face of the global climate and biodiversity crises, it has never been more critical to preserve and protect ecosystems in the Trust Area. In addition, there is now an imperative to restore these fragile ecosystems and assist in their recovery due to the cumulative impacts of development and human use of natural areas, as well as the impacts of a changing climate. **Ecosystem restoration** is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Restoration can happen in many ways, such as active reforestation or wetland remediation, or by simply removing pressures so that nature can recover and adapt on its own.

Adaptive Management: The specific impacts of the climate and biodiversity crises and their policy implications may be difficult to predict in exact detail, timing, and scope. Adaptive management approaches offer pathways to minimize uncertainty and maximize policy effectiveness. These are structured, iterative processes of decision-making intended to reduce uncertainty over time through periodic monitoring and evaluation, and evidence-based policy adjustments.

Nature-Based Solutions: In seeking integrated solutions that address the impacts of climate change on both ecosystems and communities, nature-based solutions offer opportunities for multiple co-benefits. Nature-based solutions are actions to protect, sustainably manage, and restore ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.

Sustainable Stewardship: As humans modify the Trust Area, ecosystems are subject to various pressures. With sustainable, regenerative use, ecosystems will be more healthy and resilient and better able to support human well-being in a variety of ways. **Sustainability**, in this context, is defined as the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs. **Stewardship**, in this context, refers to the responsible use and protection of natural systems, through conservation and sustainable use.

4.1 Environmental Integrity Policies

Commitments of Trust Council

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

Directive Policies for Local Trust Committees and Island Municipalities

- 4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, establish, and maintain a network of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems in their planning area. (3.1.4)
- 4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, and in collaboration with the Islands Trust Conservancy Board, identify, preserve, protect, and support the restoration of the following elements in their planning area, utilizing the best available quantitative and qualitative data, inclusive of Indigenous ways of knowing and community input: (3.1.3)
- sensitive ecosystems (cliff, freshwater, herbaceous, old and mature forest, riparian, wetland, and woodland ecosystems)
 - contiguous, unfragmented forests and associated ecosystems
 - freshwater networks and groundwater recharge areas
 - eelgrass meadows, kelp forests, and forage fish spawning areas
 - species and ecosystems at risk
 - Indigenous cultivation and harvesting areas such as clam gardens, camas meadows, and other areas as identified by First Nations

- 4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, regulate land use and development to **reduce emissions to air, land, and water**. (3.1.5)
- 4.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to reduce climate vulnerability and support climate adaptation measures for ecosystems within their planning area. (new)

Coordination Policies for Trust Council

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

4.2 Freshwater Stewardship Policies

Commitments of Trust Council

- 4.2.1 Trust Council commits to take a precautionary approach to the sustainable stewardship of watershed ecosystems, freshwater networks, and groundwater recharge areas in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.2.2 It is Trust Council's policy that: (3.3.1)
- the watershed ecosystems, freshwater networks, and groundwater recharge areas of the Trust Area should be identified, protected, and where possible, restored or rehabilitated; and
 - the wetlands of the Trust Area, including those in the Agricultural Land Reserve that have not been altered in the past for agriculture, should not be drained, filled, or degraded.
- 4.2.3 It is Trust Council's policy that freshwater use in the Trust Area should not impede the inherent rights of First Nations to access freshwater streams for cultural and spiritual purposes.
- 4.2.4 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in their supply of freshwater.⁵ (4.4.1)
- 4.2.5 It is Trust Council's policy that new desalination plants should not be permitted in the Trust Area due to their high energy demands and adverse impacts to coastal and marine ecosystems. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to prevent further loss or degradation of watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species in their planning area. (3.3.2)
- 4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure: (4.4.2)
- that neither the density nor intensity of land use is increased in groundwater regions⁶ where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable;
 - that existing, anticipated, and seasonal water demand and supply projections are considered and allowed for;
- and shall strive to ensure: (4.4.2, 4.4.1)
- that freshwater quality is maintained; and
 - that islands are self-sufficient in their supply of freshwater⁵.
- 4.2.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to ensure that freshwater use is not to the detriment of in-stream uses such as: fish and fish habitat uses; Indigenous cultural and spiritual use; aesthetic and recreational uses; and, the maintenance of water quality in lakes, streams, and wetlands. (4.4.3)
- 4.2.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit new desalination plants in the Trust Area. (new)

⁵ ...with the sole exception of Piers Island which is supplied by the Capital Regional District water system.

⁶ Groundwater regions are delineated water management areas that provide a useful basis for assessing area-specific water quality and quantity characteristics for planning purposes.

Coordination Policies for Trust Council

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

4.3 Forest Stewardship Policies

Commitments of Trust Council

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

Directive Policies for Local Trust Committees and Island Municipalities

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

Coordination Policies for Trust Council

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

4.4. Agricultural Land Stewardship Policies

Commitments of Trust Council

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

Directive Policies for Local Trust Committees and Island Municipalities

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

Coordination Policies for Trust Council

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

4.5 Soil and Mineral Stewardship Policies

Commitments of Trust Council

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

Directive Policies for Local Trust Committees and Island Municipalities

- 4.5.5 Local trust committees and island municipalities shall, in their regulatory bylaws related to soil removal and deposit, include policies that foster the preservation, protection, and restoration of productive soils in the Trust Area. (4.6.3)
- 4.5.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit the removal or excavation of soil or fill from middens or foreshore areas that have been identified as culturally significant areas. (new)

4.6 Coastal and Marine Stewardship Policies

Commitments of Trust Council

- 4.6.1 Trust Council commits to take a precautionary approach to the stewardship of coastal and marine ecosystems in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.6.2 It is Trust Council's policy that coastal and marine food harvesting and aquaculture in the Trust Area should be small-scale, sustainable, regenerative, supportive of local climate action and food security, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new/4.5.1)
- 4.6.3 It is Trust Council's policy that development, activity, buildings, or structures should not result in a loss of marine or coastal habitat, restrict public access to, from or along the marine shoreline, or interfere with natural coastal processes. (4.5.3, 4.5.4)
- 4.6.4 It is Trust Council's policy that development should be directed to sites away from: (4.5.5)
- areas of environmental sensitivity, including eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, and coastal wetlands;
 - areas of naturally occurring stocks of clams or oysters; and
 - First Nations' traditional harvesting areas, middens, and other archaeologically significant resources.
- 4.6.5 It is Trust Council's policy that aquaculture should be directed to sites away from: (4.5.6)
- areas of recreational significance;
 - areas where an aquaculture operation would conflict with established or designated upland land uses; and
 - areas where an aquaculture operation would conflict with marine or freshwater protection
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.
- 4.6.6 It is Trust Council's policy that aquaculture related development, activity, buildings, or structures should not result in site alteration including, but not limited to, substrate modification or the use of metal pipes or plates. (4.5.7)
- 4.6.7 It is Trust Council's policy that the following restrictions are necessary in order to preserve and protect the sensitive coastal and marine waters of the Trust Area:
- finfish farms should not be permitted; (4.5.2)
 - artificial reefs should not be developed, except where they provide significant environmental benefit;⁷ (3.4.3)
 - ocean dumping should not be permitted; (new)
 - seawalls and other hard shoreline armouring should not be developed; (new)
 - moorage and anchorage sites in eelgrass meadows should not be permitted; (new)
 - new private docks should be limited to boat access only properties; (new)
 - freighter anchorage sites in the Trust Area should be eliminated; and (new)
 - oil tankers should not be permitted to transit through Trust Area waters. (new)

⁷ Interpretive Note: Small scale habitat enhancement structures known as 'reef balls', which are placed in marine areas with the approval of Fisheries and Oceans Canada, are not considered to be artificial reefs for the purposes of this policy.

Directive Policies for Local Trust Committees and Island Municipalities

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

Coordination Policies for Trust Council

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

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

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

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

PART 5: HERITAGE PRESERVATION AND PROTECTION (new)

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

CONTEXT:

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

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

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

Community Heritage:

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

Natural Heritage:

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

5.1 Heritage Preservation and Protection Policies

Commitments of Trust Council

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

Directive Policies for Local Trust Committees and Island Municipalities

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

Coordination Policies for Trust Council

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

PART 6: SUSTAINABLE AND RESILIENT COMMUNITIES

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

CONTEXT:

Sustainability and Resilience: Sustainable and resilient communities can be understood to be communities that are able to meet their own needs and adapt to new environmental, social, and economic pressures without compromising the integrity of the environment or the ability of future generations to meet their own needs. Resilience, in this context, refers to the capacity of communities to continue to function in the face of external stressors such as climate change, while also learning to adapt, reorganize and evolve into new modes of sustainability. With responsible stewardship and sustainable, regenerative use, ecosystems will be better able to support Trust Area communities in a myriad of ways, including through the provision of clean drinking water, natural processes of carbon capture and storage, nature-based mitigation of climate impacts to the built environment, the safeguarding of local and Indigenous food security and harvesting, as well as the many health benefits of nature connection.

Rural Island Planning: Islands within the Trust Area are rural and contrast markedly with surrounding urban areas, as do their respective resident communities. Traditional land use planning approaches are often ill-suited or insufficient in addressing the unique strengths, vulnerabilities, and water supply constraints of island ecosystems, or the higher standards of preservation and protection mandated by the Islands Trust Object. In the face of accelerating climate and biodiversity crises, business as usual is no longer viable. Trust Area communities play a critical role in the stewardship of the islands and must collectively and equitably work towards place-based, multigenerational, and integrated solutions to sustainability. This involves collective commitments to reduce greenhouse gas emissions, foster new low-carbon ways of living, reduce individual and community ecological footprints, and support those most vulnerable to adapt to the impacts of climate change. Trust Council also recognizes that new development models must be established to transition to more compact, energy efficient, and appropriately situated development that is carefully planned and managed to safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage, now and into the future.

Affordable Housing: The Trust Area is facing an acute shortage of diverse and affordable housing options needed to support the long-term sustainability and resilience of Trust Area communities. The Canada Housing and Mortgage Corporation considers housing to be 'affordable' when it costs less than 30% of before-tax household income. Housing is not affordable when it costs so much that individuals and families have trouble paying for other necessities such as food, health and transportation. For renters, shelter costs include rent and any payments for electricity, fuel, water and other municipal services. For owners, shelter costs include mortgage payments (principal and interest), property taxes, and any condominium fees, along with payments for electricity, fuel, water and other municipal services. In the Trust Area, factors such as rising real estate prices and building costs, an increase in short-term rentals paired with a growing lack of long-term rentals, changing demographics, and increasing numbers of people wanting to move to the islands, are all significantly affecting the availability, affordability, and suitability of housing options across the Trust Area. An increasing percentage of island workers are thus forced to commute from off-island locations. Seniors are finding it challenging to age in place. Socio-economic disparities are widening. In this context, Trust Council acknowledges the need for multijurisdictional and integrated approaches to address these community housing needs in a manner that is appropriate to the Trust Area and its unique amenities and environment.

6.1 Rural Island Planning Policies

Commitments of Trust Council

- 6.1.1 It is Trust Council's policy that the rural characteristics of islands in the Trust Area, including the scenic value of rural landscapes, opportunities for nature connection, and low levels of noise and light pollution, are unique amenities that are to be preserved and protected in accordance with the Islands Trust Object. (5.1.1-5.1.3)
- 6.1.2 It is Trust Council's policy that all development in the Trust Area, of any scale or for any purpose, should be compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)
- 6.1.3 It is Trust Council's policy that growth, development, and economic opportunities in the Trust Area should be small scale, sustainable, climate resilient, compatible with community character, and in alignment with the Islands Trust Object. (5.2.1, 5.7.1)
- 6.1.4 Trust Council shall strive to identify, monitor, and address the impacts of climate change on Trust Area communities through climate vulnerability assessments, adaptive management approaches, and nature-based solutions that are informed by the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 6.1.5 It is Trust Council's policy that recreational activities, trails, and active transportation networks in the Trust Area should be small scale, appropriately located, and sustainable, and should safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (5.5.1)
- 6.1.6 It is Trust Council's policy that destination gaming facilities such as casinos and commercial bingo halls are not appropriate to, and should not be located in, the Trust Area. (5.5.2)
- 6.1.7 It is Trust Council's policy that there should be public access, on each major island in the Trust Area, to beaches and areas of recreational significance, while not compromising Indigenous cultural heritage or First Nations access to coastal and marine harvesting areas, or the environmental integrity of terrestrial and aquatic ecosystems. (5.5.5)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that growth and development, of any scale or for any purpose, is compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)
- 6.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prioritize the protection of tree cover, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area. (5.1.3, 5.2.2)
- 6.1.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies related to the aesthetic, environmental, and social impacts of development. (5.2.3)

- 6.1.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources, and community character. (5.2.4)
- 6.1.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (5.2.5)
- 6.1.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards. (5.2.6)
- 6.1.14 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate locations, types, and safe public access to:
- recreational facilities;
 - bicycle, pedestrian, and equestrian trail systems; and
 - community marinas, boat launches, docks, and anchorages that are small scale, sustainable, and that do not compromise the integrity of protected areas, terrestrial and aquatic ecosystems, Indigenous cultural heritage, or Indigenous access to coastal and marine harvesting areas. (5.5.4-5.5.7)
- 6.1.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit destination gaming facilities such as casinos and commercial bingo halls. (5.5.3)
- 6.1.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies addressing economic opportunities that are compatible with sustainability and protection of community character. (5.7.2)
- 6.1.17 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies addressing their community's long-term needs for educational, institutional, community, and health-related facilities and services, as well as cultural and recreational facilities and services. (5.8.6)
- 6.1.18 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to reduce the climate vulnerability of communities, including nature-based solutions and actions that prioritize:
- protection of the carbon capture and storage capacity of natural areas;
 - low-carbon housing, buildings, transportation, and agriculture;
 - preservation, protection, and restoration of biodiversity;
 - freshwater sustainability;
 - soft shoreline and foreshore protections; and
 - wildfire risk mitigation (new)

Coordination Policies for Trust Council

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

6.2 Housing Policies

Commitments of Trust Council

- 6.2.1 It is Trust Council's policy that all housing in the Trust Area should be compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area.
- 6.2.2 It is Trust Council's policy that community sustainability and resilience are supported by the availability of diverse and affordable housing that cater to a range of age groups and income levels. (5.8.6)
- 6.2.3 Trust Council commits to foster a strategic, multijurisdictional, equitable, and integrated approach to addressing the diverse housing needs of Trust Area communities, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing.

Directive Policies for Local Trust Committees and Island Municipalities

- 6.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to address housing needs in their planning area by identifying appropriate locations where density increases could support safe, secure, and affordable housing, while safeguarding protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage. (new)
- 6.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify and assess the impacts of short-term rentals of dwellings on the availability of safe, secure, and affordable housing in their planning area and, where necessary, regulate and limit the number of short-term rentals accordingly. (new)
- 6.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate floor area and lot coverage limits for residential development in their planning area, in order to effectively minimize greenhouse gas emissions, cumulative effects, biodiversity loss, climate vulnerability, and destruction of Indigenous cultural heritage. (new)

Coordination Policies for Trust Council

- 6.2.7 Trust Council shall coordinate with, and advocate to, other government agencies, non-governmental organizations, and Trust Area communities, to foster safe, secure, and affordable housing in the Trust Area, in alignment within the Islands Trust Object, and respectful of the integrity of the environment and Indigenous cultural heritage in the Trust Area. (new)
- 6.2.8 Trust Council shall advocate to other government agencies, non-governmental organizations, and property owners to foster safe, secure, and affordable housing for Indigenous Peoples in the Trust Area, in alignment with the Islands Trust Object and respectful of protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)

6.3 Transportation Policies

Commitments of Trust Council

- 6.3.1 It is Trust Council's policy that community sustainability and resilience are supported by appropriately situated public and active transportation networks that serve to reduce greenhouse gas emissions, support electric vehicles and electric bicycles, and promote health and well-being. (new)
- 6.3.2 It is Trust Council's policy that no island in the Trust Area should be connected to Vancouver Island, the mainland or another island by a bridge or tunnel⁸. (5.3.2)
- 6.3.3 It is Trust Council's policy that local trust committees and island municipalities should be consulted and involved in decision-making related to the provision of transportation and ferry services, utilities, or facilities that may affect the sustainability and resilience of communities in their planning areas. (5.3.1)

Directive Policies for Local Trust Committees and Island Municipalities

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

Coordination Policies for Trust Council

- 6.3.8 Trust Council shall advocate to provincial and federal agencies to ensure safe shipment of materials that are hazardous to the environment. (5.3.8)
- 6.3.9 Trust Council shall advocate to provincial government agencies to work together with local communities through public consultation processes to evaluate and modify road construction, road system proposals, and active transportation networks to address the environmental, economic, and social values of communities in the Trust Area. (5.3.9)
- 6.3.10 Trust Council shall advocate to provincial government agencies in support of the electrification of ferries in the Trust Area. (new)

⁸ ...with the sole exception of the existing bridge between North and South Pender Islands

6.4 Waste Disposal Policies

Commitments of Trust Council

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

Directive Policies for Local Trust Committees and Island Municipalities

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

Coordination Policies for Trust Council

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

From: Daniela Murphy
Sent: Thursday, August 5, 2021 12:15 PM
To: Karla Campbell; Christine Condrón; chris.laughlin@viha.ca; Bylaw Enforcement; Martin.Collins@gov.bc.ca; doug.pepper@gov.bc.ca; McIntyre, Cathie BCA:EX; Nichols, Kris MUNI:EX; Leech, Haley TRAN:EX; Darryl.Slater@gov.bc.ca; developmentreferrals@BCTransit.com; FrontCounterBC@gov.bc.ca; amanda.vanderkloof@bcas.ca; info@nsswaterworks.ca; saltspring@rcmp-grc.gc.ca; jguy@sd64.org; chamber@saltspringchamber.com; dlundy@saltspringfire.com; info@islandpathways.ca; Becky McErlean; Jas Chonk; mtippett@cvrld.bc.ca
Cc: jarnet@crd.bc.ca; Shannon.lambie@gov.bc.ca; Kristine Mayes; Rob Pingle; Geordie Gordon
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 504 & 505 - 221 Drake Road, Salt Spring Island (Dragonfly Commons)
Attachments: SS-BL-504_1st Reading.pdf; SS-BL-505_1st Reading.pdf; SS-RZ-2017.2_BL-504_BL-505_Referral_FRM.pdf

Dear Referral Coordinator,

The Salt Spring Island Local Trust Committee (SS LTC) has asked that its proposed bylaws: Bylaw No. 504 cited as "Salt Spring Island Official Community Plan 2008, Amendment No. 4, 2017, and Bylaw No. 505 cited as "Salt Spring Island Land Use Bylaw 1999, Amendment No. 4, 2017" be referred to you for comment. Please find both of these proposed bylaws attached to this email.

The proposed bylaws would rezone the subject property from Rural (R) to Residential 4 variant (a) (R4(a)) to permit:

- 30 affordable dwelling units;
- a common building not exceeding a total floor area of 250 square metres with a maximum of two bedrooms, two bathrooms and a kitchen; and,
- a limited number of home-based businesses.

Proposed Bylaws No. 504 and 505 were previously referred for comment and questions in 2017. Bylaw No. 505, amending Salt Spring Island Land Use Bylaw No. 355, was previously worded only to reduce the minimum lot size required for subdivision of the subject property. As Bylaw No. 505 has been substantially reworded to reflect a different approach by the applicant, re-referral is necessary. Bylaw No. 504, amending the Salt Spring Island Official Community Plan, remains unchanged from the previous referral. Comments on both bylaws are welcome.

The staff report and information relating to the application can be found on our website, <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under SS-RZ-2017.2

A reply is respectfully requested by **Monday, September 20, 2021**. We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Geordie Gordon at ggordon@islandstrust.bc.ca or 250-537-9144.

Please direct referral responses to ssiinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, 1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Thank you for your time and attention to this matter.

Yours truly,

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

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

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lákw'ənan, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səlilwətaʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area Bylaw No.: 504 and 505 Date: August 5, 2021

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaws will be held at a later date.

APPLICANTS NAME / ADDRESS:

Fernando and Tammy Dos Santos, 416 Old Scott Road, Salt Spring Island, BC, V8K 2L7, f.dos.santos111@gmail.com

PURPOSE OF BYLAW:

The purpose of OCP proposed bylaw amendment No. 504 is to re-designate the property from rural neighbourhood (RL) to a residential neighbourhood (RN) variant which would allow for medium density of approximately 7 lots/hectare or 3 lots/acre.

The purpose of LUB proposed bylaw amendment No. 505 is to rezone the property from its Rural(R) designation to a Residential (R4) variant to allow for the development of up to 30 lots on the subject property.

GENERAL LOCATION:

221 Drake Road, Salt Spring Island

LEGAL DESCRIPTION:

LOT A, SECTION 20, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 28650 – PID 001-751-581

SIZE OF PROPERTY AFFECTED:

4.26 Hectares

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Presently Rural Neighbourhood

OTHER INFORMATION:

To review the staff report or for more information on application SS-RZ-2017.2, go to: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Georgie Gordon

Title: Planner 2

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation

Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation

Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Economic Development Commission
CRD – SSI Parks and Recreation
CRD – SSI Building Inspection
CRD – SSI Director
CRD – SSI Transportation Commission
CRD – Environmental Eng. Division
CRD – Housing Secretariat
CRD – Parks & Community Services
CRD – Ganges Sewer Commission
CRD – SSI Liquid Waste Disposal Local Service Commission
Vancouver Island Health Authority
Islands Trust Bylaw Enforcement and Compliance
SSI Advisory Planning Commission
SSI Agricultural Advisory Planning Commission

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Ministry of Municipal Affairs
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural
Development Water Authorizations
BC Transit
Front Counter BC

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
RCMP
School District No. 64
SSI Chamber of Commerce
SSI Fire-Rescue
Island Pathways

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

BYLAW REFERRAL FORM
RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area

(Island)

(Signature)

(Date)

504 & 505

(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 504

A BYLAW TO AMEND SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 434, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 4, 2017”.

2. Salt Spring Island Local Trust Committee Bylaw No. 434, cited as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008”, Schedule “A”, Volume 1 is amended as shown on Schedule No. 1, attached to and forming part of this bylaw.

READ A FIRST TIME THIS 5TH DAY OF OCTOBER 2017

READ A SECOND TIME THIS _____ DAY OF _____ 20__

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20__

READ A THIRD TIME THIS _____ DAY OF _____ 20__

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

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

ADOPTED THIS _____ DAY OF _____ 20__

Chair

Secretary

PROPOSED

SS-BL-504

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 504

SCHEDULE NO. 1

1. Schedule “A”, Volume 1 is amended as follows:

- 1.1 Map 1 – “Plan Area with Land and Shoreline Use Designations” is amended by changing the land use designation of Lot A, Section 20, Range 3 East, North Salt Spring Island, Cowichan District Plan 28650 (PID 001-751-581) from Rural Neighbourhood (RL) to Residential Neighbourhood (RN) as shown on Plan No. 1.

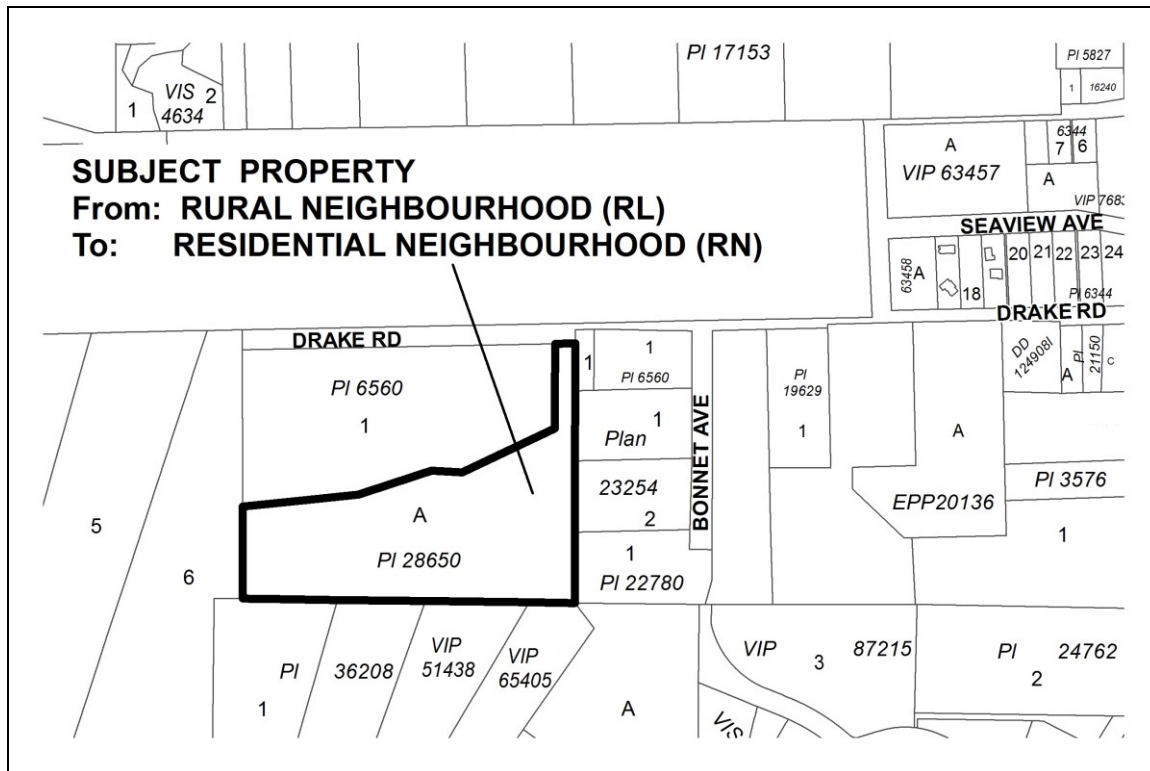
PROPOSED

PROPOSED

SS-BL-504

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 504

PLAN NO. 1



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 505

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW, 1999

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

1. Citation

This bylaw may be cited for all purposes as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017".

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "Salt Spring Island Land Use Bylaw, 1999," is amended as shown on Schedule Nos. 1 and 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 27TH DAY OF JULY 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20__

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20__

READ A THIRD TIME THIS _____ DAY OF _____ 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20__

ADOPTED THIS _____ DAY OF _____ 20__

Chair

Secretary

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505**

SCHEDULE NO. 1

1. Bylaw No. 355 is amended as follows:

- 1.1 Section 9.9 – RESIDENTIAL ZONES, Sub-section 9.9.4 - “Exceptions in Particular Locations” is amended by adding a new R4(a) zone variation as follows:
“Zone Variation – R4(a)

- (17) Despite all other regulations of this bylaw, the only principal uses permitted within lands zoned R4(a) are:
- (a) Affordable housing units in single family dwelling units,
 - (b) Affordable housing units in Duplexes,
- (18) Despite subsection 9.9.2 Size, Siting and Density of Permitted Uses, Buildings and Structures:
- (a) The maximum number of affordable housing dwelling units is 30.
- (19) Despite all other regulations of this bylaw, the following accessory structure is permitted within lands zoned R4(a):
- (a) a common building with a maximum floor area of 250m² and containing:
 - (i) a maximum of two bedrooms;
 - (ii) a maximum of two bathrooms including a shower enclosure and/or bathtub;
 - (iii) a kitchen;
 - (iv) more than three separate rooms.
- (20) Home-based businesses are permitted as an accessory use. Despite Section 3.13, only the following occupations may be conducted as a home-based business within lands zoned R4(a):
- (a) Sales of products manufactured elsewhere, provided persons employed in the home-based business carry out all distribution of such products offsite.
 - (b) Business and professional offices where in-person services are conducted off-site.
 - (c) Child day care, limited to a maximum of two children, exclusive of the operators' children.

- 1.2 And by making such alterations to Bylaw No. 355 as are required to effect these changes.

PROPOSED

SS-BL-505

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 505

SCHEDULE NO. 2

2. Bylaw No. 355 is amended as follows:

- 1.1 **SCHEDULE "A" – ZONING MAP** is amended by changing the zoning classification of Lot A, Section 20, Range 3 East, North Salt Spring Island, Cowichan District (PID 001-751-581, 221 Drake Road), from Rural to Residential 4 (R4(a)) as shown on Plan 1.

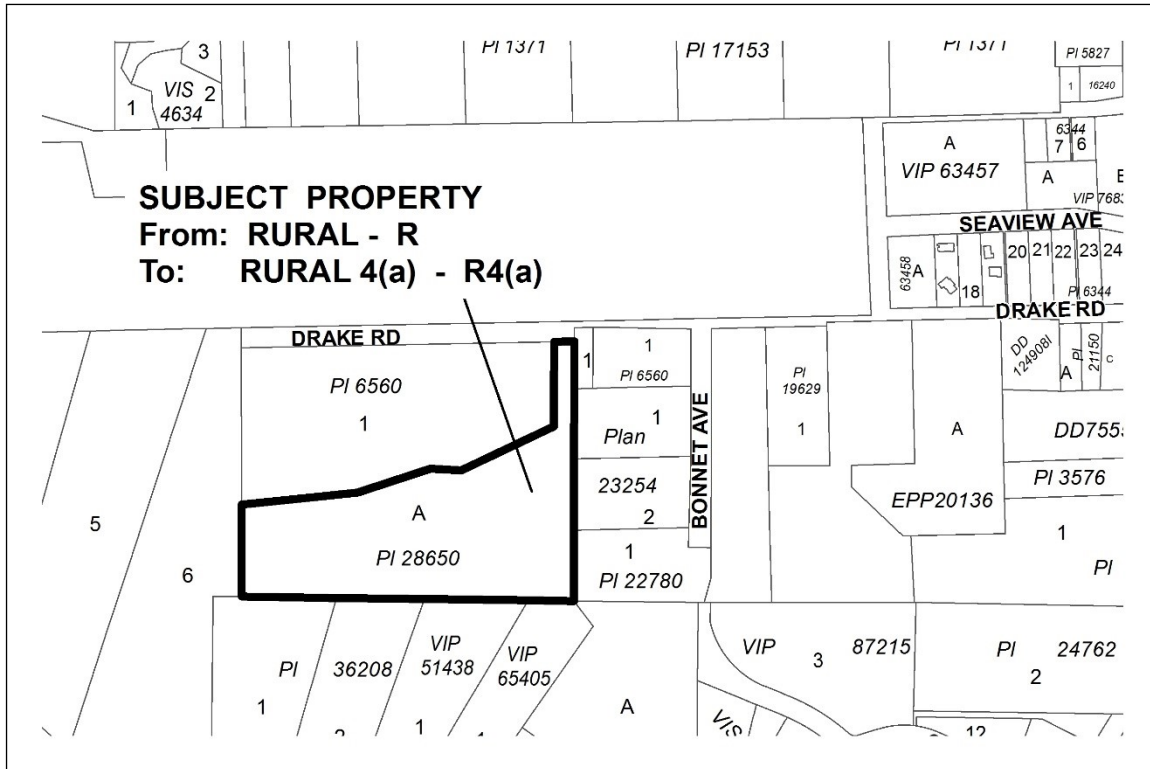
PROPOSED

PROPOSED

SS-BL-505

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 505

PLAN NO. 1



From: Daniela Murphy
Sent: Thursday, August 5, 2021 2:29 PM
To: Karla Campbell; Christine Condron; chris.laughlin@viha.ca; chamber@saltspringchamber.com; info@nsswaterworks.ca; dlundy@saltspringfire.com; info@islandpathways.ca; annemacey@shaw.ca; 'Elizabeth White'; Martin.Collins@gov.bc.ca; McIntyre, Cathie BCA:EX; developmentreferrals@BCTransit.com; doug.pepper@gov.bc.ca; Leech, Haley TRAN:EX; FrontCounterBC@gov.bc.ca; Jas Chonk; Becky McErlean; mtippett@cvrld.bc.ca
Cc: jarnet@crd.bc.ca; Kristine Mayes; Rob Pingle; Shannon.lambie@gov.bc.ca
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 523 & 524 - 125 Churchill Road, Salt Spring Island (Francis Bread Bakery)
Attachments: SS-BL-523_1st R.pdf; SS-BL-524_1st R.pdf; SS-RZ-2020.2_BL-523_BL-524_Referral_FRM.pdf

Dear Referral Coordinator,

The Salt Spring Island Local Trust Committee (SS LTC) has asked that its proposed bylaws: Bylaw No. 523 cited as "Salt Spring Island Official Community Plan 2008, Amendment No. 1, 2021, and Bylaws No. 524 cited as "Salt Spring Island Land Use Bylaw 1999, Amendment No. 1, 2021" be referred to you for comment. Please find both of these proposed bylaws attached to this email.

The proposed bylaws would rezone the subject property from Residential 7 (R7) to Commercial 4 variant b (C4(b)) to permit:

- indoor retail sales;
- indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items (provided water consumption does not exceed 1,600 litres/day);
- one restaurant not exceeding a total floor area of 110 square metres with a maximum of 38 indoor and outdoor seats; and,
- two commercial guest accommodation units not to exceed 25 square metres each.

The staff report and information relating to the application can be found on our website, <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under SS-RZ-2020.2.

A reply is respectfully requested by **Monday, September 20, 2021**. We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Kristine Mayes at kmayes@islandstrust.bc.ca or 250-537-9144.

Please direct referral responses to ssiinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, 1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Thank you for your time and attention to this matter.
Yours truly,

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

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

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəx", Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymux", Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymux", and x"məθk"əyám.



Islands Trust

BYLAW REFERRAL FORM

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

Island: Salt Spring Island Trust Area Bylaw No.: 523 and 524 Date: August 5, 2021

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaws will be held at a later date.

APPLICANTS NAME / ADDRESS:

Peter Hunt and Meghan Carr/125 Churchill Road, Salt Spring Island, BC V8K 2R3

PURPOSE OF BYLAW:

To permit indoor retail sales, Indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items (provided water consumption does not exceed 1,600 litres/day); one restaurant not exceeding a total floor area of 110 square metres with a maximum of 38 indoor and outdoor seats; and two commercial guest accommodation units not to exceed 25 square metres each.

GENERAL LOCATION:

125 Churchill Road, Salt Spring Island

LEGAL DESCRIPTION:

LOT 3, SECTIONS 3 AND 4, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN VIP54776

SIZE OF PROPERTY AFFECTED:

0.89 hectares (2.21 acres)

ALR STATUS:

Non-ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Residential Neighbourhoods

OTHER INFORMATION:

Use(s) have been operating unlawfully since 2011 & 2015 (Commercial Guest Accommodation Units) and 2018 (Restaurant). To review the staff report or for more information on application SS-RZ-2020.2, go to: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

D. Murphy

on behalf of Planner Mayes

(Signature)

Name: Kristine Mayes

Title: Planner 1

This referral has been sent to the following agencies:

First Nations

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

Hul'qumi'num Treaty Group (for information only)

Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – Building Inspection
CRD – Economic Development Commission
CRD – Parks and Recreation Commission
CRD – SSI Transportation Commission
Vancouver Island Health Authority

Non-Agency Referrals

Chamber of Commerce
North Salt Spring Waterworks District
SSI Fire-Rescue
Island Pathways SSI – Partners Creating Pathways
Salt Spring Island Agricultural Advisory Planning Commission
Salt Spring Island Advisory Planning Commission
Salt Spring Island Agricultural Alliance

Provincial Agencies

Agricultural Land Commission
BC Assessment Authority
BC Transit
Ministry of Agriculture, Food and Fisheries
Ministry of Transportation & Infrastructure
Front Counter BC

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

Mayne Island Local Trust Committee

North Pender Island Local Trust Committee

Thetis Island Local Trust Committee

Cowichan Valley Regional District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

523 and 524
(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 523

A BYLAW TO AMEND SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 434, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2021”.

2. Salt Spring Island Local Trust Committee Bylaw No. 434, cited as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008,” is amended as shown on Schedule Nos. 1 and 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 29TH DAY OF JUNE 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

PROPOSED

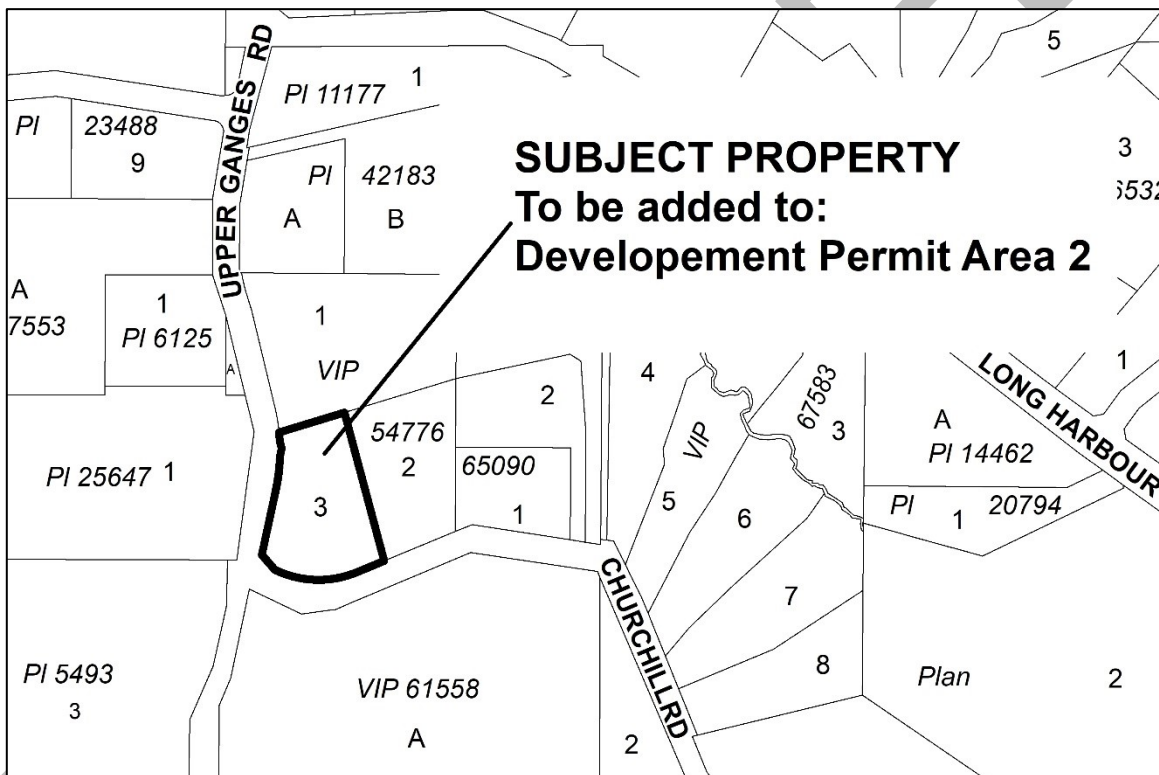
SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 523

SCHEDULE NO. 1

1. Schedule "A", Volume 2 is amended as follows:

- 2.1 Map 19 – Development Permit Area 2 Non-Village Commercial and General Employment is amended by including Lot 3, Sections 3 and 4, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP54776 as shown on Plan No. 1 of this bylaw.

PLAN NO. 1



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 524

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2021”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

2.1 By inserting in Subsection 9.2.4 – Exceptions in Particular Locations – the following new Commercial 4 Zone Variation (b) – C4(b) after Zone Variation C4(a):

“Zone Variation – C4(b)

(18) The following additional *uses* are permitted:

- (a) *Indoor Retail Sales.*
- (b) *Indoor* production of food and drink items, clothing, crafts, artwork, jewellery and similar items for *retail* or *wholesale sales*, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day;
- (c) One restaurant not to exceed a total *floor area* of 110 square metres with a maximum number of 38 of *indoor* and *outdoor* seats; and
- (d) Two *Commercial guest accommodation units* in *cabins* not to exceed a total *floor area* of 25 square metres each.

(19) A *vegetation screen* must be provided and maintained within the *buffer area* along any property line that abuts property not *zoned* for *commercial use* in accordance with Section 3.4.

(20) Despite Subsection 9.2.3, the Minimum average area of *lots* in a *subdivision* is 1 ha.

And by making consequential numbering alterations to effect this change.

2.2 By changing the zoning classification of Lot 3, Sections 3 and 4, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP54776 from Residential 7 – (R7) to Commercial 4 Zone Variation (b) – C4(b), as shown on Plan No. 1 attached to and

forming part of this bylaw, and by making such alterations to Schedule “A” of Bylaw No. 355 as are required to effect this change.

READ A FIRST TIME THIS 29TH DAY OF JUNE 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

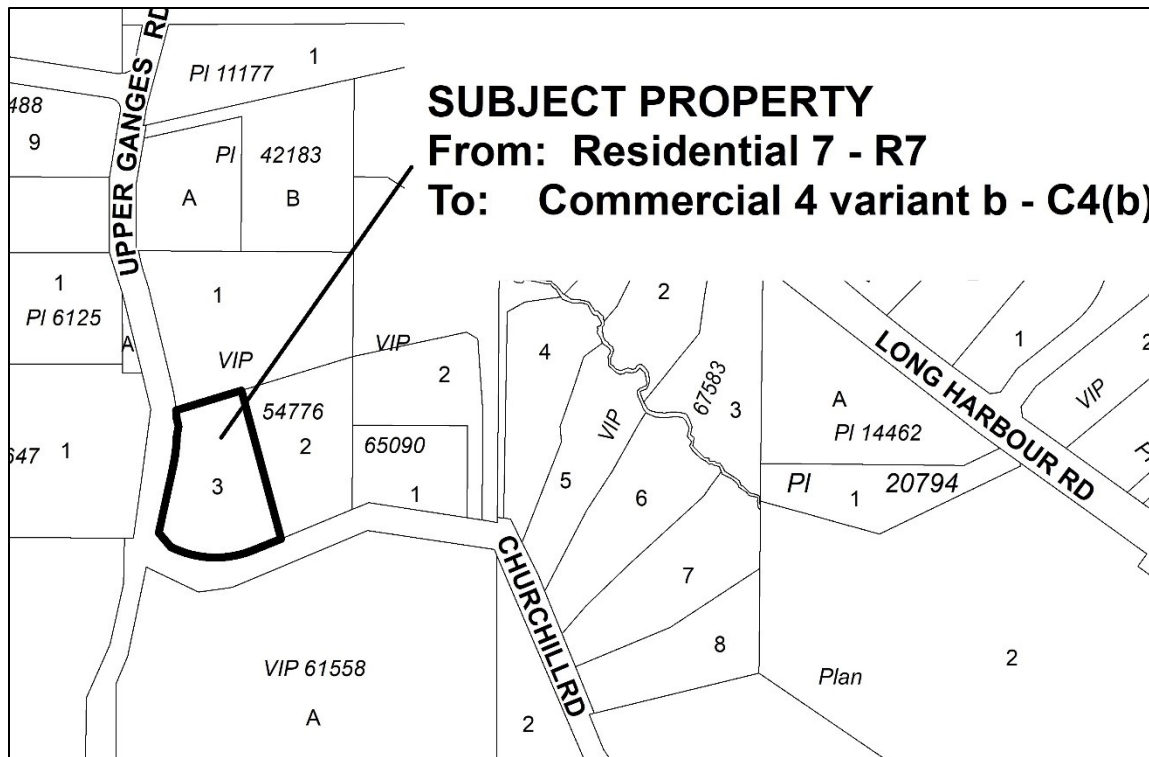
 _____ DAY OF _____ 20_____

ADOPTED THIS _____ DAY OF _____ 20_____

Chair

Secretary

SUBJECT PROPERTY
From: Residential 7 - R7
To: Commercial 4 variant b - C4(b)





DATE OF MEETING: September 27, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima
SUBJECT: Flexible Housing

PURPOSE

The purpose of this memo is:

- To address questions Trustees had related to accommodating tiny homes on wheels in regulations supporting maximum distributed density.
- To identify, on a map, the proposed area for the distributed density pilot.

Tiny Homes on Wheels:

Past staff reports related to this project have suggested that tiny homes on wheels be addressed the same as recreational vehicles: that vehicles not be included as part of a distributed density scenario.

BC Housing defines Tiny House as “a ground-oriented permanent dwelling that is detached, moveable and non-motorized, small in size (less than 500 square feet) and using a compact design”. As per the BC Building Code, a Tiny House is required to follow Part 9 requirements of the building code which apply to buildings that are three storeys or less, and do not exceed 600 m². The Building Code does not apply to Tiny Homes on Wheels. Given this, there is no inspection regime and thus no building permit process to review applications related to Tiny Homes on Wheels.

After reviewing in detail BC Housing’s guide to Tiny Homes “[Tiny Homes - An Alternative to Conventional Housing](#)” it is clear that in order to ensure that all dwellings meet verifiable health and safety standards Tiny Homes on Wheels would need to adhere to Canadian Standard Association (CSA) Standards for RVs. As indicated in Figure 1, Tiny Homes on Wheels are currently not covered under any industry-accepted standard independent of those created to regulate RVs and Park Model homes.

If a Tiny Home on Wheels adheres to the CSA Standard it would be difficult for the LTC to differentiate between what would be considered an RV and what would be considered a Tiny Home on Wheels. To avoid challenges with bylaw administration and enforcement, all homes on wheels would have to conform to LUB regulations for RVs.

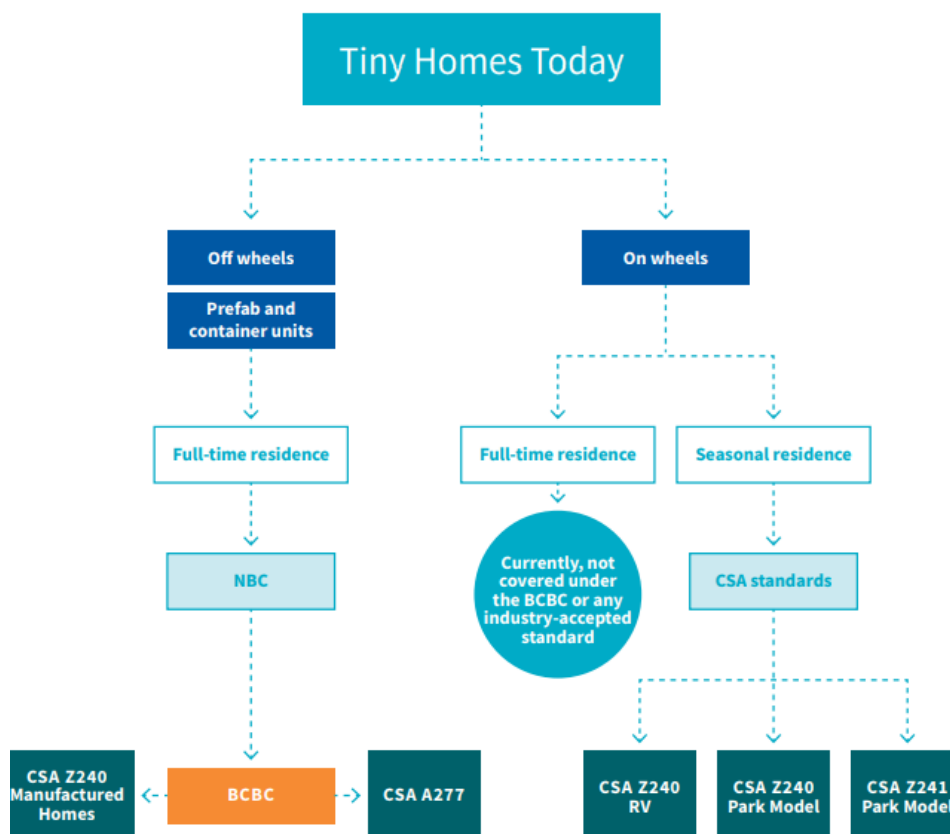
If the LTC chooses to include RVs as part of a distributed density scenario the following existing regulation would apply:

3.9 Use of Recreational Vehicles

(1) The use of a recreational vehicle as a dwelling or cottage is permitted on a lot in the SR, MBRC, RR1, R, UP and A zones, subject to:

- (a) the connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the Public Health Act;
- (b) the provision of a domestic water supply; and
- (c) compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages

Figure 1: Tiny Homes Today: Codes and Standards that Currently Exist and Areas to Focus on with Future Codes and Standards



Graphic is from BC Housing's [Tiny Homes - An Alternative to Conventional Housing](#) . NBC (National Building Code), CSA (Canadian Standards Association), BCBC (British Columbia Building Corporation).

Flexible Housing Regulation Pilot Area

In previous staff reports it has been proposed that the flexible housing regulation be piloted in an area outside the water service areas and not in areas identified to be critical or potentially critical with respect to groundwater

vulnerability. The applicable area can be expanded over time as a result of additional work related to groundwater vulnerability, more detailed engagement with water service providers, and other processes.

At the July 2021 LTC meeting the LTC requested a map of the proposed pilot area. The map of the proposed pilot area is shaded on the map below (Map 1). The cross hatching identifies vacant lots. The full map of Mayne islands with the proposed pilot area is located in Appendix 1.

Map 1 : Proposed Flexible Housing Pilot Project Area



NEXT STEPS

- Staff will draft bylaws based on Trustee input.

Submitted By:	Narissa Chadwick, RPP Island Planner	September 14, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	September 16, 2021

ATTACHMENTS

1. Pilot Project Area

Appendix 1: Flexible Housing Pilot Project Area

Shading = proposed area

Crosshatch = vacant lots



DATE OF MEETING: September 27, 2021
TO: Mayne Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Report subject: OCP and LUB Minor Amendments

RECOMMENDATION

1. That the Mayne Island Local Trust Committee add to the OCP and LUB Minor Amendments project the rezoning of the Mayne Island Brewery to allow for what is currently contained in the TUP issued in 2020 (MA-TUP-2020.1).

REPORT SUMMARY

The purpose of this Memo is to identify an additional consideration for the LUB and OCP Minor Amendments project and provide an opportunity for the LTC to identify any additional interests.

BACKGROUND

The list of previously identified items to be addressed through the LUB and OCP Minor Amendments project are as follows:

- The removal of the Parks Master Plan from the OCP.
- The rezoning of the property adjacent to the Thrift Store.
- Changes in zoning of Felix Jack park to prohibit construction of any kind.
- The inclusion of an acknowledgement of First Nations in the OCP.
- Restrict commercial uses on Lot 10, Section 8, Mayne Island, Cowichan District, Plan 15263 594 Fernhill Road to indoor only.
- Introduction of an amendment that would permit a maximum residential density on large remainder parcels not to exceed the maximum number of lots allowed by any s.219 covenants granted to the local trust committee and registered on title.
- Election signs
- Definition of patio

ANALYSIS

Staff recommend that the Mayne Island Brewery property be rezoned to permanently allow the uses identified in MA-TUP-2020.1 (attached). These uses include: an indoor tasting room larger than what is supported through home business regulations (26m²) and an outdoor seating area for brewery sampling.

The property owners have indicated that they may request further minor amendments including the addition of more storage space and reconfiguration of the outdoor space. The LTC would have the opportunity to consider these requests as the OCP and LUB minor amendment project progresses.

Rationale for Recommendation

After a year of operating their outdoor tasting area there have been no complaints from neighbours or the community. The Brewery has become a popular destination for locals and visitors to the Island. Islands Trust staff have visited the property on a number of occasions and found the operation effectively adhering to the TUP requirements.

ALTERNATIVES

1. Don't add to the OCP and LUB Minor Amendments project

The LTC may decide not to add the Mayne Island Brewery rezoning to the OCP and LUB Minor Amendments project. No resolution needed.

2. Add additional items to the OCP and LUB Minor Amendments project

The LTC may decide to add additional items to the OCP and LUB Minor Amendments project.

That the Mayne Island Local Trust Committee add to the OCP and LUB Minor Amendments project....

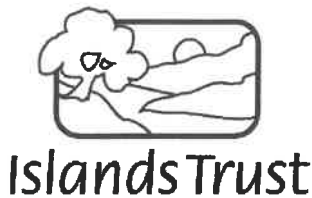
NEXT STEPS

- Staff will proceed with amendments to the OCP and LUB.

Submitted By:	Narissa Chadwick, RPP Island Planner	September 15, 2021
Concurrence:	Robert Kojima Regional Planning Manager	September 16, 2021

ATTACHMENTS

1. MA-TUP-2020.1



**MAYNE ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT (TUP)
MA-TUP-2020.1 (Garratt and Witterman)
490 Fernhill Road**

To: Michael Garratt and Annette Witterman

1. This Permit applies to the land described below:

Lot 1, Section 12, Mayne Island, Cowichan District, Plan 29702 (PID 001-372-661)

2. This permit is issued for the purpose of allowing the property owners to conduct the following uses on the subject property:

- a) An interior brewery product sampling area of up to 26m² (from 15m² permitted for a home business).
- b) Outdoor seating area for brewery product sampling.

3. The uses permitted in Section 2 may only be carried out subject to the following conditions:

- a) The uses must be within the TUP Area shown on Schedule A, attached to and forming part of this permit.
- b) Total seating for sampling area guests (inside + outside) is limited to a maximum of 36.
- c) Outdoor seating may consist of picnic tables and barrels with stool seating.
- d) Tables are sited a minimum of 2m apart to adhere to Covid-19 protocol while public health orders are in place.
- e) Sampling is limited to product produced on site as part of the home occupation.
- f) 1 parking stall per every 3 seats is provided (as per Mayne Island Land Use Bylaw No. 146, 2008 -7.4 (1)).

4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.

5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Mayne Island Land Use Bylaw No. 146, 2008", and for regulatory compliance and requirement to obtain other approvals necessary for the proposed uses with other authorities including the Provincial Ministry of Environment, Liquor Distribution Branch, Ministry of Transportation and Infrastructure, Capital Regional District, or Island Health.

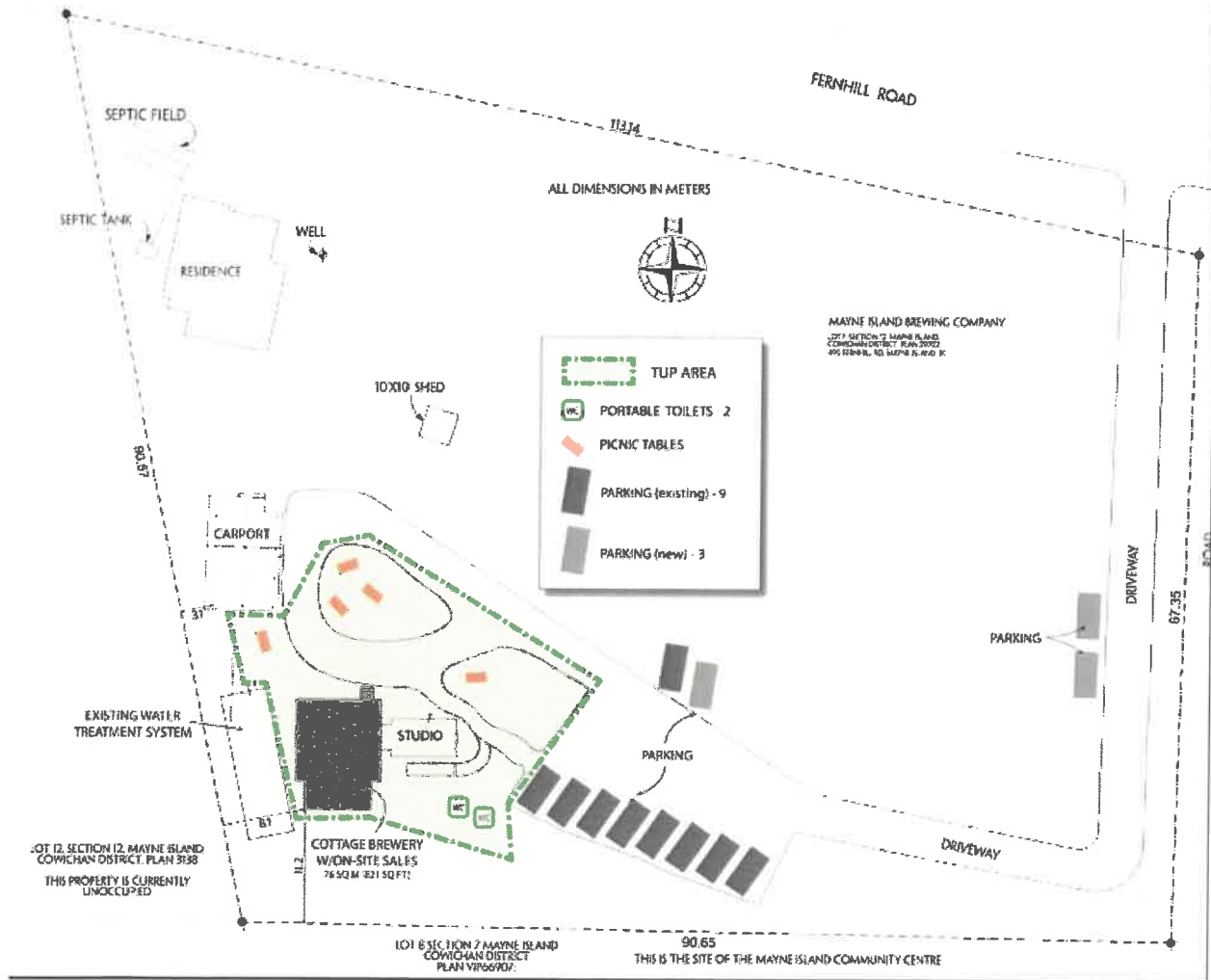
AUTHORIZING RESOLUTION PASSED BY THE MAYNE ISLAND LOCAL TRUST COMMITTEE THIS 18TH DAY OF JUNE, 2020.


Deputy Secretary, Islands Trust

June 19, 2020
Date Issued

MAYNE ISLAND LOCAL TRUST COMMITTEE
MA-TUP-2020.1 (Garratt and Witteman)
490 Fernhill Road

SCHEDULE 'A'



I hereby certify this to be Schedule A which is
attached to and forms part of Temporary
Commercial and Industrial Use Permit
No. MA-TUP-2020.1.

J. Chouk
Signature of Islands Trust Official

June 19, 2020
Date of Issuance

Top Priorities Report

Mayne Island

1. Flexible Housing Regulations and Policy Review

Responsible

Dates

Narrisa Chadwick

Rec'd: 26-Nov-2018

Initial staff report prepared for Oct 28, 2019 LTC meeting

Further staff report prepared for January 27, 2020 LTC Meeting

Report brought back to July 27, 2020 LTC meeting

Report prepared for September 28, 2020 LTC meeting

Report prepared for October 26, 2020 LTC meeting

Special meeting to be scheduled for January.

Special meeting held January 18, 2021.

Additional special meetings to be scheduled for March and April 2021.

Three special meetings have been completed.

Staff to provide report to June 21, 2021 meeting.

Addition proposed at Sept 27, 2021 meeting.

2. OCP and LUB Minor Amendments

Responsible

Dates

Narrisa Chadwick

Rec'd: 29-Mar-2021

Target: 30-Sep-2022

To include: Felix Jack Park, removal of Parks Plan, rezoning for Agricultural Association new building purchase, addressing maximum density on lots that have covenants restricting further subdivision, First Nations acknowledgement.

Staff report including list of proposed amendments presented to May 10, 2021 LTC Meeting.

Patios and Signs added to list of amendments. Project Charter developed.

Top Priorities Report

Mayne Island

3. *Groundwater Sustainability Project*

Responsible

Dates

LTC to wait to see what comes out of Galiano and North Pender Projects.

Narrisa Chadwick
William Shulba

Rec'd: 27-May-2019
Target: 31-Mar-2021

Projects Report

Mayne Island

1. *Climate Change Adaptation*

Responsible

Date Received

Consider regulatory changes and implementation of new DPA authority

02-Mar-2009

2. *Waste Management*

Responsible

Date Received

31-Oct-2017

3. *Fallow Deer*

Responsible

Date Received

26-Mar-2018

4. *Cannabis Production - Regulating structures*

Responsible

Date Received

24-Sep-2018

5. *Review of Contractors Yards*

Responsible

Date Received

27-May-2019

6. *Paved surfaces and patios.*

Responsible

Date Received

28-Sep-2020

Projects Report

Mayne Island

7. *Groundwater Implementation*

Responsible

Date Received

Will wait until Galiano has gone through their process.

30-Nov-2020

**Applications****Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.1	IRVING, ROBERT / IRVING PITCHER ARCHITECTS LTD	25-Feb-2021	511 Bayview Drive - Application for siting of a gazebo and hot tub in a setback

Planner: Phil Testemale**Planning Status****Status Date:** 16-Sep-2021

September 27th agenda for consideration

Status Date: 08-Sep-2021

APC reviewed application

Status Date: 21-Jul-2021

Planner sent memo package to APC Chair; created Referrals folder in EDM and saved pkg. - SR

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.4	Deborah Strong	17-Jun-2021	763 STEWARD DR - DVP to retain an existing small tool shed that is sited within the setback areas of the lot.

Planner: Phil Testemale**Planning Status****Status Date:** 16-Sep-2021

September 27, 2021 Agenda for consideration.

Status Date: 06-Sep-2021

Notification completed and sent.

Status Date: 06-Jul-2021

Site visit conducted.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.5	Bruce Hollingshead	29-Jun-2021	183 MARINERS WAY - Application for a variance for siting of replacement existing boat shed with a larger one in a setback

Planner: Narrisa Chadwick

Planning Status

Status Date: 12-Aug-2021

staff visited property and spoke with applicant

Status Date: 28-Jul-2021

updated elevation drawings received, assigned by RPM to Narissa, Payment receipt letter sent to applicant - DL

Status Date: 15-Jul-2021

Applicant emailed rationale, awaiting proper elevation drawings. - DL

File Number	Applicant Name	Date Received	Purpose
MA-DVP-2021.7	Dale Puskas/CRD	13-Jul-2021	Anson Road - application for a variance to setback from natural boundary

Planner: Phil Testemale

Planning Status

Status Date: 16-Sep-2021

October 25 Agenda for consideration.

Status Date: 05-Aug-2021

Applicant inquired fr Planner re payment, emailed fee amt & payment info to Applicant. - SRialp

Status Date: 26-Jul-2021

files received, EDM folder created, reviewed by RPM, assigned to Phil - DL

**Applications****Rezoning**

File Number	Applicant Name	Date Received	Purpose
MA-RZ-2020.1	Mayne Island Housing Society	17-Jun-2020	375 Village Bay Road - Mayne Island Housing Society applying for a rezoning to allow for subdivision into two residential parcels and one multi-family development

Planner: Narrisa Chadwick

Planning Status

Status Date: 08-Sep-2021

Draft Housing Agreement reviewed by MIHS, comments send to Lawyer to review

Status Date: 09-Jul-2021

Information related to Covenant drafting sent to lawyer

Status Date: 21-Jun-2021

Draft Bylaws updated and presented to LTC for First Reading.

Subdivision

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2018.1	Brent Mayenburg (Maude)	09-Apr-2018	Referral of a subdivision for 3 lots

Planner: Narrisa Chadwick

Planning Status

Status Date: 22-Apr-2020

Extension of the PLA has been requested

Status Date: 18-Sep-2019

Waiting for applicant to work through PLA conditions.

Status Date: 16-May-2019

PLA received from MoTI April 25, 2019.

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
MA-SUB-2020.1	Arbutus Bay Estates Ltd.	04-Jun-2020	797 Beechwood Drive - Subdivision referral application review for two lots.
Planner: Phil Testemale			
Planning Status			
Status Date: 18-Sep-2020			
Letter (August 31, 2020) to LTC req. waiving of req. for survey for DP on September 28, 2020 agenda.			
Status Date: 13-Aug-2020			
PLRS was received from MoTI Officer, Owen Page. Completion of PR pending receipt of info from applicant.			
Status Date: 11-Aug-2020			
Applicant is waiting for PLA prior to applying for DVP (required survey)			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
MA-TUP-2021.3	HaQ, FARHEEN	07-Apr-2021	752 Seaview Road - A temporary Use Permit for a short term vacation rental.
Planner: Phil Testemale			
Planning Status			
Status Date: 16-Sep-2021			
September 27 agenda for consideration			
Status Date: 08-Sep-2021			
APC reviewed application/recommendations on September 8			
Status Date: 21-Jul-2021			
Planner sent memo package to APC Chair; created Referrals folder in EDM and saved pkg. - SR			

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending July 2021

645 Mayne	Invoices posted to Month ending July 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-645	LTC "Trustee Expenses"	320.00	0.00	320.00
LTC Local				
65200-645	LTC - Local Exp - LTC Meeting Expenses	1,301.00	728.84	572.16
65210-645	LTC - Local Exp - APC Meeting Expenses	370.00	0.00	370.00
65220-645	LTC - Local Exp - Communications	250.00	414.00	-164.00
65230-645	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,215.00</u>	<u>1,142.84</u>	<u>1,072.16</u>
Projects				
73001-645-2005	Mayne OCP/LUB	2,000.00	0.00	2,000.00
73001-645-4100	Mayne Island Housing	2,500.00	153.75	2,346.25
TOTAL Project Expenses		<u>4,500.00</u>	<u>153.75</u>	<u>4,346.25</u>

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2021-011 (Standing)	Carried	25-Jan-2021
that the Mayne Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be re-appointed and also advertise for expressions of interest for new commissioners		
2020-022 (Standing)	Carried	24-Feb-2020
that the Mayne Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:		
a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;		
b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;		
c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;		
d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;		
e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2018-049 (Standing)	Carried	24-Sep-2018
- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee		



Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2017-028 (Standing) That the Mayne Island Local Trust Committee adopts the following resolution in regards to Bylaw Enforcement of Unlawful Short Term Vacation Rentals (USTVR): a) Given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Unlawful Short Term Vacation Rentals that have one or more of the following characteristics will be subject to proactive enforcement: i) they are advertised on the internet, newspapers or other media; ii) they are not managed by an owner of the USTVR property who lives on Mayne Island; iii) more than one dwelling on the lot is simultaneously made available for USTVR; iv) while the property is used as a USTVR, persons are permitted to stay in tents or trailers; v) there are issues related to health and safety on the property; vi) there is a written complaint by owners or residents of two properties about bona fide serious nuisance issues such as noise or parking congestion related to the USTVR; vii) the owner of the property uses more than one property on Mayne Island as a USTVR. b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017
2017-027 (Standing) That the Mayne Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: 1.1. There is a complaint from an immediate neighbor; or, 1.2. There is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. 2. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Mayne Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	26-Jun-2017
2016-055 (Standing) that the Mayne Island Local Trust Committee direct staff to create a policy to advertise all statutory public notices in the Mayne Liner.	Carried	27-Jun-2016

Standing Resolutions Log

Mayne Island

Resolution Number	Action	Date
2012-000 (Standing)	Carried	01-Feb-2012
That where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Mayne Island Land Use Bylaw 146, 2008 permits public assembly uses, such as halls, recreation facilities or restaurants, and where it can be determined that the organization or applicant have had no issues related to parking or past complaints for the preceding three years, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.		
2011-044 (Standing)	Carried	02-May-2011
that Mayne Island Local Trust Committee direct staff to only include in-camera minutes on agendas where there are other reasons to close the meeting to the public.		



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY AUGUST 24, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Board thanked Donald Clarke for his service as an appointed member of the ITC Board from August 2019 to August 2021. Don Clarke is a member of the Black River First Nation, and has spent over 25 years working in over 50 First Nations communities (throughout Western Canada) in the area of political advising, negotiations, administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, economic and cultural development. His expertise provided important insights to Board decision-making and he will be missed.
- The Minister of Municipal Affairs has reappointed Linda Adams to the ITC Board for a term ending in August 2023. Linda Adams has served on the Board since August 2018. She is an educator, land use planner, local government consultant and the former Chief Administrative Officer (CAO) of Islands Trust. Linda is currently on the faculty of Capilano University's School of Public Administration, where she coordinates a course for Chief Administrative Officers in BC local governments.
- The ITC Board thanked Devin Hentschel for his work as the ITC Conservation Technician. Devin joined ITC as a summer co-op student and assisted the ITC with annual property monitoring, restoration projects and the Species at Risk Program. Devin is returning to study Biology at the University of Victoria.
- The ITC Board thanked Erin Coulson for her work with ITC as a part-time Communications Specialist. Erin assisted with the ITC Annual Report, the Heron Newsletter and with issuing ITC News Releases and she will be missed.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received and approved its audited financial statements. These are available at islandstrust.bc.ca/about-us/accountability/finance/
- The Minister of Municipal Affairs will be posting a notice of position for a vacant seat at the ITC Board. Staff will circulate the notice of position to trustees and the Bowen Island Municipality and will post it to the Islands Trust website at islandstrust.bc.ca/whats-happening/expressions-of-interest/.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board considered land conservation proposals in the in camera portion of its meeting.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board reviewed the Sidney Island Ecological Restoration Project Plan, including the Sidney Island Forest Restoration Strategy and Fallow Deer Eradication on Sidney Island. The Sidney Island Ecological Restoration Project is a joint project with First Nations, Parks Canada, the Province of BC and the Sallia Forest Strata. More information about the project is available at pc.gc.ca/en/agence-agency/bib-lib/rapports-reports/core-2018/ouest-west/ouest-west11
- The ITC Board approved Property Management Fund Guidelines. These guidelines will provide direction for use of the Property Management Fund

5. COMMUNICATIONS AND OUTREACH

- The 2020/2021 Annual Report process has been completed and the final report will be posted to the website at islandstrust.bc.ca/about-us/accountability/annual-report/ shortly.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- There were no updates regarding fundraising and conservancy support, but those interested in donating to ongoing Conservancy campaigns can find information at islandstrust.bc.ca/conservancy/current-campaigns/
- Islands Trust Conservancy is now participating in the Willpower campaign. Information about gifts in your will can be found at willpower.ca/charities/islands-trust-conservancy/

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** September 27, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** September 15, 2021

SUBJECT: New Fee Bylaws

RECOMMENDATION:

That the Mayne Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

DIRECTOR COMMENTS:

The recommendation will allow staff to draft a fee bylaw specific to each local trust committee’s needs based on the model fee bylaw adopted by Trust Council.

1 PURPOSE: To update all local trust committee fee bylaws to be consistent with the new Application Processing Services policy.

2 BACKGROUND:

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. Trust Council also passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 “Application Processing Services”.

The Trust Council application processing services policy has been amended to:

1. clarify more specifically the activities covered by the application fee to remove ambiguity;
2. remove the need for planners to determine the work required at the start of the process, which has been identified as practically impossible to implement;
3. establish an objective of 80 per cent of the average processing cost for cost recovery;
4. add more clarity around when cost recovery agreements are required, and what are considered extraordinary cost charges; and
5. add a model fees bylaw to the policy as an attachment.

A new model fees bylaw has been developed that:

1. has updated fees that better reflect the actual average cost of processing the various types of applications, designed to include the staff costs and the fixed costs, such as meeting expenses and advertising;
2. adds consideration for recovery of costs associated with First Nation site visits if required;
3. adds more robust fee refund policy to improve fairness;
4. adds an annual automatic increase of fees of two percent to reflect the estimated actual cost increases due to inflation and collective agreement increases for staff;
5. retains ability of local trust committees to reduce fees by up to 20 percent, intended to allow flexibility recognizing local factors affecting cost of application processing;
6. adds flexibility to allow for reduced temporary use permits fees for community benefits as defined by the local trust committee in its official community plan; and
7. adds a 20 per cent higher fee for applications where development began without a permit or permission to reflect the higher cost of processing such an application.

Each local trust committee has been asked by Trust Council to update its fee bylaw to be consistent with the model fee bylaw approved by Trust Council. If a local trust committee wishes to adjust fees in accordance with items 5 and 6 above, the local trust committee should include this request in the resolution to develop a draft fee bylaw. While a local trust committee is under no legislative obligation to amend its fees bylaw, Trust Council has developed the model fee bylaw to assist in assuring the fees charged better reflect the cost of processing applications using shared resources throughout the Islands Trust Area.

Please note that fees charged are to recover the average cost of processing that type of application. Fees cannot be used to be punitive, or to raises funds above the average cost of processing an application. Local trust committees cannot charge fees for building permit referrals or Crown land referrals as there is no authority provided to do so.

Local trust committees are authorized to charge fees for different types of applications as follows:

- **Section 462 of the *Local Government Act*** provides that a local government may, by bylaw, impose fees related to applications and inspections to recover the average costs of processing official community plan amendments, land use bylaw amendments, subdivisions bylaw amendments, heritage conservation bylaw amendments, issuance of a development permit, development variance permit, temporary use permit, heritage alteration permit, land use contract amendments, heritage revitalisation agreement amendments, board of variance orders, and inspection of works and services related to applications and permits, and subdivision applications;
- **Section 31(2)(b) of the *Islands Trust Act*** provides that a local trust committee may impose fees to recover the cost of processing siting and use permits;
- **Section 41 of the *Liquor Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing liquor and liquor licensing referrals; and
- **Section 35 of the *Cannabis Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing a referral for a license under that Act.

Section 462 of the *Local Government Act* also states that local governments must not impose a fee, charge a tax or require works or services to be provided unless authorized by this Act or any other Act. For this reason, fees are not charged for processing of building permit and Crown land referrals, as there is no authorization in any Act for local trust committees to recover these costs.

Fee bylaws are administrative bylaws. There is no requirement for public input. The local trust committee may consider first, second and third readings all at one meeting. The Executive Committee must approve the bylaw before the local trust committee can consider adoption.

Ideally, all local trust committees will have considered updating their bylaws by March 2022 so that the assumptions on revenue can be included in the next fiscal year budget process.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Staff will draft a fee bylaw based on the model fee bylaw and bring back to a future local trust committee meeting for consideration.

FINANCIAL:

No financial implication from the recommendation.

POLICY:

Updating the Fee bylaw will be consistent with Trust Council Policy 5.6.1 Application Processing Services.

IMPLEMENTATION/COMMUNICATIONS:

Local planning staff assigned to the local trust committee will draft fee bylaw for local trust committee consideration.

FIRST NATIONS:

No First Nations implications from the recommendations.

OTHER:

No other implications from the recommendations.

4 RELEVANT POLICY(S):

Trust Council Policy 5.6.1 Application Servicing Process

5 ATTACHMENT(S):

Trust Council Policy 5.6.1 Application Processing Services

RESPONSE OPTIONS

Recommendation:

That the Mayne Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

Alternative:

That the Mayne Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services" with the following modifications: [list modifications].

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Julia Mobbs, Director, Administrative Services/August, 2021



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	June 9, 2021 Repeals policies 5.6.1, 5.6.2 and 5.6.3
Amendment Dates:	
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES POLICY

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
- 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
- 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
- 3. Costs:
 - 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
 - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
 - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
- 4. Community Benefit:
 - 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
 - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
 - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
 - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

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

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A THIRD TIME this st day of , 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this th day of , 20

ADOPTED this th day of , 20

Chair

Deputy Secretary