



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: September 24, 2021
Time: 10:45 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

		Pages
1.	CALL TO ORDER	10:45 AM - 10:45 AM
2.	APPROVAL OF AGENDA	10:45 AM - 10:50 AM
3.	TRUSTEE REPORT	10:50 AM - 11:00 AM
4.	CHAIR'S REPORT	11:00 AM - 11:05 AM
5.	TOWN HALL AND QUESTIONS	11:05 AM - 11:20 AM
6.	COMMUNITY INFORMATION MEETING	
	None	
7.	PUBLIC HEARING	
	None	
8.	MINUTES	11:20 AM - 11:30 AM
8.1.	Local Trust Committee Minutes Dated July 9, 2021 (for Adoption)	3 - 7
8.2.	Local Trust Committee Special Meeting Minutes Dated August 21, 2021 (for Adoption)	8 - 11
8.3.	Section 26 Resolutions-without-meeting Dated Sept 2021	12 - 12
8.4.	Advisory Planning Commission Minutes Dated July 16, 2021 (for Receipt)	13 - 15
9.	BUSINESS ARISING FROM THE MINUTES	
9.1.	Follow-up Action List Dated Sept 2021	16 - 16
10.	DELEGATIONS	

11.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	
12.	APPLICATIONS AND REFERRALS	11:30 AM - 11:40 AM
12.1.	Trust Council Policy Statement Bylaw No. 183 Referral (for response) (attached)	17 - 59
13.	LOCAL TRUST COMMITTEE PROJECTS	11:40 AM - 1:00 PM
13.1.	Coastal Review Project – Staff Report (attached)	60 - 68
13.2.	Minor OCP Amendments Project – Staff Report (attached)	69 - 78
13.3.	LUB Amendments Project – Staff Report (attached)	79 - 88
14.	REPORTS	1:00 PM - 1:10 PM
14.1.	Work Program Reports (attached)	
14.1.1.	<u>Top Priorities Report Dated Sept 2021</u>	89 - 89
14.1.2.	<u>Projects List Report Dated Sept 2021</u>	90 - 90
14.2.	Applications Report Dated Sept 2021 (attached)	91 - 91
14.3.	Trustee and Local Expense Report Dated June 2021 (attached)	92 - 92
14.4.	Adopted Policies and Standing Resolutions (attached)	93 - 94
14.5.	Local Trust Committee Webpage	
14.6.	Islands Trust Conservancy Report Dated August 2021 (attached)	95 - 96
15.	NEW BUSINESS	1:10 PM - 1:20 PM
15.1.	New Fee Bylaw - Request for Decision (attached)	97 - 113
16.	UPCOMING MEETINGS	
16.1.	Next Regular Meeting Scheduled for November 5, 2021 at the South Pender Fire Hall, Pender Island	
17.	TOWN HALL	1:20 PM - 1:35 PM
18.	CLOSED MEETING	
	None	
19.	ADJOURNMENT	1:35 PM - 1:35 PM

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: July 9, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: Laura Patrick, Chair
Steve Wright, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Maple Hung, Planning Team Assistant (Host)
Sheree Rialp, Recorder

Public: There were approximately three (3) attendees at the webinar.

Regrets: Cameron Thorn, Local Trustee

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:30 a.m. She acknowledged the honour of meeting in the traditional territory of the Coast Salish First Nations. She also stated the importance in considering the *Final Report of the Truth and Reconciliation Commission (TRC) of Canada* and its 94 *Calls to Action* in light of recent news of mass graves found in the Indian Residential School grounds, the trauma caused by these discoveries, and learning about the historical legacy of the residential school system.

2. RISE AND REPORT – In-Camera Meeting May 7, 2021

There was general consent that the Chair Rise and Report that Richard Friesen had been removed, by resolution, from the South Pender Island Advisory Planning Commission.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Wright touched on the review of the Islands Trust Policy Statement (TPS) and future Community Information Meetings, possibly in coordination with the North Pender Island Trustees, to discuss the process and progress of the review.

5. CHAIR'S REPORT

Chair Patrick noted the Town Hall Meeting held on July 7 and the essential value of hearing from the Pender Island community, as well as several future opportunities on the local and federal level for residents to voice their opinions and contribute to the review.

6. TOWN HALL AND QUESTIONS

Bruce McConchie voiced concern that not all trustees were present today. He commented on the discussion at the Trust Council meeting yesterday regarding consideration of the First Reading of the TPS, and the importance of not rushing to action on the agenda item. He also commented on the Staff Report concerning size and lot coverage, technical analysis, the consultation process, and the definition of “stairway”.

Gordie Duncan expressed the need to clarify the Schedule B map on the South Pender website, as the new marine designation for docks appears to be missing. He also requested clarification on building and siting guidelines as a schedule to the Official Community Plan (OCP) and their enforceability.

Trustee Wright clarified that building and siting guidelines are not enforceable but are used to encourage consideration of neighbours’ properties when making decisions around construction.

Planner Stockdill added that there are two Schedule Bs, one attached to the OCP indicating land designations, and the other attached to the Land Use Bylaw (LUB) indicating zoning parameters that are enforceable.

RPM Kojima further explained that the OCP is a policy document that guides the decisions of the local government (i.e., the Local Trust Committee) in formulating LUB’s.

Jane Perch commented on the process and a lack of consultation regarding the TPS, citing a concern for LTC members to address these issues during their term. She suggested focussing first on Community Information Meetings and more discussion and involvement of the Island residents in the process before proceeding with the First Reading, noting that the LTC bylaws are as equally important for them as the TPS. She also requested mailouts because of problems Island residents have accessing the Internet.

Trustee Wright stated that LTC members are very intent in involving the community, the first step in the process being to refer the TPS to the Advisory Planning Commission (APC) for approval before presenting it to the public.

Audrey Green inquired if the recently vacated APC position would be filled before the coming July 16 meeting.

Trustee Wright replied that Shelley Henshaw has been appointed as a member of the APC and the notification has been sent to her this day.

7. COMMUNITY INFORMATION MEETING – None

8. PUBLIC HEARING – None

9. MINUTES

9.1 Local Trust Committee Minutes Dated May 7, 2021 (for Adoption)

By general consent, the Local Trust Committee meeting minutes of May 7, 2021 were adopted as presented.

9.2 Section 26 Resolutions-Without-Meeting Dated June 2021

Received for information.

9.3 Advisory Planning Commission Minutes Dated June 17, 2021

Received for information.

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated June 2021

Received for information.

11. DELEGATIONS

None

12. CORRESPONDENCE

Correspondence received concerning current applications or projects are posted on the LTC webpage.

13. APPLICATIONS AND REFERRALS

None

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Land Use Bylaw Amendments Project – Staff Report

Planner Stockdill gave a summary of her Staff Report and discussed feedback from the Trustees.

14.2 Minor Official Community Plan Amendments Project – Staff Report

Planner Stockdill gave an overview of her Staff Report and discussed the various items in the report with the Trustees.

15. REPORTS

15.1 Work Program Reports

15.1.1 Top Priorities Report Dated June 2021

No discussion

15.1.2 Projects List Report Dated June 2021

No discussion

15.2 Applications Report Dated June 2021

Planner Stockdill informed the Trustees that an Agricultural Land Commission (ALC) application for a subdivision in the ALR was submitted. This was confirmed by RPM Kojima, who stated that the LTC's role is to review the application and forward it to the ALC if approved.

15.3 Trustee and Local Expense Report – None

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage – None

15.6 Islands Trust Conservancy Report Dated May 25, 2021

Received for information.

16. NEW BUSINESS

None

17. UPCOMING MEETINGS

17.1 Next Regular Business Meeting Scheduled for September 3, 2021, Location: TBD

18. TOWN HALL

None

19. CLOSED MEETING – None

20. ADJOURNMENT

Trustee Wright expressed his appreciation for PTA Hung, who is leaving on a one-year temporary assignment in another Ministry, for all her work at Islands Trust.

By general consent, the meeting was adjourned at 11:37 a.m.

Laura Patrick, Chair

Certified Correct:

Sheree Rialp, Recorder



South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: August 21, 2021
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Steve Wright, Local Trustee/Acting Chair
Cameron Thorn, Local Trustee

Staff Present: Shannon Brayford, Recorder

Regrets: Laura Patrick, Chair

Public: There were approximately 27 members of the public.

1. CALL TO ORDER

Trustee Wright noted that Chair Patrick sent her regrets.

By general consent, it was agreed that Trustee Wright would serve as Chair.

Chair Wright called the meeting to order at 11:00 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Chair Wright provided an overview of the current projects of the South Pender Local Trust Committee (LTC), including the work of the Advisory Planning Commission (APC) and community working groups. The LTC provided an overview of the purpose of the meeting and outlined the expectations of fulsome conversation.

A discussion of the proposed agenda was held, including the rationale for not including the Trust Policy statement in the agenda.

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Community Information Meeting – To discuss the South Pender Island Local Trust Committee’s Top Priority Projects and the draft Islands Trust Policy Statement

3.1.a Building and Siting Design Guidelines

Trustee Thorn provided an overview for the rationale of considering the development of Building and Siting Design Guidelines which would apply when property owners seek approval of a variance.

Members of the community requested further information and discussions were held regarding the following topics:

- Rationale of giving the guidelines bylaw status.
- Which authorities would be charged with developing the guidelines.
- Purpose of the document in influencing, without obligation, new builds.
- Future community consultation, including involvement of the APC, prior to adoption.
- Opportunities to change the bylaws to ensure that they are in line with the principals of the Official Community Plan (OCP).

3.1.b Setbacks

Members of the community requested further information and discussions were held regarding the following topics:

- Consideration of amending side setbacks to increase privacy.
- Additional considerations that will be unique to each property.
- Community concerns that amending setbacks would result in legal non-conforming structures. Discussion included reporting that legal opinion had been received to confirm that buildings can be reconstructed in original footprint even if fully destroyed by fire. It was further noted that legal conforming should not impact insurance, but could impact construction of an addition.
- Recommendations for alternative setback regulations including maintaining the current setback for accessory buildings and using a percentage ratio for main residence setbacks.

3.1.c Floor Area of Residences

Members of the community requested further information and discussions were held regarding the following topics:

- Consideration of an alternative to rendering properties “legal non-conforming” by including a schedule to the Land Use Bylaw (LUB) that identifies each specific house and recognize it as being permitted under the LUB.

- A discussion of the history of regulating floor area maximums on South Pender Island.
- Risk that insurance companies will only cover cost of rebuilding up to a conforming size and not to previous legal non-conforming floor area.
- Recommendation that floor area sizes, setbacks, and other matters be referred to the APC.
- Concerns in the community that large houses and their owners are being judged unfairly.
- Concerns in the community about the impact of further regulating floor area.
- Questions of the validity of the data of average house size and inclusion of smaller residences used prior to building main residence.
- Alternative recommendations for considering house size data such as reviewing the full spread of sizes, considering only those homes built in the last 10 years, and/or taking a weighted average that prioritizes contemporary builds over older buildings.
- Rationale and clarification of how sub terrain space could be considered.
- Community concern that increased regulations will overwhelm the Islands Trust's ability to process applications.
- A discussion of affordable housing was held including opportunities to increase available housing and challenges. Allowing secondary suites was discussed.
- Community concern that regulations can become unreasonable.

Note: A break was held from 12:58 until 1:27. Informal discussions were held during the break.

3.1.d Shoreline Protection

Trustee Wright reported that a community working group meets regularly to discuss opportunities to protect shorelines. He further reported that the Ministry of Transportation and Infrastructure (MOTI) has requested a 50 ft set back from the ocean for all new developments to cope with sea level rise.

Members of the community requested further information and discussions were held regarding the following topics:

- Possibility of creating a Development Permit Area (DPA) for the foreshore and extending 1000 m into the water.
- Rationale for regulating shoreline protection for sea level rise, protection of rural character, and protection of sensitive eco systems.
- Discussion of allowable and prohibited methods for protecting against sea level rise.
- Community concern that regulations would continue to expand to regulate or prevent all tree cutting.
- Recommendation that APC members be consulted during consideration of stair construction regulations in the foreshore

A discussion of communication challenges was held and frustrations with not receiving up-to-date information were voiced.

4. ADJOURNMENT

By general consent the meeting was adjourned at 2:11 pm.

Steve Wright, Acting Chair

Certified Correct:

Shannon Brayford, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2021-009 That the South Pender Island Local Trust Committee request staff to refer the draft Shoreline DPA to the South Pender Island Advisory Planning Commission for comment.	Carried	03-Sep-2021
2021-008 That the South Pender Island Local Trust Committee request staff to schedule a Special Meeting on August 21, 2021 at 11:00 a.m. to discuss the LTC projects and the draft Islands Trust Policy Statement.	Carried	06-Aug-2021
2021-007 THAT the South Pender Island Local Trust Committee reschedule their business meeting from September 3, 2021 to September 24, 2021 in person at the South Pender Fire Hall, starting at 10:45 a.m.	Carried	05-Aug-2021
2021-006 That the South Pender Island Local Trust Committee appoint Shelley Henshaw to the South Pender Island Advisory Planning Commission, commencing immediately for a term ending January 1, 2022.	Carried	09-Jul-2021



DRAFT



South Pender Island Advisory Planning Commission Minutes of a Meeting

Date: Tuesday, July 16, 2021 (3:00 p.m.)

Location: Fire Hall #3
Gowlland Point Road, South Pender Island, BC

Members Present: Donna Spalding, Chair
Rodney Kirkwood
Howard Airey
Shelley Henshaw

Staff Present: None

Regrets: Shannon Brayford, Recorder

Others Present: 7 members of the public

1. CALL TO ORDER

At 3:05 p.m. Chair Donna Spalding called the meeting to order.

Chair Spalding welcomed Shelley Henshaw as a new member of the APC and asked those present to note their names and contact details for the purpose of contact tracing should it be required.

2. APPROVAL OF AGENDA

SP-APC-2021-008

It was Moved and Seconded,

That the South Pender Island Advisory Planning Commission approve the agenda.

CARRIED

3. ADOPTION OF MINUTES

SP-APC-2021-009

That the South Pender Island Advisory Planning Commission adopt the minutes of June 17, 2021 as presented.

CARRIED

4. BUSINESS ITEMS

4.1 Building Design and Siting Guidelines

It was noted that a revised version of the document prepared by Trustee Wright had been circulated to the APC members electronically. A discussion of the matter was held.

- Building Design and Siting Guidelines (BDSG) do not appear to be supported as a viable option for multiple reasons by South Pender property owners; personal choice, budget restrictions, differing individual requirements.
- Current design guidelines are in place for Commercial properties as part of the Development Permit Area. Two Island Trust documents already exist related to building guidance in the Gulf Islands.
- These would only come into effect for the Residential zone if a variance (DVPA) application process was instituted.
- While the intent of the Trustees have indicated BDSG would be voluntary and appended to the OCP, the Staff Report recommends including policy so they could be enforced.
- The discussion prevailed that as policy, they would add extra cost, be heavy handed – unclear who would adjudicate, and difficult, if not impossible, to effect; there are no local producers of building materials on South Pender Island and enforcement would be onerous for such a small jurisdiction.
- It is unfortunate that the guidelines do not address the urban nature of current setbacks in the LUB. More rigorous and sensitive treatment of apparent density on properties would be a straightforward method of maintaining a rural landscape, provide requirements allow sensitivity for the site specific topography and geography of each property.

SP-APC-2021-010

It was Moved and Seconded,

That the following recommendations be provided to the South Pender Island Local Trust Committee:

- Discuss contents of the BDSG in a public forum.
- Prepare an information package of the BDSG for the general public and prospective Stakeholders (Real Estate Agents, Property Owners, Builders); place this on the Islands Trust website.
- Provide clarity and definition on the long term intent of the BDSG as guidelines only.

CARRIED

4.2 RIGHTS OF NATURE

The SPI-APC consider a report by prepared by the Peter A. Allard School of Law (UBC) and felt that though intriguing and interesting, the Rights of Nature discussion is ahead of its time and beyond the jurisdiction of the Islands Trust. There was additional discussion that while it can inform the BDSG, incorporation or attachment to the OCP

could form the basis for a legal challenge to the LUB.

SP-APC-2021-011

It was Moved and Seconded,

That the following recommendations be provided to the South Pender Island Local Trust Committee:

- The Rights of Nature is a matter for Provincial Legislation, following similar initiatives by other provinces and territories and the SPI Local Trust Committee should defer appending reference to the SPI OCP until such Provincial Legislation is enacted.

CARRIED

4.3 SHORELINE STAIRWAYS

The SPI-APC consider current LUB limitations, intent of the proposed change (primarily aesthetic) and issues around safety and structural integrity were debated.

SP-APC-2021-012

It was Moved and Seconded,

Recommended that the SPI LTC defer further any amendments to the SPI LUB until there can be coordination with the current Islands Trust Shoreline Project.

CARRIED

5. NEXT MEETING

A next meeting date was not established.

6. ADJOURNMENT

SP-APC-2021-007

It was Moved and Seconded

That the meeting be adjourned – 4:55 p.m.

CARRIED

Donna Spalding, Chair

Certified Correct:

Donna Spalding, Recorder

Follow Up Action Report

South Pender Island

09-Jul-2021

Activity	Responsibility	Dates	Status
1 Staff to provide September LTC meeting options to the LTC.	Kim Stockdill	Target: 30-Jul-2021	Completed

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 BOĆÉĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəx", Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıx", Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymıx", 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/join/nyXptbv6RWugCwftiQyJmA>

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
BOKÉCEN (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*.

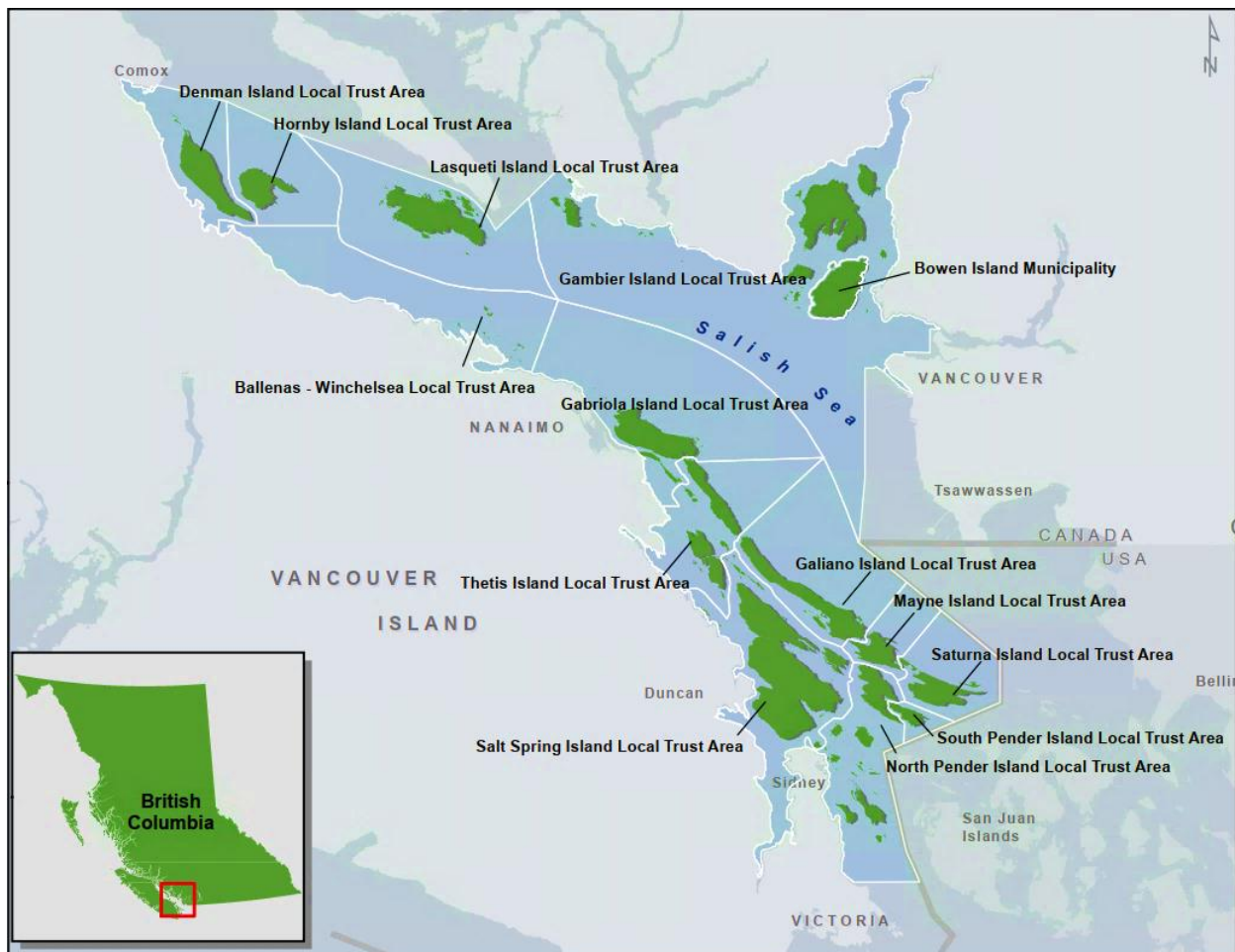
1.5 LOCATION OF THE ISLANDS TRUST AREA

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, səlilwətaʔt, 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)

DATE OF MEETING: September 24, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Coastal Area Review Project – Request for Project Charter

RECOMMENDATION

1. That the South Pender Island Local Trust Committee direct staff to draft a Project Charter.
2. That the South Pender Island Local Trust Committee direct staff to advertise for a Coastal Area Advisory Planning Commission for a two year term to assist with the Coastal Area Review Project.
3. That the South Pender Island Local Trust Committee direct staff to advise the Regional Planning Committee that the LTC intends to undertake policy or regulatory amendments based on recommendation in the Shoreline Protection Model Bylaw Report.

REPORT SUMMARY

To provide the South Pender Island Local Trust Committee (LTC) with options on how to proceed with the Coastal Area Review Project, specifically to discuss the scope of the project, give direction to draft a project charter, and to advertise for a coastal area Advisory Planning Commission.

BACKGROUND

The Coastal Area Review Project was placed as a Top Priority project early this year, and staff have presented one staff memo to the LTC at the [May 7, 2021](#) regular South Pender Island Local Trust Committee (LTC) meeting. The LTC resolved by general consent to keep the project as a top priority and that the project be revisited at a subsequent LTC meeting. To date the project's scope and timeline have yet to be finalized as there is no Project Charter.

Trustee Wright forwarded staff a draft shoreline Development Permit Area (DPA) document based on the Galiano Island Marine & Shoreline DPA (see page 51 of [Galiano LTC Official Community Plan](#)). In August 2021 the South Pender LTC by Resolution without Meeting (RWM) sent the draft DPA to the South Pender Advisory Planning Commission (APC) to provide initial comments and suggestions for the document. At the time of writing this report, comments from the APC were not received.

ANALYSIS

There are a number of resources available to the LTC to help determine the objectives and scope of the coastal area project.

Shoreline Projection Model Bylaw Report

As indicated in the Strategic Plan for 2018-2022, the Regional Planning Committee (RPC) commissioned a report to review bylaw regulations related to shoreline protection. The intent was to develop model bylaw language that could be incorporated into LTC's regulatory bylaws. The Shoreline Protection Model Bylaw Report has been presented to the Executive Committee on September 8, 2021 and will be presented at Trust Council with the recommendation to forward the report to LTCs for information and also requesting LTCs to advise the RPC if they intend to undertake policy or regulatory amendments based on recommendations found in the report.

A copy of the Shoreline Protection Model Bylaw report can be found on Page 222 of the [September 8, 2021 Executive Committee agenda](#).

The Shoreline Protection Model Bylaw report provides an overview of relevant provincial coastal area policies and guidelines, Islands Trust/LTC policies and guidelines, and also provide recommendations on how LTCs can address and incorporate coastal area policies and regulations in land use planning. Unfortunately the document does not provide specific Land Use bylaw regulations, nor does it provide a template for a coastal area Development Permit Area.

If the LTC does proceed with the coastal area project, staff have provided a recommendation to notify the Regional Planning Committee.

Other LTC Work

The Thetis Island LTC is in the initial stages of a coastal area review project. Information on the project can be found here: [Thetis LTC – August 3, 2021 agenda](#) (page 14).

The Gambier Island LTC is in the third phase of the Keats Island Shoreline Protection project. The [Keats Discussion Paper](#) is an excellent source of information to help with the scope of the South Pender project. This project is in the final stages and includes a new Shoreline Development Permit Area (DP-3) and amendments for siting regulations in relation to the setback from the natural boundary of the sea, and marine structure regulations. The proposed DPA can be found on Page 25 of the pdf [staff report dated July 22, 2021](#). Further information on the Keats Island Shoreline Project can be found here: <https://islandstrust.bc.ca/island-planning/gambier/projects/>

Community Working Group

Staff are aware a working group has been informally organized to discuss shoreline related topics and to provide comments and recommendations on potential policy and regulatory amendments. Staff recommends formalizing the membership of this working group by establishing a Coastal Area Advisory Planning Commission (APC) for a two year period. Benefits of a special APC are to formalize the working group's role, expectations, and deliverables; APC meetings must follow the [South Pender APC Bylaw No. 98](#), minutes must be taken and must be open to the public; and protection from litigation.

The South Pender APC Bylaw No. 98 allows the South Pender LTC to appoint a special APC that will advise the LTC on matters respecting one or more special projects that are matters respecting land use, community planning, or proposed bylaws and permits pursuant to the *Local Government Act*. The APC bylaw states that not more than five members may be on a commission.

Staff have provided a recommendation to advertise for a Coastal Area APC – see recommendation no. 2. Establishing a Coast Area APC does not at any point limit the LTC’s ability to refer this project to the regular South Pender APC.

Rationale for Recommendation

The next steps are to:

1. Review issues and scope of project.
 - a. Determine themes/topics the LTC would like to address as part of this project.
 - b. Consideration on if the LTC would like to see a full review and analysis of shoreline regulation, policies, and guidelines similar to the Keats Island Discussion Paper; or
 - c. If the LTC has a narrow scope (strictly to adopt DPA guidelines).
 - d. Approximate timeline.
2. Provide direction to staff to draft a project charter.
3. Establish a Coast Area APC.

Depending on the project’s scope as identified by the LTC, the project may be appropriate for the Regional Planning Team.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that staff report regarding XXX in relation to the Coastal Area Review Project.

2. Refer the project to the APC

If the LTC receives the initial comments back from the South Pender APC but requires further clarification or would like the APC to provide comments on the Shoreline Protection Model Bylaw Report, the following resolution may be used:

That the South Pender Island Local Trust Committee request “staff to refer the Shoreline Protection Model Bylaw Report to the South Pender Island Advisory Planning Committee for comment.”/“the South Pender Advisory Planning Commission provide further clarification regarding XXX.”

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

4. Receive for information

The LTC may receive the report for information

NEXT STEPS

Staff will move forward with drafting a Project Charter for the Coastal Area project and advertise for a special coastal area APC.

Submitted By:	Kim Stockdill, Island Planner	September 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	September 16, 2021

ATTACHMENTS

1. Draft Shoreline DPA (provided by Trustee Wright)

Shorelines play an important role in maintaining the ecology and natural character of the rural and marine environments but may be at risk due to adverse impacts from the anticipated effects of climate change, development, and erosion in some locations. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk
5. To protect development from hazardous conditions resulting from shoreline erosion.
6. To ensure the character of development is compatible with the rural environment and minimizes impact to the aquatic environment.

Exemptions:

The following activities are exempt from any requirement for a development permit:

- a) Emergency actions required to prevent, control or reduce an immediate threat to human life, property, or the natural environment.
- b) The placement of impermanent structures such as benches, and tables.
- c) Development on land that is subject to a conservation covenant under section 219(4) of the Land Title Act in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the Land Title Act.
- d) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphaltting or similar surfacing.
- e) Repair, maintenance, alteration or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming, provided there is no alteration of undisturbed land or vegetation (a building permit may still be required).
- f) Removal of invasive plants or noxious weeds on a small scale within the Development Permit Area.
- g) Forest management activities, as defined in the Private Managed Forest Land Regulation, on land classified as managed forest land under the Private Managed Forest Land Act.
- h) Construction of a fence so long as no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;

- i) Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, native vegetation planting and minor soil disturbance that do not alter the general contours of the land.
- j) The pruning or limbing of trees, other than Garry Oak, provided it cannot reasonably be expected to result in the death or removal of the tree.
- k) The construction of a small accessory structure such as a pump house, fence, or access to the foreshore, if all the following apply:
 - The structure is located within an existing landscaped area;
 - No native trees are removed;
 - The structure is located a minimum of 7.5 metres from the natural boundary of sea or, where the bank has a slope greater than 3:1 at any point, 7.5 m from the top of the bank, whichever is further; and
 - The accessory structure does not cover an area greater than 10 m².
- l) The removal of trees that have been examined by an arborist and certified to be unhealthy, damaged, or dying.

General Guidelines:

1. In general, development and clearing of vegetation within 15 M of the shoreline area should be limited and should minimize negative impacts on the ecological health of the immediate area.
2. Shoreline protection from shore erosion should be limited to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland. “Soft” shore protection measures should be considered first, and only if all options to locate and design without the need for “hard” shore protection works are exhausted should such works be considered.

- Shore Protection Measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as ‘hard’ and ‘soft’. ‘Hard’ measures refer to those with solid, hard surfaces, such as rocks, while ‘soft’ structural measures rely on less rigid materials such as biotechnical vegetation measures (biotechnical measures are the specialized use of woody plant materials to stabilize soil), or beach enhancement. There is a range of measures varying from soft to hard that include: • Vegetation enhancement, such as the restoration of native vegetation, • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments.

In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. ‘Hard’ structural shore protection measures (e.g. stacked rock) may be considered when geotechnical and biophysical conditions demonstrate that: a) an existing structure or upland collapse is at immediate risk from shoreline erosion caused by tidal action, currents, or waves, (evidence of normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need), b) the erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage. The geotechnical analysis should evaluate on-site drainage problems and investigate drainage solutions away from the shoreline edge before considering structural shoreline stabilization, c) non-structural measures, such as locating new buildings and structures further from the

shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient to address the stabilization issues, and d) unavoidable damage to shoreline ecological function is mitigated as much as feasible.

3. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

4. New upland structures or additions to existing structures should be located and designed to avoid the need for shore protection works. Sea level rise, storm surges, and other anticipated effects of climate change should be addressed in all applications.

5. All structural shore protection measures should be installed within the property line or upland of the natural boundary of the sea, whichever is further inland. Shore protection measures that are likely to cause erosion or other physical damage to adjacent or down-current properties shall not be supported.

6. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical assessment of the site.

7. Shore protection measures should not be considered for solely the purpose of providing a sufficient setback to meet other land use bylaw requirements.

8. New driveways and sewage disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the development permit may require that the assessment, design and construction of the road or sewage disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met.

9. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken.

10. Shore protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing structures or new outbuildings.

11. Existing shore protection works may be replaced if the existing works can no longer adequately serve their purpose provided that: a) The replacement shore protection works are of the same size and footprint as the existing works, unless required to prevent shoreline erosion as determined by a qualified professional; b) The replacement shore protection works are designed, located, sized, and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible; c) Replacement walls or bulkheads do not encroach seaward of the natural boundary or the seaward limit of the existing shore protection works, and d) Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.

Guidelines for Subdivisions:

All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted development.

Guidelines for Construction Practices:

Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation. Blasting of rock formations is not to be permitted except in areas where geological formations leave no alternatives to siting.

Erosion Control:

All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse that flows to the marine shore. Potential risks from erosion should be taken into account prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk and may be required as part of the development permit application.

Monitoring:

A development permit may require monitoring by a qualified professional of the implementation of environmental mitigation, restoration or enhancement planting or other measures required by a development permit. All such measures must be completed and the professional must provide a report confirming completion to the standard specified in the permit.

Guidelines for Vegetation Management, Restoration and Enhancement:

Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, noninvasive, non-native vegetation may also be considered acceptable. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival.

Guidelines for Shore Protection Measures Design:

Materials used for shoreline stabilization should be inert. Stabilization materials should not consist of debris or contaminated material that could result in pollution of tidal water. Bulkheads (retaining walls)

are not permitted except when no other options are available. Revetments (rip rap slopes) may be constructed if no other alternative to “soft” stabilization exists. Where revetments are proposed: a) They should not result in the loss of shoreline vegetation or fish habitat, b) The size and quantity of materials used should be limited to that necessary to withstand the estimated energy of the location’s hydraulic action and prevent collapse, and c) Filter cloth should be used to aid drainage. They should not be located where geomorphic and hydrologic processes are critical to shoreline conservation such as feeder bluffs, marshes, wetlands, spits and hooks. They should be located parallel to and landward of the natural boundary of the sea, as close to any natural bank as possible, allow the passage of surface or groundwater, and be constructed of stable, non-erodible materials that preserve natural shoreline characteristics. Adequate toe protection including retention mesh should be included. Beach materials should not be used for fill.

Guidelines for Beach Nourishment and Fill:

Fill upland of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline’s stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline’s stability and ecological function, typically as part of a beach nourishment design. Fill should not be placed at or below the natural boundary for the purposes of providing a trail or walkway. All upland fill materials should be clean and free of debris and contaminated material.

Guidelines for Shore Access:

Roads, driveways, trails and pathways should follow the contours of the land, appropriately manage drainage, and not require retaining walls, or extensive, steep, stairs. Accesses in sensitive areas or hazardous areas should be restricted or prohibited.

Guidelines for the Construction and Replacement of Docks:

For residential properties, docks and wharves should be sited to minimize impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift. Docks should be constructed in a manner that permits the free flow of water beneath. Supports should be located on a hard substrate. Floating docks should not rest on the sea bed at any time and a minimal, moveable ramp rather than a fixed wharf or pier should be utilized to connect the dock with the shore. Piers and pilings and floating docks are preferred over solid-core piers. Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is discouraged. Construction of a private boat launch ramp on an individual residential lot or parcel is discouraged. Residential docks should be located and designed to avoid the need for shore defence works or breakwaters and not extend from shore any further than necessary to accommodate a small pleasure craft. Residential docks should not be designed to accommodate boats with a draft greater than 2.2 metres or have floats more than 35 square metres total surface area unless more than two parcels have legal access to the dock, in which case permitted total surface area should be a multiple of the number of lots the dock serves.

File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: September 24, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments – Project Update

RECOMMENDATION

1. That the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Minor Official Community Plan Amendments Project.

REPORT SUMMARY

This report is intended to provide options for the South Pender Island Local Trust Committee (LTC) regarding the Minor Official Community Plan (OCP) project.

BACKGROUND

At the July 9, 2021 Special Meeting, staff presented a staff report outlining options for the LTC's consideration. No resolutions were made regarding this project.

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

South Pender APC

Staff referred the Building Design & Siting Guidelines and the Rights of Nature to the South Pender Advisory Planning Commission (APC). The South Pender APC provided the following resolutions at their July 16, 2021 meeting:

SP-APC-2021-010

It was Moved and Seconded,

That the following recommendations be provided to the South Pender Island Local Trust Committee:

- Discuss contents of the BDSG in a public forum.
- Prepare an information package of the BDSG for the general public and prospective Stakeholders (Real Estate Agents, Property Owners, Builders); place this on the Islands Trust website.
- Provide clarity and definition on the long term intent of the BDSG as guidelines only.

CARRIED

SP-APC-2021-011

It was Moved and Seconded,

That the following recommendations be provided to the South Pender Island Local Trust Committee:

- The Rights of Nature is a matter for Provincial Legislation, following similar initiatives by other provinces and territories and the SPI Local Trust Committee should defer appending reference to the SPI OCP until such Provincial Legislation is enacted.

CARRIED

ANALYSIS

Official Community Plan:

The following are topics the South Pender have identified to include in the Minor OCP Amendment Project:

Building Design & Siting Guidelines

The LTC could potentially utilize the Development Variance Permit (DVP) process to support applications with specific design features that are within a reasonable scope of the variance being applied for. Although the LTC has the discretion to approve or not approve a DVP application, the LTC cannot include conditions to the development variance permit. In other words, the LTC could not resolve to approve the DVP with the condition that the applicant incorporates specific unrelated design features in their development. Rather the applicant would be made aware that by incorporating some aspects of the building design and siting guidelines into their proposal may help support their application. For example it would not be reasonable for a DVP for the addition of a deck to require substantial design changes to the house but rather incorporate natural building finishes and design features that decrease visual prominence.

In order to achieve this incentivizing of the implementation of the Building Design and Siting Guidelines for DVP applications, the guidelines would be edited and attached to the OCP as a schedule or appendix. In addition, a new policy should be added to the OCP correlating the DVP process to the building design and siting guidelines. If the LTC supports this process, staff will edit the draft guidelines and provide potential OCP policy amendments for the LTC's consideration that are attached to this staff report.

If the building design and siting guidelines are attached to the OCP, the guidelines are not enforceable and would only be applicable when the LTC is reviewing a DVP application as mentioned above. Adhering to the guidelines would help support a DVP application, but the guidelines are not enforceable.

Options:

1. That the South Pender Island Local Trust Committee direct staff to include the Building Design and Siting Guidelines in the draft bylaw for the Minor Official Community Plan Amendment Project.
2. That the South Pender Island Local Trust Committee remove the Building Design and Siting Guidelines from the Minor Official Community Plan Amendment Project.

First Nations OCP Language

The LTC has identified adding an acknowledgement statement to the introductory of the OCP as part of this project. The Senior Intergovernmental Policy Advisor is in the process of drafting a letter to First Nations to introduce the project, and to invite comment on a draft version of the introductory statement. At the time of writing this staff report the draft wording was not available. Staff's deadline is to send this letter and draft wording to First Nations by end of September 2021 with the intent to have comments back before the November 5 LTC meeting.

Options:

3. That the South Pender Island Local Trust Committee direct staff to include a First Nations acknowledgment statement to the draft bylaw for the Minor Official Community Plan Amendment Project.
4. That the South Pender Island Local Trust Committee remove the First Nations acknowledgment statement from the Minor Official Community Plan Amendment Project.

Rights of Nature policy

Trustee Wright provided a document outlining rights of nature principles and policies. If the LTC wishes to add the Rights of Nature document into the OCP the following is recommended:

1. Add an introductory statement to the OCP:

“South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that “South Pender Island and its community are an expression of the cumulative interactions of people and the island’s environment. The goals of the OCP are intended to act as focal points in protecting and maintaining the rural island character and natural features so valued by South Pender Island residents, property owners, and visitors.” To achieve this goal the OCP calls for “for leadership in stewardship – that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.”

2. Incorporate all or some of the following as advocacy policies in the OCP:

“a) Prevent and control pollution and its effects and the harmful forms of erosion;

b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;

c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity;

e) Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones;

f) Promote the integration of environmental objectives into the various policies of a sectoral nature;

g) Promote environmental education and respect for environmental values;

h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.”

If the LTC agrees with incorporating the Rights of Nature as outlined above, the next step would be give direction to staff to review the wording and provide recommendations on where to insert the advocacy policies into the OCP. The South Pender APC made a recommendation to the LTC to defer adding the Rights of Nature to the OCP until provincial legislation is enacted.

Options:

5. That the South Pender Island Local Trust Committee direct staff to the Rights of Nature policy to the draft bylaw for the Minor Official Community Plan Amendment Project.
6. That the South Pender Island Local Trust Committee remove the Rights of Nature policy from the Minor Official Community Plan Amendment Project.

Project Charter

The project charter was endorsed by the LTC at the previous May 7, 2021 LTC meeting. Below is the timeline in the Project Charter:

Table 1 – Project Timeline

Workplan Overview	
Deliverable/Milestone	Date
LTC consideration of draft project charter	May 2021
Staff report on amendments, identifying options for the LTCs consideration	July 2021
Consultation with stakeholders	July-Sept 2021
Staff to engage with First Nation for introductory/acknowledgement statement	July-Sept 2021
Bylaw drafting and legal review (if required)	Fall 2021
First Reading	November 2021
Community Information Meeting/Public Hearing	Early 2022
Further bylaw readings, EC and Minister referral	June 2022

Consultation

Staff are recommending early consultation with community members beyond what is required by statutory requirements. The LTC should consider scheduling a Community Information Meeting (CIM) when a draft version of the bylaw is available, but before First Reading.

Rationale for Recommendation

Staff are recommending the LTC give direction to initiate the bylaw drafting process. Drafting the bylaw will be beneficial for the following reasons:

1. Gives direction to staff to review, edit, and amend where necessary all documents provided by Trustees Wright and Thorn that may be included in the OCP amendment. To date staff have not provided a technical review of these documents.
2. Allows community members to review the draft policy and guidelines in a formalized format and may provide clarity. Also it is beneficial for community members to review a draft bylaw prior to a Community Information Meeting in order to provide specific comments and recommendations on the draft bylaw. Also gives reassurance to community members that they are reviewing the most current document.
3. Giving direction to staff to draft bylaws does not preclude the LTC from making further revisions.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. 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 South Pender Island Local Trust Committee request that the staff provide further information regarding...

2. Reconsideration of project

The LTC may choose to focus on different priorities instead of a technical review of the LUB. If selecting this alternative, recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee not pursue the Minor OCP Amendments Project and to remove the project from the Top Priority Project List.

3. Schedule Community Information before draft bylaw

The LTC may schedule a CIM prior to a draft bylaw. Disadvantages are there are different versions of draft documents circulated (no formal bylaw) which have not been reviewed by staff.

That the South Pender Island Local Trust Committee schedule a Community Information Meeting for the Minor OCP Amendment Project.

4. Receive for information

The LTC may receive the report for information

NEXT STEPS

Next steps include:

- Collaborate with First Nations to draft the First Nation introductory statement
- Initiate draft OCP bylaw amendment.

- Provide options to the LTC for Community Information Meeting to gather input from community on draft bylaw.

Submitted By:	Kim Stockdill, Island Planner	September 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	September 16, 2021

ATTACHMENTS

1. Building Design and Siting Guidelines dated July 4, 2021
2. Rights of Nature

Vision Statement:

The South Pender Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two primary goals:

2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;

2.2.4 To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

These guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient homes and accessory structures which also relate to, and are in harmony with, their natural surroundings. These guidelines are intended to promote an appreciation of our island's history, create an understanding of our rural character, and reinforce our regional identity. These guidelines are presented to encourage imaginative, site specific designs which result in buildings whose design, siting and massing meet the objectives laid out below.

Purpose: These guidelines encourage owners, architects, designers, and builders to design and site structures on the property by considering the topography of the land, its ecology, and the natural character of the island and our rural community.

Objectives:

- To site buildings in a way that will integrate them with the landscape, though the use of a diversity of architectural styles, the use of regionally sourced building materials and the use of exterior colours which compliment the natural character of the island,
- To encourage the use of energy saving technologies to reduce greenhouse gases,
- To encourage consideration and respect of neighbouring properties when siting and designing a building, and;
- To encourage designs that maintain compatibility with the character of the neighbourhood and overall community and decrease the visual prominence of a building.

Site Preparation:

Clear the land only where necessary maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. Functional issues such as road access, services, drainage and septic disposal, should be considered along with the layout of structures which will result in an integrated site plan. Excessive excavation and it's mitigation can be expensive, unnecessary, and damage or alter the landscape forever.

Principles of Design:

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes. Complex designs or those with complicated construction methods and materials may be beyond many owners have capability. Relying on others to do the necessary work may be problematic and costly because the work force in small communities is limited. Look to the future by considering potential mobility issues that may occur and create difficulties with stairs and access. Other considerations include:

1. Keep the design simple. This should be accomplished in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
2. Consider a diversity of styles: - Avoid a repetition of a single style within a neighbourhood. Choose designs that contribute to the character of the overall community.
3. Be consistent within an individual building: - avoid a variety of design features or those that are non-functional, or ostentatious.

The Design Process:

Stage 1: Define the objectives. Inform your architect/designer what you require with respect to your individual lifestyle. A good understanding of what you need and what you don't, with respect to the size of the home, may take time but may save disappointment later on.

Stage 2: Assess the site. Of all the factors, site selection has the biggest influence on how successfully a dwelling can blend into its natural surroundings. Poor site selection can result in significant limitations on how you create your living space as its position in the landscape may complicate construction.

Siting of structures should be addressed at the initial stage of developing properties and should utilize natural topography and minimize disturbance to the ecology and the visual impact of new structures by helping the building "belong" to the landscape rather than intruding upon it. Consider local knowledge when siting homes to take into account particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. The design of the house itself will also help in how it relates to the site and the wider landscape. Good natural sites offer shelter, privacy and take advantage of solar applications.

Consideration should be given to the prominence of the structure and how it impacts views from adjacent properties and the visual impact from other view corridors.

Stage 3: Produce a concept. A design concept will bring together all the individuals' requirements and will help to arrange the residence and accessory buildings on the site with a visual representation. A site contour map may also be beneficial.

Landscaping:

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, boundary treatments and limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider "windowing" by trimming branches.

Hard surfaces and paving materials:

- For driveways, patios, and walkways, avoid large, continuous, areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Fencing:

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.

For further information, please refer to these publications available on the Islands Trust website:

South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that “South Pender Island and its community are an expression of the cumulative interactions of people and the island’s environment. The goals of the OCP are intended to act as focal points in protecting and maintaining the rural island character and natural features so valued by South Pender Island residents, property owners, and visitors.” To achieve this goal the OCP calls for “for leadership in stewardship – that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.

I propose that the South Pender Island Official Community Plan recognize the Rights of Nature within an overall framework of sustainable development, in conjunction with other agencies, and with the involvement and participation of property owners, to:

- a) Prevent and control pollution and its effects and the harmful forms of erosion;
- b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;
- c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

- d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity;
- e) Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones;
- f) Promote the integration of environmental objectives into the various policies of a sectoral nature;
- g) Promote environmental education and respect for environmental values;
- h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.

<https://therightsofnature.org/>



DATE OF MEETING: September 24, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: South Pender LUB Amendments – Project Update

RECOMMENDATION

1. That the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Land Use Bylaw Amendments Project.

REPORT SUMMARY

This report is intended to provide options to the South Pender Island Local Trust Committee (LTC) regarding the LUB Amendment project and a request to provide further direction to the staff.

BACKGROUND

At the July 9, 2021 Special Meeting, staff presented a staff report outlining options for the LTC's consideration. No resolutions were made regarding this project.

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

ANALYSIS

Land Use Bylaw:

The South Pender LTC has indicated that the following topics should be included in the LUB amendment project:

Maximum floor area regulations

The following are floor area regulations for dwelling units in the South Pender LUB:

Definition – “floor area means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.5 metres apart.”

Agriculture Zone - Subsection 5.5(9) - The floor area of a dwelling may not exceed 560 m² (6028 ft²).

Forestry Zone - Subsection 5.6(7) - The floor area of a dwelling may not exceed 560 m² (6028 ft²).

Natural Resource Zone - Subsection 5.7(6) - The floor area of a dwelling may not exceed 560 m² (6028 ft²).

Table 1 – Rural Residential Maximum Floor Areas

Siting and Size			<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
(5) Maximum Floor Area per lot:			✓	✓	✓
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:			
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)			
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)			
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)			
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	543 m ² (5845ft ²)			
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)			

The LTC has expressed an interest in reducing the floor area for a dwelling unit in the Rural Residential 1 (RR1), Rural Residential (2), and Rural Residential (3) zones. As shown in Table 1, the LUB currently regulates floor areas in two ways: by establishing a maximum floor area for a dwelling, and also by establishing a total floor area of all buildings located on the property.

If the LTC would like more information to help inform their consideration of amendments to reduce floor area, the LTC should give direction to staff by resolution. For example, reviewing floor area sizes relative to property size for other rural communities through analysis of issued Building Permits for other Local Trust Areas (LTAs) or reviews of available BC Assessment data. Depending on the scope, this could be a lengthy exercise, therefore the LTC should give clear direction to staff. A draft motion is included in the 'Alternatives' section of the staff report (Alternatives No. 1).

Other options the LTC may want to consider to reduce the impact of the built form on rural properties:

1. The current definition of floor area in the South Pender LUB measures the floor area to the outside surface of the external walls. The LTC could amend this definition to measure floor area to the interior surface of the exterior walls which could encourage environmentally friendly building practices (use of thicker insulation within walls). Currently Gabriola, Galiano (for Environmentally Friendly Buildings), Lasqueti, and Saturna all measure floor area to the interior side of the external walls. The North Pender LTC also gave direction to staff to amend the definition of floor area to measure to the interior side as part of their LUB amendments.
2. Establish a maximum permitted lot coverage for residential properties.
Lot coverage is a measure of the proportion of a lot that may be covered by buildings or structures, but excludes paving or similar surfaces. It differs from floor area in that it is measured on a horizontal plane only (from a bird's-eye view), includes all structures, and is measured to the drip line. Re-establishing a maximum lot coverage may be an option that supports the objectives of retaining rural character and minimizing the impacts of massive or extensive building and development. It would also indirectly limit the size of dwellings, protect greenspace and encourage on-site retention of drainage. In terms of impacts, existing properties could potentially be rendered non-conforming – although existing buildings

and structures could be repaired and maintained. Such a change may increase demand for variances as owners would more readily run up against lot coverage limits during development. Administratively, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with the regulation. For example, survey plans showing all buildings and structures would need to be required more often than currently in order to determine compliance.

3. Establish lot coverage regulation and include impervious surfaces.
This would support two objectives of the lot coverage provision: to retain greenspace and encourage on-site retention of drainage, but would not alter the regulation for current owners with respect to buildings or other structures. There is the potential that if there were existing properties with extensive paving they could be rendered non-conforming – however the effects of non-conformity would be minimal as existing structures could be repaired or maintained. In terms of administration, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with regulations. For example, survey plans would have to include the area and extent of all paved surfaces. Also, as there is no permitting of new paving, there is no ready mechanism for administering the regulation in absence of a building permit for a building or structure.
4. Remove all storeys below natural grade (subterranean space) from the calculation of floor area.
The LTC could reduce the maximum floor area for dwelling units, and also remove any storey located below natural grade from the calculation. This would allow property owners who would like to increase the floor area of their proposed dwelling unit by adding a basement level. Disadvantages with this approach is that it is bias to those properties with the ability to add such space. Properties or building areas comprised of bedrock would be subject to expensive construction costs and disruptive techniques (blasting, rock removal, etc.) to adhere to the regulations, or would be required to apply for a Development Variance Permit or Board of Variance to increase the maximum floor area.
5. Adding a provision for built dwelling units to retain current floor area.
An option for consideration is to include a provision in LUB that would permit existing dwelling units to retain its current floor area prior to the newly established maximum floor area. The provision can be drafted in a number of ways; for example:
Option No. 1 – LUB would have two different maximum floor area regulations: retain the current regulations for houses constructed prior to the LUB amendment bylaw, and a second set of more restrictive maximum floor area regulations for dwelling units constructed after the LUB amendment.
Option No. 2 – Reduce current maximum floor area regulations but add a provision that states that all legal dwelling units constructed prior to the LUB amendment may maintain the floor area (at the time of bylaw adoption).
Option No. 3 – Create site-specific zones in the LUB permitting existing floor areas for all constructed dwelling units that are known to exceed the newly established maximum. This option would be most effective if the number of dwellings exceeding new maximum floors areas is relatively limited.

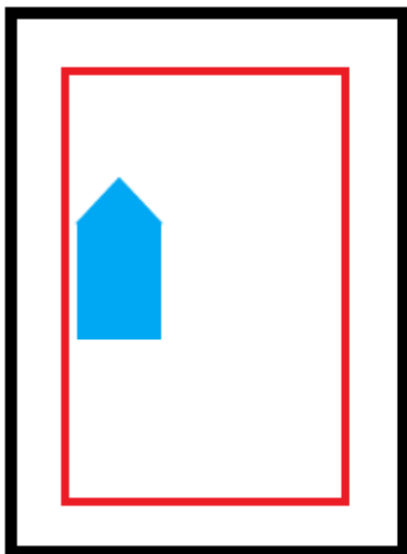
Legal Non-conforming – see attached FAQ document

A number of community members expressed concern regarding the LTC establishing a maximum floor area that is less than the floor area of their home; more specifically, concerns regarding legal non-conforming status and their ability to rebuild to the prior floor area. Section 529 of the *Local Government Act* (LGA) provides legal non-conforming protection for buildings or structures that exceed new siting, size or dimensions regulations. That section states that buildings or structures may be maintained, extended or altered, but only to the extent that

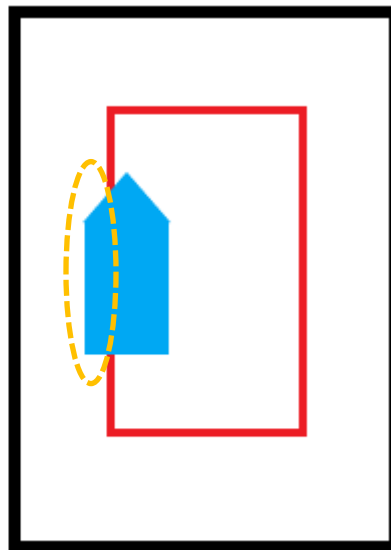
the repair, extension or alteration involves no further contravention of the bylaw. In other words, you could renovate, maintain or repair your non-conforming house, but you could not put on an addition that would increase the floor area. See attached FAQ document.

In terms of setback regulations, if the LTC amends the Land Use Bylaw to increase setback regulations for a building or structure, then the Section 529 of the LGA would also apply. Graphic no. 1 below demonstrates how more restrictive setback requirements would apply to an existing dwelling or structure.

Graphic No. 1



Scenario No. 1



Scenario No. 2

Scenario No. 1

Setbacks (red line) – 3 metres from property line (black line)

House – conforms to current setbacks

Scenario No. 2:

Setbacks (red line) – LTC amends the LUB by increasing the setback to 6 metres from property line (black line)

House – portion of house does not conform to new setback regulations. House is protected under 529 of the LGA and the house may be maintained, extended (although not further into the setback), or altered as long as it's not increasing the non-conformity. If property owner wants to add an addition to the portion of the house located within the setback (as indicated by the orange dashed line shown above) a Development Variance Permit (DVP) or Board of Variance order is required to vary the new setback. Any additions to the home that meet the 6 metre setback regulation would not require a DVP.

Setback regulations

There are a number of ways to amend setback regulations:

- Establishing different setback regulations for dwelling units and accessory buildings. For example, accessory buildings and structures could have less restrictive setbacks in order for greater siting options on a lot.
- Establish varying setback requirements based on lot size.

- Increase/decrease setback regulations based on lot size or if a property is abutting a certain zone.
- Establish setback regulations as a percentage of the lot depth. There are many issues with this type of regulation. First, South Pender properties generally have an irregular lot shape making it difficult to determine the lot depth. Secondly, there will be interpretation issues as determine lot depth and the percentage may be too complex for some to easily interpret. It will also increase staff's time to ensure the calculation for the setback was completed correctly. Setback regulations as a percentage of lot depth are more often seen in urban areas based on the reasons outlined above and may not be well suited for rural areas.

Agricultural lands regulation

The table below outlines the current agriculture regulations, the ALC policy and recommendations and options for the LTC to consider. The LTC should give direction to staff if other agriculture topics should be considered.

Table 2 – Agriculture Zone and ALC Considerations

	<i>Agriculture (A) Zone</i>	<i>ALC Policy & Regulations</i>	<i>LUB - Regulatory Options</i>
<i>Cottage</i>	Allowed use in zone	ALR amendment on December 31, 2021 that would allow a second residence on an ALR lot.	No amendment required as cottage is already a permitted accessory use.
<i>Farm Worker Housing</i>	Permitted use 'c' allows a Cottage or other dwelling for the housing of persons engaged in on-going agricultural activities.	ALC Act amend. (Feb 2019) - By application to ALC	Consider amendment to A zone to include use with note "only by ALC Approval".
<i>Non-Adhering Residential Use (NARU)</i>	No reference in A zone.	Policy L-26 decision-making guidelines for consideration of non-adhering uses (second dwellings, temporary farm dwellings, dwellings over 500 m ² , etc.)	No Action
<i>Dwelling Size</i>	Maximum floor area for a dwelling is 560m ²	Total floor area of a dwelling is 500 m ² in ALR	Consider amendment to A zone to reduce the maximum floor area to 500 m ² .
<i>Agri-Tourism</i>	No reference in zone, but may be considered a farm use which is permitted in the A zone.	Policy L-04. A farm use. Must have farm status. Limited to list of approved activities including heritage farm equip. displays, farm tours, educational or demonstration of farm operations, rides (tractor, etc.), activities that promote or market livestock, harvest festivals, etc.)	Consider adding a 'agri-tourism' definition and regulations in A zone to harmonize with ALC Regulation by defining and restricting use.

	Agriculture (A) Zone	ALC Policy & Regulations	LUB - Regulatory Options
Agri-Tourism Accommodation	Not a permitted use in the A zone.	ALC Act – A permitted farm use. Must be in relation to <i>Agri-Tourism Activity</i> ; total developed area 5% of parcel; 10 units maximum; seasonal or short-term.	Consider amending the A zone to harmonize with ALC Regulation by defining and restricting agri-tourism accommodation use.
Home Business (Occupation)	Yes - Home business is permitted in the A zone with a maximum floor area of 65 m ² .	Policy L-07: Permitted as a non-farm use up, accessory to residential or farm use on the property and a maximum area of 100 m ² or maximum by Local Government (whichever is less) Further limits on facilities (no daycares, preschool/schools, group homes and health and community care facilities) and size	Consider amending the General Regulations (size and types) to be consistent with ALC for Home Business and Home Industry in ALR
Farm Retail Sales	Yes - permitted as a home business but provided that at least 70% of the goods or products for sale are produced, processed or repaired as part of the home business	Policy L-02 A permitted farm use. If all products originate or are produced on the farm on which the sales are taking place, there is no limitation for the retail sales area. Thresholds if farm or non-farm products offered for sale originate elsewhere, there is a retail sales area limitation (based on origin - max. 300 m ²)	Consider adding definition of 'farm retail sales' and add regulations to align with ALC (farm retail sales must not exceed 300 m ²).
'Farm Use'	Definition in LUB	'Farm Use'	Amend definition to harmonize with ALC definitions for 'farm use' and allowable uses.

Shipping containers

The South Pender LUB does not currently regulate the density or use of shipping containers. Shipping containers are permitted on South Pender as they are considered a structure, and must meet the siting regulations (setbacks, floor area, lot coverage, height, etc.) of that zone. Due to the concern of the possible proliferation of shipping containers on properties, specifically on residential properties, the LTC may want to regulate the maximum number of shipping containers permitted on a lot and require vegetative screening. The following LTC should consider the following points:

- Differentiate the density of shipping containers for different zones. For example, the LTC may want to limit the number of shipping containers on residential lots to two (2) whereas have a higher limit, or no limit for agricultural properties.
- Determine the type of screening required, if any. The South Pender LTC outlines the following requirements for vegetative screening:

Subsection 3.9(1) - *Where vegetative landscape screening is required by this Bylaw, it shall be provided in the form of:*

(a) Existing vegetation of the required height that provides a complete visual screen between the uses being separated in all seasons of the year; or,

(b) A row of drought-tolerant evergreen plants that will attain the required height, planted and maintained continuously so as to provide a complete visual screen in all seasons of the year between the uses being separated; and such screening.

Subsection 3.9(1) could be required for all shipping containers or could be required only for shipping containers in certain zones, or abutting certain zones.

Setback to the natural boundary of the sea - Stairways

Currently the South Pender Land Use Bylaw No. 114 exempts stairways from complying to the setback from the natural boundary of the sea (Subsection 3.3.(3)):

“Buildings or other structures, except a fence, pump/utility house, stairway, wharf and dock ramps or their footings, shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures”.

The following are options or items to consider with regards to regulating stairways within the natural boundary of the sea:

- Currently regulations do not regulate size (width or length) of stairways permitted within the setback from the natural boundary of the sea;
- The LUB does not regulate best practices for stairway construction in terms of vegetation retention, location of stairway, sensitive ecosystems and land alteration. Best practices to construct stairways are best regulated through the Development Permit process.
- Reviewing stairway regulations and best practices may be better addressed through the Shoreline Review project.

As per direction from the LTC, staff requested the South Pender Advisory Planning Commission (APC) to consider implications of stairways located within the setback from the natural boundary of the sea and has expressed concern with stairways located within steep slope hazard areas along the foreshore. The South Pender APC provided the following resolutions at their July 16, 2021 meeting:

SP-APC-2021-012

It was Moved and Seconded,

Recommended that the SPI LTC defer further any amendments to the SPI LUB until there can be coordination with the current Islands Trust Shoreline Project.

CARRIED

If the LTC would still like to proceed with amending regulations related to stairways, staff recommend removing ‘stairways’ as being exempted from the natural boundary of the sea setback. By doing this, if a property owner wishes to construct stairways to the foreshore a Development Variance Permit would be required. Any further analysis of stairway located within shoreline setbacks, specifically in steep slope or other hazardous areas, may be better addressed as part of the Coastal Area Review project.

Other minor, technical amendments

Staff will review the LUB to correct any numbering errors, incorrect legislation references, or other technical amendments.

Consultation

Staff are recommending early consultation with community members beyond what is required by statutory requirements. The LTC should consider scheduling a Community Information Meeting, as indicated on the Project Charter, as the project proceeds.

Statutory Requirements

In the first stage of the project (i.e. reviewing proposed documents, and undertaking community consultation) there are no statutory requirements to consider. If at a later stage the LTC resolves to undertake bylaw amendments, statutory notification requirements of the Local Government Act will need to be considered including appropriate agency and First Nation referrals, public hearing requirements and bylaw adoption procedures.

Rationale for Recommendation

If the LTC is satisfied with the scope of work proposed (the potential LUB amendments identified above), direction by resolution to prepare a draft bylaw is recommended to allow work to proceed in a timely manner. Alternatively the LTC could ask staff to report back with changes to the project scope and to the charter.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. 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 South Pender Island Local Trust Committee request that the staff provide further information regarding...

-an analysis on dwelling unit floor area in relation to lot size for X LTA for the period of 20XX to 20XX.

2. Give specific direction as what to include in the bylaw amendment.

If the LTC gives direction to staff to draft bylaws, the LTC should also give direction on specific regulations to be included. Example wording is as follows:

That the South Pender Island Local Trust Committee direct staff to include the XXX in the draft bylaw for the Land Use Bylaw Amendment Project.

3. Remove stairway regulations from Project

If the LTC wishes to remove the review of stairway regulations as part of this project, and to add it to the Coastal Area Review Project, the following motion is recommended:

That the South Pender Island Local Trust Committee request staff to remove the review of stairway regulations from the Land Use Bylaw Amendment Project and add it to the Coastal Area Review Project.

4. Reconsideration of project

The LTC may choose to focus on different priorities instead of a technical review of the LUB. If selecting this alternative, recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee not pursue the LUB Amendments Project and to remove the project from the Top Priority Project List.

5. Receive for information

The LTC may receive the report for information

NEXT STEPS

Next steps include:

- Receive further direction from the LTC on how to proceed with the project.

Submitted By:	Kim Stockdill, Island Planner	September 17, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	September 17, 2021

ATTACHMENTS

1. Legal Non-Conforming FAQ

Legal Non-Conforming FAQ

Will my house be “grandfathered” if the Land Use Bylaw is amended to establish a maximum floor area?

Yes, if a Local Trust Committee (LTC) amends the Land Use Bylaw (LUB) to establish a maximum floor area for dwellings a dwelling that was lawfully constructed before the date of the adoption of the bylaw, and which would exceed the new maximum floor area, would be considered legally non-conforming.

Section 529 of the *Local Government Act* (LGA) provides legal non-conforming protection for buildings or structures that exceed new siting, size or dimensions regulations. That section states that buildings or structures may be maintained, extended or altered, but only to the extent that the repair, extension or alteration involves no further contravention of the bylaw. In other words, you could renovate, maintain or repair your non-conforming house, but you could not put on an addition that would increase the floor area.

What if my house burns down more than 75%, is my house still grandfathered?

The reference to a building that is destroyed to 75% or more of its value is from Section 532 of the Local Government Act, and applies only to situations where there is a non-conforming use (for example a residential use in an area only zoned for commercial use). This section would not apply to a dwelling that has been legally constructed but becomes non-conforming as the result of changes to setback or floor area regulations.

If a dwelling was damaged beyond 75%, it may still be possible to be repaired, provided the repair would not increase the floor area of the house. The words “repair” and “maintain” are not defined or limited by the LGA and so what would be considered “repair” would include anything that could commonly and reasonably be considered repairs.

What if I need to build a new house?

A new dwelling would have to meet the current regulations in the Land Use Bylaw. However, an owner could apply for a Development Variance Permit or make an application to the Board of Variance if they felt that they needed a larger floor area. See links below for information regarding variance applications.

What if I sell my house, and the house size is greater than the maximum floor area?

Legal non-conforming protection is not limited to a specific owner, it “runs with the land” (or property).

Do I need to apply for legal non-conforming status?

No, it is legal protection that exists because of provincial legislation. But if an owner needed to repair or maintain a dwelling, it is the responsibility of the owner to demonstrate that it is legal non-conforming. A building permit or other documentation could provide proof of non-conforming status.

Local Government Act: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_00
DVP or BOV Application Forms & Guides: <https://islandstrust.bc.ca/island-planning/land-use-application-guides-and-forms/>

Top Priorities Report

South Pender Island

1. *Land Use Bylaw Amendments Project*

Responsible

Dates

Potential amendments:

1. Maximum floor area
2. Setback Review
3. Agricultural Regulations
4. Shipping containers
5. Minor and technical amendments

Kim Stockdill

Rec'd: 09-Apr-2021
Target: 30-Sep-2022

2. *Minor OCP Amendments*

Responsible

Dates

Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature statement

Kim Stockdill

Rec'd: 09-Apr-2021
Target: 30-Sep-2022

3. *Coastal Area Review Project*

Responsible

Dates

Initial community consultation prior to LTC direction to proceed

Rec'd: 09-Apr-2021

Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

Review of policies and regulations including setback from the sea, structures permitted in setback

28-Apr-2015

3. *First Nations Language*

Responsible

Date Received

Consider OCP amendment to include a more fulsome historical accounting of First Nations

01-Nov-2019

4. *Building and Siting Guidelines*

Responsible

Date Received

Review policy and regulations related to building and siting on residential properties, including floor area, setbacks, siting and other regulations.

31-Jan-2020

5. *Groundwater Sustainability Project*

Responsible

Date Received

Phase 3

09-Apr-2021



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2021.1	Rachel Thomson for Airey Homes Inc. Planner: Kim Stockdill	27-May-2021	8970 GOWLLAND POINT RD - ALR application for subdivision
Planning Status			
Status Date: 25-Aug-2021 ALC has indicated non-farm use application is required for the strata access road along ALR portion of land. Subdivision application is on hold until further direction is received by applicant.			
Status Date: 28-Jun-2021 payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021 fees received - DL			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2021.1	Taylor Johnson or Rachel Thomas/Airey Homes Inc. Planner: Phil Testemale	01-Jun-2021	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision
Planning Status			
Status Date: 28-Jun-2021 payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021 fees received - DL			
Status Date: 09-Jun-2021 waiting for ALC approval - DL			

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

665 South Pender	Invoices posted to Month ending June 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	80.00	0.00	80.00
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,735.00	444.64	1,290.36
65210-665	LTC - Local Exp - APC Meeting Expenses	370.00	57.14	312.86
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,649.00</u>	<u>501.78</u>	<u>2,147.22</u>
Projects				
73001-665-4117	South Pender OCP Minor Amendments	3,000.00	0.00	3,000.00
73001-665-4118	South Pender LUB Minor Amendments	3,000.00	0.00	3,000.00
TOTAL Project Expenses		<u>6,000.00</u>	<u>0.00</u>	<u>6,000.00</u>

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2020-015 (Standing) that South Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections of other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	04-Jun-2020
2019-015 (Standing) that the South Pender 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.	Carried	06-Sep-2019
2019-014 (Standing) that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-001 (Standing) - 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. - The proposed license should also be referred to First Nations for comment. - 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.	Carried	01-Feb-2019
2015-015 (Standing) That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings.	Carried	28-Apr-2015
2010-000 (Standing) Send FUAL to trustees once drafted following the meeting.	Carried	05-Oct-2010
2006-012 (Standing) That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting.	Carried	23-May-2006



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 24, 2021

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

SUBJECT: New Fee Bylaws

RECOMMENDATION:

That the South Pender 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 raise 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 South Pender 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 South Pender 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 Marlор, 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.

