

LETTER OF UNDERSTANDING

between staff for the

**THE DENMAN ISLAND LOCAL TRUST COMMITTEE &
THE HORNBY ISLAND LOCAL TRUST COMMITTEE**

and the

COMOX VALLEY REGIONAL DISTRICT BOARD

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ISLANDS TRUST (DENMAN ISLAND AND HORNBY ISLAND LOCAL TRUST COMMITTEES)
AND COMOX VALLEY REGIONAL DISTRICT LETTER OF UNDERSTANDING

LETTER OF UNDERSTANDING

This Letter of Understanding ("Agreement") dated Feb 28 2018 is:

AMONG:

**DENMAN ISLAND LOCAL TRUST COMMITTEE AND
HORNBY ISLAND LOCAL TRUST COMMITTEE**
("Local Trust Committees")

AND:

COMOX VALLEY REGIONAL DISTRICT BOARD
("Regional District Board")
(referred to as the "Parties")

I. PURPOSE

The purpose of this Agreement is to delineate how the Local Trust Committees and Regional District Board will implement the principles stated in the Protocol Agreement dated September 8, 2011 between the Denman Island Local Trust Committee and Hornby Island Local Trust Committee (the "Local Trust Committees") for the Denman Island Local Trust Area and Hornby Island Local Trust Area, (the "local trust areas"), and the Comox Valley Regional District Board respecting Electoral Area A ("electoral area").

II. PRINCIPLES

The Local Trust Committees and Regional District Board agree to the following principles regarding interagency relations:

1. Recognition of each Party's jurisdiction and capabilities with a commitment to promoting a spirit of partnership through joint legislative, policy, program and communication initiatives;
2. Coordination of planning, servicing and growth management activities that are responsive to the needs of the local trust areas and the electoral area of which they are a part;
3. Commitment to share a mutual interest in the object of the Islands Trust, the servicing function of the Regional District Board, and the respective land use planning authority of both Parties; and
4. Cooperation through sharing of information and notification of significant initiatives that may impact the other Party and regular liaison.

III. CONSULTATIVE PROCESS

1. The Parties agree to the establishment of a regular consultative process to foster understanding among respective staff and elected officials.
2. The intent of this Agreement is for both Parties to use best effort, rather than oblige either Party, to affect interagency cooperation within mutually agreeable terms and time-frames.

3. In circumstances where either Party deems that the terms set out in this Agreement are unachievable or inappropriate, these terms may be varied by mutual agreement.
4. Responsibility for the coordination of this Agreement by the respective Parties is assigned to the Chief Administrative Officer of the Regional District Board and the Chief Administrative Officer of the Islands Trust.
5. A meeting of respective staff to review any current issues or Agreement matters may be arranged at the request of either the Chief Administrative Officer of the Regional District Board or the Chief Administrative Officer of the Islands Trust.
6. Where anything is required or permitted to be delivered, or otherwise sent to the Parties or the Islands Trust Council, it shall be delivered to:

Local Trust Committees and Islands
Trust Council
2nd Floor
1627 Fort Street
Victoria, BC V8R 1H8
Attention: Chief Administrative Officer

Regional District Board
600 Comox Road
Courtenay, BC V9N 3P6
Attention: Chief Administrative Officer

7. Each Party will bear the full cost of its own requirements to implement this Agreement unless otherwise provided for in this Agreement or otherwise agreed to, in writing, by both Parties.
8. This Agreement may be amended by agreement, in writing, by the Regional District Board and Local Trust Committees.

IV. IMPLEMENTATION

A. COMMUNITY PLANNING

1.0 Official Community Plans

- 1.1 Each Party shall provide the other Party with the opportunity for input regarding Official Community Plan (OCP) reviews applicable to lands within or adjacent to the local trust areas, to promote the effective coordination of servicing and planning functions of the respective Parties.
- 1.2 Following initiation of an OCP review, applicable to lands within or adjacent to the local trust areas/electoral area, the Party preparing the OCP shall deliver a Notice of Intent outlining the scope, time-frame, and interagency consultation opportunities for the OCP review.
- 1.3 Prior to first reading of an OCP bylaw, applicable to lands within or adjacent to the local trust areas/electoral area, the Party preparing the OCP shall deliver a draft copy of the OCP to the other Party at least 30 days prior to first reading.

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- 1.4 Either Party may give written notice requesting that a consultation meeting be conducted review project within 30 days of receipt of the draft OCP.
- 1.5 Following adoption of an OCP bylaw, the Party responsible shall notify the other Party that the bylaw has been adopted.
- 1.6 The obligations referred to in this section are in addition to any statutory obligations that the Parties may have respecting consultation during development of an Official Community Plan (s. 475 of the *Local Government Act*).
- 1.7 The Parties agree to not enact bylaws or undertake works in the local trust areas/electoral area that are inconsistent with the OCP (s. 478 of the *Local Government Act* and s. 35 of the *Islands Trust Act*).

2.0 Land Use Bylaws

- 2.1 Each Party shall provide the other Party with the opportunity for input regarding land use bylaw reviews applicable to lands within the local trust areas/electoral area, following the procedures noted in the Official Community Plans section of this agreement.

3.0 Bylaw Enforcement

- 3.1 The Parties wish to coordinate their activities with respect to bylaw investigation and enforcement within the local trust areas/electoral area.
- 3.2 Each Party shall promptly inform the other Party when information is received regarding a potential contravention of the other Party's bylaw within the local trust areas/electoral area.
- 3.3 Where either Party identifies an activity that it considers a potential contravention of a bylaw of both Parties, and which it considers may be effectively controlled through the enforcement of either bylaw or both bylaws, that Party may request the other Party's participation in a joint enforcement program.
- 3.4 Where either Party receives from the other a request for joint enforcement, that Party shall respond to the request within 30 days.
- 3.5 After an affirmative response to a request for joint enforcement, the Parties shall enter into an agreement regarding procedures, allocation of legal resources, responsibilities, cost sharing, and key activities for the joint enforcement program.
- 3.6 An agreement between the Parties for joint enforcement shall include amendment and termination clauses, and provisions regarding the disposition of costs should either Party wish to terminate the agreement.

- 3.7 Either Party may initiate interagency arrangements whereby one Party may conduct bylaw investigations on behalf of the other Party and at the request of the other Party subject to written conditions agreed to by the signatories of this Agreement.

B. PARKLAND AND SCHOOL SITE ACQUISITION

1.0 Parkland Acquisition

- 1.1 The Parties agree to coordinate their activities with respect to the identification of land suitable for parkland, and the acquisition, development, operation and maintenance of parkland in a manner that is consistent with the object of the Islands Trust and parks plans of the Regional District Board.
- 1.2 The Parties acknowledge that:
- a) The Local Trust Committees have the authority under s. 27 of the *Islands Trust Act* to determine whether an owner of land being subdivided within the local trust areas/electoral area shall provide parkland or money as per s. 510(1) of the *Local Government Act*.
 - b) The Regional District Board is entitled to any land required under s. 510(1) in respect of land being subdivided in the local trust areas/electoral area;
 - c) The Regional District Board is entitled to any money required under s.510(1); and
 - d) Money received by the Regional District Board under s. 510(1) shall be deposited into a reserve fund established for the purpose of acquiring community parkland in the local trust areas/electoral area.
- 1.3 The Regional District Board shall not acquire parkland in the local trust areas/electoral area unless it has first consulted with the Local Trust Committees regarding the proposed acquisition, or otherwise confirmed that the acquisition is consistent with the OCP in effect for the subject lands.

2.0 Parks Planning

- 2.1 When undertaking a parks planning initiative in the local trust areas/electoral area, the Regional District Board shall deliver a Notice of Intent outlining the scope, time-frame, and interagency consultation opportunities to the Local Trust Committees.
- 2.2 During the preparation of a Parks Plan bylaw for the local trust areas/electoral area, the Regional District Board shall ensure that the bylaw is consistent with the applicable OCP.
- 2.3 At least 30 days prior to first reading of a Parks Plan bylaw for the local trust areas/electoral area, the Regional District Board shall deliver a draft copy of the Parks Plan bylaw to the Local Trust Committees, and identify to the Local Trust

Committees the areas in which parkland preservation, acquisition or development is desirable

- 2.4 Following receipt of a draft Park Plan bylaw, the Local Trust Committees may give written notice within 10 days requesting that a consultation meeting be conducted by the Regional District Board.
- 2.5 Following adoption of a Parks Plan bylaw for the local trust areas/electoral area, the Regional District Board shall notify the Local Trust Committees.
- 2.6 Following receipt of a rezoning application that may involve the provision of parkland and prior to first reading of land use bylaw amendments, the Local Trust Committees shall consult with the Regional District Board to confirm the Regional District Board's interests with respect to the proposed parkland.

3.0 School Site Acquisition

- 3.1 Both Parties share an interest in coordinating activities related to the planning and acquisition of school sites within the local trust areas/electoral area and either Party shall notify the other Party of initiatives with the School Board in this regard.
- 3.2 The Parties agree that both Parties shall be involved in any processes related to the planning and acquisition of school sites within the local trust areas/electoral area.

4.0 Parks and Recreation Commission

- 4.1 The Regional District Board shall consult with the Local Trust Committees before establishing a Parks and Recreation Commission within the local trust areas/electoral area.
- 4.2 The Regional District Board may deliver to the Local Trust Committees a notice in writing requesting the Local Trust Committees deal directly with the Commission in the exercise of its rights and obligations of the Parkland Acquisition section of this Agreement.
- 4.3 Where the Regional District Board has delegated part or all of its powers respecting parks to a Parks and Recreation Commission, the Local Trust Committees shall endeavour to consult with that Commission when considering the adoption of bylaws applicable to Regional District parks.

C. SERVICING

1.0 Service Delivery

- 1.1 The Parties agree that the provision of services in the local trust areas and land use planning relating to the provision of such services are matters of great importance to island residents and First Nations, and the Parties agree that early and ongoing consultation on such matters, including consultation with island residents and First Nations, is to be encouraged.
- 1.2 The Regional District Board shall notify the Local Trust Committees when considering providing a new or modified service in a local trust areas/electoral area.
- 1.3 The Local Trust Committees may prepare and deliver to the Regional District Board a written notice requesting the Regional District Board to consider providing a new or modified service in the local trust areas/electoral area, and stating the reason for the request.
- 1.4 The Regional District Board shall consider a request for a new or modified service within the local trust areas/electoral area, and shall, within 60 days of receiving the request, deliver to the Local Trust Committees a notice in writing stating its position with respect to the request.
- 1.5 Prior to initiating a consultation process for a new or modified service in the local trust areas/electoral area, the Regional District Board shall seek input from the Local Trust Committees to develop an appropriate consultation plan.
- 1.6 The Regional District Board shall consult with the Local Trust Committees before deciding whether to provide or modify a service in the local trust areas/electoral area.

2.0 Regional Growth Strategy

- 2.1 Both Parties acknowledge that a Regional Growth Strategy of the Regional District Board must not apply to the local trust areas/electoral area (*Islands Trust Act*, s. 36.3).
- 2.2 During the preparation and adoption of a Regional Growth Strategy, the Regional District Board must consult with the Local Trust Committees as affected local governments per s. 434(1) of the *Local Government Act*, and any consultation plan adopted pursuant to s. 434(2) of the *Local Government Act* must identify the Local Trust Committees as authorities with which the Regional District Board intends to consult.
- 2.3 The Regional District Board must invite the Local Trust Committees to appoint a representative as a member of any intergovernmental advisory committee the Regional District Board establishes in relation to the development and

implementation of a Regional Growth Strategy, except where the terms of reference of such committee are limited to matters unrelated to the local trust areas/electoral area.

- 2.4 Nothing in this Agreement requires the Regional District Board to secure the acceptance of a Regional Growth Strategy by the Local Trust Committees prior to its adoption.
- 2.5 The Regional District Board shall notify the Local Trust Committees following the adoption of a Regional Growth Strategy bylaw.

3.0 Service Coordination Agreements

- 3.1 The Local Trust Committees in cooperation with the Regional District Board may recommend that the Islands Trust Council enter into a Service Coordination Agreement respecting the coordination of Official Community Plans of the Local Trust Committees, the Islands Trust Policy Statement Bylaw of the Islands Trust Council, and services to be provided by the Regional District Board within the local trust areas/electoral area (*Islands Trust Act*, Section 33.1 (1)).

4.0 Servicing Plans

- 4.1 The Parties wish to ensure the effective delivery of services to the local trust areas/electoral area in a manner that is responsive to island community needs and the object of the Islands Trust.
- 4.2 Where a Servicing Plan being prepared by the Regional District Board affects the local trust areas/electoral area, the Regional District Board shall deliver a Notice of Intent outlining the scope, time-frame, and interagency consultation opportunities for the Servicing Plan to the Local Trust Committees.
- 4.3 Where a Servicing Plan being prepared by the Regional District Board affects the local trust areas/electoral area, the Regional District Board shall deliver a copy of the draft Servicing Plan to the Local Trust Committees at least 30 days prior to first reading.
- 4.4 The Local Trust Committees may request that a consultation meeting be conducted by the Regional District Board within 10 days of receipt of the draft Servicing Plan.
- 4.5 The Regional District Board shall notify the Local Trust Committees following the adoption of a Servicing Plan bylaw for the local trust areas/electoral area.

D. ADMINISTRATIVE ARRANGEMENTS

1.0 Interagency Agreements

- 1.1 Each Party shall provide opportunities for the other Party to provide input to or involvement in interagency initiatives with other organizations that impact the activities of the other Party.

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- 1.2 Each Party shall refer interagency agreements or initiatives with other organizations that impact the activities of the other Party for comment before concluding such agreements.
- 1.3 Each Party shall provide copies to the other Party of relevant interagency agreements or terms of reference for interagency projects relevant to the local trust areas/electoral area.

2.0 Information Sharing

- 2.1 Where an enquiry or complaint is received by either Party related to a matter within the jurisdiction of, or which may reasonably be of interest to, the other Party, the Party receiving the enquiry or complaint shall inform the other Party.
- 2.2 Copies of studies, plans, reports and other documents prepared or received by either Party, which may reasonably be of interest to the other Party, shall be forwarded to the other Party.

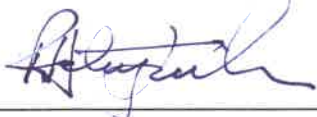
3.0 Legislative Initiatives

- 3.1 Each Party shall inform the other Party of government initiatives that may affect the activities of the other Party within the local trust areas/electoral area.
- 3.2 Each Party shall notify the other Party of government requests to enact legislation that may affect the activities of the other Party.

4.0 Conduct of Elections

- 4.1 The Chief Administrative Officer of the Islands Trust may request that the Regional District Board conduct a local trust committee election..
- 4.2 The Regional District Board will consider such a request and notify the Islands Trust of the Regional District Board's response.
- 4.3 A separate agreement shall be established by the respective Chief Administrative Officers dealing with procedures and cost sharing for the Regional District Board to conduct election proceedings on behalf of the Islands Trust.

Executed on 08 28 / 18 Under the Authority of:



Russell Hotsenpiller
Chief Administrative Officer

R. Dyson

Russell Dyson
Chief Administrative Officer

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AND COMOX VALLEY REGIONAL DISTRICT LETTER OF UNDERSTANDING

Islands Trust
District

Comox Valley Regional