

LETTER OF UNDERSTANDING
on
AGRICULTURAL LAND RESERVE
WITHIN THE ISLANDS TRUST AREA

BETWEEN:

PROVINCIAL AGRICULTURAL LAND COMMISSION (the Commission)

AND

ISLANDS TRUST COUNCIL (the Islands Trust)

1.0 Purpose

1.1 The purpose of this letter of understanding is to:

- .1 commit to a consultative process on issues of common interest;
- .2 set out a process by which consultation will take place; and
- .3 identify those issues that should be the subject of the consultation.

1.2 To achieve the purposes of the letter of understanding, this paper shall:

- .1 encourage the coordination of policies and programs;
- .2 facilitate achievement of mutual goals and objectives; and
- .3 outline the respective areas of responsibility and accountability of the Commission and the Islands Trust.

2.0 Principles

2.1 This agreement acknowledges mutual respect for each agency's policies and areas of jurisdiction.

2.2 This agreement is consistent with the mandate of each agency and conforms with and is subject to the *Islands Trust Act*, *Agricultural Land Commission Act*, *the Soil Conservation Act* and the *Municipal Act*.

3.0 Mandate and Responsibilities

3.1 The Commission, pursuant to the *Agricultural Land Commission Act*, is an independent Provincial agency dedicated to protecting the scarce supply of agricultural land that is important to the current and future needs of British Columbia. In pursuance of this objective it encourages the establishment and maintenance of farms to provide a

basis

for a sustainable economy and a secure source of food, becomes involved in land use planning that supports this objective and provides advisory services to governments, the public and the farming community. In addition, pursuant to the *Soil Conservation Act*, it controls the removal and placement of soil and fill on land within the reserve.

3.2 The *Islands Trust Act* establishes three corporate entities, each with separate responsibilities

that include:

1. The **Islands Trust Council**, for the purpose of carrying out the object of the Islands Trust and subject to the approval of the Minister of Municipal Affairs, may enter into

agreements with the Province and agents of the Province respecting the coordination of administrative activities within the Trust Area. Trust Council adopts a Policy Statement containing policies to further the object of the *Islands Trust Act*. 2. **Local Trust Committees** have the responsibility for providing local land use planning and regulation and responding to the concerns of island residents and property owners. All bylaws are subject to the approval of the Islands Trust Council and must comply with the Islands Trust Policy Statement; and 3. The **Trust Fund Board** is independent of the Islands Trust Council and can acquire and hold land in perpetuity to protect significant environmental sites and features.

4.0 Objectives

- 4.1 Provide an efficient decision making process, based on defined criteria and objectives that treat all parties equally and fairly.
- 4.2 Maximize local decision making and participation in policy development that meets the objectives of both agencies' legislated mandates while building stewardship of the resource within the community.
- 4.3 Share data base and mapping resources in a coordinative and mutually supportive manner.
- 4.4 Determine the process for communications between agencies at each level of review and/or decision-making.
- 4.5 Define a process of early consultation on each agencies' policy initiatives or review including the Islands Trust Policy Statement, Official Community Plans and Bylaws, and General Orders of the Commission.

5.0 Decision Making Process

- 5.1 All decisions share an intent to protect agricultural potential of land and to foster sustainable development of agriculture in the island communities.
- 5.2 The Commission and the Islands Trust will provide written reasons for recommendations and for decisions made.
- 5.3 While the process of review of applications to the Agricultural Land Commission by local trust committees remains flexible and may vary from island to island, all decisions shall be consistent with Agricultural Land Commission policies and shall be monitored.
- 5.4 Generally discussions shall be conducted at a staff level but, where it is not possible for issues to be resolved within a mutually agreed period of time at this level, the matter shall be referred to the General Manager and Executive Director and, if still not resolved, the Commission or the Islands Trust Council may request a meeting to resolve issues.
- 5.5 Input on Commission referral matters shall be communicated from a local trust committee through the Islands Trust planning staff to Commission staff.

6.0 Maximizing Local Participation

- 6.1 The Commission does not anticipate the delegation of authority on approval of applications to local trust committees at this time.
- 6.2 The interests of island communities as reflected in Official Community Plan policies addressing agricultural, environmental and social concerns, will be used by the Local Trust Committee to assess applications within the Agricultural Land Reserve.
- 6.3 The Commission shall make information on policy and application status available to communities in their deliberations.
- 6.4 Either agency may define site-specific issues for consideration.
- 6.5 The Islands Trust in its own process shall ensure consultation with interested groups within the island communities.

7.0 Sharing Resources

- 7.1 General information including air photos, and physical soils information when acquired by one party, shall be shared with the other upon request.
- 7.2 Where a site inspection of land that is subject to an application to the Commission is considered necessary by both the Commission for its purposes and the Islands Trust to satisfy its interest, the Island Trust shall provide the on-site inspection of such land.
- 7.3 The Commission shall communicate with the Islands Trust investigations officer to ensure a consistent policy of enforcements.
- 7.4 The electronic tracking systems of each agency shall be reviewed to maximize potential compatibility of data entry.

8.0 Communications between Agencies

- 8.1 There shall be an annual meeting in April or May between senior staff to review work program initiatives planned for the upcoming year.
- 8.2 Each agency shall strive to ensure that the other is fully consulted on all issues of common interest.
- 8.3 In respect of planning documents prepared by the Islands Trust, the extent of the consultation will vary according to the complexity of the agricultural issues of the plan area. For Official Community Plans the minimum consultation will comprise an initial notification of the intention to prepare a new plan or conduct a review of an existing plan and, in compliance with Section 947 (2) of the Municipal Act, a referral of the plan after first reading. Other consultations will be carried out as necessary, and may involve invitations to attend workshops, public, planning committee and agency meetings. Where initiatives related to the Policy Statement or other items of significance to the Agricultural Land Reserve arise, early notice shall be given of such initiatives.

- 8.4 In respect of documents prepared by the Commission, the consultation will depend upon the nature of the document and its relevance to the Islands Trust. All common policy documents, for example general orders, that are referred to local governments will include a referral to the Island Trust and any document that specifically relates to the Islands Trust, for example, reviews of the Agricultural Land Reserve, will be referred to the appropriate local trust committee at an early date. No decision will be taken by the Commission where there is disagreement before the matter has been discussed at a staff level or at any necessary higher levels as referred to in 8.6.
- 8.5 Each agency shall be given at least 30 working days in which to respond and shall strive to respond within such period.
- 8.6 Both organizations shall strive to reach agreement where differences of opinion arise as result of their differing mandates, provided that the provisions of the Agricultural Land Commission Act and the Farm Practices Protection (Right to Farm) Act are not compromised. Where it is not possible to resolve the issues at a staff level, the matter shall be referred to the General Manager and Executive Director and, if necessary, to the Commission and the Islands Trust and/or relevant local trust committee.

9.0 Terms of the Agreement

- 9.1 The Executive Director of the Islands Trust and the General Manager of the Commission are responsible for administering this agreement. Any notice or report required to be delivered to the parties may be made, if delivered to the Islands Trust:

Islands Trust
2nd Floor, 1627 Fort Street
Victoria, BC V814 1 H8
Attention: Executive Director

or, if delivered to the Commission:

Agricultural Land
Commission 133 - 4940
Canada Way Burnaby, BC
V5G 4K6

Attention: General Manager

- 9.2 From time to time the Executive Director of the Islands Trust and the General Manager of the Agricultural Land Commission may amend this agreement upon mutual agreement.
- 9.3 This agreement becomes effective on the date of signature of both parties and shall be reviewed by both parties three years from the effective date, or upon 30 days written notice by either the Islands Trust or the Agricultural Land Commission.

- 9.4 Nothing in this agreement shall operate or be construed to abrogate or reduce the authority or autonomy of the Islands Trust or the Commission to administer or enforce legislation or regulations. In particular, the quasi-judicial authorities of the Islands Trust and the Commission are not encumbered or fettered in any way by this agreement.
- 9.5 Both parties agree to communicate the contents of this memorandum to the staff of both parties to ensure its implementation.