

ISLANDS TRUST COUNCIL

BYLAW NO. 17

\*\*\*\*\*

A BYLAW TO ADOPT A POLICY STATEMENT FOR THE TRUST AREA

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The Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act* S.B.C. 1989 c.68, enacts as follows:

**TITLE**

- 1. This Bylaw may be cited for all purposes as "The Islands Trust Policy Statement Bylaw, 1993".

**APPLICATION**

- 2. This Bylaw applies to the Trust Area, as defined in Schedule A of the *Islands Trust Act* S.B.C. 1989 c.68.

**ORGANIZATION**

- 3. Parts I, II, III, IV, and V and Schedule 1 of the "Islands Trust Policy Statement" attached to and forming part of the bylaw are hereby adopted as the trust policy statement pursuant to S.13(1) of the *Islands Trust Act*.

**READINGS**

|   |      |        |         |        |
|---|------|--------|---------|--------|
| READ A FIRST TIME THIS  | 31ST | DAY OF | OCTOBER | , 1993 |
| READ A SECOND TIME THIS   | 31ST | DAY OF | OCTOBER | , 1993 |
| READ A THIRD TIME THIS  | 31ST | DAY OF | OCTOBER | , 1993 |
| APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS PURSUANT TO SECTION 13(2)(c) OF THE <i>ISLANDS TRUST ACT</i> THIS | 9TH  | DAY OF | JUNE    | , 1994 |
| RECONSIDERED AND FINALLY ADOPTED THIS   | 11TH | DAY OF | JUNE    | , 1994 |

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson

## TABLE OF CONTENTS

INTRODUCTION

HISTORY AND CONTEXT

ORGANIZATION OF THE ISLANDS TRUST POLICY STATEMENT

LOCATION OF THE TRUST AREA

### ISLANDS TRUST COUNCIL BYLAW NO. 17:

#### A BYLAW TO ADOPT A POLICY STATEMENT FOR THE TRUST AREA

|   |    |
|---|----|
| <u>PART I: PURPOSE AND IMPLEMENTATION OF THE TRUST POLICY STATEMENT</u> ..... | 1  |
| ROLES AND RESPONSIBILITIES .....  | 1  |
| Role of the Minister of Municipal Affairs .....                               | 1  |
| Role of the Islands Trust Council .....                                       | 1  |
| Role of the Executive Committee.....  | 2  |
| Role of Local Trust Committees.....   | 2  |
| Role of Municipalities .....  | 3  |
| Role of the Islands Trust Fund Board .....                                    | 3  |
| Role of Other Government and Non-Government Organizations.....                | 3  |
| Role of First Nations.....  | 3  |
| Role of Property Owners, Residents and Visitors .....                         | 3  |
| AMENDMENTS AND REVIEW .....   | 4  |
| <u>PART II: THE ISLANDS TRUST'S OBJECT AND GUIDING PRINCIPLES</u> .....       | 5  |
| THE ISLANDS TRUST'S OBJECT AND ITS MEANING .....                              | 5  |
| GUIDING PRINCIPLES.....   | 6  |
| <u>PART III: ECOSYSTEM PRESERVATION AND PROTECTION</u> .....                  | 7  |
| GOAL.....   | 7  |
| POLICIES .....  | 7  |
| 3.1. Ecosystems.....  | 7  |
| 3.2. Forest Ecosystems.....   | 9  |
| 3.3. Freshwater and Wetland Ecosystems and Riparian Zones .....               | 9  |
| 3.4. Coastal and Marine Ecosystems.....                                       | 10 |
| <u>PART IV: STEWARDSHIP OF RESOURCES</u> .....                                | 11 |
| GOAL.....   | 11 |
| POLICIES .....  | 11 |
| 4.1. Agricultural Land .....  | 11 |
| 4.2. Forests .....  | 12 |
| 4.3. Wildlife and Vegetation.....   | 12 |
| 4.4. Freshwater Resources.....  | 13 |
| 4.5. Coastal Areas and Marine Shorelands .....                                | 13 |
| 4.6. Soils and Other Resources .....  | 15 |

|   |        |
|---|--------|
| <b><u>PART V: SUSTAINABLE COMMUNITIES</u></b> ..... | 16     |
| <b>GOAL</b> .....                                   | 16     |
| <b>POLICIES</b> .....                               | 16     |
| 5.1. Aesthetic Qualities .....                      | 16     |
| 5.2. Growth and Development .....                   | 16     |
| 5.3. Transportation and Utilities .....             | 17     |
| 5.4. Disposal of Waste .....                        | 17     |
| 5.5. Recreation .....                               | 18     |
| 5.6. Cultural and Natural Heritage .....            | 18     |
| 5.7. Economic Opportunities .....                   | 19     |
| 5.8. Health and Well-being .....                    | 19     |
| <br><b><u>SCHEDULE I</u></b> .....                  | <br>21 |
| <b>DEFINITIONS</b> .....                            | 21     |



## **PART I: PURPOSE AND IMPLEMENTATION OF THE TRUST POLICY STATEMENT**

The purpose of the Policy Statement is to establish a vision for the future of the Islands Trust Area, shared by residents of the Trust Area and of the Province generally. Achieving this vision depends on the actions of many stakeholders. The Policy Statement provides a general strategy for land use planning which translates the broad goals of the Province and the Islands Trust into specific actions to preserve<sup>1</sup> and protect<sup>2</sup> the Trust Area.

The Policy Statement clarifies the positions and policies of the Islands Trust and provides guidance for the formulation of bylaws, plans and policies. It is a document to be utilized by local trust committees and municipalities of the Trust Area when they are formulating local bylaws, by the Executive Committee of Trust Council when it is reviewing plans and bylaws of local trust committees and municipalities, and by the Province and other agencies when they are reviewing their own plans and policies for compatibility with those of the Islands Trust.

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.

### **ROLES AND RESPONSIBILITIES**

The Islands Trust Council cannot effectively implement the Policy Statement without the support of all stakeholders. Assistance, cooperation and collaboration are required from local trust committees, municipalities, the Trust Fund Board, the Provincial Government, other government agencies, non-government organizations, communities, First Nations, property owners, residents and visitors. In the spirit of the legislated object of the Islands Trust, it is expected that all corporate entities of the Islands Trust will consult with other agencies on matters involving potential conflict between the Trust's legislated object, and the legislated mandate of other agencies.

#### **Role of the Minister of Municipal Affairs**

The Minister approves the 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. And, the Minister and Ministry staff can facilitate communication between the Islands Trust and other government agencies on policy matters.

#### **Role of the Islands Trust Council**

The *Islands Trust Act* assigns the Islands Trust Council responsibility for the development and adoption of the Trust Policy Statement. Recognizing the varying roles and responsibilities of the many stakeholders and its own jurisdiction, Trust Council has included three types of policies in the Policy Statement bylaw:

##### **a) Policies That Direct Local Trust Committees and Municipalities**

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<sup>1</sup> Preserve - to maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.

<sup>2</sup> Protect - to maintain over the long-term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

## 2 Islands Trust Policy Statement

These policies direct local trust committees to address certain matters in their official community plans and regulatory bylaws and direct municipalities to address certain matters in their official community plans. Where a particular policy requires a local trust committee or municipality to address a particular matter, the official community plan must contain policies that implement the policy stated by Trust Council unless the local trust committee or, where applicable, the municipality sets out explicitly in the plan the reasons and justifications for local policies that do not do so. Directive policies commence with the phrase "Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address ...."

- b) Recommendations to Other Government Agencies, Non-Government Organizations , Property Owners, Residents and Visitors

These policies serve as recommendations from Trust Council to government agencies, non-government organizations, property owners, residents and visitors regarding decisions or actions which they might undertake in support of the Policy Statement and the Islands Trust object, and specify principles of guidance for protocol agreements between the Trust and other agencies. These policies begin with the phrase "Trust Council encourages ...."

- c) Commitments of Trust Council

The remainder of the policies state Trust Council's position or philosophy on various matters. For this category of policy several introductory phrases are used. For example, "Trust Council holds that ...", "It is the position of Trust Council that ...", and "It is Trust Council's policy that...."

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

### Role of the Executive Committee

The Executive Committee of Trust Council is required to review all bylaws of local trust committees and those bylaws of Trust Area municipalities which deal with the adoption of an official community plan. Such bylaws have no effect unless approved by the Executive Committee, and the Committee can not approve such a bylaw if it is "contrary to or at variance with" a directive policy. If there is no official community plan in place for a Trust Area municipality, then the Executive Committee is required to review all bylaws of the municipality, and no bylaw which is contrary to a directive policy in the Policy Statement can be approved.

The Executive Committee also monitors Trust Council's progress in achieving the goals defined in the Policy Statement, and makes recommendations to Council in this regard.

### Role of Local Trust Committees

As set out in the *Islands Trust Act*, bylaws of local trust committees can not be "contrary to or at variance with" the Trust Policy Statement. The Policy Statement contains policies that direct local trust committees to address certain matters in their official community plans and regulatory bylaws. While directive policies identify matters which must

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<sup>3</sup> Address - direct attention to matters in a way that implements the policy of Trust Council.

be addressed in official community plans and regulatory bylaws, such policies do not stipulate the specific policies and regulations to be included because the social and environmental characteristics of the islands vary. Where a particular policy requires a local trust committee to address a particular matter, the official community plan must contain policies that implement the policy stated by Trust Council unless the local trust committee sets out explicitly in the plan the reasons and justifications for local policies that do not do so. Each local trust committee works with its island community to develop policies and regulations to suit local needs, while still supporting the Islands Trust object and the Policy Statement. Local trust committees are not required to comply with any policy in the Policy Statement not stated as a directive policy.

### **Role of 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 a municipality to address a particular matter, the official community plan must contain policies that implement the policy stated by Trust Council unless the municipality sets out explicitly in the plan the reasons and justifications for local policies that do not do so.

### **Role of the Islands Trust Fund Board**

The *Islands Trust Act* assigns the Islands Trust object to the Trust Fund Board, as well as to Trust Council and the local trust committees. Although the Board does not take direction from Trust Council, it can support the policies of the Policy Statement through, for example, the purchase of lands and acceptance of voluntary donations of property and of covenants.

### **Role of Other Government and Non-Government Organizations**

Government agencies and non-government organizations can contribute greatly to the preservation and protection of the environment and amenities of the Trust Area through cooperative actions based on the Policy Statement. Cooperative actions such as protocols and mutually supportive strategies and action plans are necessary for the sustainability of the Trust Area.

### **Role of First Nations**

First Nations consider the Trust Area to be within their traditional territory. As such, they may have rights to and interests in the Trust Area. Proposed regulations that may affect aboriginal rights will be preceded by meaningful consultation and negotiation of conflicts with known claims.

### **Role of Property Owners, Residents and Visitors**

The assistance and cooperation of property owners, residents and visitors is vital to the preservation and protection of the environment and amenities of the Trust Area and the implementation of the Policy Statement. Individuals have the opportunity to participate in local planning and to work with other members of the community and the trustees to develop official community plans and bylaws that address local needs and support the object of the Islands Trust.

## **AMENDMENTS AND REVIEW**

#### **4 Islands Trust Policy Statement**

The Policy Statement bylaw may be amended by the Islands Trust Council with the approval of the Minister of Municipal Affairs. Proposals for amendments to the Policy Statement from all sources are compiled by the Executive Committee and brought forward for Trust Council's consideration.

The Islands Trust Council may, from time to time, initiate a public review of the entire Policy Statement.

## **PART II: THE ISLANDS TRUST'S OBJECT AND GUIDING PRINCIPLES**

### **THE ISLANDS TRUST'S OBJECT AND ITS MEANING**

The *Islands Trust Act* defines the Islands Trust's purpose, referred to 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 the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province."

The Islands Trust has responsibility for environmental conservation through land use planning and regulation and 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. It is in this context that the word "stewardship" is used within this document. The Islands Trust seeks to integrate ecosystem preservation and protection, sustainable communities and stewardship of resources.

The *Islands Trust Act* provides special legislation for preservation and protection of the Georgia Strait-Howe Sound geographic area and creates a conservation-oriented agency to work towards this objective. The object serves the Act by establishing the value of the Trust Area by identifying the need for preservation and protection of the Area. The following sections provide a fuller explanation of the key phrases in the Trust's legislated object.

#### **"... to preserve and protect the Trust Area and its unique amenities and environment ..."**

The area of jurisdiction of the Islands Trust is established by Schedule A of the *Islands Trust Act*. The Trust Area is valued and is unique, not because of any one quality or feature, but, rather, because of its particular combination of characteristics and location.

#### **"... for the benefit of the residents of the Trust Area and of the province generally ..."**

The Islands Trust is responsible to the present and future residents of both the Trust Area and the Province of British Columbia. The needs of present residents, future generations and island communities can only be met and sustained within the limitations of the natural environment and the island communities of the Trust Area. A balance must be established between the needs of all stakeholders.

#### **"... in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of the Province ..."**

To achieve its object, the Islands Trust must be an educator, coordinator, and initiator, guiding individuals, organizations and other agencies in support of the object. While the Islands Trust can provide the necessary leadership, responsibility for stewardship of the Trust Area rests with many. Individuals, other government agencies, organizations, and the Province itself, all have important roles to play. Cooperative actions are required of other

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<sup>4</sup> Conservation - actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or area of human heritage value or character.

## 6 Islands Trust Policy Statement

agencies, organizations and individuals to ensure that activities are carried out in a manner that is sensitive to the needs of Trust Area ecosystems and island communities.

### GUIDING PRINCIPLES

The following principles, derived from the Islands Trust object and from input received from the public during public forums, will guide Trust Council in its day-to-day planning and decision-making.

- \* The primary responsibility of the Islands Trust Council is to provide leadership for the preservation, protection and stewardship of the Trust Area's amenities, environment and resources.
- \* When making decisions and exercising judgement, Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area.
- \* Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of local knowledge in this regard.
- \* Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation.
- \* Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area.
- \* Trust Council will implement a plan for the advancement of the Policy Statement as part of its annual budget process, and the Executive Committee of Trust Council will report to Council on progress in achieving the goals of the Policy Statement.

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<sup>5</sup> Ecosystem - complexes of living organisms interacting with the non-living environment that sustains them. All ecosystems have three fundamentals: composition, structure and function. The composition of ecosystems is defined as an inventory of the living components including humans. The structure of an ecosystem is the physical arrangement of its living and non-living components. Function refers to the exchanges and flows of energy, material or information within and among the living and non-living components of an ecosystem.

## **PART III: ECOSYSTEM PRESERVATION AND PROTECTION**

### **GOAL: TO FOSTER PRESERVATION AND PROTECTION OF THE TRUST AREA'S ECOSYSTEMS.**

As humans occupy and modify the Trust Area, ecosystems are subject to various pressures. Protection of these ecosystems is essential if they are to remain healthy and productive for the benefit of future generations.

The principle of sustainability must be upheld. Protective measures are varied and can include actions ranging from preservation of natural areas in the form of parks and ecological reserves, to increasing public awareness and understanding of the need for sustainable use and stewardship by all land owners.

The task of protecting the Trust Area is particularly challenging because ecosystems do not stop at political boundaries. Cooperative management programs are required to coordinate the actions of all stakeholders. Government, property owners, residents and visitors share responsibility for the preservation and protection of the Trust Area's ecosystems.

### **POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION**

#### **3.1. Ecosystems**

##### **3.1.1 Trust Council holds that:**

- . proactive land use planning is essential for the protection of Trust Area ecosystems,
- . protection must be given to the Trust Area's natural processes, habitats and species, including those of the Area's old forests, Coastal Douglas-fir forests, Garry Oak/Arbutus forests,

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<sup>6</sup> Sustainable - capable of being maintained indefinitely; capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

<sup>7</sup> Natural Areas - areas which have experienced minimal modification by humans.

<sup>8</sup> Sustainable Use - use of renewable resources which is within the capability of those resources for renewal and which conserves the ecological processes that support the use.

<sup>9</sup> Stewardship - Voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

<sup>10</sup> Habitat - the place or situation in which a human, animal or plant lives.

<sup>11</sup> Trust Area Species - species native to the Trust Area, dependent on the Trust Area for all or part of their life cycle, or using the Trust Area seasonally or for migratory purposes.

## 8 Islands Trust Policy Statement

wetlands, open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, and kelp and eel grass beds, and

- . planning must account for the cumulative effects of existing and proposed development so as to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.

- 3.1.2 It is Trust Council's policy to work towards the establishment of a network of protected areas which preserve representative ecosystems in their natural state, and in sufficient size and distribution to sustain their ecological integrity.
- 3.1.3 Trust Council encourages all government agencies and non-government organizations to consider both monetary and non-monetary costs when making resource management and land use decisions.
- 3.1.4 Trust Council encourages the Provincial government and the government of Washington State to proceed with their proposal for a joint environmental monitoring system for the Georgia Basin Region.
- 3.1.5 Trust Council encourages the Provincial government to establish property tax incentives for conservation or habitat protection.
- 3.1.6 Trust Council encourages actions and programs of other government agencies which:
- . place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,
  - . protect the diversity of native species and habitats in the Trust Area, and
  - . prevent pollution of the air, land and fresh and marine waters of the Trust Area.
- 3.1.7 Trust Council encourages the Provincial government to enforce standards for control of emissions polluting the air of the Trust Area.
- 3.1.8 Trust Council encourages government agencies, non-government organizations, property owners and occupiers to protect environmentally sensitive areas and significant natural sites, features and landforms in their planning area through voluntary conservation covenants and careful management.
- 3.1.9 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

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<sup>12</sup> Wetland - land that has the water table at, near, or above the land's surface or which is saturated for a long enough period to promote aquatic processes.

<sup>13</sup> Drift Sector - an integrated and independently operating beach system or erosion-transportation-accretion operating along the coastline.

<sup>14</sup> Ecological - related to the interrelations among plants, animals (including humans) and their environment.

- 3.1.10 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas which preserve the representative ecosystems of their planning area, and maintain their ecological integrity.
- 3.1.11 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development so as to restrict emissions to land, air and water to levels not harmful to humans or other species.

**3.2. Forest Ecosystems**

- 3.2.1 It is Trust Council's policy that:
  - . the Trust Area's forest ecosystems should be protected, and
  - . the remaining stands of relatively undisturbed Coastal Douglas-fir, Garry Oak and Arbutus forests should be preserved.
- 3.2.2 Trust Council encourages government agencies, non-government organizations, property owners and occupiers to protect forested areas through voluntary conservation covenants and careful management.
- 3.2.3 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems in their planning area from potentially adverse impacts of growth, development and land-use.

**3.3. Freshwater and Wetland Ecosystems and Riparian Zones**

- 3.3.1 Trust Council holds that:
  - . the freshwater wetlands, bodies of surface water, natural drainage patterns, water courses, fish-bearing streams, watershed and groundwater recharge areas of the Trust Area should be identified, protected and, where possible, restored or rehabilitated, and
  - . the natural wetlands of the Trust Area, including those in the Agricultural Land Reserve, should not be drained, filled or degraded.
- 3.3.2 Trust Council encourages government agencies, non-government organizations, property owners and occupiers to protect freshwater bodies, water courses, wetlands, riparian zones and aquatic wildlife habitats through voluntary conservation covenants and careful management.

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<sup>15</sup> Unfragmented Forest Ecosystem - areas of forested land which are large enough to contain and sustain the forests' characteristic species.

<sup>16</sup> Riparian Zone - relating to the bank of a river, lake, stream or watercourse.

## 10 Islands Trust Policy Statement

- 3.3.3 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands and riparian zones and to protect aquatic wildlife.

### 3.4. Coastal and Marine Ecosystems

- 3.4.1 It is the position of Trust Council that development should not be allowed within a line drawn 300 metres offshore or mid-channel (whichever is less) of any island or islet in the Trust Area owned entirely by the Crown or affected by Order in Council 467
- 3.4.2 Trust Council holds that artificial reefs should not be developed in the Trust Area.
- 3.4.3 Trust Council encourages the Provincial and Federal governments to develop existing and new programs, such as "harvest refugia", which protect and enhance the populations of native marine species of the Trust Area.
- 3.4.4 Trust Council encourages the Provincial and Federal governments to research the impacts of the introduction of new marine species into the marine water of the Trust Area before such species are introduced.
- 3.4.5 Trust Council encourages the Federal and Provincial governments to develop and adopt legislation that deals with the problem of the discharge of sewage detrimental to marine or coastal ecosystems, from shores and boats.
- 3.4.6 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
- 3.4.7 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions so as to protect natural coastal processes.

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<sup>17</sup> Order in Council 467 - Provincially established legislation which reserves certain Crown lands, including lesser islands and islets in the Trust Area from disposition under the *Land Act*

## **PART IV: STEWARDSHIP OF RESOURCES**

**GOAL: TO ENSURE THAT HUMAN ACTIVITIES AND THE SCALE, RATE AND TYPE OF DEVELOPMENT IN THE TRUST AREA ARE COMPATIBLE WITH MAINTENANCE OF THE INTEGRITY OF TRUST AREA ECOSYSTEMS.**

With responsible management, the Trust Area's natural resources can be used long into the future. In the long term, it is less costly to use resources sustainably than to have to replace or rehabilitate them once they are depleted. Indiscriminate use or development of natural resources can threaten the island lifestyles and environments which are valued by the people who live in and visit the Trust Area.

### **POLICIES FOR STEWARDSHIP OF RESOURCES**

#### **4.1. Agricultural Land**

- 4.1.1 Trust Council recognizes that farming is a traditional and valuable activity in the Trust Area.
- 4.1.2 Trust Council encourages the Provincial government to retain property tax incentives to encourage farming in the Trust Area.
- 4.1.3 Trust Council encourages the Agricultural Land Commission to approve applications for inclusion of land with potential for agriculture in the Provincial Agricultural Land Reserve.
- 4.1.4 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address uses which preserve, protect and encourage farming, and do not degrade the agricultural land base.
- 4.1.5 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address zoning and regulations which identify and preserve agricultural land and land with potential for agriculture.
- 4.1.6 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address:
  - . the protection of existing and potential agricultural land from uses that would prevent their future use for agriculture, and
  - . the protection of agricultural lands from adverse impacts associated with the use of adjacent or nearby properties.
- 4.1.7 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address:
  - . the retention of large land holdings and parcel sizes for agriculture within the Agricultural Land Reserve, and

## 12 Islands Trust Policy Statement

- . the location and construction of roads, and utility and communication corridors so as to minimize fragmentation of lands in the Agricultural Land Reserve.

### 4.2. Forests

4.2.1 Trust Council recognizes that sustainable forestry is a traditional and valuable land use in the Trust Area.

4.2.2 It is the position of Trust Council that:

- . on each island in the Trust Area, the rate of forest harvesting should not exceed the rate of re-growth, and
- . clearcutting as a forestry practice, should not occur except when under approved woodlot management plans or for purposes of agriculture within the Agricultural Land Reserve.

4.2.3 Trust Council encourages the Provincial government to adopt Provincial statutes and guidelines that protect the environmental quality and ecological integrity of forest lands in the Trust Area, including biodiversity guidelines, site degradation guidelines, a forest practices code, education programs and mechanisms for local participation in decisions.

4.2.4 Trust Council encourages the Provincial government to implement property tax incentives for the practice of sustainable forestry.

4.2.5 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address:

- . the retention of large land holdings and parcel sizes for forestry, and
- . the location and construction of roads, and utility and communication corridors so as to minimize the fragmentation of forests.

### 4.3. Wildlife and Vegetation

4.3.1 Trust Council encourages Provincial and Federal government agencies to:

- . regulate and monitor the harvesting of the fish, wildlife and vegetation of the Trust Area so as to protect populations and habitats, and
- . consult with local trust committees, municipalities, the communities of the Trust Area and First Nations prior to decisions regarding regulation of hunting or harvesting of Area wildlife or vegetation.

4.3.2 Trust Council encourages Provincial and Federal government agencies 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.

**4.4. Freshwater Resources**

- 4.4.1 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.
- 4.4.2 Trust Council encourages island property owners, residents and visitors to adopt conservation practices in their use of freshwater.
- 4.4.3 Trust Council encourages the Provincial government to implement property tax incentives for the retention of groundwater and watershed recharge areas and freshwater wetlands.
- 4.4.4 Trust Council encourages the Provincial government to adopt legislation which protects the sustainability and quality of the groundwater of the Trust Area.
- 4.4.5 Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies which will permit more efficient use of the Trust Area's freshwater resources, including: cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices.
- 4.4.6 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:
  - . neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
  - . water quality is maintained, and
  - . existing, anticipated and seasonal demands for water are considered and allowed for.
- 4.4.7 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of instream uses.

**4.5. Coastal Areas and Marine Shorelands**

- 4.5.1 It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of the Trust Area's ecosystems and community character.
- 4.5.2 Trust Council holds that finfish farms should not be located in the marine waters of the Trust Area.

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<sup>18</sup> Instream Uses - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and the maintenance of water quality in lakes and streams and wetlands.

<sup>19</sup> Marine Shorelands - lands immediately adjacent to the marine shoreline.

<sup>20</sup> Aquaculture - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or under the foreshore or in the sea.

## 14 Islands Trust Policy Statement

- 4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.
- 4.5.4 It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.
- 4.5.5 It is Trust Council's policy that development should be directed to sites away from:
- . areas of environmental sensitivity, and
  - . areas of naturally occurring stocks of clams or oysters.
- 4.5.6 It is Trust Council's policy that aquaculture should be directed to sites away from:
- . 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 established or designated anchorage or moorage.
- 4.5.7 It is the position of Trust Council that aquaculture related development, activity, buildings or structures should not result in site alteration.
- 4.5.8 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
- 4.5.9 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the island's ecosystems and character.
- 4.5.10 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
- 4.5.11 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

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<sup>21</sup> Site Alteration - includes, but is not limited to substrate modification or the use of metal plates or pipes.

**4.6. Soils and Other Resources**

- 4.6.1 Trust Council holds that there should be no extraction of the peat, metals, minerals, coal or petroleum resources of the Trust Area.
- 4.6.2 Trust Council holds that there should be no extraction of aggregate from the foreshore or the sea floor of the Trust Area.
- 4.6.3 Local trust committees shall, in their soil removal and deposit bylaws, address the protection of productive soils.

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<sup>22</sup> Soils - the entire layer of unconsolidated material above bedrock other than minerals as defined in the *Mineral Act* or the *Mining Placer Act*.

## **PART V: SUSTAINABLE COMMUNITIES**

### **GOAL: TO SUSTAIN ISLAND CHARACTER AND HEALTHY COMMUNITIES.**

Communities within the Trust Area are still predominantly rural in character and contrast markedly with surrounding urban areas. Each island community has developed somewhat independently of other communities. Residents of all island communities value the safe and supportive nature of their island and their quality of life. They feel strongly that people of differing age groups and income levels should continue to have the opportunity to reside in island communities.

The health of a community is influenced by numerous factors such as economic security, education, cleanliness and safety of the environment, social support systems and the availability of such necessities as educational and social services, transportation, affordable food and housing. Public involvement in decisions which affect a community is also critical to the health of that community. Participation in the decision-making process influences whether an individual or group is able to realize aspirations, satisfy needs or cope with change.

### **POLICIES FOR SUSTAINABLE COMMUNITIES**

#### **5.1. Aesthetic Qualities**

- 5.1.1 Trust Council holds that the overall visual quality of the Trust Area and its scenic values should be protected from disturbance, particularly those areas that have distinctive features or are highly visible.
- 5.1.2 It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character.
- 5.1.3 Trust Council encourages property owners, residents and visitors to reduce the burning of wood and fossil fuels by adopting alternative or innovative technologies.
- 5.1.4 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

#### **5.2. Growth and Development**

- 5.2.1 Trust Council holds that growth and development in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.2 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

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<sup>23</sup> Sustainable Communities - human communities that have achieved a balance between environmental, economic and social systems and which respect the carrying capacity of the supporting environment.

- 5.2.3 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address the rate of growth, if any, and strategies for the management of growth that is compatible with preservation and protection of the environment, natural amenities, resources and community character.
- 5.2.4 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the efficient use of the land base without exceeding density limits that may be defined in their official community plans.
- 5.2.5 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and a strategy to direct development away from such hazards.

### **5.3. Transportation and Utilities**

- 5.3.1 Trust Council holds that the Area's local trust committees and municipalities, should be consulted and involved in any decision-making process regarding the provision of a utility or transportation service or facility which might affect land use in their local planning area.
- 5.3.2 It is Trust Council's policy that no island in the Trust Area should be connected to Vancouver Island, the mainland or to another island by a bridge or tunnel, notwithstanding the existing bridge between North and South Pender Islands.
- 5.3.3 Trust Council encourages Provincial and Federal agencies to ensure safe shipment of materials hazardous to the environment.
- 5.3.4 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
- 5.3.5 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns which encourage establishment of bicycle paths and other local and inter-community transportation systems which reduce dependency on private automobile use.

### **5.4. Disposal of Waste**

- 5.4.1 It is Trust Council's policy that safe disposal in the Trust Area of waste originating in the Trust Area is acceptable.
- 5.4.2 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.
- 5.4.3 It is Trust Council's policy that there should be a reduction in the burning of solid waste in the Trust Area.

## 18 Islands Trust Policy Statement

5.4.4 Trust Council encourages government agencies, corporations, property owners and residents to use innovative technologies and safe alternatives for disposal of sewage effluent.

5.4.5 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

### 5.5. Recreation

5.5.1 It is Trust Council's policy that recreational activities in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.

5.5.2 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address:

- . the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and
- . the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.

5.5.3 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address:

- . the identification of safe public access to beaches,
- . the identification and designation of areas of recreational significance, and
- . the designation of locations for community and public boat launches, docks and anchorages.

5.5.4 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.

5.5.5 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.

### 5.6. Cultural and Natural Heritage

5.6.1 Trust Council holds that the Area's natural and human heritage; its areas and property of natural, historic, cultural, aesthetic, educational or scientific heritage value or character should be identified, preserved, protected and enhanced.

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<sup>24</sup> Heritage - a place, feature or event of cultural, biological, archaeological, paleontological or geological significance.

<sup>25</sup> Heritage Value - historical, cultural, aesthetic, educational or scientific worth or usefulness of property or an area.

<sup>26</sup> Heritage Character - the overall effect produced by traits or features which give property or an area a distinctive quality or appearance.

5.6.2 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.

5.6.3 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.

**5.7. Economic Opportunities**

5.7.1 Trust Council holds that economic opportunities should be compatible with conservation of resources and protection of community character.

5.7.2 Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities compatible with conservation of resources and protection of community character.

**5.8. Health and Well-being**

5.8.1 Trust Council holds that public participation should be part of the decision-making processes of all levels of government.

5.8.2 It is the position of Trust Council that local trust committees and, where appropriate, municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.

5.8.3 It is the position of Trust Council that the development and maintenance of healthy communities in the Trust Area through the process described in the Provincial Ministry of Health's "Healthy Communities Program" should be encouraged.

5.8.4 Trust Council encourages government agencies, corporations, property owners, residents and visitors to use renewable sources of energy within the Trust Area.

5.8.5 Local trust committees and, where appropriate, municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and long-term needs for educational, institutional, community and health related facilities and services, and cultural and recreational facilities and services.

## SCHEDULE I

### DEFINITIONS

**Address** - direct attention to matters in a way that implements the policy of Trust Council.

**Aquaculture** - the growing and cultivation of aquatic plants or shellfish, for commercial purposes on or under the foreshore or in sea.

**Conservation** - actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or areas of human heritage value or character.

**Drift Sector** - an integrated and independently operating beach system of erosion-transportation-accretion operating along the coastline.

**Ecological** - related to the interrelations among plants, animals (including humans) and their environment.

**Ecosystem** - complexes of living organisms interacting with the non-living environment that sustains them. All ecosystems have three fundamentals: composition, structure and function. The composition of ecosystems is defined as an inventory of the living components including humans. The structure of an ecosystem is the physical arrangement of its living and non-living components. Function refers to the exchanges and flows of energy, material or information within and among the living and non-living components of an ecosystem.

**Habitat** - the place or situation in which a human, animal or plant lives.

**Heritage** - a place, feature or event of cultural, biological, archaeological, paleontological or geological significance.

**Heritage Character** - the overall effect produced by traits or features which give property or an area a distinctive quality or appearance.

**Heritage Property** - property or areas which have historical, cultural, aesthetic, educational or scientific value or character.

**Heritage Value** - historical, cultural, aesthetic, educational or scientific worth or usefulness of property or an area.

**Instream Uses** - include water uses such as fish and habitat uses, aesthetic uses, recreational opportunities and maintenance of water quality in lakes and streams and wetlands.

**Marine Shorelands** - lands immediately adjacent to the marine shoreline.

**Natural Areas** - areas that have experienced minimal modification by the human species.

**Order in Council 467** - Provincially established legislation which reserves certain Crown lands, including lesser islands and islets in the Trust Area, from disposition under the *Land Act*.

**Preserve** - to maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.

**Protect** - to maintain over the long term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

**Renewable Resources** - resources that are capable of being replaced by natural ecological cycles within reasonable human time frames.

**Riparian Zone** - relating to the bank of a river, lake, stream or water course.

**Site Alteration** - includes, but is not limited to substrate modification or the use of metal plates or pipes.

**Soil** - the entire layer of unconsolidated material above bedrock other than minerals as defined in the *Mineral Act* or the *Mining Placer Act*.

**Stewardship** - voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

**Sustainable** - capable of being maintained indefinitely; capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

**Sustainable Communities** - human communities that have achieved a balance between environmental, economic and social systems and that respect the carrying capacity of the supporting environment.

**Sustainable Use** - use of renewable resources which is within the capacity of those resources for renewal and which conserves the ecological processes that support the use.

**Trust Area Species** - species native to the Trust Area, dependent on the Trust Area for all or part of their life cycle, or using the Trust Area seasonally or for migratory purposes.

**Unfragmented Forest Ecosystems** - areas of forested land that are large enough to contain and sustain the forests' characteristic species.

**Wetland** - land that has the water table at, near, or above the land's surface or which is saturated for a long enough period to promote aquatic processes.