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From: Michael Sketch

Sent: Monday, August 24, 2020 8:06 AM

To: Lori Foster <lfoster@islandstrust.bc.ca>

Cc: Michael Sketch

**Subject: M Sketch delegation for Sep2020 Trust Council**

Lori - May I please have an opportunity to speak as a delegation at the September 2020 (electronic) Trust Council meeting?

The title of my submission is:

A regional plan of Trust area policies: history and implementation

Thank you

Michael Sketch

## A Regional Plan of Trust Area Policies: History and Implementation

### Abstract

The Islands Trust Act establishes a federal governance structure which is a variation of the Regional District model introduced by the province in 1965. There are significant differences, necessary to support the trust object.

In the late 1960s a societal imperative was recognized to protect the natural environment which had sustained an explosive post second world war built environment. Unique in Canada, the 1972 Agricultural Land Commission (ALC) Act and the 1974 Islands Trust (IT) Act each legislate protection; for farmland and for the environment and unique amenities of the trust area respectively. Some 13% of the superior ALC jurisdiction is within the trust area and the protected Agricultural Land Reserve is formally recognized as a unique amenity.

The 1980s saw significant changes of provincial intention, arguably based on the differing interests of local and regional governance. Regional plans were rescinded for a time, but in 1989 the IT Act was significantly amended to include a requirement that, by bylaw, Trust Council adopt a statement of general policies of Trust Council for the trust area to carry out the trust object. The clear provincial intention was to establish a preservation and protection based regional plan for the Trust area.

It is incumbent upon all trust bodies, and therefore the staff employees of trust council, to further the trust object. The Act makes clear that policies of Trust Council are intended to apply to all actions of trust bodies and therefore to the advice given to land use decision makers by planning staff. There is separate provision in the Act to ensure that local area bylaws don't offend trust area policy.

The 1989 amendment to the IT Act should better inform the administration structure of the Islands Trust. The province intended that the federal component - the object, trust policy statement and Trust Council - be a significant determinant in local area planning and consequent land use decisions.

Neither expediting development proposals nor a perceived need to preserve and protect development potential should be seen to justify sidestepping the ALC jurisdiction, circumventing directive trust policies and/or offending the natural environment.

A Trust Council procedural bylaw is proposed which would have the effect of requiring each local trust area to include directive trust area policies and corresponding effective regulation in their official community plans and land use bylaws respectively. Local trust areas wishing to be relieved of one or more trust area directive policy obligations may petition Trust Council for a 2/3 majority vote. Both a procedural bylaw and an opportunity for relief from adherence to trust area policies are consistent with the Act.

end of abstract

Michael Sketch