

**Town Hall submission to the Islands Trust Council
from Michael Sketch at 1:30 p.m. on 11 March, 2020 at the
Harbour House Hotel, 121 Upper Ganges Rd., Salt Spring Island**

Three minutes of this material were used for the oral town hall

Islands Trust local planning services should not advise LTCs to proceed with development applications, to proceed to draft bylaws or to adopt bylaws where provincial law or the policy component of trust area directive policy are offended. A rationale given by senior staff is that trust policy is “higher order policy”. There are instances where the Agricultural Land Commission (ALC) Act or its orders in law have been sidestepped. “Preserve and protect” and cooperation with the provincial government have been the casualties.

Adherence to OCP and LUB local planning imperatives, while minimizing trust policy and ALC imperatives, is the heart of the problem.

Governance as set out in the current Islands Trust Act has been largely reduced from direction by the federal component – the object, Trust Council and trust area policy – to land use administration by individual LTCs. With 75% of the budget, de facto, governance is the work of local planning services.

It is time for Trust Council to direct change in the balance between services given to the Trust area and those given by the local planning service for each LTC area, in order to better preserve and protect.

Councillors, the Trust Programs Committee and staff, particularly at the flagship Fort St. Local Planning Services office -

At your December Trust Council meeting, I asked that Council and the Trust Programs Committee agree to amend directive policy wording in the trust policy statement to meaningfully improve effectiveness.

In previous submissions to Council, I gave example where a lack of implementation of directive Trust policy has resulted in abject failure to preserve and protect.

Now I'll broaden the focus to show that the way directive policy has been implemented is a symptom rather than the root cause of specific failures to preserve and protect.

About 13% of the Trust area is in the Agricultural Land Reserve (ALR). In the last trustee term, staff recommended bylaws on four trust islands which offend the provincial ALC legislation or an ALC order in law. In one case contrary bylaws were adopted. Staff opinion was given to a community member that it's acceptable to adopt contrary bylaws; it's just that those bylaws have no force or effect. That argument is astonishing and incorrectly cherry picks S.46 of the ALC Act. In plain english S.46 precludes bylaws which offend the Act or orders of the ALC.

Councillors, please note our own Islands Trust Act. Section 27 deals with approval of LTC bylaws. LTC bylaws have no effect until approved by, at the least, the executive committee. Which LTC among you would ignore that requirement and adopt an unapproved bylaw with the caveat that the bylaw has no effect!

Adherence to the OCP and LUB local planning imperatives, while minimizing trust policy and ALC imperatives, is the heart of the problem.

Islands Trust budget and governance favours “local” and minimizes the federal component

Governance as set out in the Islands Trust Act has been largely reduced from direction by the federal component – the object, Trust Council and trust area policy – to land use administration by individual LTCs. With 75% of the budget, de facto, governance is the work of the Local Planning Service.

The Islands Trust website furthers that perception. “The Islands Trust is a federation of local governments serving islands in the Salish Sea.” With that diminished interpretation of federal governance established in the current Act, at face value the public may understand that the business of the Trust is local governments served by a local planning service. The federal component is of secondary importance.

Would we even think of interpreting our Canadian governance as a federation of provincial governments with Ottawa a secondary consideration? Of course not.

It is time for Trust Council to direct change in the balance between services given to the Trust area and those given by local planning services for each LTC area.

Islands Trust website “What We Do”

The public expects that policy and action of Islands Trust corporate bodies will further the Trust object, as each and every Trust body - and Trust Council employees - are required to do under the Act.

However the public may get the impression from the following “what we do” section of the Trust website that local trust committee corporations deal with land development. There is no explanation how the Trust object is furthered in land development processes.

What We Do

The Islands Trust achieves its mandate in several ways, with programs at both the local and the regional level.

Excerpt

At the local level, much of the work of the Islands Trust is carried out by local trust committees, a special-purpose form of local government, given authority for land use planning and regulation under the [BC Local Government Act](#) for the purpose of carrying out the Islands Trust's object.

Excerpt

As the land conservation arm of the Islands Trust, the [Islands Trust Conservancy](#) also works at the regional level, helping island communities to protect special places throughout the Islands Trust Area.

Anecdotally, local planning objectives are as concerned with preservation and protection of development potential as they are with furthering the Trust object, particularly so with the object word “environment” neither qualified nor defined in the Act.

Equally the public may get the impression from the website that land conservation is job of the Islands Trust Conservancy corporation; conserving and protecting parts of the Trust area.

But these impressions are not what the Act directs. Each and every Trust body and Staff are required to further the Trust object.

Finally, the Local Planning Service retained Stantec to review staff process and in part to identify inefficiencies in the processing of development applications. Staff were consulted and in 2007 the consultant reported. Trust Council didn't endorse the report, but beware the final Stantec comment – that the Islands Trust governance structure is complex and could do with (legislative) streamlining, in the interest of efficiency.

But, councillors, compared with municipal local governments, the complexity lies in the federal component of trust governance. The object, Trust Council and trust area policy. The Act intends checks on LTC actions - and therefore on the staff process leading to the actions - in order to preserve and protect.

That is a cost Trust Council must endorse.

Thank you for hearing my submission.

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