

From: Peter Pare [REDACTED]
Sent: Tuesday, November 10, 2020 11:47 AM
To: Lori Foster <lfoster@islandstrust.bc.ca>
Cc: Gregory Nicholls [REDACTED]; [REDACTED];
Lisa Baile [REDACTED]; information <information@islandstrust.bc.ca>;
john allan [REDACTED]; maryanne pare [REDACTED];
Monica Petrie [REDACTED]; Paul Petrie [REDACTED]
Subject: Correspondence to the Trust Council

Dear Ms Foster,
Please find attached a letter from a group of citizens on the Pender Islands to the Trust Council, along with a copy of the 1992 MOU between the Trust and MOTI.
We ask that this correspondence be considered at the next Trust Council in December and we would appreciate a response from the Islands Trust Council.

Peter Pare

November 10, 2020

Dear Islands Trust Council

We are a group Citizens on the Pender Islands who have been closely following the current process of review and revisions of land use bylaws on Pender Island. We believe that our observations of the process has broad relevance for the entire Trust, predominantly in highlighting the limitations of local bylaws to achieve the preserve and protect mandate.

The aim of the bylaw review is, in part, to allow islanders to better deal with the Climate Emergency declared by the Trust and the Capital Regional District of which Pender is a part. We have been asked to submit written and verbal communications to the Local Trustees concerning how the bylaws can be altered to better address the Official Community Plan and mitigate the effects of climate change.

Among our major concerns are:

1. The relentless loss and degradation of the Island's unique and endangered ecosystems with resultant loss of biodiversity
2. The continued excessive reliance on water extraction from our limited aquifers
3. Limiting Pender's contribution to emissions. Energy efficient housing, rainwater harvesting, encouraging the planting of trees, encouraging active transportation (walking, cycling), supporting public transit
4. The constraints placed on local food production by regulations

All of these concerns are concordant with the Trust's Mandate to "preserve and protect the Trust area and its unique amenities and environment". Alarmingly we find that the local trust has very limited powers to address many of these issues and fulfill its preserve and protect responsibilities. Given that we are in a global climate emergency, it seems timely that the regulatory powers of the Trust be expanded to address the urgent local issues concerning the impact on the environment.

For example, the majority of the island's area is composed of the critically endangered Coastal Douglas-fir biogeo-climatic zone (CDF), the smallest of the 16 biogeo-climatic zones in British Columbia and the least represented within parks and protected areas. Only 4% is under protected area status.

In theory land use bylaws on the islands are a way of protecting CDF. However the majority of the endangered ecosystem is on private land and at present there is no mechanism available to local government to protect it. Wholesale logging of private land is permitted and in fact local realtors mention the added value of tree harvest in their advertisements!

The Trust does not have the same legal tools that municipalities or regional districts use for tree protection. Attempts by local trustees to implement tree protection through Development Permit Areas (DPAs) have been denied in the past, and currently, the implementation of tree protection bylaws is outside the Trust's jurisdiction.

We believe the Trust Council should adopt all of the Raincoast Conservation Foundation's - recommendations: (<https://www.raincoast.org/press/2020/stronger-forest-protection-policy-needed-on-the-gulf-islands/>)

Another area where the local trust's ability to preserve and protect is limited is with respect to transportation on the island. Although the Islands' contribution to greenhouse gas emissions is relatively small, transportation makes up the most important source related to the excessive use of motor vehicles. Despite the rural nature of the islands few people cycle or walk, not because they don't want to, but because of safety concerns. Roadside multimodal walking/cycling trails would address this concern but again the local trust has no power to mandate this.

Despite a 1992 memorandum of understanding between the Ministry of Transportation and the Island Trust (attached) to build a network of cycle paths on the islands this has never happened. Why? Just as the Trust is requesting more control over trees and forests on the islands it should seek more local control of transportation.

Additionally local bylaws have little or no influence on the degradation of the waters that surround the islands that make up the Trust. Anchor chains damage the ocean floor and life forms that inhabit that environment, parked freighters create noise and light pollution. The local trust cannot control fracking which can destabilize steep locations and have adverse effects on aquifers and individual wells.

Local trusts have little control over regulations related to sustainable local agriculture such as community composting, large scale food storage, construction and operation of local abattoirs, food bank facilities, and food processing. Such initiatives are important responses to the challenges of climate change.

Surely these are common issues in the whole Trust area?

How can the Trust Council address our concerns, not only on North Pender but across the Trust?

Peter Paré, Monica Petrie, Paul Petrie, Lisa Baile, Maryanne Paré, John Allan, Gregory Nicholls and Julia Nicholls

LETTER OF AGREEMENT

between

THE MINISTRY OF TRANSPORTATION & HIGHWAYS (MOTH)

and

THE ISLANDS TRUST (IT)

SUBJECT:

**ROAD STANDARDS, CLASSIFICATION
AND MOTH/IT CONSULTATIVE
PROCESS IN THE ISLANDS TRUST AREA**


October 20, 1992


WHEREAS, pursuant to Section 8(2)(a) of the *Islands Trust Act*, for the purpose of carrying out the object of the trust, the Islands Trust Council may, subject to the approval by the Minister of Municipal Affairs, Recreation and Housing, enter into agreements with the Province and agents of the Province respecting the coordination of administrative activities within the trust area;

WHEREAS, roads in the Trust Area form part of the unique amenities of the Trust Area and require extraordinary measures to protect their unique character and to encourage safe use, both the Islands Trust Council and the Minister of Transportation and Highways are desirous of entering into an agreement for ongoing consultation respecting road standards, road classification, and posted speed limits;

THEREFORE, both parties commit to respect the attached Letter of Agreement, dated October 20th, 1992.

1. ASSENTED TO THIS 12th DAY OF November, 1992 BY:


The Honourable Art Charbonneau
Minister of Transportation
and Highways


Carol Martin, Chairperson
Islands Trust Council

2. APPROVED, PURSUANT TO SECTION 8(2)(a) OF THE *ISLANDS TRUST ACT*,
THIS 9th DAY OF DECEMBER, 1992 BY:

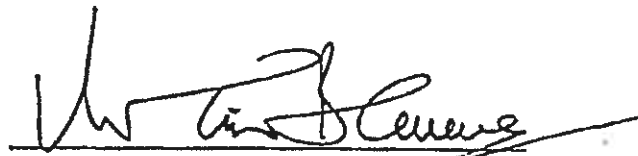

The Honourable Robin Blencoe
Minister of Municipal Affairs,
Recreation and Housing

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A. PURPOSE

The purpose of this agreement is:

1. To establish an ongoing consultative process between the agencies.
2. To establish an agreement on road standards and road classification in the Trust Area and;
3. To establish a procedure for the designation of scenic/heritage roads and bicycle route plans in the Trust Area.

B. OBJECTIVES

1. To establish a functional classification of rural roadways which:
 - a) classifies rural Island roads recognizing the relative importance of their role in servicing traffic between ferry linkages and major destinations on an island, and relates the classification to the road's importance and role in serving through traffic or providing access to land;
 - b) ensures all rural settlement areas, resource areas, recreational areas, commercial areas and other activity areas are provided with safe rural road service based on the level of traffic generating activity and rural traffic volumes;
 - c) classifies routes to maintain a safe and efficient relationship between the needs of road users and the users of adjacent land;
 - d) ensures that appropriate planning and design standards are used as agreed upon.
2. To establish the road standards for new roads, including new subdivision roads, and for existing roads when upgrading is required.
3. To establish scenic/heritage road designations for unique and valued roadways which recognize the objectives of the Islands Trust, and the process to be followed when improvements are to be undertaken.
4. To establish cycle route plans and roadway standards to accommodate safe cycling.
5. To establish a regular consultative process between the agencies on issues of common interest such as rehabilitation and maintenance programs and new road site-specific consultation.

6. To develop and agree upon cycle route plans and scenic/heritage designations to be in place by September 1993 to supplement this agreement.

C. CONSULTATIVE PROCESS

The Ministry of Transportation and Highways and the Islands Trust agree to the establishment of a consultative process to foster common understanding and hereby agree to facilitate the process by arranging meetings between respective staff and Local Trust Committees as required.

To facilitate ongoing dialogue the consultative process will be fostered through:

- An annual meeting of Ministry of Transportation and Highways staff and Islands Trust planning staff held in the fall at the call of the Manager of Local Planning of the Islands Trust to review with Ministry of Transportation and Highway staff any current issues such as proposed upgrading and maintenance programs and classification of proposed new subdivision roads.
- Routine exchange of information regarding specific concerns between the Islands Trust as represented by its local planning staff and Ministry of Transportation and Highways local staff as represented by the District's Highways Manager and/or their Area Managers.
- The establishment by the Trust of Local/Island Advisory Transportation Committees appointed by each Local Trust Committee to make recommendations to the Trust Committee and MoTH as specific issues arise and to assist in the development of bicycle route and Heritage/Scenic route plans. Special meetings may be called by either the Islands Trust or the Ministry of Transportation and Highways, as specific issues arise.
- Jointly reviewing the road classification networks and road standards every five years (effective in 1997.)
- Discussion in 1992 and 1993 of bicycle routes and Scenic/Heritage route designations.
- Ministry of Transportation and Highways routinely consulting with the Islands Trust prior to upgrading of designated scenic/historic routes.

D. ROAD CLASSIFICATIONS AND BICYCLE AND SCENIC/HERITAGE ROUTE DESIGNATION

1. Road Classifications of Island Roads

A hierarchy of road classes for the designated islands is set out in the Island-specific maps attached to the document (Appendix A). The Islands Trust will facilitate a timely process for each local trust committee to review, negotiate, revise or approve the maps attached in Appendix A. Until such time as the local trust committee approves the road classification map for their island, the Appendix A map will be used within the context of the consultative process.

The designated islands for purposes of road classification and standards are:

- Saltspring
- Gabriola
- North and South Pender
- Saturna
- Galiano
- Denman
- Hornby
- Mayne
- Lasqueti
- Thetis
- Keats
- Bowen
- Gambier
- Thormanby

The nomenclature used for road classes in this document is terminology suggested by the Islands Trust. The equivalent terminology normally used by the Ministry for functional classification is:

Islands Trust Nomenclature

Major Rural
Main Rural
Minor Rural
Residential Rural/Local

**Ministry of Transportation and
Highways Nomenclature**

Secondary Highway
Major road
Minor Road
Local Road

The road standard for the applicable classifications as set out in Section E will be applied for new roads, including subdivisions, and to existing roads when being upgraded.

2. Cycle Route Plans

The Islands Trust will prepare proposals for cycle route plans on the islands. Consultation on these proposals will occur with the Ministry of Transportation and Highways.

A negotiated agreement on the cycle route plan for the Islands Trust area is to be achieved between the Islands Trust and Ministry of Transportation and Highways by September 1993 and will subsequently form a component of this letter of understanding (Proposed Appendix B).

The agreed-to cycle route plan, when adopted by resolution or bylaw by the Local Trust Committee, may be forwarded to the Ministry of Highways and Transportation for registration.

The approved plan, for the designated cycle routes, will trigger adjustment of the shoulder standards for new roads and for existing roads when they are to be upgraded as indicated in section E. The requirements for safely accommodating cyclists will be recognized when prioritizing roads for upgrading.

3. Scenic Heritage Designation

The Islands Trust will prepare proposals for scenic/heritage designation to recognize roadways having unique and significant scenic and/or heritage value. Only a limited portion of roadways on an island will qualify for such designation.

3. Scenic Heritage Designation Continued

Consultation will occur between the Ministry of Transportation and Highways and the Islands Trust on the criteria for evaluation of scenic and heritage values and the proposals for scenic/heritage road designations. The agreed upon criteria shall be incorporated as part of this agreement.

A negotiated agreement on scenic/heritage designation of roads in the Island Trust area is to be achieved between the Islands Trust and Ministry of Transportation and Highways by September 1993 and will subsequently form a component of this letter of understanding (Proposed Appendix C).

The Ministry of Transportation and Highways will be consulted, and its agreement obtained, on a proposed scenic/heritage road designation plan for an island prior to adoption of the plan, by resolution or bylaw, by the Local Trust Committee.

Planned work on roads designated as Scenic/Heritage will trigger a consultative process between the Islands Trust and the Ministry of Transportation and Highways prior to the initiation of upgrading.

E. ROAD STANDARDS FOR ISLAND ROADS

It is recognized that road standards in the Islands Trust Areas have been lowered in response to the Trust objective to maintain the Rural character of the islands and in recognition of the size of Islands and their unique character and the need for a gentler approach in harmony with the land. With the exceptions of Denman, North Pender and Saltspring in the Trust Area, island roads do not carry travellers to any points beyond.

However, the standards must recognize a requirement for safe transportation facilities.

The standards to be utilized for construction on each of the road classifications are outlined in the following paragraphs and table.

Figure 1

ISLAND ROAD STANDARDS

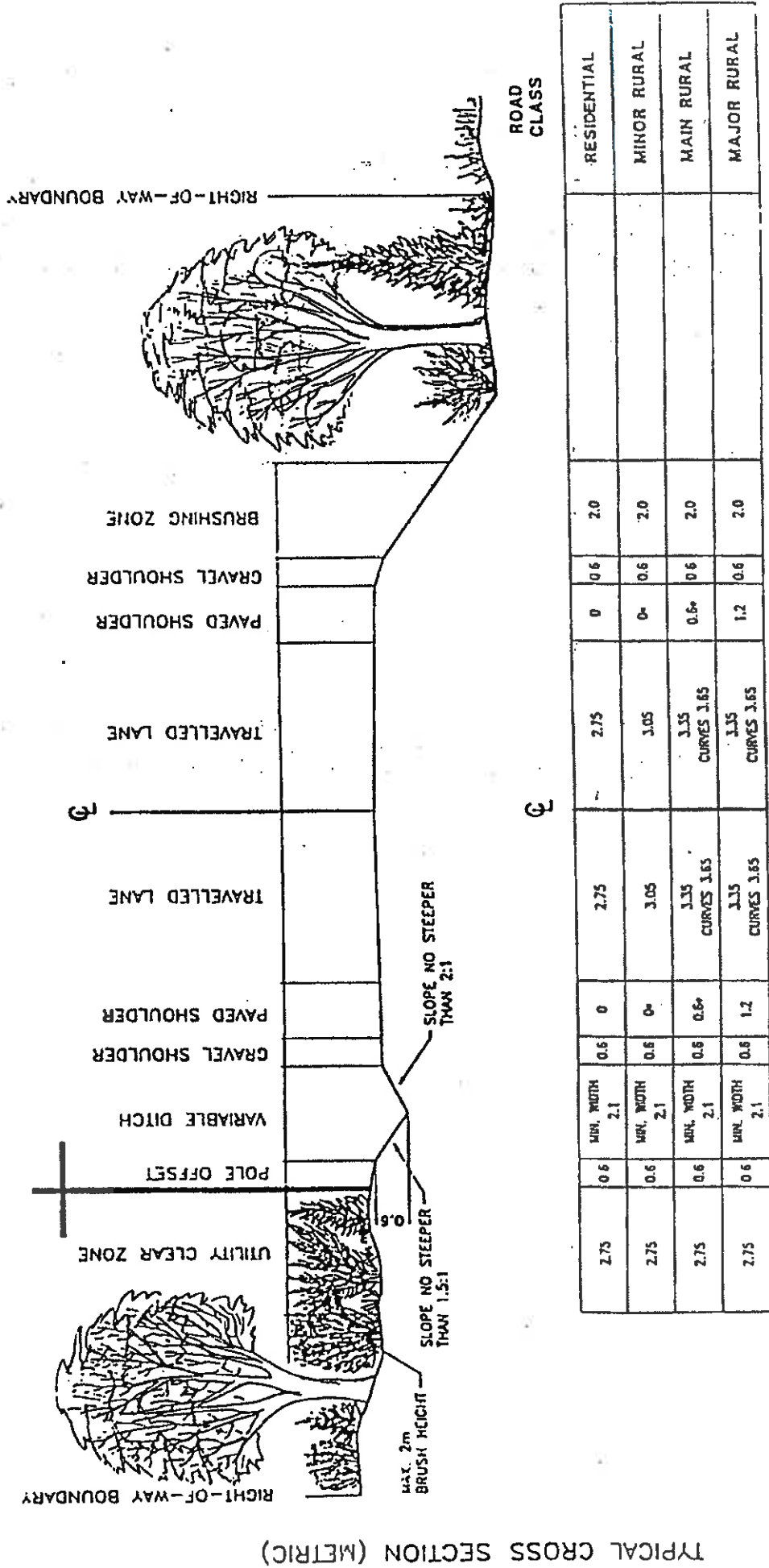
Islands Trust Nomenclature	R/W Width	Design Speed	Cleared Width	Driving Lanes	Constructed (Top) Width	Surfaced Shoulder Standard	Gravel Shoulder	Cycle Lanes
Residential Rural/Local	20m(66')	50km/hr	13.9m(45.6')	5.5m(18.0')	6.7m(22')	not required	0.6m	No lanes
Minor Rural	20m(66')	50km/hr	14.5m(47.6')	6.1m(20')	7.3m(24')	not required	0.6m	2 lanes *
Main Rural	20m(66')	60 km/hr	15.6m(51.1')	6.7m(22') 7.3m(24') crest/curve	9.1m(29.8') or 9.7m crest/curve	0.6m/lane	0.6m	2 lanes **
Major Rural	25m/80'	80km/hr	18.1m(59.4')	6.7m(22') 7.3m(24') crest/curve	10.3m(34.8') or 10.9m crest/curve	1.2m/lane (3.9')	0.6m	2 lanes

* Constructed top width for each bicycle shoulder lane can range from 0 to 1.2 meters on both sides for each section as designated in an Island Specific Cycle route plan.

** Constructed top width for each bicycle shoulder lane can range from 0.6 to 1.2 meters on both sides for each section as designated in an Island Specific Cycle route plan.

Figure 2

Typical Cross Section (Metric)

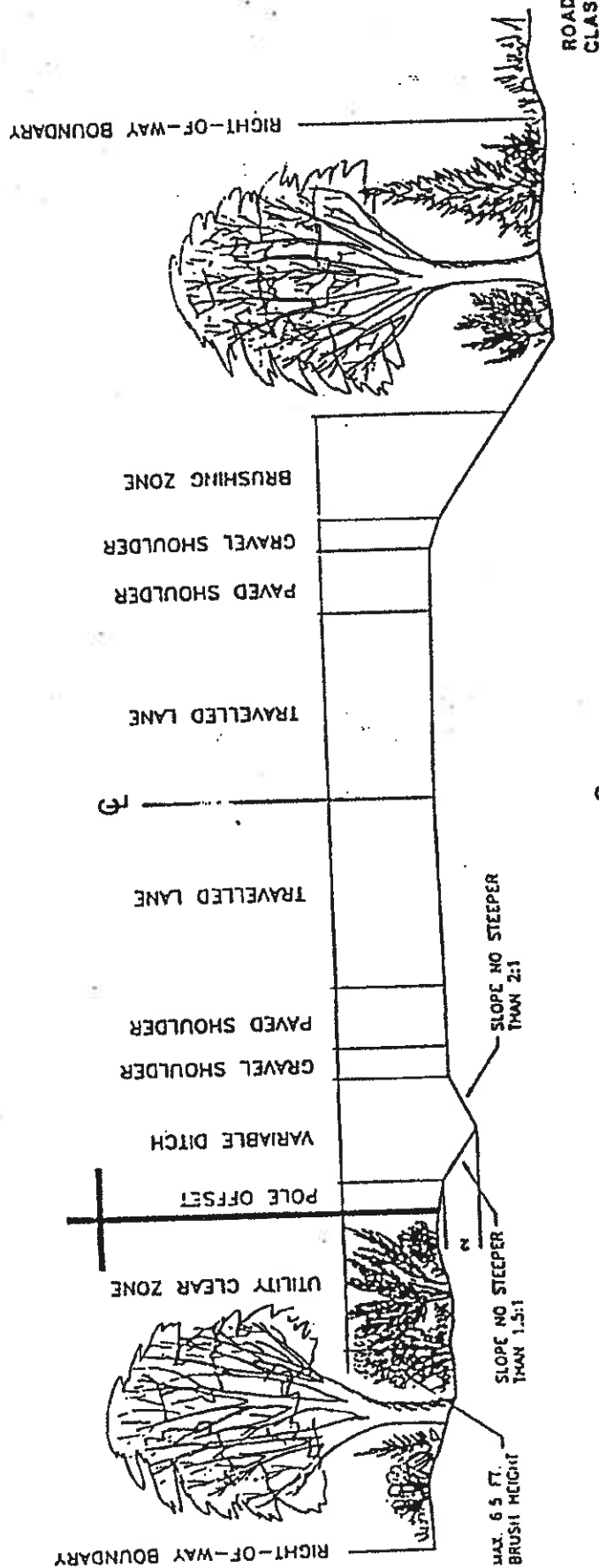


NOTE:

- DIMENSIONS IN METRES
- REQUIRED DITCH WIDTH VARIES DEPENDING UPON THE DEPTH OF DITCH REQUIRED FOR DRAINAGE.
- * DESIGNATION AS CYCLE ROUTE INCREASES SHOULDER WIDTH TO 1.2m
- R.O.W. WIDTH 20m FOR ALL CLASSES EXCEPT MAJOR RURAL WITH A WIDTH OF 25m.

Figure 2b

Typical Cross Section (Imperial)



		ROAD CLASS									
		RESIDENTIAL		MINOR RURAL		MAIN RURAL		MAJOR RURAL			
3	2	MIN. WIDTH 6.9	2	0	9	9	0	2	6.5		
9	2	MIN. WIDTH 6.9	2	0*	10	10	0*	2	6.5		
9	2	MIN. WIDTH 6.9	2	2*	11	11	2*	2	6.5		
9	2	MIN. WIDTH 6.9	2	4	11	11	4	2	6.5		
					CURVES 12	CURVES 12					
					CURVES 12	CURVES 12					

NOTE:
 - DIMENSIONS IN FEET.
 - REQUIRED DITCH WIDTH VARIES DEPENDING UPON THE DEPTH OF DITCH REQUIRED FOR DRAINAGE.
 - * DESIGNATION AS CYCLE ROUTE INCREASES SHOULDER WIDTH TO 4FT.
 - R.O.W. WIDTH 65.6FT. FOR ALL CLASSES EXCEPT MAJOR RURAL WITH A WIDTH OF 82FT.

NOTE: Where the Islands Trust and the Ministry of Transportation and Highways identify a need for cycling facilities, as established by the agreed to cycle route plan, the standards for shoulders shall be adjusted as noted in the footnotes in the road standards table which follows. (See Figure 1, page 8).

1a) Major Rural

This classification of road applies only to a limited section of road on Salt Spring Island.

The road in this class typically carries substantially higher volumes of traffic at higher speeds than a Main Rural road.

This classification will have a paved travel-way width of 6.7 m except on crest and horizontal curves where a 7.3 m width will apply.

A 1.2 m paved width on each side of the travel way will provide for cycling, pedestrian and emergency parking use.

The bicycle route plan will incorporate all sections classified as Major Rural road as an element in the cycle plan.

Posted speed shall not exceed 80 km/hr.

1b) Main Rural

This classification of road applies to all designated islands within the Islands Trust except for South Pender, Gambier, Lasqueti, Keats, Thormanby and the undesignated Islands.

This classification of road will have a paved travel-way width of 6.7 m except on crest and horizontal curves where a 7.3 m top paved width will apply.

A 0.6m paved shoulder on each side will be provided.

The bicycle route plan will designate road sections requiring adjustment of the shoulder width to safely accommodate cycling demands. The constructed top width for each bicycle shoulder lane can range from 0.6 to 1.2 metres on both

sides in recognition of safety and travel demand requirements, as designated in Island specific cycle route plans.

The posted speed shall not exceed 60 km/hr.

1c) Minor Rural

This classification of road applies to all designated Islands within the Islands Trust, but does not include the undesignated islands.

This classification of road will have a paved top width of 6.1m.

Paved shoulders are not required unless identified in the cycle route plan. The bicycle route plan will designate road sections requiring adjustment of the shoulder width to safely accommodate cycling demands. Constructed top width for each bicycle shoulder lane can range from 0 to 1.2 metres on both sides in recognition of safety and travel demand requirements, as designated in Island specific cycle route plans.

The posted speed shall not exceed 50 km/hr.

1d) Residential Rural/Local

This classification applies to all designated Islands and the undesignated Islands within the Islands Trust.

This classification applies to most new roads in small subdivisions.

This classification of road will have a paved top width of 5.5 m.

The posted speed may be in the range of 30 to 50 km/hr

2a) Illustrative Cross-Sections by Road Standard

The Island Road standards and illustrative cross-sections are shown on the following pages.

2b) Heights and Clearance Zone

Height of vegetation within the brushing and utility zone shall be controlled to maintain sight distance on curves and intersection sight triangles for traffic safety reasons.

APPENDICES

APPENDIX A: ROAD CLASSIFICATION BY ISLAND

Salt Spring
Gabriola
North and South Pender
Saturna
Galiano
Denman
Hornby
Mayne
Lasqueti
Thetis
Keats
Bowen
Gambier
Thormanby

APPENDIX B: CYCLE ROUTE PLAN (to be developed in 1992/93)

APPENDIX C: SCENIC/HERITAGE ROUTE PLAN (to be developed in 1992/93)

**Amending Agreement
to the
Letter of Agreement**

between

The Ministry of Transportation and Highways

and

The Islands Trust

Subject:

**Road Standards, Classification and
The Consultative Process in the Islands Trust Area**

Dated July 18, 1996

WHEREAS, the Ministry of Transportation and Highways and the Islands Trust Council (the Parties) signed a Letter of Understanding on November 12, 1992, respecting road standards in the Islands Trust Area; and

WHEREAS, the Parties wish to amend this agreement in the following areas only:

- Principles;
- Gravel Road Classification;
- Access-By-Water Only Classification;
- Variance Referral Process within the Subdivision Approval Process; and
- Road System Planning

NOW THEREFORE, the parties agree as follows:

PRINCIPLES *(addition to Section A - Purpose)*

The authorities of MOTH and the Islands Trust involve the planning and development of road systems in the Trust Area as provided for through:

- the object of the Islands 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". (*Islands Trust Act, Section 3*);
- the mandate of the Ministry of Transportation and Highways is: "To facilitate the safe and efficient movement of people and goods, and the realization of government objectives by planning, delivering and operating British Columbia's highways infrastructure, and, by licensing and regulating its users."
- the Islands Trust is comprised of the following corporate entities:
 - **Trust Council** is responsible for managing the resources of the Islands Trust and providing general policies to guide land use planning throughout the Trust Area [Islands Trust Act Section 5];
 - **Local Trust Committees** are responsible for regulating the development and use of land within each local trust area [Islands Trust Act Section 22]; and

- **Islands Trust Fund Board** is responsible for acquiring, holding and managing lands and assets to preserve and protect significant sites and features of the environment within the Trust Area [Islands Trust Act Section 37]; and

- the parties agree that the following principles shall form the basis for cooperation and consultation among the Parties.

- **SAFETY**

Safety for road system users and the public safety shall be given significant importance in the evaluation of road location, design and construction proposals and activities.

- **ENVIRONMENTAL PROTECTION**

The parties are committed to respond to environmental matters arising from road system design and construction activities within their exclusive areas of jurisdiction, while respecting the jurisdiction of the other, to protect, and conserve the environment for use by present and future generations.

- **AFFORDABILITY**

Either party proposing a significant change in road location, design or construction practices that affects the other party, the developer and the community will ensure that overall road costs, including capital, rehabilitation and maintenance will be taken into consideration.

- **PUBLIC/APPLICANT INPUT**

To ensure that a broad range of views regarding the community's future is heard, MOTH and the Islands Trust will provide the applicant and the public with appropriate opportunities to provide input to decisions which have significant road system impact.

- **SUSTAINABILITY**

Both parties are committed to integrating the environmental, economic and social values of an island community in evaluating road system proposals.

- **COMMUNITY ASSET**

Effective evaluation of road design and construction proposals will consistently consider:

- the rural character of an Island;
- impact on the environment;
- maintaining roads as a safe and affordable asset; and
- provision of equitable levels of mobility and accessibility for Island residents and visitors.

- **COOPERATION**

Effective cooperation between MOTH and the Islands Trust will lead to certainty in road system planning and development, coordinated responses from the parties, and the harmonization of relevant legislation, bylaws, policies and programs.

ROAD CLASSIFICATIONS

(Addition to Section E - Road Standards for Island Roads)

E.3 GRAVEL ROADS

1. The intent of allowing gravel road standards is to balance road safety and development/maintenance costs with preservation of the rural atmosphere of Trust Area islands.
2. To deal equitably with minor developments where the cost of utilizing the usual pavement standard would be disproportionate, the Ministry of Transportation and Highways allows the developer the option of using a crushed gravel surface for construction of local (residential) road class, rather than the usual provision of pavement when the number of lots to be created is fewer than four and when all lot sizes are more than two hectares and there is no potential for the future connection to a further subdivision. This will be applicable for the local road class on all islands in the Trust Area.
3. As well, on islands not served by car ferries, the lower level of car usage and the presence of gravel roads makes the use of gravel roads possible. For clarity these include islands such as Lasqueti, Gambier, Keats, Coal, DeCourcy, Moresby, Mudge, Piers, Valdes, Portland, Reid, Ruxton, Sidney, Thormanby, Wallace, and other lesser islands.

4. The Ministry of Transportation and Highways will consult with the appropriate local trust committee prior to the change of any gravel road to a pavement surface, preferably through the annual consultation process.

E.4 ACCESS-BY-WATER ONLY

The required minimum standard for a water access only road with ditches is a road having a 3.6 metre top width, and gravel or crushed granular surfacing acceptable to the District Highways Manager.

This standard for access-by-water only will be applicable only where a limited number of lots are to be served, and there is no potential for the future connection to an existing public road in the foreseeable future. The normal road standards established by the Memorandum of Understanding will be applicable otherwise.

VARIANCE REFERRAL PROCESS

(New Section G)

G. VARIANCE REFERRAL PROCESS

The variance referral process within the subdivision approval process provides for Islands Trust input on road system proposals, road designs and road construction within MOTH's approval and monitoring process to enable both agencies to achieve the stated principles for road standards in the Trust Area.

1.0 REFERRAL PROCESS

- 1.1 Within the MOTH's Road System Proposal Review process, variances will be noted and referred to the Islands Trust prior to: 1) Preliminary Layout Conditions being established; 2) Road Design Approval; and 3) during the monitoring of construction (See Display G.1).
- 1.2 The Islands Trust and MOTH will prepare and distribute applicant guidelines for road construction in the Trust Area.
- 1.3 MOTH will encourage applicants to consult with the Islands Trust to deal with variances prior to submitting their application.

2.0 VARIANCES

2.1 Road standards within the agreement are to be considered as providing the maximum right of way width for the following road classifications:

- 20 meters for Residential Rural/Local, Minor Rural and Main Rural Classifications; and
- 25 meters for the Major Rural Classification.

2.2 Right of way widths which exceed those in the road standards for a distance greater than 20% of the total proposed road length; and/or a continuous road length greater than 75 meters will be considered as a variance, unless otherwise mutually agreed to by way of an agreed addendum to this agreement.

3.0 PLA CONDITIONS

3.1 MOTH will note any anticipated variances to the Islands Trust in its referral of the Subdivision Application.

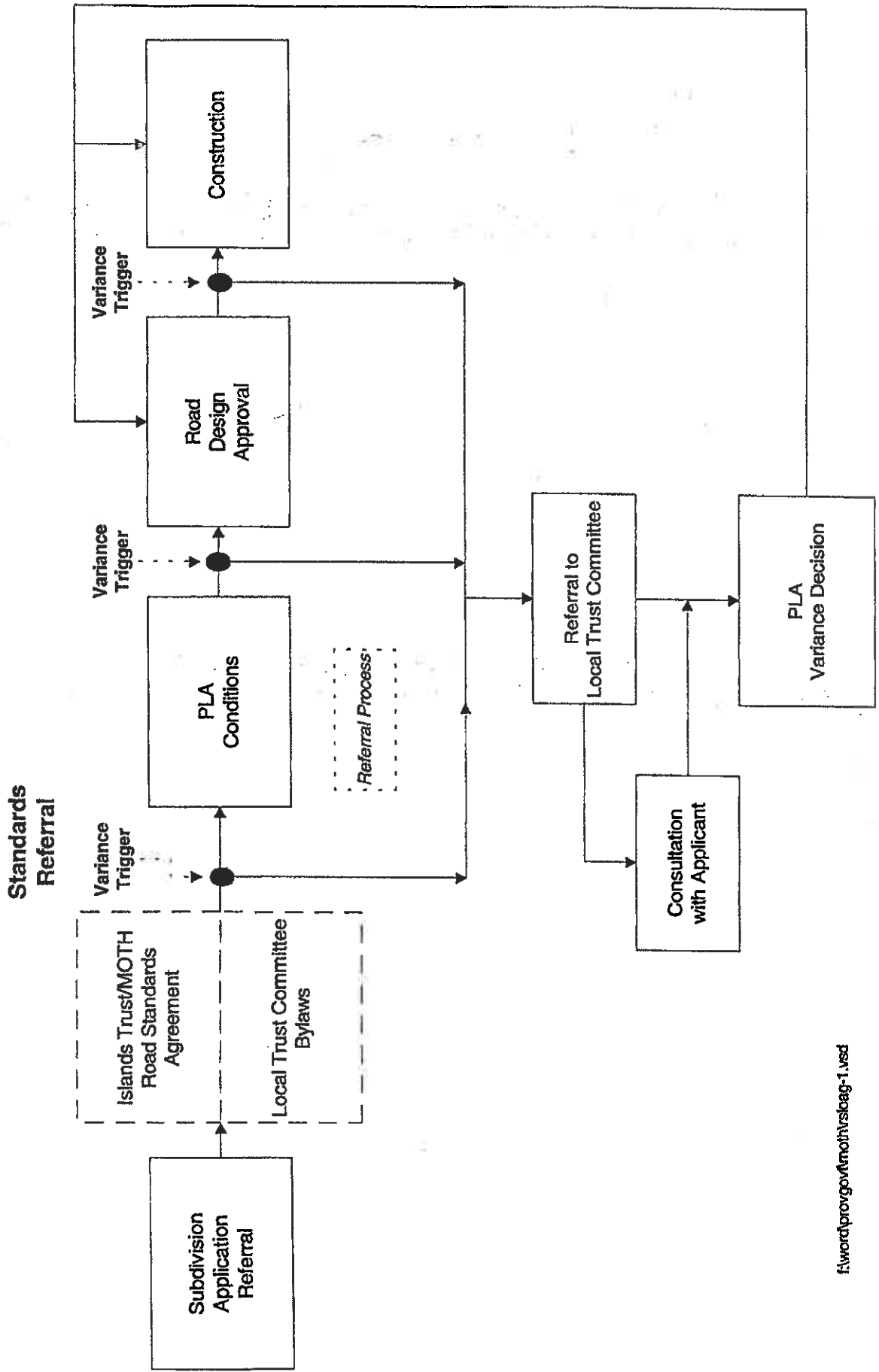
3.2 MOTH will request the applicant to meet with the Islands Trust to discuss the anticipated variances.

3.3 The Islands Trust and/or the applicant may put forth options to MOTH to deal with variances such as:

- accept the variance and ensure the public is aware of the proposal and reasons for the variance;
- utilize landscaping techniques to repair the impact of road clearing activities;
- employ different construction techniques which do not compromise safety;
- relocate the proposed road which may require modification of subdivision layout requirements; and
- request MOTH to modify the road standards.

3.4 MOTH, unless otherwise mutually agreed to by the applicant and Islands Trust, will provide 30 working days for the applicant/Islands Trust to meet and prepare a joint submission to deal with variances.

ISLANDS TRUST AND MINISTRY OF TRANSPORTATION AND HIGHWAYS ROAD STANDARDS VARIANCE REFERRAL PROCESS



- 3.5 Within 5 working days following the above deadline, the applicant and/or Islands Trust may submit their own proposals in writing and request a meeting with MOTH to present their views.
- 3.6 Both parties acknowledge that MOTH retains the authority to make all final road construction decisions and that the Ministry's role in any applicant/Islands Trust consultations will be to provide access to information.

4.0 ROAD DESIGN APPROVAL

- 4.1 MOTH will require the applicant to notify MOTH of any variances to the standards or variances stated in the Preliminary Layout Approval (PLA) which arise during the road design approval stage.
- 4.2 MOTH will refer any variances to the Islands Trust which arise during the road design approval stage.
- 4.3 The parameters outlined in Section 2.0 will apply to applicant/Islands Trust consultations within 10 working days for a joint applicant/Islands Trust submission or 15 working days for individual submissions by the applicant and/or the Islands Trust.

5.0 ROAD CONSTRUCTION MONITORING

- 5.1 MOTH will require the applicant to notify MOTH of any variances which arise during the construction stage to standards and/or variances stated in the Road Design Approval.
- 5.2 MOTH will refer any variances to the Islands Trust which arise during the road construction stage.
- 5.3 MOTH may request the applicant to halt construction and it may conduct a meeting of the applicant/Islands Trust to deal with unresolved variances.

H. ROAD SYSTEM PLANNING

(New Section H)

1. MOTH will assist, subject to the availability of resources, local trust committees in developing Road System Plans as a component of the Official Community Plan.
2. The Road System work program will be established at the annual interagency meeting.

C. INTERAGENCY LIAISON

(addition to section C - Consultative Process)


The parties agree to maintain an Interagency Task Force for the purposes of:

- dealing with arising issues;
- establishing an annual work program to: ensure staff liaison; develop further the road standards agreement; and review agency initiatives - legislation, bylaws, and programs of mutual interest; and
- meet at least twice annually for the above purposes.

THEREFORE, both parties commit to respect the above terms of the Amending Agreement,
dated 18 day of July, 1996.

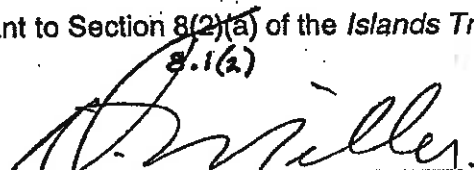
1. Approved by the Islands Trust Council on this 7 day of June,
1996.
-

2. Assented to this 4 day of October, 1996.


Honourable Lois Boone
Minister of Transportation and Highways


Graeme Dinsdale
Chairperson, Islands Trust Council

3. Approved, pursuant to Section 8(2)(a) of the *Islands Trust Act*, this 9 ^{Dec} day of 1996.


Honourable Dan Miller
Minister of Municipal Affairs and Housing
