

3.3.ii Policy (identical to TFB 3.1)**ISLANDS TRUST FUND AND LOCAL PLANNING
SERVICES COORDINATION**

Trust Fund Board: August 13, 1996; Amended: January 21, 2010
Trust Council: September 27, 1996; Amended: June 17, 2010

FURTHER REFERENCES:

Trust Fund Board / Trust Council Memorandum of Understanding (April 11, 1996)
Trust Fund Board / Local Trust Committee Memorandum of Understanding (April 11, 1996)

A. PURPOSE

It is the policy of the Islands Trust to carry out its land use regulation mandate in light of the object of the Islands Trust under the *Islands Trust Act* in a way that is open, consultative, fair and in compliance with all applicable laws. The procedures set out below are designed to achieve this policy using clear and consistent rules for consultation between the Islands Trust Fund and Local Planning Services in a way that avoids conflicts between their respective roles.

This policy is designed to assist Islands Trust staff, Trust Fund Board (TFB) and Local Trust Committees (LTC's) in coordinating the sharing of information between the Islands Trust Fund (ITF) and Local Planning Services (LPS) units in order to further the object of the Islands Trust.

B. PROCEDURE**I. General Matters****LTC/TFB Adherence**

1. These procedures are to be followed unless they would unreasonably interfere with the functions of the TFB or a LTC, or would be inconsistent with the legal obligations of the TFB or a LTC. If staff in either unit determine just cause for these procedures not to be adhered to, the TFB Manager shall consult the TFB Chairperson and/or the LPS Regional Planning Manager shall consult the relevant LTC Chairperson. If agreement is not reached, the Local Trust Committee Chairperson or the Trust Fund Board Chairperson may elect not to follow the referral procedures in this policy and staff will promptly notify the Chief Administrative Officer of the Islands Trust.

Communications

2. Communication for joint initiatives between the TFB and a LTC will be through the Trust Fund Manager and the Regional Planning Manager or a planner designated by the Regional Planning Manager with respect to the LTC.
3. The TFB Executive Committee Appointee and the LTC Chairperson shall communicate concerns regarding ITF/LPS coordination to the Executive Committee for discussion and possible intervention with senior staff.
4. External communications (including web-postings) on the process or outcome of joint projects will be approved by the TAS Director and the LPS Director.

Coordination

5. Any program or initiative that is to be undertaken jointly by the TFB and any LTC will be initiated by a resolution of each of those bodies, with any communications between them regarding that initiative being communicated from Chairperson to Chairperson.
6. Each LTC and/or the TFB may allocate its staff and other resources to a joint initiative, subject to agreement between the TFB and LTC regarding such allocations before work on the initiative begins.

II. Referrals

Local Planning Services

7. (a) All applications, referrals and LTC initiated projects listed in Table 1 below shall be referred to the TFB for comment if the application, referral or LTC initiated project is regarding land within the following categories:
 - directly affects a Board owned property or conservation covenant;
 - directly affects a property adjacent to a Board owned property or conservation covenant;
 - pertains to terrestrial Crown land, or
 - pertains to intertidal Crown land located within 100m of a TFB owned property or conservation covenant.

In the future, when specific lands within the categories below have been identified, all properties within them will be subject to the level of consultation noted in Table 1.

- directly affects properties within an approved Protected Area Network; or
- contains an ecosystem type that is designated for ecosystem protection in the TFB's Regional Conservation Plan.

Table 1 – Level of consultation for applications/referrals over which LTCs have decision making authority or influence

	Directly affects TFB owned property or conservation covenant	Directly affects a property adjacent to a TFB owned property or conservation covenant	Pertains to Crown Land (all terrestrial lands and all intertidal lands located within 100m of a TFB property or covenant)
OCP Review or Amendment	Refer to TFB for comment	Refer to TFB for comment	Refer to TFB for comment
Land Use Bylaw Amendment	Refer to TFB for comment	Refer to TFB for comment	Refer to TFB for comment
Rezoning Application	Refer to TFB for comment	Refer to TFB for comment	Refer to TFB for comment
Temporary Use Permit	Refer to TFB for comment	Refer to TFB for comment	Refer to TFB for comment
Development Variance Permit	Refer to TFB for comment	Refer to TFB for comment	No referral
Agricultural Land Commission	Refer to TFB for comment	Refer to TFB for comment	Refer to TFB for comment
Release or modification of LTC held covenant	Refer to TFB for comment	Refer to TFB for comment	N/A

(b) All applications, referrals and notices, listed in Table 2 below, received by the LTC shall be subject to the level of consultation identified in the table.

Table 2 – Level of consultation for applications/referrals over which LTCs have limited decision making authority or influence

	Directly affects TFB owned property or conservation covenant	Directly affects a property adjacent to a TFB owned property or conservation covenant	Pertains to Crown Land (all terrestrial lands and all intertidal lands located within 100m of a TFB property or covenant)
Development Permit	Refer to TFB for information only	Refer to ITF staff for information only	Refer to ITF staff for information only
Siting & Use Permit or Building Permit Referral	Refer to TFB for information only	Refer to ITF staff for information only	No referral
Subdivision Referral	Refer to TFB for comment	Refer to ITF staff for information only	Refer to TFB for comment (if referral for sale, lease, or licensing of Crown Land)

8. If planning staff consider that an application, agency referral or LTC initiated project may affect the interests of the TFB, staff must advise the LTC of that possibility as soon as possible, so the LTC can consider and carry out any referral under section 7.
9. The Trust Fund Manager must promptly communicate any LTC referral to the TFB by delivering a copy of the draft bylaw, referral, or application to the TFB along with any accompanying material received from the LTC.

10. If the TFB wishes to comment on an application, agency referral or LTC initiated project, it should do so according to time lines established under section 15. If the TFB does not wish to comment on the referral, the Trust Fund Manager must communicate that fact to the LTC. If the TFB does not comment within the time line established under section 15, the LTC may assume the TFB's interests are not affected by the application, agency referral or LTC initiated project.

Islands Trust Fund

11. A management plan or proposed project that may affect the interests of a LTC shall be referred to the LTC by the TFB. Criteria for referring to a LTC include:
 - the property is specifically referred to in an official community plan;
 - the property is, or was, Crown land; or,
 - the LTC is a covenant holder on the property.
12. Every revision to, or replacement of the Islands Trust Fund Board Five-Year Plan is to be referred to every LTC and to Trust Council for comment before the revision or replacement is submitted for Ministerial approval in accordance with the *Islands Trust Act*.
13. If TFB staff consider that a management plan or proposed project may affect the interests of an LTC, staff must advise the TFB of that possibility as soon as possible, so the TFB can consider and carry out a referral as described in section 11.
14. If a LTC wishes to comment on the Islands Trust Fund Board Five-Year Plan, a management plan, or a proposed project, it must do so in accordance with the time line established under section 15. If the LTC does not wish to comment on the referral, the LTC's designated staff person must communicate that fact to the Trust Fund Manager. If the LTC does not comment within the time line established under section 15, the TFB may assume the LTC's interests are not affected by the management plan, proposed project or Islands Trust Fund Board Five-Year Plan.

General

15. The Islands Trust Fund Manager and Local Planning Services staff must, in each case where a referral has been initiated, agree on appropriate time lines for each referral in order for the TFB and the LTC to carry out their respective functions in a timely manner.

Covenant and Land Donation Proposals Connected With a Development Application

Sections 16 to 19 apply where a written proposal has been made in connection with an application to a LTC for any land use development approval that would result in land or money being donated to the TFB if the development approval is granted ("Donation Proposal"). The Trust Fund Board will be guided by TFB Policy 05001 Assessing Covenant And Land Donation Proposals Connected With A Development Application when considering any such proposal.

16. The Islands Trust planning staff responsible for a LTC that has received a written Donation Proposal must promptly deliver the Proposal to the Trust Fund Manager as well as copies of any other material pertinent to the application for development.

17. The TFB is to respond to the LTC regarding the written Donation Proposal according to the time lines set out under section 15. The TFB's response is to indicate whether the TFB wishes to pursue the Donation Proposal.
18. If the TFB wishes to pursue a Donation Proposal and has indicated this to the LTC, the TFB may enter into discussions with the person responsible for the Donation Proposal in coordination with the Islands Trust planning staff responsible for the LTC.
19. The TFB is to notify the LTC, and is to provide the LTC with reasonable details of any Donation Proposal with which the TFB is prepared to proceed.