



Local Planning Committee Agenda

Date: Wednesday, July 29, 2020
Time: 10:00 am - 2:00 pm
Location: Electronic Zoom Meeting

	Pages
1. CALL TO ORDER	10:00 AM - 10:00 AM
2. APPROVAL OF AGENDA	
2.1 Agenda Context Notes	5 - 5
3. ADOPTION OF MINUTES/COORDINATION	
3.1 Minutes of Meetings	
3.1.1 <u>Draft Minutes of May 20, 2020</u>	6 - 14
Note that this meeting recessed on May 20 and reconvened on June 11.	
3.2 Resolutions Without Meeting	
None	
3.3 Follow-up Action List	15 - 15

4. WORK PROGRAM ITEMS

4.1 Draft Application Processing Services Policy, Model Fee Bylaw & Development Approval Information Bylaw - RFD

16 - 47

1. That the Local Planning Committee support the revised draft of the Model Fee Bylaw which reflect the following:

- Fees proposed in the Model Fee Bylaw represent 80% of the average cost of processing for most applications.
- Fees related to Development Permit Areas (DPAs) for environmental protection be lower than 80% of the average cost of processing to reflect interest in supporting compliance.
- That the Executive Committee Fee Sponsorship Policy be used to address interests in reduced fees for projects with community/social benefit.
- Reduced fees for Temporary Use Permits for residential uses that increase the availability of affordable housing.

2. That the Local Planning Committee request staff to revise the Model DAI bylaw to ensure consistency, and with input from all three planning offices.

3. That the Local Planning Committee request staff to report back to the Local Planning Committee at the meeting of November 9th, 2020, with a finalized Application Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policy incorporating the Model Fee Bylaw and Model DAI bylaw.

4.2 Interim Process for Archaeological and Cultural Sites - Briefing

48 - 54

4.3 Trust Council Freshwater Sustainability Strategy - Verbal Update

Strategic Plan Item #7: \$20,000 FY2020/21

Develop a regional freshwater management strategy that addresses responsibilities under the *Water Sustainability Act*, identifies water resources throughout the Trust Area, integrates water resource management into land use decision-making, and accounts for the impacts of climate change on island water resources.

4.4 Project Charters

4.4.1 Eelgrass Mapping - RFD

55 - 58

That the Local Planning Committee endorse the Eelgrass Mapping Project Charter dated July 29, 2020.

Strategic Plan Item #5: \$50,000 FY2020/21

Map the extent of eelgrass and kelp beds throughout the Trust Area.

4.4.2 Affordable Housing Floor Area Ratio - RFD

59 - 61

That the Local Planning Committee endorse the Housing Floor Area Ratio model Bylaw Project Charter dated July 29, 2020.

Strategic Plan Item #16(iii): \$10,000 FY2020/21

Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws.

5. BUSINESS

5.1 LPC Budget and Work Program for FY 2021/22 - RFD

62 - 66

1. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$5,000 for Strategic Plan Item No. 2 - to create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area.

2. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$50,000 for Strategic Plan Item No. 5 - to continue to map the extent of eelgrass and kelp beds throughout the Trust Area.

3. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$50,000 for Strategic Plan Item No. 8 - to finish mapping and develop water budgets for groundwater aquifers in the Trust Area.

4. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$5,000 for Strategic Plan Item No. 9 - to develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling.

5. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$10,000 for Strategic Plan Item No. 16 - to Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council: Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws.

6. That the Local Planning Committee request staff to prepare business cases for undertaking 2018-2022 Strategic Plan items 2, 5, 8, 9 and 16 to refine the scope and budgets.

5.2 Islands Trust Area Groundwater Recharge Mapping Project - RFD

67 - 72

That the Local Planning Committee endorse the "Islands Trust Area Groundwater Recharge Mapping Project Charter, dated July 29, 2020"

Strategic Plan Item #8: \$50,000 FY2020/21

Map and develop water budgets for groundwater aquifers in the Trust Area.

5.3 Shoreline Review - RFD 73 - 76

That the Local Planning Committee endorse the Shoreline Review and Model Bylaw Project Charter dated July 29, 2020.

Strategic Plan Item #6: \$10,000 FY2020/21

Undertake a review of Local Trust Committee Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore.

5.4 Local Planning Service Delivery - Briefing 77 - 89

5.5 Change of Name of Local Planning Committee - Discussion/Decision

See item 2.2.1 - Agenda Context Notes for more information.

5.6 Saltwater Vulnerability - Verbal Update

6. NEW BUSINESS

7. LOCAL PLANNING COMMITTEE - WORK PROGRAM 90 - 93

8. NEXT MEETING

8.1 LPC Meeting schedule - Discussion

9. ADJOURNMENT 3:00 PM - 3:00 PM



**Local Planning Committee
Agenda – Context Notes
For meeting of July 29, 2020**

Agenda No.	From	Context Notes
5.4 Change of Name of Local Planning Committee - Discussion/Decision	DLPS	<p>The Local Planning Committee (LPC) discussed requesting Trust Council to change the LPC name to “Regional Planning Committee”. Staff do not have record of a resolution. If the LPC wishes to request this, then the following resolution is suggested:</p> <p style="padding-left: 40px;">“That the Local Planning Committee ask staff to draft an RFD to Trust Council from the Local Planning Committee requesting that the name be changed from “Local Planning Committee” to “Regional Planning Committee”, and policies be updated accordingly, and; That the Local Planning Committee authorises the Chair to approve the RFD on behalf of the Local Planning Committee.”</p>



Local Planning Committee Minutes of Regular Meeting

Date: May 20, 2020
Location: Electronic meeting
Islands Trust
200 – 1627 Fort Street
Victoria BC V8R 1H8

Members Present: Laura Busheikin, Chair
David Maude, Vice Chair
Jeanine Dodds, Local Trustee
Kees Langereis, Local Trustee
Laura Patrick, Executive Committee Representative
Timothy Peterson, Local Trustee
Kate-Louise Stamford, Local Trustee
Jane Wolverton, Local Trustee
Peter Luckham, Ex Officio Member

Staff Present: David Marlor, Director, Local Planning Services
Narissa Chadwick, Island Planner
William Shulba, Senior Freshwater Specialist
Lisa Wilcox, Senior Intergovernmental Policy Advisor
Robert Barlow, Legislative Services Clerk/Recorder

1. CALL TO ORDER

The meeting was called to order at 10:06 a.m. Chair Busheikin acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the Committee approved the agenda.

3. ADOPTION OF MINUTES/COORDINATION

3.1 Minutes of Meetings

3.1.1 Local Planning Committee Minutes of February 12, 2020

By general consent the Local Planning Committee Minutes of February 12, 2020, were adopted as presented.

3.2 Resolutions Without Meeting

None

3.3 Follow-up Action List (FUAL)

Director Marlor reviewed the FUAL. All items are completed.

4. WORK PROGRAM ITEMS

4.1 Application Processing Policy and Model Fee Bylaw – Request For Decision (RFD)

Island Planner Chadwick presented the RFD and briefings. It was noted that current application fees do not cover all services provided nor all staff hours of work involved in applications such as advertising, site visits and staff reports. Discussion included the principle of cost-recovery and the impact to applicants of potential changes to application fees.

LPC-2020-010

It was MOVED and SECONDED,

that Local Planning Committee request staff to include in the Model Fee Bylaw a separate fee with a lower rate Temporary Use Permit for residential uses that increase the availability of affordable housing.

CARRIED

LPC-2020-011

It was MOVED and SECONDED,

that Local Planning Committee request staff to finalize the Model Fee Bylaw.

CARRIED

LPC-2020-012

It was MOVED and SECONDED,

that Local Planning Committee request staff to finalize the Development Approvals Information (DAI) Bylaw.

CARRIED

LPC-2020-013

It was MOVED and SECONDED,

that Local Planning Committee request staff to finalize the revised Application

Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policy.

CARRIED

LPC-2020-014

It was MOVED and SECONDED,

that Local Planning Committee request staff to report back to the Local Planning Committee at the meeting of July 29th, 2020, with a finalized Application Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policy incorporating the Model Fee Bylaw and Model DAI bylaw.

CARRIED

4.2 Saltwater Intrusion Mapping - Verbal Update

Senior Freshwater Specialist Shulba provided an update. The Saltwater Intrusion Mapping project is a collaboration between Islands Trust, BC Ministry of Environment and Climate Change Strategy and BC Ministry of Forests, Lands, Natural Resource Operations, and Rural Development; has completed year one of two years; and is in review stages. The methodology case study area was of the southern Gulf Islands and the Lower Mainland and, upon review, that methodology will be used to include all of Islands Trust Area, Howe Sound, and the entire coast to Haida Gwaii.

4.3 Freshwater Management Strategy - RFD

Strategic Plan Item #7

Island Planner Chadwick presented the RFD. Discussion included goals of the strategy and Islands Trust jurisdiction and responsibility in regards to freshwater.

LPC-2020-015

It was MOVED and SECONDED,

that Local Planning Committee request staff to amend the Freshwater Strategy Project Charter to add a first bullet to In Scope that defines Islands Trust legal jurisdiction and responsibilities with freshwater resources.

CARRIED

LPC-2020-016

It was MOVED and SECONDED,

that Local Planning Committee change the name of the “Freshwater Management Strategy” to the “Trust Council Freshwater Sustainability Strategy (FWSS)”.

CARRIED

LPC-2020-017

It was MOVED and SECONDED,

that Local Planning Committee endorse the Project Charter for the Freshwater Sustainability Strategy - Stage One: Identifying Options and Opportunities as amended.

CARRIED

The committee recessed from 12:45 p.m. and reconvened at 1:21 p.m.

5. STRATEGIC PLAN

5.1 Matrix of Climate Change Land Use Tools – RFD

Strategic Plan Item #12

LPC-2020-018

It was MOVED and SECONDED,

that Local Planning Committee support the collection of information and creation of communications pieces that will connect land use planning policies and tools to areas of action and examples of implementation.

CARRIED

5.2 Groundwater Mapping Strategy - Verbal Update

Strategic Plan Item #8

Senior Freshwater Specialist Shulba provided a verbal update. The Southern Gulf Islands Groundwater Sustainability Strategy Project is in the review stages (peer review and consultant review). An update was presented on preliminary data of the significant stages of the project. The presentation will be offered to the participating Southern Gulf Island Local Trust Committees over the coming weeks with a final report to be presented following review and subsequent updates.

Chair Busheikin and Vice Chair Maude lost connection to the Zoom Webinar platform at approximately 2:09 pm. Director Marlor convened a nomination and election for Acting Chair.

LPC-2020-019

It was MOVED and SECONDED,

that Trustee Peterson act as the Chair until Chair Busheikin is able to rejoin the meeting.

CARRIED

Chair Busheikin was able to reconnect to the Zoom Webinar platform at approximately 2:12 pm and subsequently resumed being the Chair.

Director Marlor indicated that staff will return to the committee, subject to being satisfied with the methodology and learning the lessons, with a report that includes recommendations that Senior Freshwater Specialist Shulba and all the reviewers provide. At that point, LPC will be in a position to direct staff in regards to proceeding with the northern areas.

Chair Busheikin lost connection to the Zoom Webinar platform at approximately 2:15 pm. Trustee Peterson resumed acting as the Chair.

By general consent the order of business on the agenda was varied to address items 6.3 after item 5.2 and before item 5.3.

6. NEW BUSINESS

6.3 2019/20 Annual Report - LPC Section

Director Marlor presented the attached text for consideration.

Chair Busheikin was able to reconnect to the Zoom Webinar platform at approximately 2:19 pm but did not resume being the Chair. Trustee Peterson continued acting as the Chair.

LPC-2020-020

It was MOVED and SECONDED,

that Local Planning Committee approve the attached text for inclusion in the 2019/20 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

CARRIED

LPC-2020-021

It was MOVED and SECONDED,

that Local Planning Committee recess and reconvene on June 11, 2020 at 10:00 am electronically.

CARRIED

The Local Planning Committee therefore recessed at 2:26 pm.

The Chair reconvened the meeting on June 11, 2020, at 10:00 a.m. All members were present except for Trustee Maude.

5.3 Coastal Douglas-fir Mapping - RFD

Strategic Plan Item #1

Director Marlor presented the RFD. Discussion included the importance of the need for education and communication.

LPC-2020-022

It was MOVED and SECONDED,

that Local Planning Committee request that Staff develop a Project Charter, budget, scope and timeline creation of model development permit areas for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area, and that the information from the delegation to the June Trust Council meeting and work currently being done on this issue on Salt Spring Island be integrated into the report.

CARRIED

LPC-2020-023

It was MOVED and SECONDED,

that Local Planning Committee forward the “Contiguous Forest Mapping in the Islands Trust Area Report” prepared by Cabin Forestry Ltd, and the “Map Book, Forest Ecosystems in the Islands Trust” to the June Trust Council meeting with a recommendation to circulate to local trust committees and Bowen Island Municipality for information.

CARRIED

By general consent the order of business on the agenda was varied to address items 6.1 before item 5.4.

6. NEW BUSINESS

6.1 Protecting Cultural Heritage Resources - Briefing

Senior Intergovernmental Policy Advisor Wilcox spoke to the item, indicating that currently she reviews planning applications brought forward to the Local Trust Committees in regards to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and best practices.

LPC-2020-024

It was MOVED and SECONDED,

that Local Planning Committee request staff to bring back to the Committee a report on

options for an initiative to protect cultural heritage in land use planning applications as well as proactive planning.

CARRIED

The committee recessed from 11:07 a.m. and reconvened at 11:14 a.m.

5.4 Eelgrass Mapping Project - Discussion

Strategic Plan Item #5

Director Marlor indicated that the partner in developing the eelgrass mapping project, Sea Change, does not have the funding this year to do the work. Discussion included considerations whether Islands Trust could move forward without Sea Change; whether Islands Trust Conservancy could take responsibility for the project; whether other potential partners have been explored; and whether the project should be deferred to next year.

LPC-2020-025

It was MOVED and SECONDED,

that Local Planning Committee request staff to prepare a briefing on options for the eelgrass mapping budget.

CARRIED

5.5 Affordable Housing - Floor Area Ratio - Discussion

Strategic Plan Item #16 (ii)

Director Marlor indicated that regulating floor area ratio could be used as a means to support affordable housing. Currently the number of dwellings on a lot and the percentage of lot coverage are tools that are being used in regulations.

LPC-2020-026

It was MOVED and SECONDED,

that Local Planning Committee request staff to return to the Committee with a Project Charter to explore floor area ratio to support Affordable Housing.

CARRIED

6.2 Change Name of Local Planning Committee to Regional Planning Committee – Discussion

LPC-2020-027

It was MOVED and SECONDED,

that Local Planning Committee request to Trust Council that the name “Local Planning Committee” be changed to “Regional Planning Committee”.

CARRIED

7. LOCAL PLANNING COMMITTEE - WORK PROGRAM

LPC-2020-028

It was MOVED and SECONDED,

that Local Planning Committee amend the Work Plan by deleting Saltwater Intrusion Mapping as Priority #2; changing Priority #3 (Protect Quality and Quantity of Freshwater Resources of the Trust Area) to Priority #2; adding Project Charters for Remaining Trust Council Strategic Plan Budgeted Items as Priority #3; and adding Protecting Cultural Heritage – Interim Measures as Priority #4.

CARRIED

8. NEXT MEETING

By general consent the next meeting will be an electronic meeting rather than in person.

9. ADJOURNMENT

By general consent the meeting was adjourned at 12:01 p.m.

Laura Busheikin, Chair

Certified Correct:

Draft

Robert Barlow, Legislative Services Clerk/Recorder

DRAFT

Draft



Follow Up Action Report

Local Planning Committee

20-May-2020

Activity	Responsibility	Dates	Status
1 Staff to finalize the Model Fee Bylaw including a separate fee with a lower rate Temporary Use Permit for residential uses that increase the availability of affordable housing.	David Marlor Narrisa Chadwick	Target: 29-Jul-2020	Completed
2 Staff to finalize the Development Approvals Information (DAI) Bylaw.	David Marlor Narrisa Chadwick	Target: 29-Jul-2020	Completed
3 Staff to finalize the revised Application Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policy.	David Marlor Narrisa Chadwick	Target: 29-Jul-2020	Completed
4 Staff to report back to the Local Planning Committee at the meeting of July 29th, 2020, with a finalized Application Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policy incorporating the Model Fee Bylaw and Model DAI bylaw.	David Marlor Narrisa Chadwick	Target: 29-Jul-2020	Completed
5 Staff to amend the Freshwater Strategy Project Charter to add a first bullet to In Scope that defines Islands Trust legal jurisdiction and responsibilities with freshwater resources.	David Marlor Narrisa Chadwick	Target: 29-Jul-2020	Completed
6 That Local Planning Committee change the name of the "Freshwater Management Strategy" to the "Trust Council Freshwater Sustainability Strategy (FWSS)".	David Marlor Narrisa Chadwick	Target: 29-Jul-2020	In Progress
7 Staff to forward the attached text as presented for inclusion in the 2019/20 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.	David Marlor Narrisa Chadwick	Target: 29-May-2020	Completed



REQUEST FOR DECISION

To: Local Planning Committee **For the Meeting of:** July 29, 2020
From: Narissa Chadwick **Date Prepared:** July 13, 2020
SUBJECT: Draft Applications Processing Services Policy, Model Fee Bylaw, and Development Approval Information Bylaw.

RECOMMENDATION:

1. That the Local Planning Committee support the revised draft of the Model Fee Bylaw which reflect the following:
 - Fees proposed in the Model Fee Bylaw represent 80% of the average cost of processing for most applications.
 - Fees related to Development Permit Areas (DPAs) for environmental protection be lower than 80% of the average cost of processing to reflect interest in supporting compliance.
 - That the Executive Committee Fee Sponsorship Policy be used to address interests in reduced fees for projects with community/social benefit.
 - Reduced fees for Temporary Use Permits for residential uses that increase the availability of affordable housing.
2. That the Local Planning Committee request staff to revise the Model DAI bylaw to ensure consistency, and with input from all three planning offices.
3. That the Local Planning Committee request staff to report back to the Local Planning Committee at the meeting of November 9th, 2020, with a finalized Application Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policy incorporating the Model Fee Bylaw and Model DAI bylaw.

PLANNING DIRECTOR COMMENTS:

While this project is not a 2018-2022 Strategic Plan item, the recommended fees for applications, and update to the application processing policy is due for an update.

1 PURPOSE:

The purpose of these recommendation is to clarify the intent of the fee amounts related to the Model Fee Bylaw and address questions that have been raised relating to cost recovery,

difference in fees related to DPAs for environmental benefit and reduction in fees for community/social benefit.

2 BACKGROUND:

At the February 12th, 2020 meeting, the Local Planning Committee endorsed in principle as amended the Model Fee Bylaw, Development Approval Information Bylaw and the consolidated Application Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policy.

Model Fee Bylaw

To determine fees reflective of actual application processing costs, a substantial review of staff time (identified in model fee bylaw as general service costs) and average direct external costs (identified in the model fee bylaw as estimated direct costs) was undertaken. This review included consultation with planning staff including all three regional planning managers.

An appendix to the Model Fee Bylaw (Attachment 1) breaking down the average costs of each service has been created. This breakdown will assist with identifying refunds for application processes that may be stopped partly through processing. The total costs can be seen as reflecting 80% of the average cost of processing.

As indicated in the Model Fee Bylaw (Attachment 1), the waiving of fees for parts of the development permit application process has been suggested as a way of reducing the total fee to encourage applications that have environmental benefit.

The Regional Planning Managers agree that fees for social/community benefit are best dealt with through application fee sponsorship (Islands Trust Policy 4.1.13). This is reflected in the recommendation.

At the May 20, 2020 Local Planning Committee meeting:

*"It was MOVED and SECONDED,
that Local Planning Committee request staff to include in the Model Fee Bylaw a
separate fee with a lower rate Temporary Use Permit for residential uses that increase
the availability of affordable housing".*

This change has been made to the Model Fee Bylaw (Attachment 1).

Model Development Approval Information Bylaw

The Northern Office is currently looking at revising their DAI bylaws. Their approach is a bit of a departure from what has been put forward as a model DAI Bylaw. This indicates that more time is needed for staff to review the model DAI bylaw before finalizing it.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

The Model Fee Bylaw will contribute to consistency with respect to applications fees for all Local Trust Committees.

FINANCIAL:

Fees will increase to cover more of the processing costs than they currently do. There will be a cost for the legal review of the model fee bylaw.

POLICY:

The model Fee Bylaw and model Development Approval Information bylaw will be attached to a revised Application Processing Services policy, that will incorporate and replace the current Application Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policies.

IMPLEMENTATION/COMMUNICATIONS:

The consolidated application processing policy and model bylaws will be updated and forwarded to Trust Council for approval.

FIRST NATIONS:

None.

OTHER:

None.

4 RELEVANT POLICY(S):

- 5.6.1 Application Processing Services
- 5.6.2 Cost Recovery Agreements
- 5.6.3 Extraordinary Processing Services Guidelines

5 ATTACHMENT(S):

- 1. Application Processing Services Policy
- 2. Draft Model Fee Bylaw
- 3. Draft Model DAI Bylaw

RESPONSE OPTIONS

Recommendation:

1. That the Local Planning Committee support the revised draft of the Model Fee Bylaw which reflect the following:
 - Fees proposed in the Model Fee Bylaw represent 80% of the average cost of processing for most applications.
 - Fees related to Development Permit Areas (DPAs) for environmental protection be lower than 80% of the average cost of processing to reflect interest in supporting compliance.
 - That the Executive Committee Fee Sponsorship Policy be used to address interests in reduced fees for projects with community/social benefit.
 - Reduced fees for Temporary Use Permits for residential uses that increase the availability of affordable housing.
2. That the Local Planning Committee request staff to revise the Model DAI bylaw to ensure consistency, and with input from all three planning offices.
3. That the Local Planning Committee request staff to report back to the Local Planning Committee at the meeting of November 9th, 2020, with a finalized Application Processing Services, Cost

Recovery Agreements and Extraordinary Processing Services Policy incorporating the Model Fee Bylaw and Model DAI bylaw.

Alternative:

1. That the Local Planning Committee direct staff to make changes to the Draft Model Fee Bylaw as follows....
2. That the Local Planning Committee direct staff to pause work on the Draft Model Fee Bylaw until the review of hours spent on application processes is complete.
3. That the Local Planning Committee direct staff to explore amendments to the Executive Committee Fee Sponsorship Policy to address the reduction in fees for Temporary Use Permits for residential uses that increase the availability of affordable housing and other applications that provide social, cultural and environmental benefit such as.....

Prepared By: Narissa Chadwick RPP, Island Planner

Reviewed By/Date: David Marlor, Director, Local Planning Services/July 21, 2020



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	March 13, 1993
Amendment Date(s):	June 13, 2002; June 10, 2004 _____, 2020
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES AND DEVELOPMENT APPROVAL INFORMATION POLICY

Purpose

This policy is intended to identify the services provided by the Islands Trust and the different levels of costs associated with these services. It provides direction for the preparation of Fee Bylaws and Schedules by different Local Trust Committees.

This policy also includes direction related to development approval information required to be submitted as part of the application process.

Application Processing Services and Costs Defined

Application Processing Services include:

Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws.

Development Application Requests for Development Permits, Development Variance Permits, Temporary Use Permits, Soil Removal and Deposit Permits, Heritage Alteration Permits, Board of Variance orders, Liquor Licensing Permits, Cannabis Licensing Permits and Siting & Use Permits, Land Use Contracts

Agency Referral Responses and Comments on applications referred from other agencies

Services Levels include:

Information Service which involves providing an information service to applicants and the general public at no cost, as a public service, and funded by property taxation revenues (see 1.1)

Processing Service which involves providing a specific service to applicants as a direct response to an application, whether directly to the Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant (see.1.3)

Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement (see 2)

Costs:

General Service Costs include staff time needed to process the application.

Estimated Direct Costs include: advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, staff travel to attend public hearings and community information meetings.

Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each levels of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service. Information services include:

- 1.1.1 **providing information** on application process requirements including a meeting with staff
- 1.1.2 **providing assistance** to complete an application
- 1.1.3 **determination** of applicable fees
- 1.1.4 **identification** of easily identifiable issues to be addressed.

1.2. Initial Application – Application Fee Required

For rezoning applications, temporary use permit applications, development variance, development permit, liquor and cannabis retail license application and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment
- 1.2.2 staff reports
- 1.2.3 discussion between planners and applicant throughout process

1.3 Processing Service – Application Fee Required

Listed below are specific processing services that will be provided to an applicant who has paid an application fee:

- 1.3.1 comprehensive staff assessment including site visit where required
- 1.3.2 one staff report (for applications with an initial application fee, this is in addition to a staff report under that fee)

- 1.3.3 discussion between planners and application throughout process
- 1.3.4 staff referral to other agencies, advisory planning commissions, and analysis of their comments
- 1.3.5 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan
- 1.3.6 staff report with recommendation for local trust committee (LTC) approval consideration
- 1.3.7 processing bylaws through Executive Committee for approval consideration, if necessary
- 1.3.8 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary
- 1.3.9 adoption of all bylaws or issuing of permits as required

1.4 Public Hearing – Application Fee Required

Services related to Public Hearing that will be provided to an applicant who has paid an application fee includes:

- 1.4.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, delivery of notices when needed)

1.5 Community Information Meeting – Application Fee Required

Services that will be provided to an applicant who has paid an application fee include:

- 1.5.1 conducting one community information meeting with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, and delivery of notices when needed)

2. Extraordinary Processing Services Identification and Fees

Extraordinary Processing Services are services provided to the application that are beyond the standard processing services identified in 1.1- 1.5. Applicants are responsible for paying fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

Local trust committees (LTC) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where:

- 2.1.1 the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because of additional requirements such as: additional public consultation, complex covenant requirements or extensive staff time; or
- 2.1.2 the processing requirements include services that require services obtained from professions outside the Islands Trust such as special technical assistance and/or specific legal services.
- 2.1.3 the processing requirements include First Nations site visit(s)
- 2.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided:
 - 2.2.1.1 directly by the applicant as an additional amount provided to the Islands Trust above the applicable standard fee or,
 - 2.2.1.2 by the Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 With respect to both options noted above, a resolution of the LTC, following the recommendation of the regional planning manager is required to proceed.
- 2.3.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant or a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery Agreement Policy

The Extraordinary Services Cost Recovery Policy is intended to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a local trust committee (LTC).

- 3.1.1 Cost Recovery Agreements are voluntary on the part of the applicant.

- 3.1.2 Cost recovery reflects a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC fees bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the cost recovery agreement.
- 3.1.6 The cost recovery agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The service identified below are services considered to be beyond the scope of a standard processing service. These services require payment, in addition to standard application fees established in the Fee Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 Staff time required for covenant development (note some covenants have existing templates generally vetted by legal counsel)
- 3.2.3 Staff time to attend more public consultation meetings including community information meetings, advisory planning commission meetings and public hearings than that already covered by the standard application fee
- 3.2.4 Technical assessments or studies as required by the local trust committee
- 3.2.5 Retaining special technical assistance required by the local trust committee
- 3.2.6 Additional legal counsel services required for the application not covered under the estimated direct costs of the fee bylaw
- 3.2.7 Process agreement negotiation

- 3.2.8 First Nations site visits
- 3.2.9 Other resources and/or services required by the local trust committee to process the application not covered by the fee bylaw

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committee should adopt a Fee Bylaws consistent with the model fee bylaw in attachment 1.
- 4.2 Standard fees in Fee Bylaw are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 41 of the *Liquor Control and Licensing Act*, Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances to Trust Council's Model Fee Schedule of up to 20% when adopting a local trust committee fees bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 The level of community/environmental benefit offered by the type of application;
 - 4.3.2 Variances in direct costs (e.g. hall rental)
 - 4.3.3 An amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a fees bylaw must be adopted by bylaw amendment. All LTC fees bylaws and fees bylaw amendments must be approved by the Executive Committee before adoption by a LTC.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in Islands Trust Policy 4.1 xii, the applicant may apply to the Trust Council Executive for development application fee sponsorship. This opportunity exists for:
 - 5.1.1 Non-profit organization
 - 5.1.2 Organizations seeking to establish, expand or modify a facility for the benefit of the community at large and consistent with the goals of the Official Community Plan (OCP)

- 5.1.3 An established or establishing institution supported by taxpayers that is seeking to establish, expand or modify a community facility
- 5.1.4 An applicant seeking to implement specific objectives of an OCP with broad community benefits

6. Development Approval Information

- 6.1 The Development Approval Information Bylaw (DAI) provides a mechanism to ensure that the local trust committee receives appropriate reports and documentation from applicants to support rezoning, temporary use permit and development permit applications.
 - 6.1.1 DAI bylaws reduce operational costs by ensuring that applications are complete, and the information provided is appropriate.
 - 6.1.2 Local trust committee should adopt a development approval bylaw consistent with the model development permit information bylaw in Attachment 2.

Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

Attachments

1. Model Fee Bylaw
2. Model Development Approval Information Bylaw

Appendix 1: Application Processing Costs

Appendix 1 provides the estimates of the average costs of processing, inspection, advertising and administration of applications. The table shall be used to calculate refunds pursuant to section 4.5 of the Fees Bylaw.

Bylaw Amendments (includes rezoning, minor amendments)

Application Processing Fee Estimates	
Service	Average Cost
Application administration, initial review and communication with planner	\$500
Site visit	\$250
Staff Report X 5 (\$500 per staff report)	\$2500 (minor=1x\$500)
Drafting of bylaw (includes review for compatibility with IT Policy Statement and relevant OCP polices)	\$250
Bylaw referrals	\$250
Statutory notification	\$250
Two newspaper notices	\$400
Community Information meetings (2, one in conjunction with Public Hearing)	\$1000 (minor= \$0)
Public Hearing	\$1500
Post Public Hearing (PH) Application Processing Fee Estimates (for applications requiring PH)	
Referral to Executive Committee, First Nations and other agencies	\$200
Referral to Minister of Municipal Affairs	\$200
Bylaw adoption	\$200
Total	\$7500 (minor =\$4,500)

Temporary Use Permit/ Development Variance Permit

Item	Estimated Cost
Application Processing Fee Estimates	
Application Initiation	\$500 (renewal \$250)
Site visit	\$250 (renewal \$0)
Staff Report	\$500 (renewal \$250)
Draft Permit	\$250 (renewal \$0)
Statutory notification	\$250
Newspaper Notice (TUP only)	\$200
Issuance of permit	\$200
Total (TUP)	\$2150 (renewal \$1,150)
Total (DVP)	\$1900 (renewal \$950)

Development Permit

In order to encourage the application for development permits associated with environmental benefit some parts of the general service costs can be waived as indicated.

Item	Estimated Cost
Application Processing Fee Estimates	
Application Initiation	\$500 (environmental benefit \$0)
Site visit	\$250
Staff Report	\$500
Draft Permit	\$250
Issuance of Permit	\$200 (environmental benefit \$0)
Total	\$1700
Total (environmental benefit)	\$1000

Costs Associated with Community Information Meetings and Public Hearings

The tables below provide a breakdown of the costs associated with community information meetings and public hearings.

Costs Associated with Community Information Meeting

Item	Estimated Deposit Values
Newspaper notice (per publication)	\$200
Hall Rental	\$100
Minute Taker	\$200
Staff Travel Costs to attend meeting that is not part of a regular Local Trust Committee meeting.	\$500
Total	\$1000

Costs Associated with Public Hearing

Item	Estimated Deposit Value
Newspaper notice in Gulf Islands Driftwood X 2	\$1000
Notice in local publications	\$200
Hall rental	\$100
Minute taker	\$200
Total	\$1500

**XXX LOCAL TRUST COMMITTEE
BYLAW NO. XX**

A BYLAW TO PRESCRIBE FEES FOR AMENDING BYLAWS, ISSUING PERMITS, EXAMINING APPLICATIONS FOR
SUBDIVISION, AND EXAMINING OTHER REFERRALS AND APPLICATIONS

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections and Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees on an applicant for a license under that Act.

NOW THEREFORE the XXX Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the XXX Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1. Citation

1.1 This bylaw may be cited as the "XXX Local Trust Committee Fees Bylaw, XXX".

2. Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. _____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;
- 2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.4 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;

2.1.5 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or

2.1.6 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the monetary amount payable to the “Islands Trust”.

“General Service Cost” means the average cost of staff time for processing, inspection, advertising and administration of an application.

“Estimated Direct Costs” means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including newspaper advertising, notifications, postal and delivery costs of statutory notifications, rental of premises for meetings or hearings, contract minute-taker costs recording or preparation of minutes of meetings or public hearings and staff travel expenses.

“Islands Trust” means the Director of Local Planning Services or the Director of Local Planning Services authorized representative.

3. Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4 the applicant must deliver to the Islands Trust the corresponding application processing fee in the amount shown in Column 2. The application fee includes general service costs and estimated direct costs (see Appendix 1 for breakdown).

TABLE 1 –Bylaw Amendments (OCP and Zoning Bylaw)_	
Column 1 Type of Application	Column 2: Fee
Major (e.g. change to density or land use designation)	\$7,500
Minor (e.g. policy change without changing density or land use designation)	\$4,500

TABLE 2 – Permits	
Column 1: Development Permit in Respect of	Column 2: Fee
Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
Protection of Development from Hazardous Conditions	\$1,000
Protection of Farming	\$1,000

Objectives for Form and Character	\$1,700
Objectives to Promote Energy Conservation	\$1,000
Objectives to Promote Water Conservation	\$1,000
Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
Development Permit Amendment	\$1,000
Type of Development Variance Permit	Fee Amount
Development variance permit (commercial, industrial or institutional development)	\$1900
Development variance permit (residential development)	\$1900
Type of Temporary Use Permits	Fee Amount
Temporary Use Permit (residential/commercial/industrial)	\$2150
Temporary Use Permit for residential uses that increase the availability of affordable housing	\$1000
Temporary use permit renewal	\$1150
Other Permits	Fee Amount
Siting and Use Permit	\$1,250
Heritage Alternation Permit	\$1,700
Combination Applications	
Development Permit in respect of a protection areas or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Column 1: Subdivision Referrals	Column 2: Fees
Application for Subdivision Review – base fee	\$1,000
Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications

Column 1: Type of Application	Column 2: Fees
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail Licence Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500???
5. Strata Conversions	\$1,500

4. Collection and Refund of Application Processing Fee Amounts

- 4.1 The total application processing fee must be received before the processing of the application can begin.
- 4.2 An application administration fee of \$100.00, a portion of the fee referred to in Table 1, is not refundable in any event.
- 4.3 An application administration fee of \$50.00, a portion of the fee referred to in Table 2, Table 3, and Table 4, is not refundable in any event.
- 4.4 If an application is withdrawn before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee less the non-refundable administration fee portion.
- 4.5 If an application process is started but not completed, fees associated with the parts of the process that have not been executed will be refunded in accordance with Appendix 1.

5. Extraordinary Service Costs (ESC)

- 5.1 Extraordinary Services Costs will be paid:
 - 5.1.1 By the applicant as an amount paid to the Islands Trust in addition to the application processing fee; or
 - 5.1.2 By the applicant through a cost recovery agreement entered into with the Islands Trust,

in addition to the application processing fee.

- 5.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 100% of this estimate.
- 5.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 100% of this estimate.
- 5.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide an estimate of costs. The Applicant will pay a deposit of 100% of this estimate.
- 5.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above that are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 100% of this estimate.
- 5.6 If the amount paid by the Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the application shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 5.7 The Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

6. Annual Fee Increases

- 6.1 Application fees will increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 6.2 Should the annual rate of inflation be under 2%, the increase in application fees will be made to match the rate identified by Canadian Consumer Price Index (CCPI).

7. Application Fee Sponsorship

- 7.1 Pursuant to Islands Trust Policy 4.1 xii, an applicant may apply to the Executive Committee of the Islands Trust for development application fee sponsorship.

8. Severability

8.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

9. Repeal

9.1 _____ Island Local Trust Committee Fees Bylaw No. _____, _____, is repealed upon adoption of this bylaw.

9.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS XTH DAY OF XXXX, XXXX

READ A SECOND TIME THIS XTH DAY OF XXXX, XXXX

READ A THIRD TIME THIS XTH DAY OF XXXX, XXXX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS XTH DAY OF XXXX, XXXX

ADOPTED THIS XTH DAY OF XXXX, XXXX

Chairperson

Secretary

ATTACHMENTS

- 1. Appendix 1: Application Processing Costs

Model Development Approval Information Bylaw

ISLANDS TRUST COUNCIL

BYLAW NO. ____

A Bylaw to Establish Procedures and Policies for Requiring Development Approval Information for the _____ Island Local Trust Area

WHEREAS the _____ Island Local Trust Committee, pursuant to ss. 484 and 485 of the *Local Government Act*, has specified in an official community plan areas and circumstances for which development approval information may be required;

NOW THEREFORE the Islands Trust Council, pursuant to sections 486 of the *Local Government Act* and s. 29(3.1) of the *Islands Trust Act*, enacts as follows:

PART 1 TITLE

1. This bylaw may be cited for all purposes as "____ Island Local Trust Committee Development Approval Information Bylaw No. ____, 20__".

PART 2 PURPOSE

2. The purpose of this bylaw is to allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community.

PART 3 DEFINITIONS

3. In this Bylaw, the following definitions shall apply:

"Agriculture Impact Assessment" means an assessment and identification of potential impacts on agricultural activities or water supplies on adjacent land that is zoned for agriculture or located within the Agricultural Land Reserve (ALR), and includes a summary of the methodology used to assess pre-development conditions, potential post-development impacts as well as recommended mitigation measures.

"Business Day" means a day that is not Saturday or Sunday or a public holiday in the province of British Columbia.

"Conservation Assessment" means an evaluation to identify environmentally valuable features on or near the proposed development based on current best practices, such as, but not limited to, the "Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field" and "Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia."

“Development Application” means an application for:

- (a) an amendment to a zoning bylaw;
- (b) a development permit; or
- (c) a temporary use permit,

“DAI Report” means a report that contains the information and assessments required for a decision on the approval of a *Development Application*.

“Impact Mitigation Measures” means recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial, aquatic, and marine habitats, as well as geomorphic, hydrological and coastal processes, and includes a description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.

“Lighting Assessment” means an assessment and identification of lighting impacts due to spillage and includes a summary of the methodology for assessing pre-development light levels and for estimating post-development light impacts and recommended mitigation measures.

“Monitoring Requirements” means any recommended *monitoring requirements*, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.

“Noise Assessment” means an assessment and identification of noise generated by the proposed development, and includes a summary of the methodology used to measure predevelopment noise levels and to estimate post-development noise levels impacts and recommended mitigation measures.

“Preliminary Water Supply Study” means a preliminary water supply study prepared by a professional (civil) engineer to assess whether sufficient groundwater supply is available to support all water demand types for the proposed development in accordance with the requirements of the regional health authority. Where the total water demand for a proposed development exceeds groundwater supply, as set out in the provincial *Design Guidelines for Rural Residential Community Water Systems*, the preliminary water supply study shall:

- (d) identify all proposed water sources;
- (e) identify how each type of water demand will be serviced;
- (f) estimate the total number of occupants the available water sources will support based on the sustainable yield of any on-site wells and use of supplementary water sources (e.g., greywater, rainwater); and
- (g) estimate how many dwelling units the proposed water supply system would service based on occupancy rates consistent with regional health authority rates.

“Professionally certified” means a professional certification by a Qualified Environmental Professional that they are qualified to carry out the assessment and that appropriate assessment methods have been followed in the preparation of a professional opinion in an evaluation and impact assessment report.

“Restoration Assessment” means an assessment with recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to or as a result of development or that would be impacted by the proposed development.

“Site Background Analysis” means a *site background analysis* that is based on applicable databases such as, but not limited to, the Species and Ecosystems Explorer Tool and the Sensitive Ecosystem Inventory from the Ministry of Environment, and the Wildlife Tree Stewardship Atlas from the Community Mapping Network, and includes a description of the context of the site, including the use of adjacent lands and proximity to protected areas and a check for water licenses, and the results from a site assessment for observed species and ecosystems at risk, and a site assessment for the presence of raptor and heron nests and the presence of fish-bearing watercourses.

“Site Impact Assessment” means an assessment of the nature and extent of the impact of the existing or proposed development, in particular, anticipated impacts on identified site conditions, including but not limited to:

- marine
- aquatic habitat;
- terrestrial habitat;
- site hydrology;
- marine sediment transport;
- aquatic sediment transport; and,
- public access to and along the foreshore, and includes impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area, and the identification of potential impacts on adjacent sites and proximate sensitive areas.

“Site Inventory” means a *site inventory* providing information on the following:

- existing plant communities;
- marine habitats;
- aquatic habitats;
- terrestrial habitat;
- current on-site and adjacent land uses;
- slope stability;
- erosional processes;
- hydrology;
- topography;
- aquatic sediment transport
- and marine sediment transport.

The *site inventory* may require the involvement of several suitably qualified professionals.

“Site Plan” means *site plan* prepared and signed by a BC land surveyor or other professional as approved by the officer, at an appropriate scale, delineating the proposed development and associated features, including:

- topographic features showing natural slope contours at appropriate contour intervals;
- significant natural features;

- the development permit area boundary;
- current and proposed buildings, structures, signage, and all supporting infrastructure;
- roads, driveways, vehicular and bicycle parking areas, and loading areas; - proposed site grading and post development contours.

“Vegetation Assessment” means an assessment and identification of vegetative screening for adjoining lands, including agricultural land, parking lots, loading docks and service infrastructure; potential impacts to viewsheds of neighbouring properties, harbours and/or uplands, and includes a summary of the methodology used to assess pre-development conditions and for identifying post-development impacts and recommended mitigation measures.

“Watercourse Assessment” means an identification and assessment of any proposed changes to existing natural and human made watercourses, as well as potential drainage hazards to the surface and groundwater that may affect the subject site and neighbouring properties, and includes a summary of the methodology and the level of field work, statements demonstrating that pre and post development flows remain constant, inclusion of any off-site drainage hazards mitigation, and identification of maintenance requirements.

PART 4 APPLICATION

4. This Bylaw applies to all *Development Applications*, subject to the exceptions listed in this Bylaw.
5. Any application for an activity or development that is a reviewable project under the *Environmental Assessment Act* is exempted from this Bylaw.

PART 5 PROCEDURE

6. An official assigned from time to time to provide planning services to the _____ Island Local Trust Committee is the official for the purposes of this bylaw.
7. Where a *DAI Report* is required, the information for the *DAI Report* shall be provided to the official by the applicant and at the applicant’s cost.
8. The applicant shall provide the *DAI Report* to the official in the format specified by the official. The official may determine that all or part of the *DAI Report* shall be provided in digital form.
9. The official may, on a case-by-case basis and at their sole discretion, amend, alter or delete specific requirements for a particular *DAI Report*. Any amendments to the requirements for a particular *DAI Report* must be communicated by the official to the applicant in writing.
10. Within 30 *Business Days* of receipt of a complete application, the official shall determine to what extent development approval information will be required in accordance with this bylaw and shall communicate the requirement to the applicant in writing.

11. An applicant may only request that the Local Trust Committee reconsider a decision of an official under this bylaw within 30 *Business Days* of the date on which the official's decision is communicated to the applicant.
12. A request for reconsideration must be delivered in writing to the Legislative Clerk and must set out the grounds on which the applicant requests a reconsideration of a decision and what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.
13. The Legislative Clerk must place the request for reconsideration on the agenda of the next meeting of the Local Trust Committee following the date on which the request for reconsideration was delivered, provided the request is received at least 10 *Business Days* prior to that meeting.
14. The Legislative Clerk must reasonably notify the applicant and any other person who the Legislative Clerk reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.
15. At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

PART 6 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

16. For *Development Applications* that require implementation of a water supply system, the official may require a *Preliminary Water Supply Study*.
17. For *Development Applications* in respect of **Development Permit Area** __ – _____, as designated in the Official Community Plan and in accordance with sections 488 of the Local Government Act, the *DAI Report* shall contain the following information:
 - a. Description of the proposed development including illustrations drawn to appropriate scale that show building siting, massing, scale and modulation
 - b. *Site Plan*
 - c.
18. For *Development Applications* in respect of **Development Permit Area** __ – **Riparian Areas**, as designated in the Official Community Plan and in accordance with section 488 (1)(a) of the *Local Government Act* for protection of the natural environment, the *DAI Report* shall contain the following information:
 - a. Description of the proposed development detailing construction methodology, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the watercourse, sewage disposal system installation, landscaping, or other land alteration during or after the development phase, as well as identification of alternative development option;
 - b. *Site Plan* that contains the following additional information:
 - the development area boundary;
 - the locations of the top of bank and high water marks;
 - Streamside Protection and Enhancement Areas (SPEA) widths;

- Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.
- c. *Site Inventory* that includes additional information about the biological function of the riparian zone, including species of fish that frequent the waterbody, stream magnitude and values of connected downstream habitat;
- d. For any impacted streams, as defined under the *Riparian Areas Protection Regulation*, an assessment of the nature and extent of the impact of the proposed development that includes the following information: the results of a riparian assessment using a detailed or simple assessment as indicated in *the Riparian Areas Protection Regulation*, and establishing the SPEA width for the subject parcel as well as a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment (ii) and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment, sediment and erosion control, as well as appropriate stormwater management techniques as a development-related measure.
- e. *Monitoring Requirements* that contain the following additional information: actions to ensure that all SPEA protective measures are implemented appropriately;
- A monitoring schedule to ensure compliance can be assessed and to allow for modifications to occur, as appropriate, to ensure adequate protection of the SPEA; and,
 - A process for resolving any non-compliance.
- f. *Restoration Assessment*;
- g. For any impacted streams, as defined under the *Riparian Areas Protection Regulations* *professionally certified* opinion that, if the development is implemented as proposed: there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area; or, the measures identified in the *DAI Report* are adequate to protect fish life processes in the affected area from the development.

If the streamside protection and enhancement areas identified in the *DAI Report* are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

19. Where a particular type of information is required for a *DAI Report*, as identified in sections 16 through 18 of this Bylaw, that information must be prepared by a consulting professional with qualifications listed in the table below, or as otherwise approved in writing by the official.

TYPE OF INFORMATION	CONSULTING PROFESSIONAL
Agriculture	- Agrologist (Registered with BC Institute of Agrologists)
Anthropological Study	- Post-graduate degree in anthropology
Archaeological Assessment	- Registered Professional Consulting Archaeologist (BC Association of Professional Archaeologists)

Conservation Assessment	- Registered Professional Biologist (College of Applied Biology)
Environmental Assessment	- Registered Professional Biologist (College of Applied Biology)
Geological Hazard	- Geotechnical Engineer (Registered with Engineers and Geoscientists BC) - Professional Geoscientist (Registered with Engineers and Geoscientists BC)
Groundwater Assessment	- Geotechnical Engineer (Registered with Engineers and Geoscientists BC) - Professional Geoscientist (Registered with Engineers and Geoscientists BC) - Registered Well pump installer (B.C. Registry of Well Pump Installers) - Registered Well Installer (B.C. Registry of Well Installers)
Heritage Assessment	- Registered Planning Professional (Planning Institute of BC) - Registered Architect or Architectural Technician (Architectural Institute of BC) - Full Member BC Association of Heritage Professionals
Landscape Plan	- Registered Landscape Architect (BC Society of Landscape Architects)
Land Use	- Register Professional Planner (Planning Institute of BC)
Legal Survey	- Land Surveyor (Registered with the Association of British Columbia Land Surveyors)
Raptor Nest	- Registered Professional Biologist (College of Applied Biology)
Riparian Areas	- Qualified Environmental Professional (Biologist, Agrologist, Forester, Geoscientist, Engineer, or Technologist registered with an appropriate BC professional association)
Sensitive Ecosystem	- Registered Professional Biologist (College of Applied Biology)
Sewage disposal system Systems	- Professional Civil Engineer (Registered with Engineers and Geoscientists BC)
Shoreline and Marine	- Geotechnical/hydrological and marine considerations; - Geotechnical Engineer (Registered with Engineers and Geoscientists BC) - Professional Geoscientist (Registered with Engineers and Geoscientists BC) - Biological/environmental considerations:

	- Registered Professional Biologist (College of Applied Biology)
Shoreline Stabilization	- Geotechnical Engineer (Registered with Engineers and Geoscientists BC)
<i>Site Background Analysis</i>	- Registered Professional Biologist (College of Applied Biology)
<i>Site Plan</i>	- Land Surveyor (Registered with the Association of British Columbia Land Surveyors) - Professional Civil Engineer (Registered with Engineers and Geoscientists BC) - Registered Architect or Architectural Technician (Architectural Institute of BC)
Spill Containment	- Professional Civil Engineer (Registered with Engineers and Geoscientists BC)

Stormwater Drainage	- Professional Civil Engineer (Registered with Engineers and Geoscientists BC)
Traffic Impact Assessment	- Professional Civil Engineer (Registered with Engineers and Geoscientists BC) - Transportation Planner (Post-graduate degree in urban planning or a related discipline)
Tree & Native Vegetation Protection	- Registered Professional Biologist (College of Applied Biology) - Registered Professional Forester (Association of BC Forest Professionals)

20. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the requirements of this Bylaw, either in scope, level of detail, accuracy or in any other respect, or does not address any particular information requirements that are identified in or arise from any applicable guidelines in the Official Community Plan, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the bylaw.

PART 7 TERMS OF REFERENCE

21. For a *Development Application* involving amendments to a bylaw of the _____ Island Local Trust Committee enacted under s.479 of the *Local Government Act*, or a temporary use permit, the official may require an applicant to provide Terms of Reference for the preparation of the *DAI Report*.

22. Where Terms of Reference are required, the applicant shall provide to the official, Terms of Reference that consider the following information:

- a. information requirements identified in or that arise from any applicable guidelines in the Official Community Plan;

- b. information requirements specified in this bylaw;
 - c. that the information in the *DAI Report* will be prepared by a person having professional expertise and relevant experience in the matters included in the Terms of Reference;
 - d. the identity, qualifications and experience of the person or persons who the applicant proposes to engage to prepare the *DAI Report*;
 - e. the date by which the *DAI Report* is to be provided to the official; and,
 - f. the form and the number of copies in which the *DAI Report* will be provided.
23. Where Terms of Reference are required, the applicant shall provide to the official, Terms of Reference that identify the scope of the information that is to be prepared in the *DAI Report*, to the extent that the proposed activity or development can be reasonably expected to have an appreciable impact on any of the following matters:
- a. the natural environment of the area affected, including sensitive ecosystems and the habitat of rare or threatened species, including surrounding terrestrial, marine or freshwater habitats impacted by the development activity;
 - b. hazards, including geological, flood, stormwater, and wildfire hazards;
 - c. greenhouse gas emissions, climate change impacts, anticipated energy usage, and carbon emissions;
 - d. freshwater resources, including groundwater;
 - e. local infrastructure, including highways, ferry, water supply and sewage systems, fire protection systems, solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;
 - f. local public or community facilities;
 - g. local commercial services;
 - h. supply and demand for local commercial space;
 - i. local and off-island employment opportunities;
 - j. affordable and seniors housing needs;
 - k. agricultural reserve lands and agricultural and forestry uses in the vicinity of the development;
 - l. cultural heritage resources including resources of historical, cultural, archaeological, paleontological or architectural significance whether on land or underwater; and
 - m. aesthetic values including the visual appearance of the development from adjacent properties, public lands, or the sea, and the effect of any artificial lighting proposed.
24. For every matter within the scope of section 23 of this Bylaw that is included in the Terms of Reference, the applicant shall:
- a. identify relevant baseline information for existing conditions and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
 - b. identify and describe the potential and likely impacts of the activity or development, including any cumulative effects when combined with other projects proposed or under development;
 - c. evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated;

- d. make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided; and
 - e. make recommendations as to measures that may restore or enhance natural functions or features that have been damaged or degraded prior to development or that would be impacted by the proposed development,
- all in accordance with generally accepted impact assessment methodology.
25. The applicant may include in the Terms of Reference any additional matter which the applicant considers information that ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.
26. The official may require that the Terms of Reference or a *DAI Report* provide additional information on the relationship between the proposed activity or development, and
- a. the object of the Islands Trust set out in the *Islands Trust Act*;
 - b. the Islands Trust Policy Statement;
 - c. the Regional Conservation Plan; and,
 - d. in the case of a proposed amendment to a bylaw enacted under s. 479 of the *Local Government Act*, the official community plan of the Local Trust Committee.

27. Within 20 *Business Days* of receipt of the Terms of Reference, the official must indicate in writing to the applicant that
 - a. the Terms of Reference submitted by the applicant are acceptable;
 - b. the Terms of Reference submitted by the applicant are acceptable if additional matters specified by the official and within the scope of section 23 of this bylaw are included;
 - c. the Terms of Reference submitted by the applicant are acceptable if a person other than one who has been proposed by the applicant in the Terms of Reference, whose selection has been approved in writing by the official, prepares the impact information; or,
 - d. the Terms of Reference are unacceptable and may be replaced by the applicant.
28. For the purposes of section 27(b), when accepting Terms of Reference the official may advise the applicant of other projects proposed or under development in the area that may be affected by the applicant's proposed activity or development.
29. If the official does not provide information pursuant to section 27 within 20 *Business Days*, the official is deemed to have accepted the proposed Terms of Reference.
30. Upon receipt of notice accepting the Terms of Reference, or where the Terms of Reference have been deemed to be accepted, the applicant must prepare, at its sole expense, the impact information in accordance with the accepted Terms of Reference and must provide it to the official within the time specified in the Terms of Reference.
31. If Terms of Reference approved under section 27 specifies professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person, the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved Terms of Reference.
32. Within 10 *Business Days* of receipt of the information pursuant to section 31, the official must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the official must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth day, the official is deemed to have accepted the proposed person.
33. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the official may request the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference.

PART 8 INDEPENDENT REVIEW

34. If the official considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the Local Trust Committee, the

official may require the applicant to provide such a review of the information including the methodology used in its preparation.

35. The official may specify that the independent review be conducted by a member of the relevant professional association and may specify terms of reference for the review.

36. The applicant must arrange for the independent review to be conducted and submitted in writing to the official, at the applicant's expense, and within the time specified by the official.

PART 9 PROPRIETARY RIGHTS IN INFORMATION

37. The information that is provided to the official pursuant to this bylaw is required by the Local Trust Committee in the exercise of its powers under the *Local Government Act* and the *Islands Trust Act*. Every report or other document provided to the official pursuant to this bylaw must accordingly contain an express grant of permission to the Islands Trust to use and reproduce the information contained in the report or other document for non-commercial purposes.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Secretary

Chair

To: Local Planning Committee **For the Meeting of:** July 29, 2020
From: Lisa Wilcox, SIPA **Date Prepared:** July 22, 2020
SUBJECT: Interim Process for Archaeological and Cultural Sites

PURPOSE:

Provide Local Planning Committee with an update on the measures currently in place regarding archaeological and cultural site preservation and protection.

BACKGROUND:

In June 2019, Trust Council passed the Reconciliation Action Plan 2019-2022 (RAPlan). The RAPlan outlined steps related to the preservation and protection of cultural and archaeological sites. Since the RAPlan is a four-year plan, we are still in the initial stages of implementation. To date staff have been trained in reconciliation and have participated in Learning @Home sessions to inform their understanding of the importance of cultural heritage, reconciliation, legacy of colonization, residential school, and treaty and territorial rights and title. The training is in response to the Trust and Reconciliation Commission Calls to Action.

At the same time, Trust Council passed a Reconciliation Declaration, Local Trust Committees passed Standing Resolutions that commit to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Province of BC passed the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA). Each of these steps outlines the intention to move toward a comprehensive process that recognizes the above noted principles.

Islands Trust does not work in isolation from other Ministries, agencies, and First Nations. All comprehensive plans will require engagement and cooperative dialogue with the Ministry of Indigenous Relations and Reconciliation, Archaeological Branch, regional districts, and First Nations governments. Many of these meetings are taking shape and will continue over the years. Meeting agendas include how to work together, liaison, core concerns, communications, and sharing of knowledge on processes.

As well, amendments will be required to the *Local Government Act*, *Islands Trust Act*, *Heritage Conservation Act*, and the Islands Trust Policy Statement to align these documents with UNDRIP. This work will take time and require meaningful engagement with First Nations.

The following items will be completed in the four-year RAPlan:

3.4 Cultural Sites Preservation & Protection – Islands Trust staff will develop a comprehensive cultural site preservation and protection procedure for review by First Nations and provincial agencies within the Islands Trust Area. This will include understanding of cultural sites, repatriation of remains, protection and preservation of sites, middens, and heritage. Islands Trust staff will work with other agencies to ensure that the process is comprehensive and cooperative with possible elements of enforcement.

4.3 Cultural and Archaeological Acknowledgement - Islands Trust bodies will acknowledge the presence and importance of cultural and archaeological locations identified through meetings

with First Nations and through the TAPIS mapping system. Staff reports will be reflective of cultural and archaeological areas and will ensure that best practices are incorporated into reporting decisions.

4.4 Cultural and Sacred Site Protocol – Staff will create a protocol for management of cultural and sacred sites (including archaeological sites). The protocol will include design of referrals (see 3.2/3.4) to inform First Nations on cultural and sacred site potential, assessment based on core concerns and knowledge, best practices to incorporate for cultural and sacred site areas, First Nations protocol knowledge related to these sites, basic knowledge on how to interact with other agencies and homeowners, and document management and templates development.

As an interim measure the following procedures have been put in place:

- staff reports are reviewed by Senior Intergovernmental Policy Advisor (SIPA) to ensure wording is consistent with confidential nature of archaeological data, First Nations concerns, and reconciliation;
- staff provide SIPA with TAPIS mapping of application area to review potential and registered archaeological data;
- a template letter has been provided to planning staff to forward to applicants in the event the application is near or on an archaeological site;
- the local government notification letter supplied by the Archaeological Branch is provided to applicants in the event the application is near or on an archaeological site;
- the Islands Trust Chance Find Protocol document is forwarded to applicants in the event the application is near or on an archaeological site;
- the SIPA is available to review and discuss applications with planners or regional planning managers to address additional concerns related to the preservation and protection of cultural heritage and cultural sites; and
- development of an internal referral process for applications.

Further measures to be developed on an interim basis are:

- design of a flow chart outlining steps to take when reviewing an application; and
- procedural process and contact list for planners reviewing applications that include potential or registered archaeological areas;

ATTACHMENT(S):

1. Sample Letter to Applicant
2. Local government notification letter
3. Islands Trust Chance Find Protocol

FOLLOW-UP: SIPA provide reports to Local Planning Committee on RAPlan progress as it relates to cultural heritage, and archaeological site preservation and protection.

Prepared By: Lisa Wilcox, Senior Intergovernmental Policy Advisor, Trust Area Services

Reviewed By/Date: David Marlor, Director, Local Planning Services /22, 2020



Islands Trust

www.islandstrust.bc.ca

Toll Free: 1 (800) 663-7867

Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
Tel: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca

Salt Spring Office
1 – 500 Lower-Ganges Road
Salt Spring Island, BC V8K 2N8
Tel: (250) 537-9144
ssiinfo@islandstrust.bc.ca

Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
Tel: (250) 247-2063
northinfo@islandstrust.bc.ca

**GALIANO, MAYNE, NORTH
PENDER, SATURNA, SOUTH
PENDER**

SALT SPRING

**DENMAN, GABRIOLA,
GAMBIER, HORNBY,
LASQUETI, THETIS,
BALLENAS-WINCHELSEA
ISLANDS**

[DATE]

IT File: SS-APP-20XX.X

Dear [Person/Business],
[c.c. CRD Building Inspection]

**Re: Building Permit Review/Application for [Narrative Legal Description]
PID: XXX-XXX-XXX
[Address], Salt Spring Island**

Islands Trust is providing you with this letter because a review of your application submitted to the Islands Trust indicates the subject property has a known archaeological site and/or has areas of archaeological potential and/or is located within 100m of a known archaeological site and/or is located within 100m of areas of archaeological potential and therefore could be subject to the *Heritage Conservation Act*. Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, we direct you to the following guidelines:

- Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.
- All archaeological and cultural heritage is protected under the *Heritage Conservation Act* and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the *Heritage Conservation Act* (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>.
- In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.
- For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: www.archdatarequest.nrs.gov.bc.ca.

The Islands Trust ensures that all decisions are measured and reflective of the preserve and protect mandate of the *Islands Trust Act*. The Islands Trust, through its Reconciliation Declaration and Reconciliation Action Plan 2019-2022, is also working to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which includes provisions for the protection and preservation of cultural heritage.

The Islands Trust area is located within the traditional and treaty territories of BOKÉĆEN (Pauquachin), Cowichan, Halalt, Homalco, K'ómok, Klahoose, Ts'uubaa-asatx (Lake Cowichan), Lək ʷəŋən (SXIMELEL (Esquimalt), Songhees, T'Sou-ke), Lyackson, MÁLEXEL (Malahat), Penelakut, Qualicum, Scia'new (Beecher Bay), səilwətaʔt/səilwutlh (Tsilil-Waututh), SEMYOME (Semiahmoo), Shíshálh (Sechelt), Snaw-naw-as (Nanoose), Snuneymuxw (Nanaimo), Skwxwú7mesh (Squamish), SʔÁUTW (Tsawout), Stz'uminus (Chemainus), Tla'amin, Tsawwassen, We Wai Kai (Cape Mudge), Wei Wai Kum (Campbell River), WJOLÉLP (Tsartlip), WSIKEM (Tseycum), and xʷməθkʷəy̓əm (Musqueam).

Thank you for your kind attention to this matter and please do not hesitate to contact the Islands Trust if you have any questions.

Enclosures: Cultural Protocol for Chance Finds and Ancestral Remains
Protected Archaeological Sites in British Columbia Notification

Preserving *Island* communities, culture and environment

PROTECTED ARCHAEOLOGICAL SITES IN BRITISH COLUMBIA

Archaeological sites are the physical remains of past human activity. There are over 50,000 known archaeological sites in British Columbia representing thousands of years of human history. The **Heritage Conservation Act (HCA)** recognizes the historical, cultural, scientific, spiritual, and educational value of archaeological sites to First Nations, local communities, and the public. Archaeological sites on both public and private land are protected under the HCA and must not be altered or damaged without a permit issued by the Province of British Columbia's Archaeology Branch.

Receipt of this form indicates that your local government has reviewed the records of the Archaeology Branch to determine whether your proposed activities are likely to impact a protected archaeological site. By identifying overlaps with archaeological sites early in the planning and development process, appropriate and timely steps can be taken that support an efficient development process. You should be aware that there are limitations concerning this review; please read the Provincial disclaimer¹ below.

Your property or project area falls into the selected category:

Direct overlap with protected archaeological site: _____

Provincial records indicate that an archaeological site protected under the HCA is recorded within your property or project area.

- Your proposed activities may impact the protected archaeological site.
- You must obtain a site alteration permit issued by the Archaeology Branch before impacting the site.
- Completing an application for alteration permit usually requires archaeological expertise. You may consider engaging an eligible consulting archaeologist (see page 2) to confirm the results of this review and assist you in establishing permit requirements with the Archaeology Branch.
- Disturbance of a protected archaeological site without an alteration permit is a contravention of the HCA and may result in substantial fines and development delays.
- The archaeological site impact management and permit process is summarized on page 2. If you have questions about the process, contact the Archaeology Branch.

Direct overlap with an area of high archaeological potential

Provincial records indicate your property or project area has high potential to contain an archaeological site protected under the HCA, either because the area has been previously assessed for potential or there is a known archaeological site within 50 m that may extend beyond its recorded boundaries.

- Your proposed activities may impact an unrecorded archaeological site. Archaeological sites are protected under the HCA, even if they have not yet been identified and recorded.
- Disturbance of a protected archaeological site without a permit is a contravention of the HCA. Accidental discovery of an unknown archaeological site during development requires activities to be halted until permit requirements have been established; this may result in significant development delays.
- To avoid the possibility of unauthorized archaeological site impacts and development delays, you may wish to engage an eligible consulting archaeologist (see page 2) to determine in advance whether your activities are likely to impact an unrecorded protected archaeological site.
- The archaeological site impact management and permit process that you will need to follow if an archaeological site is encountered before or during development activities is summarized on page 2. If you have questions about the process, contact the Archaeology Branch.

No identified overlap with archaeological sites or areas of high archaeological potential

Provincial records do not indicate known archaeological sites or areas of high archaeological potential within your property or project area.

- Provincial records may be incomplete with regard to archaeological potential in your area.
- There is always a possibility for unrecorded archaeological sites to exist. Archaeological sites are protected under the HCA, even if they have not yet been identified and recorded.
- If an archaeological site is encountered, development activities must be halted and the Archaeology Branch contacted for direction (250-953-3334).

¹ **Provincial Disclaimer:** The Archaeology Branch of the Province of BC is responsible for the administration of the *Heritage Conservation Act*. It is not administered by municipal or regional governments. In completing this form, municipal and regional government staff rely on information provided by the Province of BC. Any questions regarding this document should be directed to the Archaeology Branch or to an eligible consulting archaeologist. The information in this document is based on a search of Provincial records. There are archaeological sites in BC that are unknown and not recorded in these records. The Province makes no representations or warranties with respect to the accuracy or completeness of this information. Persons relying upon it do so at their own risk.

Archaeological Site Impact Management and Permit Process

Archaeological sites are protected under the *Heritage Conservation Act* (HCA) and must not be altered or damaged without a permit issued by the Province of British Columbia's Archaeology Branch. The archaeological site impact management and permit process is summarized below. This summary applies to the majority of situations where small-scale development plans are in conflict with protected archaeological sites. There are always exceptions that can be explained to you by an archaeologist or the Archaeology Branch as you proceed through the steps. Major development projects may be subject to additional requirements that are beyond the scope of the basic process described below.

What do I do if my property or project area contains a protected archaeological site?

You must obtain a site alteration permit issued by the Archaeology Branch before conducting activities that will impact a protected archaeological site. Permit applications are available on the Archaeology Branch website. However, completing a permit application usually requires archaeological expertise. Most applicants will therefore engage a professional archaeologist to review development plans, verify archaeological records, confirm that an alteration permit is required, complete the permit application, and work with the Archaeology Branch on the applicant's behalf to ensure all HCA permit requirements are met. **Note that the application process for all Archaeology Branch permits takes 8-12 weeks from the date the application is submitted.** Contact an eligible consulting archaeologist for time and cost estimates.

After discussing your project, a desktop review, and/or a preliminary reconnaissance, the archaeologist may conclude that your activities will not impact the archaeological site. The archaeologist should send a letter stating their professional opinion to the Archaeology Branch. You may no longer require an alteration permit to proceed with your activities. In other cases the Archaeology Branch may conclude that an alteration permit cannot be issued based on the information available.

What is an archaeological impact assessment?

An archaeological impact assessment (AIA) is conducted by an archaeologist under an inspection permit. The permit allows the archaeologist to conduct subsurface tests to collect information about the archaeological site. The AIA results in recommendations for managing impacts to the archaeological site. The archaeologist's recommendations and their feasibility should be discussed with you before they are submitted to the Archaeology Branch. Common recommendations include:

- Changing building plans or construction techniques to reduce or avoid archaeological site impacts.
- Proceeding with an alteration permit with or without concurrent archaeological studies, depending on the expected degree of impact to the site.
- No further archaeological study or permits required.

Contact an eligible consulting archaeologist

An eligible consulting archaeologist is able to hold a Provincial heritage permit that authorizes archaeological studies. Ask an archaeologist if he or she can hold a permit. Contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Find an archaeologist through the BC Association of Professional Archaeologists (www.bcapa.ca) or through business directories.

Contact the BC Archaeology Branch

BC Archaeology Branch
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: 250-953-3334

Web: www.for.gov.bc.ca/archaeology/property_owners_and_developers

Data Request Form (to inquire about archaeological sites within your property or project area): www.archdatarequest.nrs.gov.bc.ca



Cultural Protocol for Chance Finds and Ancestral Remains within Islands Trust Area

Purpose:

The purpose of this protocol is to provide culturally relevant guidelines to the Islands Trust in cooperation with the Province of British Columbia, the Archaeology Branch, archaeologists (academic, cultural resource management or otherwise), and other agencies or individuals and the public as to the procedures for handling human remains within First Nations treaty and traditional territories. This is to facilitate the culturally appropriate and respectful treatment of these remains.

Mandate:

Islands Trust Area is located within British Columbia and Canada, and anyone undertaking land altering activities in areas of known and recorded archaeological or variable archaeological potential should be adhering to the Heritage Act, Island Trust by-laws, other agency and government permitting and all legal requirements related to land alteration. Chance finds outside of archaeological sites require work to stop to allow for assessment and protection of the area.

Authority:

First Nations within the Islands Trust Area represent the cultural and heritage interests throughout the Trust area.

Procedures:

The following steps will apply in cases where ancestral remains are found in unexpected situations (e.g. construction of buildings or renovations, building of roads, natural erosion, ground disturbance or alteration) or during archaeological projects or studies under or not under a First Nation cultural and heritage permit.

A. Unexpected Discoveries

In cases where the First Nation is notified that ancestral remains are discovered by chance; the following should apply:

1. The First Nation Lands and Resources Department or Council or Band Manager/Administrator must be notified immediately.

2. The coroner's office and local policing authority must be notified.
3. Representatives from the First Nation (contact determined by First Nation) and the coroner's office will determine whether the find is contemporary forensic concern. The Archaeological Branch and or archaeologists can offer advice on such matters.
4. If the remains are of First Nation/Indigenous ancestry, and under no immediate threat or further disturbance, they will not be excavated or removed, unless determined otherwise by the First Nation.
5. If the remains have been partially or completely removed, the First Nation will facilitate their removal or mediate the situation.
6. If the remains are under threat, removal under the authority of the coroner, police authority and First Nation will coordinate removal.
7. If desired the First Nation may allow for a qualified physical anthropologist or archaeologists with training in human osteology and First Nation handling of ancestral remains to assess the found remains in order to implement conservation measures.
8. Any analysis of ancestral remains must be limited to basic recording and in field observation until representatives of the First Nation arrive at the site.

B. Permitted Archaeological Projects

In cases where ancestral remains encountered in the course of project under a First Nation cultural and heritage permit, the First Nation must be contacted immediately.

1. Extreme care and respect for ancestral remains is required. If uncovered, they must not be removed, but left in place. For any reason they are removed, they must be placed in a clean handkerchief or blanket, placed in a solid box with cedar boughs.
2. The field director or permit holder must contact the First Nation and seek advice on how the ancestral remains should be handled.
3. The First Nation will determine the disposition of the ancestral remains.
4. Any analysis of ancestral remains must be limited to basic recording and in field observation until representatives of the First Nation arrive at the site.

Contacts at Islands Trust include Local Trustee and Senior Intergovernmental Policy Advisor, Victoria Office lwilcox@islandstrust.bc.ca or (604) 348-6885.



REQUEST FOR DECISION

To: Local Planning Committee **For the Meeting of:** July 29, 2020
From: David Marlor, Director, Local Planning Services **Date Prepared:** July 21, 2020
SUBJECT: Eelgrass Mapping – Project Charter

RECOMMENDATION: That the Local Planning Committee endorse the Eelgrass Mapping Project Charter dated July 29, 2020.

DIRECTOR COMMENTS:

This project would partially fulfil Trust Council’s 2018-2022 Strategic Plan Item No. 5.

1 PURPOSE:

The purpose of this Request for Decision is to seek direction from the Local Planning Committee on undertaking the Eelgrass Mapping project.

2 BACKGROUND:

Trust Council’s 2018-2022 Strategic Plan Item No. 5 is “to map the extent of eelgrass and kelp beds throughout the Trust Area”.

In March 2020, Trust Council approved a budget of \$50,000 to undertake eelgrass mapping in the Trust Area in Fiscal year 2020/21. The intent of this project is to map the full extent of eelgrass. Previously, work was undertaken to identify the shorelines where eelgrass existed, but the seaward extent of the eelgrass beds is not known. Work was previously completed on mapping the full extent of eelgrass beds in the Mayne Island Local Trust Area, and in Bowen Island Municipality; therefore, mapping of these areas is not required as part of this project.

When the funding was requested in late 2019 for this project, Staff anticipated that matching grant money would become available, and partnership with a non-profit society was envisioned to undertake this work. However, those funds are currently not available, and partnership with a non-profit to undertake this work is not possible for the 2020-2021 fiscal year. The project for FY 2020/21 was envisioned to be about \$100,000, with a second project the following fiscal year to complete mapping, as these funds may not be sufficient to map the entire Trust Area.

Options available to the Local Planning Committee are:

1. Through competitive process, select a consultant/non-profit agency to undertake the mapping using the \$50,000 to map as much of the Trust Area as possible. This would require Staff to prioritize those areas where eelgrass mapping would be most useful, and map as many Local Trust Areas as possible with the funds available. The remaining Trust Areas would then require funding in subsequent fiscal years. A risk is that the optimum time to map eelgrass beds through the summer and early fall may be over before a contract can be signed and the work undertaken.

2. Not undertake the work this fiscal year and instead, “roll” the funds over to FY 2021/22 in the hope that matching grant funds would once again be available. This would then allow us to partner with a non-profit organization and leverage the grant money. The risk is that grant money would not be available.

Of the two options, Staff recommend option 1. This would allow us to begin undertaking the work. Staff would work with Islands Trust Conservancy Staff to identify the most vulnerable local trust areas that would benefit from eelgrass mapping the most, and focus the initial mapping contract on those areas.

Budget requests for subsequent fiscal years would be required to continue mapping the remaining eelgrass beds in the Trust Area.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

No organizational implications. Request for Proposals process would be undertaken by Finance and the Director, Local Planning Services with input from the Islands Trust Conservancy Manager.

FINANCIAL:

Budget of \$50,000 allocated to this project. Procurement would ensure this budget is not exceeded.

POLICY:

No policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Through the Request for Proposal process as per policy.

FIRST NATIONS:

Islands Trust and Islands Trust Conservancy provided previous eelgrass mapping to First Nations in the Islands Trust Area. The mapping was well received by several Nations and Staff recommend offering further mapping to First Nations upon project completion.

OTHER:

An ancillary benefit of mapping the full extent of eelgrass beds is that it will enable the Islands Trust to track loss of habitat over time. It will also allow the Islands Trust, with assistance of scientific literature and advisors, to estimate the amount of carbon stored and sequestered within eelgrass and measure its change over time. This could be a means of tracking progress within the Islands Trust indicators reporting.

This project will contribute to mitigation of climate change by providing more information on extent of Eel Grass beds in the Trust Area.

4 RELEVANT POLICY(S):

Trust Council Policy 6.5.3 Procurement

5 ATTACHMENT(S):

Eelgrass mapping Project Charter – Version 1

RESPONSE OPTIONS

Recommendation:

That the Local Planning Committee endorse the Eelgrass Mapping Project Charter dated July 29, 2020.

Alternative:

As directed by the Local Planning Committee

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Kate Emmings, A/Manager, Islands Trust Conservancy / July 21, 2020

Eel Grass Mapping - Charter v1

Local Planning Committee

Date: July 29, 2020

Purpose: to map the extent of eelgrass beds throughout the Trust Area (2018-22 Strategic Plan Item No. 5).

Background: Trust Council adopted the 2018-22 Strategic Plan in December 2019. Mapping of eelgrass and kelp beds on that Strategic Plan is assigned to the Local Planning Committee. The intent is to map the area of all eelgrass and kelp beds in the Islands Trust Area. This project is to map eelgrass beds only; this work has been completed previous for Mayne and Bowen islands. Shoreline areas of eelgrass where previously mapped for the Trust Area but not the extent.

Objectives

To map the extent of eelgrass beds throughout the Trust Area.

In Scope

- Interpretation of airphotos, satellite imagery and other data to determine the full extent of eelgrass beds in the Trust Area, except Bowen and Mayne, where the work has already been completed
- Ground truthing by selected site visits
- Provision of a summary report, mapping data and a map book at an appropriate scale
- Data and information sharing with First Nations

Out of Scope

- Review and update of official community plans and land use bylaws.

Workplan Overview

Deliverable/Milestone	Date
Development of Terms of Reference, and Request for Proposal	Mid Aug 20220
Selection of Consultant to undertake the work	Sept 2020
Initial Meeting with Consultant to review terms of reference and timeline	Sept 2020
Interim Report to the Local Planning Committee	Dec 2020
Final Report to the Local Planning Committee, provision of map book and shape files and recommendations for further work.	Mar 31, 2021

Project Team

David Marlor	Project Manager
Local Planning Committee	Project Champion
Narissa Chadwick	Planning support
RPM Approval: Name of RPM Date:	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources:		
Fiscal	Item	Cost
2020/21	Consultant to undertake mapping project, including selected ground truthing. Project to be costed as a unit and per LTA breakout with work starting on Salt Spring, Gambier, Galiano first,	\$50,000
2021/22	Work to continue on additional LTAs.	\$50,000
2022/23	To be determined.	
	Total	\$100,000



REQUEST FOR DECISION

To: Local Planning Committee **For the Meeting of:** July 29, 2020
From: David Marlor, Director, Local Planning Services **Date Prepared:** July 21, 2020
SUBJECT: Housing Floor Area Ratio Model Bylaw – Project Charter

RECOMMENDATION: That the Local Planning Committee endorse the Housing Floor Area Ratio model Bylaw Project Charter dated July 29, 2020.

DIRECTOR COMMENTS:

This project would fulfil Trust Council’s 2018-2022 Strategic Plan Item No. 16(iii).

1 PURPOSE:

The purpose of this Request for Decision is to seek direction from the Local Planning Committee on undertaking the Housing Floor Area Ratio Model Bylaw project.

2 BACKGROUND:

Trust Council’s 2018-2022 Strategic Plan Item No. 16(iii) is “Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws”.

In March 2020, Trust Council approved a budget of \$10,000 to undertake model bylaws that use floor area ratio as a density metric in the Trust Area in Fiscal year 2020/21. The intent of this project is provide a model alternative approach, and more flexible approach to measuring density in local trust committee and island municipality bylaws that would encourage more options and more affordability in housing, as well as better protect environment and natural amenities of the Trust Area.

The approach recommended by Staff is to use the funds provided by Trust Council to hire a consultant through our procurement process with expertise in community housing and environmental protection. Some funds would be held back for potential legal review of recommended model bylaws.

The mode bylaw would be made available to local trust committees and Bowen Island Municipality, and would become part of the standardised Official Community Plan and Land Use Bylaw templates.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

No organizational implications. Procurement process would be undertaken by Finance and the Director, Local Planning Services.

FINANCIAL:

Budget of \$10,000 allocated to this project. Procurement would ensure this budget is not exceeded.

POLICY:

No policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Through the Request for Proposal process as per policy.

FIRST NATIONS:

No implications.

OTHER:

No other implications.

4 RELEVANT POLICY(S):

Trust Council Policy 6.5.3 Procurement

5 ATTACHMENT(S):

Housing Floor Area Ration Model Bylaw Project Charter – Version 1

RESPONSE OPTIONS

Recommendation:

That the Local Planning Committee endorse the Housing Floor Area Ratio model Bylaw Project Charter dated July 29, 2020.

Alternative:

As directed by the Local Planning Committee

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

Floor Area Ratio Model Bylaw - Charter v1

Local Planning Committee

Date: July 29, 2020

Purpose: To develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws.

Background: Following a forum held by Trust Council on community housing, specific actions were identified. This particular action was included in Trust Council 2018-22 Strategic Plan: “Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws”.

Objectives

- Redefine how density is measured.
- Explore alternative metrics that measure building footprints and land impacts instead of dwelling units.
- Floor area ratio as a density metric will protect natural values while giving people more flexibility to provide different forms of housing on residential properties.

In Scope

- Review literature on means to measure density for residential
- Review existing OCP/LUBs in Trust Area on measure of residential density
- Review a selection of other jurisdictions that use alternative means to measure density
- Provide alternative means to measure residential density with focus on use of floor area ration, and evaluate against affordability and environmental protection
- Develop draft land use bylaw and OCP “model” regulations and policies
- Present interim and final products to LPC

Out of Scope

- Developing bylaws for specific local trust committees
- Reviewing or commenting on ITPS process

Workplan Overview

Deliverable/Milestone	Date
RFD with terms of reference	September 2020
Selection of consultant	October 2020
Launch meeting with Staff/consultant	November 2020
Interim report to the LPC	January 2020
Final report to the LPC	March 2020

Project Team

David Marlor	Project Manager
Local Planning Committee	Project champion
TBA (planner)	Planning Support
RPM Approval: Name of RPM Date: xxx	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources:		
Fiscal	Item	Cost
2020/21	Consultant	\$8,000
2020/21	Legal review	\$2,000
	Total	\$10,000



REQUEST FOR DECISION

To: Local Planning Committee **For the Meeting of:** July 29, 2020
From: David Marlor, MCIP, RPP **Date Prepared:** July 21, 2020
Director, Local Planning
Services
SUBJECT: Local Planning Committee Budget and Work Program for FY2021/22

RECOMMENDATION:

1. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$5,000 for Strategic Plan Item No. 2 - to create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area.
2. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$50,000 for Strategic Plan Item No. 5 - to continue to map the extent of eelgrass and kelp beds throughout the Trust Area .
3. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$50,000 for Strategic Plan Item No. 8 - to finish mapping and develop water budgets for groundwater aquifers in the Trust Area.
4. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$5,000 for Strategic Plan Item No. 9 - to develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling.
5. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$10,000 for Strategic Plan Item No. 16 - to Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council: Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws.
6. That the Local Planning Committee request staff to prepare business cases for undertaking 2018-2022 Strategic Plan items 2, 5, 8, 9 and 16 to refine the scope and budgets.

DIRECTORS COMMENTS: The recommended items support the 2018-2022 Islands Trust Strategic Plan. The work involves support from the Senior Intergovernmental Policy Advisor, planning staff assigned to the Local Planning Committee, and consultants as required.

1 PURPOSE:

The purpose of this report is to recommend budget allocations for Fiscal Year 2021/22 to further the Trust Council 2018-2022 Strategic Plan.

2 BACKGROUND:

At the December 2019 meeting, Trust Council adopted the 2018-2022 Strategic Plan. This Strategic Plan has the following items that would be undertaken by the Local Planning Committee from now until the end of the term:

Land Stewardship:

Strategic Plan Item 1 *“Map contiguous tracks of the Coastal Douglas-fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems was completed in FY 2019/21*

Strategic Plan Item 2 *“Create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area”* could be undertaken by the dedicated Local Planning Committee planner in Fiscal Year 2021/22 using the mapping completed under Strategic Plan Item 1. Budget for this if completed in-house would be for legal review of model bylaw language. If a consultant is required to undertake this work, funding request should consider cost of the consultant in addition to legal review. This work should take place in FY2021/22.

Marine and Freshwater Stewardship:

Strategic Plan item 5 *“Map the extent of eelgrass and kelp beds throughout the Trust Area”* would need to be undertaken by a consultant with specialization in mapping. This work could likely be undertaken in collaboration with the Islands Trust Conservancy and likely other partners. Work on this could begin at any time, but a budget would be required to hire a consultant. This item was begun in FY2020/21 with \$50,000. A budget should be requested for FY2021/22 to continue the mapping project and complete throughout the Trust Area.

Strategic Plan item 6 *“Undertake a review of Local Trust Committee-Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore”* is funded in FY2020/21 (\$10,000) and should be complete by March 31, 2021.

Strategic Plan item 7 *“Develop a regional freshwater management strategy that addresses responsibilities under the Water Sustainability Act, identifies water resources throughout the Trust Area, integrates water resource management into land use decision-making, and accounts for the impacts of climate change on island water resources”* is funded in FY2020/21 (\$20,000) and should be complete by March 31, 2021.

Strategic Plan item 8 *“Map and develop water budgets for groundwater aquifers in the Trust Area”* was completed for the Southern Gulf Islands in FY2019/20 using \$52,000 allocated through the local trust committee projects budgets and combined into a single project. For the Fiscal Year 2020/21 Local Planning Committee has \$50,000 to undertake work in the Northern Islands, with the understanding that this will likely not cover all of the islands. This work is expected to begin in the fall and be completed by March 31, 2021. Further request for a budget to complete the remaining islands should be made for the Fiscal year 2021/22.

Strategic Plan item 9 *“Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling”* needs to await the outcome of Strategic Plan items 7 and 8 as these will inform the scope and content of such model bylaws. Therefore, this Strategic Plan item should be scheduled for the last year of the term or the first year of the following term in Fiscal year 2022/23.

Community and Communication

Strategic Plan Item 16 “Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council” includes a list of items that would need to be prioritized. The items that would be undertaken by Local Planning committee are as follows:

- Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws (funded in FY2020/21 (\$10,000) and expected to be completed by March 31, 2021;
- Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws; and
- Develop model bylaws to address the use of building stratas as a tool for affordable housing.

The following tables outlines the Strategic Plan items assigned to the Local Planning Committee, and includes recommended expenditures for each item over the next three fiscal years.

Item	Description	Who	FY 2019/20	FY2020/21	FY2021/22	FY2022/23
SP1	Map contiguous tracks of the Coastal Douglas-fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems	Consultant	\$15,000	-	-	-
SP2	Create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area	Staff	-	-	\$5,000 for legal	-
SP5	Map the extent of eelgrass and kelp beds throughout the Trust Area	Consultant	-	\$50,000 for consultant,	\$50,000 for consultant,	-
SP6	Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore	Staff	-	\$10,000 legal and consultant	-	-
SP7	Develop a regional freshwater management strategy that addresses responsibilities under the Water Sustainability Act, identifies water resources throughout the Trust Area, integrates water resource management into land use decision-making, and accounts for the impacts of climate change on island water resources	Consultant and staff	-	\$20,000 consultant initial framework	TBA depending on result of consultant	TBA depending on result of consultant
SP8	Map and develop water budgets for groundwater aquifers in the Trust Area	Consultant and Staff (Senior Freshwater Specialist)	\$52,000 currently in progress using LTC project budgets	\$50,000 for consultant to undertake northern islands	\$50,000 to complete islands not undertaken previously	-
SP9	Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling	Staff (planner and Senior Freshwater Specialist)	-	-	\$5,000 for legal	-
SP16	Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council	-	-	-	-	-
	<ul style="list-style-type: none"> • Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws 	Staff	-	\$10,000 for consultant/legal review	-	-
	<ul style="list-style-type: none"> • Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws 	Staff	-	-	\$10,000 for consultant/legal review	-
	<ul style="list-style-type: none"> • Develop model bylaws to address the use of building stratas as a tool for affordable housing 	Staff	-	-	-	\$5,000 for legal review

Totals	-	\$67,000	\$140,000	\$120,000	\$5,000+
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To advance the Strategic Plan, the Local Planning Committee should advise the Financial Planning Committee of the items and estimated budget amounts, and request staff to complete a business case for each to refine the budget and scope of work for the following:

1. \$5,000 to create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area (Strategic Plan Item #2);
2. \$50,000 to continue to map the extent of eelgrass and kelp beds throughout the Trust Area (Strategic Plan Item #5);
3. \$50,000 to finish mapping and develop water budgets for groundwater aquifers in the Trust Area (Strategic Plan Item #8);
4. \$5,000 to develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling (Strategic Plan Item #9); and
5. \$10,000 to implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council: Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws (Strategic Plan Item #16).

The items selected are intended to be sequential so that mapping/data research is completed in advance of using that mapping/data research for the creation of model bylaws and policies. The items are also divided over term to balance the workload and budget requests. The final year is mostly unknown and will depend on work undertaken in the previous two years.

3 IMPLICATIONS OF RECOMMENDATIONS

ORGANIZATIONAL: Work would be undertaken by planning staff assigned to the Local Planning Committee, consultants as per the business cases, and the Senior Freshwater Specialist.

FINANCIAL: The FY2021/22 budget would need to include the required funds to support the projects.

POLICY: No implications of the recommendations on policy.

IMPLEMENTATION/COMMUNICATIONS: The Local Planning Committee decision will be forwarded to the Financial Planning Committee.

FIRST NATIONS: No implications of the recommendation on First Nations.

OTHER: No other implications.

4 RELEVANT POLICY(S):

5 ATTACHMENT(S):

None.

RESPONSE OPTIONS

Recommendation:

1. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$5,000 for Strategic Plan Item No. 2 - to create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area.
2. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$50,000 for Strategic Plan Item No. 5 - to continue to map the extent of eelgrass and kelp beds throughout the Trust Area .
3. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$50,000 for Strategic Plan Item No. 8 - to finish mapping and develop water budgets for groundwater aquifers in the Trust Area.
4. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$5,000 for Strategic Plan Item No. 9 - to develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling.
5. That the Local Planning Committee request that the Financial Planning Committee include in the Fiscal Year 2021/22 Budget \$10,000 for Strategic Plan Item No. 16 - to Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council: Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws.
6. That the Local Planning Committee request staff to prepare business cases for undertaking 2018-2022 Strategic Plan items 2, 5, 8, 9 and 16 to refine the scope and budgets.

Alternative: As Directed by the Local Planning Committee

Prepared By: David Marlor, Director Local Planning Services

Reviewed By/Date:



REQUEST FOR DECISION

To: Local Planning Committee **For the Meeting of:** July 29, 2020
From: William Shulba, P.Ge
Senior Freshwater Specialist **Date Prepared:** July 22, 2020
SUBJECT: Islands Trust Area Groundwater Recharge Mapping Project

RECOMMENDATIONS:

That the Local Planning Committee endorse the “Islands Trust Area Groundwater Recharge Mapping Project Charter, dated July 29, 2020”

DIRECTOR COMMENTS:

This project will partially fulfil Trust Council’s 2018-2022 Strategic Plan Item No. 8: “Map and develop water budgets for groundwater aquifers in the Trust Area”.

PURPOSE

The purpose of this Request for Decision (RFD) is to endorse *the Islands Trust Groundwater Recharge Mapping Project Charter* (Appendix 1) and authorization of use of project funds up to \$50,000 as per Islands Trust 2020/21 Annual Budget.

The *Islands Trust Area Groundwater Recharge Mapping (Project)* is a multi-year project. The main objective of the *Project* is to determine groundwater recharge potential across the Islands Trust Area for the purposes of aquifer protection and groundwater availability assessment for sustainable long-term resource management. The Islands Trust Policy Statement states groundwater recharge protection as a priority and this *Project* advances that commitment. Identification of groundwater recharge potential is the essential parameter for determining groundwater management strategies, conservation initiatives, and informs future research and regulation of groundwater in the Islands Trust Area.

The *Project* will provide harmonized and essential data for Local Planning Services, conservation focused initiatives, and collaborative projects between Islands Trust and the Ministry of Environment & Climate Change Strategy (ENV) and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) including regional groundwater budgets and water allocation planning.

The main goals of the *Project* are to:

1. Refine the islands groundwater recharge methodology from Southern Gulf Islands project.
2. Prioritize Denman, Hornby, and Gabriola Islands for Provincial Water Allocation projects.
3. Engage recharge methodology on the entire Islands Trust Area over a multi-year period.
4. Provide essential data for conservation and aquifer protection initiatives.
5. Write a BC Water Science Series in 2022.

BACKGROUND

Groundwater is a unique amenity in the Islands Trust Area supporting ecosystem health and overall hydrological function of watersheds. With vulnerabilities of seasonal precipitation changes, evapotranspiration forcing, recharge alterations, and saltwater intrusion; groundwater resources are a metric adapting to a changing climate.

Islands Trust Mandate

The mandate of the Islands Trust is to preserve and protect unique amenities and environment of the Islands Trust Area for the benefit of the present and future residents and the Province of British Columbia generally. The needs of island communities can only be sustained within the limitations of the natural environment; therefore, a balance must be established between the needs of all stakeholders. A guiding principle of Local Trust Committees (LTC) and island municipalities in their official community plans and regulatory bylaws, is to address measures that ensure that 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, that water quality is maintained, and that existing, anticipated and seasonal demands for water are considered and allowed for. To uphold these commitments, understanding past, current, and future use of groundwater must be balanced by investigation of groundwater recharge potential, water use, climate change, and impacts of land-use development. This *Project* actions essential elements of those commitments.

Climate Emergency

In March 2019, the Islands Trust Council declared a climate emergency in the Islands Trust Area, directing staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning. Previous researchers have recommended an ecosystem vulnerability approach to groundwater sustainability strategies and the Province of BC supports deep collaboration in groundwater-focused projects at the local government level.

Previous Mapping

In 2017, a watershed ecosystem approach to groundwater recharge potential mapping based on Geographical Information Sciences (GIS) was developed by Vancouver Island University for the Englishman River Watershed as part of the Regional District of Nanaimo Drinking Water and Watershed Protection program. In 2018, Islands Trust retained GW Solutions to modify the methodology for Gulf Islands to identify potential groundwater recharge areas for Salt Spring Island. The primary objectives of that study was to inventory geo-spatial data and groundwater related information identify aquifer recharge potential and document the methodology, identify data gaps, and provide recommendations for future initiatives. Islands Trust Senior Freshwater Specialist modified this new methodology in January 2020 to include Terrestrial Ecosystem Mapping (TEM) for implementation in the Southern Gulf Islands Groundwater Sustainability Strategy project. This approach was used quantitatively to determine regional groundwater balances as part of that project, which is currently under review.

Ministry Project on Denman and Hornby

In June 2020 FLNRORD Water Protection Staff were successful in securing budget for the Denman and Hornby Islands Water Budget and Allocation Plans project scoped for procurement in fall of 2020. Islands Trust is to be a partner on the project and is proposed to offer essential information and data including groundwater recharge potential maps and three-dimensional hydrogeological models.

Southern Gulf Islands Groundwater Mapping Project

In July 2020, Islands Trust received peer reviews of the Gulf Islands recharge potential methodology from the Hornby Water Stewardship, Salt Spring Island Watershed Protection Alliance, Provincial Hydrogeologists, Dr. Diana Allen of Simon Fraser University, and Dr. John Cox of Mount Royal University. Those peer reviews were favourable of the current methodologies with supporting statements in principle with commentary, concerns, and recommendations on details of certain methods. Forthcoming

contracted professional reviews of the recharge methodology and groundwater budget assessment will be submitted by Mr. Allan Daikin P.Eng, Mr. Allan Kohut P.Eng, Mr. Mike Wei P.Eng, Western Water Associates, and Dr. James Henderson P.Geo. These reviews will be considered and implemented in the recharge potential mapping as part of this project.

More information on the Southern Gulf Islands Groundwater Sustainability Strategy is in Appendix 2.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: There are no organizational implications.

FINANCIAL: This project would use \$50,000 funding allocated for Local Planning Committee projects in the 2020/21 fiscal year budget.

POLICY: There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS: Staff would work with Island Trust finance on procurement for this project.

FIRST NATIONS: There are no First Nations implications.

OTHER: There are no other implications.

RELEVANT POLICY(S):

- 6.5.3 Procurement Policy

ATTACHMENT(S):

- Northern Gulf Island Groundwater Mapping Project Charter
- Southern Gulf Islands Groundwater Mapping - Information

RESPONSE OPTIONS

Recommendations:

1. That the Local Planning Committee endorse the “Islands Trust Area Groundwater Recharge Mapping Project Charter”

Alternative:

1. That the Local Planning Committee not endorse the project and request staff to return with alternatives.

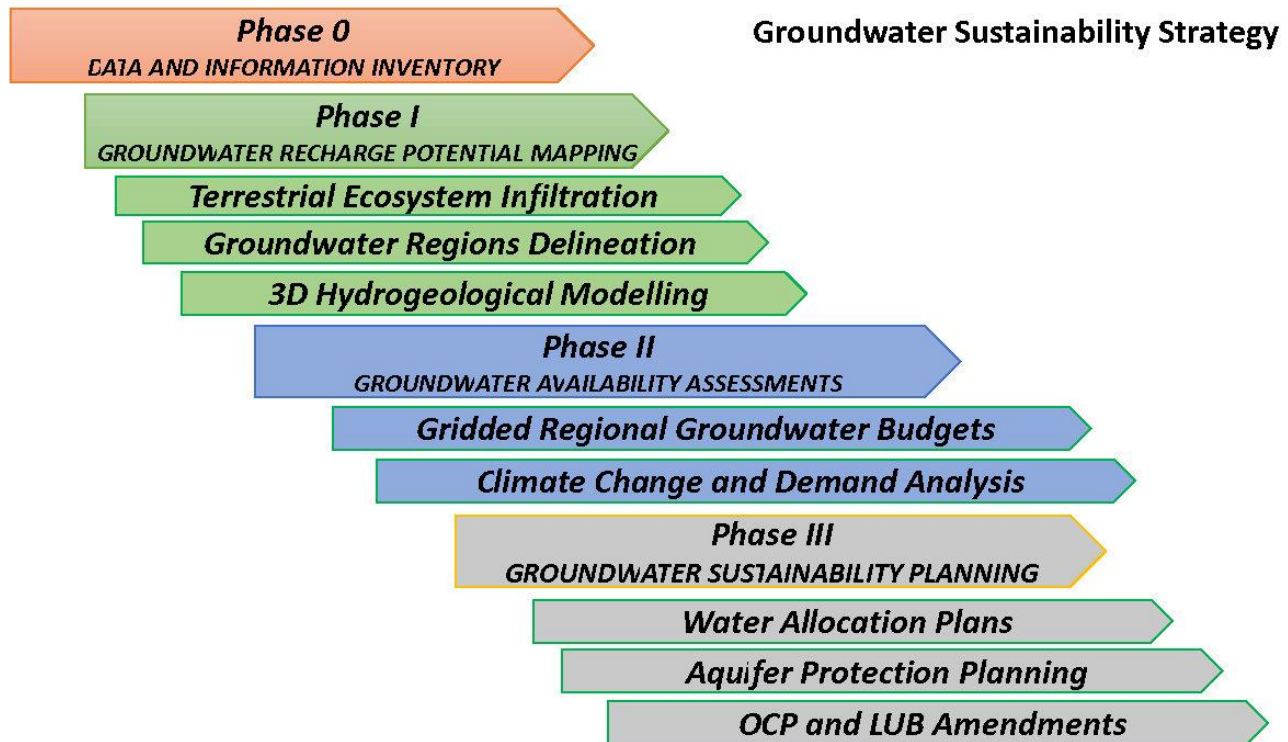
Prepared By: William Shulba, P.Geo, Senior Freshwater Specialist

Reviewed By/Date: David Marlor, Director Local Planning Services / July 22, 2020

LOCAL PLANNING COMMITTEE		PROJECT CHARTER		
Islands Trust Area Groundwater Recharge Mapping Project		July 29, 2020		
<p>Purpose: As part of the Trust Council 2018-2022 strategic plan to protect the quality and quantity of freshwater resources, the purpose of this project is to identify groundwater recharge across the Islands Trust Area. Recharge mapping is the first step to determining carrying capacity of the islands groundwater supplies and identifying the water needs of communities and ecosystems by way of regional water balances and water allocation planning. Identifying and protecting recharge is a commitment in the Islands Trust Policy Statement.</p>				
<p>Background: In 2018 Islands Trust engaged a methodology for determining groundwater recharge potential and regional groundwater availability assessments in the Southern Gulf Islands. Currently that project is under review to address the efficacy of the methodology for implementation across the Islands Trust Area.</p> <p>In June 2020 FLNRORD was successful in securing budget for Water Budget and Allocation Plans for Denman and Hornby Islands. Islands Trust is to be a partner on the project to provide essential data including but not limited geospatial data, groundwater recharge potential mapping, and three-dimensional hydrogeological models.</p> <p>This project will prioritize Denman, Hornby, and Gabriola for Water Allocation Plans and consider other islands in a multi-year approach.</p>				
<p>Objectives</p> <ul style="list-style-type: none"> • Refine the islands groundwater recharge methodology from Southern Gulf Islands project • Prioritize Denman, Hornby, and Gabriola Islands for Provincial Water Allocation • Map recharge potential across Islands Trust Area over a multi-year period. • Provide accessible data to stakeholders • Write a BC Water Science Series in 2022 		<p>In Scope</p> <ul style="list-style-type: none"> • Compile and collate information and data • Create recharge potential maps for Denman, Hornby, and Gabriola Islands • Create 3D Hydrogeological models for Denman, Hornby, and Gabriola Islands. • Provide accessible online data portal for residents and stakeholders for 3D models • Scope and budget remaining islands • Scope and budget for a BC Water Science Series Publication in 2022 		<p>Out of Scope</p> <ul style="list-style-type: none"> • Regional Groundwater Budgets (FLNRORD Project) • Water Allocation Plans (FLNRORD) • LUB or OCP amendments • Aquifer Protection Plans
Workplan Overview				
Deliverable/Milestone				Date
Project Charter endorsement				July 29, 2020
Project scoping and procurement				August, 2020
Phase 0: Information and Data Inventory				August, 2020
Retain consultant and engage in Phase 1: Groundwater Recharge Mapping and 3D Modelling				September, 2020
Deliverables Received				December, 2020
Project Team		Budget		
William Shulba	Project Manager	2020/21 Trust Council Project		
Mark van Bakel	Technical Support	Fiscal	Item	Cost
Narissa Chadwick	Planning Advisor	20/21	Consultant Fees	\$40,000
David Marlor	Project Sponsor	20/21	Technical Services	\$10,000
Director Approval: <i>David Marlor</i> Date: July 22, 2020	LPC Endorsement: Resolution #: Date: DD, MM, YYYY			
			Total	\$50,000

GROUNDWATER SUSTAINABILITY STRATEGY

The Southern Gulf Islands Groundwater Sustainability Strategy is a project of the Galiano, Mayne, North Pender, Saturna, South Pender local trust committees (LTC). Each LTC endorsed a master project charter that included several phases.



Due to the significant effort to determine water use for Phase II Groundwater Availability Assessments of the Southern Gulf Islands project; Islands Trust staff is proposing to focus on Phase 0: Data and Information Inventory and Phase 1: Groundwater Recharge Potential Mapping for the FLNRORD Denman and Hornby Water Budgets and Allocation Plans Project and the 2020/21 fiscal period. Initially Islands Trust was to match funds for the Provincial project; however, it was determined in communications between Islands Trust staff and Provincial staff that Islands Trust should continue to engage in the development of the Gulf Islands groundwater recharge potential mapping methodology through a consultant retained through Islands Trust procurement. Provincial staff has expressed interest in continuing to be a reviewing partner of the groundwater-focused work from Islands Trust and it is likely that any consultant retained by the Province for the Denman and Hornby Water Budgets and Allocation Plans project will review the data supplied by Islands Trust, including GIS data and recharge potential maps.

In May 2020 the Local Planning Committee endorsed a project charter for the *Trust Council Freshwater Sustainability Strategy*, a strategic priority project with focused analysis of where Islands Trust currently is with addressing freshwater priority, where scientific and policy gaps exist, challenges to be addressed and opportunities to move forward for long-term freshwater sustainability strategies. Groundwater sustainability projects have been ongoing in Islands Trust since 2018 with major projects occurring throughout the Islands Trust Area at different times under different LTC top priorities.

It is a goal of the *Trust Council Freshwater Sustainability Strategy* to harmonize the efforts of the groundwater-focused projects into a cohesive and progressive framework for the organization. It is anticipated that sustainability strategy planning will embrace, rather than deviate, from the phased approach used in the Southern Gulf Islands Groundwater Sustainability Strategy, as many of those components have been implemented in other areas of the Islands Trust Area, as shown in the table below.

Colour Legend	Project Initiated				Project In Progress				Project Completed				Project Proposed							
Calendar Year	2018				2019				2020				2021				2022			
Calendar Quarter	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
PHASE 1: GROUNDWATER RECHARGE POTENTIAL MAPPING AND HYDROGEOLOGICAL ISLANDS MODELS																				
BOWEN																				
DENMAN																				
GABRIOLA																				
GALIANO																				
GAMBIER																				
LASQUETI																				
HORNBY																				
MAYNE																				
NORTH PENDER																				
SALT SPRING																				
SATURNA																				
SOUTH PENDER																				
THETIS																				
PHASE 2: GROUNDWATER AVAILABILITY ASSESSMENTS																				
BOWEN																				
DENMAN																				
GABRIOLA																				
GALIANO																				
GAMBIER																				
LASQUETI																				
HORNBY																				
MAYNE																				
NORTH PENDER																				
SALT SPRING																				
SATURNA																				
SOUTH PENDER																				
THETIS																				
PHASE 3: GROUNDWATER SUSTAINABILITY PLANNING																				
BOWEN																				
DENMAN																				
GABRIOLA																				
GALIANO																				
GAMBIER																				
LASQUETI																				
HORNBY																				
MAYNE																				
NORTH PENDER																				
SALT SPRING																				
SATURNA																				
SOUTH PENDER																				
THETIS																				



REQUEST FOR DECISION

To: Local Planning Committee **For the Meeting of:** July 29, 2020
From: David Marlor, Director, Local Planning Services **Date Prepared:** July 21, 2020
SUBJECT: Shoreline Review and Model Bylaw – Project Charter

RECOMMENDATION: That the Local Planning Committee endorse the Shoreline Review and Model Bylaw Project Charter dated July 29, 2020.

DIRECTOR COMMENTS:

This project would fulfil Trust Council’s 2018-2022 Strategic Plan Item No. 6.

1 PURPOSE:

The purpose of this Request for Decision is to seek direction from the Local Planning Committee on undertaking the Shoreline Review and Model Bylaw project.

2 BACKGROUND:

Trust Council’s 2018-2022 Strategic Plan Item No. 6 is “Undertake a review of Local Trust Committee and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore.”

In March 2020, Trust Council approved a budget of \$10,000 to undertake a shoreline review and develop model bylaws that protect the foreshore and nearshore.

The approach recommended by Staff is to use the funds provided by Trust Council to hire a consultant through our procurement process with expertise in shoreline, marine area planning and environmental protection. Some funds would be held back for potential legal review of recommended model bylaws.

The model bylaw would be made available to local trust committees and Bowen Island Municipality, and would become part of the standardized Official Community Plan and Land Use Bylaw templates.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

No organizational implications. Procurement process would be undertaken by Finance and the Director, Local Planning Services.

FINANCIAL:

Budget of \$10,000 allocated to this project. Procurement would ensure this budget is not exceeded.

POLICY:

No policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Through the Request for Proposal process as per policy.

FIRST NATIONS:

Model shoreline bylaw may have impacts on First Nations areas of interest. The project charter includes in-scope consultation with the Senior intergovernmental Policy Advisor on ways to address this, or include means to address First Nations in the final product provided to the Local Planning Committee.

OTHER:

Climate change – this project would support updating local trust committee bylaws to adapt to climate change.

4 RELEVANT POLICY(S):

Trust Council Policy 6.5.3 Procurement

5 ATTACHMENT(S):

Shoreline Review and Model Bylaw Project Charter – Version 1

RESPONSE OPTIONS

Recommendation:

That the Local Planning Committee endorse the Shoreline Review and Model Bylaw Project Charter dated July 29, 2020.

Alternative:

As directed by the Local Planning Committee

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

Shoreline Review and Model Bylaw - Charter v1

Local Planning Committee

Date: July 29, 2020

Purpose: To undertake a review of Local Trust Committee and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore.

Background: This action was included in Trust Council 2018-22 Strategic Plan Item No. 6: “Undertake a review of Local Trust Committee and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore”.

Objectives

- Improve protection of the foreshore and nearshore areas through the Islands Trust Area.

In Scope

- Review existing OCP/LUBs in Trust Area on foreshore and nearshore policies and regulations.
- Discussion with Senior Intergovernmental Policy Advisor on consideration of First Nations interests.
- Review Provincial guidelines on mitigation and adaptation to sea level rise
- Review Islands Trust policy Statement for compliance of any proposed policies and regulations.
- Develop options and make recommendations on model policy and regulations to protect foreshore and nearshore.
- Develop draft land use bylaw and OCP “model” regulations and policies
- Present interim and final products to LPC

Out of Scope

- Developing bylaws for specific local trust committees
- Reviewing or commenting on ITPS process
- Public or First Nations engagement

Workplan Overview

Deliverable/Milestone	Date
Expression of Interest with terms of reference	September 2020
Selection of consultant	October 2020
Launch meeting with Staff/consultant	November 2020
Interim report to the LPC	January 2020
Final report to the LPC	March 2020

Project Team

David Marlor	Project Manager
Local Planning Committee	Project champion
TBA (planner)	Planning Support

Budget

Budget Sources:		
Fiscal	Item	Cost
2020/21	Consultant	\$8,000
2020/21	Legal review	\$2,000

RPM Approval: <i>Name of RPM</i> Date: xxx	LTC Endorsement: Resolution #: Date: xxx
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	Total	\$10,000

To: Local Planning Committee **For the Meeting of:** July 29, 2020

From: David Marlor, MCIP, RPP **Date Prepared:** July 2, 2020
Director, Local Planning Services

SUBJECT: Local Planning Service Delivery

PURPOSE: Given recent enquiries by trustees and questions during Trust Council in June it may be of value to provide information on the current allocation of planner resources, progress of service delivery changes and implementation of the Local Planning Services renewal.

Trust Council Policy 2.3.2 [Local Planning Committee Terms of Reference] includes “overseeing the procedures for processing of land use bylaws, permits, etc in an efficient and effective matter”; and “advising on the provision and allocation of resources to deliver local planning services to island communities.”

This report is to provide background to the Local Planning Committee and assist with the above terms of references duties of the Committee.

BACKGROUND:

A. Current Planning Service Delivery:

Planning services are currently provided on a geographical bases, with planning staff assigned from three offices to the work of 13 local trust committees and one local planning committee. Historically, allocation of staff has been based nominally on relative population size, and need for planning services. The population size for some islands does not correlate with need for planning services, especially when it comes to application processing.

The three offices were setup as they are today in 2007, with staffing being allocated based on the expected demand of the three regions they service. This has largely remained unchanged, though there have been changes to specific planner classifications. The current assignments are as follows:

Northern Office:

- One Regional Planning Manager
- Two Island Planners¹
- Two Planner II
- One Planner 1
- One Legislative Clerk
- One Planning Team Assistant
- One Office Administrative Assistant

¹ Normally three Island Planners and one Planner II. Inability to hire an island Planner led us to the current configuration as a temporary measure.

This office serves seven local trust committees.

Salt Spring Office:

- One Regional Planning Manager
- Two Island Planners
- Two Planner II
- One Legislative Clerk
- One Planning Team Assistant
- One Office Administrative Assistant

This office serves one local trust committee.

Southern Office:

- One Regional Planning Manager
- Three Island Planners
- One Planner II
- One Legislative Clerk
- One Planning Team Assistant

This office serves five local trust committees and supports Local Planning Committee.

The regional planning managers balance the work of the planners to address workload per planner, vacancies and varying needs of the different local trust committees. The system is based on moving resources within the region as necessary to address spikes in volume. For example, a local trust area may have an unusually high volume of applications, whereas another does not. In this case, staff resources would be diverted to the high volume area to help reduce workload. Similarly, a local trust committee may need a major review of its OCP, and this may require planner resources to be diverted from other local trust areas. The idea is that over time, the actual work undertaken will balance largely proportional to the relative population.

Over the past few years, we have seen a rise in volume and complexity of development applications. This is mainly driven by changing world issues, such as climate change and First Nations reconciliation, as well as additional legislative requirements (e.g. Water Sustainability Act).

B. What do planners do?

The job profiles for the regional planning managers and all three planning positions (Island Planner, Planner 2 and Planner 1) require eligibility for membership in the Canadian Institute of Planners. This means that planners have met the educational and experience criteria to be considered a professional planner. Many Islands Trust planners are full members of the institute and as such are designated Registered Professional Planners (RPP).

Islands Trust has 13 planners assigned to three offices and undertaking work for 13 local trust committees, the Local Planning Committee, Executive Committee, and Trust Council. To assist trustees in understanding the work of local planning services, the following is a summary of the work that planners normally undertake on an average day (also see an example of workloads and duties in a report that went to the Northern trustees – Attachment 1):

Local Trust Committee Meeting Management.

Island Planners in the northern and southern region act as the primary planner, and primary staff contact for local trust committee meetings. In this role, the Island Planner works with the Legislative Clerk to develop meeting agendas and manage presenters. The Island Planner sets up and tears down the meeting rooms, manages technology at the meeting, manages the follow-up

action list, reviews and edits the minutes and answers local trust area specific questions from the public.

Note that the practice of having a senior planner as the primary staff contact at local trust committee meetings is unique. In all other local governments in British Columbia, the director or manager is the senior staff person in attendance at the council meetings, and planners would only attend to present reports to Council. The approach undertaken in the Islands Trust is of necessity as the volume of local trust committee meetings does not allow the Director or regional planning managers to attend all of the meetings.

In the current year local trust committees have scheduled a total of 90 regular meetings.

Local Trust Committee Projects.

There are 42 local trust committee projects identified between the 13 local trust areas. Some of these are OCP and LUB amendment projects, and all of them require some form of public, First Nations and agency engagement.

Currently, planners are assigned to projects by the regional planning managers, generally based on a geographic assignment, and partly on workload balancing.

Development Applications.

These are applications submitted by the public and referrals submitted from other agencies. There are about 15 types of applications and referrals that planners may review. Each application is reviewed for compliance with all applicable legislation, the Islands trust Policy Statement, and local bylaws (official community plan, land use bylaws, fee bylaw, development approval information bylaws, and development application bylaws).

Currently, there are 168 open applications and referrals that planners are working on.

Planning Enquiries.

Planners answer public and agency enquiries for a variety of issues. They receive requests from landowners wanting to know what they can build on their property, people enquiring whether something they saw elsewhere is legal, and developers looking for early information on probability of rezoning property for a different use.

Enquiries arrive through email mostly, phone calls and in-person walk-in. The southern planners get a lot of inquiries during the on-island office hours. We receive the most walk-in enquiries at the Salt Spring office, less so at the Gabriola Office and rarely at the Victoria Office.

The Northern Office and Salt Spring Office assign an on-duty planner to handle the walk-in and phone enquiries for the day. This work is shared mostly between the Planner 1s and planner 2s, with Island Planners assisting as necessary.

Administrative.

Planners also undertake some administrative duties. This is mostly in relation of handling paper files, mandatory training requirements, and staff meetings. In all three offices, planners attend the following staff meetings:

1. One-on-one meeting with the regional planning manager – these are short check-in meetings held weekly or bi-weekly.

2. Planner meetings – planners meet on a regular basis to share information and seek advice, or opinion on applications.
3. Professional Development Days – held three times per year. Topical issues are discussed in a variety of formats to further professional development of all local planning services staff. The day provides an opportunity to connect with planners in other offices who they might not see on a regular basis. Maintaining a minimum of 18 hours of professional development per year is a requirement for Registered Professional Planners, and the Professional Development Day helps to towards that requirement.
4. All staff meeting – held four times a year, usually shortly after Trust Council.

C. Work Balance

All Local Planning services staff keep track of the work they do for each local trust committee, or Trust Council (which includes Council’s committees) using an internal database. Currently, time is collected in the follow basis divisions:

1. **Specific Projects (assigned to a LTC or the LPC)**
 - a. each project when approved by a local trust committee is given a unique file name and ID. All time on work or travel for that project is recorded accordingly.
2. **Current planning (assigned to a LTC)**
 - a. all time spent on development applications and referrals,
 - b. all time spent on enquiries from the public or agencies
 - c. all time for travelling and attending planner on-island office hours
 - d. all time spent on travel or attending community information meetings, public hearings or undertaking site visits, and
 - e. all time spent on travel and participating in presenting public education or other public events.
3. **Local Administrative (assigned to a LTC or the LPC)**
 - a. all time spent travelling to and attending local trust committee and local planning committee meetings as the lead planner for that meeting (if attending only to present an application or project, then the time is recorded against that particular application, referral or project),
 - b. all time spent on meeting preparation for LTC meetings (meeting logistics,
 - c. all time spent on agenda preparation and updating of the follow-up action lists,
 - d. all time spent on discussion about bylaw enforcement generally (not related to s specific application, referral or project),
 - e. all time spent on general legal service requests (not related to an application, referral or project),
 - f. all time spent on travel when it cannot be assigned to a specific application, referral or project.
4. **General Administrative**
 - a. all time spent on preparing for, travelling for and attending staff meetings
 - b. all time for one-on-one meetings with supervisors and managers
 - c. all time for development and management of Performance Management and Development Plan (PMDP)
 - d. all time spent on preparing for, travelling to and attending Pro-D Days
 - e. all time spent on preparing for, travelling to and attending staff meetings
 - f. all time spent on travelling for and attending approved training
 - g. all time spent on travelling for and attending approved conferences
 - h. all time spent on travel and attending meetings with agencies (not specific to an application, referral or project)

The first three categories above are attributed to the relevant local trust committee, or Council Committee. The General administrative is considered Trust-wide.

Chart 1: Planner Allocation All local Trust Committees

This chart shows the recorded allocation of planner time during the time period noted between the three main areas of recording work. Current planning (which as indicated above includes more than just processing of applications) accounts for the majority of planning time at 67 per cent. This is partly due to high application volumes, high number of public enquiries, and in some cases resolutions of local trust committees to focus resources on processing applications.

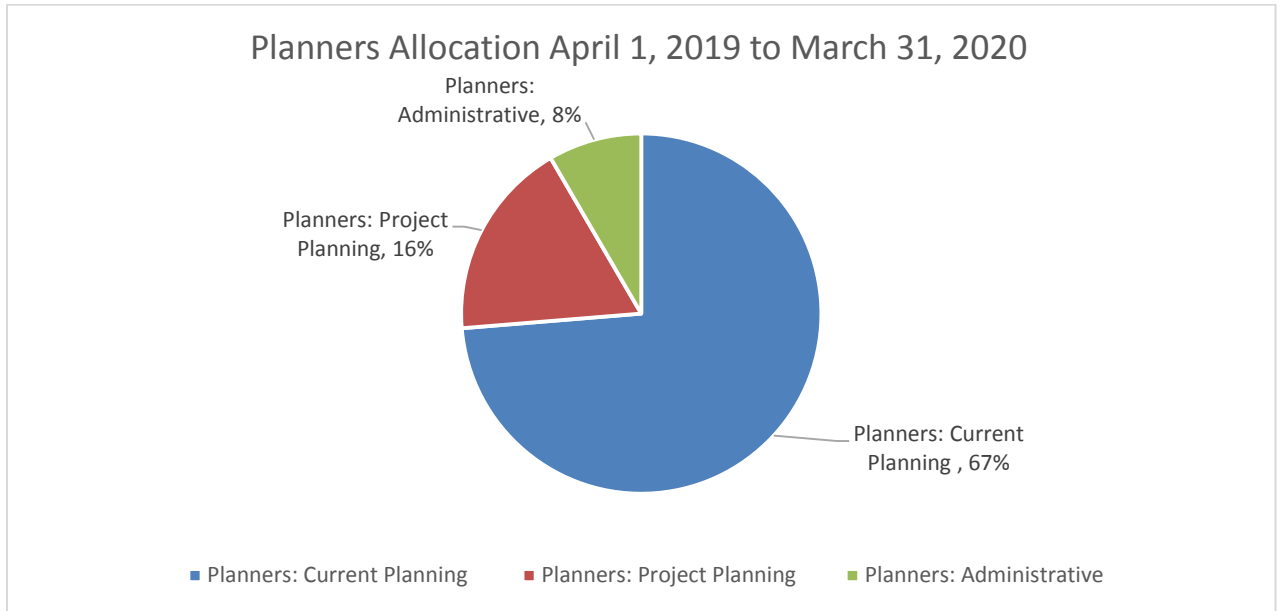
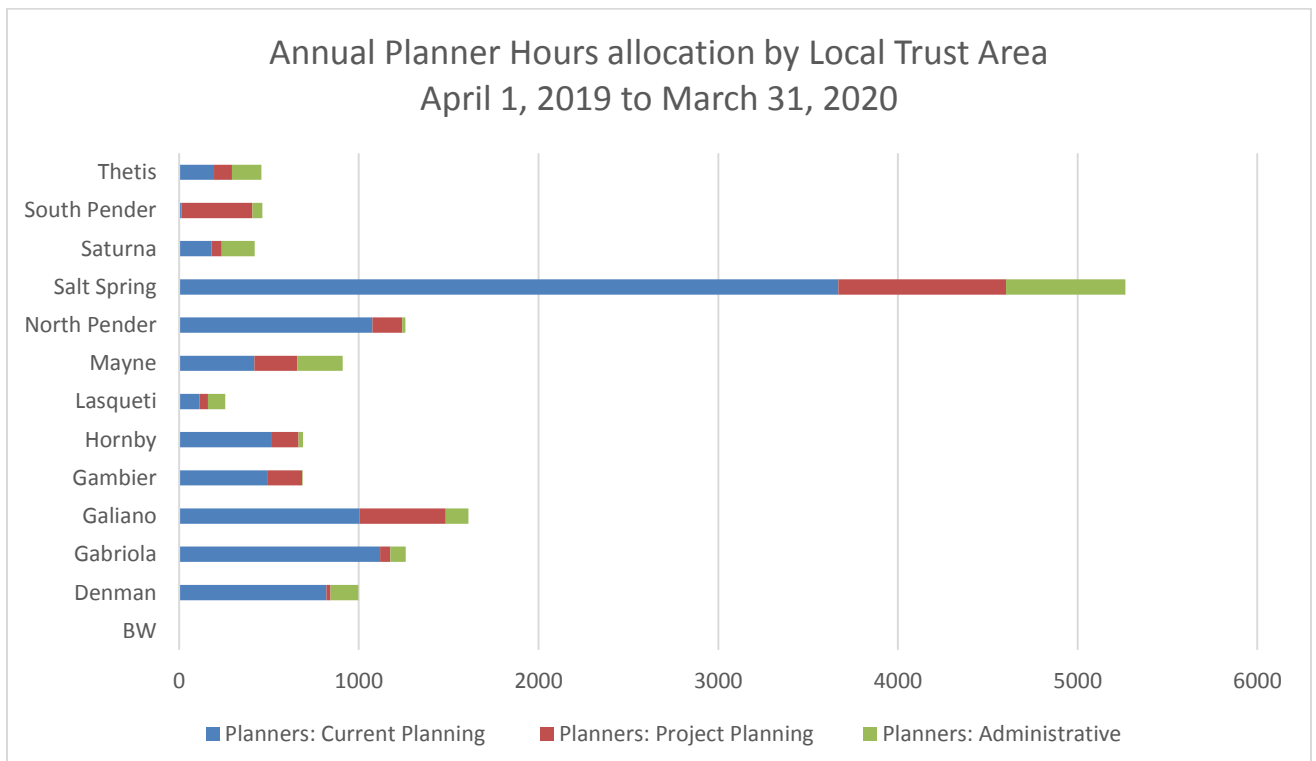


Chart 2: Planner Allocation by Local Trust Committee

This chart shows the relative time spent on work for each local trust area within the three categories. Note that current applications (blue) is predominant in most LTAs. South Pender has the most project work undertaken proportionally, while Denman (excluding Ballenas-Winchelsea) has the least.



Local Planning Services Staff will be recording their time to specific applications from now until the end of September as requested by Trust Council.

D. Workload, Efficiency and Standardization

As part of the Local Planning Services Renewal, we are in the process of undertaking the following actions:

1. hiring of a Planning Technician to take on the processing of the many building permit, crown referrals and Siting and Use permits that we receive. This is to free-up planner time
2. review and standardization of application processing
3. creation of a “regional” planning team to provide more resources to proactive planning.

Hiring of Planning Technician

This position is currently in recruitment with the plan to have the position filled by end of July or early August. This will begin taking on building permit referrals initially, and as the position comes up to speed will take on more of the referrals. The hours freed up for the planners will be assigned to project planning.

Review and Standardization of application processing

Local Planning Services staff is in the process of reviewing the approach to application processing and administration, the goal is to provide a more streamlined standardized approach in all three offices. This will look at the information being processed and presented to the local trust committees to ensure it is appropriate for the type of application, and presented to the local trust committees in consistently between all three offices. The goals of this project is to:

- reduce staff time required for processing applications.
- Incorporate a standardized referral process to the Senior Intergovernmental Policy Advisor and Senior freshwater Specialist for commenting on applications.
- Ensure appropriate professional advice is provided to local trust committees using standardized templates and processes.
- Ensure information is consistently presented to all local trust committee.

The following work on this is currently underway:

1. Review and establish a standardized process and staff report format template for Development Variance Permits; this is expected to be completed by July 10, 2020
2. Review and establish a standardized process and staff report format template for Temporary Use Permits; this is expected to be completed by July 24, 2020
3. Review and establish a standardized process and staff report format template for development permits; this is expected to be completed by August 7, 2020
4. Review current standardized process for rezoning applications and update; this is expected to be completed by August 21, 2020.
5. Review and establish standardized approach to sending information to local trust committees in relation to Crown and other referrals; this is expected to be completed by August 28, 2020.

Creation of a Regional Planning Team

Once the Planning Technician position is in place, and once we have reviewed and established new templates and procedures for application processing, the balance of staff working on application processing and project work will be shifted to increase the number of planning staff working on proactive planning. This will initially include the re-assignment of three Island planners from local planning to the Regional Planning Team. This is expected to take place in September 2020, once we have the application processing changes in place, and current vacant positions filled.

The Regional Planning Team will begin by working on two in-stream or waiting Official Community Plan and Land Use Bylaw projects, Strategic Planning items assigned to the Local Planning Committee as well as working with the Director, Local Planning Services to develop a standardized framework for strategically reviewing the 20 Official Community Plans and 20 Land Use bylaws on a regular basis.

As a result, the number of projects that a local trust committee could undertake would need to be reduced from the current three, to one or two of moderate demand. This would be mitigated by the Regional Planning Team taking on some major projects, such as OCP reviews and by changes in the processing of application designed to reduce staff time.

ATTACHMENT(S):

1. Example – Northern Office Staff Allocation and Work Duties

FOLLOW-UP:

Undertake work as indicated above incorporating feedback from the Local Planning Committee, and provide regular briefings on progress to the local Planning Committee.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager/July 2, 2020
Heather Kauer, Regional Planning Manager/July 2, 2020
Russ Hotsenpiller, Chief administrative Officer/July 2, 2020
Executive Committee/July 8, 2020

Northern Region	7 LTCs Ballenas- Winchelsea Denman Gabriola Gambier Hornby Lasqueti Thetis	38 annual, Regular LTC meetings + Special mtgs + APC mtgs	21 Top Priority Projects	Planning Staff - 5 2 Island (Senior) Planners 2 Planner 2 (Intermediate) 1 Planner 1 (Junior)
			60+ Dev Applications	Admin Staff - 3 1 Leg Clerk 1 Planning Team Assistant 1 Administrative Assistant

Salt Spring	1 LTC Salt Spring	11 annual, Regular LTC meetings + Special mtgs + APC mtgs	5 Top Priority Projects 1 Special Project	Planning Staff - 4 2 Island (Senior) Planners 1 Planner 2 (Intermediate) 1 Planner 1 (Junior)
			60+ Dev Applications	Admin Staff - 3 1 Leg Clerk 1 Planning Team Assistant 1 Administrative Assistant

Southern Region	5 LTCs Galiano Mayne North Pender Saturna South Pender	35 annual, Regular LTC meetings + Special mtgs + APC mtgs	15 Top Priority Projects	Planning Staff – 3.75 2.75 Island (Senior) Planners 1 Planner 2 (Intermediate)
			60+ Dev Applications	Admin Staff - 3 1 Leg Clerk 1 Planning Team Assistant

2020 – Pre LPS Review

Local Planning Committee	4 Top Priority Projects	Planning Staff: 0.25 Island Planner
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What Planners Do All Day

Category	Description
LTC Meeting Management (38 annual, regularly scheduled meetings + Special meetings + APC meetings)	Island Planners in the North and South Regions act as the primary planner for specific LTAs; work with the Legislative Clerk to develop meeting agendas and manage presenters; set up and tear down meeting rooms, manage meeting technology; manage the FUAL for each LTC; review and edit minutes and answer LTA specific questions for the public
LTC Projects (Long-range planning)	There are 21 LTC Top Priority Projects identified in the north region, most are amendments to the OCP / LUB of each LTC and involve various levels of public engagement
Development Applications (Current Planning)	These are development applications submitted by the public. There are 15 + different types of permits Planners may review and each application is reviewed for compliance with all applicable legislative acts, regulations, and bylaws and processed according to all procedural bylaws and operational policies
Planning Enquiries	Answering public planning questions via phone and email 8:00 to 4:00, M-F
Administrative	Filing, time collection, mandatory training, staff meetings

Staff duties for each LTC meeting

- **Admin Assistant:** coordinates meeting dates / times and books venues
- **Planners:** prepare staff reports
- **Leg Clerk:** proofreads staff reports
- **RPM:** prepares, reviews and approves staff reports
- **Island Planner:** works with Leg Clerk to develop agenda
- **Leg Clerk:** assembles / distributes agenda package
- **Admin Assistant:** Administrator of electronic meetings
- **Island Planner:** sets up / tears down meeting room; manages meeting technology; acts as primary Islands Trust staff for LTC meeting; manages FUAL
- **Minute-taker:** takes minutes
- **Planning Team Assistant:** reviews, edits, and publishes minutes
- **Admin Assistant:** posts project and application updates to website

Northern Office Planner Work Distribution

Staff	Title	Duties					
		LTC Meeting Mgmt	LTC Projects	Dev. Apps.	Admin.	Plan Enquiries	Staff Mgmt
Heather Kauer	RPM	20%	30%		20%		30%
Sonja Zupanec	Island (Senior) Planner	20%	50%	20%	10%		
Marnie Eggen	Island (Senior) Planner	20%	50%	20%	10%		
Jaime Dubyna	Planner 2 (Intermediate)	10%	30%	30%	10%	20%	
Bronwyn Sawyer	Planner2 (Intermediate)			70%	10%	20%	
Ian Cox	Planner 1 (Junior)		5%	35%	10%	50%	

Northern Office Admin Work Distribution

Staff	Title	Duties								
		LTC Agenda Prep	APC Mgmt / Mtg Prep	Minutes Editing and Posting	Plan File Prep / Mgmt	Reception /Enquiries	FOIA	Notice / Referrals	Website updates	Electronic meeting admin.
Becky McErlean	Legislative Clerk	70%					10%	10%	10%	
Penny Hawley	Planning Team Assistant		20%	20%	50%	10%				
Wil Cottingham	Admin. Assistant	25%				50%			10%	15%

Northern Region	7 LTCs Ballenas- Winchelsea Denman Gabriola Gambier Hornby Lasqueti Thetis	38 annual, Regular LTC meetings + Special mtgs + APC mtgs	7-12 Top Priority Projects	Planning Staff - 4 2 Island (Senior) Planners 1 Planner 2 (Intermediate) 1 Planner 1 (New)
			60+ Dev Applications	Admin Staff - 3 1 Leg Clerk 1 Planning Team Assistant 1 Administrative Assistant

Salt Spring	1 LTC Salt Spring	11 annual, Regular LTC meetings + Special mtgs + APC mtgs	5 Top Priority Projects 1 Special Project	Planning Staff - 3 1 Island (Senior) Planners 1 Planner 2 (Intermediate) 1 Planner 1 (New)
			60+ Dev Applications	Admin Staff - 3 1 Leg Clerk 1 Planning Team Assistant 1 Administrative Assistant

Southern Region	5 LTCs Galiano Mayne North Pender Saturna South Pender	35 annual, Regular LTC meetings + Special mtgs + APC mtgs	10 Top Priority Projects	Planning Staff – 3 2 Island (Senior) Planners 1 Planner 2 (Intermediate)
			60+ Dev Applications	Admin Staff - 3 1 Leg Clerk 1 Planning Team Assistant

Planning Technician

2021-Post LPS Review

LPC / Policy Planning	12-15 Projects	Planning Staff: 3 Island Planners
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Top Priorities Report

Local Planning Committee

1. <i>Application Processing Services Update</i>	Responsible	Dates
<p>CURRENT: Combine policies 5.6.1, 5.6.2 and 5.6.3, add Model Fee Bylaw and model DAI Bylaw - draft back to LPC for May 2020</p> <p>PLANNED: RFD to Trust Council on revised policy and model fees</p>	Narrisa Chadwick	Rec'd: 22-Aug-2019 Target: 20-May-2020
2. <i>Protect quality and quantity of fresh water resources of the Trust Area</i>	Responsible	Dates
<p>Trust Council Freshwater Sustainability Strategy: Develop a regional freshwater sustainability strategy that addresses responsibilities under the Water Sustainability Act, identifies water resources throughout the Trust Area, integrates water resource management into land use decision-making, and accounts for the impacts of climate change on island water resources (2018-2022 Strategic Plan item #7).</p>	Narrisa Chadwick William Shulba	Rec'd: 12-Feb-2020 Target: 20-May-2020
3. <i>Project Charters for Trust Council Strategic Plan Items:</i>	Responsible	Dates
<ol style="list-style-type: none"> 1. Model DPAs to protect CDF (2018-2022 Strategic Plan Strategy #2) 2. Eelgrass mapping (2018-2022 Strategic Plan Strategy # 5) 3. Affordable Housing Floor Area Ratio (2018-2022 Strategic Plan Strategy #16) 	David Marlor Narrisa Chadwick	Rec'd: 11-Jun-2020

Top Priorities Report

Local Planning Committee

4. *Protecting Cultural Heritage - Interim Measures*

Responsible

Dates

Staff to provide options report back to LPC

David Marlor

Rec'd: 11-Jun-2020

Lisa Wilcox



Local Planning Committee

1. *Shoreline Marine Planning*

Responsible

Date Received

Trust Council - 2015-2018 Strategic Plan Item

09-Nov-2017

Conduct a working group session to brainstorm possible directions.

2. *Preserve, protect and advocate for forest and terrestrial ecosystems*

Responsible

Date Received

1. Map contiguous tracts of the Coastal Douglas-fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems (underway by contractor for completion March 31, 2020) (2018-2022 Strategic Plan item 1).

12-Feb-2020

2. Create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area (2018-2022 Strategic Plan item 2).

3. *Preserve and protect marine ecosystems*

Responsible

Date Received

1. Map the extent of eelgrass and kelp beds throughout the Trust Area (2018-2022 Strategic Plan item 5).

12-Feb-2020

2. Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore (2018-2022 Strategic Plan item 6).

4. *Protect quality and quantity of fresh water resources of the Trust Area*

Responsible

Date Received

Local Planning Committee

1. Map and develop water budgets for groundwater aquifers in the Trust Area (2018-2022 Strategic Plan item 8)
2. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling (2018-2022 Strategic Plan item 9).

12-Feb-2020

5. *Strengthen housing affordability throughout the Islands Trust Area*

Responsible

Date Received

Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council:

12-Feb-2020

1. Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 16).
2. Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 16).
3. Develop model bylaws to address the use of building stratas as a tool for affordable housing (2018-2022 Strategic Plan item 16).

6. *Mitigate and adapt to climate change impacts*

Responsible

Date Received

1. Amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas fir, foreshore and nearshore environments and groundwater. (2018-2022 Strategic Plan item 11).

12-Feb-2020