Local Planning Committee
Agenda

Date: Thursday, May 23, 2019

Time: 10:00 am - 2:00 pm

Location: Coast Bastion Hotel
11 Bastion Street, Nanaimo, BC

5.6 Local Planning Committee function - Discussion

Chair Busheikin to lead discussion

6. NEW BUSINESS

7. LOCAL PLANNING COMMITTEE - WORK PROGRAM

138 - 140

8. NEXT MEETING

Thursday, August 22 by GoToMeeting/conference call

9. ADJOURNMENT

2:00 PM - 2:00 PM

Local Planning Committee
Minutes of Regular Meeting

Date: February 6, 2019
Location: Sports View Lounge, Oak Bay Recreation Centre
1975 Bee Street, Victoria, BC

Members Present: Laura Busheikin, Local Trustee
Jeanine Dodds, Local Trustee
Kees Langereis, Local Trustee
David Maude, Local Trustee
Laura Patrick, Local Trustee
Timothy Peterson, Local Trustee (by conference call)
Kate-Louise Stamford, Local Trustee (by conference call)
Jane Wolverton, Local Trustee
Peter Luckham, Ex Officio Member

Staff Present: David Marlor, Director, Local Planning Services
Robert Barlow, Recorder

1. CALL TO ORDER

Director Marlor called the meeting to order at 10:06 a.m. Trustees and staff were introduced.

2. ELECTION OF CHAIR AND VICE-CHAIR

Director Marlor conducted the election of the Chair and declared Trustee Laura Busheikin Chair of Local Planning Committee **BY ACCLAMATION**.

Director Marlor conducted the election of the Vice-Chair and declared Trustee David Maude Vice-Chair of Local Planning Committee **BY ACCLAMATION**.

3. APPROVAL OF AGENDA

Newly elected Chair Busheikin acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

By general consent the agenda was approved.

4. ADOPTION OF MINUTES/COORDINATION

3.1 Minutes of Meetings

Local Planning Committee Minutes of October 11, 2018
The Adopted Minutes were received for information.

3.2 Resolutions Without Meeting

RWM-2018.04 Adoption of Minutes of LPC meeting of October 11, 2018 was received for information.

3.3 Follow-up Action List

The follow-up action list was received for information.

5. ORIENTATION

5.1 Council Committees Policy

The Policy was reviewed.

5.2 LPC Terms of Reference

The Terms of Reference were reviewed.

5.3 Resources

Director Marlor indicated that currently there is no planner assigned to LPC but that one will likely be assigned in the not distant future.

5.4 Advice to Incoming LPC - Briefing

The Briefing was reviewed.

LPC-2019-001
It was MOVED and SECONDED,
that Local Planning Committee request staff bring forward a compilation list of all current projects and top priorities of all Local Trust Committees.

CARRIED

6. NEW BUSINESS

6.1 Local Trust Committee Fees Review

Discussion deferred to agenda item 7.2 Top Priority List.

6.2 2019 Meeting Schedule

LPC-2019-002
It was MOVED and SECONDED,
that Local Planning Committee adopt the following dates and locations for the remainder of 2019:

1. Thursday, May 23 – In Nanaimo
2. Thursday, August 22 – By Conference call/GoToMeeting
3. Thursday, October 10 – By Conference call/GoToMeeting

CARRIED

The committee recessed from 11:17 a.m.-11:24 a.m.

7. WORK PROGRAM ITEMS

7.1 Affordable Housing

7.1.1 Updated Affordable Housing Reports for Trust Council - RFD
Director Marlor presented the RFD which was discussed.

By general consent LPC members will send information of instances of factual errors in the report to Director Marlor to be considered for correction in the report.

LPC-2019-003
It was MOVED and SECONDED,
that Local Planning Committee endorse the Request For Decision, dated January 28, 2019, to the Trust Council, and forward to Trust Council for consideration.

CARRIED

7.2 Top Priority and Projects List

The lists were presented and discussed.

By general consent the LPC will not alter the project list until after the Trust Council has developed its Strategic Plan.

The committee recessed from 12:05 p.m. -12:28 p.m.

LPC-2019-004
It was MOVED and SECONDED,
that Local Planning Committee remove the current two top priorities, “Community Housing Needs” and “Protect Coastal Douglas-fir and Associated Ecosystems”, and designate the project “Development Approval Information Model Bylaw” as the number one top priority.

CARRIED

Item 6.1 Local Trust Committee Fees Review was presented and discussed.

LPC-2019-005
It was MOVED and SECONDED,
that Local Planning Committee add “Local Trust Committee Fees Review” as the number two top priority.

CARRIED

8. NEXT MEETING

Tuesday, May 23, 2019, 10:00 a.m. to 2 p.m.

The next meeting will take place in Nanaimo. The exact location is to be determined at a later date.

9. ADJOURNMENT

By general consent the meeting was adjourned at 1:11 pm.

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Laura Busheikin, Chair

CERTIFIED CORRECT:

____

Robert Barlow, Recorder

Islands Trust

REQUEST FOR DECISION

To:	Local Planning Committee	**For the Meeting of:**	May 23, 2019
From:	**David Marlor, Director, Local Planning Services**	**Date Prepared:**	May 16, 2019
SUBJECT:	**Fees Review Strategy**		

RECOMMENDATION:
That Local Planning Committee request Staff to draft a Fees Review project charter and report back to Local Planning Committee in August 2019.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: N/A

1 PURPOSE:

To provide recommendations to Trust Council on a local trust committee fee strategy.

2 BACKGROUND:

In January 2019, Trust Council passed the following resolution:

> *That Trust Council request the Local Planning Committee to report back on a Local Trust Committee applications fee strategy.*

In March 2018, Trust Council passed the following resolution:

> *That the Executive Committee provides recommendations to Trust Council on means to address compensation for First Nations site visits to the June Trust Council meeting*.

This work was never undertaken, and as Local Planning Committee is considering a fee strategy, fees for First Nation site visits should be considered as part of this fee strategy.

Under the *Islands Trust Act*, Local Trust Committees' set their own fees for development applications. Trust Council has in the past made recommendations on appropriate fee levels that local trust committees should consider. While a model fee bylaw was considered by Trust Council previously, that model fee bylaw was never formally adopted.

In October 2017, the Canadian government de-criminalized possession of Cannabis, and the Provincial government enacted legislation regulating the distribution and use of Cannabis. As part of this legislation, local governments are permitted to charge a fee to cover costs of processing Cannabis retail referrals and undertake required public consultation.

Background Information on Fees
To provide a starting point for Local Planning Committee consideration of a Fee Strategy, staff has attached information originally considered in the 2014 join task force review of local trust committee fees (see attachments). While the data is from five years ago, number of hours of work would still be relevant today for each type of application. Rezoning applications may require more time today given more recent engagement with First Nations and increasing concerns regarding availability of freshwater.

A review of local trust committees' applications fees was undertaken in 2011 by a joint task force of the Local Planning Committee and Financial Planning Committee. At that time, staff reported that the fee covered between 50% of the average cost for a rezoning application to 26% of a Temporary Use Permit. Other applications fall within this range, depending on the local fee charged. Siting and Use permits had the highest recovery at 80%. Recently the Gabriola Island Local Trust Committee raised its fees to cover for inflation since the original fee bylaw was adopted.

During 2016, 2017, and 2018, Local Planning Services piloted compensation to First Nations to undertake site visits with planning staff as part of the engagement on development applications. This engagement is in support of Trust Council "First Nations Engagement Principles" (Policy 6.1.1).

Authorization to Collect Fees
Authorization for charging fees comes from several pieces of legislation:

1. *Local Government Act*, Section 462, for all land use planning development applications, permits and subdivision referrals
2. *Islands Trust Act*, Section 31(2)(b), for Siting and Use Permit applications
3. *Liquor Control and Licensing Act*, Section 41, for liquor license referrals
4. *Cannabis Control and Licensing Act*, Section 35, for Cannabis retail license referrals

Fees for Agricultural Land Reserve applications (non-farm use, exclusions) are established in the *Agricultural Land Commission Act*, and currently fixed at $300. There is no ability for the Local Trust Committee to change this fee.

There is no provision to allow collection of fees for building permit referrals, Crown land referrals, or telecommunication tower referrals.

For fees under Section 462 of the *Local Government Act*, the fee "must not exceed the estimated average cost of processing, inspection, advertising and administration that are usually related to the type of application or other matter to which the fee relates" (*Local Government Act*, Section 462(2)).

For fees under Section 32 of the *Islands Trust Act*, the fee may recover the costs related to the permits.

For fees under Section 42 of the *Liquor Control and Licensing Act*, and under Section 35 of the *Cannabis Control and Licensing Act*, the fee may recover the costs incurred by local government in assessing the application. The fee can be different for different classes of applications and different methods used to conduct the assessment.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Allocation of Local Planning Services staff resources for development of a project charter.

FINANCIAL: No financial implications

POLICY: No implications to relevant policy

IMPLEMENTATION/COMMUNICATIONS: Communication through reporting out to Trust Council on work of the Local Planning Committee.

FIRST NATIONS: No implications

OTHER: No other implications

4 RELEVANT POLICY(S):

Trust Council Policy 5.6.i [Application Processing Services]
Trust Council Policy 5.6.iii [Extraordinary Processing Services Guidelines]
Trust Council Policy 7.2.iv [Application Fee Refunds]

5 ATTACHMENT(S):

1 Matrix of current fees by Local Trust Committee and Bowen Island Municipality
2 2011 Fees Review – "hard" costs associated with applications
3 2011 Fees Review – staff costs associated with applications
4 Trust Council Policy 5.6.i [Application Processing Services]
5 Trust Council Policy 5.6.iii [Extraordinary Processing Services Guidelines]
6 Trust Council Policy 7.2.iv [Application Fee Refunds]

<u>RESPONSE OPTIONS</u>

Recommendation:
That Local Planning Committee request Staff to draft a Fees Review project charter and report back to Local Planning Committee in August 2019.

Alternative:
To request other work on this as determined by the Local Planning Committee.

Prepared By: **David Marlor, Director, Local Planning Services**

BRIEFING

To:	Executive Committee	**For the Meeting of:**	February 27, 2019
From:	**David Marlor, Director, Local Planning Services**	**Date Prepared:**	February 20, 2019
SUBJECT:	**Local Trust Committee Fees**		

PURPOSE:

To provide the Executive Committee with an updated matrix of current fees by local trust committee and Bowen Island Municipality.

BACKGROUND:

At its November 14, 2018 meeting, the Executive Committee asked staff to provide a briefing on the current application fees for local trust committees. This was presented at the January 30, 2019 meeting. At that time the Executive Committee asked Staff to add Bowen Island Municipality into the matrix.

ATTACHMENT(S):

1. **Revised Matrix of Local Trust Committee and Bowen Island Municipality Application and Referral Fees**

FOLLOW-UP:

1. As requested by the Executive Committee.

Prepared By: **David Marlor, MCIP, RPP, Director, Local Planning Services**

Reviewed By/Date:

Attachment 1:
Matrix of Local Trust Committee Application and Referral Fees

January 22, 2019 (Note: Excludes Agricultural Land Commission exclusion and non-farm use fees, which are established by the ALC Act).

	BW	DE	GB	GL	GM	HO	LA	MA	NP	SS	SA	SP	TH	BIM
OCP	4400	4400	5250	4400	4400	4400	4400	4400	4400	4400	4400	4400	4400	3600^
OCP/LUB	5400	4950	5900	4960	4950	4950	4950	5500	5500	5500	5500	5500	5500	4100^
OCP/LUB – density bank transfer	-	4000	-	-	-	-	-	-	-	-	-	-	-	-
OCP or LUB – affordable housing*	-	-	1000	-	-	-	-	-	-	-	-	-	-	-
LUB	4400	4400	5250	4400	3520	4400	3530	4400	4400	4400	4400	4400	4400	3600^
LUB – seas. Cottage affordable	-	-	-	-	-	-	-	-	-	1100	-	-	-	-
LUB – renting as affordable	-	-	-	-	-	-	-	-	-	1000	-	-	-	-
ZON	4400	4400	5250	4400	3520	4400	-	4400	4400	4400	4400	4400	4400	3600^
SUB	4400	4400	5250	4400	3520	4400	-	4400	4400	-	4400	4400	-	3600^
LUC	3200	4400	5250	4400	3520	4400	4400	4400	4400	4400	4400	4400	-	3600^
DP - protection	1100	440	525	440	440	440	-	550	200	1100	440	550	550	175^
DP – protection DP3	-	-	240	-	-	-	-	-	-	-	-	-	-	-
DP – commercial revitalization	-	-	-	660	-	-	-	550	550	1100	550	550	550	175^
DP – form and character	-	660	800	660	-	600	-	550	850	1100	550	550	550	175^
DP - amendment	330	165	200	165	165	165	-	165	165	330	165	165	165	150^
DP/DVP – residential	1320	770	925	770	770	770	-	770	770	1320	770	770	770	700^
DP/DVP – com, ind., inst	1320	935	1125	935	935	935	-	990	990	1540	990	990	990	700^
DVP – residential	935	715	850	715	572	715	440	715	715	715	572	715	715	650^
DVP – com, ind, inst.	935	935	1125	935	748	935	715	935	935	935	935	935	935	650^
DVP – screening freshwater	-	-	-	-	-	-	150	-	-	-	-	-	-	-
TUP – commercial, industrial	1100	1100	1300	1100	1100	1100	770	1100	1100	1100	1100	1100	1100	750^
TUP – other than com, indust	1100	440	1300	1100	-	-	-	-	1100	1100	-	-	-	-
TUP – non-profit < 3 month per yr	-	-	-	-	440	440	-	-	-	-	-	-	-	-
TUP - renewal	165	165	200	165	165	165	165	165	165	165	165	165	165	150

HAP	-	-	-	1100	-	-	-	1100	1100	1100	500	1100	-	-
SDRP – non-commercial	-	-	-	220	-	-	-	220	220	-	220	220	-	-
SDRP - commercial	-	-	-	550	-	-	-	550	550	-	550	550	-	-
Sub review – 1st parcel	1100	1100	1300	1100	1100	1100	825	1100	1100	1100	1100	1100	1100	800
Sub review – per parcel	110	110	130	110	110	110	110	110	110	110	110	110	110	100
Sub review – lot line adjust	330	330	400	330	330	330	110	330	330	330	330	330	330	250
Strata Conversion	1100	1100	1300	1100	1100	1000	825	1100	1100	1100	1100	1100	1100	-
Liquor (LCLB)	825	825	1000	825	825	750	825	825	825	825	825	825	825	-
Cannabis (LCLB)	825	2000	2000**	825	825	2000**	825**	825	825	4000	825	825	825	-
LCLB – temp license change	825	825	100	825	825	100	100	825	825	825/4000	825	825	825	-
BOV	935	990	1200	990	990	900	440	990	990	990	990	990	990	650^
SUP	-	220	-	-	-	176	-	-	-	-	-	-	-	200
SUP/DVP - residential	-	715	-	-	-	715	-	-	-	-	-	-	-	-
SUP/DVP – com, ind, inst	-	935	-	-	-	935	-	-	-	-	-	-	-	-
SUP/DP - protection	-	550	-	-	-	550	-	-	-	-	-	-	-	-
SUP/DP – form and character	-	660	-	-	-	660	-	-	-	-	-	-	-	-
SUP/TUP – com, indust	-	1100	-	-	-	-	-	-	-	-	-	-	-	-
SUP/TUP – other than com, indus	-	440	-	-	-	-	-	-	-	-	-	-	-	-
Zoning confirmation letter	-	-	100	-	-	-	-	-	-	-	-	--	-	-

BOV = Board of Variance
DVP = Development Variance Permit
HAP – Heritage Alteration Permit
LUB = Land Use Bylaw
OCP = Official Community Plan
SDRP – Soil Deposit and Removal Permit
SUP – Siting and Use Permit (Denman, Hornby only)
ZON = Zoning Bylaw

DP = Development Permit
DP/DVP = Develop Permit and DVP combined
LCLB = Liquor Control and Licensing Branch
LUC = Land Use Contract
OCP/LUB = OCP and LUB combined application
SUB = Subdivision Bylaw
TUP = Temporary Use Permit

* must be a registered charity or non-profit society ** non-medical cannabis *** Cannabis $4,000, Liquor $825

^ Bowen Fees bylaw has basic, regular and complex fees depending on amount of work undertaken. The fee indicated is the fee payable at the time of application with either a refund or further funds owed depending on complexity of work undertaken based on a schedule attached to the fee bylaw. For example the OCP amendment fees range from $2800 to $4200. Development permit application fees range from $50 to $1300.

Data for the time period of Jan 1, 2009 to Jun 30, 2011

Showing hours recorded for each file, type, number files opened, average time spent on each file, average costs and range of fees.

	Total Hours Record by LPS Staff (1)	Percentage of Total Hours Recorded	Group percentage of Total Hours	Files Opened	Avg. time per file in hours (2)	% Planner	% Support	Planner Hrly	Support Hrly	**Average Staff Cost per File (3)**	**Average Hard Cost per File(4)**	**Total Average Cost per File**	*Fees Range (5)* *Low*	*High*
Total hours recorded:	74,604	100.0%	100.0%											
Enquiries	13,251	17.8%												
non-island specific office support	8,200	11.0%												
Travel	5,167	6.9%												
General planning research	1,827	2.4%												
FOIPP	713	1.0%	39.1%											
Rezoning Applications	3,927	5.3%		32	123	80%	20%	$ 50.00	$ 36.00	$ 5,792	$ 5,330	**$ 11,122**	*$ 1,000*	*$ 5,500*
Development Permits	1,960	2.6%		55	36	80%	20%	$ 50.00	$ 36.00	$ 1,682	$ 330	**$ 2,012**	*$ 200*	*$ 1,100*
Development Variance Permits	1,871	2.5%		88	21	80%	20%	$ 50.00	$ 36.00	$ 1,004	$ 830	**$ 1,834**	*$ 572*	*$ 935*
Siting and Use Permits	414	0.6%		78	5	80%	20%	$ 50.00	$ 36.00	$ 251	$ -	**$ 251**	*$ 176*	*$ 200*
Temporary Use Permits	473	0.6%		16	30	80%	20%	$ 50.00	$ 36.00	$ 1,395	$ 2,830	**$ 4,225**	*$ 440*	*$ 1,100*
Subdivision Referrals	1,906	2.6%		63	30	80%	20%	$ 50.00	$ 36.00	$ 1,428	$ 130	**$ 1,558**	*$ 825 ($100)*	*$1,100 ($110)*
ALC Applications	437	0.6%		22	20	80%	20%	$ 50.00	$ 36.00	$ 938	$ 130	**$ 1,068**	*set by ALC*	*set by ALC*
Building Permit Referrals	1,551	2.1%		419	4	80%	20%	$ 50.00	$ 36.00	$ 175	$ -	**$ 175**	*0*	*0*
Crown Land Referrals	273	0.4%		no data	no data	80%	20%	$ 50.00	$ 36.00				*0*	*0*
Misc. applications and Referrals	344	0.5%		no data	no data	80%	20%	$ 50.00	$ 36.00					
Board of Variance	120	0.2%	17.8%	3	40	80%	20%	$ 50.00	$ 36.00	$ 1,888	$ 800	**$ 2,688**	*$ 800*	*$ 990*
Projects - LTCs	10,542	14.1%												
Projects - Trust Council	2,158	2.9%	17.0%											
Meetings (any type)	14,870	19.9%												
Training, conferences, supervisory	4,600	6.2%	26.1%											

NOTES:

1. - Hours recorded include overtime - does not include hours recorded for time off or bylaw enforcement. Bylaw enforcement - bylaw officers have only just begun recording hours - hours recorded in database represent time planners spend on bylaw enforcement. This is 2729 hours over the three years.

2. - Average time per file is based on file opened during the period - there may be other files opened earlier that were also processed.

3. - Average cost per file is based on $45 per hours, which is the number used in 2011.

4. See separate sheet for details of hard cost by file type.

5. - Subdivision Fees: first number is for the first parcel, the second number is for additional parcels. Rezoning Fees: Range includes lowest cost without OCP and highest cost with OCP amendments Fees - several fees are combined - such as combined DP and DVP, SUP and DP fees - fees are a little higher in some instances the combined fees represent duplication of work (such as when a SUP requires a DP first). Some low fees are for special circumstances only (such as environmental protection or affordable housing)

Application Components - for each, dollar amounts shown are estimates for non-staff time cost ("hard costs")

	Pre-application Discussion	Site Visit (1)	Staff Reports (2)	Referral to Agencies (3)	Discussion with Applicant	Bylaws drafting	Permit Drafting	Community Information Meeting(4)	Notification	Advertisements	Public Hearing (9)	Legal Review/Advice (8)	LTC Approval	EC Approval	Ministerial Approval (OCP)	Total Estimated Average Hard Costs
Rezoning Applications	Y	$ 130	Y	$ 200	Y	Y		$ 1,000	$ 500	$ 2,000	$ 500	$ 1,000	Y	Y	Y	**$ 5,330**
Development Permits	Y	$ 130	Y	$ 200	Y		Y						Y			**$ 330**
Development Variance Permits	Y	$ 130	Y	$ 200	Y		Y		$ 500				Y			**$ 830**
Siting and Use Permits	Y				Y		Y									**$ -**
Temporary Use Permits	Y	$ 130	Y	$ 200	Y		Y	$ 1,000	$ 500	$ 1,000			Y			**$ 2,830**
Subdivision Referrals	Y	$ 130	Y(6)		Y								Y(6)			**$ 130**
ALC Applications	Y	$ 130	Y		Y								Y			**$ 130**
Building Permit Referrals	Y				Y											**$ -**
Crown Land Referrals	Y				Y											**$ -**
Board of Variance	Y	$ 300	Y(7)		Y		Y	$ 200	$ 300							**$ 800**

Notes:

The Dollar amounts are averages for hard costs only, excluding staff time. The actual situation will require less or much more.

1 - Some minor applications do not require a site visit; remote location of some properties make site visit difficult and planners use discretion. $ amounts for site visit is an average of 3 hours including travel - some may be much more or much less. In most cases staff combine site visits with other trips to the islands, such as office hours, LTC meetings or other site visits.

2 - Usually more than one staff report and more than one referral required. Public Hearing requires two advertisements

3 - Referral to agencies include time to prepare, send, respond to enquires and review responses. Hard costs include mailing and printing costs - most are now done electronically.

4 - Community meeting - costs include minute taking, hall rental, advertising - varies by application. Estimate is for 2 hour meeting with $500 advertising
Cost for BOV is for BOV meeting. Some islands include community information meetings in their LTC agendas.

5 - Development permits and development variance permits may be referred to an agency - but not all are sent

6 - Staff Reports are drafted and LTC consideration only for items for which an LTC decision is required, such as park dedication, 10% waivers

7 - A report summerising the application is written for the BOV; BOV meets in open meeting with staff in attendance to make a decision

8 - Legal review is not always required, depends on the application.

9 - Some islands include public hearings within their LTC meetings.

5.6.i. Policy

APPLICATION PROCESSING SERVICES

Trust Council: March 13, 1993
Amended: June 13, 2002; June 10, 2004

A: PURPOSE:

1. This policy is intended to distinguish services along a continuum from property tax subsidy to applicant cost responsibility. It provides the parameters for application processing services by which service levels can be distinguished as a basis for preparing the Fees Bylaw and Schedule.

B: REFERENCES:

1. *Local Government Act*: S.931

2. Trust Council Model Fees Bylaw

C: DEFINITIONS:

1. APPLICATION PROCESSING SERVICES include:

1.1. **Amendments** to an Official Community Plan, Zoning Bylaw, Subdivision Bylaw or Land Use Bylaw.

1.2. **Requests** for Development, Development Variance, or Commercial/ Industrial Temporary Use Permits, Soil Removal and Deposit Permits, Board of Variance, and Liquor Licensing Permits and Siting & Use Permits.

1.3. **Comments** on applications referred from other agencies.

2. SERVICE LEVELS are defined as follows:

2.1. **Information Service** providing an information service to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.

2.2. **Processing Service** providing a specific service to applicants as a direct response to an application and primarily funded by an established fees paid by an applicant.

2.3. **Extraordinary Processing Service** providing a planning review related service to an applicant beyond the standard processing service with funding provided by the applicant or through a cost recovery agreement.

D: POLICY:

1. SERVICE LEVEL - DETAILS

1.1. Information Service – No Fee Required

i. The service level below indicates the information services which will be provided to an applicant as a public service:

1) information on application process requirements including a meeting with staff

2) assistance to complete an application

3) determination of applicable fees

4) identification of potential issues to be addressed

ii. **Funding Basis:** These services are funded 100% by property tax revenues.

1.2. Processing Service – Application Fee Required

i. The service levels below indicate specific services that will be provided to an applicant who has paid an application processing fee:

1) comprehensive staff assessment

2) staff referral to other agencies, advisory planning commissions, and analysis of their comments

3) discussions between planners and applicant throughout process as required

4) bylaw or resolution drafting including review for compatibility with Trust object and policies and the relevant Official Community Plan

5) one community information meeting with planning staff present

6) notification of public hearing including cost of placing ad

7) conducting one public hearing with staff present

8) staff report with recommendation for LTC approval consideration

9) processing bylaws through Executive Committee for approval consideration, if necessary

10) forwarding to Minister of Community, Aboriginal and Women's Services for approval consideration, if necessary

11) adoption of all bylaws or issuing of permits as required.

ii. **Funding Basis:** These services are funded primarily through fees as per a local trust committee's Fees Bylaw. The fees will be based on average processing costs as per Section 931 of the *Local Government Act*. Actual costs of processing an application may be less or greater than the established fee for that application. These costs are calculated as the product of staff labour costs X processing time (including Planner, and administrative support positions), adding to this other direct costs such as mapping expenses, registration fees, travel expenses and advertising, then multiplying the total by a factor which incorporates the indirect costs such as general administration and overhead.

iii. **Fee Adjustments:** 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:

- the level of community benefit offered by the type of application
- availability of LTC approved design guidelines for projects requiring development permits
- an amendment to an approved application occurring within 6 months of the approval date

Variance to a fees bylaw must be adopted by bylaw amendment. All local trust committee fees bylaws and fees bylaw amendments must be approved by the Executive Committee before adoption by a local trust committee. Executive Committee may consider requests for adjustments greater than 20%. Fee variances must be adopted by December 31 annually and can only be implemented on April 1 of the following year and following Trust Council's budget approval.

1.3. Extraordinary Processing Service – Cost Recovery Agreement Required

i. The service activities below indicate services beyond the scope of a general processing service and the required fees and require that additional fees be paid on the basis of a cost recovery agreement between the Islands Trust and an applicant:

1) covenant development

2) continuous dedicated staffing

3) additional public consultation including community information meetings, advisory planning commission meetings and public hearings

4) technical assessments or studies as required by the LTC

5) retaining special technical assistance required by the LTC

6) legal counsel services required for the application

7) process agreement negotiation

8) other resources and/or services required by the LTC to process the application

9) accelerated timeframe to process the application

ii. **Funding Basis:** These additional services are funded by an applicant via a cost recovery agreement in addition to any applicable fee established in the fee bylaw.

5.6.iii Guidelines

EXTRAORDINARY PROCESSING SERVICES GUIDELINES

Trust Council: March 9, 1996
Amended: June 10, 2004

PURPOSE

Extraordinary Processing Services Guidelines are designed to assist local trust committees and planning staff in the identification and implementation of extraordinary application processing services.

The intent of these guidelines is to provide alternate means of handling extraordinary costs - either through applicant provided services or applicant payment of Trust provided services.

RELATED POLICY

Application Processing Services (Policy 5.6.i); Cost Recovery Agreement (Policy 5.6.ii); and LTC Fees Bylaws.

DETAILS

1. Identifying Extraordinary Processing Service Requirements

a) Local trust committees have the ability to determine the necessary requirements for processing applications. These requirements may include the need for extraordinary processing services, which a LTC may recommend, where:

i) the actual or estimated Processing Service level costs are in excess of the costs reflected in the relevant application fee (determined as the average cost of processing) (eg. additional public consultation, complex covenant requirements or extensive staff requirements); or

ii) the processing requirements include services that are beyond the Processing Service level (eg. special technical assistance, specific legal services).

b) The Regional Planning Manager is responsible for assisting local trust committees in identifying and costing extraordinary processing service requirements and advising the local trust committees of the options available to handle these requirements. For reference, criteria for extraordinary processing service requirements are outlined in the Application Processing Services policy (5.6.i).

c) The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for studies.

2. Provision of extraordinary processing services

a) Extraordinary processing services can be provided:

i) directly by the applicant, in addition to paying to the Islands Trust the applicable standard fee; the local trust committee must be satisfied that the services have been fulfilled before further processing of the application will occur or,

ii) by the Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.

b) With respect to both options noted above, a resolution of the local trust committee, following the recommendation of the regional Planning Manager is required to proceed.

3. Negotiating with the applicant

a) When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application can not be processed because the extraordinary processing service requirements are not available within existing resources. The requirements to properly process the application must be clearly identified to the applicant.

b) A Cost Recovery Agreement needs to be endorsed by resolution of the respective local trust committee.

c) Upon agreement with the applicant, all requirements, in the case of 2.a and 2.b, must be met prior to approval of a permit or adoption of a bylaw.

4. Approval of agreements

a) The cost recovery agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the local trust committee resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

7.2.iv Policy

APPLICATION FEE REFUNDS

Trust Council: September 28, 1996

PURPOSE

To provide the principles by which the Treasurer is authorized to refund application fees.

RELATED POLICY

Application Processing Services Model
Local Trust Committee fee bylaws

DETAILS

A. Zoning/Bylaw Amendments (OCP, RLUB, LUB)

1. Applications which proceed with processing but are rejected by a Local Trust Committee prior to public hearing are subject to the refund provisions of the respective Local Trust Committee Application Fee Bylaws.

2. Applications which are rejected by a Local Trust Committee early in the review process, and which require little or no staff time or other costs, shall be refunded in full.

3. Authorization to refund, for either item 1 or 2 above, shall be based on a Local Trust Committee resolution not to proceed with further processing of the application.

B. Permits

1. Applications which proceed with processing but are rejected prior to public notification are subject to the refund provisions of the respective Local Trust Committee Application Fee Bylaw, if so provided in the bylaw.

2. Applications which are rejected by a Local Trust Committee without having been forwarded for processing shall be refunded in full.

3. Authorization to refund, for either item 1 or 2 above, shall based on a Local Trust Committee resolution not to proceed with further processing of the application.

C. Referrals (subdivision, ALC, FLC, etc.)

1. Applications received from other agencies are processed completely, as requested by that agency, and are therefore not eligible for a refund.

BRIEFING

To:	Local Planning Committee	**For the Meeting of:**	May 23, 2019
From:	Sonja Zupanec, Island Planner	**Date Prepared:**	May 6, 2019
SUBJECT:	**Trust-wide review and compliance with provincial guidelines for updates to setbacks from the natural boundary of the sea and flood construction levels**		

PURPOSE:

The purpose of this report is to request, on behalf of Gambier Island Local Trust Committee, that Local Planning Committee (LPC) initiate a Trust-wide planning review to identify options to ensure federation-wide compliance with recent provincial guidelines to building setbacks and flood construction levels in coastal areas.

BACKGROUND:

The *Local Government Act* requires local governments to consider “Flood Hazard Area Land Use Management Guidelines” (Attachment 1) when designating floodplains. The provincial guidelines were amended in 2018 and incorporate sea level rise into the determination of appropriate building setbacks and flood construction levels in coastal areas. Sea level rise predictions based on the year 2100 level should form the basis of updated setback regulations for new buildings and structures. Regional District building departments are currently deferring to coastal engineer recommendations on flood construction levels for new construction adjacent to the natural boundary of the sea. Alternately they are deferring to Local Trust Committee land use bylaw regulations where flood construction levels (typically 1.5 metres above the natural boundary of the sea or a watercourse) are still in effect. Despite the recent provincial guidelines being updated, no Local Trust Committee has undertaken a comprehensive review of this issue to date.

It is anticipated that over the next several years there may be an increase in the number of development variance permit applications across the Islands Trust requesting decreases to setbacks to the natural boundary of the sea and/or requesting an increase to the maximum permitted height to accommodate a higher flood construction level, to permit construction on pre-existing parcels abutting the sea. Building officials with regional district building departments across the Trust will be expecting local floodplain bylaws or land use bylaws to be updated with the most recent provincial guidelines.

The Gambier Island Local Trust Committee recently considered a Development Variance Permit for an increase in height for new construction on North Thormanby Island. The application proposed an increase in height for two proposed accessory buildings by 1.2 and 1.6 metres in order to meet the recommended Flood Construction Level (FCL) of 2.6 metres above the higher high water large tide (HHWLT) recommended by the Sunshine Coast Regional District Building official and the applicant’s coastal engineer. Although the LTC did not grant the requested variance, it passed the following resolution at the April 27, 2019 regular business meeting:

GM-2019-019
It was MOVED and SECONDED,
that the Gambier Island Local Trust Committee forward consideration of Trust-wide best practices in flood mitigation standards for shoreline builds to the Islands Trust Local Planning Committee.

CARRIED

Planning staff recommend a coordinated, Trust-wide review of options to implement flood construction level setbacks and elevations to address sea level rise, habitat squeeze and protection of sensitive coastal ecosystems across the federation, instead of relying on each LTC to advance this critical and time sensitive issue as a top priority project.

ATTACHMENT(S):

1. **Flood Hazard Area Land Use Management Guidelines (amended 2018)**

FOLLOW-UP: N/A

Prepared By: **Sonja Zupanec, MCIP, RPP, Island Planner**

Reviewed By/Date:

FLOOD HAZARD AREA LAND USE MANAGEMENT GUIDELINES

May 2004

Ministry of Water, Land and Air Protection

Province of British Columbia

Amended by:
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

January 1, 2018

Amendments:
Section 3.2.6 - August 2011
Sections 3.5 & 3.6 - January 2018

Contents

Introduction to Document and Guidelines

This document provides guidelines intended to help local governments, land-use managers and approving officers develop and implement land-use management plans and make subdivision approval decisions for flood hazard areas.

The goals of the provincial “Flood Hazard Area Land Use Management Guidelines” are to reduce or prevent injury, human trauma and loss of life, and to minimize property damage during flooding events. Experience has shown that regulating land development to keep people out of harm’s way is the most practical and cost effective way of achieving these goals.

The guidelines are based on the policies and procedures established and refined over the life of the provincial flood hazard management program.

These guidelines have been prepared pursuant to section 2 of the *Environment Management Act* and must be considered by local governments in making bylaws under section 910 of the *Local Government Act*.

The guidelines are divided into five sections:

1.0 Administration – Flood Hazard Land Use Management
2.0 Flood Plain Mapping
3.0 Application – By Hazard Type
4.0 Application – Land Use Specific
5.0 Application – Implementation Measures

The Administration section details ways in which decision-makers can manage flood hazards on a broad or area-wide basis, employing strategies such as flood hazard management plans, bylaws and standards, and during the subdivision process.

The Flood Plain Mapping section details the importance and application of flood plain mapping information.

The Application sections provide the provincial requirements for different types of flooding hazards and different land uses commonly found in BC. These are **minimum** requirements that may be increased by the decision-maker depending on local circumstances.

In the absence of more site-specific studies or information, these guidelines are the recommended provincial minimum requirements for land use management in flood hazard areas.

For certain areas of the province, more site-specific information may be available for the decision-maker's consideration. Sources of site-specific information that may supplement the guidelines include:

- Historical records and descriptions, particularly of previous flooding events at a specific location;
- Flood hazard delineation or management studies;
- Flood plain mapping;
- Engineering and other studies;
- Local government planning documents, such as Official Community Plans and bylaws; and
- Covenants, at the site or in the vicinity.

In addition, new site-specific studies containing professional evaluation, advice and recommendations including mapping, may be required where the risk to life and property is high, where advice is required to meet provincial flood hazard management guidelines or where modified or new protective works are proposed.

1.0 Administration - Flood Hazard Land Use Management

Local governments should consider broad flood hazard management tools to ensure that future land use will be planned and buildings constructed in a manner that will reduce or prevent injury, human trauma and loss of life, and to minimize property damage during flood events.

Appropriate land use management requirements should be included by the statutory decision-maker at certain stages in the planning process. These include:

1.1 Official Community Plans

Official Community Plans (OCPs) must contain general land use policy statements and maps respecting restrictions on the use of land that is subject to hazardous conditions. OCPs should include statements that endorse and emphasize the need to manage development in flood prone areas in order to reduce impacts on people and property.

Under the provisions of section 877 of the *Local Government Act*, plan policies and a hazard schedule are required. See example Form 1 in Appendix B.

1.2 Bylaws and Development Permits

Flood protection measures can be applied to new buildings, manufactured homes and units, modular homes or structures on existing lots. These measures may be incorporated into local government bylaws and decisions under the authority of:

1.2.1 Section 910 of the *Local Government Act,* where a local government may adopt a flood plain bylaw that designates an area as a flood plain, specifies development levels and setback requirements in a designated area and enforces these conditions.

1.2.2 Section 919.1 of the *Local Government Act*, where development permit areas may be designated in an OCP for the protection of development from hazardous conditions.

1.2.3 Section 920 of the *Local Government A*ct, where a development permit area has been designated under the provisions of section 919.1 of the *Local Government Act,* a development permit may specify areas of land that may be subject to flooding, mud flows, torrents of debris, erosion or tsunami that must remain free of development except in accordance with any conditions contained in the permit.

1.2.4 Section 903 of the *Local Government Act* where zoning bylaws partition a municipality into sections for different land use purposes. Section 903 can regulate parcel configuration, the density of the land use, siting and standards of buildings and structures. These bylaws have been used historically for flood hazard areas to ensure public safety is maintained. However it is preferable that a section 910 bylaw be used.

1.2.5 Section 694 of the *Local Government Act*, where local building regulations are established or under section 699 where the building inspector considers that construction would be subject to flooding, and flood proofing conditions are not established under 1.2.1 to 1.2.5 above.

A sample bylaw format is provided in Form 2 in Appendix B.

1.3 Requests for Modification of Bylaws

Subject to review by and if acceptable to the local government, a flood plain bylaw may be modified. The local government may alter any bylaw condition to best match the flood hazard provided the level of protection is not altered. This discretion extends to the reduction of elevation requirements, where flood plain mapping exists, by the freeboard, provided the subject property is in the flood plain fringe area and there are no major erosion or channel avulsion hazards in the immediate vicinity.

Prior to agreeing to a modification, other exceptions in the surrounding area should be reviewed to ensure consistency and a summary report prepared. Review by the local government may not support modification on technical grounds but the applicant may nevertheless have demonstrated a hardship.

Setback requirements should not be reduced unless a serious hardship exists and no other reasonable option is available. A valid hardship should only be recognized where the physical characteristics of the lot (e.g., exposed bedrock, steep slope, the presence of a watercourse, etc.) and size of the lot are such that building development proposals, consistent with land use zoning bylaws, cannot occur unless the requirements are reduced.

In order to avoid setting difficult precedents these site characteristics should be unique to the subject property and environs. The economic circumstances or design and siting preferences of the owner should not be considered as grounds for hardship. Before agreeing to a modification, consideration should be given to other options such as the use of alternate building sites, construction techniques and designs (e.g., constructing an additional storey and thereby reducing the size of the ‘building footprint’).

1.4 Subdivision Approval Process

Under the provisions of section 86 of the *Land Title Act*, the approving officer -- when approving a subdivision which may be subject to flooding or erosion -- may require an engineering report certifying that the land may be used safely for the intended purpose and/or require the subdivider to enter into a covenant under section 219 of the *Land Title Act* to establish flood plain requirements. Similar provisions are available under the *Strata Property Act* and the Bare Land Strata Regulations.

A section 219 covenant is to be registered under the *Land Title Act* and standard covenant formats are shown by Form 3 and Form 4 in Appendix B. Covenant conditions can be established as per Form 5 or where a bare land strata approval is involved, Form 6.

Where the land proposed to be subdivided may not be used safely an approving officer may withhold consent to approve a proposed subdivision. A form letter for this purpose is provided in Form 7 (See section 1.9).

1.5 Covenant Measures

Where consent for approval of subdivision of flood prone land is sought, the proponent may be required to register a restrictive covenant against the title of the property under section 219 of the *Land Title Act.* It is recommended that the covenant specify conditions that would enable the land to be safely used for the use intended. In addition, the following conditions should be included:

1.5.1 Waiver of Liability

1.5.1.1 Where an approving officer gives consent for approval of subdivision of flood prone land, it is recommended that the owner of the land enter into a covenant, to be registered against the land title, requiring flood proofing of buildings and a waiver of liability in favour of the local government and/or the provincial government in the event of any damage caused by flooding or erosion.

1.5.1.2 The waiver procedure may also be requested in considering requests for amendment of flood proofing bylaws in order to permit construction of a building on a legally existing lot, when such reduction gives reasonable grounds for concern in relation to the flood hazard in the area.

1.5.1.3 Where a situation arises in which consent to subdivision would normally be refused due to a high flooding hazard, but it is nevertheless deemed appropriate to allow the subdivision due to extenuating circumstances, consideration should be given to requiring the 'waiver' clause to cover the existing buildings. This would need to be expressly identified and expressed in the conditions of consent.

1.5.2 Priority Charge

Covenant conditions are to be registered with priority over any financial charges requested against the property.

Priority charges are executed through the use of the "Consent and Priority Agreement," and must be signed by prior charges and all parties to the subsequent charge. This Agreement is included in both Form 3 and Form 4 in Appendix B.

1.5.3 Covenant Modification Agreements

A covenant modification agreement is provided in Form 8 in Appendix B.

1.5.4 Affidavit for Witness

An affidavit for witness to a covenant or modification agreement is only required where requested by the grantor. Therefore, it is only necessary to make such arrangement if requested.

1.6 Requests for Modification of Floodproofing Covenants

Subject to review by and if acceptable to, the approving officer and all parties signatory to the covenant, a covenant may be modified. The approving officer may modify any covenant to best match the flood hazard provided the level of protection is not altered. This discretion extends to the reduction of elevation requirements, where flood plain mapping exists, by the freeboard, provided the subject property is in the flood plain fringe area and there are no major erosion or channel avulsion hazards in the immediate vicinity.

Prior to agreeing to a modification, other exceptions in the surrounding area should be reviewed to ensure consistency and a summary report prepared. Review by the approving officer may not support relaxation on technical grounds but the applicant may nevertheless have demonstrated a hardship.

Setback requirements should not be reduced unless a serious hardship exists and no other reasonable option is available. A valid hardship should only be recognized where the physical characteristics of the lot (e.g., exposed bedrock, steep slope, the presence of a watercourse, etc.) and size of the lot are such that building development proposals, consistent with land use zoning bylaws, cannot occur unless the requirements are reduced.

In order to avoid setting difficult precedents these site characteristics should be unique to the subject property and environs. The economic circumstances or design and siting preferences of the owner should not be considered as grounds for hardship. Before agreeing to a modification, consideration should be given to other options such as the use of alternate building sites, construction techniques and designs (e.g., constructing an additional storey and thereby reducing the size of the ‘building footprint’).

1.7 Crown Land Dispositions

Under the provisions of section 11 of the *Land Act* and provincial “Flood Hazard Area Land Use Management Guidelines”, conditions are established for attachment to leases and other dispositions, see Form 9 in Appendix B.

1.8 Miscellaneous Administrative Measures

1.8.1 Replot of Lot Lines and Consolidation

1.8.1.1 Where a replot of lot lines is considered to be a technical adjustment and does not increase the buildable sites within the flood plain, then the local government flood plain requirements will apply. The provincial guidelines are stated for information purposes on the restrictive covenant. See Form 10 in Appendix B.

Where a subdivision plan creating a new lot occurs, and this lot is subsequently consolidated with another lot, then flood proofing conditions should be attached to the land title of the subdivided parcels and the separate parcel prior to consolidation.

1.8.1.2 The Registrar of Land Titles may accept a reference or an explanatory plan without an accompanying description, where a new parcel is created by the consolidation of adjoining surveyed parcels. As such, the plan does not require approval of the approving officer and, therefore, may not require the attachment of covenant requirements under the provisions of section 86 of the *Land Title Act*.

1.8.2 Benchmarks

Where an approving officer considers a geodetic elevation necessary, the installation of benchmarks may be a condition of consent to subdivision approval in order to assist in the on-site determination of the Flood Construction Level.

1.8.3 Accretions

The applicable flood hazard requirements should apply to any naturally accreted land that has been legally obtained by the upland waterfront property owner.

1.9 Refusal to Consent

A decision maker may withhold consent to a proposed subdivision, bylaw amendment or Crown land disposition where hazard to 'life and limb' exists and cannot be practically alleviated by structural works maintained by the local government and/or flood proofing.

Examples of situations where consent may be withheld, include proposals located:

- In the floodway,
- In the path of a major channel avulsion,
- In the path of a debris flow,
- In an active erosion area,
- Where flood depths exceed 2.5 metres,
- Where flood velocities exceed 1.0 metre per second, and/or
- Where the provision of safe access and egress is not possible.

2.0 Flood Plain Mapping

Local governments must consider relevant flood plain mapping information in making bylaws under section 910 of the *Local Government Act*, as well as in making related decisions regarding flood hazards, including the establishment of Flood Construction Levels. As such, available flood plain mapping information is incorporated into and forms a part of these Guidelines.

A flood plain map delineates the area that can be expected to flood, on average, once every 200 years (called the 200-year flood). It should be noted that:

- A 200-year flood can occur at any time in any given year,
- The indicated flood level may be exceeded, and
- Portions of the flood plain can flood more frequently.

Flood plain maps show the location of the normal channel of a watercourse, surrounding features or development, ground elevations contours, flood levels and flood plain limits (the estimated elevation and horizontal extent of the high water marks of a 200-year flood).

Flood plain mapping information is available for many settled areas of the province. To access information on availability, including links to on-line maps and ordering instructions, visit the following web site: http://srmwww.gov.bc.ca/aib/fpm/index.html

Determination of Designated Flood Levels

The magnitude and water levels associated with the designated flood are determined for each river by using survey and hydrological data.

The magnitude of the designated flood is determined by frequency analysis of past floods supplemented by regional runoff data when required. The water surface profile is then calculated for the designated flood.

The flood plain is delineated by the translation of the flood profile plus freeboard allowance to base mapping to produce the finished flood plain maps.

Historical context

Many of the flood plain maps presently available were developed under a provincial-federal program. The Flood Plain Mapping Program was delivered under the Canada - British Columbia Agreement Respecting Floodplain Mapping from 1987 to 2003. The agreement marked an acceleration of a provincial mapping program that commenced in 1974. Following is a summary of the objectives of the agreement.

The Agreement:

- Restricted both governments from further undertakings (including construction of, or a major addition to, structures or a change in the use of land) in areas that are vulnerable to flooding and are located in designated flood plains;
- Discouraged financial assistance for development of undertakings in flood-prone areas;
- Accommodated measures to encourage local authorities to restrict undertakings in flood-prone areas under their jurisdiction; and
- Required adequate flood proofing measures to have been incorporated into new development in a flood plain after designation to be eligible for disaster assistance.

Other maps, developed under different processes, may be available.

For further information regarding flood plain mapping, please to refer to the web site noted above.

3.0 Application - By Hazard Type

Where relevant flood plain maps, and other relevant flood hazard-related information (such as covenants, bylaws, flood hazard maps and engineering reports) exist, they must be considered.

Where such information is not available, the following minimum requirements should be considered to guide development away from higher flood hazard areas and to allow development to proceed in a safe manner in lower risk areas. These minimum requirements should be registered against the land title as a covenant at the time of subdivision, and/or should be incorporated into local government bylaws.

The following guidelines include recommended minimum flood plain setbacks and flood construction levels.

Flood plain setbacks are established to keep development away from areas of potential erosion and avoid restricting the flow capacity of the floodway. Keeping the floodway clear of development can reduce the risk of damage to neighbouring properties and reduce disruptions to natural river processes, leading to a more balanced and economical approach to managing flood prone areas. Setbacks are measured from the natural boundary unless otherwise specified.

Flood Construction Levels (FCLs) are used to keep living spaces and areas used for the storage of goods damageable by floodwaters above flood levels. In some locations FCLs have been established. Otherwise FCLs are typically referenced as an elevation above the natural boundary.

In cases where the FCL has been determined, it should be taken into consideration, together with an appropriate setback requirement.

The designated flood, and the designated flood level, are used in determining the FCL.

The designated flood means a flood which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available.

A designated flood level is the observed or calculated water surface elevation for the designated flood and is used to determine the Flood Construction Level.

In the absence of more site-specific studies or information, these guidelines are the recommended provincial minimum requirements for land use management in flood hazard areas.

3.1 Lakes, Ponds, Marsh Areas and Reservoirs

3.1.1 Lakes

Setback –

Buildings, manufactured homes or units, modular homes or structures (referred to as "buildings" in all subsequent clauses) should be setback at least 15 metres from the natural boundary of any lake.

FCL where a designated flood level has been determined –

Areas used for habitation, business, or storage of goods damageable by floodwaters should be constructed within any building at an elevation such that the underside of the floor system thereof is no lower than the designated flood level of the lake plus freeboard allowance.

FCL where a designated flood level has not been determined –

The FCL for lakes over 15 kilometres in length should be 3.0 metres above the natural boundary of the lake, or any pond, backwater, slough, swamp or marsh area affected by the lake.

3.1.2 Small Lakes, Ponds, Swamps and Marsh Areas

Where a lake is less than 15 kilometres in length and where there is no history of severe flooding or concern for shoreline erosion, and for ponds, swamps or marsh areas:

Setback –

Buildings should be setback at least 7.5 metres from the natural boundary of the lake, pond, swamp or marsh.

FCL –

The elevation requirement may be reduced to 1.5 metres above the natural boundary of the lake, pond or adjacent swamp or marsh area.

3.1.3 Bluffs

Setback –

Where the building site is at the top of a steep bluff and where the toe of the bluff is subject to erosion and/or is closer than 15 metres from the natural boundary, the setback should be a horizontal distance equal to 3.0 times the height of the bluff as measured from the toe of the bluff.

For practical application, this setback condition will require site-specific interpretation and could result in the use of a minimum distance measured back from the crest of the bluff. This setback may be reduced provided the reduction is supported by a report prepared by a suitably qualified professional.

3.1.4 Reservoirs

Setback –

The setback requirements regarding lakes, ponds and marsh areas (clauses 3.1.1, 3.1.2 and 3.1.3) should generally apply to reservoirs. Some reservoirs have established 'safe lines' in their operating plans that may be used to establish the setback, or site-specific analysis may be required. For larger reservoirs, specific setbacks are established.

FCL –

For smaller reservoirs, the FCL is either an elevation of 1.5 metres above the crest of the spillway or is 0.6 metres above the crest of the dam, whichever is greater. For larger reservoirs, reservoir specific FCLs are established.

3.2 Watercourses

It should be noted that the natural boundary for watercourses includes the best estimate of the edge of dormant or old side channels (see definition in Appendix A).

3.2.1 Standard requirements for ordinary watercourses

Setback –

Buildings should be setback at least 30 metres from the natural boundary of any watercourse, except as noted in sections 3.2.2 to 3.2.8 below.

Where standard dikes exist, setbacks shall be as noted in section 3.6 of these guidelines. Where non-standard dikes exist, setbacks should be developed in consultation with the Inspector of Dikes in order to provide right-of-way for any future dike improvements and/or access.

FCL where a designated flood level has been determined –

Areas used for habitation, business, or storage of goods damageable by floodwaters should be constructed within any building at an elevation such that the underside of the floor system thereof is no less than the Flood Construction Level.

FCL where a designated flood level has not been determined –

The Flood Construction Level should be no lower than 3.0 metres above the natural boundary of any nearby watercourse, except as allowed in section 3.2.3 and 3.2.4.

3.2.2 Increased Requirements for ordinary watercourses

The requirements for a watercourse may be increased where a watercourse has demonstrated extensive flooding and/ or has significant bank erosion and/or depth of flooding:

Setback–

The setback requirements may be increased to an amount greater than 30 metres.

FCL –

The elevation of areas used for habitation, business, or storage of goods damageable by floodwaters should be established within any building at an elevation greater than 3.0 metres above the natural boundary of the watercourse.

3.2.3 Requirements for Smaller Streams

The requirements for small streams may be reduced where the following conditions exist:

- Sufficient discharge records are available to establish the designated flood and/or the designated flood can be otherwise estimated as less than 80 cubic metres per second, and
- The watercourse has no significant history of flooding and/or bank erosion, and/or
- The watercourse is not located on an alluvial or colluvial fan, and/or
- It is deemed appropriate by an approving officer.

Setback –

The setback requirement may be reduced to 15 metres from the natural boundary of the watercourse provided the floodway is not obstructed.

FCL –

The elevation of areas used for habitation, business, or storage of goods damageable by floodwaters should be established within any building at an elevation greater than 1.5 metres above the natural boundary of the watercourse.

3.2.4 Requirements for Very Small Streams

For streams not meeting the definition of “watercourse” and where there is no history of flooding and/or bank erosion and where the watercourse is not located on an alluvial or colluvial fan, the setback and FCL requirements shall be at the discretion of the approving officer.

3.2.5 Decreased Requirements for ordinary watercourses

Setback and FCL –

The requirements for may be reduced where the following conditions exist:

- Sufficient discharge records are available to establish the designated flood and/or the designated flood can be otherwise estimated as greater than 80 cubic metres per second, and
- The watercourse has no significant history of flooding and/or bank erosion, and/or
- The watercourse is not located on an alluvial or colluvial fan, and/or
- It is deemed appropriate by an approving officer.

~~3.2.6 Downstream of Dams~~

Refer to Amended Section 3.2.6 (please see next page)

~~Setback –~~

~~Dam upgrading or development restrictions may be necessary if a development proposal increases the Land and Water BC (LWBC) hazard consequence classification for low, high and very high consequence dams (other than dams owned and operated by a major utility). The requirements should be determined on a site-specific basis by a professional engineer in consultation with the dam owner and LWBC.~~

~~Clauses 3.2.1 to 3.2.4 should apply downstream of dams rated with a very low consequence classification as determined by LWBC.~~

3.2.7 Culverts and Bridges

Setback –

Use setbacks specified for the size of the watercourse in question.

FCL –

Where, in the opinion of an approving officer, culverts and bridges immediately downstream of a subject property may become obstructed in times of flood and cause ponding upstream of the bridge or culvert, the FCL for the property should be a minimum of 0.3 metres above the crown of the road.

BRITISH COLUMBIA

AMENDMENT

Section 3.2.6 – Flood Hazard Area Land Use Management Guidelines

3.2.6 Downstream of Dams

Dam upgrading and/or development restrictions will be necessary if a development proposal increases the dam's Downstream Consequence Classification per Schedule 1 of the BC Dam Safety Regulation.

The extent of dam upgrading and/or development restrictions shall be determined on a site-specific basis by a qualified professional engineer in consultation with:

- Local government planning and approving officials,
- Ministry of Transportation and Infrastructure development approving officials, if the development occurs in a Regional District,
- Ministry of Forests, Lands, and Natural Resource Operations approving officials, if the development is on Crown Land,
- Dam Safety Officer, and
- Dam owner.

For the locations of all dams regulated by the Ministry of Forests Lands, and Natural Resource Operations (MFLNRO) and information about Dam Safety Officers, please visit the BC Dam Safety Program website (www.env.gov.bc.ca/wsd/public_safety/dam_safety).

For developments downstream of dams not listed on the Dam Safety Program's website (e.g. mining dams - impoundments and diversions, sewage lagoons, etc.), it is the responsibility of local government approving officials to get into contact with the dam owner, responsible provincial agency, and if necessary, a qualified professional engineer to determine the extent of dam upgrading and/or development restrictions.

Clauses 3.2.1 to 3.2.4, regarding building setbacks and flood construction levels for watercourses, shall apply downstream of dams rated with a low consequence classification as determined by the MFLNRO Dam Safety Program.

AMENDED: AUGUST 17, 2011

Where road fills and culverts exist that, if obstructed, may result in significant impoundments and/or serious failure and flooding, consideration should be given to engaging a Professional Engineer to assess the risk and provide site-specific flood protection measures for the downstream property(s).

3.2.8 Meandering and Braided Streams

Setback –

Setback requirements should, at a minimum, meet the requirements noted above for the watercourse size and situation. Where the meandering or braiding is significant, consideration should be given to having the requirements determined on a site-specific basis by a suitably qualified professional.

FCL –

Building levels should be set in accordance with requirements detailed in clauses 3.2.1 through 3.2.7.

3.3 Alluvial Fans

Where possible, development of alluvial fans should be discouraged, and the land should be retained in non-intensive uses such as parks, open-space recreation, and agricultural uses.

3.3.1 Standard Requirements

Consent to develop may be granted by an approving officer:

- Where there is no alternative land available, and
- Where an area of an alluvial fan can be shown to be stable because of hydraulic, physical and/or geological conditions.

This approval should be subject to hazard management and flood proofing requirements determined on a site-specific basis. Such requirements may include but are not limited to:

- Development density regulations,
- The identification of the safe building site(s),
- Building elevation and foundation design requirements,
- The construction of on-site and/or off-site protective works, and
- Land use regulations to prevent the alteration of the terrain and features such as landfills, excavations and the construction of new roads and utilities that would alter the hazard rating for the land.

Where a study of the flooding hazard is not available and the hazard is considered significant, an assessment of the land by a suitably qualified professional should be required.

If consent to develop on an alluvial fan is granted:

Setback –

The setback should be determined in accordance with clauses 3.2.1, 3.2.2 and 3.2.8.

FCL –

Where the hazard is low, the building should be elevated a minimum of 1.0 metres above the general elevation of the surrounding ground on concrete foundation and protected from scour.

3.3.2 Training Works to Protect One Property

Where protective works are to be constructed, an Operations and Maintenance Manual should be prepared, access easements and/or right of ways established and an ongoing maintenance program established prior to final development approval. Works are to be designed by a professional engineer. A professional engineer must certify constructed works. See section 5.7 Training Works.

An ongoing maintenance program may be assured through the addition of relevant requirements to the standard flood proofing covenant specified under section 219 of the *Land Title Act*, if the training works are

- Built on private property, and
- Intended to protect only the property of the person (including a strata corporation) owning the training works and the property on which they are located.

3.3.3 Training Works to Protect Multiple Properties

If the training works, when constructed, will protect multiple properties of more than one person, then an ongoing operation and maintenance program and access to structures must be assured by the local government. Works are to be designed by a professional engineer. A professional engineer must certify constructed works. In addition, the training works require the approval of the Inspector of Dikes and, therefore, that office must be contacted for the requirements and approvals. See section 5.7 Training Works.

Approvals under the provincial *Water Act* and federal *Fisheries Act* are also normally required. Local government may also have other requirements.

3.4 Areas Subject to Debris Flows

Development should be discouraged in areas where local knowledge, experience or studies indicate concern that there may be a debris flow hazard.

3.4.1 Professional Evaluation

Consent to develop may be granted, with standard requirements as established for alluvial fans in section 3.3, where:

- There is no other land available, and
- Where an assessment of the land by a suitably qualified professional indicates that development may occur safely.

See section 5.7 Training Works.

Refer to 2018 Amended Sections 3.5 and 3.6.

~~3.5 The Sea~~

~~It should be noted that the natural boundary for coastal areas includes the natural limit of permanent terrestrial vegetation.~~

~~3.5.1 Strait of Georgia~~

~~3.5.1.1 *Standard Requirements*~~

~~*Setback* –~~

~~Buildings should be setback 15 metres from the natural boundary of the sea.~~

~~Landfill or structural support for a coastal development or type of development shall be permitted a setback of 7.5 metres from the natural boundary of the sea where the sea frontage is protected from erosion by a natural bedrock formation or works designed by a professional engineer and maintained by the owner of the land.~~

~~In the case of subdivision the setback should not be reduced unless each building site is located on non-erodible bedrock or local government assumes the maintenance responsibility for works designed by a professional engineer.~~

~~The setback may be increased on a site-specific basis such as for exposed erodible beaches and/or in areas of known erosion hazard.~~

~~*FCL* –~~

~~The FCL shall be at least 1.5 metres above the natural boundary of the sea, and higher than any Flood Construction Level established for specific coastal areas.~~

Refer to 2018 Amended Sections 3.5 and 3.6.

~~3.5.1.2 *Requirements for Coastal Bluffs*~~

~~*Setback –*~~

~~Where the building site is at the top of a steep coastal bluff and where the toe of the bluff is subject to erosion and/or is closer than 15 metres from the natural boundary of the sea, the setback shall be a horizontal distance equal to 3.0 times the height of the bluff as measured from the toe of the bluff.~~

~~For practical application, this setback condition will require site-specific interpretation and could result in the use of a minimum distance measured back from the crest of the bluff. This setback may be reduced provided the reduction is supported by a report prepared by a suitably qualified professional.~~

~~3.5.1.3 *Requirements for Existing Coastal Lots*~~

~~*Setback –*~~

~~In the case of the existing lots, where the above setback distances prevent construction, and where it is not possible to provide sufficient protection through works designed by a suitably qualified professional, the approving officer may agree to modifying setback requirements to permit construction provided this is augmented through a restrictive covenant stipulating the hazard, building requirements, and liability disclaimer.~~

~~3.5.2 Outside the Strait of Georgia Area~~

~~A subdivision application in tsunami prone areas must include a report by a suitably qualified professional who must formulate safe building conditions for each proposed lot based on a review of a summary report titled “Evaluation of Tsunami Levels Along the British Columbia Coast”, by Seaconsult Marine Research Ltd., dated March 1988. At a minimum, building conditions should protect improvements from damage from a tsunami of equal magnitude to the March 28,1964 tsunami that resulted from the Prince William Sound, Alaska earthquake.~~

~~*Setback –*~~

~~Setback requirements should be established on a site-specific basis and take into account tsunami hazards.~~

~~Setback from the natural boundary of the sea must be sufficient to protect buildings and must be at least 30 metres.~~

~~*FCL –*~~

~~FCL requirements should be established on a site-specific basis and take into account tsunami hazards.~~

~~Reductions to these requirements should only be considered where the building can be built to the FCL on bedrock.~~

Refer to 2018 Amended Sections 3.5 and 3.6.

~~3.6 Areas Protected by Standard Dikes~~

~~Residential, commercial and institutional developments in areas protected by standard dikes are required to comply with full flood proofing requirements for their respective categories.~~

~~*Setback –*~~

~~Buildings should be located a minimum of 7.5 metres away from any structure for flood protection or seepage control or any dike right-of-way used for protection works. In addition, fill for floodproofing should not be placed within 7.5 metres of the inboard toe of any structure for flood protection or seepage control or the inboard side of any dike right-of-way used for protection works.~~

~~Any change to these conditions requires the approval of the Inspector of Dikes.~~

~~*FCL –*~~

~~Buildings and manufactured homes in areas protected by standard dikes should meet minimum FCLs prescribed for the primary stream, lake or sea adjacent to the dike and the FCL requirements for any internal drainage (minimum ponding elevations).~~

~~3.6.1 Secondary sources of flooding~~

~~Where there are secondary sources of flooding within diked areas, the appropriate requirements as set out in Clauses 3.1 through 3.5 should be applied. These should include consideration of minimum ponding elevations behind the dike to protect against internal drainage.~~

AMENDMENT

Section 3.5 and 3.6 – Flood Hazard Area Land Use Management Guidelines

3.5 The Sea

3.5.1 Background and Reference Documents

The content for this Amendment is drawn primarily from, "Climate Change Adaptation Guidelines for Sea Dikes and Coastal Flood Hazard Land Use – Guidelines for Management of Coastal Flood Hazard Land Use", Ausenco Sandwell, report to BC Ministry of Environment, January 27, 2011 (AS (2011b)) and the companion reports, "Sea Dike Guidelines" and "Draft Policy Discussion Paper", also dated January 27, 2011.

These 2011 reports, including terminology, definitions and explanatory figures, supplement this Amendment to the "Flood Hazard Area Land Use Management Guidelines". Definitions for the terms used in this Amendment are provided in Appendix A of AS (2011b). Where there is any inconsistency between the Ausenco Sandwell (2011) reports and this Amendment document, the Amendment document shall govern. These reports are referenced in this Amendment as:

"Draft Policy Discussion Paper" - AS(2011a)
"Guidelines for Management of Coastal Flood Hazard Land Use" - AS (2011b)
"Sea Dike Guidelines" - AS (2011c)

These reports are available on the ministry web page:

http://www.env.gov.bc.ca/wsd/public_safety/flood/fhm-2012/draw_report.html

The definition of and method(s) of determination of Flood Construction Level (FCL) for coastal areas has been modified for the purposes of this Amendment (also see definitions in AS 2011b). The FCL is used to establish the elevation of the underside of a wooden floor system or top of concrete slab for habitable buildings, but does not relate to the crest level of a sea dike.

The management of land use in coastal flood hazards may require flood hazard assessments to be completed by suitably qualified Professional Engineers, experienced in coastal engineering. The standards of practice that these Professionals should follow include those outlined in the most recent revision of the "Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC", first published by the Association of Professional Engineers and Geoscientists of BC (APEGBC) in 2012.

The APEGBC Professional Practice Guidelines describe and provide for use of risk assessment methodologies, however, this Amendment does not consider how risk based approaches might be incorporated into sea level rise area planning, determination of setbacks and FCLs, or long term flood protection strategies. Should local governments, land use managers and approving officers choose to base approval decisions on risk assessments prepared by Professional Engineers, the changes in risk over time due to sea level rise must be fully taken into account.

3.5.2 Design and Planning Time Frame

Requirements for buildings, subdivision, and zoning should allow for sea level rise (SLR) to the year 2100.

Land use adaptation strategies as set out in Official Community Plans (OCPs) and Regional Growth Strategies (RGSs) should allow for sea level rise to the year 2200 and beyond.

3.5.3 Recommended Sea Level Rise Scenario for BC

Allow for Global Sea Level Rise of 0.5 m by 2050, 1.0 m by 2100 and 2.0 m by 2200 relative to the year 2000 as per Figure 1.

Adjust for regional uplift and subsidence using the most recent and best information available. Where no information is available, assume neutral conditions (i.e. no uplift or subsidence).

The scenario in Figure 1 is intended to be reviewed every 10 years or sooner if there is significant new scientific information.

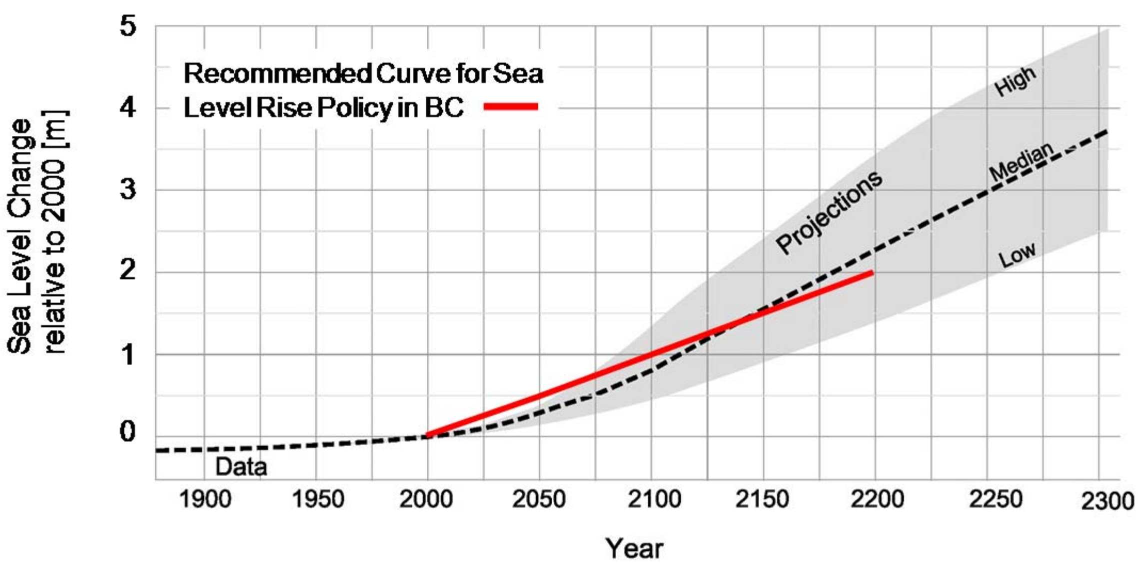

Figure 1. Recommended Global Sea Level Rise Curve for Planning and Design in BC

3.5.4 Sea Level Rise Planning Areas

Local Governments should consider defining SLR Planning Areas and developing land use planning strategies integrating both flood protection (sea dikes) and flood hazard management tools. These areas should include areas exposed to coastal flood hazards, diked areas and inland floodplains adjacent to tidally influenced rivers where potential flood levels will be increased by sea level rise.

As one possible management tool, lands included within SLR Planning areas may be designated by local governments as floodplains under Section 524 of the *Local Government Act* and if land is so designated, local governments may, by bylaw, specify flood levels and setbacks to address sea level rise.

3.5.5 Strait of Georgia - Areas Not Subject to Significant Tsunami Hazard[1]

3.5.5.1 Standard FCLs and Setbacks

The Year 2100 FCL should be established for specific coastal areas by a suitably qualified Professional Engineer, experienced in coastal engineering. This work could be completed as part of regional floodplain mapping, SLR Planning Area studies, or as part of development approval processes. The Year 2100 FCL should be the minimum elevation for the underside of a wooden floor system or top of concrete slab for habitable buildings, and should be determined (see Figure 2) as the sum of:

- The 1:200, or 1:500[2] Annual Exceedance Probability (AEP) total water level as determined by probabilistic analyses[3] of tides and storm surge;
- Allowance for future SLR to the year 2100;
- Allowance for regional uplift, or subsidence to the year 2100;
- Estimated wave effects associated with the Designated Storm with an AEP of 1:200, or 1:500; and
- A minimum freeboard of 0.6 metres.

Alternatively, the Year 2100 FCL can be determined by a more conservative “Combined Method” as described in the Ausenco Sandwell (2011) reports (see Figure 3). Example calculations of FCLs for specific areas in coastal BC are provided in Table 3-2 AS(2011b) where the FCL is determined as the sum of:

- Allowance for future SLR to the year 2100;
- Allowance for regional uplift, or subsidence to the year 2100;
- Higher high water large tide (HHWLT);
- Estimated storm surge for the Designated Storm with an AEP of 1:200, or 1:500 as per Table 6-1 in AS(2011a);
- Estimated wave effects associated with the Designated Storm; and
- A minimum freeboard of 0.3 metres.[4]

[1] Refers to “Zone E” as shown on the “Tsunami Notification Zones for BC” map published by Emergency Management BC, November, 2015 and includes the Strait of Georgia, Gulf Islands, Greater Vancouver, Johnstone Strait but not including the east side of the Saanich Peninsula and Greater Victoria.

[2] While a 1:200 AEP is the minimum provincial standard, local governments may decide to adopt more stringent criteria for heavily populated and built-up areas.

[3] Because of the variation along the BC Coast in the availability of reliable long term water level gauge data and site specific effects including uplift, subsidence and wave effects, the decision on selection of an appropriate methodology to determine the FCL is up to the local government jurisdiction based on recommendations from a suitably qualified Professional Engineer, experienced in coastal engineering. Where studies are required to determine sea dike design levels, the design level analyses and dike design must be reviewed and approved by the Inspector, or Deputy Inspector of Dikes, as part of the *Dike Maintenance Act* approval process.

[4] Given that the “Combined Method” provides conservative values for Year 2100 Designated Flood Levels (because the method assumes the Designated Storm occurs in conjunction with a high tide) the freeboard may be reduced from 0.6 m to 0.3 m for this method for situations where the full FCL may be difficult to achieve.

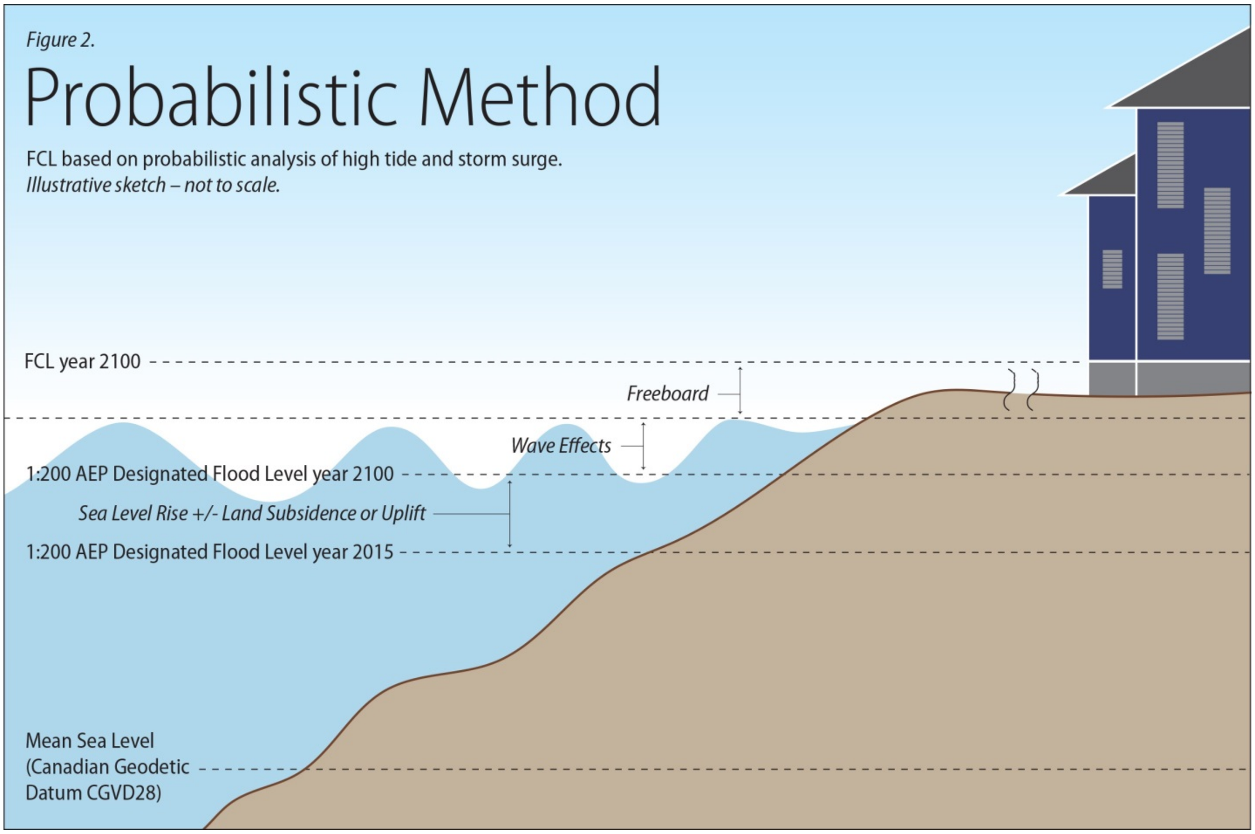
Figure 2.
Probabilistic Method
FCL based on probabilistic analysis of high tide and storm surge.
Illustrative sketch – not to scale.
FCL year 2100
Freeboard
Wave Effects
1:200 AEP Designated Flood Level year 2100
Sea Level Rise +/- Land Subsidence or Uplift
1:200 AEP Designated Flood Level year 2015
Mean Sea Level
(Canadian Geodetic
Datum CGVD28)

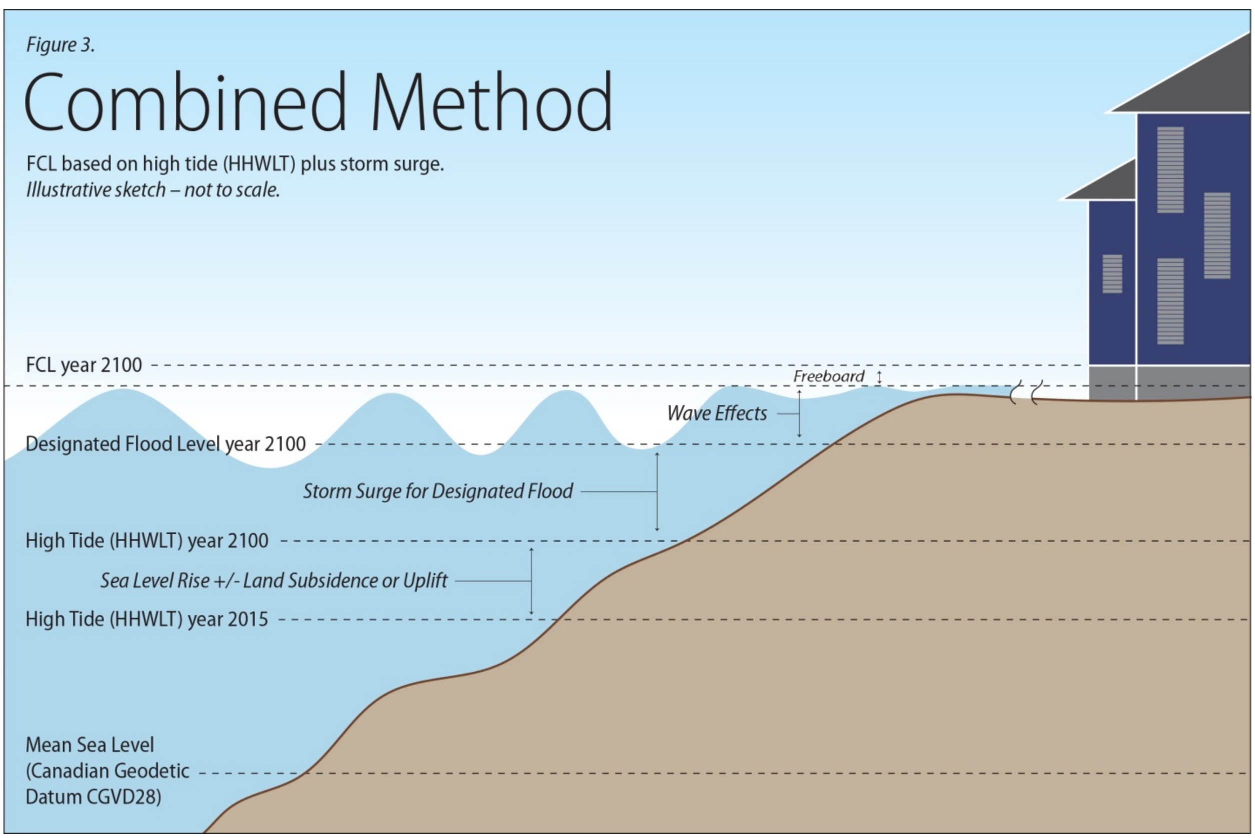
Figure 3.
Combined Method
FCL based on high tide (HHWLT) plus storm surge.
Illustrative sketch – not to scale.
FCL year 2100
Freeboard
Wave Effects
Designated Flood Level year 2100
Storm Surge for Designated Flood
High Tide (HHWLT) year 2100
Sea Level Rise +/- Land Subsidence or Uplift
High Tide (HHWLT) year 2015
Mean Sea Level
(Canadian Geodetic
Datum CGVD28)

The building setback should be at least the greater of 15 m from the future estimated Natural Boundary of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100 FCL (refer to Figure 2-2 in AS (2011b) for a definition sketch – except that the Year 2100 Designated Flood Level and future FCL as shown in this sketch can be determined by either probabilistic analyses, or the “Combined Method”).

Where the sea frontage is protected from erosion by a natural bedrock formation, the development approving official may agree to modify setback requirements as recommended by a suitably qualified Professional Engineer experienced in coastal engineering. The Professional Engineer should fully consider all aspects of the coastal flood hazard associated with Year 2100 water levels including potential wave, debris and related splash impacts on buildings. This approval should be augmented through a restrictive covenant describing the hazard and building requirements, and including the Professional Engineer’s report and a liability disclaimer.

The setback may be increased on a site-specific basis such as for exposed erodible beaches and/or in areas of known erosion hazard.

3.5.5.2 Subdivision

All lots created through subdivision should have viable building sites on natural ground that is above the Year 2100 FCL and comply with the setback guidelines noted above.

To regulate redevelopment at the end of the building lifespan, the development approving officer should require a restrictive covenant stipulating that any future reconstruction must meet the FCL and setbacks requirements in force <u>at the time of redevelopment</u>.

Subdivision may be approved within a Sea Level Rise Planning Area in areas where the natural ground is lower than the Year 2100 FCL where the local government has developed and adopted a long term flood protection strategy completed by a suitably qualified Professional Engineer experienced in coastal engineering and referencing applicable professional practice (APEGBC) and provincial guidelines available at the time. The strategy should incorporate mitigation to address all relevant risks including flood risk due to sea level rise to the year 2200 and beyond[5] and is to be comprised of **both** raising of ground elevations with fill and adequate provisions for future dike protection, including sufficient land and/or rights of way for the future dike (also see Appendix 1).

Subdivision may also be approved in areas where the natural ground is lower than the Year 2100 FCL where all of the following conditions have been met:

- The subdivision development involves a maximum of 2 lots;
- The site is located on the coastal floodplain fringe adjacent to high ground;
- The building site ground elevations have been raised to the Year 2100 FCL and the fill extends to and is contiguous with natural ground above the Year 2100 FCL;

[5] The long term flood protection strategy should be reviewed and updated as necessary every 10 years, or as a change to an OCP or RGS warrants. Updates should continue to consider flood risks a minimum of 100 years in the future.

- The fill is adequately protected from the sea by erosion protection works, with consideration of wave impacts associated with Year 2100 sea levels;
- The building setbacks comply with the setback guidelines noted above;
- A suitably qualified Professional Engineer, with experience in coastal engineering has prepared a detailed design for the fill and erosion protection works including a report considering all of the above and has concluded that the site may be suitable for the use intended;
- The Professional Engineers’ report forms part of the restrictive covenant registered on the title of each lot; and
- The restrictive covenant registered on title stipulates that the landowners are responsible for maintenance of the erosion protection works on their own land.

3.5.5.3 Development on Existing Lots

Standard setbacks and elevations apply. To regulate redevelopment at the end of the building lifespan, the development approving official should require a restrictive covenant stipulating that any future reconstruction must meet the FCL and setbacks requirements in force <u>at the time of redevelopment</u>.

On existing lots, if meeting the setback guidelines noted above would sterilize the lot (i.e., not allow even one of the land uses or structures permitted under the current zoning), the development approving official may agree to modify setback requirements as recommended by a suitably qualified Professional Engineer experienced in coastal engineering, provided that this is augmented through a restrictive covenant stipulating the hazard, building requirements, and liability disclaimer.

The Year 2100 FCL requirements would still apply to new habitable building construction.

3.5.5.4 Lots with Coastal Bluffs

For lots containing coastal bluffs that are steeper than 3(H):1(V) and susceptible to erosion from the sea, setbacks should be determined as follows:

1. If the future estimated Natural Boundary is located at least 15 m seaward of the toe of the bluff, then no action is required and the setback should conform with other guidelines that adequately address terrestrial cliff and slope stability hazards.
2. If the future estimated Natural Boundary is located 15m or less seaward of the toe of the bluff, then the setback from the future estimated Natural Boundary should be located at a horizontal distance of at least 3 times the height of the bluff, measured from 15 m landwards from the location of the future estimated Natural Boundary.

In some conditions, setbacks may require site-specific interpretation and could result in the use of a minimum distance measured back from the crest of the bluff. The setback may be modified provided the modification is supported by a report, giving consideration to the coastal erosion that may occur over the life of the project, prepared by a suitably qualified Professional Engineer experienced in coastal engineering.

3.5.6 Outside the Strait of Georgia Area - Areas Subject to Significant Tsunami Hazard[6]

Tsunami setbacks and elevations should be required for new lots created through the subdivision approval process. Tsunami hazard requirements and regulations for existing lots may be determined by local governments on a site specific or regional basis.

The “standard” setbacks and elevations in sections 3.5.5.1 to 3.5.5.4 above apply to all coastal areas outside of the Strait of Georgia, except for new subdivisions subject to significant tsunami hazards, in which case the tsunami setbacks and elevations shall apply. Where the tsunami hazard is low, the greater FCLs and setbacks shall apply.

A subdivision application in a tsunami prone area must include a report by a suitably qualified Professional Engineer, experienced in coastal engineering who must formulate safe building conditions for each proposed lot based on a review of recent Tsunami hazard literature including the report, “Modelling of Potential Tsunami Inundation Limits and Run-Up”, by AECOM for the Capital Regional District, dated June 14, 2013, plus the historical report, “Evaluation of Tsunami Levels Along the British Columbia Coast”, by Seaconsult Marine Research Ltd., dated March 1988.

At a minimum, building conditions should protect improvements from damage from a tsunami of equal magnitude to the March 28, 1964 tsunami that resulted from the Prince William Sound, Alaska earthquake and a possible Cascadia Subduction Zone earthquake.

Setback –
Setback requirements should be established on a site-specific basis and take into account tsunami hazards.

The setback must be sufficient to protect buildings and must be at least 30 metres from the Year 2100 estimated natural boundary.

FCL –
FCL requirements should be established on a site-specific basis and take into account tsunami hazards.

Reductions to these requirements should only be considered where the building can be built to the Tsunami FCL on bedrock.

3.6 Areas Protected by Dikes

Residential, commercial and institutional developments in areas protected by dikes are required to comply with full flood proofing requirements for their respective categories, with a possible exception for development within Sea Level Rise Planning Areas as noted below.

Setback –
Buildings should be located a minimum of 7.5 metres away from any structure for flood protection or seepage control or any dike right-of-way used for protection works. In addition, fill

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[6] Refers to “Zones A, B,C and D” as shown on the “Tsunami Notification Zones for BC” map published by Emergency Management BC, November, 2015 and includes the North Coast, Central Coast, and Juan de Fuca Strait including Greater Victoria and the east side of the Saanich Peninsula.

for floodproofing should not be placed within 7.5 metres of the inboard toe of any structure for flood protection or seepage control or the inboard side of any dike right of-way used for protection works, unless approved by the Inspector of Dikes as part of a dike upgrading plan.

Additional dike right of way and building set back requirements should be defined for Sea Level Rise Planning Areas to accommodate the widening and raising of dikes for sea level rise.

Any change to these conditions requires the approval of the Inspector of Dikes.

FCL –
Buildings and manufactured homes in areas protected by dikes should meet minimum FCLs prescribed for the primary stream, lake or sea adjacent to the dike and the FCL requirements for any internal drainage (minimum ponding elevations). FCLs for diked coastal areas may also be determined through a comprehensive, site-specific dike breach modeling study, completed by a suitably qualified Professional Engineer, and based on a minimum 1:200 AEP sea water level in the Year 2100, inclusion of a minimum 0.6 m freeboard above modelled water levels and conservative modelling assumptions.

Relaxation of FCL requirements for new development in coastal areas protected by dikes may be appropriate for Sea Level Rise Planning Areas where the local government has developed and adopted a long term flood protection strategy completed by a suitably qualified Professional Engineer experienced in coastal engineering and referencing applicable professional practice (APEGBC) and provincial guidelines available at the time (see Appendix 1). This relaxation should be augmented through a restrictive covenant stipulating the hazard and protection strategy, building requirements, and liability disclaimer.

3.6.1 Secondary sources of flooding

Where there are secondary sources of flooding within diked areas, the appropriate requirements as set out in Clauses 3.1 through 3.5 should be applied. These should include consideration of minimum ponding elevations behind the dike to protect against internal drainage.

Amended: October 1, 2016

APPENDIX 1 – LONG TERM FLOOD PROTECTION STRATEGY

Section 3.6 states that “Relaxation of FCL requirements for new development in coastal areas protected by dikes may be appropriate for Sea Level Rise Planning Areas where the local government has developed and adopted a long term flood protection strategy completed by a suitably qualified Professional Engineer experienced in coastal engineering and referencing applicable professional practice (APEGBC) and provincial guidelines available at the time.” Similarly section 3.5.2 provides for subdivision approvals in low lying coastal floodplain areas where the local government has developed a long term flood protection strategy. This appendix outlines the steps involved in developing a long-term flood protection strategy and the issues that should be addressed at the various stages of development of the strategy.

1. General

- Relaxation of FCL requirements for new development in the protected area and intensification of development through subdivision of land has significant long term implications. The future reliance on the sea dikes and consequences of dike failure will increase as development occurs and sea level rises. Therefore, the extent of work required to establish a successful long term dike upgrading program is demanding and costly. This approach should only be undertaken where the extent of community development in the floodplain justifies the high cost and level of effort.
- While additional site specific factors and flood hazards may be relevant for specific areas, the criteria and work outlined herein must generally be completed to justify relaxation of requirements.

2. Feasibility Study

The objective of the feasibility study is to help select a conceptual design option or options and to support a decision to proceed with preliminary design for Phase 1. The feasibility study should include the following steps:

- Collect background data and assess information needs including:
    - Wind and wave
    - Geotechnical (including seismic)
    - Land ownership/rights of way
    - Long term subsidence information for the site/area
    - Environmental
    - Proximity and availability of construction materials
- Review regulations and permits required
- Define design parameters
    - Dike safety standards and guidelines
    - Decision on minimum Annual Exceedance Probability (AEP) of design water level
    - Sea level rise scenario(s) and planning horizons (i.e. year 2100 and 2200) based on the Recommended Sea Level Rise Planning Curve presented in Figure 1.
- Develop options and complete conceptual designs. Design options may include:
    - Offshore breakwater, erosion protection and various overtopping designs

  - Wide landfills (i.e."superdike"concept)
  - Conventional earth dike (minimal use of floodwall closure sections)
  - Sea barrier/tide gate
  - other
- Assess adaptability of option for very long term upgrading (i.e. year 2200)
- Assess environmental impact of options
- Assess social impact of options
- Develop cost estimates
- Develop recommendations for detailed engineering and environmental studies
- Prepare draft report
- Define key stakeholders and engage to get feedback
- Complete public consultation process
- Compare alternatives with respect to cost/ social acceptance/environment
- Develop draft short term and long term implementation plans
- Prepare final report
- Present to local government council/board and funding agencies (Province) for approval in principle

3. Preliminary Design for Phase 1

Preliminary design for a Phase 1 of the flood protection program is required to support funding commitments.[7] The Phase 1 project scope would typically include at least 25% of the dike upgrading work required to meet the year 2100 flood protection requirements.

- Complete detailed engineering studies as recommended by the feasibility study (such as geotechnical, land acquisition, environmental etc.):
- Phasing should be planned so that the minimum design AEP is maintained or exceeded at all times, considering up to date SLR curve information.
- Complete preliminary design for Phase 1
- Prepare detailed cost estimates to support funding commitments by both local and senior governments
- Before any design work is initiated, local governments are encouraged to contact the regional Deputy Inspector of Dikes to discuss proposed design projects.

4. Long Term Flood Protection Strategy

- Outline construction phasing plan – while work can proceed incrementally, preliminary designs and major components (i.e. land assembly) should be completed in no more than 4 phases by 2100. (As previously noted, phasing should be planned so that the

[7] Where subdivision development is being contemplated in areas where the natural ground is lower than the Year 2100 FCL, the long term flood protection strategy is to be comprised of both raising of ground elevations with fill and adequate provisions for future dike protection. Phasing of land filling and dike construction would be established on a site specific basis.

minimum design AEP is maintained or exceeded at all times, considering up to date SLR curve information.)

- Land Ownership and Legal Access – confirm detailed plans to acquire lands for at least Phase 1 as a minimum, and a strategy to acquire lands for Phases 2, 3 and 4 (if needed).
- Dike Operation and Maintenance – prepare detailed operation and maintenance plan.
- *Dike Maintenance Act* (DMA) Approval for Phase 1 – apply for and obtain approval from the regional Deputy Inspector of Dikes
- Financial Plan – confirm funding approval in place for Phase 1 through established cost share programs. Confirm political commitment by both local and senior governments to long term support for the Flood Protection Strategy.

5. Governance

Local governments may wish to establish appropriate governance or committees to provide direction, technical input, and public consultation throughout the process. The province may participate in an advisory capacity, providing guidance and information on provincial policies, standards, regulations and design criteria. The province’s participation does not guarantee approval of applications required under the *Dike Maintenance Act*. Applications will be assessed on their own merit and the decision maker will consider the application within the context of the long term strategy.

4.0 Application - Land Use Specific

Where relevant flood plain mapping information and other flood hazard-related information (such as covenants, bylaws, flood hazard maps and engineering reports) exist, they must be considered. Where the province has provided local governments with written documents and/or agreements approving floodproofing conditions that are different from these guidelines, such approved floodproofing conditions are acceptable and are incorporated as part of these Guidelines for the area referenced in those documents.

Where such information is not available, the following minimum requirements should be considered to guide development away from high hazard areas and to allow development to proceed in a safe manner. These minimum requirements should be placed in the form of a covenant against land titles at the time of subdivision, and/or should be incorporated into local government bylaws.

4.1 Agriculture

4.1.1 Farm Dwellings

Whether or not the area is diked, the following guidelines apply.

Setback –

Setback requirements, based on hazard type as identified in section 3.0, shall apply.

FCL –

Farm dwelling units on parcel sizes 8.0 hectares, or greater, located within the Agricultural Land Reserve, shall be located with the underside of a wooden floor system or the top of the pad of any habitable area (or in the case of a manufactured home the top of pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building.

4.1.1.1 *Where required flood proofing is impractical*

When establishing conditions for areas within the Agricultural Land Reserve, where required flood proofing is impractical (i.e., greater than 2.5 metres elevation) and where protection is provided by standard dikes, owners of existing parcels of land may be given the option of adopting full flood proofing or adopting an elevation which will provide protection against drainage problems associated with storm conditions (minimum ponding elevation). In return owners must agree to a waiver of financial assistance in the case of flood damage to be registered as a covenant against the land title.

Subdivision in areas of flooding depth greater than 2.5 metres requires that the applicant demonstrate how full flood proofing can be achieved. Agricultural Land Reserve lands which are subdivided under Homesite Severance may be required to have a small parcel less than 8.0 hectares. When such subdivision occurs, each lot created is subject to these guidelines including the remainder.

4.1.2 Livestock Housing

Setback –

Setback requirements, based on hazard type as identified in section 3.0, shall apply.

FCL --

Open-sided livestock structures do not require flood proofing by elevation.

Close-sided livestock buildings behind standard dikes do not require flood proofing by elevation.

Closed-sided livestock housing not behind standard dikes shall be located with the underside of the wooden floor system or the top of the pad (or in the case of a manufactured home the top of pad or the ground surface on which it is located) no lower than 1.0 metre above the natural ground elevation taken at any point on the perimeter of the building.

4.1.3 Other Farm Buildings

Setback –

Setback requirements, based on hazard type as identified in section 3.0, shall apply.

FCL –

Flood proofing by elevation is left to discretion of the owner.

4.2 Public Recreation, Institutional Buildings, Parks and Open Space

Setback –

Setback requirements, based on hazard type as identified in section 3.0, shall apply to all structures in this category.

FCL –

Institutional and closed-sided recreational buildings and/or equipment damageable by floodwaters require full flood proofing.

Recreation shelters, stands, campsite washhouses and other outdoor facilities susceptible to only marginal damage by floodwaters do not require flood proofing by elevation.

4.3 Industrial Areas

Setback –

Setback requirements, based on hazard type as identified in section 3.0, shall apply.

Industrial buildings may be granted special relief from this requirement. Setback requirements for certain industrial activities, such as on-loading and off-loading facilities, where the use of the waterfront is a necessary subsidiary part of the operation and would not adversely affect a floodway or significantly increase flood elevations, may be reduced.

FCL –

Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the pad (or in the case of a manufactured home the top of pad or the ground surface on which it is located) no lower than the FCL minus freeboard. Main electrical switchgear shall be no lower than the FCL.

Elevations noted in guidelines should be used for the installation of fixed equipment susceptible to damage by floodwaters. An exception may be made if a suitably qualified professional determines that appropriate measures can be and are taken to provide protection against damage by flooding and erosion. The approving officer reviewing a proposed subdivision plan must approve this exception.

On-loading and off-loading facilities associated with water-oriented industry and portable sawmills do not require floodproofing. Heavy industrial development located behind a standard dike does not require floodproofing.

4.4 Fish Farms

Setback and FCL –

All facilities should meet setback conditions and be flood proofed to the FCL. Where standard dikes protect fish farm facilities, flood proofing is only required relative to any secondary flooding hazard.

4.5 Ancillary Buildings, Carports, Garages, Entryways and Renovations to Existing Buildings

FCL –

Requirements for flood proofing through the use of elevation may be waived for:

- A renovation of an existing building or structure that does not involve an addition,
- That portion of a building or structure that is to be used as a carport, garage or entryway,
- Other minor buildings such as storage buildings, porches and domestic greenhouses.

4.6 Additions to Existing Buildings

Where a building or structure is legally non-conforming with the floodproofing requirements set out in any pertinent bylaw or covenant, it is acceptable to allow an addition, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25 percent of the floor area existing at the time of enactment of such floodproofing requirements, provided that the degree of nonconformity regarding setback is not increased.

4.7 Lots Existing Prior to Bylaw Adoption

Where a lot existed prior to the date of adoption of a bylaw, and is protected by a standard dike, and where the difference between the Flood Construction Level and the ground elevation exceeds 2.5 metres, and where the owner has entered into a restrictive covenant with the local government [This covenant should be drawn up by the local government legal advisor], a building may be constructed, reconstructed, moved or extended and a manufactured home or unit, modular home or structure may be located with the underside of the floor system of any area used for habitation, business or storage of goods damageable by floodwaters to a minimum elevation of two point five (2.5) metres above the average ground elevation in the vicinity of the building site nor less than the minimum ponding elevation established for local drainage behind the dike, which ever elevation is higher.

> *Note: The actual required building elevation referenced to geodetic datum will therefore vary from site to site, depending on ground elevation.*

5.0 Application - Implementation Measures

In addition to the requirements set out in sections 3.0 and 4.0, the following general conditions should apply and be included in a subdivision covenant or local authority bylaw, where applicable.

5.1 Manufactured Homes or Units

Setback –

Setback requirements, based on hazard type as identified in section 3.0, shall apply.

FCL –

Manufactured homes or units should be located on a natural ground surface or on the top of a concrete or asphalt pad that is at or above the Flood Construction Level. An exception may be made where a manufactured home or unit is located on, and secured to, a poured-in-place concrete perimeter footing, in which case the FCL shall apply to the top of the footing wall.

5.2 Furnaces, Electrical and Other Fixed Equipment

FCL –

Areas below the FCL should not used for the installation of furnaces, major electrical switchgear, or other fixed equipment susceptible to damage by floodwater.

An exception to this guideline is where standard dikes provide building protection. In these cases furnaces and hot water heaters are permitted below the FCL, but main electrical switchgear should be placed above the FCL.

5.3 Parking

Setback–

Setback requirements, based on hazard type as identified in section 3.0, shall apply.

FCL –

As vehicles can be moved to higher ground, floodproofing may not be necessary to prevent damage from floodwater for parking areas, including enclosed underground parking areas, except that, in the case of an enclosed underground parking area, an unobstructed means of pedestrian ingress and egress must be provided above the FCL. In addition, signs must be posted at all points of entry notifying users that the parking garage is not protected from inundation by floodwaters.

5.4 Elevation by Landfill

Where landfill is used to raise the natural ground elevation, it should be adequately compacted and the toe of the landfill slope should be no closer to the natural boundary than the prescribed setback. In addition, the face of the landfill slope should be adequately protected against erosion from flood flows, wave action, ice or other debris.

The fill must not adversely impact neighbouring properties by increasing the surface water elevation or directing flows toward those properties.

5.5 Depth of Flooding

Subdivision in areas of flooding depth greater than 2.5 metres requires that the applicant demonstrate how full flood proofing can be achieved and how safe ingress and egress can be achieved during the flood.

5.6 Flood Velocities

Subdivision in areas where flood velocities are in excess of 1.0 metre per second requires that the applicant demonstrate how safe ingress and egress can be achieved during the flood.

5.7 Training Works

An approving officer should require details of the design, construction, operation and maintenance of training works prior to final approval of a subdivision. Works are to be designed by a professional engineer. A professional engineer must certify constructed works.

5.7.1 Training Works to Protect One Property

An ongoing maintenance program may be assured through the addition of relevant requirements to the standard flood proofing covenant registered under section 219 of the *Land Title Act,* if the training works are:

- Built on private property, and
- Intended to protect only the property of the person (including a strata corporation) owning the training works and the property on which they are located.

5.7.2 Training Works to Protect Multiple Properties

If the training works, when constructed, will protect multiple properties of more than one person, then an ongoing operation and maintenance program and registered easements and access to structures must be assured by the local government. In addition, the training works require the approval of the Inspector of Dikes and, therefore, that office must be contacted for the requirements and approvals.

Approvals under the provincial *Water Act* and federal *Fisheries Act* are also normally required. Local government may also have other requirements.

An approved Operation and Maintenance manual for the local government is to be prepared as a condition of subdivision approval and a copy is to be sent to the Inspector of Dikes.

5.8 Erosion Protection Works

Where erosion protection works are required, an approving officer should require details of the design, construction, operation and maintenance of erosion protection works prior to final approval of a subdivision or a relaxation of the requirements in a covenant. Works are to be designed by a professional engineer. A professional engineer must certify constructed works.

5.8.1 Erosion Protection Works to Protect One Property

An ongoing maintenance program may be assured through the addition of relevant requirements to the standard flood proofing covenant registered under section 219 of the *Land Title Act,* if the erosion protection works are:

- Built on private property, and
- Intended to protect only the property of the person (including a strata corporation) owning the erosion protection works and the property on which they are located.

5.8.2 Erosion Protection Works to Protect Multiple Properties

If the erosion protection works, when constructed, will protect multiple properties of more than one person, then an ongoing operation and maintenance program and registered easements and access to structures must be assured by the local government.

Approvals under the provincial *Water Act* and federal *Fisheries Act* are also normally required. Local government may also have other requirements.

An approved Operation and Maintenance manual for the local government is to be prepared as a condition of approval.

APPENDIX A - Definitions

Alluvial Fan - The alluvial deposit of a stream where the stream issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.

Approving Officer - The appropriate person appointed under the *Land Title Act.*

Commercial Use - A use providing for the sale or rental of goods or services, for personal services, or for the servicing and repair of goods; and includes retail sales, wholesaling in conjunction with retail sales, commercial and government offices, personal services, commercial schools, household services and household repairs.

Debris Flow - The rapid downslope movement descending steep pre-existing drainage channels of water-saturated soil and debris by true flow processes.

Designated Flood - A flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large watercourse is controlled by a major dam, the designated flood shall be set on a site-specific basis.

Designated Flood Level - The observed or calculated elevation for the Designated Flood and is used in the calculation of the Flood Construction Level.

Disposition - Disposition of Crown land by certificate of purchase, grant, lease, licence of occupation, right-of-way, or easement under the *Land Act*.

Flood Construction Level - The Designated Flood Level plus the allowance for freeboard and is used to establish the elevation of the underside of a wooden floor system or top of concrete slab for habitable buildings. In the case of a manufactured home, the ground level or top of concrete or asphalt pad, on which it is located shall be equal to or higher than the above described elevation. It also establishes the minimum crest level of a Standard Dike. Where the Designated Flood level cannot be determined or where there are overriding factors, an assessed height above the natural boundary of the water-body or above the natural ground elevation may be used.

Flood plain - A lowland area, whether diked, flood proofed, or not which, by reasons of land elevation, is susceptible to flooding from an adjoining watercourse, ocean, lake or other body of water and for administration purposes is taken to be that area submerged by the Designated Flood plus freeboard.

Flood proofing - The alteration of land or structures either physically or in use to reduce flood damage and includes the use of building setbacks from water bodies to maintain a floodway and to allow for potential erosion. Flood proofing may be achieved by all or a combination of the following:

1. building on fill, provided such fill does not interfere with flood flows of the watercourse, and is adequately protected against floodwater erosion;
2. building raised by structural means such as foundation walls, columns, etc.;
3. a combination of fill and structural means.

Floodway - The channel of the watercourse and those portions of the flood plains that are reasonably required to discharge the flood flow of a Designated Flood. A minimum required floodway shall be equal to the width of the channel within the natural boundary plus a minimum setback of thirty metres from the natural boundary on each side of the channel or channels unless otherwise approved.

Freeboard – A vertical distance added to the Designated Flood Level. Used to establish the Flood Construction Level.

Habitable Area - Any room or space within a building or structure that is or can be used for human occupancy, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded.

Heavy Industry - Includes such uses as manufacturing or processing of wood and paper products, metal, heavy electrical, non-metallic mineral products, petroleum and coal products, industrial chemicals and by-products, and allied products.

Inspector of Dikes - An official of the Ministry of Water, Land and Air Protection as defined under the *Dike Maintenance Act*, RSBC 1996, chapter 95.

Institutional Use - A use providing for public functions and includes federal, provincial, regional and municipal offices, schools, churches, colleges, hospitals, community centres, libraries, museums, jails, courts of law and similar facilities; and specifically excludes public storage and works yards, and public utility uses.

Light or Service Industry - Includes such uses as assembly, fabrication and light manufacturing, warehousing, wholesaling and food processing.

Manufactured Home - A structure manufactured as a unit, intended to be occupied in a place other than at its manufacture, and designed as a dwelling unit, and includes mobile homes, and specifically excludes Recreation Vehicles.

Minimum Ponding Elevation - A minimum construction level assigned to reduce possible flood damage due to ponding of local drainage during a severe local storm.

Natural Boundary - The visible high watermark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself (*Land Act,* section 1). For coastal areas, the natural boundary shall include the natural limit of permanent terrestrial vegetation. In addition, the natural boundary includes the best estimate of the edge of dormant or old side channels and marsh areas.

Non-conforming - Any existing building located on flood prone land that does not meet flood proofing requirements set out in any pertinent bylaw, regulation or covenant.

Pad – A paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a manufactured home or unit.

Professional Engineer - A person who is registered or licensed under the provisions of the Engineers and Geoscientists Act, RSBC 1996, chapter 116.

Recreation Use - A use providing for indoor or outdoor recreation and includes parks, playgrounds, and sports facilities.

Recreation Vehicle - Any structure, trailer or vehicle used or designed to be used for living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled.

Setback – A withdrawal of a building or landfill from the natural boundary or other reference line to maintain a floodway and to allow for potential land erosion.

Standard Dikes - Those dikes built to a minimum crest elevation equal to the Flood Construction Level and meeting standards of design and construction approved by the Ministry of Water, Land and Air Protection and maintained by an ongoing authority such as a local government body.

Training Works - Any wall, dike or protective structure used to prevent a stream from leaving its channel at a given location. This includes any debris flow training structures including basins, trash racks, or other works.

Tsunami - A sea wave generated by tectonic or volcanic activity.

Watercourse - Any natural or man-made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

APPENDIX B - Standard Forms

Form 1	Official Community Plan Policies
Form 2	Standard Bylaw Format
Form 3	Section 219 Covenant including Priority Agreement and Affidavit for Witness Form for Approval within Organized Municipality
Form 4	Section 219 Covenant including Priority Agreement and Affidavit for Witness Form for Area where Approval Authority is Ministry of Transportation and Highways
Form 5	Subdivision Approval Format
Form 6	Bare Land Strata Approval
Form 7	Subdivision – Refusal to Consent
Form 8	Modification of Covenant (to be used where covenant conditions are changed)
Form 9	Lease – Disposition Referral Form
Form 10	Lot Line Adjustment

OFFICIAL COMMUNITY PLAN POLICIES

Version Date: ___________________

The goals of the provincial Flood Hazard Area Land Use Management Guidelines are:

i) to protect against the loss of life; and

ii) to minimize property damage, injury and trauma associated with flooding events.

These goals are reflected in the relevant Provincial statutes concerning land use and subdivision.

In preparing this plan the establishment of land use intensities and designations for flood prone lands should be cognizant of the flooding susceptibility and the degree of flood risk. Agriculture, parks and open-space recreation are land uses which are considered appropriate for flood prone lands as the threat to life and property is low. Other designated uses for new development should be based on the degree of flood risk with residential use being the least acceptable in unprotected flood prone areas. In particular, multi-family residential and manufactured home uses should be avoided. Where development is presently located in floodplains or current zoning permits new development, future construction in such areas should be floodproofed.

It is requested that the following policy statement be included in that section of the plan concerning hazardous lands:

"To protect against the loss of life and to minimize property damage associated with flooding events the Regional Board or Council encourages agricultural, park and open-space recreational uses of flood susceptible lands. Where floodable lands are required for development, the construction and siting of buildings and manufactured homes to be used for habitation, business or the storage of goods damageable by floodwaters shall be floodproofed to those standards specified by the Ministry of Water, Land and Air Protection."

Lands which are known to be floodable should be adequately described in the text of the plan and shown on a hazard schedule. As additional lands within this plan area, which would not be identified on this hazard schedule, may also subject to flooding and other geological hazards the following note should be displayed on this hazard schedule:

"Note: Boundary lines depicting flood prone lands are approximate only. Additional lands subject to flooding and erosion which may be present have not been identified on this map."

STANDARD FORMAT
FLOODPROOFING REQUIREMENTS IN BYLAWS PURSUANT TO SECTION 910 OF THE LOCAL GOVERNMENT ACT
AND DESIGNATION ORDERS

Version Date: ___________

"Pursuant to Section 910(1) of the *Local Government Act*, areas of the ___**local authority**___ designated as floodplain are as follows:

(1) The floodplain of the ___**watercourse**___ in the vicinity of the ___**local authority**___ as shown on Drawing No. ________, Sheets ___ to ___.

(2) Designation of all other floodplain areas of the ___**local authority**___ are described by the following provisions (except where the Flood Construction Level has been determined in response to a site-specific situation) until such time as floodplain mapping is prepared."

The following are the suggested definitions and flood control provisions for inclusion:

"[Note: The purpose of these conditions is to reduce the risk of injury, loss of life, and property damage due to flooding and erosion However, the ___**local authority**___ does not represent to the owner or any other person that any building constructed or manufactured home or unit located in accordance with the following conditions will not be damaged by flooding or erosion.]

1. Definitions

For the purpose of this section the following definitions shall apply:

Alluvial Fan means the alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.

Designated Flood means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large watercourse is controlled by a major dam, the designated flood shall be set on a site specific basis.

Designated Flood Level means the observed or calculated elevation for the Designated Flood and is used in the calculation of the Flood Construction Level.

Flood Construction Level means the Designated Flood Level plus the allowance for freeboard and is used to establish the elevation of the underside of a wooden floor system or top of a concrete slab for habitable buildings. In the case of a manufactured home, the ground level or top of a concrete or asphalt pad, on which it is located shall be no lower than the above-described elevation. It also establishes the minimum crest level of a Standard Dike. Where the Designated Flood Level cannot be determined or where there are overriding factors, an assessed height above the natural boundary of the water body or above the natural ground elevation may be used.

Floodproofing means the alteration of land or structures either physically or in use to reduce or eliminate flood damage and includes the use of elevation and /or building setbacks from water bodies to maintain a floodway and to allow for potential erosion.

Freeboard means a vertical distance added to the Designated Flood Level and is used to establish the Flood Construction Level.

Habitable Area means any room or space within a building or structure which is or can be used for human occupancy, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded.

Heavy Industry includes such uses as manufacturing or processing of wood and paper products, metal, heavy electrical, non-metallic mineral products, petroleum and coal products, industrial chemicals and by-products, and allied products.

Light or Service Industry includes such uses as assembly, fabricating, light manufacturing, warehousing, wholesaling and food processing.

Manufactured Home means a structure manufactured as a unit, intended to be occupied in a place other than at its manufacturer, and designed as a dwelling unit, and includes mobile homes, and specifically excludes recreation vehicles.

… 3

Natural Boundary means the visible high watermark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself (Land Act, Section 1). In addition, the natural boundary includes the best estimate of the edge of dormant or old side channels and marsh areas.

Pad means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a manufactured home or unit.

Setback means a withdrawal of a building or landfill from the natural boundary or other reference line to maintain a floodway and to allow for potential land erosion.

Standard Dikes means those built to a minimum crest elevation equal to the Flood Construction Level and meeting standards of design and construction approved by the Ministry of Water, Land and Air Protection and maintained by an ongoing authority such as a local government body.

Watercourse means any natural or man made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

2. Setback Requirements

Pursuant to section 910 (4) of the *Local Government Act*, no landfill or structural support required to support a floor system or pad, shall be constructed, reconstructed, moved, extended or located:

within ____________________ metres of the natural boundary of the sea, a lake, a swamp, pond or any structure for flood protection or seepage control or of any dike right-of-way;

within ____________________ metres of the natural boundary of ____________;

within ____________________ metres of the natural boundary of any other watercourse.

3. Elevation Requirements

a. Pursuant to section 910 (4) of the *Local Government Act*, no building, manufactured home or unit, modular home or structure or any part thereof shall be constructed, reconstructed, moved, extended or located with the underside of a wooden floor system or top of a concrete slab of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a manufactured home or unit the ground level or top of the concrete or asphalt pad on which it is located:

lower than elevation _______________ metres Geodetic Survey of Canada datum for locations adjacent to ________________________ Lake;

lower than the Flood Construction Level for the _______________________ where it has been determined, or where it has not been determined or a site-specific Flood Construction Level has not been determined;

nor lower than ______________ metres above the natural boundary of ________________________;

nor lower than ______________ metres above the natural boundary of the sea, a lake, swamp or pond;

nor lower than ______________ metres above the natural boundary of any other watercourse.

b. The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building is to be constructed or manufactured home or unit located, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater.

c. Where landfill is used to achieve the required elevation stated in Clause 3.a. above, no portion of the landfill slope shall be closer than the distances in Clause 2 from the natural boundary, or the inboard toe of any structure for flood protection or seepage control, or the inboard side of any dike right-of-way, and the face of the landfill slope shall be adequately protected against erosion from flood flows, wave action, ice or other debris.

d. Foundations of construction in alluvial fan areas shall be designed by a Professional Engineer to ensure that structures are anchored to minimize the impact of flood, sediment and erosion damage; footings are extended below scour depth, or fill materials are armoured where elevation is achieved by fill, to protect against scour, erosion and flood flows.

4. Other Requirements

Clause 3 shall not apply to:

a. a renovation of an existing building or structure that does not involve an addition thereto; or an addition to a building or structure that would increase the size of the building or structure by less than 25 percent of the floor area existing at the date of adoption of Bylaw No. _______________ (first bylaw containing floodproofing conditions);

b. that portion of a building or structure to be used as a carport or garage;

c. farm buildings other than dwelling units and closed-sided livestock housing. Farm dwelling units on parcel sizes 8.0 hectares or greater and within the Agricultural Land Reserve are exempted from the requirements of Clause 3.a. but if in a floodable area shall be elevated one (1) metre above the natural ground elevation. Closed-sided livestock housing behind Standard Dykes as approved by the Inspector of Dikes is exempted from the requirement to floodproof but if not behind Standard Dykes shall be elevated one (1) metre above the natural ground elevation;

d. light or heavy industrial development which is required to floodproof to the Designated Flood Level;

e. heavy industry behind Standard Dykes;

f. on-loading and off-loading facilities associated with water-oriented industry and portable sawmills. Main electrical switchgear shall be placed above the Flood Construction Level.

LAND TITLE ACT
FORM C
(Section 219.81)

Province of
British Columbia
GENERAL INSTRUMENT-PART 1 (This area for Land Title Office Use) Page 1 of _____ pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

____

(Signature of Authorized Agent)

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*
   (PID) (LEGAL DESCRIPTION)

3. NATURE OF INTEREST:*

Description	Document Reference (Page and paragraph)	Person Entitled to Interest

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms ☐ D.F. No.
(b) Express Charge Terms ☐ Annexed as Part 2
(c) Release ☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

   Name of Transferor, Address

6. TRANSFEREE(S): (Including postal address(es) and postal code(s)) *

   Name of Municipality, Address

7. ADDITIONAL OR MODIFIED TERMS: *

8. EXECUTION(S): ** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y	M	D	Party(ies) Signature(s)
				______________________ Name of Transferor
				______________________ Name of Municipality
				______________________

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

*   If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

THIS AGREEMENT made this __________ day of ____________________, 20___

BETWEEN: ___________________________________

____

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

(name of Municipality), ________________________
having an office at (address)____________________

British Columbia ______________________________

(hereinafter called the "Grantee")

OF THE SECOND PART

WHEREAS the Grantor is the registered owner in fee simple of the following lands in the Province of British Columbia, more particularly known and described as:

(legal description) ____________________________

(hereinafter called the "Lands");

AND WHEREAS the Grantor proposes to subdivide the Lands, according to a plan of subdivision completed and certified correct on the ___________ day of _______________, 20___, by _________________________________ , British Columbia Land Surveyor, a copy of which is attached hereto as Schedule 'A', into the following lots:

____

(hereinafter called the "Lots");

AND WHEREAS a covenant under section 219 of the *Land Title Act* is required as a condition of the consent to approval of the subdivision of the Lands by the Approving Officer under section 86 of the *Land Title Act*;

AND WHEREAS section 219 of the *Land Title Act* provides that there may be registered as a charge against the title to any land a covenant in favour of the Grantee and a municipality that land is to be used in a particular manner or that land is not to be subdivided except in accordance with the covenant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of ONE ($1.00) DOLLAR of lawful money of Canada and other good valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby covenant and agree with the Grantee under section 219 of the *Land Title Act* of the Province of British Columbia as follows

1. The Grantor is aware of and, on behalf of himself or herself and his or her heirs, executors, administrators, successors and assigns, hereby acknowledges that there is a potential flood danger to the Lots.

2. The Grantor, on behalf of himself or herself and his or her heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Grantee, as a covenant in favour of the Grantee pursuant to section 219 of the *Land Title Act*, it being the intention and agreement of the Grantor that the provisions hereof be annexed to and run with and be a charge upon the Lots, that from and after the date hereof:

   a. No building, manufactured home or unit, modular home or structure shall be constructed, reconstructed, moved, extended or located within ______________ metres of the natural boundary of (name of watercourse).

   b. No area used for habitation, business or storage of goods damageable by floodwaters and no furnace or other fixed equipment damageable by floodwaters shall be located within any building, modular home or structure at an elevation such that the underside of the floor system is less than ___________ metre(s) above the natural boundary of ________________ or elevation ____________ metres Geodetic Survey of Canada datum or ____________ metre(s) above the natural ground elevation taken at the perimeter of the building.

   In the case of a manufactured home or unit, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above described elevation.

3. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in paragraph (2) above. The face of the landfill slope shall be adequately protected against erosion from flood flows (wave action, ice, or other debris). The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building, modular home or structure is to be constructed or manufactured home or unit located, or by a combination of both structural elevation and landfill, provided, that no area below the required

elevation shall be used for the installation of furnaces or other fixed equipment damageable by floodwaters.

4. The Grantor, on behalf of himself or herself and his or her heirs, executors, administrators, successors and assigns, acknowledges that the Grantee does not represent to the Grantor, nor to any other person that any building, modular home, manufactured home or unit, improvement, chattel or other structure, including the contents of any of them, built, constructed or placed on the Lots will not be damaged by flooding or erosion and the Grantor, on behalf of himself or herself and his or her heirs, executors, administrators, successors and assigns, with full knowledge of the potential flood or erosion danger and in consideration of the approvals given by the Grantee hereby:

    a. agrees to indemnify and to save harmless the Grantee and the Grantee's employees, servants or agents from all loss, damage, costs, actions, suits, debts, accounts, claims and demands which the Grantee or any of the Grantee's employees, servants or agents, may suffer or incur or be put to arising out of or in connection with any breach of any covenant or agreement on the part of the Grantor or his or her heirs, executors, administrators, successors and assigns contained in this Agreement or arising out of or in connection with any personal injury, death or loss or damage to the Lots, or to any building, modular home, manufactured home or unit, improvement, chattel or other structure, including the contents of any of them, built, constructed or placed on the Lots (including existing non-conforming buildings)*, caused by flooding, erosion or some such similar cause; and

* To be inserted where Guideline 4.6 applies

    b. does remise, release and forever discharge the Grantee and the Grantee's employees, servants or agents from all manner of actions, causes of action, suits, debts, accounts, covenants, contracts, claims and demands which the Grantor or any of his or her heirs, executors, administrators, successors and assigns may have against the Grantee and the Grantee's employees, servants or agents for and by reason of any personal injury, death or loss or damage to the Lots, or to any building, modular home, manufactured home or unit, improvement, chattel or other structure, including the contents of any of them, built, constructed or placed on the Lots, caused by flooding, erosion or some such similar cause.

5. Subject to the provisions of section 219 of the *Land Title Act*, the Grantor's covenants contained in this Agreement shall burden and run with the Lots and shall enure to the benefit and be binding upon the Grantor, his or her heirs, executors, administrators, successors and assigns and the Grantee and its assigns.

6. Nothing in this Agreement shall prejudice or affect the rights, powers and remedies of the Grantee in relation to the Grantor, including his or her heirs, executors, administrators, successors and assigns, or the Lots under any law, bylaw, order or regulation or in equity, all of which rights, powers and remedies may be fully and effectively exercised by the First Grantee as if this Agreement had not been made by the parties.

7. The Grantor will do or cause to be done at his or her expense all acts reasonably necessary for the First Grantee to gain priority for this Agreement over all liens, charges and encumbrances which are or may be registered against the Lots save and except those in favour of the First Grantee and those specifically approved in writing by the First Grantee.

8. The parties agree that this Agreement shall not be modified or discharged except in accordance with the provisions of section 219(9) of the *Land Title Act*.

9. The Grantor shall do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurance which may be reasonably necessary to give proper effect to the intent of this Agreement.

10. a. The Grantor or any of his or her heirs, executors, administrators and assigns, as the case may be, shall give written notice of this Agreement to any person to whom he or she proposes to dispose of one of the Lots, which notice shall be received by that person prior to such disposition.

    b. For the purposes of this paragraph the word "dispose" shall have the meaning given to it under section 29 of the *Interpretation Act*, R.S.B.C. 1996, c.238

11. Wherever the singular or masculine or neuter is used herein, the same shall be construed as including the plural, feminine, body corporate or politic unless the context requires otherwise.

12. If any section or any part of this Agreement is found to be illegal or unenforceable, then such sections or parts shall be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, shall be unaffected thereby and

shall remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.

13. This agreement shall be interpreted according to the laws of the Province of British Columbia.

14. Where there is a reference to an enactment of the Province of British Columbia in this agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year first above written.

Signed by in the presence of:	)	
________________________________ Witness	)	________________________________ Grantor
________________________________ Address	)	
________________________________ Title or Occupation	)	

The Corporate Seal of _______________	)	
_____ (Name of Municipality _________	)	
was hereunto affixed in the presence of:	)	(c/s)
________________________________	)	
________________________________	)	

This is the instrument creating the condition of Covenant pursuant to section 219 of the *Land Title Act* by the Grantor referred to herein and shown on the Print and Plan annexed hereto as Schedule ‘A’ and initialled by me.

____

Approving officer

(A Consent and Priority Agreement may be required to gain priority for the Section 219 Covenant over financial charges. See below.)

CONSENT AND PRIORITY AGREEMENT

(liens, charges and encumbrances)

WHEREAS _________________ (the "Chargeholder") is the holder of a _____________ registered in the ___________ Land Title Office under No. ___________ (the "Charge") encumbering the lands described in the attached Section 219 Covenant (the "Covenant").

Therefore this Consent and Priority Agreement witnesses that the Chargeholder hereby:

1. approves of, joins in and consents to the registration of the Covenant;
2. covenants and agrees that the Covenant is binding upon and takes priority over the Charge; and
3. postpones the Charge and all of its right, title and interest thereunder to the Covenant in the same manner and to the same effect as if the Covenant had been dated, executed and registered prior to the Charge.

IN WITNESS WHEREOF the Chargeholder has executed this Consent and Priority Agreement on the attached Form C.

FORM C
(Section 219.81)

Province of
British Columbia
GENERAL INSTRUMENT-PART 1 (This area for Land Title Office Use) Page 1 of _____ pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

____

(Signature of Authorized Agent)

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*
(PID) (LEGAL DESCRIPTION)

3. NATURE OF INTEREST:*

Description	Document Reference (Page and paragraph)	Person Entitled to Interest

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms ☐ D.F. No.
(b) Express Charge Terms ☐ Annexed as Part 2
(c) Release ☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

Name of Transferor, Address

TRANSFEREE(S): (Including postal address(es) and postal code(s)) *
- Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation, Parliament Buildings, Victoria, British Columbia V8V 1X5, and

- Name of Municipality, Address (if applicable)

7. ADDITIONAL OR MODIFIED TERMS: *

8. EXECUTION(S): ** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y	M	D	Party(ies) Signature(s)
				______________________________ Name of Grantee under Covenant HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, by its authorized signatory ______________________________ ______________________________ Name of Municipality (if applicable)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

THIS AGREEMENT made this __________ day of ____________________, 20___

BETWEEN: ___________________________________

____

(hereinafter called the “Grantor”)

OF THE FIRST PART

AND: Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation, Parliament Buildings, Victoria, British Columbia , V8V 1X5

OF THE SECOND PART

(hereinafter called the “Second Grantee”)

AND:

(name of Regional District), _____________________
(where Regional District party to Clause 4)

having an office at (address)____________________

British Columbia (OR OTHER)_________________

(hereinafter called the “Second Grantee”)

OF THE THIRD PART

WHEREAS the Grantor is the registered owner in fee simple of the following lands in the Province of British Columbia, more particularly known and described as:

(legal description) ____________________________

(hereinafter called the “Lands”);

AND WHEREAS the Grantor proposes to subdivide the Lands, according to a plan of subdivision completed and certified correct on the ___________ day of _______________, 20___, by _________________________________ , British Columbia Land Surveyor, a copy of which is attached hereto as Schedule ‘A’, into the following lots:

____

(hereinafter called the “Lots”);

AND WHEREAS a covenant under section 219 of the *Land Title Act* is required as a condition of the consent to approval of the subdivision of the Lands under section 86 of the *Land Title Act*;

AND WHEREAS section 219 of the *Land Title Act* provides that there may be registered as a charge against the title to any land a covenant in favour of the First Grantee and the Second Grantee (hereinafter called the "Grantees") that land is to be used in a particular manner or that land is not to be subdivided except in accordance with the covenant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of ONE DOLLAR ($1.00) of lawful money of Canada and other good valuable consideration paid by the Grantees to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby covenant and agree with the Grantees under section 219 of the *Land Title Act* of the Province of British Columbia as follows:

1. The Grantor is aware of and, on behalf of himself or herself and his or her heirs, executors, administrators, successors and assigns, hereby acknowledges that there is a potential flood danger to the Lots.

2. The Grantor, on behalf of himself or herself and his or her heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Grantees, as a covenant in favour of the Grantees pursuant to section 219 of the *Land Title Act*, it being the intention and agreement of the Grantor that the provisions hereof be annexed to and run with and be a charge upon the Lots, that from and after the date hereof:

   a. No building, manufactured home or unit, modular home or structure shall be constructed, reconstructed, moved, extended or located within ______________ metres of the natural boundary of (name of watercourse).

   b. No area used for habitation, business or storage of goods damageable by floodwaters and no furnace or other fixed equipment damageable by floodwaters shall be located within any building, modular home or structure at an elevation such that the underside of the floor system is less than ___________ metre(s) above the natural boundary of ________________ or elevation ____________ metres Geodetic Survey of Canada datum or ____________ metre(s) above the natural ground elevation taken at the perimeter of the building.

   In the case of a manufactured home or unit, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above described elevation.

3. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in paragraph (2) above. The face of the landfill slope shall be adequately protected against erosion from flood flows (wave action, ice, or other debris). The required elevation may be achieved by structural elevation of the said

habitable, business, or storage area or by adequately compacted landfill on which any building, modular home or structure is to be constructed or manufactured home or unit located, or by a combination of both structural elevation and landfill, provided, that no area below the required elevation shall be used for the installation of furnaces or other fixed equipment damageable by floodwaters.

4. The Grantor, on behalf of himself or herself and his or her heirs, executors, administrators, successors and assigns, acknowledges that the Grantee does not represent to the Grantor, nor to any other person that any building, modular home, manufactured home or unit, improvement, chattel or other structure, including the contents of any of them, built, constructed or placed on the Lots will not be damaged by flooding or erosion and the Grantor, on behalf of himself or herself and his or her heirs, executors, administrators, successors and assigns, with full knowledge of the potential flood or erosion danger and in consideration of the approvals given by the Grantees hereby:

a. agrees to indemnify and to save harmless the Grantees and the Grantees' employees, servants or agents from all loss, damage, costs, actions, suits, debts, accounts, claims and demands which the Grantees or any of the Grantees' employees, servants or agents, may suffer or incur or be put to arising out of or in connection with any breach of any covenant or agreement on the part of the Grantor or his or her heirs, executors, administrators, successors and assigns contained in this Agreement or arising out of or in connection with any personal injury, death or loss or damage to the Lots, or to any building, modular home, manufactured home or unit, improvement, chattel or other structure, including the contents of any of them, built, constructed or placed on the Lots (including existing non-conforming buildings)*, caused by flooding, erosion or some such similar cause; and

* To be inserted where Guideline 4.6 applies

b. does remise, release and forever discharge the Grantees and the Grantees' employees, servants or agents from all manner of actions, causes of action, suits, debts, accounts, covenants, contracts, claims and demands which the Grantor or any of his or her heirs, executors, administrators, successors and assigns may have against the Grantees and the Grantees' employees, servants or agents for and by reason of any personal injury, death or loss or damage to the Lots, or to any building, modular home, manufactured home or unit, improvement, chattel or other structure, including the contents of any of them, built, constructed or placed on the Lots, caused by flooding, erosion or some such similar cause.

5. Subject to the provisions of section 219 of the *Land Title Act*, the Grantor's covenants contained in this Agreement shall burden and run with the Lots and shall enure to the benefit and be binding upon the Grantor, his or her heirs, executors, administrators, successors and assigns and the Grantees and their assigns.

6. Nothing in this Agreement shall prejudice or affect the rights, powers and remedies of the Grantees in relation to the Grantor, including his or her heirs, executors, administrators, successors and assigns, or the Lots under any law, bylaw, order or regulation or in equity, all of which rights, powers and remedies may be fully and effectively exercised by the Grantees as if this Agreement had not been made by the parties.

7. The Grantor will do or cause to be done at his or her expense all acts reasonably necessary for the Grantees to gain priority for this Agreement over all liens, charges and encumbrances which are or may be registered against the Lots save and except those in favour of the Grantees and those specifically approved in writing by the Grantees.

8. The parties agree that this Agreement shall not be modified or discharged except in accordance with the provisions of section 219(9) of the *Land Title Act*.

9. The Grantor shall do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurance which may be reasonably necessary to give proper effect to the intent of this Agreement.

10. a. The Grantor or any of his or her heirs, executors, administrators and assigns, as the case may be, shall give written notice of this Agreement to any person to whom he or she proposes to dispose of one of the Lots, which notice shall be received by that person prior to such disposition.

    b. For the purposes of this paragraph the word "dispose" shall have the meaning given to it under section 29 of the *Interpretation Act*, R.S.B.C. 1996, c.238

11. Wherever the singular or masculine or neuter is used herein, the same shall be construed as including the plural, feminine, body corporate or politic unless the context requires otherwise.

12. If any section or any part of this Agreement is found to be illegal or unenforceable, then such sections or parts shall be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, shall be unaffected thereby and shall remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.

13. This agreement shall be interpreted according to the laws of the Province of British Columbia.

14. Where there is a reference to an enactment of the Province of British Columbia in this agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year first above written.

Signed by in the presence of: ____________________ Witness ____________________ Address ____________________ Title or Occupation	)))))))))))	 ______________________________ Grantor
Signed on behalf of Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation or his or her duly authorized designate in the presence of: ____________________ Witness ____________________ Witness ____________________ Title or Occupation	))))))))))))	______________________________ Minister of Transportation or his or her duly authorized designate
The Corporate Seal of ____________ ____________________ was hereunto affixed in the presence of: ____________________ ____________________	)))))))))	 (c/s) (Regional District)

This is the instrument creating the condition of Covenant pursuant to section 219 of the *Land Title Act* by the Grantor referred to herein and shown on the Print and Plan annexed hereto as Schedule 'A' and initialled by me.

____
Approving Officer, Ministry of Transportation

(A Consent and Priority Agreement may be required to gain priority
for the Section 219 Covenant over financial charges. See below.)

CONSENT AND PRIORITY AGREEMENT

(liens, charges and encumbrances)

WHEREAS _________________ (the "Chargeholder") is the holder of a _____________ registered in the ___________ Land Title Office under No. ___________ (the "Charge") encumbering the lands described in the attached Section 219 Covenant (the "Covenant").

Therefore this Consent and Priority Agreement witnesses that the Chargeholder hereby:

1. approves of, joins in and consents to the registration of the Covenant;
2. covenants and agrees that the Covenant is binding upon and takes priority over the Charge; and
3. postpones the Charge and all of its right, title and interest thereunder to the Covenant in the same manner and to the same effect as if the Covenant had been dated, executed and registered prior to the Charge.

IN WITNESS WHEREOF the Chargeholder has executed this Consent and Priority Agreement on the attached Form C.

SUBDIVISION APPROVAL FORMAT

Version Date: ___________________

File:
Date:

Applicant
____
____
____
____
____

Dear Sir/Madam:

Re: Proposed Subdivision of _________________________________
(name of watercourse)

This letter is in reply to your correspondence of ________________________. As the Approving Officer, consent is hereby given, pursuant to Section 86 of the Land Title Act, to your application for subdivision approval of the above-mentioned plan of subdivision, subject to the applicant entering into a covenant registrable under Section 219, which shall run with the land and shall put into effect the following conditions for the proposed lot to be created and the remainder:

"1. Hereafter, no building, manufactured home or unit, modular home or structure, shall be constructed, reconstructed, moved, extended or located within _____________ metres of the natural boundary of the (name of watercourse).

2. Hereafter, no area used for habitation, business, or storage of goods damageable by floodwaters shall be located within any building, modular home of structure at an elevation such that the underside of the floor system thereof is less than ____________ metres above the natural boundary of (name of watercourse).

   In the case of a manufactured home or unit, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above described elevation.

3. The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building is to be constructed or manufactured home or unit located, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in condition (1) above. The face of the landfill slope shall be adequately protected against erosion from flood flows (wave action, ice or other debris).

… 2

4. The owner acknowledges that neither the provincial government nor the local authority have represented to the owner or any other person that any building constructed or manufactured home located in accordance with paragraphs (1) and (2) herein will not be damaged by flooding or erosion, and the owner covenants and agrees not to claim damages from the provincial government and (name of municipality) and not to hold the provincial government and (name of municipality) responsible for damages caused by flooding or erosion to the land or to any building, improvement, or other structure built, constructed or placed upon the said lands and to any contents thereof."

These covenant conditions are to be registered with priority over any financial charges registered against the property.

The following declaration is to be endorsed on the subdivision plan:

> The registered owners designated hereon hereby acknowledge that the land affected by this plan may be subject to flooding and declare that they have entered into a covenant in favour of the provincial government and the local authority [as applicable], under Section 219 of the Land Title Act.

____
(covenantor)

dated at _______________________________, ____________________, 20__.

The covenant must be tendered with the application to deposit the subdivision plan. The covenant must have the following statement typed or stamped on it and signed by the Approving Officer:

> This is the instrument creating the condition or covenant entered into under Section 219 of the Land Title Act by the registered owner(s) referred to herein and shown on the print of plan annexed hereto and initialled by me.

____
Approving Officer
(cite Authority)

<u>ALLUVIAL FAN</u> means the alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.

<u>APPROVING OFFICER</u> means the appropriate person appointed under the *Land Title Act*.

<u>COMMERCIAL USE</u> means a use providing for the sale or rental of goods or services, for personal services, or for the servicing and repair of goods; and includes retail sales, wholesaling in conjunction with retail sales, commercial and government offices, personal services. commercial schools, household services and household repairs.

<u>DEBRIS FLOW</u> means the rapid downslope movement down steep pre-existing drainage channels of water-saturated soil and debris by free flow processes.

<u>DESIGNATED FLOOD</u> means a flood which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate streamflow data available. Where the flow of a large watercourse is controlled by a major dam, the designated flood small be set on a site-specific basis.

<u>DESIGNATED FLOOD LEVEL</u> means the observed or calculated elevation for the Designated Flood and is used in the calculation of the flood construction level.

<u>DESIGNATED OFFICIAL</u> means any official of British Columbia to whom signing authority has been given.

<u>DISPOSITION</u> means disposition of Crown land by certificate of purchase, grant, lease, licence of occupation, right-of-way, or easement under the *Land Act*.

<u>FLOOD CONSTRUCTION LEVEL</u> means the Designated Flood Level plus the allowance for freeboard and is used to establish the elevation of the underside of a wooden floor system or top of concrete slab for habitable buildings. In the case of a manufactured home, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above described elevation. It also establishes the minimum crest level of a Standard Dike. Where the Designated Flood Level cannot be determined or where there are overriding factors, an assessed height above the natural boundary of the waterway or above the natural ground elevation may be used.

<u>FLOODPLAIN</u> means a lowland area, whether diked, floodproofed, or not, which, by reasons of land elevation, is susceptible to flooding from an adjoining watercourse, ocean, lake or other body of water and for administration purposes is taken to be that area submerged by the designated flood plus freeboard.

<u>FLOODPROOFING</u> means the alteration of land or structures either physically or in use to reduce or eliminate flood damage and includes the use of building setbacks from water bodies to maintain a floodway and to allow for potential erosion. Floodproofing may be achieved by all or a combination of the following:

1. Building on fill, provided such fill does not interfere with flood flows of the watercourse and is adequately protected against floodwater erosion;
2. Building raised by structural means such as foundation walls, columns, etc.;
3. A combination of fill and structural means.

<u>FLOODWAY</u> means the channel of the watercourse and those portions of the floodplains which are reasonably required to discharge the flood flow of a designated flood. A minimum required floodway shall be equal to the width of the channel within the natural boundary plus a minimum setback of thirty metres from the natural boundary on each side of the channel or channels unless otherwise approved.

<u>FREEBOARD</u> means a vertical distance added to the Designated Flood Level and is used to establish the Flood Construction Level.

<u>HABITABLE AREA</u> means any room or space within a building or structure which is or can be used for human occupancy, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded.

<u>HEAVY INDUSTRY</u> includes such uses as manufacturing or processing of wood and paper products, metal, heavy electrical, non-metallic mineral products, petroleum and coal products, industrial chemicals and by-products, and allied products.

<u>INSPECTOR OF DIKES</u> means an official of the Ministry of Water, Land and Air Protection as defined under *The Dike Maintenance Act*, RS Chapter 99 of the Province of British Columbia.

<u>INSTITUTIONAL USE</u> means a use providing for public functions and includes federal, provincial, regional and municipal offices, schools, churches, colleges, hospitals, community centres, libraries, museums, jails, courts of law and similar facilities; and specifically excludes public storage and works yards, and public utility uses.

<u>LIGHT OR SERVICE INDUSTRY</u> includes such uses as assembly, fabrication and light manufacturing, warehousing, wholesaling and food processing.

<u>MANUFACTURED HOME</u> means a structure manufactured as a unit, intended to be occupied in a place other than at its manufacturer, and designed as a dwelling unit, and includes mobile homes, and specifically excludes recreation vehicles.

<u>MINIMUM PONDING ELEVATION</u> means a minimum construction level assigned to reduce possible flood damage due to bonding of local drainage during a severe local storm.

<u>NATURAL BOUNDARY</u> means the visible high watermark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself (*Land Act*, Section 1). In addition, the natural boundary includes the best estimate of the edge of dormant or old side channels and marsh areas.

<u>NON-CONFORMING</u> means any existing building located on floodprone land which does not meet floodproofing requirements set out in any pertinent bylaw, regulation or covenant.

<u>PAD</u> means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a manufactured home or unit.

<u>PROFESSIONAL ENGINEER</u> means a person who is registered or licensed under the provisions of the *Engineers and Geoscientists Act*, 1996, RS Chapter 116 of the Province of British Columbia.

<u>RECREATION USE</u> means a use providing for indoor or outdoor recreation and includes parks, playgrounds, and sports facilities.

<u>RECREATION VEHICLE</u> means any structure, trailer or vehicle used or designed to be used for living or sleeping purposes and which is designed or intended to be manufactured on land, whether or not self-propelled.

<u>SETBACK</u> means a withdrawal of a building or landfill from the natural boundary or other reference line to maintain a floodway and to allow for potential land erosion.

<u>STANDARD DIKES</u> means those built to a minimum crest elevation equal to the flood construction level and meeting standards of design and construction approved by the Ministry of Environment and Parks and maintained by an ongoing authority such as a local government body.

<u>TRAINING WALLS</u> means any wall, dike or protective structure used to prevent a stream from leaving its channel at a given location.

<u>TSUNAMI</u> means a sea wave generated by tectonic or volcanic activity.

<u>WATERCOURSE</u> means any natural or man made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.,.

SUBDIVISION APPROVAL FORMAT
BARE LAND STRATA REGULATIONS

Version Date: ___________________

File:
Date:

Applicant
____
____
____
____
____

Dear Sir/Madam:

Re: Application for Approval of Proposed Bare Land Strata Plan of
____
(name of watercourse)

This letter is in reply to your correspondence of ________________________. As the Approving Officer, consent is hereby given, pursuant to Section 3 of the Bare Land Strata Regulations, as amended, for the approval of the above-mentioned Bare Land Strata Plan, subject to the applicant entering into a covenant registrable under Section 219, which shall run with the land and shall effect the following conditions for each strata lot to be created, including the common property and any remainder:

(continue as for standard approval Form 5)

SUBDIVISION REFUSAL TO CONSENT

Version Date: ___________________

File:
Date:

Applicant
____
(address) ____________________________
____

Dear Sir/Madam

Re: Proposed Subdivision ___________________________
(name of watercourse)

This letter is in reply to your correspondence dated ________________________, 20___. Under the authority of Section 86 of the *Land Title Act* or Section 3 of the Bare Land Strata Regulations, as amended, as the Approving Officer, consent for the approval of the above proposed plan of subdivision or the application for approval of the above proposed bare land strata plan is hereby withheld.

(If desired, give reason for decision by describing the flood hazard and continue as follows.)

In order for this decision to be reconsidered, the following steps would have to be taken:

1. A comprehensive engineering study would have to be undertaken to investigate the hazard and identify what (if any) engineering works could be constructed to suitably mitigate these hazards. Such works would likely be very costly.

2. Assuming suitable engineering works were identified, maintenance of such works by an ongoing authority must be arranged. The construction of the works would have to precede the approval of the proposed plan of subdivision or proposed bare land strata plan.

(Alternatively, you may wish to consider the submission of an alternate scheme in which lots are created outside the hazard area.)

If you require any further information, please contact _____________________.

Yours truly,

Approving Officer

cc: Building Inspector, local government

FORM C
(Section 219.81)

Province of
British Columbia
GENERAL INSTRUMENT-PART 1 (This area for Land Title Office Use) Page 1 of _____ pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

____

(Signature of Authorized Agent)

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*
(PID) (LEGAL DESCRIPTION)

3. NATURE OF INTEREST:*

Description	Document Reference (Page and paragraph)	Person Entitled to Interest
Modification of Covenant		

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms ☐ D.F. No.
(b) Express Charge Terms ☐ Annexed as Part 2
(c) Release ☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

6. TRANSFEREE(S): (Including postal address(es) and postal code(s)) *

7. ADDITIONAL OR MODIFIED TERMS: *

8. EXECUTION(S): ** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date Y	M	D	Party(ies) Signature(s)
				_______________ Name of Grantee under Covenant
				HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, by its authorized signatory
				_______________
				_______________ Name of Municipality

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

MODIFICATION OF COVENANT NO.

THIS AGREEMENT made this __________ day of ___________________, 20__

BETWEEN: _________________________________

____

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

____

____

(hereinafter called the "Grantee")

OF THE SECOND PART

WHEREAS the Grantor is the registered owner in fee simple of the following lands in the Province of British Columbia, more particularly known and described as:

____

____

(hereinafter called the "Lands");

By an agreement dated as of the ___________ day of ___________________________, 20__ and registered in the ______________________________________ Land Title Office under Number(s) _________________________________ against Lot ___________, the Grantor granted a covenant, pursuant to section 219 of the *Land Title Act* of British Columbia, in favour of the Grantee (hereinafter called the "Covenant");

The parties hereto have agreed to modify and amend the Covenant, as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of ONE DOLLAR ($1.00) of lawful money of Canada and other good valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby covenant and agree with the Grantee under Section 219 of the Land Title Act of the Province of British Columbia as follows:

1. The Covenant is hereby modified and amended, effective as of the date hereof, as follows:

   a.
   b. etc.

2. This Agreement shall be read and construed in conjunction with the Covenant and, except as modified and amended by this Agreement, the Covenant shall continue in full force and effect.

3. This Agreement and everything contained herein shall be binding upon and enure to the benefit of the respective heirs, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year first above written.

Signed by in the presence of:	)	
______________________________ Witness	)	______________________________ Grantor
______________________________ Address	)	
______________________________ Title or Occupation	)	

The common seal of _______________ _________________________________ was hereunto affixed in the presence of: _________________________________ Authorized Signatory	))))))))	(c/s)
Signed on behalf of Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation or his or her duly authorized designate in the presence of: _________________________________ Witness _________________________________ Witness _________________________________ Title or Occupation	))))))))))))	_________________________________ Minister of Transportation or his or her duly authorized designate
The Corporate Seal of the Grantee was hereunto affixed in the presence of: _________________________________ _________________________________	))))))	(c/s)

STANDARD FORMAT – LEASE – DISPOSITION REFERRAL FORM

Version Date: ___________________

File:
Date:

Re: Lease or Disposition of ____

I have for reply your referral of _____________________, 20___, regarding an application
_______________ for ____
purposes, in the name(s) of ____
covering ____.

The Approving Officer recommends that the following conditions be written into the
____
____.

OR

The Ministry recommends that the following conditions be written into the terms of the fee simple sale agreement and should be registered as a covenant under the provisions of Section 219 of the *Land Title Act* in perpetuity. Covenant conditions are to be registered with priority over any financial charges registered against the property.

(. . . . continue as for Form 5, Clauses 1 to 4 incl.)

If you require any further information, please contact: __________________________.

cc: _______________________

SUBDIVISION APPROVAL FORMAT
LOT LINE ADJUSTMENT

Version Date: ___________________

File:
Date:

Applicant

____
____
____
____

Dear Sir/Madam:

Re: Proposed Subdivision ___________________________
(name of watercourse)

This letter is in reply to your correspondence of ________________________. As the Approving Officer, consent is hereby given, pursuant to Section 86 of the Land Title Act, for the approval of the above-mentioned plan of subdivision, subject to the applicant entering into a covenant registrable under Section 219, which shall run with the land and shall effect the following conditions for the proposed lot to be created and the remainder:

“1. Hereafter, no building, manufactured home or unit, modular home or structure, shall be constructed, reconstructed, moved, extended or located within ___________ metres of the natural boundary of the (name of watercourse).

2. Hereafter, no area used for habitation, business, or storage of goods damageable by floodwaters shall be located within any building, modular home or structure at an elevation such that the underside of the floor system thereof is less than ____________ metres above the natural boundary of (name of watercourse).

   In the case of a manufactured home or unit, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above described elevation.

3. The required elevation may be achieved by structural elevation of the said habitable, business, or storage area or by adequately compacted landfill on which any building is to be constructed or manufactured home or unit located, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in condition (1) above. The face of the landfill slope shall be adequately protected against erosion from flood flows (wave action, ice, or other debris).

4. Conditions 1 to 3 above will not be enforced as conditions of subdivision approval unless a further subdivision is applied for, at which time these conditions will apply only to development on new lots created.

   (continue as for standard approval format with ‘save harmless’, etc.)

BRIEFING

To:	Local Planning Committee	**For the Meeting of:**	May 23, 2019
From:	**Lisa Wilcox,** **Senior Intergovernmental Policy Advisor**	**Date Prepared:**	May 9, 2019
SUBJECT:	**Reconciliation Action Plan**		

PURPOSE:

To seek feedback on the draft Islands Trust Reconciliation Action Plan (RAPlan) prior to it being presented to Trust Council for adoption.

BACKGROUND:

On March 14, 2019, Trust Council unanimously passed the Reconciliation Declaration that outlined the commitment to reconciliation that Trust Council would be undertaking into the future. This historic declaration acknowledged the presence of Indigenous peoples within the Islands Trust Area since time immemorial; committed to the processes and policies of reconciliation; and set the stage for the Islands Trust to strive to reach those goals. The declaration provides a narrative document that underpins the efforts and dialogue for reconciliation into the future, and helps define the intent to support the work that will be undertaken at all levels of the organization, community, and with other agencies toward the work of reconciliation.

In order to reach these goals, the next step is to provide a clear, comprehensive, and measurable path that supports the organization as a whole. A Reconciliation Action Plan provides this outline of how to move forward in a good way. A RAPlan allows objectives to be measured against the principles, calls to action, and articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation Calls to Action (TRC), and the Draft Principles that Guide the Province of British Columbia Relationship with Indigenous Peoples (Draft Principles). Without a guiding process outlined in a RAPlan an organization can be subject to “best guesses” versus “best practices”.

On May 8, Executive Committee reviewed the draft plan and passed the following resolution:

> ***That the Executive Committee endorse the draft Islands Trust Reconciliation Action Plan and refer the plan to Trust Programs Committee, Local Planning Committee and Islands Trust Conservancy Board for review and comment.***

The attached RAPlan is a four-year plan, with specific education and training objectives for the first two years. It is intended to create a foundation for the reconciliation work that staff and trustees will undertake into the future, and provides a framework for implementing reconciliation for the organization as a whole. It is key that staff and trustees strengthen and develop the skills needed to feel confident and supported while initiating and maintaining respectful relationships with First Nations communities. The RAPlan is intended to ensure that Islands Trust’s efforts to undertake intergovernmental cooperation are founded in best practices and cultural sensitivity and that improvements are enshrined in policies and procedures. Adhering to best practices when working collaboratively towards respective community goals with First Nations and the Indigenous community is fundamental to reconciliation and successful outcomes.

The plan's goal is to ensure that all staff and the organization as a whole have a level of competency and cultural safety sufficient to understand elements of reconciliation, Indigenous rights and title, Indigenous law and protocol, and historically oppressive legislation, policies, and processes that lead to the necessity of the Truth and Reconciliation Commission work. As a government entity, Islands Trust can play a leadership role in providing guidance and demonstrate best practices and principles as part of Canadian society's efforts to reach for meaningful reconciliation and recognition.

ATTACHMENT(S):

1. **Draft Reconciliation Action Plan**

FOLLOW-UP: Staff will incorporate edits as requested and forward the draft plan to Executive Committee for review prior to including it in the Trust Council agenda package.

Prepared By: **Lisa Wilcox, Senior Intergovernmental Policy Advisor**

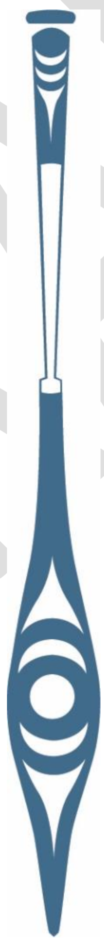
Reviewed By/Date: **Clare Frater, Director, Trust Area Services/May 9, 2019**

Islands Trust

May 10, 2019

Reconciliation Action Plan

2019 – 2022



Contents

May 10, 2019

Statement from Trust Council

On March 14, 2019, Trust Council, on Gabriola Island, unanimously passed the Reconciliation Declaration:

> Islands Trust
>
> *The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.*
>
> *The Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.*
>
> *The Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea.*
>
> *Adopted: March 14, 2019 Trust Council on Gabriola Island*

This historic declaration acknowledged the presence of Indigenous peoples within the Islands Trust Area since time immemorial; committed to the processes and policies of reconciliation; and set the stage for the Islands Trust to strive to reach those goals. The declaration provides a narrative document that underpins the efforts and dialogue for reconciliation into the future, and helps define the intent to support the work that will be undertaken at all levels of the organization, within the community, and with other agencies toward the work of reconciliation.

The following Reconciliation Action Plan (RAPlan) will outline ways to support the Reconciliation Declaration in the years to come.

Acknowledgement

The Islands Trust acknowledges the traditional and treaty territories of the Coast Salish Peoples, on whose lands and waters the Islands Trust works and lives.

Terminology

The terms Aboriginal, Indigenous, First Nations, status and non-status, Nation, band, membership, et al. are used interchangeably throughout this document, according to context. Aboriginal is used in the context of historical legal terminology. Terms used are not exclusive and do not encompass or describe the rich history, culture, language, or protocol that is the depth of Indigenous law, naming, place, knowledge, peoples and/or traditional ways of knowing. Islands Trust acknowledges that its understanding and knowledge base is limited and that this is a living document subject to change and learning and will be informed and made aware by Indigenous perspectives and interests into the future.

Introduction

The Islands Trust strives to be a progressive and thoughtful organization that from its creation in 1974 has attempted to uphold and govern based on the principles of the *Islands Trust Act* to preserve and protect the unique amenities and environment of the lands and waters of the Salish Sea. The Islands Trust Area boundaries reside within Coast Salish territory. First Nations have a vital, long-standing and future-looking interest in the environment of their traditional territories and treaty lands. Indigenous people used and occupied the various islands located within the Islands Trust Area for all time and maintain rights and title over their territories. First Nations have always maintained a holistic vision for their territories and treaty lands that encompass the Salish Sea. First Nations express concerns related to loss of access to resources, concerns about pressures on ecosystems, and opportunities and issues related to ecosystem recovery and sustainability.

Islands Trust supports Reconciliation, including engagement and education within the community as part of a larger Canada-wide Reconciliation process. Reconciliation requires a fundamental re-imagining and reframing of the individual and collective relationships we hold with Indigenous and non-Indigenous people based upon our shared history - a process that will span multiple generations.

Islands Trust confirms a foundation for intergovernmental cooperation and mutual support to work collaboratively towards respective community goals and objectives with First Nations and the Indigenous community. Through future protocol agreements and MOUs, Islands Trust hopes to establish processes to share information and engage government to government on matters of shared community interest with First Nations.

Vision

Islands Trust bodies seek to support and preserve relationships that will create vibrant communities working together for the protection of the islands and waters for all through policies, processes, and governance models.

Guiding Principles

This Islands Trust Reconciliation Action Plan is based on the following principles:

Islands Trust First Nations Engagement Principles Policy

- Policy F.4.c: commit to supporting the development of a Reconciliation Action Plan.

Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples (relevant Principles)

- 2. The Province of British Columbia recognizes that reconciliation is a fundamental purpose of section 35 of the *Constitution Act*, 1982.
- 3. The Province of British Columbia recognizes that the honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.

- 5. The Province of British Columbia recognizes that treaties, agreements, and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect.
- 9. The Province of British Columbia recognizes that reconciliation is an ongoing process that occurs in the context of evolving Crown-Indigenous relationships.
- 10. The Province of British Columbia recognizes that a distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of Indigenous peoples in B.C. are acknowledged, affirmed, and implemented.

United Nations Declaration on the Rights of Indigenous Peoples (relevant Articles)

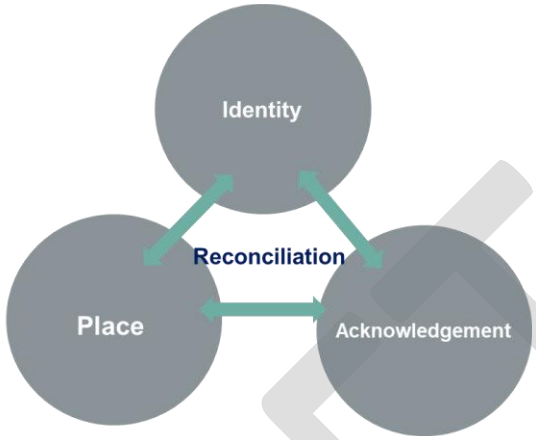
- Article 8
    - 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
    - 2. States shall provide effective mechanisms for prevention of, and redress for:
        - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
        - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
        - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
        - (d) Any form of forced assimilation or integration;
        - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.
- Article 11
    - 1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
    - 2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
- Article 19
    - States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- Article 27
    - States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- Article 29
    - 1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and

implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
    - 2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
    - 3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.
- Article 32
    - 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
    - 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
    - 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Truth and Reconciliation Commission: Calls to Action (relevant Calls to Action)
- #47: We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.
- #57: We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

The Branches of the Reconciliation Action Plan

The components of reconciliation support each other and link to the guiding principles that form the basis of this RAPlan:



- Identity – learning about identity is based on the principles of Coast Salish and Indigenous introductions in which people begin by saying "who they are, and where they come from". This connects a person to place, and acknowledges their heritage and name, the history of their family, and the importance of their lineage. It is also based on the principles that when we learn about ourselves we are more open to understanding and learning about others. Realizing that change and awareness comes from within and that strategies and materials must help people identify themselves and others and to develop skills to facilitate change within their society and community through the process of knowing who they are.

  This component recognizes:
  - Draft Principles of BC #3
  - TRC #47

- Place – In this place we all call home we recognize the need for respect and commit to caring for this place through processes of reconciliation, relationship building, and healing. We also recognize that as a federation of local governments guided by legislation and policy, Islands Trust works in cooperation with First Nations, other government bodies, organizations, communities, and people. The jurisdiction of Islands Trust covers islands and waters that have been home to Indigenous peoples since time immemorial and that over time the understanding of legislation, acts, and policy and have changed, and will change over time. Case law, UNDRIP, TRC, and other decisions, amendments, and commitments by government and society as a whole have and will change and shape the past, present, and future understanding of nation to nation, government to government, and individual to individual interactions.

In review of its role, Islands Trust recognizes that the following components apply to the organization in relation to lands and waters under its jurisdiction:

- Islands Trust First Nations Engagement Plan policy F.4.c.
- Draft Principles of BC #2
- UNDRIP Article 11
- UNDRIP Article 19
- UNDRIP Article 27
- UNDRIP Article 29
- UNDRIP Article 32
- TRC #47

- Acknowledgement – Islands Trust Council through its commitment to reconciliation acknowledges the importance of training, recognition, and awareness. Components of this process include acknowledgement of place and history, along with culture competency and cultural safety training for the organization. As well, through discussions with the Indigenous community, trustees and staff have become aware of the duty to provide education to the general public and constituents on the history and narrative of the islands and waters within the Islands Trust Area. Through its Reconciliation Declaration, Islands Trust Council also acknowledges that Trust bodies must ensure that affiliations and partnerships uphold the principles of reconciliation in their interactions.

  Islands Trust recognizes the following components apply in its fulfillment of acknowledgement:

  - UNDRIP Article 8
  - TRC #57

Islands Trust bodies has a very important role to play in reconciliation as one of the few government bodies with a mandate to preserve and protect the area within which it governs. Reconciliation is a way forward together. Reconciliation recognizes and acknowledges the dignity and well-being of everyone, not just some, and provides methodology and processes that create paths of respect, partnership, and collaboration. Reconciliation will require a fundamental shift in processes, education, and relationships through the recognition and acknowledgement of past flawed legislation, history, bias, prejudice, and racism.

Goals, Action Items, Timelines, and Leads

1. Education/Training - Cultural Competency, Cultural Safety – 2-year Plan		
Goal/Action Item	**Timeline**	**Leads**
1.1 One to One Dialogue Sessions – to allow staff and trustees to discuss core concerns related to reconciliation, work, society, and other issues related to Indigenous understanding **Participants: all staff & trustees**	• Gabriola Office – March 5, 2019 – 5 staff, 2 trustees attended • Salt Spring Office – April 1, 2019 – 6 staff, 1 trustee attended • Victoria Office - May to June 2019	• SIPA
1.2 Facilitated Workshop – in-depth discussion on the role of leaders in reconciliation work; understanding what land means to First Nations; legislative oppression, and legal cases; and the timeline to reconciliation past, present, and future **Participants: senior staff and trustees**	• Denman LTC – March 7, 2019 – 2 trustees and Chair attended • Islands Trust Conservancy Board – 5 Board members and Manager • Galiano LTC – May 13, 2019 • North & South Pender LTC – May 27, 2019 • 2019-2020 – additional workshops at the request of Islands Trust bodies	• SIPA
1.3 All Staff Learning Session – session one – introduction to concepts of identify, place, and acknowledgement, brief history of oppressive legislation, and the role we have in reconciliation work **Participants: All staff**	• Session One – April 3, 2019 – 45 staff attended	• SIPA
1.4 Gathering to Learn About the Past – Residential School – session two - Truth and Reconciliation Calls to Action #57[1] calls upon all levels of government to provide education to public servants on the history and legacy of residential schools. Presentation of the TRC Report and discussion on what this means and how this learning will inform our work. Completion of this component of learning is fundamental to reconciliation.	• 2019-2020	• SIPA

[1] TRC Calls to Action #57: We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Participants: All Staff		
1.5 Learning about the Land – The importance of place. Two sessions - Facilitated workshop on land use, management, planning, and Indigenous understanding of the land. Review of crown land co-management agreements, parks agreements, cultural, spiritual, and sacred place understanding. Review of challenges and documents to inform perspectives. **Participants: CAO, Directors, Managers, & Planners**	• 2019	• SIPA
1.6 Speaker Series - year 2 Speakers to present a one-hour session on various topics that are relevant to the work done by Islands Trust, reconciliation, traditional knowledge, and other topics.	• 2020	• SIPA • Speakers/Knowledge Holders
1.7 Lunch & Learn Series – year 2 This series will provide lunch. Staff and trustees can attend to learn about a specific topic that they might all decide on (through voting) eg: Learn about Cedar, Learn about Weaving.	• 2020	• SIPA
1.8 Indigenous Learning Series – year 2 - This series will take staff and trustees out onto the land to learn about various topics, as well as interactive session such as drum making, weaving a headband, cedar weaving, plant knowledge and storytelling and other topics.	• 2020	• SIPA • Presenters
1.9 New Employee Orientation – Develop employee orientation materials and include as part of standard orientation process.	• Beginning in June 2019 and ongoing as needed	• SIPA • HR team
1.10 Annual Employee Performance Development and Development process –amend the required training list to include at least one course/session on Indigenous issues/culture.	• May 2019	• HR team • SIPA

1.11 Monthly Learning Series – develop a learning series in the form of a video, reading material, TV show, etc. on Coast Salish or other Indigenous learning that provides in-depth understanding of particular topics.	• On-going	• SIPA • • Communication Specialists • Programs Coordinator
1.12 External Presentations/Education – when invited or requested will present the work and processes that Islands Trust is undertaking.	• April 29, 2019 – Presentation to Royal Roads University Land Use and Environmental Planning class – 38 participants • As requested	• SIPA • Other staff
1.13 Indigenous Law – speaking and learning about current Indigenous law issues and how that relates to the Islands Trust. Participants: Trustees, Directors, Managers, CAO	• 2020	• SIPA • Guest speaker

Training and education should be based on the following principle:

EAGLE – Learning to Soar

The EAGLE Engagement Process stands for:

- Engaging – we come together to engage and learn from each other.
- Acknowledging – we acknowledge that we have lots to learn and offer.
- Gathering – we gather together to support each other.
- Learning – we recognize that learning is a life-long process.
- Excelling – when we come together to learn we excel in the work we do and as individuals.

The purpose of EAGLE is to create confidence and understanding for all staff and trustees within Islands Trust. Training is positive based and is done on principles of safe spaces and healing. The methodology is based on the concept of all peoples being in the canoe together and learning to paddle as one. Participants will receive a small paddle for each increment of the training process and will receive acknowledgement on their progress based on Coast Salish protocol.

2. Standardization of Reconciliation Standing Resolutions		
Goal/Action Item	**Timeline**	**Leads**
The intent of standing resolutions is to provide guidance and frameworks for work done by Local Trust Committees and staff. Standardization of this process into a common standing resolution creates a consistent and manageable process that is success-based and positive. The	• Denman LTC – Feb 7, 2019 • Gabriola LTC – Feb 28, 2019 • Thetis LTC – April 23, 2019	• SIPA • Regional Managers

timeline for processes is non-linear and not deadline-based. It intends to lessen the demand on First Nations to act, provide resources, or to engage particularly in demands of time, and limited resources. The resolution also recognizes the educational and learning components of the TRC and UNDRIP principles and allows trustees, staff and the community time to learn about reconciliation as part of the process of cultural competency.		

Reconciliation Standing Resolution text:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

a) **Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;**

b) **For various Local Trust Committee meetings, invite First Nations to attend meetings; as well as, provide a traditional welcome to their territory if they would like;**

c) **Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;**

d) **Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;**

e) **Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.**

3. Policy & Procedures – 4-year Plan		
Goal/Action Item	**Timeline**	**Leads**
3. 1 Policy Statement and *Islands Trust Act* **–** development of engagement process and implementation to create an inclusive Policy Statement and *Islands Trust Act* that is reflective of history, acknowledgement, and reconciliation.	• Ongoing	• SIPA • CAO & Directors • Regional Managers • TAS Team
3.2 Land Use Planning **–** Local Trust Committees and Local Planning Services should, and Bowen Island Municipality is encouraged to, strive to incorporate Indigenous perspectives, knowledge, stewardship, and understanding into their land use planning and management plans. Islands Trust management will ensure that planning staff are trained in this area and that the methodology regarding land use planning aligns with the Planning Associations commitment to Reconciliation, along with the TRC and UNDRIP. Land use decisions must be informed by First Nations core concerns and knowledge and be reflective of preserving and protecting Indigenous cultural heritage and sacred sites.	• 2019 - 2020	• SIPA • Directors • Regional Managers • Managers • Planners
3.3 Marine Use Planning **–** Strive to incorporate Indigenous marine use planning into its advocacy work, zoning, and foreshore reviews. Create understanding around rights related to marine harvesting and use are preserved and protected.	• 2019-2022	• SIPA • Directors • Regional Managers • Planners
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	• 2019-2022	• SIPA • Director • Regional Managers • Planners

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.		
3.5 Review of Current Initiatives – Staff will undertake a gap analysis for current initiatives to identify if any processes or initiatives require changes to be more inclusive and reflective of reconciliation. Example: Stewardship award criteria.	• 2019-2020	• SIPA provide staff reports
3.6 Database – development of a contact information database for use by staff, trustees. Format to be determined.	• Developed in October 2018 in excel format • On-going	• SIPA • Directors • IT Staff

4. Cultural, Naming & Recognition Work – 4-year Plan		
Goal/Action Item	**Timeline**	**Leads**
4.1 Naming and Recognition – over time Islands Trust will work with First Nations communities and councils to recognize and acknowledge traditional names and placenames for islands, areas, locations, plants, species, etc. Once a name has been identified and confirmed by a First Nation, Islands Trust will attempt to incorporate placenames and use Indigenous languages where possible.	• 2020-2022	• SIPA • CAO & Directors • Regional Managers • Planners • Individual LTCs • Advocacy Groups
4.2 Signage – over time Staff will work with Trust bodies and First Nations to recognize and acknowledge First Nations territory and treaty areas with First Nations language, logos, signage, and placenames that is supported by First Nations Chief and Councils where possible.	• 2020-2022	• SIPA • Advocacy Groups • Individual LTCs • Regional Managers • Planners

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.	• 2019-2022	• SIPA • Directors • Planners • Regional Managers
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.	• 2019-2022	• SIPA • Regional Managers • Planners • Conservancy staff

5. Liaison and Engagement with First Nations & Others		
Goal/Action Item	**Timeline**	**Leads**
5.1 Crown Agreements – Islands Trust will work with ministries to integrate various crown agreements into one cooperative agreement to improve ways of working together and improve communications and sharing of engagement processes related to Crown land and lands subject to aboriginal rights and title, including treaty and traditional territories.	• 2020	• SIPA • CAO & Directors • Bowen Island Municipality • Other Ministries

5.2 Community to Community Engagement – staff and trustees will work with communities and with individual LTCs to create greater understanding and education around the history and rights of Indigenous peoples and First Nations within the Islands Trust Area. Islands Trust will ensure that meetings are respectful and that core concerns related to First Nations are reflected in the work that is presented for decision-making.	• 2019-2022	• SIPA
5.3 Regional Districts & Islands Trust – staff will request to meet with Capital Regional District on a quarterly basis to coordinate initiatives and policies that involve mutual core concerns related to First Nations within the two agencies jurisdictions. Staff will begin process with CRD and expand this initiative to other regional districts in time.	• 2019-2022	• SIPA • CRD Staff
5.4 Ministry Indigenous Relations and Reconciliation (MIRR) & Islands Trust – Islands Trust will seek to create a stronger relationship with MIRR and other ministries to collaborate on First Nations engagement principles, best practices, learning, and consultation requirements.	• 2020-2022	• SIPA • Directors
5.5 First Nations & Islands Trust – Islands Trust staff will meet and work with First Nations to identify core concerns, work together to understand policy and process concerns, and work to align First Nation core concerns with concerns of the general public.	• On-going	• SIPA • Directors • Planners • Trustees
5.6 Treaty Table – Islands Trust will coordinate with other ministries and agencies to improve communications regarding treaty negotiations and land selection that may require Islands Trust zoning and by-law processes.	• 2020-2022	• SIPA • Directors • Planners

5.7 Advocacy – Islands Trust, when seeking to partner or work with advocacy groups, will ensure that those advocacy groups meet a standard of engagement with First Nations and have an understanding of reconciliation and best practices related to aboriginal rights and title. Islands Trust Council will ensure that when working with advocacy groups, those advocacy groups have an understanding of reconciliation, TRC Calls to Action, or UNDRIP. SIPA will work to provide guiding principles related to this initiative.	• 2019-2020	• SIPA • Directors
5.8 Protocol Agreements – Staff will develop a plan for implementing the two existing protocol agreements and to revitalize and develop new protocol agreements with other First Nations that would like to develop this process. The purpose of protocol agreements should be to seek ways of developing knowledge and technology sharing between a First Nation and Islands Trust as well as creating better communications, community relations, and understanding about core concerns.	• Snuneymuxw December 4, 2008 • Lyackson First Nation August 21, 2000 • Halalt First Nation – in progress	• SIPA • CAO • Directors • Executive Committee • Trust Council

6. Communications and Messaging		
Goal/Action Item	**Timeline**	**Leads**
6.1 Creation of Public Materials – development of storyboards that provide education and acknowledgement of Indigenous treaty, traditional territories, and rights within the Islands Trust Area to be made available (format to be determined) to each LTC and available for display at meetings.	• 2019	• TAS Team • LTCs

6.2 Webpage – ensure website is reflective of reconciliation and acknowledgement messaging. On-going updates process to be developed for Events & News.	• Initial review and changes completed April 17, 2019	• SIPA • Directors • Lori Foster • Maple Hung
6.3 News Releases – territorial or treaty area acknowledgement incorporated into news releases.	• Begun on April 6, 2019	• SIPA • Communications Specialists
6.4 On-going review - on-going review of reports, briefings, or other writing to assist with understanding of bias or prejudice in language.	• As needed	• SIPA

Cultural Working Group

A Cultural Working Group will be formed to liaison with homeowners, communities other agencies, and First Nations in the event of cultural items being found, ancestral remains being found, or sensitive issues related to heritage. The Working Group will operate using an incident management methodology as appropriate. The Cultural Working Group members will be trained in Coast Salish cultural site and sacred site protocol and concerns so that they are able to interact, liaison, provide assistance and understanding, as well as create opportunities for communications and support for First Nations, other agencies, homeowners, or the public. The roles are diplomatic and assist with lessening the loss of trust that has arisen in the past in relation to cultural heritage, cultural understanding, and cultural competency.

7. Cultural Working Group		
Goal/Action Item	**Timeline**	**Leads**
7.1 Cultural Working Group formation – determine who within Islands Trust would be suitable members of a cultural committee.	• 2019-2022	• SIPA • Directors • Trustees
7.2 Cultural Working Group Training – members of the cultural committee would be trained in understanding of cultural heritage, sacred sites, protocol, repatriation of remains, cultural safety, and competency, and challenges.	• 2020	• SIPA • Chief
7.3 Incident-based Liaison – members of the cultural working group would manage issues as they arise working with LTCs, Planners, homeowners, other agencies, and First Nations.	• On-going	• Members of Cultural Committee

Conclusion

The intent and commitment of this Reconciliation Action Plan is a willingness to work in new ways and to take the time needed to implement reconciliation at an organizational level. Taking responsibility for reviewing methodologies, having conservations, and developing new processes and policies is a key aspect of change management. Realizing that reconciliation work is not a checklist or a conventional assessment process with time-lined outcomes is important. Part of the success of reconciliation is to act on the commitment with an open heart and mind and to embrace the challenges and value of working together. The principles of reconciliation are clear in the work of the Truth and Reconciliation Commission, and of the United Nation Declaration on the Rights of Indigenous Peoples. These principles provide a roadmap of how to journey forward in conjunction with the work that had been undertaken by the Islands Trust and the Province of BC in the past few years.

An important aspect of this process is to realize that reconciliation is a learning and healing process and that it is supported by two fundamental features: the work that is required internally within an organization; and the work that is done externally by society, by governments, and by individuals. The responsibility of reconciliation does not lie with Indigenous people alone but rests with the many layers of Canadian society and organizations. Given this understanding, the RAPlan is phased over a 4-year timeframe.

Phase One could be termed "learning who we are and where we come from". Phase One involves developing internal competencies and education to empower and develop staff and organizational knowledge and skills. Phase One recognizes the important requirement of UNDRIP and the TRC Calls to Action of learning about Indigenous history, residential schools, Indigenous land and laws. Phase One also begins the internal processes of reviewing current policies and processes in juxtaposition to reconciliation, TRC Calls to Action, UNDRIP, and the Draft Principles Province of BC.

The goal is to ensure that all staff and the organization as a whole has a level of competency and cultural safety to understand elements of reconciliation, Indigenous rights and title, Indigenous law and protocol, and historically oppressive legislation, policies, and processes that lead to the necessity of the Truth and Reconciliation Commission work. Islands Trust, as a government entity, provides guidance and demonstrates best practices and principles as Canadian society reaches for meaningful reconciliation and recognition.

Phase One also ensures that the work required to reach a certain level of knowledge and understanding is not placed on Indigenous peoples. Hence, reviews and training will seek external resources at year 2 to ensure that the burden of education and awareness is not unduly placed on Indigenous people in year 1. Phase One allows for determination and review in preparation of Phase Two implementation.

Phase Two is the implementation phase. With staff and the organization at a place of awareness after year one we reach out to begin the elements "gathering together to share knowledge and understanding". Staff and the organization as a whole will feel confident in understanding how to learn about First Nation core concerns, how those concerns are incorporated into the work we do and how we are supported in the work we do as an organization.

Phase Two will include the implementation of process and policies that meet the needs and engagement best practices of First Nations, and will see the development of cooperative process for Indigenous and non-Indigenous communities. The Islands Trust as an organization will in Phase Two build on the foundational work that has been undertaken toward reconciliation and will strive to build trust and demonstrate their commitment to the long-term relationships needed to facilitate reconciliation. Phase Two will see the development of procedures to support long-term reconciliation process through protocols, agreements, engagement processes, and change management.

Phase Two ensures that support to Local Trust Councils is facilitated to assist them in the work they endeavor. The principle will be to hear, advise, reflect and comment while building and developing the foundational work of the Islands Trust as a whole.

The journey of reconciliation is one in which we commit to work within a context and framework that is inclusive, respectful, and humble. Realizing that for generations processes and policies have brought us to a place in which we recognize the damage, harm, and failure of division, racism, prejudice, and stereotypes, we strive to find ways of coming together. Reconciliation Action Plans are a way of setting the terms of reference for how we will move forward as an organization, and provide the support that is needed for individuals to do their best work.

The Reconciliation Action Plan (RAPlan) will be an evolving process and a living document that is fluid to the reality of First Nations, staff, Trustees, and communities of the Islands Trust Area. The purpose is to be present to the cultural, historical, and modern realities of Indigenous peoples and to build and nurture the places we call home, and the places we work.

Islands Trust

REQUEST FOR DECISION

To:	Local Planning Committee	**For the Meeting of:**	May 23, 2019
From:	**David Marlor, Director, Local Planning Services**	**Date Prepared:**	May 16, 2019
SUBJECT:	**2018-19 Annual Report – LPC Contribution**		

RECOMMENDATION: That Local Planning Committee approve the summary of work undertaken by the Local Planning Committee in Fiscal Year 2018/19 for the Annual Report.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: N/A

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1 PURPOSE:

To provide Local Planning Committee an opportunity to comment on and approve the wording of the LPC contribution to the annual report.

2 BACKGROUND:

Islands Trust Council is required to submit an annual report to the Minister of Municipal Affairs and Housing. As part of that report, each body of Islands Trust is required to provide a submission summarizing the work it has undertaken in the fiscal year. This report is for the fiscal year 2018/19 (that is, April 1, 2018 to March 31, 2019).

The Local Planning Committee summary of work is attached.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Staff will incorporate the Local Planning Committee contribution into the Annual Report for fiscal year 2018/19.

FINANCIAL: None

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: The annual report will be approved by Trust Council and subsequently submitted to the Minister of Municipal Affairs and Housing.

FIRST NATIONS: None

OTHER: No other implication

4 RELEVANT POLICY(S):

This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's Annual Report Policy 6.10.i.

5 ATTACHMENT(S):

Local Planning Committee Accomplishments for Fiscal Year 2018-19 Annual Report

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RESPONSE OPTIONS

Recommendation: That Local Planning Committee approve the summary of work undertaken by the Local Planning Committee in Fiscal Year 2018-19 for the Annual Report.

Alternative: As directed by the Local Planning Committee.

Prepared By: David Marlor, Director, Local Planning Services

Local Planning Committee Accomplishments for Fiscal Year 2018/19 Annual Report

Role

The Local Planning Committee (LPC) provides policy and planning advice to Trust Council by identifying and reporting on emerging issues related to the committee's areas of responsibility: development management, community planning, and sustainable community. The committee also develops guidelines, policies, and models for use by staff and local trust committees.

Members

Serving during the 2014/18 term

Paul Brent, Saturna Island (Chair 2014 – June 14, 2017)
Melanie Mamoser, Gabriola Island (Vice-Chair, 2014 – August 17, 2017) (Chair, August 17, 2017 – end of term)
Alex Allen, Hornby Island (Vice-Chair, August 17, 2017 – end of term)
Tony Law, Hornby Island (resigned October 26, 2018)
Lee Middleton, Saturna Island
Timothy Peterson, Lasqueti Island
Sandy Pottle, Galiano Island
Wendy Scholefield, South Pender Island (resigned August 14, 2017)
Laura Busheikin, Denman Island (Executive Committee Representative)
Peter Luckham, Thetis Island, Chair Trust Council (Ex Officio Member)

Serving at the start of the 2018/19 term

Laura Busheikin, Denman Island (Chair)
David Maude, Mayne Island (Vice-Chair)
Jeanine Dodds, Mayne Island
Kees Langereis, Gabriola Island
Timothy Peterson, Lasqueti Island
Kate-Louis Stamford, Gambier Island
Jane Wolverton, Galiano Island
Laura Patrick, Salt Spring Island (Executive Committee Representative)
Peter Luckham, Thetis Island, Chair Trust Council (Ex Officio Member)

In the 2018/19 fiscal year, the Local Planning Committee delivered housing needs assessments for the northern local trust committees (covering Denman, Hornby, Lasqueti, Gambier, Thetis, and Gabriola local trust areas) and worked with the Capital Regional District on delivering housing needs assessments for the southern region (including Galiano, Mayne, North Pender, Saturna and South Pender local trust areas).

The LPC completed a Trust Council Strategic Plan item to provide a coastal Douglas-fir and associated ecosystem toolkit. The toolkit provides a range of protective tools that are available to local trust committees and Bowen Island Municipality.

The LPC also developed a model strategy to assist Local Trust Committees to effectively and efficiently assess antenna system proposals within their own unique contexts. While the siting of antennas is the responsibility of the Federal Government, proponents are required to seek feedback and support from the local community when siting such towers. The model strategy provides an approach that local trust committees may adopt that is consistent with the Federal Government's requirements for consultation.

Islands Trust

BRIEFING

To:	Local Planning Committee	**For the Meeting of:**	May 23, 2019
From:	**Clare Frater,** **Director, Trust Area Services**	**Date Prepared:**	May 17, 2019
SUBJECT:	**Sea Level Rise Workshop Recommendations**		

PURPOSE:

To provide a summary of sea level rise workshops offered in partnership with Living Oceans Society and resulting recommendations to Islands Trust from the Living Oceans Society.

BACKGROUND:

In June 2018, Living Oceans Society indicated that they were interested in collaborating with Islands Trust to host sea level rise workshops in the Trust Area. At the Trust Programs Committee meeting on October 15th, 2018, Trust Programs Committee approved a project charter to carry out five workshops with Living Oceans Society.

In October 2018, staff sent an email to all trustees providing them with an opportunity to request a workshop for their local trust area/island municipality. Trustees from four local trust areas and Bowen Island Municipality responded with a request.

Trust Area Services staff saw an opportunity to provide Penelakut Tribe with a workshop for their island when Islands Trust Conservancy met with them in January 2019. Living Oceans agreed to offer a workshop with support from Trust Area Services staff. Penelakut Tribe administration staff were grateful for the opportunity and appreciated Islands Trust support for hosting the workshop.

Islands Trust and Living Oceans Society conducted six workshops from December, 2018 to March, 2019. The costs to Islands Trust were $4,254. The workshops were completed on:

1. Galiano Island, December 10th, 2018: 35 participants
2. Salt Spring Island, January 28th, 2019: 38 participants
3. North Pender Island, January 29th, 2019: 22 participants
4. Lasqueti Island, February 21st, 2019: 13 participants
5. Penelakut Island, March 13th, 2019: 9 participants
6. Bowen Island, March 30th, 2019: 23 participants

The participants who attended were very engaged during the workshop component of the event, including asking questions after the presentation. The final workshop on Bowen Island was video recorded at the council chambers at the Bowen Island Municipal Hall and can be viewed online.

On May 15, 2019, Trust Programs Committee received a briefing about the project and requested that staff forward to Local Planning Committee the attached Living Oceans Society final report, with a request that Local Planning Committee pay particular attention to the recommendations in the report.

ATTACHMENT:

1. Final Report of Living Oceans Society to Islands Trust , April 1, 2019, re: Sea Level Rise Workshops
(see end of page 2 and page 3 for recommendations)

FOLLOW-UP: Staff will follow-up as requested.

Prepared By: **Clare Frater, Director, Trust Area Services/May 17, 2019**

April 1st, 2019

Final Report of Living Oceans Society to the Islands Trust

Re: Sea Level Rise Workshops

We are pleased to provide you with our final report on our collaborative effort to engage Trust communities in beginning to plan for sea level rise (SLR). Our agreement was to provide workshops on sea level rise to two communities within the Islands Trust with the potential to add more, funding permitting. The workshop was designed by Living Oceans to offer education on the basic science of sea level rise, its impacts and adaptation strategies. We are indebted to the Trust for providing assistance with maps, logistics, promotion, note-taking and advice throughout; and for the invaluable attendance of the Trust planner at the workshops. The support provided allowed us to reallocate budget to staff costs, thereby enabling additional workshops to be given. Finally, we acknowledge and thank you for direct funding that enabled us to deliver a final workshop on Bowen Island on March 30.

Living Oceans' sea level rise project is part of a larger, national undertaking spearheaded by the Ecology Action Centre of Halifax and funded in part by Fisheries and Oceans Canada. That project is known as ECoAS—Educating Coastal Communities about Sea Level Rise (www.sealevelrise.ca). Outputs from the workshops were shared with ECoAS and helped inform the creation of tools and guidance documents for communities that are contained on the referenced website.

In total, six workshops were hosted in community on Galiano, Salt Spring, Pender, Lasqueti and Bowen Islands as well as for the Penelaukut Tribe on Penelakut Island. This latter workshop allowed the Islands Trust to advance its objective to develop its relationship with First Nations communities in the Trust area and allowed Living Oceans to fulfill its commitment to include First Nations communities among those served by the project.

Workshops were promoted with a combination of social media, postering, media releases, subscriber notice emails, and most importantly word of mouth. Attendance at each is detailed below, but in general they were attended by one or more Trustees, private property owners and individuals engaged in community advisory roles.

The workshop was divided into two parts. The first part was a video presentation describing the project's goals, the cause and impacts of SLR, future projections for coastal communities in B.C. and an overview of the four main strategies for adaptation, as well as some of the tools available.

The second part of the workshop involved participants in interactive exercises. In the first exercise, they located and mapped the community's coastal assets on maps provided by the Trust's administration department. Participants then mapped all the SLR impacts they had already observed, such as erosion, salt water intrusion and flooding. These exercises provided participants with an initial, visual insight into the distribution of known impacts and possible at-risk areas.

In the final exercise, participants made a list of stakeholders for the community to engage more deeply, who should be at the table for future SLR planning sessions. The participants were introduced to the sealevelrise.ca website and directed to the more detailed discussion toolkit contained there, to help with future community engagement.

In each community in which the workshops were held, a summary of the proceedings, the maps created by participants and resource documents specific to British Columbia were provided to the Trustee or designated participant.

Living Oceans created two resource documents to support the needs of the local communities in adapting for SLR and forwarded these to the Islands Trust for reference. They include a list of resources and tools aligned with Official Community Plans of the Trust islands and with Trust policy. One is specifically aimed at property owners and the other is for local government use. The latter includes alist of funding available in B.C. and a few practitioners whose services may be required for future planning. The documents are available on the Living Oceans website at https://livingoceans.org/initiatives/energy-and-climate-change/issues/resources-planning-sea-level-rise

Feedback was collected from willing participants at the close of the workshops and was generally very positive, particularly so regarding the interactive portion of the workshop. We heard from some participants who had expected a much more data-driven process, who were apparently not aware of the lack of topographical data; and from others who felt the workshop failed to connect the impending threat of SLR (in 2050 and 2100) with the need for action today. There was also some push back on the premise that climate change is a reality. Some felt investment in any adaptation strategy might be a waste of limited financial resources, in the absence of proof that the rate of sea level rise will increase as predicted. Some participants were also unaware of the setback guidelines and might benefit from more specific education. All of the feedback has been shared internally and will help Living Oceans to improve future workshops and their advertising.

Recommendations

In order to continue to move communities forward with SLR planning, we would recommend the formation of a Sea Level Rise (SLR) action committee to help shepherd the different initiatives needed in each community to increase its preparedness. This could be a way to foster collaboration among the islands and share success stories; to boost motivation and generate ideas. Such a committee could carry forward the work of education, by organizing additional free workshops such as those offered by as Living Shorelines, which are well-aligned with the Islands Trust core principles.

We see great potential for advance community planning to realize cost savings in adaptation measures and even to achieve collateral ecological benefits. We refer to projects like the Reef Ball Program on the Atlantic coast or any of the oyster reef projects– where manmade structures encourage nature to help clean the water while stabilizing shorelines against erosion and breaking up wave action; and all without disturbing the interface of land and water that characterizes our island communities.

We would further recommend that all Trust islands be encouraged to amend Official Community Plans and/or Land Use bylaws to accord with the Province's new Flood Hazard Area Land Use guidelines. Full implementation of the guidelines will entail accurate determination of the projected year 2100 natural boundary of the ocean, but we suggest that this could be left to site-by-site determination by qualified professionals at the time of a development application or building permit if appropriate planning instruments mandate it. In the meantime, the recommended setbacks from the natural boundary (generally 15 meters) should be adopted throughout the Trust area.

It has been a very great pleasure to work with Trust staff to deliver these workshops and we sincerely hope that they will yield lasting benefit, by stimulating planning processes and engaging community members. Living Oceans will be seeking funding in the coming year to continue to work with coastal communities throughout the Province on SLR adaptation and we would be pleased to stay in touch about the work that takes place within the Trust area.

Workshop dates and attendance:

Galiano Island, December 10, 2018: 35 participants

Salt Spring Island, January 28, 2019: 38 participants

Pender Island, January 29, 2019: 22 participants

Lasqueti Island, February 21, 2019: 13 participants

Penelakut Island, March 13: 9 participants

Bowen Island, March 30, 2019: 23 participants

Top Priorities Report

Local Planning Committee

1. *DAI Model Bylaws*	Responsible	Dates
CURRENT: Provide LPC with latest DAI Bylaw **PLANNED:** To be determined	David Marlor	Rec'd: 06-Feb-2019 Target: 23-May-2019

2. *LTC Model Fees Bylaw*	Responsible	Dates
CURRENT: Provide LPC with background information from previous work done on fees **PLANNED**: To be Determined	David Marlor	Rec'd: 06-Feb-2019 Target: 23-May-2019

Islands Trust

Print Date: May 14, 2019

Projects Report

Local Planning Committee

1. *Development Approval Information Model Bylaw*	Responsible	Date Received
Staff to draft amendments to Trust Council Policy 2.1 viii in order to develop a Development Approval Information Model Bylaw.		03-Mar-2016

2. *Letter of Agreement with the Ministry of Transportation and Infrastructure - including discussion*	Responsible	Date Received
Staff working with the MOTI to address the Letter of Agreement; next meeting planned for May 17, 2016. Local Planning Committee is monitoring the process.		03-Mar-2016

3. *Domestic Wind Power*	Responsible	Date Received
Update report as required.		03-Mar-2016

4. *Blue Dot Campaign*	Responsible	Date Received
Consideration of this proposal (added per resolution May 2015)		03-Mar-2016

5. *Alternative Ways of Measuring Density*	Responsible	Date Received
Bring forward a thorough analysis of alternative ways of measuring density and how to manage any corresponding impacts before consideration of requesting model bylaws be developed for local trust committees.		25-Aug-2016

6. *Appropriate Economic Development*	Responsible	Date Received
To be determined by the Local Planning Committee		18-Nov-2016

Local Planning Committee

7. *Develop tool kit to assist LTCs and island municipalities to reduce ecological footprint.*	Responsible	Date Received
Trust Council - strategic plan		17-Aug-2017

8. *Shoreline Marine Planning*	Responsible	Date Received
Trust Council - Strategic Plan Item Conduct a working group session to brainstorm possible directions.		09-Nov-2017