



<b>Policy:</b>	5.9.1
<b>Approved By:</b>	Trust Council
<b>Approval Date:</b>	March 10, 2006
<b>Amendment Date(s):</b>	September 11, 2013; June 22, 2022
<b>Policy Holder:</b>	Director, Local Planning Services

## BEST MANAGEMENT PRACTICES FOR DELIVERY OF LOCAL PLANNING SERVICES

### Purpose

1. To ensure that Local Trust Committees (LTCs) use the Local Planning Services (LPS) staff resources provided to them in accordance with their legislated responsibilities under s. 24 of the *Islands Trust Act* or in accordance with any powers that may be delegated to them under s.10 of the *Islands Trust Act*.
2. To identify the core services provided to LTCs, and to outline the best practices for delivering those services to LTCs in a fair and equitable manner.
3. The Goals of the Policy are as follows:
  - 3.1 LTC planning projects are well-defined and planned;
  - 3.2 LTC projects reflect community and First Nations expectations;
  - 3.3 Staff, trustees, the public, and partners have certainty and clarity around how projects get allocated, resourced, and carried out, leading to realistic expectations;
  - 3.4 Resource allocation is efficient, fair and equitable;
  - 3.5 OCPs and LUBs are systematically updated on a regular basis;
  - 3.6 Planning is both proactive and adaptive;
  - 3.7 Local Planning implements Trust-wide planning initiatives and tools (eg. strategies, model bylaws).

### A. Definitions

**Major Policy/Regulatory Work** - a review of an official community plan and/or land use bylaw that takes between six and 18 months to complete, includes discretionary activities that exceed required processes, and / or includes a budget request of more than \$5,000.

**Minor Policy/Regulatory Work** – amendments to an official community plan and/or land use bylaw that take six to 12 months to complete, and / or requires a budget of less than \$5,000.

**Extraordinary Policy/Regulatory Work** - a review of an official community plan and/or land use bylaw that includes discretionary activities that exceed required processes, and would require external consultants and / or additional funding considerations.

**Regional Planning Team** – a Planning team assigned to exclusively manage major and extraordinary bylaw reviews for local trust committees and policy planning work of the Regional Planning Committee.

**Local Planning Team** - a Planning team consisting of senior planners assigned to undertake day-to-day planning functions of assigned local trust committees, including managing minor bylaw amendments, processing of major applications and referrals, responding to enquiries, and administering local trust committee meetings.

**Current Planning Team** – a Planning team assigned to undertake the processing of routine referrals and land use permits for all local trust areas.

## **B. Policy**

### **1. Official Community Plan and Land Use Bylaw Reviews and Amendments**

- 1.1 The Regional Planning Team will develop and deliver comprehensive Major Policy Work, Official Community Plan (OCP), and Land Use Bylaw (LUB) documents to assist LTCs in identifying and establishing policy preferences for managing growth development and conservation in island communities.
- 1.2 Comprehensive OCP and LUB reviews are considered to be major policy/regulatory work.
- 1.3 Regional Planning Team Staff will maintain a checklist of the “health” of official community plans, and will use this to recommend to Trust Council via Regional Planning Committee prioritization of OCPs for review and update as part of Trust Council’s budget process.
- 1.4 New and updated official community plans and land use bylaws will follow a recommended process and format, with some customization to allow for local conditions permitted.
- 1.5 A maximum of two reviews of official community plans and land use bylaws may be started each fiscal year to ensure adequate resourcing is available to complete.
- 1.6 Where possible, the OCP and LUB should be reviewed concurrently as part of the same project, or the LUB should be scheduled to be reviewed as soon as the OCP review is complete.

### **2. Major Policy/Regulatory Work**

- 2.1 The Regional Planning Team will undertake major policy/regulatory projects of LTCs and the Regional Planning Committee. A set of criteria will be used by Regional

Planning Team staff to recommend to Trust Council via the Regional Planning Committee prioritization of these projects.

- 2.2 Staff resources will limit the number and type of major policy/regulatory work that can start in any one year. This limit will also be considered when recommending OCP/LUB reviews.
- 2.3 The local trust committee must submit a business case as part of the budget process that sets out the scope, timeline and budget (including estimated staff resources required) of the proposed project. The business case must be endorsed by the local trust committee.
- 2.3 LTCs may initiate more frequent OCP/LUB reviews and extraordinary OCP/LUB review processes on specific policy issues subject to Trust Council approval of a special tax levy for the relevant Local Trust Area to fund the necessary costs, including additional staffing requirements. Minor OCP/LUBs reviews may also be undertaken as part of a LTCs normal work program, which would be undertaken pending available Local Planning Team resources.
- 2.4 LPS staff will strive for simplicity and certainty when drafting amendments and will engage stakeholders early in the review process. LTC chairs will ensure timely review and completion of documents.
- 2.5 LPS staff will provide LTCs with early advice about any proposed OCP amendment that may be inconsistent with the Islands Trust Policy Statement and will seek clarification from Trust Area Services staff if necessary. LPS staff will not spend time on OCP amendments that are inconsistent with the Islands Trust Policy Statement without the prior approval of Trust Council.
- 2.6 LPS staff will provide LTCs and the Executive Committee with early advice regarding any proposed OCP amendment that may require additional staff resources for administration or enforcement and will confirm the availability of those resources before bylaw adoption. LPS staff will ensure that Bylaw Enforcement staff confirm the enforceability of new OCP provisions that may require enforcement (such as Development Permit Areas) before they submit bylaws to an LTC for first reading.
- 2.7 For any policy work of an LTC to be considered to be undertaken by the Regional Planning Team, it must be a priority of the LTC and one of its top priorities.

### **3. Community Engagement**

- 3.1 All community engagement for major policy/regulatory work will establish the appropriate IAP2 engagement level in the Project Charter.

- 3.2 All major policy/regulatory work shall follow the IAP2 commitments and provide opportunities to be heard, and provide feedback appropriate to the IAP2 level identified for that project.
- 3.3 Stakeholders and key partners should be identified early in the process and during the development of the Project Charter.
- 3.4 In some instances a community group may wish to independently review and make recommendations to the local trust committee. If this is endorsed by the local trust committee, this work would be outside of the Regional Planning Team. The Regional Planning Team could become involved if the local trust committee makes it a priority of the LTC, and has a Project Charter. These projects would be considered priorities the same as any other project under this Policy.

#### **4. Local Trust Committee Meeting and Agenda Preparation**

- 4.1 LPS staff will administer planning services through established agendas and a meeting schedule that the LTC pre-determines annually.
- 4.2 Legislative clerks and planners will prepare LTC business meeting agendas. LPS staff will release LTC business meeting agendas to trustees and post them on the Islands Trust website at least one week in advance of the meeting day.
- 4.3 LPS staff will provide applicants who have agenda items with a link to the agenda and any related reports at least one week prior to the meeting day.
- 4.4 LPS staff will not add late items to agendas except with the approval of the Chair. LTC members and staff should not add or suggest new decision items for the meeting agenda after staff has released it, unless the topic has arisen since the agenda release and must be resolved before the next LTC meeting. LTC members and staff who intend to suggest new decision items of this nature should ensure that all LTC members and LPS staff have at least two days' notice of any proposed resolutions.
- 4.5 LTC chairs will keep item debates focused and avoid public debate during the business session of the LTC.
- 4.6 LPS staff and LTC Chairs will ensure that all decisions on the LTC business agenda that require LPS staff resources are relevant to the responsibilities of LTCs to regulate the development and use of land, pursuant to s. 24 of the *Islands Trust Act*, or relevant to any powers that may be delegated to an LTC under s. 10 of the *Islands Trust Act*. LTCs should not instruct LPS staff to undertake work that is unrelated to these responsibilities.
- 4.7 Staff will only undertake work as directed by the local trust committee; trustees are to avoid individual directions or requests for significant staff work.

## **5. Special Projects**

- 5.1 LTCs may undertake special planning projects subject to the necessary budget approvals by Trust Council, and management approval of the use of LPS staff resources.
- 5.2 LTCs that have had powers delegated under s. 10 of the *Islands Trust Act* may undertake special projects related to those powers, subject to the necessary budget approvals by Trust Council, and management approval of the use of LPS staff resources, or provision of additional staff resources.

## **6. Review of Development Applications**

- 6.1 Local Planning Team or Current Planning Team planners will evaluate and provide reports to LTCs regarding all development applications that require an LTC decision.
- 6.2 Local Planning Team planning staff will provide updates at LTC meetings regarding the status of applications and referrals that do not require an LTC decision, except for building permit and Crown land referrals.
- 6.3 LTCs are encouraged to make decisions when staff has provided all requested information and avoid unnecessary extensions to the application review period.
- 6.4 At the discretion of an LTC, application referrals to Advisory Planning Commissions (APCs) or other advisory bodies may be limited to those applications requiring an LTC decision. Commissions and advisory bodies are required to reply within given timelines.
- 6.5 LPS staff and LTC chairs will ensure that staff recommendations and LTC resolutions that require the use of LPS staff resources do not exceed LTC decision-making responsibilities as indicated in s.24 of the *Islands Trust Act*, or responsibilities related to any powers that may be delegated to an LTC under s. 10 of the *Islands Trust Act*.
- 6.6 LPS staff will not undertake a comprehensive review of a development application that is inconsistent with the relevant OCP or the Islands Trust Policy Statement. If planning staff receive a development application that is inconsistent with the relevant OCP, the application will be returned to the applicant advising that the proposed application is contrary to the policies of the OCP. If the applicant wants to proceed the application must be amended to include a request to amend the OCP.
- 6.7 Community information meetings are encouraged in conjunction with the review of development applications. These meetings may be hosted by the LTC or the applicant and are desirable before first reading of the bylaw. The purpose of these meetings is to identify the scope of a project, identify issues that need to be reviewed in the planning analysis and to allow the public to ask questions of the

applicant, trustees and staff. Community information meetings are also desirable as a separate session immediately prior to a Public Hearing when a proposed bylaw is available and has received at least first reading by the LTC. Meetings at this point allow members of the public to engage in dialogue with the applicant, or ask questions of trustees and staff about the planning report or the bylaw prior to the Public Hearing.

**7. Bylaw Enforcement**

- 7.1 LPS staff will carry out bylaw enforcement activities in accordance with Trust Council Policy 5.5.1.

**8. Management of Local Planning Services Staff Time**

- 8.1 LTCs will endeavor to schedule most regular LTC business meetings during normal week day business hours of the Islands Trust. LTCs may schedule meetings to address comprehensive OCP and LUB reviews on weekend days to ensure participation by non-resident owners. LTCs will be mindful of the impact of staff overtime on their respective LTC work programs and will schedule staff participation accordingly.

**9. First Nations Engagement and Reconciliation**

- 9.1 First Nations with treaty and territorial areas, rights and title within the LTC should be identified. LTCs should be mindful that engagement may need to be inclusive of Indigenous and Métis people living on the island.
- 9.2 Early and meaningful engagement in the process is encouraged to allow for collaborative review and recommendations to the local trust committee.
- 9.3 Engagement and consultation processes will attempt to be flexible to meet the needs of the unique First Nation concerns and capacity.
- 9.4 LPS staff will seek guidance and advice to ensure that wherever possible content aligns with the Truth and Reconciliation Commission Calls to Action, and the Declaration on the Rights of Indigenous Peoples Act and upholds the Islands Trust Declaration on Reconciliation.

**C. Legislated References**

Sections 10 and 24, *Islands Trust Act*

**D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures**

n/a