

Regional Planning Committee

Agenda

Date: Monday, November 9, 2020
 Time: 10:00 am - 2:00 pm
 Location: Electronic Zoom Meeting

Pages

1. **CALL TO ORDER** 10:00 AM - 10:00 AM
2. **APPROVAL OF AGENDA**
 - 2.1. **New Items and Re-Ordering of the Agenda**
 - 2.2. **Approval of the Agenda**
3. **TOWN HALL AND DELEGATIONS**
4. **ADOPTION OF MINUTES/COORDINATION**
 - 4.1. **Minutes of Meetings**
 - 4.1.1. Regional Planning Committee Minutes of October 8, 2020 4 - 10
 - 4.2. **Resolutions Without Meeting**

None
 - 4.3. **Follow-up Action List** 11 - 14
 - 4.4. **Regional Planning Committee Electronic Meetings**

That in order to meet the principles of openness, transparency, and accessibility, meetings of the Regional Planning Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.
 - 4.5. **Regional Planning Committee Meeting Schedule for 2021 - RFD** 15 - 18

5. CORRESPONDENCE

5.1. Correspondence referred from Denman LTC

19 - 19

The Denman Island LTC, at their November 3, 2020 business meeting, passed the following resolution regarding the attached piece of correspondence:

“That the Denman Local Trust Committee forward the email dated September 15, 2020 from L. Larkin regarding request for new regulations to protect our forests to Executive Committee and Regional Planning Committee for Information.”

6. WORK PROGRAM ITEMS

6.1. Fees Policy and Bylaw - Verbal Update and Discussion

20 - 23

7. BUSINESS

7.1. Local Planning Services Renewal - Discussion

7.2. Community Amenity Contributions Briefing- Referral from Financial Planning Committee

24 - 27

FPC-2020-040

It was **MOVED** and **SECONDED**,

that Financial Planning Committee refer the Community Amenity Contributions briefing to the Regional Planning Committee.

CARRIED

7.3. Housing Options - Discussion

<http://www.islandstrust.bc.ca/media/347398/baseline-affordable-housing-policies-updated-2019.pdf>

http://www.islandstrust.bc.ca/media/347400/a1_2019-01-24_affordablehousingstrategicactions_final.pdf

7.4. Regulation of Cannabis Production - Discussion

7.5. Budget Reduction Exercise - Discussion

FPC-2020-041

It was **MOVED** and **SECONDED**,

that Financial Planning Committee request staff return to the November 12, 2020 meeting with options for a budget that is no more than \$8.3M.

CARRIED

8. NEW BUSINESS

9. WORK PROGRAM

9.1. Regional Planning Committee Work Program

28 - 30

10. NEXT MEETING

To be determined

11. ADJOURNMENT

2:00 PM - 2:00 PM



Regional Planning Committee

Minutes of a Special Meeting

Date: October 8, 2020
Location: Electronic Meeting

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

Regrets: Jane Wolverton, Local Trustee

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

1. CALL TO ORDER

The meeting was called to order at 10:01 a.m. Chair Busheikin acknowledged the meeting was being held on Coast Salish traditional and treaty territory.

2. APPROVAL OF AGENDA

2.1 New Items and Re-ordering of the Agenda

The following additions were presented for consideration:

- Item 7.1 – Posting of Regional Planning Committee electronic meetings to the Islands Trust website – RFD
- Item 7.2 – Regulation of Cannabis Production

The following amendment was presented for consideration:

- Item 5.1 – Remove the Business Case titled “Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws” and replace with the Business Case titled “Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws”.

2.2 Approval of Agenda

By general consent the Committee approved the agenda as amended.

3. TOWN HALL AND DELEGATIONS

None

4. ADOPTION OF MINUTES/COORDINATION

4.1 Minutes of Meetings

4.1.1 Local Planning Committee Minutes of September 3, 2020

By general consent the Local Planning Committee Minutes of September 3, 2020, were approved as presented.

4.2 Resolutions Without Meeting

None

4.3 Follow-up Action List (FUAL)

Director Marlor reviewed the FUAL, speaking to the items that are in progress.

5. WORK PROGRAM ITEMS

5.1 Regional Planning Committee Budget and Work Program for FY2021/22 – Business Cases

RPC-2020-060

It was MOVED and SECONDED,

that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 2 - to create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area.

CARRIED

RPC-2020-061

It was MOVED and SECONDED,

that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 5 - to continue to map the extent of eelgrass and kelp beds throughout the Trust Area.

CARRIED

RPC-2020-062

It was MOVED and SECONDED,

that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 9 - to develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling.

CARRIED

RPC-2020-063

It was MOVED and SECONDED,

that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 16 - to implement the high priority action outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council: Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws.

CARRIED

5.2 Manage Trust Council Strategic Plan Items

5.2.1 Eelgrass Mapping

Director Marlor indicated that the project is currently going through the Request for Proposal process.

5.2.2 Shoreline Review

Director Marlor indicated that the Request for Proposal process for the project is expected to be initiated by the end of November.

5.2.3 Freshwater Sustainability Strategy

Discussion was deferred to the In Camera portion of the meeting.

5.2.4 Groundwater Mapping - Briefing

Senior Freshwater Specialist Shulba presented the briefing which provided an update of the peer and professional review process of the Southern Gulf Islands Groundwater Sustainability Strategy. He noted that Trust Council had resolved to add to the 2020-21 budget the 'Northern Islands Groundwater Sustainability Strategy,' with an amount of \$50,000, and that work on this project not commence until products of the Southern Groundwater Mapping Project have been peer reviewed and deemed useful by the Regional Planning Committee.

RPC-2020-064

It was MOVED and SECONDED,

that Regional Planning Committee has reviewed the Southern Groundwater Mapping Project Peer Review briefing dated Oct 8, 2020, and is satisfied with the usefulness of the project.

RPC-2020-065

It was MOVED and SECONDED,

that the motion be amended by replacing the words "with the usefulness of the project" with "that the mapping should proceed on Denman, Hornby and Gabriola and that staff be requested to prepare a report to describe the potential uses of this mapping".

CARRIED

The question on the motion, as amended, was then called.

CARRIED

5.2.5 Develop Model Density Bonus Bylaws

RPC-2020-066

It was MOVED and SECONDED,

that language in the Business Case for "develop model bylaws for density bonusing" be amended so that references to creating or supporting affordable housing be changed to "increasing options to create affordable and attainable housing that is consistent with the Islands Trust mandate".

CARRIED

RPC-2020-067

It was MOVED and SECONDED,

that Regional Planning Committee direct staff to add an item on the next Regional Planning Committee agenda to discuss housing options.

CARRIED

5.3 Application Processing Services

Director Marlor stated that a draft model fees bylaw will be presented at the next scheduled Committee meeting.

6. BUSINESS

6.1 Ecosystem-Based Management (EBM) Webinar

Regional Planning Committee members will be invited to a training session in regards to EBM that will occur from 10:30 to noon on November 5, 2020.

The meeting was recessed at 12:00 p.m. and resumed at 12:27 p.m.

7. NEW BUSINESS

7.1 Posting of Regional Planning Committee electronic meetings to the Islands Trust website

RPC-2020-068

It was MOVED and SECONDED,

that Regional Planning Committee post their electronic recordings to the Islands Trust website.

CARRIED

7.2 Regulating Cannabis Production

Trustee Patrick noted that Islands Trust has limited ability to regulate Cannabis production. It was suggested that options could be developed incrementally as individual LTCs adopt bylaws or that the Committee could submit a budget request to develop a model Cannabis production bylaw to be considered by LTCs. The discussion is to be continued at the next Committee meeting.

8. WORK PROGRAM

8.1 Regional Planning Committee Work Program

Director Marlor reviewed the Work Program. He commented that, in regards to Priority #1, Application Processing Services Update, the new Planning Technician position will be starting soon. It was suggested that the Projects list will need to be updated for the next meeting as a number of resolutions made at the current meeting will impact that list.

9. CLOSED MEETING

RPC-2020-069

It was MOVED and SECONDED,

that Regional Planning Committee close the meeting to the public subject to Section 90(1)(k) of the Community Charter in order to consider matters related to negotiations and related discussions respecting the proposed provision of a service that are at their preliminary stages and that, in the view of the Committee, could reasonably be expected to harm the interests of Islands Trust if they were held in public; and that staff be asked to attend the meeting.

CARRIED

Committee closed the meeting at 12:50 p.m. and reconvened in open meeting at 1:43 p.m.

10. RISE AND REPORT

None

The Committee returned to Item #5.1.

5.1 Regional Planning Committee Budget and Work Program for FY2021/22 – Business Cases

RPC-2020-070

It was MOVED and SECONDED,

that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 8 - to finish mapping and develop water budgets for groundwater aquifers in the Trust Area.

CARRIED

RPC-2020-071

It was MOVED and SECONDED,

that Regional Planning Committee advise Financial Planning Committee to include a placeholder in the 2021/22 budget of \$30,000 for the Freshwater Sustainability Strategy.

CARRIED

11. NEXT MEETING

Monday, November 9, 2020 from 10:00 a.m. to 2:00 p.m.

12. ADJOURNMENT

By general consent the meeting adjourned at 2:00 p.m.

Laura Busheikin, Chair

Certified Correct:

Robert Barlow, Legislative Services Clerk/Recorder



Follow Up Action Report

Regional Planning Committee

29-Jul-2020

Activity	Responsibility	Dates	Status
1 That the Local Planning Committee request staff to revise the Model DAI bylaw to ensure consistency, and with input from all three planning offices.	David Marlor Narrisa Chadwick	Target: 29-Jul-2020	In Progress
2 That the Local Planning Committee request staff to report back to the Local Planning Committee at the meeting of November 9, 2020, with a finalized Application Processing Services, Cost Recovery Agreements and Extraordinary Processing Services Policy incorporating the Model Fee Bylaw and Model DAI bylaw.	David Marlor	Target: 09-Nov-2020	In Progress
3 That the Local Planning Committee request staff to prepare talking points on archeological and cultural sites for island trustees.	David Marlor Lisa Wilcox	Target: 08-Oct-2020	In Progress

04-Aug-2020

Activity	Responsibility	Dates	Status
1 That the Local Planning Committee endorse the Eelgrass Mapping Project Charter dated July 29, 2020 as amended. Staff to engage consultant.	David Marlor	Target: 03-Sep-2020	In Progress
2 That the Local Planning Committee endorse the Housing Floor Area Ratio model Bylaw Project Charter dated July 29, 2020 as amended. Staff to engage consultant.	David Marlor	Target: 03-Sep-2020	In Progress



Follow Up Action Report

Regional Planning Committee

04-Aug-2020

Activity	Responsibility	Dates	Status
3 That the Local Planning Committee endorse the Shoreline Review and Model Bylaw Project Charter dated July 29, 2020 as amended. Staff to engage consultant.	David Marlor	Target: 03-Sep-2020	In Progress

08-Oct-2020

Activity	Responsibility	Dates	Status
1 that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 2 - to create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area.	David Marlor Julia Mobbs		Completed
2 that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 5 - to continue to map the extent of eelgrass and kelp beds throughout the Trust Area.	David Marlor Julia Mobbs		Completed
3 that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 9 - to develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling.	David Marlor Julia Mobbs		Completed



Follow Up Action Report

Regional Planning Committee

08-Oct-2020

Activity	Responsibility	Dates	Status
4 that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 16 - to implement the high priority action outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council: Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws.	David Marlor Julia Mobbs	Target: 08-Oct-2020	Completed
5 that Regional Planning Committee has reviewed the Southern Groundwater Mapping Project Peer Review briefing dated Oct 8, 2020, and is satisfied that the mapping should proceed on Denman, Hornby and Gabriola and that staff be requested to prepare a report to describe the potential uses of this mapping	David Marlor William Shulba		Completed
6 that language in the Business Case for "develop model bylaws for density bonusing" be amended so that references to creating or supporting affordable housing be changed to "increasing options to create affordable and attainable housing that is consistent with the Islands Trust mandate".	David Marlor Narrisa Chadwick		Completed
7 that Regional Planning Committee direct staff to add an item on the next Regional Planning Committee agenda to discuss housing options.	David Marlor Narrisa Chadwick		Completed



Follow Up Action Report

Regional Planning Committee

08-Oct-2020

Activity	Responsibility	Dates	Status
8 that Regional Planning Committee post their electronic recordings to the Islands Trust website.	Robert Barlow	Target: 09-Nov-2020	Completed
9 Regulation of Cannabis Production - The discussion is to be continued at the next Committee meeting.	David Marlor Narrisa Chadwick	Target: 09-Nov-2020	Completed
10 that Regional Planning Committee forward to the Financial Planning Committee for inclusion in the Fiscal Year 2021/22 the business case for Strategic Plan Item No. 8 - to finish mapping and develop water budgets for groundwater aquifers in the Trust Area.	David Marlor Julia Mobbs		Completed
11 that Regional Planning Committee advise Financial Planning Committee to include a placeholder in the 2021/22 budget of \$30,000 for the Freshwater Sustainability Strategy.	David Marlor Julia Mobbs		Completed

REQUEST FOR DECISION

To: Regional Planning Committee **For the Meeting of:** November 9, 2020

From: Director,
Local Planning Services **Date Prepared:** November 6, 2020

SUBJECT: Regional Planning Committee Proposed 2021 Meeting Schedule

RECOMMENDATIONS:

1. That Regional Planning Committee adopt the proposed meeting dates of _____ for the 2021 calendar year.
2. That Regional Planning Committee direct staff to schedule the 2021 meeting dates of _____ as electronic meetings, and list the Victoria Office Board Room as the public meeting location should Ministerial Orders under the *Emergency Program Act* regarding local government meetings change in 2021 requiring a physical location be provided.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

The proposed meeting dates allow for appropriate coordination of financial activities with Executive Committee and Trust Council meeting dates, and allows adequate time for staff and Committee members to perform their duties with appropriate care and due diligence.

1 PURPOSE:

- 1 To determine the 2021 meeting schedule for the Regional Planning Committee (RPC); and
- 2 To make decisions on which 2021 RPC meetings will be held electronically.

2 BACKGROUND:

Meeting Schedule for 2021

Near the end of each calendar year, Regional Planning Committee determines the meeting dates for the next calendar year by way of resolution.

Trust Council Policy 2.3.1 Council Committee System permits Council Committees to plan more than four meetings per year. Section 5.1 states: *"The number of committee meetings per year is four and any further meetings must be planned within the approved committee's meeting expense account."*

Trust Council Bylaw 101 permits Council Committees to call special meetings of the committee in addition to the scheduled regular meetings. Section 11.4(b) states: *"The Committee Chair may cancel a meeting, or may call a special meeting of the committee in addition to the scheduled regular meetings, subject to approved budgets for meeting costs and staff resources."*

Two options are presented for consideration. The first option is for four meetings in the year and the second option is for nine meetings in the year. The second option would require additional staff resources.

Option #1

PROPOSED RPC DATE (Year 2021)	ASSOCIATED EC DATE (Year 2021)	TRUST COUNCIL DATES (Year 2021)
Wednesday, Feb 10	February 24	March 9-11
Monday, May 17 OR Wednesday, May 1	May 26	June 8-10
Monday, Aug 30 OR Wednesday, Aug 25	September 8	September 21-23
Monday, November 8 OR Wednesday, November 3	November 17	November 30 - December 2

Option #2

PROPOSED RPC DATE (Year 2021)	ASSOCIATED EC DATE (Year 2021)	TRUST COUNCIL DATES (Year 2021)
Wednesday, Feb 10	February 24	March 9-11
Wednesday, March 17 OR Monday, March 22		
Monday, April 19 OR Wednesday, April 21		
Monday, May 17 OR Wednesday, May 1	May 26	June 8-10
Monday, June 21 OR Monday, June 28		
Monday, Aug 30 OR Wednesday, Aug 25	September 8	September 21-23
Wednesday, Sept 29		
Monday, Oct 18		
Monday, November 8 OR Wednesday, November 3	November 17	November 30 - December 2

Electronic Meetings for 2021

Staff are requesting that RPC determine as early as possible if they wish to continue with electronic meetings for 2021. Early decision making in this regard will help staff with meeting logistics and will inform budget planning for this area.

While the pandemic is ongoing, meetings will remain electronic by default. However, should the Ministerial Orders under the *Emergency Program Act* regarding local government meetings change to allow for it, and as soon as health guidelines regarding physical distancing relax such that all Committee members and staff could be present in the Victoria Office boardroom or other location without concern, an advance decision by the Committee on how to proceed would ensure a smoother transition for any desired change to current practice.

Electronic meetings create time savings for trustees who do not have to travel, time savings for staff who do not have to order meals and clean up after meetings, and generates cost savings to the organization of approximately \$3,000 per year.

Trust Council Bylaw 101 permits Council Committees to conduct fully electronic regular and special meetings. Section 11.11(a) states: *"A regular or special meeting of a Council committee or a special meeting of the Executive Committee may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the committee have agreed by resolution that the meeting may be conducted in this way and provided the Secretary has received sufficient notice and can make the necessary arrangements."*

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Allows for appropriate coordination of financial activities with Executive Committee and Trust Council meeting dates, and allows adequate time for staff and Committee members to perform their duties with appropriate care and due diligence.

FINANCIAL:

No financial impact associated with setting meeting dates.

A selection of all electronic meetings for 2021 will generate savings of approximately \$3,000. The draft 2021/22 budget will be adjusted to reflect RPC decisions made related to this topic.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Communications with meeting administrative staff will circulate internally for purposes of planning.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S): Trust Council Bylaw 101.

5 ATTACHMENT(S): None.

RESPONSE OPTIONS

Recommendation(s):

1. That Regional Planning Committee adopt the proposed meeting dates of _____ for the 2021 calendar year.

2. That Regional Planning Committee direct staff to schedule the 2021 RPC meeting dates of _____ as electronic meetings, and list the Victoria Office Board Room as the public meeting location should Ministerial Orders under the *Emergency Program Act* regarding local government meetings change in 2021 requiring a physical location be provided.

Alternative:

1. That Regional Planning Committee adopt the proposed meeting schedule for the 2021 calendar year with amendments as directed.
2. That Regional Planning Committee direct staff to schedule the 2021 RPC meetings as in-person meetings as soon as the Ministerial Orders under the *Emergency Program Act* regarding local government meetings change to allow for it, and as soon as health guidelines regarding physical distancing relax such that all Committee members and staff could be present in the Victoria Office boardroom without concern.

Prepared By: Robert Barlow, Legislative Services Clerk

Reviewed By/Date: David Marlor, Director, Local Planning Services/November 6, 2020

From: [REDACTED]
Sent: Tuesday, September 15, 2020 9:54 AM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: request for new regulations to protect our forests

To Denman LTC,

I am a resident of Denman Island and have just witnessed the clear cutting of the 3 acre lot that myself and my family live next to. It has been absolutely devastating. So many big beautiful 150 year old trees wiped out along with all the wildlife that had made its home there. The trees have been shipped out logging truck after logging truck off of Denman, so the wood isn't even being used to build homes here. Although its too late for this particular lot I would like to put in a request that the LTC takes further measures to put in some protection for the forests here. I am appalled that this is still permitted on Denman. This should not be allowed within the Islands Trust whose mandate is to preserve and protect the natural eco-systems! I understand that we all want light and gardens and a home site, however I would suggest that only a portion of our properties should be permitted to be developed. In this day and age where forests are disappearing at ridiculous rates due to fires and de-forestation, we need to do what needs to be done to protect what is left. I understand that creating new regulations is a huge process, however the time is now to get this process rolling.

Thank you for your time,
Sincerely,
Lisa Larkin



2019 Local Trust Committee Fees Review

Project Charter

Creation Date: August 14, 2019 Last Updated: November 8, 2019

Role	Name	Approval	Approval Date
Project Sponsor	Local Planning Committee	Resolution: LPC-2019-015	August 22, 2019
Project Manager	David Marlor, Director, Local Planning Services	n/a	n/a
Project planner	Narrisa Chadwick	n/a	n/a

Purpose

To recommend a strategy for adjusting local trust committee development application fees.

Background

Under the Islands Trust Act, each local trust committee has authority to set fees for its development applications. Historically, Trust Council has provided recommended fee structure, and through its Executive Committee approves all local trust committee bylaws.

Objectives

1. Ensure fees charged for each development application is appropriate given cost to process and need to preserve and protect the environment.
2. Include appropriate fees to cover costs of First Nation site visits for applications in keeping with Trust council declaration of reconciliation.

In Scope

- Staff report including a review of existing fees charged by local trust committees for each development application, high level review of average actual costs for each type of application, review of options for charging fees and recommendation of a model fee structure.
- Review of costs of various components of application processing, and options to recover those costs.
- Consideration of fees for site visits by First Nations.
- Consideration of community benefits in the model fee bylaw¹
- Development of speaking notes to accompany the model fee bylaws²
- Presentation to the LPC of the findings and recommendations, and facilitation of discussion and feedback
- Final report with fee policy amendment recommendations to go to Trust Council, including a model fee bylaw.

¹ Amended Aug 22, 2019

² ibid

Out-of-Scope

- Bowen Island Municipality fee bylaws.
- Review of fees in other jurisdictions.
- Agricultural Land Reserve Fees.
- Drafting of local trust committee amendment fee bylaws.

Project Timeline and Budget

Date	Details	Budget
Sept to Oct 2019	Compilation of ltc fees and current structure	In house
Sept to Oct 2019	Review of actual planner time in current planning	In house
Oct to Nov 2019	Staff Report with analysis, options and recommendations	In house
Nov 2019	Review by LPC	In house
Nov to Jan 2020	Revisions, development of model bylaws/revised policy	In house
Jan 2020	Legal review of model bylaw (if required)	\$3,000
Feb 2020	LPC review and forward to Trust Council	In house

Critical Success Factors

- Adoption of a new model fee bylaw and fee policy by Trust Council and circulation to local trust committees by March 2019.
- Inclusion of fees to cover costs of site visits by first Nations.
- Project completes on time.

Links and Dependencies

- None

Project Team Resources

Name	Project Role	Organization	Duration	FTE Hours
David Marlor	Project Manager	LPS	6-months	5%
Mike Richards	Research	LPS	6-months	20%
TBA	Planner	LPS	6-months	15%

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
Local Trust Committees	LPC	• Impact of fees on local community, Feedback on fees and proposed structure as it would relate on local islands.

Stakeholder	Represented by	Interests, expectations, concerns
<i>Planners Admin Staff</i>	<i>DLPS</i>	<ul style="list-style-type: none"> • <i>Potential impact of fee structure on work load, ability to charge fees, ease of fee calculation and collection.</i>
<i>Administrative Services</i>	<i>DAS</i>	<ul style="list-style-type: none"> • <i>Impact of model fee bylaw on TC budget</i>

Table of Amendments

<i>Date</i>	<i>Amendment</i>	<i>Resolution</i>
August 22, 2019	Add to scope community benefits and development of speaking notes.	LPC-2019-014

Issues Raised Related to Model Fee Bylaw Revision

Issues Raised By Trust Council	RPC Discussion
80% or 100%?	General agreement on 100%
Lower Fees for environmental protection, affordable housing, TUPs for small scale commercial	<p>Need to clarify process to identify if an application for a Temporary Use Permit (TUP) would be for the standard rate or the reduced rate for residential uses that increase the availability of affordable housing or for commercial uses under Xm2 that support or create employment or increase food security.</p> <p>A renewal of a reduced rate TUP needs to be less than the fee for the original TUP.</p>
Increase for development already taken place or triggered by bylaw enforcement.	To be discussed
Amend sponsorship for any project with social/community benefit. What should be included?	To be discussed
Problem with people not applying if fees are too high.	To be discussed
Could a social clause be included for hardship?	To be discussed
	Need to clarify process for Extraordinary Service Costs

BRIEFING

To:	Financial Planning Committee	For the Meeting of:	October 14, 2020
From:	David Marlor, Director, Local Planning Services	Date Prepared:	October 7, 2020
SUBJECT:	Community Amenity Contributions		

PURPOSE:

To provide the Financial Planning Committee with information on Community Amenity Contributions.

BACKGROUND:

At its regular business meeting on August 19, 2020, the Financial Planning Committee passed the following resolution:

That the Financial Planning Committee request staff to develop a report with alternatives for capturing a percentage of any zoning uplift in property values for the benefit of Trust Area communities and ecosystems.

There are two general approaches to capturing a percentage of the rezoning uplift in British Columbia; 1) is density bonus and 2) Community Amenity Contribution.

1. Density Bonus

This approach is specifically authorized under Section 482 of the Local Government Act. Under this section, local governments, including local trust committees, may establish a base density for a zone, and then establish higher densities if certain conditions are met. These conditions would have to be spelled out in the land use bylaw in an ascertainable way. Conditions can relate to conservation or provision of amenities, including the number, kind and extent of amenities; provision of affordable and special needs housing including the number, kind and extent of the housing; and a condition that the owner enter into a housing agreement in relation to the property this condition applies. Amenity is not defined.

The Density bonus approach may involve amendment to official community plans to ensure that the added density in exchange of an amenity is permitted, and amendments to the land use bylaws to specify the base density (e.g. 1 house per lot) and the density permitted with a prescribed amenity (e.g. 1 additional dwelling permitted for each X hectares of land conserved using a s.219 covenant or land donation). The amenity could be provided on another lot, or on the lot that the additional density is permitted, depending on how the bylaw is written.

Two examples of density bonus system being used in the Islands Trust Area are:

1. The Mayne Island Local Trust Committee Land Use Bylaw has a base density of tourist accommodation units in the C2(c) and CD2 zones, with a higher density if employee housing is provided. In this case, the amenity identified is employee housing.

2. The Galiano Island Local Trust Committee Land Use Bylaw established density bonus provisions in three locations; the RR(a), RR(b) and RR(c) zones were created to permit subdivision only once amenity lands have been transferred.

2. Community Amenity Contributions

The approach used in British Columbia to capture a percentage of zoning uplift in property values is termed Community Amenity Contribution (CAC). This approach is based on the concept that a rezoning of property is a request by a private landowner to increase the use and density, and therefore value, of the property, and on the basis that the local government has final say on whether or not that rezoning should be permitted. There is no specific legislation that covers CACs, it is more a practice that has evolved and been adopted by municipalities throughout British Columbia.

The Province of British Columbia released an information guide on Community Amenity Contributions in March 2014. Entitled “*Community Amenity Contributions: Balancing Community Planning, Public Benefits and Housing Affordability* (the Guide).” This guide was released as the Ministry acknowledged that local governments are using their power of having the final say on a rezoning to obtain community benefits during the process. This can lead to higher house prices if the amenities required by the local government reduce the margins for the developer.

The definition of a CAC in Guide is:

Community Amenity Contributions (CACs) are amenity contributions agreed to by the applicant/developer and local government as part of a rezoning process initiated by the applicant/developer. CACs can take several forms including community amenities, affordable housing and financial contributions towards infrastructure that cannot be obtained through DCCs [Development Cost Charges], such as recreation facilities or a fire hall. The agreed-to contribution would be obtained by the local government if, and when, the local government decides to adopt the rezoning bylaw.

The Guide also outlines the legislation that specifically allows local governments to recover additional off-site costs caused by new development, specifically Development Cost Charges, money towards school sites, on-site services related to subdivision, excess capacity or extended services and five per cent park dedication at the time of subdivision. Of these, the onsite services related to subdivision and five per cent park dedication are the only items listed here available to local trust committees.

There is no legal authority to require CACs by local governments in British Columbia. The guide says:

*A common misperception is that local governments have authority to **require** CACs as a condition of rezoning. In fact, there is no authority to impose such conditions on a rezoning applicant; any contributions must either be at the initiative of the applicant/developer or emerge from rezoning negotiations between the applicant/developer and the local government.*

Legal authority, generally speaking, for local governments is derived from statutes, such as the LGA or the Community Charter. The statutes also include conditions and limits on these powers. Court rulings over time have provided interpretations of this legal authority and direction on how it can be used.

In some cases the law is mandatory, i.e. requires local government to do something. In other cases, it is discretionary, i.e. it gives local government latitude to do something or not. The courts have acknowledged that zoning is a discretionary power, so councils/regional boards can choose whether or not to approve a rezoning.

The courts have also recognized that councils/regional boards can examine a wide range of considerations before exercising their discretion on whether to approve a rezoning request and adopt the proposed zoning bylaw.

The Guide also addresses legal risks when negotiating CACs. These are:

1. Being careful not to consider the CAC as a fee, charge or tax that is not specifically authorized by legislation. In the *Local Government Act* fees are restricted to being the average cost of processing, so CACs cannot be considered a fee.
2. Being careful to keep an open mind. The fact that an amenity is being provided that meets a CAC policy should not over-ride the ability of the local trust committee to keep an open mind about the proposal as a whole.
3. Careful not to subject subdivision approval and building inspection to CAC requirements. These are staff functions, and in the Islands Trust undertaken by the Ministry of Transportation and infrastructure and regional district respectively; Bowen Island Municipality has staff subdivision approving officer and building inspector. Local governments cannot require either of these staff functions to levy charges in relation to a CAC.

To use CACs the Guide recommends that an official community plan establish the need for the amenity, and that if cash-in-lieu is provided that it be tied back to the neighborhood or community impacted by the development. CAC funds should not be used for on-going operational costs of the local government.

Some local governments have adopted Community Amenity Contribution administrative policies. These policies establish what council expects for certain types of rezonings, and provides the developer with an understanding of what is expected by the community in exchange for a rezoning.

Attachment 2 is the District of North Vancouver's CAC policy. This link is a District of North Vancouver guide on its Community Amenity Contribution Policy for the public and developers:

<https://wwwstage.dnv.org/sites/default/files/edocs/community-amenity-contributions-in-OCP-growth-centres.pdf>

This policy establishes a CAC of X dollars per square foot for some types of rezonings, and 75% of the expected uplift in property value resulting from the rezoning.

The District of Langford policy is here:

<https://www.langford.ca/assets/Documents~Library/Policies/affordable-housing-park-amenity-contribution-policy.pdf>

Like the District of North Vancouver, Langford establishes a contribution policy with X dollars per square foot for certain types of rezonings, as well as including provision of affordable housing as a community amenity.

Using CACs in the Islands Trust

While we don't use the term Community Amenity contribution at the Islands Trust, most major rezoning applications have a negotiated community amenity included. In some cases this results from the official community plan policies that establish "conditions" under which a local trust committee may give approval to a rezoning application. Official community plan policies includes provisions to protect land identified as sensitive ecosystem, to provide public access to foreshore or other location, to provide a trail to link communities on the island together or other amenities that are identified in the official community plans. Mostly, these policies focus on the needs of the community or protection of the environment and do not contain a specific percentage of the uplift. However, there are examples of using this approach in the Islands Trust; the Salt Spring Island official community plan has policies stating that the community amenity should not be less than 75% of the increase in value attributable to the rezoning.

If local trust committees were to develop more specific policies along the lines of the District of North Vancouver or the District of Langford, there would be some things to consider operationally:

1. If cash-in-lieu was to be accepted, who would hold the funds
2. As local trust committees do not provide infrastructure and cannot hold land, could the funds be transferred to the Islands Trust Conservancy for acquisition of conservation lands, and/or the regional district for purchase of parkland or other amenities.

3. Could the funds generated in one local trust area be used to provide amenities in another local trust area

ATTACHMENT(S):

1. Community Amenity Contributions: Balancing Community Planning, Public Benefits and Housing Affordability https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/planning-land-use/community_amenity_contributions_guide.pdf
- 2.

FOLLOW-UP:

If the Financial Planning Committee would like this concept to be explored further, such as considering a model policy, research of CACs in the Islands Trust area, or developing example amenity zoning policy and regulations, it could refer this to the Regional Planning Committee via Trust Council. As this is not a Strategic Plan item Trust Council and the Regional Planning Committee would have to consider how to resource this given the workload for the Strategic Plan items.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller/October 8, 2020

Top Priorities Report

Regional Planning Committee

1. Application Processing Services Update

CURRENT: Consideration of Trust Council feedback by RPC

PLANNED: Final policy and fees bylaw to RPC in /span>, and to Trust Council in March, 2021

Responsible

Narrisa Chadwick

Dates

Rec'd: 22-Aug-2019
Target: 10-Feb-2021

2. Manage Trust Council Strategic Plan Action Items

Strategic Plan item #5 - Eelgrass Mapping - David Marlor

Strategic Plan item #6 - Shoreline Review - David Marlor

Strategic Plan item #7 - Freshwater Sustainability Strategy - Narrisa Chadwick and William Shulba

Strategic Plan item #8 - Groundwater Mapping - William Shulba

Strategic Plan item #16 - Using Floor Area Ratio for Affordable housing - David Marlor

Responsible

David Marlor
Narrisa Chadwick
William Shulba

Dates

Rec'd: 29-Jul-2020
Target: 10-Feb-2021

3. Develop Business Cases for 2021/22 Strategic Plan Items

Responsible

David Marlor

Dates

Rec'd: 04-Aug-2020
Target: 09-Nov-2020

Projects Report

Regional Planning Committee

1. *Shoreline Marine Planning*

Responsible

Date Received

Trust Council - 2015-2018 Strategic Plan Item

09-Nov-2017

Conduct a working group session to brainstorm possible directions.

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

Responsible

Date Received

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

12-Feb-2020

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

3. *Preserve and protect marine ecosystems*

Responsible

Date Received

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

12-Feb-2020

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

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

Responsible

Date Received

Projects Report

Regional Planning Committee

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

12-Feb-2020

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

Responsible

Date Received

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

12-Feb-2020

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

6. *Mitigate and adapt to climate change impacts*

Responsible

Date Received

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

12-Feb-2020