



Islands Trust

**SALT SPRING ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

**SPECIAL BUSINESS MEETING
Wednesday, September 22, 2010 – 9:30 AM
Islands Trust – 1-500 Lower Ganges Road**

	Approximate Duration*	Page
1. CALL TO ORDER		
2. APPROVAL OF AGENDA		
3. REPORTS		
3.1 Work Program Reports		
3.1.1 Environmental Development Permit Areas Review Progress Report – <i>Staff Report</i>	30	
3.1.2 Land Use Bylaw Update Progress Report – <i>Staff Report</i>	30	
3.1.3 Work Program Update – <i>Staff Report to Come</i>	30	
4. NEW BUSINESS and UPCOMING MEETINGS		
4.1 Next regular meeting of the Local Trust Committee is scheduled for October 7, 2010 at 10:30 - in the Theatre at ArtSpring.		
5. ADJOURNMENT		

*duration is approximate

STAFF REPORT

September 9, 2010

File No.:

To: Salt Spring Island Local Trust Committee
For September 22, 2010 Special LTC meeting

From: Mark Brodrick
Island Planner

Re: Environmental Development Permit Areas Review Progress Report

PURPOSE:

This staff report provides a progress report and update on the environmental development permit area (EDPA) review.

OVERVIEW:

“Bottom-up planning” was the original model adopted for the EDPA project. Staff originally organised and empowered the Working Group (WG) to work autonomously. One important limitation was that no public consultation could occur without the LTC approval. Otherwise, staff was open to the full participation of the WG including the drafting of amendment wording and active participation in public consultation.

However, the WG expressed that they did not want to draft wording nor did the WG want to actively participate in public consultation. Rather, the WG wants staff to compose the report (draft the amendments) and staff to hold the public consultations.

Based on this feedback from the WG and based on Management direction staff has been providing more structure and actively directs the project. In summary the bottom-up planning model has transformed and the WG now works in an advisory capacity to staff and ultimately to the LTC.

BACKGROUND:

At the June 3, 2010 meeting the Salt Spring Island Local Trust Committee accepted the proposed work program as presented by staff. The applicable resolution is copied below:

SSI-72-10 It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee receives the Work Program dated May 19, 2010 and endorses it in general terms.
CARRIED.

Since June the EDPA Working Group (WG) has been formed and has met on the following dates: June 24, July 15, August 4, August 19, and August 26. Guest speakers were organised and presented to the WG with time allowance for discussion and Q & A.

Staff focussed all of the meetings on Development Permit Area 6 (DPA 6) with the exception of the last meeting (August 26) where the focus shifted from DPA 6 to DPA 4.

OUTCOMES:

Based on WG discussion and meeting notes staff started revising DPA 6.

Staff has assumed responsibility for communications. The WG originally wanted public communications to occur in early September, however, staff was advised to wait until a communication consultant was hired. The communication consultant starts on October 12 and thus public consultation can occur after this date. The starting date has reduced the window of opportunity for public consultation and staff thinks that the earliest opportunity for public consultation is the last week of October, 2010. Please refer to Appendix A for a synopsis of the WG's meeting notes about public consultation. Please refer to Appendix B for the detailed timeline.

The Regional Planning Manager directed staff to consult with the public on several key conceptual issues. Please refer to Appendix C for the key issues. Staff has not formally discussed the key issue public consultation content with the WG and identifies a difference between what the WG wants and Management direction regarding public consultation.

DISCUSSION:

OPTIONS:

Staff provides three options for the LTC's consideration.

Option One:

Staff organises public consultation as per the WG recommendations.

Option Two:

Staff organises public consultation as per the key issues.

Option Three:

Staff organises public consultations for the end of October. This will provide an overview, progress to date, identification of key issues, and initial thoughts as to how they may be addressed.

WHAT'S NEXT:

At the time of writing the next two WG meetings are tentatively organised for September 23 and 30.

Staff will review the following:

- Caitlin Brownrigg's "covenant monitoring report"
- E. White's Potential Climate Actions for SSI
- Potable Water Focus Group Report from OCP review 2007
- Updated BC sewage regulations
- Summary Tables for St Mary and Cusheon Lake Watershed Management Plans
- CRD Building Bylaw 2990.

Staff will organise public consultation with the communication consultant.

Respectfully submitted by:

Mark Brodrick

Date

Concurred by

Regional Planning Manager

Date

Appendix A: Synopsis of the Working Group's Meeting Notes Concerning Public Consultation

Appendix B: Detailed Timeline

Appendix C: Key Conceptual Issues

Appendix A: Synopsis of the Working Group's Meeting Notes Concerning Public Consultation

Excerpts of the August 4, 2010 meeting notes are copied below:

1. Other Business

The following issues were raised concerning communications:

- How does the Trust communicate with the public about regulation changes on an ongoing basis and how do we communicate with people about these DP areas.
- Communication plan should include answers to the most common questions; i.e. "why do we need DP areas?"
- How does the group provide information to the public without holding meetings involving the general public?

It would be very useful to organize a well advertised public session in early September to provide the community with an opportunity to provide their suggestions. This session would take place prior to the writing of any recommendations. This would assist the committee in ensuring that they have captured all of the issues in their review. Written submissions would also be accepted. Targeted invitations could also include the real estate community, past Trustees and businesses presently experiencing problems with DP Areas 4 & 6.

Excerpts of the August 26, 2010 meeting notes are copied below:

COMMUNICATIONS

Suggestions:

- Support guest speakers coming before any draft amendments are ready for review, i.e. experts – writers, other jurisdictions
- Learn from other jurisdictions/other experiences
- Evening session
- Would like to see a timeline over next few months
- Information for landowner – maybe the next project
 - Include as "other recommendation", as is not specifically a bylaw amendment
- Suggestion: layperson's language summary of OCP/DP – both applicants and residents have access to
- Distribution: Chamber of Commerce, Banks, Realtors, Welcome Wagon (ww. Does not know about new owners – new people have to advise).
- Suggestion:
 - elected officials – invitation letters, written handouts
 - experts - written handouts
 - contractors/real estate to attend – 6 hours
- Public critique on current DPA
- Start with presentation on current DP – history, experts issues, problems, liability, exemptions
- Review August 4 meeting notes for additional suggestions
- Buy space in the Driftwood
- Advertisement types and public updating of process
- Bi-weekly updates
- Invite written submissions – encourage via written Driftwood articles and verbally
- Working Group is aware of time demands but the flip side is no buy-in and opposition
- Target end of September/early October
- Communication plan needs to identify process clearly

September 2010 - October 2010

Appendix B

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
September 20	21	22	23	24	25
First opportunity for Staff to develop public communications strategy					
	First Aid training	Special LTC meeting		Flex	
					26
27	28	29	30	October 1	2
					3
					4
4	5	6	7	8	9
			LTC meeting Staff: progress report, com	Flex	
					10
					11
11	12	13	14	15	16
STAT	Staff: organise public communications				
	Communications Consultan				
					17
					18
18	19	20	21	22	23
T & D					
			CX: All Committees Day	Flex	
					24

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October 2010 - November 2010

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
October 25	26	27	28	29	30
Hold Public communication sessions					
Staff: working on staff report and draft products					
	Special LTC meeting				
					31
November 1	2	3	4	5	6
			LTC meeting Staff: report to LTC, progre	Flex	
					7
					8
8	9	10	11	12	13
Staff: work on final draft products					
			STAT		
					14
					15
15	16	17	18	19	20
			All Committees Day WG review draft products	Flex	
					21
					22
22	23	24	25	26	27
Legal review of draft products					
staff feedback to public on conceptual and draft products					
Special LTC meeting					
					28

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December 2010

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
November 29	30	December 1	2	3	4
Staff: working on revisions					
			LTC meeting	Flex	5
6	7	8	9	10	11
Staff: reviewing other environmental development permit areas for consistency - housekeeping					
					12
13	14	15	16	17	18
			All Committees Day WG, APC, EAC to "sign off"	Flex	19
20	21	22	23	24	25
Staff: prepare LTC report				Communications Consultan	26
27	28	29	30	31	January 1, 2011
STAT		Office Closed		Flex	2

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January 2011

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
January 3	4	5	6	7	8
			LTC meeting Target First Reading for An		9
10	11	12	13	14	15
				Flex	16
17	18	19	20	21	22
			All Committees Day		23
24	25	26	27	28	29
				Flex	30
31	February 1	2	3	4	5
			LTC meeting		6

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DPA 4 & DPA 6 Review: Conceptual Considerations Issues and Options

Environmental DP Areas	Pro	Con
Key Issue 1	Decision-making via LTC or delegation of authority	
Option 1.1	LTC retains decision-making authority <ul style="list-style-type: none"> • Consistency • May enable some political discretion/interpretation • • 	<ul style="list-style-type: none"> • Slow process due to timing of monthly LTC meetings • Confusion if neighbourhood or political interpretation is contrary to the environmental professional • •
Option 1.2	Delegation of Authority <ul style="list-style-type: none"> • Streamlined process • Improved public buy-in and compliance • Reliance on professionals • • 	<ul style="list-style-type: none"> • Consistency • Reduced LTC knowledge of application • •
Key Issue 2	Retain information notes in bylaw, or create separate "Landowners Guide to Development Permit Areas"	
Option 2.1	Retain Information Notes <ul style="list-style-type: none"> • One document • • 	<ul style="list-style-type: none"> • Bylaw typically more formal or legalese • •
Option 2.2	Create Landowners Guide and place info notes here, removing them from the bylaw <ul style="list-style-type: none"> • Improved communication and clarity • Increased public acceptance and buy-in • Increased compliance • • 	<ul style="list-style-type: none"> • Creation of another document • •
Steep Slope DP Area		
Key Issue 3	The use of a map as part of the bylaw.	
Option 3.1	Incorporate new map <ul style="list-style-type: none"> • Assists in identification i.e. visual tool • Helps create some certainty • Bylaw Enforcement and CRD Building Inspections consider desirable • Some rigour in map product 	<ul style="list-style-type: none"> • Map products not perfect, some inaccuracy • Product based on risk assumptions that have changed • Unable to rely entirely on map i.e. on ground inspections required

		<ul style="list-style-type: none"> • Best available information • • 	<ul style="list-style-type: none"> • •
Option 3.2	Do not incorporate any map	<ul style="list-style-type: none"> • A text description provides the greatest accuracy • Reduces (eliminates) arguments of applicability • • 	<ul style="list-style-type: none"> • Lack of visual tool that can assist both laypersons and professionals in identifying applicability • Missing representation of the physical reality hinders public education/acceptance • •
Option 3.3	Incorporate both a map and text description	<ul style="list-style-type: none"> • Best expresses applicability • Most certainty/accuracy • • 	<ul style="list-style-type: none"> • Added complexity i.e. requires consideration of both map and on-ground inspections • Check court cases • •
Slope			
Key Issue 4	The use of prescriptive or results-based (performance) guidelines		
Option 4.1	Prescriptive	<ul style="list-style-type: none"> • Use generic best management practices • Applies to all - uniform response • • 	<ul style="list-style-type: none"> • Lacks flexibility to site specifics • May hinder creativity • •
Option 4.2	Results-based	<ul style="list-style-type: none"> • Enables professional judgment/discretion • Site specific response • May encourage creativity • Highly adaptable to site conditions • • 	<ul style="list-style-type: none"> • Reliance on professionals • Varied response • •
Watercourse DP Area			
Key Issue 5	One development permit area for RAR and water other values including drinking water, or two separate DPA's		
Option 5.1	One DPA	<ul style="list-style-type: none"> • Fewer DPAs, less complex and smaller bylaw • Opportunity to integrate various values • • 	<ul style="list-style-type: none"> • More complex DPA • Possibly less concise • •
Option 5.2	Two DPAs	<ul style="list-style-type: none"> • Improved clarity • • • 	<ul style="list-style-type: none"> • More DPAs, more complex and larger bylaw • • •

STAFF REPORT

Date: September 15, 2010 **File No.:**

To: Salt Spring Island Local Trust Committee
For September 22, 2010 Special LTC meeting

From: Susan Palmer, Planner 2

CC:

Re: LUB Update Progress Report

PURPOSE:

This staff report provides a progress report and update on the LUB Update project.

BACKGROUND:

At the June 3, 2010 meeting the Salt Spring Island Local Trust Committee accepted the proposed work program as presented by staff in accordance with the following resolution:

SSI-87-10 It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee receives the Work Program dated May [June 1], 2010 and endorses it in general terms. **CARRIED.**

Since June a Technical Working Group (TWG) has been formed and a webpage outlining the project scope and public consultation process has been posted on the IT website. A joint meeting with the environmental development permit area review project participants and the TWG was held on June 24 to provide participants with an overview of both projects and to outline roles and responsibilities, project timelines, and public consultation processes for each project.

At the LTC meeting of June 3, 2010 staff proposed to bring forward a comprehensive LUB amendment that would incorporate formatting changes as well as new provisions to implement key Official Community Plan policies. It was anticipated that a Public Hearing could be held in April, 2011.

DISCUSSION:

Due to the need to reformat the LUB and the wide range of issues being addressed (secondary suites, seasonal cottages, farmworkers' housing, agricultural and industrial), the adoption process is anticipated to be complex. Staff has therefore reassessed the

original process and developed a new strategy to undertake the LUB amendments. This involves bringing forward several packages of amendments rather than one bylaw amendment. Key advantages to this approach are:

- Greater chance of adopting a more efficient and clear LUB format in a timely manner
- Greater clarity for public on process and opportunities to provide input in areas of key interest, especially during the public hearing process
- Potential concerns regarding one substantive area will not delay adoption of proposed amendments where there is a high degree of consensus

The revised process would occur as follows:

- Housekeeping amendment to reformat the LUB – the current format of the Bylaw has become cumbersome and problematic to add amendments to. An updated format will assist in Bylaw interpretation and result in a more efficient process for amending the document. This is primarily a clerical and editorial task and can be undertaken without public consultation, with the exception of an information meeting following First Reading. Due to the extensive nature of the changes being contemplated, it is advisable that reformatting of the LUB occur through a formal Public Hearing process rather than as a republication of the document.
- Following adoption of the reformatted bylaw, a series of substantive amendments will be brought forward to implement OCP and other (e.g., Area Farm Plan, Industrial Task Force) policy initiatives. This may require holding separate public hearings on the following matters:
 - Secondary suites and seasonal cottages
 - Agricultural provisions, including farmworkers' dwellings
 - Industrial land uses.

As a result, the public consultation process will also vary somewhat to allow for an additional public open houses/workshops. The first one would focus on secondary suites and seasonal cottage provisions and the second one would address agricultural and industrial issues.

An updated project schedule is included in Appendix 1.

WHAT'S NEXT:

A TWG meeting is currently being organized to workshop issues related to secondary suites and year-round occupancy of seasonal cottages. It is anticipated that a community-wide workshop/open house will be held later in the Fall.

A communications consultant has been hired to assist in the preparation of material for the workshop/open house and for website updates, etc. The consultant is available to begin project work by mid-October at which time a detailed public communications and consultation process will be developed.

Respectfully submitted by:

Susan Palmer, Planner 2

Date

Concurred by:

Leah Hartley, RPM

Date

Appendix 1: Revised Estimate of Project Timelines (September 2010)

LUB Update Revised Estimate of Project Timelines (September 2010)												
Task	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug
Reformatted LUB												
Document preparation												
Legal review												
Referrals												
First Reading												
Information meeting												
Public Hearing												
Secondary suites, etc.												
TWG meeting												
Open house/workshop												
Bylaw preparation												
Legal review												
Referrals												
First reading												
Information Meeting												
Public Hearing												
Agri and Industrial												
TWG meeting												
Open house/workshop												
Bylaws preparation												
Legal review												
Referrals												
First reading												
Information meeting												
Public Hearings												