



Islands Trust

# STAFF REPORT

DATE March 30, 2011

File No.: 38.2 (a)

**To:** Salt Spring Local Trust Committee for April 7, 2011**From:** Kris Nichols, Planning Consultant**CC:** Leah Hartley, Regional Planning Manager

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**Re: Proposed Timing for Bylaw No. 449 Adoption – DPA4 Lakes, Streams, Wetlands and Riparian for Information**

## PURPOSE

The purpose of this report is to provide the Local Trust Committee (LTC) with information on possible timing for the adoption of Bylaw No. 449 - Development Permit Area 4, based on first reading occurring on April 7, 2011.

## BACKGROUND

For the last several months the LTC has received reports on the Environmental Development Permit Area Review and in particular updates on the drafting of DPA4. As well, during that time staff has conducted research and consultation in preparation for the drafting of an amending bylaw. The bylaw is now drafted and at a stage where it can be adopted for first reading.

### Possible Timeline Scenarios

Below is a proposed timeline outlining the steps involved prior to final adoption of the bylaw with no additional meetings proposed:

### **Bylaw No. 449 Adoption Process Timeline**

TASK	APRIL	MAY	JUNE	JULY
Bylaw First Reading (April 7, 2011)	X			
Bylaw Referral to Agencies (31 calendar days)	X	X		
Referral to Advisory Committees	X			
Public Hearing (possibly 6 weeks after 1 <sup>st</sup> reading)		X		
Special LTC Meeting for 2 <sup>nd</sup> and 3 <sup>rd</sup> Reading		X	X	
Bylaw submission to Executive Council		X	X	
Bylaw referred to Ministry of Community, Sport and Cultural Development.			X	

Below is a proposed timeline outlining the steps involved prior to final adoption of the bylaw with an additional community meeting if requested by the LTC after first reading in April:

**Bylaw No. 449 Adoption Process Timeline with Additional Community Meeting**

TASK	APRIL	MAY	JUNE	JULY
Bylaw First Reading (April 7, 2011)	X			
Bylaw Referral to Agencies (31 calendar days)	X	X		
Referral to Advisory Committees	X			
Community Meeting	X			
Public Hearing (possibly 8 weeks after 1 <sup>st</sup> reading)			X	
Special LTC Meeting for 2 <sup>nd</sup> and 3 <sup>rd</sup> Reading			X	X
Bylaw submission to Executive Council			X	X
Bylaw referred to Ministry of Community, Sport and Cultural Development.				X

Note: The X denotes the approximate timing of that task.

In considering the timeline, the initial deciding factor is whether the LTC believes that the bylaw is in a form that is ready for first reading which in the timeline is presented as April 7, 2011. If it is ready, there are certain statutory requirements that must be taken into account prior to final reading such as referrals to affected agencies, holding a Public Hearing, approval by the Islands Trust Executive Council and the Ministry of Community, Sport and Cultural Development.

The two timelines presented above generally outline the adoption process. The difference between the two timelines is that the second one includes a discretionary community meeting on the bylaw. Such a meeting may or may not be required by the LTC.

**STAFF COMMENTS:**

Staff has outlined two timeline scenarios for bylaw adoption process starting on April 7<sup>th</sup>. The difference between the two tables being if an additional community meeting is held or not. The community meeting would only be held at the request of the LTC if they thought it was required to get further community input before the Public Hearing. Whether such a meeting is held or not it is understood that most likely on the day of the Public Hearing there would be an information meeting. The information meeting would give residents an opportunity to discuss the bylaw with staff and Trustees whereas the Public Hearing is for comment only.

The preference would be to have the bylaw adoption process start earlier than later so that the Public Hearing is not conducted too far into the summer (i.e. July). Both scenarios will require that there be at least one special LTC meeting to permit for 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaw after Public Hearing. However, given the timeline, it is possible that 2<sup>nd</sup> and 3<sup>rd</sup> could be given at a subsequent (May) regularly scheduled meeting of the LTC.

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It should be noted that the two scenarios take the bylaw up to the submission to the Ministry of Community, Sport and Cultural Development as it is uncertain how long that portion of the approval process may take. It is not until the statutory requirements are met that the LTC can give the bylaw final reading.

The LTC should review the two scenarios to get an understanding of what alternatives exist for timing of the adoption of bylaw 449 and its statutory requirements.

**RECOMMENDATION:**

That the Salt Spring Island Local Trust Committee receives for information the possible timing scenarios presented for the adoption of Bylaw No. 449.

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Respectfully submitted by:

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Kris Nichols, Consultant

Concurred by

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Leah Hartley, MCIP  
Regional Planning Manager

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