

**Islands Trust
Local Planning Committee Report**

3.1

To: Islands Trust Council

Date: August 31, 2011

WORK PROGRAM

1. ENCOURAGING GREEN TECHNOLOGY STRUCTURES

Current - The Local Planning Committee (LPC) is undertaking work to research and identify opportunities for domestic wind power technology in the Trust Area.

Planned – Model policy and regulatory wording to address domestic wind power.

2. DEVELOPMENT APPLICATION FEE ANALYSIS TASK FORCE

Current –Final report from the Task Force provided to LPC in August and to Trust Council in September 2011.

Planned – work completed pending further direction from Trust Council.

3. DEVELOPMENT PERMIT MONITORING

Current – Building on existing experience, staff is currently sharing information on means for monitoring issued development permits.

Planned – Development permit monitoring system.

ON-GOING ITEMS

RIPARIAN AREA REGULATION (RAR) IMPLEMENTATION - The Vancouver Island Regional Office of the Ministry of Forest, Land and Resource Operations has provided a letter indicating support for the Islands Trust process to bring all bylaws into RAR compliance. Staff is working on obtaining similar support for the Gambier Island Land Trust Area. LPC continues to monitor the progress of LTCs in bringing their bylaws into compliance.

BYLAW DISPUTE ADJUDICATION SYSTEM – Development of adjudication bylaws for all remaining local trust areas is underway with anticipated completion by November 2011.

INTEGRATED WATERSHED & SHORELINE PROTECTION APPROACH – Mapping work underway and draft maps expected within the next few months. Public process to review maps is to begin in early 2012.

IT GREEN SHORES FOR HOMES PROJECT – Steering committee established and technical committee in process of being established.

LETTER OF AGREEMENT WITH THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE – Staff to staff meeting planned for the fall 2011 and process to review letter of agreement expected to be discussed.

GREENHOUSE GAS EMISSION REDUCTION – Work to comply with Bill 27 completed, with the exception of Piers Island Bylaws (Salt Spring Local Trust Area), which is expected to begin in 2012. Further work is at the discretion of local trust committees.

FOOD SECURITY – Status report provided quarterly to track work as per Trust Council resolutions. Further work on planning recommendations is subject to LPC work priorities and staff resources.

OCP/LUB PROGRAM STATUS - Monitoring progress and funding availability.

David Marlor
Designate Staff

George Ehring
Chair

**DIRECTOR, LOCAL PLANNING SERVICES
2011/2012 SECOND QUARTER REPORT**

Date: August 29, 2011

ACTIVITIES COMPLETED SINCE LAST REPORT	CURRENT ACTIVITIES	NEXT QUARTER ACTIVITIES
<p><u>TRUST COUNCIL / LPC</u></p> <ul style="list-style-type: none"> Developing information on RAR for planners and public RAR watershed mapping and sign off complete for Vancouver Island region Greenhores steering committee Integrated shoreline mapping continues Communication for bylaw adjudication system and implementation of system in all LTAs Review LPC terms of reference Joint Application Fee Task Force LPC meeting May 19, 2011 	<ul style="list-style-type: none"> Discussion with Mainland region for similar signoff for Gambier LTC Completion of RAR information for planners and public Greenhores for homes – continuation on steering committee Integrated shoreline mapping continues bylaw adjudication system – obtain 3rd reading by all LTCs LPC meeting August 18, 2011 	<ul style="list-style-type: none"> Greenhores for homes steering committee – continuation Integrated shoreline mapping continues Follow up on Administrative fairness and procedural certainty initiative Monitoring OCP and LUB projects Orientation for new council Begin review of LPS corporate services Development of three-year term plan for LPC (Feb 2012)
<p><u>LOCAL PLANNING SERVICES UNIT</u></p> <ul style="list-style-type: none"> Begin preparations for fiscal year 2012/13 Begin preparation for new term of trustees Various managerial projects Work with regions to complete work programs Complete recruitment to fill vacancies Supported Salt Spring RPM and staff on contentious issues Worked with RPMs on contentious issues 	<ul style="list-style-type: none"> Continue preparation for 2012/13 fiscal year Development of LPS work program for next term Development of budget and resource allocation for next term Work with RPMs to complete LTC bylaws by end of term Work with RPMs to continue to review and improve service delivery and resource allocation Budget process for 2011/12 submissions 	<ul style="list-style-type: none"> Orientation for new trustees On-going orientation program for new trustees Orientation for LPC Develop three-year work plan for LPC Begin review of LPS terms of reference with new LPC (May 2012) Work with RPMs to continue to review and improve service delivery and resource allocation Budget process for 2011/12 submissions
<p><u>AGENCY LIAISON</u></p> <ul style="list-style-type: none"> Working with San Juan County, City of Seattle, Pacific Climate Action Consortium and Green Shores on Islands Trust Green Shores for Homes Project Coordination with regional districts on specific issues Work with regional district on bylaw enforcement matters and building permit referrals Work with Bowen Municipality on bylaw referrals to staff and to Executive Committee Worked with Ministry of Forest, Land and Natural Resource Operations on RAR watershed mapping 	<ul style="list-style-type: none"> Continue to work with San Juan County, City of Seattle, Pacific Climate Action Consortium and Green Shores on Islands Trust Green Shores for Homes Project Coordination with regional districts on specific issues Work with Islands Trust Fund staff on incorporation of implementation of RCP into LPS three-year work plan Continue to work with regional district on bylaw enforcement matters and building permit referrals Work with Ministry of Transportation to begin process on review of letter of agreement and reinstate annual staff-to-staff meetings 	<ul style="list-style-type: none"> Continue to work with San Juan County, City of Seattle, Pacific Climate Action Consortium and Green Shores on Islands Trust Green Shores for Homes Project Begin work on First Nations liaison and improved methods of consultation for LTC bylaw referrals Continue to work with Ministry of Transportation to review letter of agreement Continue to work with Ministry of Forest, Land and Natural Resource Operations on fine-tuning RAR watershed mapping

ACTIVITIES COMPLETED SINCE LAST REPORT	CURRENT ACTIVITIES	NEXT QUARTER ACTIVITIES
	<ul style="list-style-type: none"> Continue to work with Ministry of forest, Land and Natural Resource Operations on fine-tuning RAR watershed mapping 	
<p><u>LPS SERVICE DELIVERY</u></p> <ul style="list-style-type: none"> Worked with bylaw enforcement coordinator to develop operating procedures Worked with RPMs to develop consistent approaches in regional offices Worked with TAS to develop standards for cooperative tasks 	<ul style="list-style-type: none"> Continue to work with RPMs and Legislative Services Manager to develop consistent approaches in regional offices Continue working with TAS to develop standards for cooperative tasks Design and implement one day workshop for staff on communications (September 2011) Establish regular quarterly legal session updates for staff (next in Sept 2011) Work with TAS on guidelines for communications Begin work on improving minute taking and agenda preparation system 	<ul style="list-style-type: none"> Continue to work with RPMs and Legislative Services Manager to develop consistent approaches in regional offices Continue working with TAS to develop standards for cooperative tasks Develop schedule of workshops and pro-development days for staff on relevant topics Continue to develop quarterly legal session updates for staff (next in Sept 2011) Continue work on improving minute taking and agenda preparation system

ISLANDS TRUST REQUEST FOR DECISION

DATE: September 1, 2011

TO: Islands Trust Council

Target Decision Date: September 14, 2011

SUBJECT: DEVELOPMENT APPLICATION FEE REVIEW

RECOMMENDATION: That the Islands Trust Council:

1. give approval in principle of the approach to application fees provided in Appendix A "*Fee Task Force Proposed Approach to Model Local Trust Committee Fees Bylaw*" dated August 18, 2011, except that the deposit for cost recovery for rezoning applications and temporary use permit applications be based on the staff estimate for external costs to process the application plus 50% contingency;
2. request staff to develop a model Local Trust Committee Fees Bylaw that incorporates the recommendations in Appendix A; and
3. request staff to develop draft amendments to *Trust Council Policy 5.6.i – Application Processing Services* that would make the policy consistent with the proposed approach to application fees.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: Trust Council's Strategic Plan, statement to "provide services on an increasingly effective basis", indicates that development application fees should be reviewed. A joint task force, consisting of members of the Financial Planning Committee and the Local Planning Committee, has now completed a review and has developed a recommended approach to application fees. Should Trust Council approve of this approach, staff would develop a model Local Trust Committee Fees Bylaw and amendments to Policy 5.6.i for further consideration by Trust Council. Once policy amendments and a model fees bylaw has been approved by Trust Council, each Local Trust Committee would be asked to consider a custom-tailored version of a new fees bylaw for adoption. Overall, the approach is intended to improve cost recovery and have application fees that more closely cover the costs of application processing.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Development of a model Local Trust Committee Fees Bylaw and the related policy amendments will be completed by the Director of Local Planning Services and is expected to consume approximately 20 hours. Once a model has been approved by Trust Council, further development and consideration of a new fees bylaw by each local trust committee will require the involvement of the related planning staff. Should local trust committees

follow the recommendation to adopt new development approval information bylaws, development and processing of these bylaws will be undertaken by the relevant planning team staff.

Should local trust committees adopt fees bylaws that follow the approach recommended in Appendix A, there will need to be some adjustment to current procedures. The revised approach includes an advance deposit for rezoning applications and temporary use permit applications. This will have implications for management of the file and require a close reporting relationship between accounting and the file planners. The concept of using an approach to charge for actual "hard" costs is used in some other local governments in British Columbia.

FINANCIAL:

Should the proposed approach be endorsed and if all local trust committees adopt a fees bylaw based upon this approach, it is expected to result in improved cost recovery and fees that more closely cover the actual average cost of processing applications.

The budget impact will likely be delayed until 2013/14, by which time the LTCs will presumably have adopted the recommendations. Fees revenue will increase slightly, because there are offsetting increases and decreases in the recommendations. However, some expense budgets, particularly for advertising and notices, will be reduced.

POLICY:

5.6.i Application Processing Services

5.6.ii Cost Recovery Agreements

5.6.iii Extraordinary Processing Services

IMPLEMENTATION/COMMUNICATIONS:

- Development of model fee bylaw adopted by Trust Council and circulated to local trust committees.
- Development of proposed amendments to Policy 5.6.i.
- Consideration by each local trust committee of a revised fees bylaw.
- If and when local trust committees adopt amended fees bylaws, public information materials will need to be updated to reflect the revised approach and fee levels.

OTHER:

The current time frame suggests that Trust Council would endorse a new model Local Trust Committee Fees Bylaw in December 2011. This schedule may need to be altered if there are a large number of newly-elected trustees. If so, further background information and discussion may be necessary before the matter can proceed.

BACKGROUND

At its March 2011 meeting, Trust Council passed the following resolution:

That the Islands Trust Council establish a joint Task Force of the Financial Planning Committee and Local Planning Committee to conduct a review of development application fees and report to Trust Council about an appropriate rate of fees at the September 2011 Trust Council meeting; and delegate the development of the terms of reference for the Task Force to the Executive Committee.

The Local Planning Committee and the Financial Planning Committee subsequently appointed Peter Luckham, David Graham, Joyce Clegg and Gary Steeves to the Application Fees Task Force.

The approach proposed in Appendix A was developed by the Application Fees Task Force after consideration of an analysis of application processing data prepared by staff.

REPORT/DOCUMENT:

- Fee Review Analysis July 2011 – summary of costs and fees
- Fee Review Analysis July 2010 – summary of “hard” costs
- Application fees for each Local Trust Committee, July 2010
- Current Policy 5.6.i “Application Processing Services”

KEY ISSUE(S)/CONCEPT(S):

Endorsement of an approach for development of a model Local Trust Committee Fees bylaw and related amendments to Trust Council policies.

RELEVANT POLICY:

Policy Amendments: Should Trust Council adopt the recommended approach to the rezoning fee and temporary use permit fee, then the following policy amendments would be required:

Policy 5.6.i “Application Processing Services”

Section 1.2 would need to be amended so that only the services indicated in steps 2 to 4 of the rezoning guide are included for rezoning applications and steps 2 and 3 of the temporary use permit guide for temporary use permit applications. This is best accomplished by amending 1.2(i) to specify that the service levels in this section do not apply to rezoning and temporary use permit applications, and by adding a new 1.2(ii) with the following wording:

- ii. The services levels below indicate specific services that will be provided to an applicant who has paid a basic application processing fee for a rezoning application or a temporary use permit application:
 - 1) preliminary staff evaluation of the application
 - 2) preliminary staff report to the LTC
 - 3) consideration by the LTC on whether or not to proceed with the application

- iii. For a rezoning application or a temporary use permit application the applicant will provide a deposit as specified in the Fee Bylaw. All costs for services for processing the application (except staff time) will be charged to the deposit. Should there be a residual after a final decision of the LTC, the residual amount will be returned to the applicant. Should the deposit be used or expected to be exceeded before a final decision of the LTC, an additional deposit will be required before continuing with processing the application. For the following list of processing steps, costs, except for staff time, will be charged to the deposit:

1. Additional comprehensive staff reports
2. Staff referral to agencies and advisory planning commissions and analysis of their comments
3. Discussion between planners and applicant throughout the process as required
4. Bylaw, resolution and permit drafting including review for compatibility with Trust object and policies and the relevant official community plan
5. Community information meetings including advertising costs
6. Legislated advertising requirements
7. Public hearing
8. Staff report with recommendations for LTC consideration
9. Legal advice
10. Covenant drafting and execution
11. Processing bylaws through Executive Committee for approval if necessary
12. Processing of bylaws through the Minister for approval if necessary
13. Adoption of bylaws or permits
14. Registration of permit notification at land title office if required

DESIRED OUTCOME:

- approval in principle of the recommendations so that staff can develop a model Local Trust Committee Fees Bylaw and draft related policy amendments.
- Development of LTC-specific recommendations for fees based on local “hard cost” averages.

The next step would be to recommend a new model Local Trust Committee Fees Bylaw to the December 2011 meeting of Trust Council. If the model was approved, staff would develop LTC-specific recommendations for fees based on local ‘hard cost’ averages. Ultimately, the goal is to incorporate the financial impact of the new fee structure into the 2012/13 budget.

RESPONSE OPTIONS

Recommended: As above.

Alternatives:

1. Request the Application Fees Task Force to develop a different approach to application fees for Trust Council’s consideration.
2. Not to proceed with changes to application fees at this time.

PREPARED BY: David Marlor, MCIP,
DLPS/Craig Elder, DAS

REVIEWED BY EXECUTIVE COMMITTEE:

SUBMITTED BY: Local Planning Committee

August 29, 2011

REVIEWED BY: (Chief Administrative Officer)

OTHER REVIEW:

Local Planning Committee, Aug 18, 2011
Financial Planning Committee, Aug 25, 2011

**APPENDIX A
APPLICATION FEES TASK FORCE PROPOSED APPROACH TO MODEL LOCAL
TRUST COMMITTEE FEES BYLAW – August 18, 2011**

Background

To assist the Applications Fees Task Force, Staff undertook a review of the estimated average actual costs of processing applications over the past three years (January 1, 2009 to June 30, 2011) to determine the extent to which fees charged by local trust committees (LTCs) cover these costs. This review involved a high-level review of time tracking data over a three-year period and the number of applications received during that time period. This analysis developed the estimated average time per file from receipt of the application to final decision and follow-up.

An average cost of \$50 per hour for planners, and \$36 per hour for support staff was calculated based on average salary and benefits, plus \$6 per hour for overhead costs for office space (ie. Rent, phones, utilities, etc). These rates were used to convert the hours recorded into dollar values, based on an estimate that 80% of hours went to planners and 20% went to support staff. Other external costs (called “hard costs” below) such as meeting room rental, minute and note taking, advertising, legal review, mailing expenses and other such costs were estimated.

In the tables below, “staff” costs and “hard costs” are listed for each application type. “Model” fee is the fee recommended by Trust Council and “low” fee is the lowest fee currently being charged by at least one local trust committee (LTC).

In regard to the “hard costs” noted below, the dollar amounts are estimates on a trust-wide basis. Further research is required to establish more accurate hard costs for each LTC and application type. For example, advertising costs in newspapers vary considerably for different LTCs.

Analysis and Recommendations:

Rezoning Applications:

Average Costs per application		Current Fees per application	
Staff:	\$5,792	Low Fee:	\$1,000
Hard:	\$5,530	Model Fee:	\$5,500
Total:	\$11,122		

Model (Trust Council Recommended) fee generally covers 50% of an average rezoning. Lower fees, such as the \$1,000 in the table above, are usually for a specific type of application, in this case affordable housing.

Recommendation:

The Fee Task Force recommends that LTCs adopt a basic application fee of \$1,000 to cover the cost of the preliminary report and consideration by the LTC (steps 2 to 4 below); and that the costs of steps 5 to 9 below, be covered through a recovery from the applicant of actual costs required to process the application, plus an additional application fee of \$2,500 related to planner time required to complete the process.

The cost recovery amount for steps 5 through 9 could vary considerably from one LTC to another based on different costs for advertising, meeting halls, etc. Even within a LTC, costs could vary depending on the complexity of the application. Applicants would be provided copies of all invoices that contributed to the cost of processing the application, and recovery would be limited to “hard costs”, not costs for planner time.

The process for undertaking a rezoning application is generally as follows (from the published rezoning application guide):

1. Pre-application – as this is typically before an application is made, no fee is charged. This stage involves advice to assist the applicant in making a better and more complete application.

Steps 2 through 4 would be covered by the “basic application fee” of \$1,000

2. Application – the applicant submits application and staff undertakes necessary work to process, create a file and forward to the planner.
3. Preliminary evaluation and Staff Report – for all rezoning applications, staff will evaluate the application and provide a staff report to the LTC with recommendations on whether or not to proceed with the application, and recommendations on the process to undertake if the LTC decides to proceed. Staff also uses this stage to advise the applicant if there is missing information, or if it is likely that more information will assist the process. On islands with development approval bylaws (DAI), staff would also advise the applicant of any requirements under the DAI bylaw.
4. First Consideration by LTC – the LTC provides direction to staff on the application.

Steps 5 through 9 would be covered on a “cost recovery basis”, plus an additional application fee of \$2,500 related to planner time required to complete the process.

5. Subsequent Reports and final staff Report – this is where application processing costs begin to differ significantly between applications. The actual work depends on the complexity of the application and the direction provided by the LTC. There is more certainty in this stage for islands with DAI bylaws as that bylaw sets out the process for determining reports that must be provided to process the application. In some situations, additional requirements by the LTC after Step 4 can add to the complexity and costs of processing an application. Given the lack of clarity inherent in this stage, it is not possible to determine the costs in advance.

6. Public Consultation and Referrals – agency referrals are largely known in terms of costs; however, public consultation may range from one to several meetings and may result in none to many pieces of correspondence that must be managed.
7. Additional Information – similar to step 5, the actual requirements will be unknown at the outset.
8. Further consideration by the LTC – the need for this step is unknown at the outset and there may be a need for more than one review.
9. First Reading and Beyond – while the process is established by legislation, there is a potential for a wide range of costs depending on the size of the advertisement required, whether or not a mail out and hand delivery is required and how many properties such delivery must go to, the newspaper in which the advertisement must be placed and the length of the public hearing.

A possible alternative to the recovery of actual costs, is to establish an LTC-specific public hearing fee for an average public hearing. This would take into account local advertising costs and meeting costs. This approach would probably cost more for some smaller public hearings and less for larger and potentially more contentious public hearings.

Deposits for Cost Recovery

The fee bylaw should also be amended to indicate that, in addition to the specified fees:

- for a rezoning application that *is consistent with the Official Community Plan policies*, a deposit of \$5,000 shall be provided and the cost for processing the application under steps 5 to 9 be applied to that deposit;
- for a rezoning application that *is not consistent with the Official Community Plan policies*, a deposit of \$8,000 shall be provided and cost of processing the application under steps 5 to 9 be applied to that deposit.

The fee bylaw should also indicate that after final decision by the LTC, any remaining funds would be returned to the applicant, and that, if the cost of processing is expected to exceed the deposit, a further deposit would be required.

INFORMATION NOTE: *The RFD recommends a deposit based on 150% of the staff estimate of external costs and not the \$5000 and \$8000 deposits as suggested here by the Task Force.*

Development Permit Applications:

Average Costs per Application		Current Fees per Application	
Staff:	\$1,682	Low Fee:	\$200
Hard:	\$330	Model Fee:	\$1,100
Total:	\$2,012		

Model (Trust Council Recommended) fee generally covers 55% of an average development permit. Lower fees, such as the \$200 in the table above, are usually for an environmental protection development permit.

Because these applications are often related to environmental protection or protection of development from hazardous conditions, a higher fee may be a disincentive for applicants coming forward.

Recommendation:

The Fee Task Force recommends that no changes be made to the development permit application fee.

Development Variance Permit Applications:

Average Costs per application		Current Fees per application	
Staff:	\$1,004	Low Fee:	\$572
Hard:	\$830	Model Fee:	\$935
Total:	\$1,834		

Model (Trust Council Recommended) fee generally covers 51% of an average development variance permit.

The fee should be equal to the recommended fee for Board of Variance applications; since the types of land use decisions are similar between the two application types, cost of the application would not affect the decision of which type of application would be applied for.

Recommendation:

The Fee Task Force recommends that the model fee be raised to \$1,800 to cover all costs.

Siting and Use Permit Applications (SUPs):

Average Costs per application		Current Fees per application	
Staff:	\$251	Low Fee:	\$176
Hard:	\$0	Model Fee:	\$200
Total:	\$251		

Model (Trust Council Recommended) fee generally covers 80% of an average siting and use permit. These permits are only used on Denman and Hornby islands.

Recommendation:

The Fee Task Force recommends that the fees be increased to \$250 to recover the average cost of processing.

Temporary Use Permits (TUPs):

Average Costs per application		Current Fees per application	
Staff:	\$1,395	Low Fee:	\$440
Hard:	\$2,830	Model Fee:	\$1,100
Total:	\$4,225		

Model (Trust Council Recommended) fee generally covers 26% of an average temporary use permit.

Recommendation:

A Temporary Use Permit is a temporary rezoning and therefore, Steps 1 to 8 of the rezoning process generally apply (and are reflected in Steps 1 to 7 of the temporary use permit application guide). Given that many of the complexities of a rezoning also apply, a similar approach to applications should be applied to the temporary use permit application.

Given the above, The Fee Task Force recommends that Trust Council adopt:

- a basic application fee of \$1000 to cover the cost of the preliminary report and consideration by the LTC (steps 2 and 3 of the rezoning process), and;
- cover the costs of steps 4 to 7 of the temporary use permit application process through a recovery from the applicant of actual costs required to process the application, plus an additional application fee of \$500 related to the planner time required to complete the process.

The fee bylaw should also be amended to indicate that, in addition to the specified fees:

- a deposit of \$5,000 shall be provided and the cost for processing temporary use permit under steps 5 to 9 (see Rezoning section) be applied to that deposit;
- the Fee bylaw should also indicate that after final decision by the LTC, any remaining funds would be returned to the applicant. If the cost of processing is expected to exceed the deposit, a further deposit would be required.

INFORMATION NOTE: The RFD recommends a deposit based on 150% of the staff estimate of external costs and not the \$5000 deposit as suggested here by the Task Force.

Subdivision Referrals:

Average Costs per application		Current Fees per application	
Staff:	\$1,428	Low Fee:	\$825(+100)
Hard:	\$130	Model Fee:	\$1,100(+110)
Total:	\$1,558		

Subdivision fees are assessed based on a basic fee plus a fee for the number of new lots created by the subdivision. In the table above, the number in parentheses indicates the additional dollars per lot; the numbers shown next to “low fee” represents the lowest fee for both of these numbers and they are not necessarily taken together – this is intended to show the lowest basic fee and the lowest per lot fee. For this reason, it is not possible to determine cost recovery using the numbers in the table above.

The chart below shows the fee charged for some of the more common types of subdivisions in the trust area:

One new Lot	\$1,100+\$110 = \$1,210
Two new Lots	\$1,100+\$220 = \$1,320
Three new Lots	\$1,100+\$330 = \$1,430
Four new Lots	\$1,100+\$440 = \$1,540
Five new Lots	\$1,100+\$550 = \$1,650

A subdivision application that creates four new lots or more will cover the average cost of processing an application. A subdivision application that creates three or less lots will not cover the average cost of processing an application. This may be acceptable as a subdivision with smaller number of lots is likely to require less staff time for processing than one with many lots.

Recommendation:

The Fee Task Force recommends that no changes be made to subdivision referral fees.

Board of Variance Applications:

Average Costs per application		Current Fees per application	
Staff:	\$1,888	Low Fee:	\$800
Hard:	\$800	Model Fee:	\$990
Total:	\$2,688		

Model (Trust Council Recommended) fee generally covers 37% of an average board of variance application

The fee should be equal to the recommended fee for Development Variance Permit applications; since the types of land use decisions are similar between the two application types, cost of the application would not affect the decision of which type of application would be applied for.

Recommendation:

The Fee Task Force recommends that the fee for board of variance applications be increased to \$1,800.

Development Approval Information Bylaws

Development Approval Information (DAI) bylaws provide certainty to the applicant by defining the information and reports required for each application type, along with the required qualifications of those preparing the required reports. For an example of a DAI, see the Islands Trust website under North Pender Administrative Bylaws, Bylaw 134 (<http://www.islandstrust.bc.ca/lrc/np/bylawsadmn.cfm>)

Without a DAI bylaw, the LTC can request information from an applicant to help it decide on an application, but the applicant might not provide the information in a useful or easy to understand form, may not meet acceptable methodology requirements, or might just refuse to provide the information. Any of these unsatisfactory outcomes delay the approval process and frustrate applicants.

DAI bylaws can be written with specific requirements in them. This approach is useful for those applications where a similar report is required for every application, such as a development permit area where the report requirements are in response to the guidelines. In other situations, the DAI bylaw can be written to allow staff to determine what needs to be reported on and the methodology, and provide those requirements to the applicant. This is useful in situations where each application will have a different set of circumstances or different reporting requirements, such as a rezoning application or a temporary use permit application.

The DAI bylaw would allow staff to require a revision in a situation where a report is not provided correctly or information is missing; however the bylaw must limit how many times an applicant can be asked to provide new information, after which staff will make recommendations based on the information provided.

From a fee assessment point of view, a DAI bylaw provides certainty early in the process on the types of reports and information that an applicant will be required to provide during the processing of the application and reduces the timeline for processing by providing all reporting and information requests up front.

Recommendation:

Given the discussion above, The Fee Task Force recommends that all LTCs that have not yet done so be encouraged to adopt development approval information bylaws.

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)					Average Staff Cost per File (3)	Average Hard Cost per File(4)	Total Average Cost per File	Fees Range (5)	
	74,604	100.0%	100.0%										Low	High
Total hours recorded:														
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%											
					% Planner	% Support	Planner Hrly	Support Hrly						
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.

	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Galiano	Mayne	North Pender	Saturna	South Pender	Salt Spring
BYLAW AMENDMENTS												
Official Community Plan (OCP) Amendment	\$4,400	\$3,500	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400
OCP amendment in combination with a consistent application for amendment to a Land Use Bylaw	\$4,950	\$4,500	\$4,950	\$4,950	\$4,950	\$5,500	\$4,950	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500
Land Use Bylaw or Zoning Bylaw amendment	N/A	N/A	N/A	N/A	N/A	\$4,400	N/A	N/A	N/A	N/A	N/A	\$4,400
Application to amend a Land Use Bylaw for the purpose of rezoning a property to permit a seasonal cottage for use as affordable housing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$1,100
Application from a non-profit organization or society to amend a Land Use Bylaw for the purpose of rezoning a property for use as affordable housing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$1,000
Land Use Bylaw, Zoning Bylaw or Subdivision Bylaw amendment	\$4,400	\$3,500	\$3,520	\$4,400	\$3,520	N/A	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	N/A
Land Use Contract amendment	\$4,400	\$3,500	\$3,520	\$4,400	\$4,400	N/A	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400	\$4,400
Amendments to an OCP to transfer density into or out of the Density Bank in conjunction with a land use bylaw amendment	\$4,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

PERMITS												
Development Permit (DP) in respect of a protection area	\$440	\$450	\$440	\$440	N/A	\$550	\$440	\$550	\$200	\$440	\$550	\$1,100
DP in respect of a commercial revitalization area	N/A	N/A	N/A	N/A	N/A	\$550	\$660	\$550	\$550	\$550	\$550	\$1,100
DP in respect of form and character area	\$660	\$550	N/A	\$600	N/A	\$550	\$660	\$550	\$850	\$550	\$550	\$1,100
DP Amendment	\$165	\$150	\$165	\$165	N/A	\$165	\$165	\$165	\$165	\$165	\$165	\$330
DP in combination with a companion application for a Development Variance Permit (DVP) in respect of a residential development	\$770	\$650	\$770	\$770	N/A	\$770	\$770	\$770	\$770	\$770	\$770	\$1,320
DP in combination with a companion application for a DVP in respect of a commercial, industrial or institutional development	\$935	\$800	\$935	\$935	N/A	\$990	\$935	\$990	\$990	\$990	\$990	\$1,540
DVP in respect of a residential development	\$715	\$600	\$572	\$715	\$440	\$715	\$715	\$715	\$715	\$572	\$715	\$715
DVP in respect of a commercial, industrial or institutional development	\$935	\$750	\$748	\$935	\$715	\$935	\$935	\$935	\$935	\$935	\$935	\$935
Heritage Alteration Permit	N/A	N/A	N/A	N/A	N/A	N/A	\$1,100	\$1,100	\$1,100	\$500	\$1,100	N/A
Temporary commercial and industrial use permit	\$1,100	\$900	\$1,100	\$1,100	\$770	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100
Temporary Use Permit, non-profit & home based business < 3 months per annum	N/A	N/A	\$440	\$440	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Temporary Commercial and Industrial Use Permit renewal	\$165	\$150	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$165	\$166	\$165
Siting and Use Permit (SUP)	\$220	N/A	N/A	\$176	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SUP in combination with a companion application for a DVP in respect of a residential development	\$715	N/A	N/A	\$715	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SUP in combination with a companion application for a DVP in respect of a commercial, industrial or institutional development	\$935	N/A	N/A	\$935	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

3.3 Attachment 3

	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Galiano	Mayne	North Pender	Saturna	South Pender	Salt Spring
PERMITS - continued												
SUP in combination with a companion application for a DP in respect of a protection area	\$550	N/A	N/A	\$550	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SUP in combination with a companion application for a DP in respect of a commercial revitalization area	\$660	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SUP in combination with a companion application for a DP in respect of a form and character area	\$660	N/A	N/A	\$550	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Soil Deposit and Removal Permit non commercial	N/A	N/A	N/A	N/A	N/A	N/A	\$220	\$220	\$220	\$220	\$220	N/A
Soil Deposit and Removal Permit commercial	N/A	N/A	N/A	N/A	N/A	N/A	\$550	\$550	\$550	\$550	\$550	N/A

SUBDIVISION REFERRALS												
Application for subdivision review – first parcel	\$1,100	\$900	\$1,100	\$1,100	\$825	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100
Application for Subdivision Review – every additional parcel that would be created by the proposed subdivision	\$110	\$100	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110	\$110
Application for subdivision review - parcel line adjustments only, creating no additional parcels	\$330	\$300	\$330	\$330	\$100	\$330	\$330	\$330	\$330	\$330	\$330	\$330

OTHER APPLICATIONS												
Board of Variance	\$990	\$800	\$990	\$900	\$440	\$990	\$990	\$990	\$990	\$990	\$990	\$1,100
Strata Conversion	\$1,100	\$1,100	\$1,100	\$1,000	\$825	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$825
Liquor Control and Licensing Branch	\$825	\$850	\$825	\$750	N/A	\$825	\$825	\$825	\$825	\$825	\$825	\$825

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.

**ISLANDS TRUST
REQUEST FOR DECISION**

DATE: August 31, 2011

TO: Islands Trust Council

Target Decision Date: September 14, 2011

SUBJECT: COMMUNITY HOUSING TASK FORCE FINAL PRODUCTS

RECOMMENDATION: That the Islands Trust Council request staff to:

1. Circulate the “Application Guide for Affordable and Special Needs Housing” to all local trust committees, post it on the Community Housing page of the Islands Trust website and provide copies to all Islands Trust offices, Bowen Island Municipality and on-island offices of relevant agencies and issue a news release;
2. Circulate the “Memorandum on Housing Agreements on Salt Spring Island” and the “Memorandum on Health Authority Requirements for Secondary Suites and Cottages” to all local trust committees and Bowen Island Municipality and post it to the Community Housing page of the Islands Trust website; and
3. Include the package of information produced by the Community Housing Task Force, along with the Summary Document, in the orientation material for new trustees.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The Community Housing Task Force has developed a number of documents that will be helpful to local trust committees and Bowen Island Municipality as they work to address the community housing needs.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Organizational implications of this recommendation are minimal.

FINANCIAL:

The costs of printing copies of the “Application Guide for Affordable and Special Needs Housing” are minor and would be covered within the existing budget.

POLICY:

None

IMPLEMENTATION/COMMUNICATIONS:

Publication to the website and distribution to local trust committees, Bowen Island Municipality and on-island offices of relevant agencies.

OTHER:

None

BACKGROUND**REPORT/DOCUMENT:**

Trust Council established a Community Housing Task Force in late 2009 and extended the task force to the end of the term of office in December 2011. The task force has developed the following informational items regarding affordable housing that will be useful to local trust committees and to Bowen Island Municipality.

Application Guide for Affordable and Special Needs Housing

The “Application Guide for Affordable and Special Needs Housing” brings together the different agency approvals required for developing affordable and special needs housing. It includes a brief description of the requirement and contact information (by local trust area) for obtaining the required approvals.

Memorandum on Housing Agreements on Salt Spring Island

Staff prepared a memorandum on the Salt Spring experience and approach to housing agreements, administration of housing agreements on Salt Spring Island and an overview of the Salt Spring Island Community Affordable Housing Strategy.

Memorandum on Health Authority Requirements for Secondary Suites and Cottages

Staff prepared a memorandum to provide an overview of the regional health authorities' requirements for secondary suites and cottages.

Summary Report

The attached Summary Report outlines the reports produced by the Community Housing Task Force.

This report is submitted for the information of Local Planning Committee and Trust Council.

Attachments:

- Affordable Housing Application Guide
- Memorandum of Water and Sewage Requirements
- Memorandum on SSI Housing Agreements
- Briefing on Summary of CHTF Products

KEY ISSUE(S)/CONCEPT(S):

- Documents produced by Local Planning Committee regarding affordable housing to be made available to the public.

RELEVANT POLICY:

Islands Trust Policy Statement:

5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community’s current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

DESIRED OUTCOME:

Information and distribution of documents that will assist in the development and management of affordable housing within the Islands Trust Area.

RESPONSE OPTIONS

Recommended:

As above

Alternatives:

To amend one or more of the documents prior to distribution.

Not distribute the listed documents at this time.

PREPARED BY: David Marlor, MCIP, DLPS

SUBMITTED BY: Community Housing Task Force, Local Planning Committee

REVIEWED BY: (Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:

August 29, 2011

OTHER REVIEW:

Local Planning Committee, Aug 18, 2011



Islands Trust

Application Guide

Affordable and Special Needs Housing

Purpose of this Guide

This guide was developed to explain the Islands Trust role in regulating and approving affordable housing, to provide tips for making a complete and thorough application, and to identify other key agencies you may have to contact.

The Islands Trust is a unique form of government and not all land use and development approvals are under one roof. There is no simple “one process fits all” for affordable and special needs housing in the Islands Trust Area, and applicants for development proposal such as for affordable housing will likely have to coordinate with a number of other regulatory agencies.

Terms used in this Guide

Local Trust Committee (LTC): an independent local government within the Islands Trust Area. There are 12 LTCs that make up the federation of the Islands Trust. Each LTC is composed of two local trustees, and one appointed chair from the Islands Trust Executive Committee.

Island Municipality: An independent local government within the Islands Trust Area that has incorporated into a municipality. Bowen Island is the only Island Municipality within the Islands Trust, and is composed of two trustees, a mayor and other council members.



Murakami Gardens Groundbreaking Ceremony, Salt Spring Island

How is Affordable and Special Needs Housing Defined in the Islands Trust Area?

Affordable housing is commonly defined as adequate, suitable housing, typically costing less than 30% of household income. Special needs housing typically refers to housing intended for individuals who require specific housing designs (e.g. accessible) or who require services to enable them to live relatively independently or in a supportive environment.

Within Islands Trust each LTC can adopt its own definition for affordable or special needs housing. You should consult the official community plan and land use bylaw for your island early on to find out if and how they define affordable housing. Types of housing fall along an affordability continuum that may include:



Depending on the community’s needs, some types of affordable housing may be more appropriate on some islands than others.

Before Making an Application:

- ✓ Know who your project is intended for.
- ✓ Contact organizations such as CMHC, BC Housing and the Real Estate Foundation for helpful resources including grant opportunities.
- ✓ Discuss your proposal with the following:
 - Islands Trust planner
 - Regional District building inspector (where applicable)
 - Health authority official
 - Ministry of Transportation and Infrastructure Subdivision
 - Approving officer (if subdivision required)
- ✓ Understand funders’ requirements and timelines.
- ✓ Prepare a project management plan and budget.

Land Use

Responsible Agency: Islands Trust LTCs

Land use planning policies and regulations are established by each LTC through adoption of an official community plan (OCP) and land use bylaw (LUB). These are the key documents you should be familiar with before making an application, and will determine what approvals you need from the LTC. Planning staff can assist you in interpreting these documents and determining the types of applications you will need to make.

OCP Amendment

The OCP establishes policies for land use in a local trust area. If your proposal is inconsistent with any OCP policies, you must apply for an amendment to the OCP. See the Islands Trust Bylaw Amendment Application Guide for more detail on the OCP amendment process before making an application.

LUB Amendment

The LUB establishes regulations for land use in a local trust area, including use, density, height and setbacks. You may discover that the permitted use and density do not accommodate affordable housing on your property, and you will have to make an application to amend the LUB, also called "rezoning".

If you have not yet determined a location for your project, it will be helpful to review the policies in the OCP and the zoning in the LUB to target suitable locations on the island. Planning staff can assist with this step.

Review the Islands Trust Bylaw Amendment Application Guide for more detail on the process for LUB amendment before making an application.

Siting and Design

Responsible Agencies: Islands Trust LTCs and Regional Districts

If the project requires new construction or significant renovation, either a Building Permit or Siting and Use Permit will be required. In addition, a Development Permit and/or a Development Variance Permit may be required from the Islands Trust Local Trust Committee.

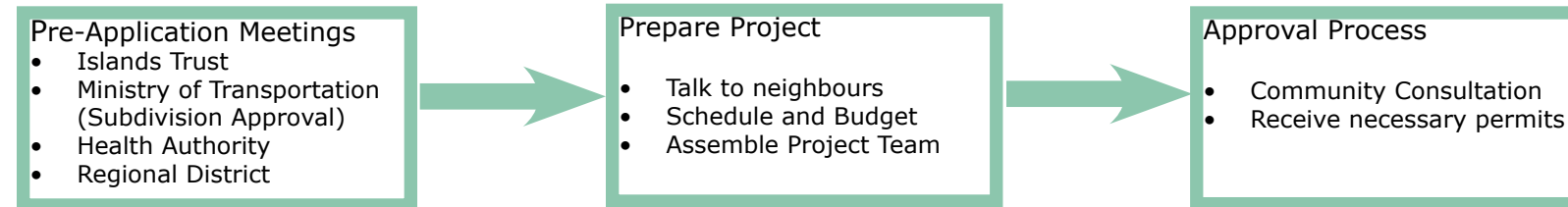
Building Permits & Siting and Use Permits

Building Permits are issued by the regional district building inspector unless your project will be located on Denman, Hornby or Lasqueti Islands. On Denman or Hornby Island, a Siting and Use Permit is required from Islands Trust. No permits are required on Lasqueti Island, but all construction must meet the requirements of the BC Building Code. All other large islands and some small islands have building bylaws in effect and require building permits. The setbacks, size, height, density, and use of structures and parking requirements must comply with the local land use bylaw regulations before a Building Permit or Siting and Use Permit can be issued.

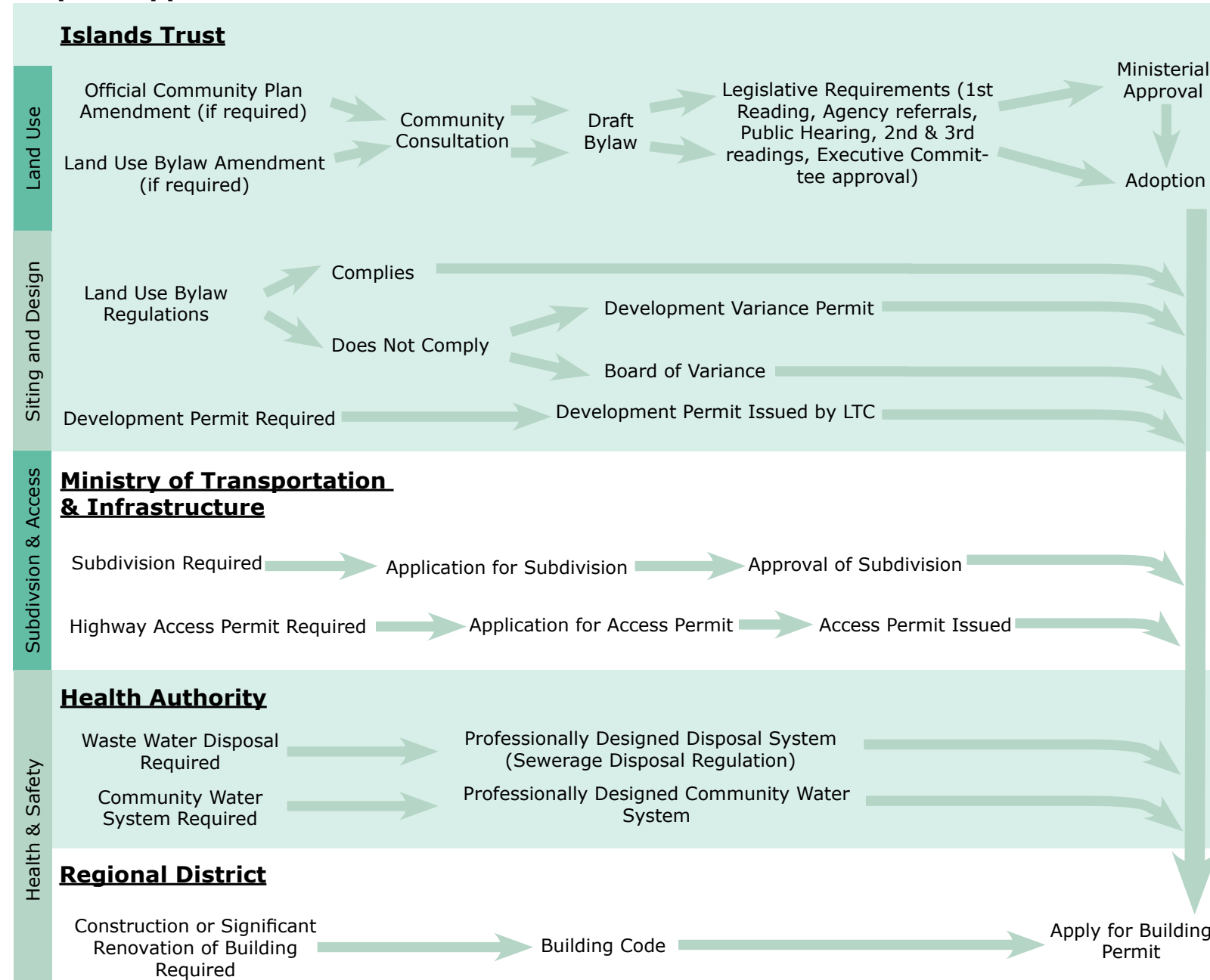
Development Variance Permit

If the siting and design of the proposed project does not comply with the land use bylaw regulations as noted above, the project must either be redesigned or a Development Variance Permit is required. Development Variance Permits are issued by the local trust committee. The Islands Trust Development Variance Permit Application Guide provides more detail on the approval process and should be reviewed before making an application.

Application Process



Steps in Approval Process



Housing Agreements

In some instances, the LTC may require that you enter into a housing agreement as a condition of a bylaw amendment for the affordable or special needs housing. A housing agreement is a document, registered on the Land Title, that establishes conditions for the use of a residence usually to ensure that it is only used for a specified purpose such as for affordable or special needs housing. Conditions could include the type of person who is eligible to live in the residence, the form of the tenure, the maximum rent or sale price, monitoring and reporting requirements, property management or any other requirement deemed necessary or important by the LTC or the proponent.

Under certain conditions, the regional district may partner with Islands Trust or local housing societies to hold housing agreements on affordable housing projects. You may want to talk to your local Regional Director and to Regional District staff to find out more information.

Development Permit

Many islands have development permit areas, which are established in an official community plan for protecting development from hazardous conditions, protecting the environment, or setting form and character guidelines.

Find out early on if the property you are planning your project on is within one or more development permit areas. You should review the guidelines of the development permit area and plan your project to conform to them.

Reports or studies from qualified professionals may be required for some development permit applications, which is explained within the development permit guidelines. Guidelines may be found in either the OCP or the LUB.

Subdivision & Access

Responsible Agency: Ministry of Transportation and Infrastructure

If your project requires you to subdivide, move a lot line or requires access from a public road you will need to apply to the [Ministry of Transportation and Infrastructure](#), except on [Bowen Island](#), where the application may be made directly to the municipality. If you plan to lease part of a property for a term of greater than 3 years, you must also submit a subdivision application.

Subdivision approvals can take several months, so you should begin discussions early with the Approving Officer to determine what you will need to do to obtain subdivision approval. Your discussions with planning staff on land use and siting issues, with the regional district on building permit requirements and with the health authority on sewerage system requirements will help to streamline your subdivision application.

Health & Safety

Responsible Agencies: Regional Health Authority, Ministry of Transportation and Infrastructure, LTC Sewerage System Approvals

The Islands Trust Area is not serviced by municipal sewerage systems, so waste must be dealt with on site or through a community sewer system. If the property will be serviced by a community sewer system, confirmation will be required from the operator that there is sufficient capacity to accommodate the proposed development. If on-site sewerage disposal is being proposed, different regulations may apply depending on the size of the proposed development, and you should contact the applicable regional Health Authority in order to find out what standards you must meet, or if there are any approvals you must obtain.

Other Considerations

Agricultural Land Commission

You should determine early on whether or not your property is within the Agricultural Land Reserve. If your property is within the Agricultural Land Reserve you may have to make a separate application, depending on the type of affordable housing proposal. An Islands Trust planner will be able to advise whether or not you should contact the [Agricultural Land Commission](#) staff for further information.

FAQs

How can a planner help me?

Islands Trust planners are available to meet with applicants prior to submitting an application, and during the application process. However, other organizations such as CMHC, BC Housing and the Real Estate Foundation may be better able to offer resources that are specific to developing affordable housing applications. For complex proposals such as for affordable and special needs housing rezoning applications, it will be helpful to have someone on your team experienced with local government approval processes.

How much are application fees?

Each local trust committee sets its own application fees which can be found in the "fees bylaw". Islands Trust staff can direct you to this information.

Thank you

Providing affordable housing on the Gulf Islands relies on the efforts of community groups and volunteers. We cannot do it without you, and acknowledge the vision and dedication of those who do this work. Local Trust Committees must always balance multiple interests of communities when making a decision on applications including those for affordable housing, so cannot endorse an application from the start just because it is for affordable housing, but look forward to creating affordable housing options that are appropriate for each community.

Are there any discounts available for affordable housing applications?

Applications for affordable and special needs housing are subject to the same fees as any other land use application, except for on Salt Spring Island where there is a reduced fee for these projects.

You may also apply to the Islands Trust Executive Committee for sponsorship of your development application fees in part or in whole when an applicant is a non-profit agency or organization and is seeking to establish a facility for the benefit of the community at large and consistent with goals in the official community plan.

Is there a template for a housing agreement?

The Islands Trust does not have a template for housing agreements, as each agreement will be different. An Island Trust planner can provide you with information about previous applications for affordable housing, and can provide other housing agreements as examples.

Contacts:

	Islands Trust Office	Regional District Office	Ministry of Transportation and Infrastructure Office	Health Authority Office
Salt Spring	Salt Spring (250) 537-9144	Capital Regional District Salt Spring Island (250) 537-2711	Vancouver Island District Office (Nanaimo) (250) 751-3246	Vancouver Island Health Authority 1-877-370-8699
Galiano	Victoria (250) 405-5151	Capital Regional District Victoria (250) 360-3230	Saanich Area Office (250) 952-4515	
Mayne				
North Pender				
South Pender				
Saturna				
Denman	Gabriola (250) 247-2063	Comox Valley Regional District 1-800-331-6007	Courtenay Area Office (250) 334-6951	
Hornby				
Gabriola		Regional District Nanaimo 1-877-607-4111	Vancouver Island District Office (Nanaimo) (250) 751-3246	
Gambier		Sunshine Coast Regional District (604) 885-6800	Sechelt Office (250) 740-8987	Vancouver Coastal Health 1-866-844-0888
Lasqueti		Powell River Regional District (604) 483-3231	Vancouver Island District Office (Nanaimo) (250) 751-3246	Vancouver Island Health Authority 1-877-370-8699
Thetis		Cowichan Valley Regional District 1-800-665-3955		

The Islands Trust can be called toll free through Service BC at 1-800-663-7867



Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

Telephone (250) 405-5151 FAX: (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

information@islandstrust.bc.ca www.islandstrust.bc.ca

Date August 9, 2011

File Number

To: Local Planning Committee
From: Gary Richardson

Re: Residential, Affordable and Special Needs Housing - Health Authority Requirements

The requirements for individuals or groups constructing affordable or special needs housing is the same as for any individual group or constructing buildings for residential use on the islands.

Drinking Water – if the drinking water system is a system used by a single residence there is no requirement to obtain approval from the health authority; however if the water is to be used by more than one residence health authority approval is required. In the case where there is more than one residence on a lot the health officer responsible for the southern gulf islands does not consider health authority approval necessary if there are two pumps in one well each serving an individual residence or if the main waterline first serves one dwelling and then carries on to a second. In practice there are many systems that would be considered community systems but never come to the attention of the health officer. The environmental health officer is guided by the *Drinking Water Protection Act* and Drinking Water Protection Regulations.

Sewage Disposal Systems – sewage disposal systems are approved on site by authorized persons to ensure the “standard practice” as required under the *Public Health Act*, Sewerage System Regulation is complied with. An authorized person can be a registered onsite wastewater practitioner or a professional belonging to an appropriate professional organization. Most Islands have at least one resident registered practitioner/and or professional. Once the authorized person approves the sewage disposal system the approved permit is filed with the appropriate health authority and the system can be constructed. In most cases the health authority does not review the approved permit. The size of system required is based on both bedrooms and floor area of the proposed residence. In the case where there is more than one residence on a lot or there is a secondary suite within a residence larger systems are required as both the suite and the second residence are considered by the health officer as separate residences. In special cases, the per person daily flow rate can be considered at a lower level for a multi-family dwelling than for a single-family dwelling.



MEMORANDUM

Date: August 8, 2011

To: Community Housing Task Force of the Local Planning Committee of the Islands Trust

For: The meeting of August 10, 2011

From: Justine Starke, Island Planner, Local Planning Services

Re: **Housing Agreements on Salt Spring Island**

BACKGROUND

Housing agreements are authorized by section 905 of the Local Government Act. A local government, including an LTC, may enter into a housing agreement with the owner of land to set parameters regarding the occupancy of the housing units on the land. LTC authority to enter into housing agreements is derived from the authority in the Islands Trust Act to exercise the powers of a Regional District under Part 26 of the *Local Government Act*.

The terms of a housing agreement may include:

- Form of tenure
- Availability of units to classes of persons
- Administration and management of the housing units
- Rents, lease, sale or share prices, and the rates of change over time.

A housing agreement must be adopted by bylaw and may only be amended by bylaw adopted, with the consent of the owner. Notice of the agreement is filed at the land title office and the notice of agreement is registered on title to the land. The terms of the housing agreement are binding on all persons who acquire an interest in the land.

The term “classes of persons” is used in the legislation and is not further defined. Clearly, it can provide for situations such as seniors’ housing and for occupancy based on income. It is also used elsewhere to provide for employee housing, for example in resort communities. The terms of some housing agreements on Salt Spring specify conditions based on residency in the community.

HOUSING AGREEMENTS ON SALT SPRING ISLAND

The Salt Spring Island Local Trust Committee has entered into the following housing agreements on Salt Spring Island.

- 1) Gulf Islands Seniors Residence Association: A housing agreement to control the rent and occupancy of a seniors supportive housing complex at 377 Lower Ganges Rd (SSI Bylaw 388, 2000).

- 2) Meadow Brook: A housing agreement to control the rent and occupancy of 45 seniors suites and 5 caretaker dwelling units in a cluster of 5 residential style buildings at 121 Atkins Road (Bylaw 364, 2003).
- 3) Murakami Gardens: A housing agreement to control the rent and occupancy of 27 affordable housing units in a multifamily housing complex (Bylaw 424 and Bylaw 429, 2008).
- 4) Land Bank Society: A housing agreement to control the rent and occupancy of 10 affordable dwelling units at 584 Rainbow Road (Bylaw 441, 2010).

ADMINISTRATION

The earlier housing agreements (#1 and #2 above) did not include an implementation strategy for administration of the agreements. Provisions in these agreements put the onus of monitoring and enforcing the agreements on the Local Trust Committee. In accordance with traditional approaches to covenant monitoring, the agreements require that the operator provide the LTC with proof of compliance with the terms of agreement, upon request of the LTC. There are also provisions for statutory declarations (attached as schedules to the agreements) to be requested by the LTC, with five days' notice for submission. Such mechanisms were once typical but are now considered problematic for the responsibility they place on the LTC to monitor and enforce.

On Salt Spring, the Land Use Bylaw 355 defines affordable housing as a "deed restricted and/or a rent controlled *dwelling unit* that is secured by a housing agreement registered on title." It is therefore expected that all current and future affordable housing projects have housing agreements associated with them. However, if the LTC were to anticipate entering into a significant number of agreements, particularly with landowners who are not non-profit providers of housing, there would need to be more staff resources devoted to monitoring, tracking and managing the agreements. Administration could involve reviewing and signing off on annual statements of tenure, rent price, sale price or any other requirement that is included in the terms of the housing agreement. Depending on the terms of the agreement, the establishment and administration of an eligibility list can also be contemplated. The level of administration work obviously depends on the specifics of the agreement. At a minimum, there is at least some level of obligation to ensure the housing is available to the class of people listed in the agreement. While a housing agreement can be simplified, it is not possible to completely remove all of the LTC's obligations. Currently, Local Trust Committees do not have the capacity to administer housing agreements – nor do they have the authority to hold a housing agreement if the agreement requires provisions for the "first right of refusal." This is because under the Islands Trust Act, LTCs cannot hold property.

The more recent housing agreements (#3 and #4 above) have provision for administration by third parties (the Capital Regional District and BC Housing). In these examples, the LTC assigns the administrative activities of monitoring and enforcing to another body. The housing itself is owned and operated by non-profit societies who manage and administer the occupancy of the housing according to the housing agreements.

An individual LTC does not have the authority to create corporations (including societies) to administer its own housing agreements; however, the *Islands Trust Act* does permit an LTC to "enter into agreements with municipalities, regional districts, boards of school trustees, and francophone educational authorities" respecting the coordination of activities in the LTA. As there is no broad interpretation rule with respect to LTCs, there is no implied ability to enter into agreements with bodies other than those specified, and the power to enter into housing agreements does not imply the authority to enter into agreements for the administration and enforcement of such agreements.

In these two Salt Spring examples, partnership with the administering agencies was pursued by the applicants in the coordination of public funding for these non-profit housing developments, and while planning staff did help facilitate the process, the successful coordination of the agreements is due to the initiative taken by the applicants.

There have been communications with the Capital Regional District which have indicated agreement in principle to enter into formal agreements respecting the administration of housing agreements. The Capital Region Housing Corporation is a unique program created by the CRD to provide affordable housing in the Capital Region (<http://www.crd.bc.ca/housing/>). Because the CRD has this capacity, and because the SSI LTC is within the Capital Region, the SSI LTC can enter into agreements under this housing program, as according to the *Islands Trust Act*, agreements must be for “the coordination of activities in the local trust area.” The Salt Spring LTC has been in discussions with the Capital Regional District to establish basic principles and areas of responsibility for the administration of housing agreements. Discussions have contemplated payment of a fee to the CRD to recover costs associated with managing agreements. Partnerships tend to materialize on a case by case basis, according to the specifics of individual affordable housing proposals. The CRD staff has indicated that it is not practical for them to administer housing agreements on individual secondary suites or cottages – rather they agree in principle to partner on larger multi-family affordable housing projects as applicable.

COMMUNITY AFFORDABLE HOUSING STRATEGY

Affordable housing advocates on Salt Spring have over the years proposed that Salt Spring create its own housing council to help people coordinate the creation of affordable housing. It has been imagined that one role of such a council would be to administer housing agreements. The recently finalized Community Affordable Housing Strategy (CAHS) was directed by a steering committee with strategic membership:

- Christine Torgrimson (Steering Committee Chair), Island Trustee
- Henry Kamphof, Capital Region Housing Secretariat, Senior Manager
- Carol Biely, Salt Spring Island Foundation, Chair
- George Ehring, Island Trustee
- Garth Hendren, Capital Regional District, Salt Spring Director

CAHS forms the basis of a mandate for a Salt Spring Island housing council. It is expected that this council will be formed by the summer of 2011, under the guidance of the CAHS Steering Committee. It should be noted that Salt Spring trustees are aware of the dual role that membership on a housing council would imply. If the Council were to take on advocacy for individual affordable housing projects, it could become problematic for a trustee to be faced with a decision on an associated zoning proposal or other Islands Trust application.

The council will initially be a non-profit society with a part-time staff person to secure additional funding for programs and projects. Other key council roles could include “facilitating partnerships with community members and organizations to create housing, building capacity in the non-profit housing sector and providing education and awareness in the broader community. A housing council could also manage the funding and development of non-profit community housing and obtain ongoing funding for administration.” It is in this latter role that partnerships on the administration of housing agreements could be considered.

In summary, the approach to housing agreements on Salt Spring Island has evolved over the years. The administration of housing agreements is an on-going challenge to ensure the

viability of affordable housing applications. The Salt Spring Island Local Trust Committee has been working to address this locally, but the issue would benefit by consideration of a Trust Area wide strategy for the administration of housing agreements. A more in depth discussion of Trust Council's potential role in this can be reviewed in the *Affordable Housing Tool Kit* (prepared for the Islands Trust by JG Consulting Services, March 2010).

Respectfully submitted,

Justine Starke
Island Planner
Salt Spring Island
Islands Trust

**ISLANDS TRUST
BRIEFING**

DATE: August 8, 2011

TOPIC: REVIEW OF COMMUNITY HOUSING TASK FORCE PRODUCTS

DIRECTED TO: Local Planning Committee

CONFIDENTIAL: No

DESCRIPTION OF ISSUE:

A summary of products produced over the past two years (2010/11, 2011/12) by the Community Housing Task Force.

BACKGROUND:

The purpose of this briefing note is to provide information on documents created by the Community Housing Task Force.

Islands Trust Community Housing Tool Kit

Date: January 2010

Description: A “tool kit” for use by local trust committee when considering policy and regulatory amendments to encourage and support affordable housing options.

Location: Islands Trust Website, Community Housing Page

Seniors Housing Strategy

Date: March 2010

Description: A “review and strategy of short, mid and long-term actions that local trust committees can consider for encouraging and supporting seniors housing.

Location: Islands Trust Website, Community Housing Page

Seniors Housing Strategy Technical Analysis

Date: January 2010

Description: A technical document providing background data and facts in support of the “Seniors Housing Strategy”

Location: Islands Trust Website, Community Housing Page

Staff Report on Use of Temporary Use Permits for Affordable Housing

Date: January 2011

Description: A report on opportunities and limitations for using Temporary Use Permits as a means of providing affordable housing in the local trust areas.

Location: Islands Trust Website, Community Housing Page

Briefing Note on Housing Agreements

Date: February 2011

Description: A briefing on the authority, limitations on the use of housing agreements and options for administering them

Location: Islands Trust Website, Community Housing Page

Affordable Housing Application Brochure

Date: August 2011

Description: A brochure for the general public on the various regulatory agencies involved in approval of affordable housing in the Islands Trust, including contact information.

Location: TBA (recommend that it be posted to the Islands Trust website)

Memorandum on Housing Agreements on Salt Spring Island

Date: August 2011

Description: A memorandum overview of housing agreements, administration of housing agreements and the Housing Council on Salt Spring Island.

Location: TBA (recommend that it be posted to the Islands Trust website)

Memorandum on Health Authority Requirements for Secondary Suites and Cottages

Date: August 2011

Description: A memorandum overview of Health Authority requirements for septic disposal systems and provision of water for secondary suites and cottages.

Location: TBA (recommend that it be posted to the Islands Trust website)

ATTACHMENT(S):

No

AVAILABLE OPTIONS:

n/a

FOLLOW-UP:

n/a

PREPARED BY: David Marlor, MCIP, DLPS

SUBMITTED BY: Community Housing Task
Force

REVIEWED BY: _____
(Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:

--

OTHER REVIEW:

Local Planning Committee

**ISLANDS TRUST
REQUEST FOR DECISION**

DATE: August 31, 2011

TO: Islands Trust Council

Target Decision Date: September 14, 2011

SUBJECT: REVIEW OF TRUST COUNCIL COMMITTEE SYSTEM

RECOMMENDATION: That the Islands Trust Council request the Executive Committee to:

1. undertake a comprehensive review of Trust Council's policies regarding Council Committees and their Terms of Reference;
2. consider the information in Appendix A during the review; and
3. make recommendations to Trust Council regarding potential amendments to the policies that govern the Council Committee system.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: Trust Council has established a set of subcommittees that align with the staff work units within the Islands Trust. Trust Council assigns various tasks to these committees and seeks recommendations from them. Trust Council's committee system has not been comprehensively reviewed since its creation in 1998. As some aspects of the system may no longer reflect current issues and practices, a comprehensive review may be timely to ensure Council committees are working as effectively as possible.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

A comprehensive review of the Council Committee system would be a significant undertaking, involving all members of senior staff and members of all Council Committees. The project is not currently on the strategic plan, but could possibly be initiated in the current term, as other projects are completed. The presentation of final recommendations would not likely occur until 2012.

FINANCIAL:

A review of the Council Committee system is not anticipated to require additional resources. If Council decides to amend its Committee system, there could be financial implications, depending upon the amendments that are made. These would be identified once amendments are proposed.

POLICY:

This recommendation could result in amendments to Trust Council's policies regarding Council Committees.

IMPLEMENTATION/COMMUNICATIONS:

To implement this recommendation, senior staff would review the set of Council policies that guide the current Council Committee system and identify potential amendments for discussion with the Executive Committee. It is anticipated that the Executive Committee would then consult with each Council Committee to further identify potential amendments before presenting recommendations to Trust Council.

OTHER:

This project could be delayed or deferred if the next Trust Council identifies other priorities.

BACKGROUND

The Local Planning Committee has identified some aspects of its terms of reference that may benefit from review and amendment. As the Council Committee system is an integrated one, staff recommends a comprehensive review of the system, rather than piecemeal amendments. Appendix A identifies some options for amendment that have been identified by the Local Planning Committee.

REPORT/DOCUMENT:

Appendix A – Local Planning Committee Terms of Reference – Potential Amendments

KEY ISSUE(S)/CONCEPT(S):

- Updating Council's committee system to ensure it remains relevant and effective
- Streamlining committee terms of reference

RELEVANT POLICY:

- 2.3.i Council Committee Systems Policy
- 2.3.ii LPC Terms of Reference Policy
- 2.3.iii FPC Terms of Reference Policy
- 2.3.iv TPC Terms of Reference Policy
- 2.4.i EC Terms of Reference Policy

DESIRED OUTCOME:

Clear objective and process for Trust Council's committees.

RESPONSE OPTIONS

Recommended:

As above.

Alternatives:

1. Only make amendments to the Local Planning Committee's Terms of Reference at this time.
2. Not to initiate amendments related to Trust Council's committee system at this time.

PREPARED BY: David Marlor, MCIP
Director, Local Planning
Services

SUBMITTED BY: Local Planning Committee

REVIEWED BY: _____
(Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:

August 29, 2011

OTHER REVIEW:

Local Planning Committee, Aug 18, 2011

APPENDIX A
LOCAL PLANNING COMMITTEE TERMS OF REFERENCE
POTENTIAL AMENDMENTS

BACKGROUND

At the May 2011 Local Planning Committee meeting, Staff recommended a review of the Local Planning Committee's terms of reference (Trust Council Policy 2.3.ii).

There are two terms of reference for the Local Planning Committee. Policy 2.3.i "Council Committee System" contains general terms of reference that apply to all three council committees (Financial Planning Committee, Trust Programs Committee, and Local Planning Committee). Policy 2.3.ii "LPC Terms of Reference" provides more specific terms of reference for the Local Planning Committee.

Local Planning Committee is unique in that it has a different relationship to Trust Council than the other two council committees. The Financial Planning Committee and Trust Programs Committee both receive work items from Trust Council and report back to Council with recommendations. Trust Council has the authority to act on recommendations from both committees with some small exceptions. Trust Programs Committee recommendations deal with Trust-wide policy or advocacy issues; as these are within the jurisdiction of Trust Council, Council is able to act on those recommendations. Financial Planning Committee recommendations deal with financial matters and budgets. Because these are within the jurisdiction of Trust Council, Council is able to act on these recommendations, with one exception; setting development permit application fees is the jurisdiction of the local trust committees, not Trust Council. Trust Council could only forward recommendations on fees to local trust committees for consideration.

Local Planning Committee deals with planning matters referred to it by Trust Council. Under the *Islands Trust Act*, jurisdiction for land use planning is assigned to the local trust committees. However, from time to time, Council has identified that there are benefits to all local trust committees if some centralised work is undertaken on certain planning issues. These issues are usually driven by the Islands Trust Strategic Plan, but may also be driven by legislative changes or a request from local trust committees for help or research on an issue.

Local Planning Committee recommendations deal with local planning matters. Because local planning is the jurisdiction of local trust committees, Trust Council could only forward recommendations to local trust committees for consideration. There may be some situations where Local Planning Committee is recommending something, such as budget or Trust policy, for which Council has authority, but for the most part, implementation of Local Planning Committee recommendations is by the local trust committees.

For the reasons outlined above, Local Planning Committee needs a different relationship with Council, Local Trust Committees and other council committees than the Financial Planning Committee and the Trust Programs Committee.

ISSUES

Local Planning Committee receives a lot of work requests from Trust Council; under the terms of reference, the Local Planning Committee is supposed to prioritise the requests and keep a list of top three priorities, but anything referred from Trust Council must be in the top three (Council Committee Systems Policy, s.7.1). This concept is unworkable as Trust Council has sent more than three items to LPC. The result is that some Council items end up below the top three priorities.

The Local Planning Committee Terms of Reference (policy XX attached) is supposed to focus the agenda of the Local Planning Committee. It does not provide adequate focus to ensure efficient operation of the Local Planning Committee. Further, the existing Terms of Reference relationship with Section 10 (General Role) in the Council Committee System Policy is not clear; there is no correlation between the roles established in s.10 of the Council Committee System Policy and the responsibilities established in the Local Planning Committee Terms of Reference. Neither document adequately addresses the relationship between Local Planning Committee and Trust Council and local trust committees.

OPTIONS

Option 1: Amend all Council Committee terms of reference in a coordinated approach.

This would involve either repealing Trust Council policies 2.3.i (Council Committee System), 2.3.ii (Local Planning Committee Terms of Reference), 2.3.iii (Financial Planning Committee Terms of Reference) and 2.3.iv (Trust Programs Committee Terms of Reference) and replacing with a single terms of reference for each Committee (three documents) or amending the existing documents in a coordinate manner.

Option 2: Amend Term of Reference for Local Planning Committee

Section C.1 and C.2 of Trust Council Policy 2.3.ii “Local Planning Committee Terms of Reference” could be deleted and replaced with a new Section C.1. Some potential wording, that may address the issues identified above, is as follows:

C.1 Responsibilities of the Local Planning Committee in relation to the General Role established in Section 10 of the Council Committee Systems Policy:

1. To provide policy advice to Council in response to Council's referrals, Committee initiatives and external requests of the Trust.

General

- a. All requests to the Local Planning Committee must come from Trust Council; Local Planning Committee may make recommendations to Trust Council on work items.

Development Applications

- b. In recognition that the authority for land use planning is with the local trust committees, any recommendations by Local Planning Committee that require action by local trust committees will include recommendations to forward such to the local trust committees for their consideration.
- c. In recognition of limited resources, the priority list will be used to determine allocation of staff resources.
- d. Recommendations to council will consider staff resource requirements in relation to other priorities already established by Trust Council.
- e. Local Planning Committee shall develop guidelines, model policies and model bylaws related to ensuring efficient and effective processing of development applications, land use bylaws and official community plans that can be applied to more than one local trust area.

Promoting Public Process

- f. Local Planning Committee will develop documentation, guidelines, model policies, model bylaws and other materials related to meaningful public processes to establish long-term community planning perspective and liveable communities
 - g. Local Planning Committee will develop documents and other materials to enhance public awareness of land use planning and Islands Trust local planning Services
 - h. Local Planning Committee will work cooperatively with Executive Committee, Trust Programs Committee and Financial Planning Committee in development of materials listed above.
2. To provide feedback to staff on matters going to Trust Council.
 - a. Local Planning Committee will advise Trust Council and Director of Local Planning Services on provision and allocation of resources to deliver local planning services to island communities and by tracking and monitoring to ensure efficient and effective implementation
 3. To implement and maintain a Committee - specific work program.
 - a. Local Planning Committee will keep a priority list and status report of items referred to it by Trust Council and will submit the list and report quarterly to Trust Council for approval of the priority order.
 4. To make recommendations to Trust Council on interagency liaison or protocol initiatives.

- a. Local Planning Committee will maintain a liaison between local planning services and Trust Fund Board.
 - b. Local Planning Committee will respond to or make recommendations on interagency protocols and such comments should relate to general concepts and policies that apply to more than one local trust committee and should be in consultation with local trust committees.
5. To create subcommittees (or task forces) which may be comprised of trustees, staff or external persons as required for a specific duration to examine a particular Committee matter upon approval by Trust Council.
 - a. Local Planning Committee will establish a Task Force or subcommittee as directed by Trust Council
 - b. Local Planning Committee may recommend to Trust Council the creation of a Task Force or subcommittee
 - c. A Task Force or Subcommittee shall have its own terms of reference which shall be determined by Local Planning Committee unless otherwise directed by Trust Council.
6. To provide input and feedback to the annual budget process.
 - a. Local Planning Committee will provide Trust Council with recommendations for local planning services programs that further the Strategic Plan and benefit more than one local trust area.
7. To provide input to Trust Council's organizational strategic planning process.
 - a. Local Planning Committee will advise Trust Council on emerging issues and legislative reform initiatives and provide feedback on proposed legislative amendments and legislation that affect local planning services.

2.3.i. Policy

COUNCIL COMMITTEE SYSTEM

Trust Council: March 6, 1998
Amended: September 11, 2008

A: PURPOSE:

1. A Council Committee System is adopted by Trust Council comprised of three Council Committees and the Executive Committee (see Attachment 1.):
 - 1.1. Local Planning
 - 1.2. Financial Planning
 - 1.3. Trust Programs

B: REFERENCES:

1. Policy Manual:
 - 1.1. Local Planning Committee: Terms of Reference (2.3.ii.)
 - 1.2. Financial Planning Committee: Terms of Reference (2.3.iii.)
 - 1.3. Trust Programs Committee: Terms of Reference (2.3.iv.)
2. Current Council Committee Members List

C: BACKGROUND:

This Policy outlines general Terms of Reference (Section D:1-9.) applicable to all Committees, the general role of all Committees (Section D:10.) and an overview of Committee-Specific functions which are detailed further in each Council Committee's specific terms of reference.

D: POLICY:

1. Membership

- 1.1. **Committee membership** includes trustees (including members of a local trust committee who are not members of Trust Council) who have been appointed by the Council Chair. One Executive Committee member will be assigned by the Council Chair to each committee. The Financial Planning Committee is comprised of all members of the Executive Committee, the Chair (or designate) of other Council Committees, a member

chosen by the **Trust Fund Board** and three (3) other locally-elected or municipal trustees.

1.2. By the second Trust Council meeting following the triennial trustee elections or as required, the Chair of Trust Council will recommend Council Committee member appointments for ratification by Trust Council, based on an indication of interest by trustees and on Trust Area wide considerations.

1.3. The Trust Council Chair is an ex-officio member of the TPC and LPC.

2. Committee Chair

2.1. Committee members shall elect the Committee Chair and Vice-Chair as required.

2.2. The Council Chair may appoint an interim Council Committee Chair when required.

2.3. The Committee Chair will normally chair the Committee meeting. However, the Chair may designate the Vice-Chair to act as Chair. In the absence of the Chair and Vice-Chair the Committee shall choose a Committee member to act as Chair of the meeting.

3. Available Resources

3.1. Each Committee, with the assistance of its management support, is responsible to conduct its activities within its assigned budget accounts.

3.2. A Committee resolution is required to expend monies from the Committee's assigned Committee projects account.

4. Staff Support

4.1. Staff's primary function to a Committee is to act as in a support/advisory role and as such a Committee may make requests of staff.

4.2. It is the Chief Administrative Officer's role to manage and direct staff support to the Committees and concerns in this regard should be communicated by the Committee Chair to the Chief Administrative Officer. Unresolved matters by the aforementioned means shall be dealt with by the Executive Committee.

5. Meetings

5.1. The number of Committee meetings per year is four and any further meetings must be planned within the approved Committee's meeting expense account.

5.2. Changes to Master Meeting Schedule of regularly scheduled Committee meetings must be requested through the Executive Coordinator.

5.3. Committee meetings during the Trust Council quarterly meetings are to be avoided.

6. Agenda/Minutes Preparation

- 6.1. Committee meetings agendas will be prepared by the designated staff in consultation with the Chair.
- 6.2. The agenda will be distributed to Committee members, the Trust Council Chair and the Chief Administrative Officer at least 10 days before the meeting.
- 6.3. The **agenda** shall be determined as follows:
 - i. Additional items may be placed on the agenda by agreement of a majority of the Committee members present at the meeting.
 - ii. The agenda shall be approved as the first item of business.
 - iii. The agenda should include:
 - 1) Approval of previous meeting minutes.
 - 2) Follow Up Action List.
 - 3) Council referral items.
- 6.4. **Minutes** should be kept on a standard format and include: those present and absent, numerically sequenced resolutions, status of resolution, disposition of agenda items and specific matters requested by a member attending. It is not intended that minutes are to be a recording of everything that is said at a meeting but rather a listing of key points relative to agenda items and resolutions.
- 6.5. Each Committee is required to maintain a **Follow Up Action List** using the Trust's standardized format.
- 6.6. The Follow Up Action List is to be distributed to all Committee members, the designated staff member, the Council Chair and the Chief Administrative Officer within 7 days of the Committee meeting.
- 6.7. Minutes are approved at the next meeting and approved minutes signed by the Recorder shall be distributed to all Committee members, Chief Administrative Officer and Executive Committee within 3 days of the Committee's approval of the minutes.

7. Council/Committee Relationship

- 7.1. Each Committee shall maintain a **work program** - which must include:
- i. items referred to the Committee from Council (dated).
 - ii. new initiatives, ideas and issues identified by the Committee.
 - iii. the top three (3) Priorities/Strategies that it is working on, as approved by Trust Council, which must include any of Trust Council's priorities that it has been assigned.
- 7.2. Each Committee shall review and prioritize items within its work program, each Trust Council item referred to it, and shall report to Trust Council at the next quarterly Trust Council meeting on such items.
- 7.3. Committees are required to submit a **Highlights Report** to the Executive Secretary, to be presented by the Committee Chair (or designated Committee member), in time for the Trust Council agenda package preparation deadline.
- 7.4. All Committee proposals and/or recommendations shall be referred to the Executive Committee to be placed on the Trust Council agenda. These must be submitted for the Executive Committee's last meeting prior to when the Trust Council agenda package is distributed to Trustees.
- 7.5. The Chair (or designate) may request an opportunity to directly present Committee matters to the Executive Committee.
- 7.6. It is the role of the Executive Committee member to ensure inter-committee liaison on relevant information, referrals, status on Council priorities/strategies and to keep the Executive Committee apprised of the Council Committee directions and activities and vice-versa.

8. Rules of Conduct/Voting

- 8.1. Unless otherwise provided or agreed to by members, the Trust issued edition of *Robert's Rules of Order* shall apply.
- 8.2. Unless otherwise provided or agreed to by members, voting shall be by a show of hands.
- 8.3. A quorum of any Committee shall be comprised of 50% of the current membership appointments. Meetings may be conducted without a quorum, however, resolutions must be ratified at the Committee's next meeting.
- 8.4. The Executive Committee member designate (excluding the Council Chair) shall have the full voting privileges of a Committee member.

9. Liaison

- 9.1. Liaison with provincial, federal and local government politicians shall be requested by the Committee Chair to the Trust Council Chair (or Chief Administrative Officer) so that the Trust's political liaison can be coordinated. The Committee is expected to provide an outline regarding the purpose of the meeting, a proposed discussion strategy and recommended Trust representation.
- 9.2. Liaison with provincial, federal and local government staff shall be requested by the staff liaison member (in consultation with the Chief Administrative Officer when liaison is required with a senior staff). It is expected that Trustees, for the purpose of Committee business, would meet other government staff with an Islands Trust staff member.
- 9.3. Liaison with the media shall be coordinated through the Chief Administrative Officer and the Trust Council Chair who in turn may refer specific inquiries to the Committee Chair.

10. General Role

- 10.1. To provide policy advice to Council in response to Council's referrals, Committee initiatives and external requests of the Trust.
- 10.2. To provide feedback to staff on matters going to Trust Council.
- 10.3. To implement and maintain a Committee - specific work program.
- 10.4. To make recommendations to Trust Council on interagency liaison or protocol initiatives.
- 10.5. To create subcommittees (or task forces) which may be comprised of trustees, staff or external persons as required for a specific duration to examine a particular Committee matter upon approval by Trust Council.
- 10.6. To provide input and feedback to the annual budget process.
- 10.7. To provide input to Trust Council's organizational strategic planning process.

E: ATTACHMENTS:

1. Attachment 1.: **COMMITTEE-SPECIFIC FUNCTIONS**

Attachment 1.: **COMMITTEE-SPECIFIC FUNCTIONS**

<p style="text-align: center;">LOCAL PLANNING COMMITTEE (LPC)</p> <ol style="list-style-type: none"> 1. Growth Management Tools 2. Community Planning Tools 3. Development Management Tools 4. Local Planning Service Delivery 	<p style="text-align: center;">TRUST PROGRAMS COMMITTEE (TPC)</p> <ol style="list-style-type: none"> 1. Environmental Policy 2. Research and Information Systems Program 3. Sustainable Communities Policy 4. Trust Area Program Initiatives
<p style="text-align: center;">FINANCIAL PLANNING COMMITTEE (FPC)</p> <ol style="list-style-type: none"> 1. Annual Budget 2. Long Term Financial Planning 3. Fiscal Controls 4. Annual Audit 	<p style="text-align: center;">EXECUTIVE COMMITTEE (EC)</p> <ol style="list-style-type: none"> 1. Bylaw Approval 2. Policy Agenda Coordination 3. Legislation Agenda 4. Communications Agency Liaison 5. Chief Administrative Officer Liaison 6. Trust Council Business 7. Strategic Direction

**ISLANDS TRUST
REQUEST FOR DECISION**

DATE: August 31, 2011

TO: Islands Trust Council

Target Decision Date: September 14, 2011

**SUBJECT: PROCEDURAL CERTAINTY AND ADMINISTRATIVE FAIRNESS –
REVIEW OF PHASES 1 AND 2 AND CONSIDERATION OF PHASE 3**

RECOMMENDATION: That the Islands Trust Council not direct further work on the implementation of Phase 3 of the 2008 document “Report on Procedural Certainty and Administrative Fairness”.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: In response to specific concerns in 2008, the Local Planning Committee recommended a number of procedural changes regarding the processing of development applications. The changes were implemented by Trust Council in two phases. A third phase was identified, to be considered after the first two phases were in place. The Local Planning Committee and the Director of Local Planning Services have recently reviewed the Phase 3 recommendations. They have determined that the evolution of the Local Planning Services Unit since 2008, and the creation of the Legal Services Manager position make further implementation of Phase 3 recommendations unnecessary. This recommendation would remove the topic from Trust Council's and the Local Planning Committee's work program.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: This recommendation means that various aspects of the Local Planning Services Unit will continue to evolve and improve in response to current conditions. No specific organizational implications are identified.

FINANCIAL:

There are no financial implications.

POLICY:

There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Local Planning Services internal implementation via the Regional Planning Managers.

OTHER:

None

BACKGROUND

REPORT/DOCUMENT:

In June 2008, Trust Council directed the implementation of Phase 1 and Phase 2 recommendations contained in a May 2008 Staff report to the Local Planning Committee. Work on Phase 3 recommendations was to be considered following review after implementation of phases 1 and 2. In September 2008, Trust Council accepted the Staff recommendation to postpone consideration of Phase 3 pending the Local Planning Unit evaluating the results of phases 1 and 2. The Local Planning Committee has now reviewed the Phase 3 recommendations and determined that they no longer need to be implemented in the manner originally contemplated.

BACKGROUND:

The following table indicates the recommendations for phases 1 and 2 adopted by Trust Council and the current status:

Phase 1: Administrative Changes Implemented in June 2008

Recommendation	Action Taken
<i>6.1.1.1 That LTC members are notified within one week of the receipt of new applications. The notification should contain all the information normally within the LTC application log, and an estimate as to which LTC meeting the application will be forwarded. LTC members would be provided with a copy of the actual application form upon request and individual trustees could make standing requests for such copies</i>	LTCs are notified of new applications within the given timeframe.
<i>6.1.1.2. That applications to amend OCPs should be forwarded to the first possible LTC meeting after the application is completed and received under cover of a preliminary staff report. Staff will be cautioned about investing significant work regarding such applications until/unless the LTC has formally indicated that it wishes to proceed with further consideration.</i>	Applications to amend OCP are forwarded to LTC at the first meeting available following completion of preliminary staff report.
<i>6.1.1.3 That draft bylaws only be prepared by staff as a result of a resolution by the LTC (including through a Resolution Without Meeting). The potential contents of a draft bylaw may be prepared within a staff report but not identified as a draft bylaw.</i>	Staff does not prepare bylaws without the resolution of the LTC in most cases; in some cases, such as minor LUB amendments, a draft bylaw may be of assistance and is included.
<i>6.1.2 That LTC chairs and planning staff work together to ensure that LTC direction regarding application processing is given by</i>	Staff is recommending that all direction from LTCs be in the form of a resolution.

Recommendation	Action Taken
<i>resolutions, rather than by informal or implied consensus</i>	
<i>6.1.3 That the Director of Local Planning Services continue with current plans for a planning staff workshop in the summer regarding procedural certainty in application processing and that Trust Council recommend a priority among the various Trust policies of which staff need to be aware</i>	Staff workshop was held.
<i>6.1.4 That all planning staff be advised of the concerns inventoried in Annex A of the Director's Report</i>	Staff was made aware of the issues raised in Annex A of the Director's report.
<i>6.1.5 That the TFB be requested to provide greater clarity as to when it wishes to receive referrals from LTCs (note: TFB work on this matter is currently being considered)</i>	An agreement is in place between local planning services (LPS) and Trust Fund board (TFB) that provides clarity on the referral process and when referrals should go to the TFB from LPS and to LPS from TFB.

Phase 2: Further Work to Take Place June to September 2008

Recommendation	Action Taken
<i>6.2.1.1 That the Director of Local Planning Services, in consultation with planning staff, confirm a standardized format for the preliminary staff reports that accompany applications for bylaw amendment, with input from the LPC as to the topics and depth of discussion that are appropriate for LTC decision-making at this phase.</i>	A new staff report template was developed and is being used by planning staff.
<i>6.2.1.2 That the Director of Local Planning Services, in consultation with planning staff, develop a comprehensive flowchart of the bylaw amendment process, identifying the full 'menu' of options that are available to LTCs and the steps that are required by legislation or based upon Islands Trust policies or protocols. The flowchart should also identify steps that are discretionary or optional and the opportunities for LTCs to vary the process. Such a flowchart would assist in establishing a common understanding for trustees and staff about the appropriate process for bylaw amendment applications. Once finalized, the flowchart could be the basis for a common processing checklist and used for orientation of both new trustees and staff</i>	A comprehensive flowchart was developed and a checklist created from it. Both documents are available to planning staff.

<p>6.2.1.3 That the LPC review the flowchart in August with senior LPS staff to further finalize it and to identify concerns and options for addressing them. Concerns may include:</p> <ul style="list-style-type: none"> • The identification of conflicting or out-of-date policies; and • The identification of the need for revisions to the existing process or the public documents that describe it. 	<p>The flow chart and policies were reviewed. Some policies were updated. New application information guides were created for the public.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------

Phase 3: Further Development

Phase 3, which has not been implemented, includes the following proposed actions:

Proposed Actions	Staff Comments
<p>6.3.1 That (if ready) the flowchart for bylaw amendment applications be presented to Trust Council in September 2008 for formal endorsement as a tool for orientation of new staff and trustees</p>	<p>Flow chart is available for use by planning staff and includes protocol agreements, Trust Council policies and trust policy statement directives.</p> <p>A checklist was also created; however, in its present form it is not very useful to planners. This document will be discussed and revised to assist planners when assessing applications. Trustee orientation will address bylaw amendment procedures.</p>
<p>6.3.2 That the LPC make recommendations to Trust Council regarding any more formal options it considers appropriate to address the processing of applications for bylaw amendment. Subject to further discussion, these recommendations may include:</p>	
<p>6.3.2.1 Development of a single, consolidated policy regarding the processing of bylaw amendment applications (including revision and possible amendments to the Bylaw Amendment Guide).</p>	<p>The revised rezoning application guide provides direction for planners. http://www.islandstrust.bc.ca/lup/pdf/rzapplicationguide.pdf</p>
<p>6.3.2.2 Development of standardized report formats or other documents to support consistency in application processing;</p>	<p>Standardised report formats already exist and these documents are constantly reviewed and updated as needed. Most recently to include Climate Change and soon to include Public Engagement. Staff does not see that further development is necessary at this time.</p>
<p>6.3.2.3 Revision of the model development application procedures bylaw that Trust Council recommends to LTCs</p>	<p>Existing development application procedures bylaws date from 1994 and a review and update would be appropriate; however, this should be a separate project as part of a Trust Council program to maintain</p>

	administrative bylaws. This function is now led by the new Legislative Services Manager in cooperation with LPS Staff.
<i>6.3.2.4 Revision of Trust Council policy 2.1.vii (Trust Wide Administrative Procedures) to allow Trust-wide administrative bylaws for procedural certainty, administrative fairness and effective administration of Trust Council directives without references to the risk of financial obligations</i>	The Legislative Services Manager is working with LPS to review Trust-wide administrative practices. In 2011, amendments to address administrative fairness were made to Trust Council policies 5.4.ii "Procedural Fairness in Rezoning" and 7.1.i "Administrative Fairness Principles".
<i>6.3.2.5 Development of a single, Trust-wide procedural bylaw under s. 11 of the Islands Trust Act that identifies mandatory steps regarding development application processing.</i>	This Trust-wide procedural bylaw has not been developed. Currently each Local Trust Committee adopts its own procedure bylaws based on a model provided by Trust Council. The Legislative Services Manager is working with LPS to review Trust-wide administrative practices.

Since 2008, Local Planning Services has undertaken many improvements in internal operations and continues to monitor, review and seek improvements. The current process involves:

- regular staff meetings within each of the regional offices (team meetings) that are used, among other things, to identify and discuss procedural issues, and to offer solutions to procedural issues specific to the team;
- regular monthly meetings between the Director of Local Planning Services, Regional Planning Managers, GIS Coordinator and Bylaw Enforcement Coordinator (LPS Management Meetings) that are used, among other things, to identify and discuss procedural issues, and to offer solutions to procedural issues that are of concern between all teams;
- regular meetings between the CAO and Directors (Management Meetings) that are used, among other things, to discuss procedural issues that require senior management involvement or coordination between the units;
- quarterly professional development days for Local Planning Services staff (Pro-D Days) that are used, among other things, to hold workshops, training and presentations on procedural issues common to all regions; and
- regular meetings between the Legislative Services Manager (a position that did not exist in 2008), planning clerks and planning secretaries to identify and discuss procedural issues at the administrative level and to develop solutions that can be consistently applied within the organization.

Procedural operations are also discussed with the Executive Committee during update meetings and in regular business meetings. These meetings are used to provide updates and receive feedback from the Executive Committee in regard to operational issues of concern.

Each team also meets quarterly at Trust Council with the trustees (regional meeting) and trustees have the opportunity to ask questions and receive feedback on service delivery initiatives.

The Legislative Services Manager, in cooperation with Local Planning Services, provides coordination and expert advice for staff in all three regional offices and has taken the lead in reviewing and revising procedures in a coordinated way.

The specific tasks that were proposed for consideration in Phase 3 were identified in response to specific issues of concern in 2008. The structure of Local Planning Services has changed since 2008; the current structure facilitates staff discussion on issues in appropriate venues and allows managers to dynamically respond to changing needs in a coordinated way. Service delivery approaches need to be flexible enough to address specific office requirements, but also need to be consistent to ensure procedural fairness. The Legislative Services Manager provides a degree of coordination that was not available in 2008.

With the exception of Item 6.3.2.3 (review of development application procedure bylaws) proposed for Phase 3, a review of the implementation of Phase 1 and 2 coupled with the structural procedures in place for identification, review and consideration of procedural issues at every level, indicates that implementation of Phase 3 is no longer required.

KEY ISSUE(S)/CONCEPT(S):

- Phase 1 and 2 are complete
- Structural changes to LPS results in a different situation than in 2008
- Current LPS structure has built-in mechanisms to identify and address issues in a coordinated and flexible way

RELEVANT POLICY:

- Policy 1.3.i - Policy Statement Implementation
- Policy 3.3.i - Guidelines for Processing Requests to the Trust Fund Board for Acquisition of Property Interests for Conservation Purposes
- Policy 3.3.ii - Islands Trust Fund Activities in the Land Use Planning Process
- Policy 4.1 ix. - Inter-Local Trust Committee Community Planning Bylaw Referral (September 18, 1998)
- Policy 5.2 i - Guidelines to Ensure Procedural Fairness (September 25, 1993)
- Policy 5.3 iii - Acquisition of Community Park Land under Section 941 of the Local Government Act (May 29, 1996)
- Policy 5.3 v - Best Practices for Local Trust Committees in Holding Conservation Covenants (June 17, 2005)
- Policy 5.4.ii - Procedural Fairness in Rezoning (December 11, 1993)
- Policy 5.6 i- Application Processing Services (March 13, 1993) Amended: June 13, 2002; June 10, 2004)
- Policy 5.6 iii - Extraordinary Processing Services Guidelines (March 9, 1996) (Amended: June 10, 2004)

- Policy 5.7 i - Bylaw Checklist (March 12, 1994) Amended: March 11, 1995, December 7, 1996; June 16, 2005)
- Policy 5.9 i - Best Management Practices for Delivery of Local Planning Services to Local Trust Committees (March 10, 2006)
- Policy 7.1 i - Administrative Fairness Principles (June 11, 1994)

DESIRED OUTCOME:

- Administrative fairness and procedural certainty in the processing of bylaw amendment applications
- Consistency across offices when processing bylaw amendment applications
- Understanding of the role of staff and local trust committees when processing bylaw amendments
- An operating system that works smoothly within the existing procedural bylaws, policies and protocol agreements

RESPONSE OPTIONS

Recommended:

As above.

Alternatives:

Implementation of Phase 3

PREPARED BY: David Marlor, MCIP, Director of Local Planning Services

REVIEWED BY EXECUTIVE COMMITTEE:

August 30, 2011

SUBMITTED BY: Executive Committee

REVIEWED BY: _____
(Chief Administrative Officer)

OTHER REVIEW:

ISLANDS TRUST BRIEFING

DATE: August 31, 2011

TOPIC: RIPARIAN AREAS REGULATION UPDATE

DIRECTED TO: Islands Trust Council

CONFIDENTIAL: NO

DESCRIPTION OF ISSUE: To update the Islands Trust Council, through the Local Planning Committee, on the status of implementation of the Riparian Areas Regulation (RAR) in the Islands Trust Area.

BACKGROUND: The Ministry of Forests, Lands and Natural Resource Operations, West Coast Region, Resource Stewardship Division, has issued a letter dated July 20, 2011 to the Islands Trust (attached) confirming the verified and unverified watershed categories on all the major islands, with the exception of Gambier Local Trust Area. The letter indicates the Ministry's support for the approach to implementing the Riparian Areas Regulation in the Islands Trust Area and confirms continuing cooperation between our two organisations to achieve this end. Gambier Local Trust Area is outside the West Coast Region and further work needs to be undertaken to obtain similar agreement for the Gambier Local Trust Area.

On two islands (Lasqueti and Hornby) the Ministry has introduced a temporary category of "unverified" for several watersheds until such time as they are able to confirm whether these watersheds fall under the Riparian Areas Regulation. This designation has also been applied to Gambier until the relevant Ministry office has been consulted.

Staff Cooperation

A draft "primer" on the Riparian Areas Regulation and its implementation in the Trust Area has been developed to assist staff when dealing with questions on the Riparian Areas Regulation and Section 12 of the *Fish Protection Act*. A series of FAQs has been developed for the public on the Riparian Areas Regulation and Section 12 of the *Fish Protection Act* in the Trust Area.

Status of LTC Bylaws

Local Trust Committees are in the process of reviewing their bylaws and assessing the options available to them to reach compliance with Section 12 of the *Fish Protection Act* (commonly referred to as being compliant with RAR). In a briefing dated February 25, 2010 (presented at the March 2010 Trust Council Meeting), Staff provided a report that outlined four options for complying with the RAR. Mapping needs may be different for each local trust area or each watershed; therefore, the method used to become

compliant with s.12 of the *Fish Protection Act* and RAR may be different depending on the local trust area and/or the specific watershed.

The following chart indicates the status of compliance with the Riparian Areas Regulation. In the table below, the term “RAR designated” or “Designated RAR” is a reference to those watersheds that the Ministry of Forest, Land and Natural Resource operations, West Coast Region, Resource Stewardship Division has identified as fish-bearing (except Gambier which is unverified for the reasons outlined previously).

Local Trust Area	Regulatory Bylaw No.	Comments	Compliance with RAR
Denman	OCP No. 185 LUB No. 186	DPAs in place protecting streams but not consistent with the RAR.	No
Executive	n/a	No fish-bearing watersheds identified.	Yes
Gabriola	OCP No. 166 (Gabriola) LUB No. 177 (Gabriola)	Three watersheds designated as RAR, no protection consistent with RAR in place. Funding secured to undertake mapping for future bylaw amendments.	No
	OCP No. 227 (Mudge) LUB No. 228 (Mudge)	No RAR designated watersheds identified on Mudge Island	Yes
	OCP No. 16 (Decourcey) Zoning No. 44 (Decourcey)	No RAR designated watersheds identified on DeCoursey Island	Yes
Galiano	OCP No. 108 LUB No. 127	Draft OCP amendments in progress including RAR DPAs.	Pending
Gambier	OCP No. 73 (Gambier) LUB No. 86 (Gambier)	All watersheds unverified and subject to discussion with the relevant agencies.	No
	OCP No. 77 (Keats) LUB No. 78 (Keats)	All watersheds unverified.	No
	OCP No. 109 (associated) SCRD LUB No. 96 (associated) GVRD Zoning No. 47 (Bowyer and Passage)	All watersheds unverified.	No
Hornby	OCP No. 104 LUB No. 86	Two watersheds designated as RAR and three unverified. No protection consistent with RAR in place	No
Lasqueti	OCP No. 77 LUB No. 78	Three watersheds designated as RAR and 19 unverified. No protection consistent with RAR in place.	No
Mayne	OCP No. 144 LUB No. 146	Two watersheds designated as RAR. No protection consistent with RAR in place.	No

North Pender	OCP No. 171 LUB No. 103	RAR DPA in place for all fish-bearing streams	Yes
	OCP No. 147 (Associated) LUB No. 148 (Associated)	No RAR designated watersheds	Yes
Saturna	OCP No. 70 LUB No. 78	Two RAR designated watersheds. Most of the watersheds are inside the National Park. No protection consistent with RAR in place.	No
Salt Spring	OCP No. 434 (Salt Spring) LUB No. 355 (Salt Spring)	There are 26 RAR designated watersheds on Salt Spring Island. DPAs in place protecting streams but not consistent with the RAR.	No
	OCP No. 51 (Piers) LUB No. 373 (Piers)	No RAR designated watersheds	Yes
	CRD Zoning 103 (Prevost)	One RAR Designated watershed. No protection consistent with RAR in place.	No
	Zoning 123 (secretary, Wallace)	No RAR designated watersheds	Yes
South Pender	OCP No. 91 LUB No. 107	One RAR designed watershed identified by Madrone as not fish-bearing	Yes
Thetis	OCP No. 50 (Thetis) LUB No. 56 (Thetis)	One RAR designed watershed. No protection consistent with RAR in place.	No
	OCP/LUB No. 42 (Valdez)	No RAR designated watersheds	Yes
	Zoning No. 13 (Ruxton)	No RAR designated watersheds	Yes

ATTACHMENT: No

FOLLOW-UP: DLPS will:

1. continue to monitor and report upon the completion of legislative action to implement the RAR in the Local Trust Areas;
2. in collaboration with the appropriate Ministry Office expedite the designation of watersheds falling under the RAR in the Gambier Local Trust Area; and
3. continue to work with planning staff to provide educational material on RAR to the public

PREPARED BY: David Marlor, Director,
Local Planning Services

SUBMITTED BY: David Marlor, Director,
Local Planning Services

REVIEWED BY: _____
(Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:

August 29, 2011

OTHER REVIEW:

Local Planning Committee, August 18, 2011

ISLANDS TRUST BRIEFING

DATE: August 31, 2011

**TOPIC: GREENHOUSE GAS EMISSION (GHG) AND RIPARIAN AREAS
REGULATION (RAR) COMMUNICATION EXPENDITURE REPORT**

DIRECTED TO: Islands Trust Council

CONFIDENTIAL: No

DESCRIPTION OF ISSUE:

For the fiscal year 2010/11, Trust Council provided \$40,000 for use in undertaking communications for Greenhouse Gas Emission (GHG) Reduction and Riparian Areas Regulation (RAR) communications.

This briefing provides a summary of how those funds were used.

BACKGROUND:

Northern Region (Denman, Gabriola, Gambier, Hornby, Lasqueti, Thetis)

GHG Communications = \$5,353 on the following communication products:

- Denman Climate Change Brochure
- Gabriola Community workshop on GHG emissions reduction
- Gambier newsletter providing GHG emissions reduction success stories
- Hornby pamphlet on GHG emissions reduction
- Lasqueti seed money for solar energy project communication
- Thetis sustainability checklist

RAR Communications = \$4,209 on the following communication products

- Denman community workshop on RAR
- Gabriola community workshop on RAR
- Gambier community workshop on RAR
- Lasqueti community workshop on RAR
- Thetis community workshop on RAR

Southern Region (Galiano, Mayne, North Pender, Saturna, South Pender):

GHG Communications = \$3,775 on the following communication products:

- Guide to Environmentally Friendly Development and Renovations in the Southern Gulf Islands
- Application Facts Sheets

RAR Communications = \$2,420 on the following communication products:

- North Pender RAR Development Permit Areas

Salt Spring

GHG Communications = \$7,600 on the following communication products:

- Public Friendly Gulf Island GHG Communications
- Report on Analysis and prioritization of Climate Actions (partnership funding)

RAR Communications = \$13,469 on the following communication products:

- RAR presentations by Qualified Environmental Professionals
- Design and publication of RAR graphics, brochures and advertisements
- RAR community engagement

Local Planning Services Training

GHG and RAR Staff Training = \$5,178 on the following communication training products:

- Planner workshop on RAR and GHG communications
- GHG Proof (computer model)

ATTACHMENT(S):

No

AVAILABLE OPTIONS:

n/a

FOLLOW-UP:

n/a

PREPARED BY: David Marlor, MCIP, DLPS

SUBMITTED BY: David Marlor, MCIP, DLPS

REVIEWED BY: _____
(Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:

August 29, 2011

OTHER REVIEW:

Chair of LPC, August 19, 2011

ISLANDS TRUST BRIEFING

DATE: August 31, 2011

TOPIC: OCP / LUB STATUS REPORT

DIRECTED TO: Islands Trust Council

CONFIDENTIAL: No

DESCRIPTION OF ISSUE: To provide a status report regarding the scheduled review of Official Community Plans (OCPs) and Land Use Bylaws (LUBs) by Local Trust Committees.

BACKGROUND: A quarterly status report on OCP and LUB projects covering current and future budget years is provided to the Trust Council for information. The Trust Council influences the schedule of review through associated funding decisions within the annual Islands Trust budget. Local Trust Committees influence the review schedule through decisions at the local level on the conduct of an OCP / LUB review process.

ATTACHMENT: Yes

FOLLOW-UP: The Director of Local Planning Services will continue to provide quarterly OCP / LUB review schedule status reports to Trust Council meetings.

PREPARED BY: David Marlor, DLPS

SUBMITTED BY: David Marlor, DLPS

REVIEWED BY: _____
(Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:

August 29, 2011

OTHER REVIEW:

Local Planning Committee, August 18, 2011

OCP/LUB REVIEW SCHEDULE*

Effective: Aug 2011

*subject to budget approval

LOCAL TRUST AREA	APR 2008 TO MAR 2009	APR 2009 TO MAR 2010	APR 2010 TO MAR 2011	APR 2011 TO MAR 2012 (term ends Nov 2011)
NORTHERN REGION				
Denman	OCP/LUB Assessment and Mapping Identify Issues: Done	OCP and LUB Targeted Review Project initiated and on track.	OCP and LUB Targeted Review Project continues; draft bylaws in development; anticipate public hearing in Spring 2011	OCP and LUB Review Completed
Gabriola	Gabriola OCP and LUB Review Project identified as LTC priority	Gabriola OCP and LUB Review Project initiated and on track.	OCP and LUB Review Project continues; Project scope completed; draft bylaws in development; anticipate public hearing in Spring 2011.	OCP and LUB Review with the Province for Approval; final consideration by LTC anticipated by November
Gambier	Gambier DP and Comprehensive Planning Project identified. Gambier LUB Follow-up Project identified Associated Islands OCP Project continues Associated Islands LUB Project identified	Gambier DP and Comprehensive Planning Not started at this time. Not anticipated to start during this term. Gambier LUB Follow-up Not started at this time. Not anticipated to start during this term. Associated Islands OCP Project continues Associated Islands LUBs Preliminary work on 2 LUBs should commence in this fiscal year.	Associated Islands OCP and LUB OCP adopted Preliminary work started on Bowyer Island LUB and Passage Island LUB; SCRDLUB on hold for next term.	OCP and LUBs Review Passage and Bowyer bylaws anticipated to be completed this term. Preliminary work on SCRDLUB initiated
Hornby	Hornby OCP and LUB Review Project identified as LTC priority	Hornby OCP and LUB. Project third after the Climate Wise Island Project and STVR work; some preliminary work started.	Hornby OCP and LUB Review – OCP and LUB process started; project scoping is complete and review is underway. STVR matters and OCP/LUB work need to be resolved prior to work program being finalized.	Hornby OCP and LUB Review Preliminary work on LUB initiated Vacation Home Rental bylaw amendments anticipated completion this term.
Lasqueti	Density and Build Out Review Project identified as LTC priority; Project Done	<i>August 26, Note: The LTC have identified "Lasqueti Climate Change Mitigation Project" as Top Priority #1. This project may lead to possible OCP amendments.</i>		
Thetis	Thetis OCP and LUB Review Project initiated	Thetis OCP and LUB Review Project continues and is <i>on track</i> .	Thetis OCP and LUB Review - Project continues; draft bylaws in development; anticipate public hearing in Spring 2011	Thetis OCP and LUB Review referred to EC and Province (OCP) for consideration; final LTC consideration may occur this term

LOCAL TRUST AREA	APR 2008 TO MAR 2009	APR 2009 TO MAR 2010	APR 2010 TO MAR 2011	APR 2011 TO MAR 2012 (Council term ends Nov 2011)
SOUTHERN REGION				
Executive			OCP/LUB – in progress 2010 - development of policies and regulations –	OCP/LUB – continuation, completion by fall 2011
Galiano	OCP - Env, Hazard & RAR Maps & DP & Technical Review - PD	OCP Review public consultation – March Start policy drafting phase LUB – targeted bylaw amendments to start when draft OCP available (combined with OCP Review) LUB – routine updates to the LUB	OCP Bylaw drafting and bylaw consideration LUB – targeted bylaw amendments to start when draft OCP available (combined with OCP Review)	OCP - completion LUB – further amendments as identified
Mayne	OCP Env, Hazard & RAR Maps & DP – start LUB – technical review – complete	OCP GHG reduction targets, SEM implementation, RAR implementation, LUB amendments (follow-up amendments), climate change (potentially)	OCP GHG Emission reduction – completed Non-regulatory use of SEM mapping - completed SEM – implementation (DPAs, amendments to OCP policies and map schedules – LTC resolution proceed no further) RAR – DPAs – on hold pending MOE decision	OCP – continued: Housing options task force implementation, commercial land use review, riparian area regulations implementation
North Pender	OCP Env, Hazard & RAR Maps & DP – start OCP implementation – start LUB targeted review & other initiatives. PD for 09/10	GHG reduction targets, OCP implementation: geological hazards, RAR LUB Amendments	OCP GHG emission reduction – completed OCP implementation: Geological hazard mapping – deferred RAR - completed LUB LUB amendments - completed	Associated Islands OCP/LUB amendments (Sidney Island) – Summer/Fall 2011 OCP updates -

LOCAL TRUST AREA	APR 2008 TO MAR 2009	APR 2009 TO MAR 2010	APR 2010 TO MAR 2011	APR 2011 TO MAR 2012 (Council term ends Nov 2011)
Saturna	<i>Hazard & RAR Maps & DP - PD</i>	<i>Eastpoint Water conservation,</i> <i>Accessory building review</i> <i>GHG reduction targets</i> <i>OCP</i> <i>Affordable housing, RAR,</i> <i>Quarry trail dedication,</i> <i>Climate change</i>	LUB East Point Water Conservation – – public process to ID issues and solutions OCP and LUB national park zoning - GHG reduction/climate change policy work - completed	East Point Water Conservation – continuation of process, water catchment requirement for storage buildings Park zoning – Land use designations and zoning for community parks and GINPR OCP continued –RAR implementation
South Pender		GHG reduction targets OCP RAR OCP and LUB – national park zoning	OCP and LUB Targeted review of the OCP underway Zoning and Density Review Raptor Nest Protection Fact Sheets	OCP – continuation of targeted review process – completion Fall 2011 Land Use Information Package - completed LUB – amend RR zone regulations – substantial completion fall 2011 Other OCP projects: Development Permit Areas, Shoreline Protection, DAI Bylaw Targeted LUB amendments – fall 2011

LOCAL TRUST AREA	APR 2008 TO MAR 2009	APR 2009 TO MAR 2010	APR 2010 TO MAR 2011	APR 2011 TO MAR 2012 (Council term ends Nov 2011)
SALT SPRING REGION				
Salt Spring	<p>OCP Phase 1 Policies and Objectives complete</p>	<p>OCP SEM, Hazard Land & RAR Maps– complete</p> <p>Bill 27 (GHG emission reductions) - complete</p> <p>Ganges Harbour Risk Assessment - start</p> <p>Industrial Task Force- complete</p> <p>Housing Needs Assessment phase 2- complete</p> <p>LUB Housekeeping – complete</p>	<p>OCP Environmental DPAs review to implement RAR, incorporate hazard lands mapping, Watershed Planning, overlap with Climate Change mitigation. Start</p> <p>LUB Review incl. affordable housing, housing for farm workers, Industrial Task Force recommendations: mapping and format updates. Start</p>	<p>OCP continued: Completion of RAR/Watershed/DP4</p> <p>Implement Community Affordable Housing Strategy</p> <p>LUB continued: Review including affordable housing, housing for farm workers, Industrial Task Force recommendations, mapping and format updates.</p> <p>OCP Piers Island Piers Island Bill 27 - start</p> <p>OCP Implementation – start: Project Design: Village Area Planning, Ganges Harbour Management, Storm Drainage Plans, and heritage initiatives.</p> <p>Shoreline DP Area review</p> <p>SEM DP Area analysis</p> <p>Climate Action Plan implementation</p> <p>DAI – Start next fiscal</p>

CODES

PD = Project Design;- Assessment, project design, timeline, scope, budget estimate, mapping requirements, strategic plan consideration and budget request
Start – Projected start up of project(s)
Complete – Projected completion of project(s)

ISLANDS TRUST BRIEFING

DATE: August 29, 2011

TOPIC: FOOD SECURITY GUIDE AND IMPLEMENTATION

DIRECTED TO: Islands Trust Council

CONFIDENTIAL: No

DESCRIPTION OF ISSUE:

The purpose of this briefing is to provide Trust Council with a status report on Food Security Implementation.

BACKGROUND:

In December 2010, Trust Council received the report “Exploring Food Security in the Trust Area” and passed five resolutions on advancing food security. The following provides the resolution and resulting work undertaken or planned to be undertaken.

Trust Council Resolution (Action)	Status
<p>That Islands Trust Council continue to include food security in the strategic plan and that “success” be measured by:</p> <ul style="list-style-type: none"> a. how many protocols are revised or developed to include food security; and b. how many local trust committee OCPs/ LUBs are amended to address food security. 	<p>Planning Staff has forwarded the resolution to relevant staff.</p> <p>UPDATE: Aug 2011 (B) Salt Spring Island LTC approved (April) rezoning that provided amenity of a 63 acre farmland donation to the community; Proposed LUB amendment that permits food processing in light industrial zones (3rd reading August); approved Temporary Use Permit for Mobile Abattoir (July)</p> <p>Gabriola LTC approved “Commons” rezoning (January) to <i>encourage involvement in community Agriculture</i>; Proposed new OCP goal to <i>encourage local food systems and community food security</i> (3rd reading June)</p> <p>Galiano LTC proposed new OCP Agriculture Objectives, Policies, and Advocacy Policies to support local agriculture and food security (1st reading August)</p> <p>South Pender LTC proposed OCP amendments that further support agriculture and food security (3rd reading July)</p>

	<p>Thetis LTC proposed new OCP Agriculture Objective that further supports sustainable agriculture (2nd reading July)</p> <p>* Additional 2011 LTC actions in support of food security (but not related to OCP/LUB amendments) are described in the Appendix on page 4.</p>
That Islands Trust Council forward the report “Exploring Food Security in the Islands Trust Area” to the Islands Trust Fund Board, local trust committees and Bowen Island Municipality for consideration of the recommendations.	Staff has forwarded the report with a cover letter from the Islands Trust Council Chair by email to the Islands Trust Fund, local trust committees and Bowen Island Municipality.
That Islands Trust Council make the report “Exploring Food Security in the Islands Trust Area” available to the Provincial agencies, regional districts, First Nations, interest groups and the general public by posting to the Islands Trust website and through a news release.	Staff has released a News release and has posted the report on the Islands Trust website.
That Islands Trust Council suggest that Trust Fund Board explore the feasibility of establishing a farm land trust.	<p>A copy of the resolution has been forwarded to the Islands Trust Fund Board staff.</p> <p>The report has been provided to the Trust Fund Board. ITF staff will be providing a report on this topic to the Trust Fund Board at a future meeting.</p>
That the Islands Trust Council instruct Staff to:	
<p>a. report back on recommended further work required in gathering background and context information, including timelines, budgets requirements and First Nations interests</p>	<p>Planning Staff has not completed any work on this resolution. Staff will provide a report and recommended further work at a future LPC Meeting.</p> <p>UPDATE: Aug 2011 The priority of Food Security on LPC work program will be addressed by LPC in February 2012 with recommendations to Trust Council on further work to be undertaken.</p>
<p>b. develop internal organisational policies and procedures regarding procurement that supports local food security</p>	<p>Planning Staff has forwarded the resolution to relevant staff.</p> <p>UPDATE: Aug 2011 Staff is encouraging local foods in TC catering arrangements, and have been directed by EC to develop internal policies to guide all food catering purchases.</p>
<p>c. include provisions for food security and reflect the inter-disciplinary nature of food in our communities in the topic review inventory of the Islands Trust Policy Statement</p>	<p>Planning Staff has forwarded the resolution to relevant staff.</p> <p>UPDATE: Aug 2011 Food security was included as a topic in <i>“Review and Amendment of the Islands Trust Policy Statement: A Preliminary Assessment,</i></p>

	<i>Final Report of the Islands Trust Policy Statement Assessment Task Force</i> dated May 9, 2011, and the report was accepted by Trust Council in June.
d. report back on appropriate topic areas for the development of model bylaws to address food security issues	Planning Staff has not completed any work on this resolution. Staff will provide a report and recommended further work at a future LPC Meeting. UPDATE: Aug 2011 The priority of Food Security on LPC work program will be addressed by LPC in February 2012 with recommendations to Trust Council on further work to be undertaken.
e. include food security in any reviews of existing protocols and explore opportunities to develop new protocols around food security.	Planning Staff has forwarded the resolution to Trust Area Services staff.

ATTACHMENT(S):

NO

AVAILABLE OPTIONS:

n/a

FOLLOW-UP:

n/a

PREPARED BY: David Marlor, DLPS

REVIEWED BY EXECUTIVE COMMITTEE:

SUBMITTED BY: Local Planning Committee

August 29, 2011

REVIEWED BY: _____
(Chief Administrative Officer)

OTHER REVIEW:
Local Planning Committee, August 18, 2011

**Appendix:
More detail on LTC actions to support food security:**

Salt Spring Island LTC resolved to write to Agricultural Land Commission regarding policy issues concerning farmworker housing (August)

Gabriola LTC is establishing an Agricultural Advisory Commission (June).

Denman LTC is undertaking the development of an Agricultural Farm Plan (2011).

Hornby LTC adopted OCP amendments to include policies that a) support reviewing land use regulations to provide for community gardens and community food processing and storage facilities in appropriate locations b) encourage residents to pursue the establishment of such gardens and facilities, d) encourage local food production and e) support exploring with the community options for creating a Farm Plan (August 2010)

Galiano LTC has proposed detailed OCP amendments (first reading August 2011):

Agriculture Objectives

- to increase local food security by encouraging local production of agricultural and horticultural products that could be sold directly to the public.
- to increase public awareness of agriculture and farming.

Agriculture Policies

The LTC shall consider amending the LUB to permit community gardens and farmers markets in all appropriate zones.

Agricultural Advocacy Policies

- The local trust committee will support efforts to increase local food security, including:
 - i) development of a comprehensive food security strategy;
 - ii) creation of an Area Farm Plan;
 - iii) promotion of sustainable and organic farming;
 - iv) increased food processing, slaughtering and storage facilities in the community;
 - v) the establishment of co-operatives and farm alliances;
 - vi) implementation of community supported agriculture;
 - vii) efforts to promote locally grown food;
 - viii) promotion of composting and seed saving.
- BC Ferry Services should be requested to discuss the impact of fares on the transport of locally grown produce with the Ferry Advisory Committee.

SAVING THE PLANET — ONE MEAL AT A TIME

Did you know that it takes more fossil fuel to produce a year's worth of food for one person than it takes to run a car for a year? Large amounts of energy are used to manufacture fertilizers, to operate farm machinery, and to transport, process and store food. Processed food and intensive livestock operations have especially high carbon footprints.

The good news: we can reduce the environmental impact of our diet, reducing our greenhouse gas emissions from food by as much as 75%, by changing our grocery purchases.

Use these ideas every time you shop, for a healthier diet for you and your family, as well as the planet:

1. Avoid junk food and highly processed and over-packaged food.

Items like candy, soft drinks, snack food, frozen dinners and desserts, even fruit juices, take huge amounts of fossil-fuel energy to produce.

2. Eat lower on the food chain—buy from the organic bulk food aisles.

The less food has been processed, the less energy is consumed. Buying in bulk minimizes energy-intensive packaging. Choose organic items because organic farms use a third less energy per unit of production than conventional chemical farming, and store more carbon in the soil. Organic flour, rice, nuts, and beans are good staples.

3. Buy local and regional organic food.

Much of our imported food travels several thousand kilometres. The closer to home our food is grown, the less fossil fuel is used for transportation. Organic food takes less energy to produce, so the very best choice is fresh, local organic. If you can't tell where the food was grown, ask your grocer.

4. Avoid factory-farmed meat and animal products.

Livestock, especially beef cattle, raised in conventional confinement and feedlots produce more greenhouse gases globally than the world's transportation sector. Better choices are local organic or grass-fed meat, poultry and dairy products.

5. Plan vegetarian meals.

Animal products have a higher carbon footprint than other foods (except highly processed food), so substitute vegetarian dishes for some meat and dairy meals. There are lots of great vegetarian cookbooks and online recipes.



EAT LOCAL / EAT ORGANIC

Fresh from the Farm

Every Tuesday and Saturday throughout the growing season Salt Spring farmers sell their homegrown, and mostly organic, food directly to the public. Shopping at the market is a great way to support local farmers. Ask a farmer for a copy of Salt Spring Island's Local Organic Food Guide—the brochure includes a map with island farm stands, another good way to purchase direct from local farmers.

Grow Your Own

As we all start eating more local food, we'll need to start growing more food here, too. There's never been a better time to start — or expand — your garden.

Need help? Transition Salt Spring www.transitionsaltspring.ning.com is coordinating a number of projects to help islanders grow more food. Join Linda Gilkeson's email list — info@lindagilkeson.ca — and receive timely tips specifically for Salt Spring gardens. The Incredible Edibles group of the Salt Spring Garden Club and Island Natural Growers both welcome backyard growers. For contact info, see the Lions Club telephone directory.

Reducing greenhouse gas emissions from food is a priority for the Salt Spring Climate Action Council. For more ideas, and information about Salt Spring's Climate Action Plan, see:

www.climateactionsaltspring.ca

**ISLANDS TRUST
BRIEFING****DATE:** August 31, 2011

TOPIC: GREEN SHORES FOR HOMES STATUS UPDATE**DIRECTED TO:** Islands Trust Council**CONFIDENTIAL:** No

DESCRIPTION OF ISSUE: Islands Trust is a partner in a larger multi-year initiative led by the City of Seattle and San Juan County to develop a credit/incentive system for homes based on the Green Shores system. The timeline to develop a credit/incentive system is four years from 2009, with the project planned to be wrapped up in the 2013/14 fiscal year.

PROJECT UPDATE:*Islands Trust Commitments*

Because the City of Seattle and San Juan County are leading the Green Shores for Homes project, Islands Trust is taking a backseat and observing and offering input into the process. Staff involvement includes the Director of Local Planning Services sitting on the Green Shores for Homes Steering Committee and the Northern Region Regional Planning Manager sitting on the Project Advisory Committee and providing the role of Project Manager for the Shoreline Mapping Project.

Green Shores for Homes Structure

To date, the Project Steering Committee has met three times (March 30, 2011, May 6, 2011 and June 27, 2011) with the Director of Local Planning Services participating by telephone. The Project is behind schedule in starting up and at present is working out the details and make up of a Project Technical Committee and Project Advisory Committee. A Project Advisory Committee has not yet been established but Chris Jackson will be the Islands Trust representative.

The Technical Committee will be charged with working out the details, methodology and rationale for the Green Shores for Homes credit/incentive system. The Advisory Committee will be made up of a variety of professionals who will provide feedback to the Technical Committee on drafts or proposals. The Technical Committee is not expected to meet as a group but to provide feedback individually (most likely via email).

Budget:

Islands Trust has secured funding from three sources to fund this and the related Shoreline mapping program. Funding for the Green Shores for Homes portion of the project is secured as follows:

- \$2,000 from Stewardship Centre for British Columbia (SCBC) for staff travel to attend Project Advisory Committee meetings in 2011/12
- \$3,000 from SCBC for an undesignated person to travel to attend Technical Advisory Committee meetings in 2011/12

Details on funding for the Shoreline component will be provided in a separate briefing.

Given the late startup and the meeting arrangement of the committees, it is unlikely that the \$5,000 funding already allocated will be required this fiscal for travel to meetings. Initially, there was a thought that the Islands Trust would appoint a person to be on the Technical Advisory Committee and cover the travel to Technical Advisory Committee meetings; however, the Technical Advisory Committee will be made up of professionals recruited through advertising, and meeting face-to-face is unlikely to be necessary.

The Future

While it is early to determine the outcome of the program, Staff expects that a draft Green Shores for Homes credit/incentive system should be ready by summer 2012 with potential for a pilot/test program (one in the San Juan Islands and another in the Islands Trust Area) in summer of 2013. The following table outlines the steps in the Green Shores for Homes program and the current status. Note that the timeline is dictated by Seattle and San Juan County.

Task	Fiscal	Islands Trust Milestone	Status	Original Budget Estimate	Revised Budget Estimate
Task 1 Delineate and characterize local case examples	2009/10	1.1 Pilot shoreline inventory (Thetis)	Done		
		1.2 Develop informal material for Thetis location of: a. Sediment transport and related ecosystem b. Coastal energy system c. Distribution of shoreline types d. Home design and siting guidelines e. Design and management strategies	Done		
		1.3 Categorize shoreline units for Thetis. Create one shore type classification document for Thetis	Done	\$43,000	\$43,000
		1.4 Evaluate shoreline categories to determine priority shoreline areas	Done	\$10,000	\$10,000

Task	Fiscal	Islands Trust Milestone	Status	Original Budget Estimate	Revised Budget Estimate
	2010/11	1.5 Replicate for 11 remaining major islands in the Trust Area	IN PROGRESS	\$58,000	\$58,000
	2011/12	1.6 Conduct an educational outreach program on shoreline planning for 12 major islands	DELAYED to Spring 2012	\$26,000	\$26,000
TASK 2: Develop Green Shores for Homes Credit System	2010/11	2.1 Participate in convening of technical team and program advisory committee and steering committee	IN PROGRESS	\$0	\$0
	2010/11 2011/12	2.2 Participate in review, assess and report on existing programs and resources and create framework for developing Green Shores for Homes rating system	DELAYED – expected by fall of 2012 (2012/13)	\$5,156	\$0
	2011/12	2.3 Pilot green shores for homes credit system	DELAYED – expected summer 2013 (2013/14)	\$5,156	\$5,156
	2011/12	2.4 Participate in cataloging design examples that demonstrate application of specific Green Shores for Homes credit system – create document or website that displays alternative shoreline development design examples	Pending	\$5,156	\$5,156
	2011/12	2.5 Engage Islands Trust property owners to assess barriers to green shorelines and publicize program (meetings)	DELAYED – expected summer 2013 (2013/14)	\$0	\$0
Task 3: Develop localized incentives targeted to specific credit thresholds – input from local jurisdiction staff and input from stakeholders	2010/11	3.1 Develop a spectrum of incentives with partner jurisdictions to facilitate discussion and feedback with elected officials, homeowners and building professionals	DELAYED – this may need to wait for draft ratings and discussion on approach for implementing in Islands Trust Area	\$5,000	\$5,000
	2010/11	3.2 and 3.3: these milestones are not yet defined – action to be determined with partner jurisdiction.	NA	\$10,000	?
Task 4: Outreach – credit assessor training, dissemination of incentive materials to target audiences	2012/13	4.1 Develop Green Shores for Homes trained assessor program – training course agenda, training guide and written exam for trained assessors in BC	Pending	\$3,000	\$3,000
	2012/13	4.2 Offer and evaluate Green Shores for Homes trained	Pending	\$4,000	\$4,000

Task	Fiscal	Islands Trust Milestone	Status	Original Budget Estimate	Revised Budget Estimate
		assessor training of local professionals and builders in Trust Area			
	2013/14	4.3 Trans-boundary conference on shoreline mapping and Green Shores for Homes system	Pending	\$10,000	\$10,000
		4.4 Publicize credit and incentives system to homeowners and building professionals through workshops on each major island in the Trust Area and by print and web.	Pending	\$26,000	\$26,000

Staff Comments:

The applicability of the Green Shores for Homes rating and credit system in the Trust Area is largely unknown. The Shoreline mapping project, while included for funding reasons as part of Greenshores for Homes, is a separate parallel project (see separate briefing for details on this project). At some point, Staff will evaluate the Greenshore for Homes rating system and the Shoreline mapping classifications to see if there is an opportunity for merging these approaches into Islands Trust policy or regulatory bylaws (for example, shoreline classifications may determine the types of credits required to meet the Green Shores for Homes rating system). While Green Shores for Homes focuses on a credit system, similar to LEED, the rating methodology and the shoreline classifications may also be used to encourage voluntary public stewardship or, where deemed necessary by a local trust committee, new regulations, such as development permit areas.

Islands Trust is providing staff resources as an in-kind match to meet funding requirements for Seattle and San Juan County. An area being explored is the possibility of providing mapping services to apply the shoreline mapping classification system to San Juan County. The need for this contribution will be determined once shoreline maps for the Islands Trust have been released and San Juan County has identified its needs.

PREPARED BY: David Marlor, MCIP, Director of Local Planning Services

REVIEWED BY EXECUTIVE COMMITTEE:

SUBMITTED BY: David Marlor, MCIP, Director of Local Planning Services

August 29, 2011

REVIEWED BY: (Chief Administrative Officer)

OTHER REVIEW:

Local Planning Committee Aug 18, 2011

ISLANDS TRUST BRIEFING

DATE: August 29, 2011

TOPIC: INTEGRATED WATERSHED AND SHORELINE MAPPING PROJECT

DIRECTED TO: Islands Trust Council

CONFIDENTIAL: No

DESCRIPTION OF PROJECT:

Islands Trust has partnered with the University of British Columbia School of Architecture and Landscape Architecture and contracted with Murdoch deGreef Inc to complete a major islands review: *Integrated Watershed and Shoreline Mapping Project*. There are two phases to this project. Note: this integrated shoreline mapping project is separate to, but compliments, the Green Shores for Homes project which is discussed in a separate briefing.

The first phase is technical where major local trust area (LTA) island shorelines are to be mapped and classified. Murdoch deGreef Inc. is the lead on this phase. The Murdoch deGreef team, along with Professor Will Marsh of UBC providing support, includes the following subcontractors: Waterland Consulting Ltd; Archipelago Research Marine Ltd; and Coastal and Ocean Resources Ltd. The Murdoch deGreef team committed to the following:

- gather shoreline inventory data for the Trust Area, including: sediment transport and related ecosystems, coastal energy zones, distribution of shoreline types, categorize shoreline units according to predicted or established physical pressures and/or shoreline characteristics, evaluate shoreline categories to determine priority shore areas that may be amenable to alternative development solutions due to physical characteristics or other metrics;
- classify 11 candidate island shorelines into simplified mapping classes (note: Thetis was previously completed and Bowen is not part of this project);
- undertake graphic interpretation of longshore drift;
- develop a protocol for completed shoreline sea level rise vulnerability classification;
- develop shoreline vulnerability classification system for islands shorelines along with a methodology for the classifications; and
- provide maps that can be incorporated the mapping into Islands Trust TAPIS; and
- provide presentation boards and materials.

The second phase is educational with Professor Will Marsh of UBC taking the lead. Through a letter of agreement with UBC, Dr. Marsh will work with Murdoch deGreef Inc. in the creation of educational materials related to the shoreline mapping work. These

educational materials are to be used in weekend educational workshops on 12 major Islands Trust islands. The purpose of these workshops is to illustrate how major natural forces shape the physical environment of islands. More specifically, the agreement states that the objectives are to:

- Understand the natural systems influencing the coastal zones;
- Identify how those influences are manifested in the island's landscape;
- Identify any commonality of types and locations of zones on various islands; and
- Determine their relevance to upland land use planning and communicate the findings to the Islands Trust.

Island trustees and Islands Trust staff would have the opportunity to participate in the development of these workshops, including: identify individual island workshop goals, assist with advertising and promotional ideas, and attendance and participation in the workshop.

FUNDING SOURCES AND FINANCIAL COMMITMENTS:

The *Integrated Watershed and Shoreline Mapping Project* is funded through three separate sources. Note: the Greenshores for Homes Project is also allocated from these amounts:

- Pacific Climate Impacts Consortium (in partnership with the Ministry of Environment); \$40,000
- Real Estate Foundation of BC; \$30,700
- Stewardship Centre of BC; \$20,000

For Islands Trust there are no dollar amount estimated. Contribution includes staff time for: contract management, attending meetings and workshops, and providing logistical support.

The following budgets have been committed to by contract and letters of agreement.

- Shoreline Mapping Prototype Development; Murdoch deGreef Inc; \$12,895.60
- Integrated Watershed and Shoreline Mapping; Murdoch deGreef Inc; \$30,673.40
- Education Material and Workshop Delivery; Letter of Agreement with UBC; \$22,000

PROJECT STATUS:

At the writing of this briefing, the contractor stated that final project deliverables will be delayed for the first phase. This is due to some mapping complications they have encountered and because they are waiting for the Province to convert old Beta format video tapes into digital video for use in the ShoreZone data (note: ShoreZone data is the base mapping that all other information is built from). Paul deGreef, project manager, expects all this data to be in hand by August 2011, with their mapping delivered to Islands Trust shortly thereafter.

While there is slip with the first phase deadline, this project will be completed within the original budget contracted. In addition to the deliverables contracted, there will be additional work provided at no cost, including a methodology report and a second review of Thetis Island. This second review of Thetis will ensure that all major Trust

Area islands were reviewed with the same methodology and have the same map symbology.

In terms of the second phase, it was intended that workshops on 12 major LTA islands would be held from August to September 2011. Over the last several months it appeared that holding these workshops in late winter/early spring of 2012, may be preferable. This would provide time to integrate the mapping into TAPIS, provide time for staff and trustees to work with the information, provide time to schedule and discuss workshop goals in advance, and better assist trustees and staff with integrating this project with the work programs of new Local Trust Committees.

While there is still room to hold these 12 workshops into the fall, staff does not recommend this option and is proceeding accordingly. In discussion with the contractors and Dr. Will Marsh, holding workshops in the late winter/early spring of 2012 is also preferred.

STAFF COMMENTS:

Staff anticipate closure of phase one of this project by September 2011. Phase two preparations will be initiated in the Autumn with workshops held in early 2012.

The remaining challenge is working within funder timelines. Staff does not foresee difficulty with modifying the agreement with UBC to move workshop delivery dates. In fact, Dr. Marsh of UBC, who will oversee and lead these workshops, is amenable to late winter/early spring of 2012. Further, review of the timeline expectations set out by funders indicate that a later delivery of workshops should not be problematic.

ATTACHMENT(S):

n/a

AVAILABLE OPTIONS:

n/a

FOLLOW-UP:

n/a

PREPARED BY: Chris Jackson, MCIP, Regional Planning Manager

SUBMITTED BY: Chris Jackson, MCIP, Regional Planning Manager

REVIEWED BY: _____
(Chief Administrative Officer)

REVIEWED BY EXECUTIVE COMMITTEE:

August 29, 2011

OTHER REVIEW:

Local Planning Committee, August 18, 2011
DLPS Aug 18, 2011

**ISLANDS TRUST
BRIEFING**

DATE: September 1, 2011

TOPIC: BYLAW ENFORCEMENT NOTIFICATION SYSTEM

DIRECTED TO: Islands Trust Council

CONFIDENTIAL: No

DESCRIPTION OF ISSUE

This memo lays out the schedule for introduction of the Bylaw Enforcement Notification Bylaws to Local Trust Committees (LTCs). A change in terminology from Bylaw Adjudication to Bylaw Enforcement Notification was made to more accurately reflect the process and terminology in legislation.

Each LTC that wishes to implement the system must give three readings to the bylaw enforcement notification bylaws, then forward to the Executive Committee for approval before considering adoption. The first three readings may all occur at the same meeting. The Salt Spring Bylaw has Executive Committee approval and is ready for consideration of adoption. The North Pender Island Bylaw will be brought back for some additions to the original North Pender Island schedule of fines and to add a schedule for the Associated Islands Land Use Bylaw. The projected date for introducing bylaw enforcement notification bylaws at LTC meetings is listed in the table below.

LTC	PROPOSED FIRST 3 READINGS	EXECUTIVE APPROVAL	FINAL ADOPTION
Denman	September 12		
Gabriola	September 22		
Galiano	October 17		
Gambier	October 26		
Hornby	October 19		
Lasqueti	October 20		
Mayne	September 19		
North Pender	September 22		
Salt Spring	March 3	April 19	October 6
Saturna	October 26		
South Pender	October 4		
Thetis	September 7		

Attached is a copy of The Bylaw Enforcement Notification System pamphlet. The purpose of this pamphlet is to explain what a bylaw violation notice is and to explain the processes required to pay a fine, negotiate a compliance settlement, or to dispute a violation notice. One of these pamphlets will be issued with each bylaw violation notice or to persons who have general questions. It will also be available on line. Before it is published critical comments are welcome.

Attachment(s): Bylaw Enforcement Notification System Pamphlet

PREPARED BY: Miles Drew, Bylaw Enforcement
Coordinator

REVIEWED BY EXECUTIVE COMMITTEE:

SUBMITTED BY: Miles Drew, Bylaw Enforcement
Coordinator

August 29, 2011

REVIEWED BY: _____
(Chief Administrative Officer)

OTHER REVIEW:

Local Planning Committee, August 18, 2011

Frequently Asked Questions

What triggers bylaw enforcement?

Normally, enforcement is only undertaken when a written complaint is received. However, if an environmental concern, permitting issue or advertising of an illegal land use is discovered, enforcement may be started without a complaint.

What is a Compliance Agreement?

A person who enters into a compliance agreement accepts liability for the alleged contravention detailed in the bylaw violation notice. The agreement sets out remedies or conditions for future behaviour to be performed within a designated period of time. If the agreement is kept and the bylaw violation is resolved within an agreed time, the amount of the penalty is reduced.

How much can a penalty be reduced with a Compliance Agreement?

With a few exceptions the discounts for entering into and completing a Compliance Agreement are 50% or 75%.

Can I pay the reduced penalty within 15 days and still proceed to adjudication?

No. Once a penalty is paid the bylaw violation notice is closed.

Why are disputes adjudicated in North Vancouver?

It is not practical or cost effective for the Islands Trust to set up its own registry. The Islands Trust has therefore joined the closest existing registry, North Shore Bylaw Dispute Registry, which offers partnerships to other governments.

Do I need to appear in person for the Adjudication Hearing?

No. You can submit your evidence and arguments in writing or arrange for a telephone conference call.

Can I pay the penalty before the hearing date if I change my mind?

Yes. However, payments received after 14 days from when the bylaw violation notice was issued must be paid in full.

Can I appeal the adjudicator's decision to a higher authority?

No. An adjudicator's decision is final.

What if I pay the penalty but still do not comply?

You will be subject to further enforcement and possible legal actions.

How can I contact the Bylaw Enforcement Team?

You can contact the Bylaw Enforcement Team by **Email** at:
bylawenforcement@islandstrust.bc.ca.

Phone at 250.405.5175. If you are calling long distance, call toll free to **Enquiry BC**

In Victoria call **250.387.6121**
In Vancouver call **604.660.2421**
Elsewhere in BC call **1.800.663.7867**

Send **mail** or **visit** any of our offices.

Victoria—200-1627 Fort St, V8R 1H8
Salt Spring—1-500 Lower Ganges Rd, V8K 2N8
Gabriola—700 North Road, Gabriola V0R 1X3

Visit us online at: www.islandstrust.bc.ca

Bylaw Enforcement Notification System



Islands Trust

September 2011

Bylaw Enforcement Notification — Making the System Simpler

The Islands Trust manages Bylaw Violation Notices (BVNs) through its Bylaw Enforcement Notification (BEN) System, under the province's *Local Government Bylaw Notice Enforcement Act*.

The notification system provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations. It is much less costly, complex and time-consuming than a system in which tickets can be disputed only by going to court.

The BEN system replaces provincial court with an adjudicator. People disputing a bylaw violation notice can present their objections to the notice by phone, by mail or in person. The BVN includes information on how to do this. Disputes for the Islands Trust are adjudicated by the North Shore Bylaw Dispute Registry.

Under the BEN system an Islands Trust screening officer hears initial objections to BVNs. If the objection is found to be valid, the screening officer can cancel the BVN. The screening officer can also authorize a reduction in the penalty amount in return for compliance with the bylaw. This step is carried out through a Compliance Agreement and may include remedial actions.

BVNs are only issued after an investigation. Before penalties are imposed, offenders are usually offered an opportunity to comply. The main goal of bylaw enforcement in the Trust area is not to collect penalties; it is to encourage compliance with the community's bylaws.

For more information about bylaw enforcement in the Trust area, please see our Frequently Asked Questions bylaw enforcement pamphlet or go to www.islandstrust.bc.ca.

The Bylaw Enforcement Notification System provides a simple, fair and cost-effective method for dealing with straightforward bylaw violations.

How the system works once a bylaw violation notice is issued

Option 1: Pay the bylaw violation notice

- For penalties paid within 14 days of receiving notice, payment is reduced.
- Penalties paid after 14 days must be paid in full.
- For penalties paid more than 28 days after receiving notice a surcharge is added.

Option 2: Dispute the violation notice

Step One

Complete and submit the Adjudication Request Form which is on the back of the BVN. Forms can be delivered, mailed or faxed to the Islands Trust Office on Salt Spring or Gabriola or in Victoria.

Step Two

An Islands Trust screening officer will review the adjudication request and will:

- cancel the bylaw violation notice; or
- work out a Compliance Agreement and reduce the penalty when the agreement is completed; or
- uphold the bylaw violation notice.

Step Three

If the screening officer upholds the BVN:

- A date and time is set for the Adjudication Hearing.
- At the hearing, evidence is presented and the adjudicator decides if an offence did or did not occur.

Step Four

- If an offence did occur, the BVN must be paid in full, plus an additional \$25 administrative fee.
- If an offence did not occur, the BVN is cancelled and no penalties are imposed.

**ISLANDS TRUST
BRIEFING**

Date: September 8, 2011

TOPIC: BYLAW ENFORCEMENT INVESTIGATIONS REPORT

DIRECTED TO: Islands Trust Council

CONFIDENTIAL: No

DESCRIPTION OF ISSUE: A report to summarize 2011 bylaw enforcement investigations activity up to September 7, 2011.

BACKGROUND: This briefing is prepared for Trust Council to highlight the current status of the bylaw enforcement program. A summary of litigation will be presented at the in camera session.

Resources: Bylaw enforcement staff consists of the Bylaw Enforcement Coordinator, one full time bylaw enforcement officer, one temporary part time bylaw enforcement officer and one part time clerical assistant serving the Islands Trust Area as a whole. Miles Drew is the Bylaw Enforcement Coordinator. Peter Phillips concentrates on the Northern Region, and Geoff Kinnear deals with the Southern Region and Salt Spring Island. The temporary bylaw enforcement officer position has been extended to March 31, 2012.

Reporting: The tables below show the current work loads by officer and regions. Short Term Vacation Rental (STVR) files still account for the high numbers in the Southern and Salt Spring regions.

Table of Active Files by Quarter by Office

Assigned To	Region	Sept 9 2010	Nov 17 2010	Feb, 15 2011	May 9 2011	Sept 7 2011
Miles Drew	South	70	97	97	93	87
Geoff Kinnear						22
Peter Phillips		3			1	
Sub Total	South	73	97	97	94	109
Miles Drew	Salt Spring	82	98	93	97	66
Geoff Kinnear						36
Peter Phillips		3	1	1	1	1
Sub Total	Salt Spring	85	99	94	98	103
Miles Drew	North	8	8	8	10	15
Peter Phillips	North	61	56	65	52	61
Sub Total	North	69	64	73	62	76
Total		226	260	264	244	288

Table of New and Closed Files by Officer and Trust Area

Assigned To	Region	New Files 2011	Closed Files 2011
Miles Drew	South	11	10
	Salt Spring	2	2
	North	7	1
Geoff Kinnear	South	15	6
	Salt Spring	18	11
Peter Phillips	North	24	23
	Salt Spring	1	
Total New and Closed		77	53

ATTACHMENT: No

PROJECTS:

Bylaw Enforcement Notification System

Progress is being made towards completing this project. Salt Spring Island Local Trust Committee (LTC) has given three readings to a bylaw. A separate report to the Trust Council lists the schedule for LTC consideration of draft bylaws and includes a brochure on the Bylaw Enforcement Notification System. Most LTCs will have received a draft bylaw by the end of October 2011. Saturna LTC and Lasqueti LTC will receive draft bylaws early in 2012.

LTC	OIC Resolution By LTC	OIC Issued by Province	Bylaw Drafted by BEC	LTC Draft Consideration	Bylaw Adopted by LTC
Denman	Complete	Complete	Drafted	Sept 12 2011	
Gabriola	Complete	Complete	Drafted	Oct 20 2011	
Galiano	Complete	Complete	Drafted	Oct 17 2011	
Gambier	Complete	Complete		Oct 26 2011	
Hornby	Complete	Complete		Oct 19 2011	
Lasqueti	Complete	Complete		2012	
Mayne	Complete	Complete	Drafted	Sept 19 2011	
North Pender	Complete	Complete		Sept 22 2011	
Salt Spring	Complete	Complete	Done	Mar 3 2011	Oct 6 2011
Saturna	Complete	Complete		Dec 14 2011	
South Pender	Complete	Complete	Drafted	Oct 4 2011	
Thetis	Complete	Complete	Drafted	Sept 7 2011	

OIC – Order in Council BEC – Bylaw Enforcement Coordinator

Short Term Vacation Rental

Follow up work on the STVR enforcement work on Mayne, North Pender and Salt Spring reveals that the number of STVRs still operating in an overtly commercial manner has dropped considerably. However, there are still a few STVRs in each LTC area that continue to violate local land use bylaws. Enforcement efforts are continuing to achieve compliance. Reports will be made to each LTC on necessary next steps.

PREPARED BY: Miles Drew, Bylaw
Enforcement Coordinator

**REVIEWED BY
EXECUTIVE COMMITTEE:**

September 13, 2011

SUBMITTED BY: Miles Drew, Bylaw
Enforcement Coordinator

OTHER REVIEW:

REVIEWED BY: _____
(Chief Administrative Officer)

Q:\Summaries and Reports\Reports 2011\Bylaw Investigations Report August 2011.doc