

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: May 5, 2022

RE: Proposed Provincial Assessment of Environmental Protection Tools

Administrative Recommendation:

THAT the Regional District participate in provincial Ministry of Land, Water and Resource Stewardship proposed Assessment of environmental protection tools.

Background:

At the April 21, 2022, meeting of the Planning and Development (P&D) Committee, staff from the provincial Ministry of Land, Water and Resource Stewardship as well as staff from the federal Canadian Wildlife Service (CWS) presented concerns related to the proposed amendment of the Environmentally Sensitive Development Permit (ESDP) Area designation.

In requesting that the Board defer consideration of the proposed amendments for a period of 12-months, Ministry staff suggested that the province would be undertaking a province-wide Assessment (audit) of environmental protection tools and would like to involve the Regional District in this project.

Ministry staff believe that this Assessment will assist the Board in making an informed decision regarding the motion before them regarding amendments to the ESDP Area designation.

Analysis:

The Planning Department also processed its highest recorded number of planning applications and referrals in 2021 as well as significant numbers of queries from the public on land use matters. The department is anticipating comparable numbers in 2022, which will impact its ability to contribute adequate time to this process.

Ministry staff have advised that they are hopeful of RDOS participation in the project and that they envision an approximate time commitment for RDOS staff of approximately 70 hours (2 weeks of one staff person's time). This includes:

- Regional District staff participation on the project team;
- Regional District staff participation in developing the Terms of Reference and scoping for the project (e.g. 1-2 day brainstorming and scoping session). Ministry staff are hopeful "that the project is supported by all three levels of government and addresses concerns had by all three levels of government";
- Regional District staff providing consultant access to ESDP files (e.g. RDOS staff time to retrieve the files and perhaps conduct privacy assessments);

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- Regional District staff participation in monthly milestone meetings (e.g. estimated to be approximately 2 hours in duration each).
 - Regional District staff participation in on-going monitoring of the project deliverables and provision of feedback to the consultant.
 - Regional District staff participation in exploring a next steps assessment at the conclusion of the project.

Our expectation from Ministry staff was that this project was to be a review to determine if the Regional District's ESDP scheme is meeting its objectives (a known shortcoming due to the absence of measurement criteria).

It is unlikely that a province wide Assessment can be completed within 12-months, or that it will make a meaningful determination regarding the Regional District's ESDP scheme and if it is meeting its objective of minimizing the impact of development on the environment.

Such an Assessment *may*, however, lead to enhanced enforcement tools for local government, an impetus for new provincial legislation (e.g. revisions to the development permit authority or introduction of Species at Risk legislation) or perhaps a better process or less costly/timely consequences for homebuilders while at the same time, addressing provincial/federal concerns about loss of sensitive habitat.

Alternative:

1. THAT the Regional District not participate in provincial Ministry of Land, Water and Resource Stewardship proposed Assessment of environmental protection tools

Respectfully submitted



C. Garrish, Planning Manager