



Sliammon/ Powell River Regional District
HARMONIZATION PROJECT

APRIL
2008

FINAL REPORT

CONTENTS

1. Executive Summary	1
2. Project Overview	3
2.1 Approach	3
3. Recommendations	6
3.1 General Recommendations	6
3.2 Site Specific Recommendations	7
3.3 Proposed Implementation Schedule	9
3.4 Community Input	12
4. Appendices	14
A. Steering Committee Terms of Reference	14
B. Lund Properties Tenure Comparison	16
C. Performance Zoning Brief	17

1. EXECUTIVE SUMMARY

The *Sliammon / Powell River Regional District Harmonization Project* was launched in November 2007 to identify opportunities for coordinating land use planning between the Powell River Regional District (PRRD) and Sliammon, particularly around potential Treaty Settlement Lands. The project has resulted in a list of 21 recommendations for both the PRRD and Sliammon to consider including in their current land use plans and in any new land use plans developed for the region. None of the recommendations are intended to fully define or limit any aboriginal rights or interests of the Sliammon First Nation.

The recommendations were generated by a project Steering Committee made up of senior staff and political representatives from Sliammon and PRRD. The committee met several times over the course of the project to review, compare and analyze land use planning issues in the region between Lund and Powell River. Using an interest-based planning approach, the committee worked to identify options and opportunities for coordination and harmonization of land use planning in the six geographic areas identified on the map on the next page. The project also assessed two non-site specific issues, agricultural land and “isolated parcels”, or parcels of privately owned land that will be surrounded by TSL land if the Sliammon Final Agreement is passed. Two types of recommendations were developed by the Steering Committee:

- **General Recommendations** apply to each of the specific geographic areas and the general planning issues (e.g., agricultural land) discussed during the project.
- **Site-specific Recommendations** deal with the specific geographic areas and/or issues explored during the project.

Most of the recommendations are medium- and long-term actions that would not come into effect for several years (i.e., April 2009 and beyond). In determining the implementation schedule, the Steering Committee considered not only what activities would logically have to occur in advance of others, but also: staff capacity at Sliammon and PRRD to undertake the recommendations; the external grant funding and/or new internal budget allocations that may be required to implement some recommendations, and; the treaty implications associated with some recommendations (i.e., while some recommendations would not be impacted, others are dependent upon negotiation and approval of a final treaty). The following six recommendations were identified by the project’s Steering Committee as potential short-term actions (i.e., June 2008 to March 2009):

- A. Amend the 2004 *Sliammon – PRRD Protocol Agreement for Communication and Cooperation* to reflect the growing relationship between the parties and to incorporate the final recommendations resulting from the Harmonization Project.
- B. Activate the Sliammon – PRRD working committee identified in the Protocol to ensure that the harmonization recommendations are properly implemented and to keep the public up-to-date and involved in any co-planning initiatives.
 - 1.1 Coode Peninsula: Resubmit joint Sliammon-PRRD application to the province to establish the area as Wilderness Preservation Area.
 - 1.2 Coode Peninsula: Utilize *Sunshine Coast Strategic Land and Resource Plan (SLRP)* process to push re-designation of area as a Wilderness Preservation Area.
 - 3.1 Agricultural Land: Share results of agricultural studies carried out by Sliammon and, when completed, Powell River Economic Development Society’s report.
 - 6.2 Okeover Arm: Jointly pursue making Okeover Arm a ‘No Dumping Zone’ for marine users.

FIGURE 1: OVERVIEW MAP



2. PROJECT OVERVIEW

This section provides an overview of the process and approach used to generate the recommendations created through the *Sliammon / Powell River Regional District Harmonization Project*.

2.1 APPROACH

The consultants hired by Sliammon, EcoPlan International (EPI), used a strategic planning process to structure their work that incorporated interest-based negotiation and structured decision-making. Their approach also sought to build on past land use harmonization work that had occurred between Sliammon and the PRRD, specifically the Sliammon – PRRD Protocol Agreement for Communication and Cooperation which was signed in December 2004. This agreement lays out general principles for cooperative land use planning and identifies areas of common interest.

The approach helped the Steering Committee identify and recognize their multiple underlying common interests in land use planning. Key project actions are briefly summarized below. Additional project materials are provided in the Appendix.

- **Steering Committee:** A six member Steering Committee was set up with senior planning staff and political representatives from Sliammon and PRRD. The Steering Committee met five times over the course of the project.
- **Terms of Reference:** A Terms of Reference was developed for the Steering Committee that was adopted at their first meeting. A copy is provided in the appendix.
- **Project process principles:** The Steering Committee brought forward and adopted the following guiding project process principles previously agreed to by Sliammon and the PRRD in the 200 Protocol Agreement:
 - *Communication and cooperation:* The two communities are best served working together in the spirit of communication and cooperation.
 - *Recognition, acknowledgement and respect:* Recognition, acknowledgement and respect that much of the area under review has been built upon lands that either form Sliammon traditional territory, reserve lands, or treaty settlement land. Sliammon also recognizes, acknowledges and respects the Powell River Regional District as a duly and properly constituted regional government having all of the authority and responsibilities of a British Columbia regional district.
 - *Recognition of common goals:* Building a government-to-government relationship will create a level of certainty.
- **Land Use Planning Issues:** During the first workshop, the Steering Committee identified specific land use planning issue areas. Over the course of two meetings the areas were explored in further detail and the underlying issues and common interests identified. The following eight issue areas were ranked by the Steering Committee from “easiest” to “most difficult” to resolve:
 - **Coode Peninsula:** A forested area within the provincial forest with some old growth and environmental, cultural and recreational significance. PRRD and Sliammon have worked together to try and better protect and preserve the area.

- **Thulin Passage:** An area that Sliammon has identified as having longer-term residential-recreation and tourism development opportunities should it become Treaty Settlement Land (TSL). It is in a relatively hard to access location with environmentally sensitive areas.
 - **Agricultural land:** Food security and the protection of agricultural land is an important consideration for both Sliammon and PRRD. The potential removal of ALR designated lands from TSL through treaty requires that the parties find other means of identifying, protecting and enhancing agricultural areas on TSL and in the larger region.
 - **Isolated parcels and boundary areas:** Should a Final Agreement come into force, some properties and small neighbourhoods of privately owned land may become isolated parcels, surrounded by TSL. Both parties recognized the importance of harmonizing planning and servicing in existing isolated neighbourhoods and buffer/boundary areas (e.g., Wilde Road, Craig Road, and Malaspina Road).
 - **Okeover Arm:** An inlet with many competing uses (i.e., mariculture vs. recreation vs. residential development) and multiple environmental concerns, including marine dumping, mariculture waste, leakage from residential septic fields, and pollution from abandoned log dumps.
 - **Hurtado Point:** Located close to Lund, the area is used by residents for recreational uses and contains environmentally sensitive areas. Sliammon has identified the area as having longer-term residential development potential should it become TSL.
 - **Savary Island:** Located off the coast of Lund, the island is a major recreational destination with limited services. Nearing development capacity, there are important Sliammon cultural and archaeological sites on the environmentally sensitive island.
 - **Lund:** There are four properties owned by Sliammon in the village of Lund that Sliammon is hoping to have converted to TSL. The so-called ‘Lund properties’ include a historic and popular hotel, a former marine shop and the former Community Hall. Lund is located on the site of an important and historic Sliammon village.
- **Land Use Planning/Harmonization Objectives:** The Steering Committee next reviewed a list of land use planning objectives pulled from existing PRRD and Sliammon planning documents and from previous the Steering Committee workshops. From these, a list of 11 consolidated objectives was developed and ranked by the Steering Committee. The rankings were based on the objective’s importance to land use planning and land use harmonization in the larger region. When ranking the objectives the committee members were asked to explain why they selected their top four ranked objectives and how the objectives could be realized through coordinated and harmonized land use planning. The top-five planning objectives (italicized and check-marked in the list) were used evaluate and assess the land use harmonization recommendations

<ul style="list-style-type: none"> ✓ <i>Improve intergovernmental planning</i> ✓ <i>Ensure accountability</i> ✓ <i>Promote transparency</i> ✓ <i>Protect and enhance the environment</i> ✓ <i>Build trust</i> 	<ul style="list-style-type: none"> - Preserve cultural and historical resources - Promote local economic development - Maintain vibrant community - Maintain tax revenues for servicing - Improve land-use planning capacity - Promote stakeholder input
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 - **Lund Properties Tenure Comparison:** The committee reviewed a chart that compared the differences between the Lund properties current status (i.e., fee simple property under the jurisdiction of PRRD) and its potential status as Treaty Settlement Land (i.e., fee simple property

under the jurisdiction of Sliammon. The comparison focused on six areas: ownership; governing authority and powers; property development process; applicable federal and provincial laws; property taxes, and; other taxes. The comparison is included in the appendix.

- Draft Recommendations:** Based on the ranked planning objectives, the project consultants worked with the Steering Committee to develop a set of draft recommendations to address the identified planning issues. Because of the unique position and complexities of the Lund Properties, they were reviewed separately from the other sites through a structured group discussion. The discussion centred on the prioritized planning objectives developed by the Stakeholder Committee and how they could be applied to the properties either as TSL or in their current form. To do this, a series of worksheets and poster-sized ‘decision trees’ were developed. The so-called decision trees illustrated the relationship of the planning objectives to the two land use scenarios (i.e., TSL or fee simple). Their use helped organize the Stakeholder Committee’s discussion so that the harmonization changes in either scenario could be more clearly visualized and understood.

The draft recommendations were presented to PRRD Board and Sliammon Chief and Council for their comment and feedback. No changes were made. The draft recommendations were then presented to the Lund and Sliammon communities for their input.

FIGURE 2: LUND AERIAL PHOTO AND MAP



As illustrated in the aerial photo, Sliammon’s properties in Lund (shaded red) are centrally located and occupy a significant portion of the Village Centre Zone (dashed line).

3. RECOMMENDATIONS

The Steering Committee developed 21 recommendations. Two types of recommendations were developed.

- **General Recommendations** apply to each of the specific geographic areas and the general planning issues (e.g., agricultural land) discussed during the project.
- **Site-specific Recommendations** deal with the specific geographic areas and/or issues explored during the project.

3.1 GENERAL RECOMMENDATIONS

The following general recommendations were agreed to in principal by the project's Steering Committee.

- A. Amend the 2004 Sliammon – PRRD Protocol Agreement for Communication and Cooperation to reflect the growing relationship between the parties and the joint recommendations stemming from the Harmonization Project.**

Rationale: The Protocol Agreement is an important document that is the basis for cooperative planning between Sliammon and PRRD. It is also “living document” that is meant to be revised from time to time by mutual consent.

- B. Activate the Government-to-Government Working Committee outlined in the Protocol Agreement for Communication and Cooperation.**

Rationale: All and any land use harmonization activities will require an active working group to discuss, coordinate and manage planning issues. To date, the Government-to-Government Working Committee has functioned in a very limited and ad hoc manner with no Terms of Reference. To keep the public up-to-date on the work of the committee, different methods of information sharing could be considered, including planning updates in existing newsletters (e.g., Peak, Area A Director's newsletter) and an annual 'Town Hall' meeting in Lund.

- C. Amend existing PRRD and Sliammon plans (*Lund and Savary Island Official Community Plans and the Sliammon Land and Resources Management Plan for TSL*) when practical and feasible.**

Rationale: The three plans are the principal land use policy documents in the region. Each will require some revisions when (and if) the Sliammon Final Agreement is signed. These revisions will be made when a policy amendment to any of the plans is required or a review process is initiated and will include the formal input and review of both Sliammon and PRRD. A number of specific amendments were suggested to clarify permitted uses, better acknowledge Sliammon's historical presence in the region, and improve the overall land use development process in the region.

- D. Utilize harmonization policies in Sliammon Draft Final Agreement where necessary.**

Rationale: Sliammon's draft treaty is a comprehensive document that includes a chapter on intergovernmental relations and land use harmonization. This chapter outlines areas where Sliammon can and should establish and maintain agreements with the PRRD that will help support land use harmonization and coordination in the region.

3.2 SITE-SPECIFIC RECOMMENDATIONS

The following site-specific recommendations were agreed to in principal by the project's Steering Committee. Please see the Figure 1 on page two of this report to locate the specific geographic areas.

- 1. Coode Peninsula**
 - 1.1** Resubmit joint-application to province to establish area as Wilderness Preservation Area
 - 1.2** Utilize *Sunshine Coast Strategic Land and Resource Plan (SLRP)* process to push re-designation of area as a Conservation Zone.
- 2 Thulin Passage**
 - 2.1** Revise *Sliammon Land & Resources Management Plan (Sliammon LRMP)* to include more detailed information on permitted uses, densities and design guidelines for TSL in Thulin Passage.
 - 2.2** Create Malaspina Peninsula Official Community Plan (OCP) for area between Powell River and Lund and some portions around the lower end of Okeover Arm.
- 3 Agricultural Land**
 - 3.1** Share results of agricultural studies carried out by Sliammon and, when completed, Powell River Economic Development Society's report.
- 4 Boundary Areas/Isolated Parcels**
 - 4.1** Map boundary areas between PRRD and Sliammon TSL.
 - 4.2** Consider using 'performance zoning' for boundary areas in a revised *Sliammon LRMP* and in any new Malaspina Peninsula OCP.¹
- 5 Okeover Arm**
 - 5.1** Recommend the province's 2004 *Malaspina-Okeover Coastal Plan* be amended/reopened to improve implementation measures and plan enforcement.
 - 5.2** Jointly pursue making Okeover Arm a 'No Dumping Zone' for marine users.
- 6 Hurtado Point**
 - 6.1** Revise *Sliammon LRMP* to include more detailed information on permitted uses, densities, protection of existing recreation uses in the area and public access to recreational amenities for TSL at Hurtado Point.
 - 6.2** The PRRD should designate compatible land uses on adjacent lands in any future Malaspina Peninsula OCP.
- 7 Savary Island**
 - 7.1** When a policy amendment to the Savary Island OCP is required or a review process is initiated, include a new section on Sliammon-PRRD relations that briefly summarizes Sliammon's historic and current use of Savary Island.
 - 7.2** If practical and feasible, consider land swaps or exchanges between PRRD, Sliammon and BC to protect Sliammon cultural and archaeological sites on Savary Island.

¹ Note: Unlike traditional zoning that specifies *what uses* land can be used for, performance zoning specifies *the intensity* of acceptable land uses and sets guidelines for the environmental, economic and social *performance* of parcels. Additional information is included in the appendix

8 Lund Properties

With the exception of recommendation 8.4, the following recommendations would apply whether or not the properties become TSL.

8.1 Jointly develop a Lund Village Centre Plan

Description: This plan would address the unique character of Lund's village centre and be the primary planning document for the area. The plan area would correspond with the area currently zoned Village Centre in the Lund OCP (See Figure 2, page 5). It would direct revisions to the *Lund OCP* and, in the event that the properties become TSL, the *Sliammon LRMP*. It would include details on a number of planning areas, including access, servicing and waterfront development guidelines.

8.2 Establish a Lund Planning Group

Description: A Lund village planning advisory group should be established to assist with the development of the Village Centre Plan. The planning group would include: one PRRD and one Sliammon staff member; one PRRD and one Sliammon political representative; representatives from Lund community organizations (e.g., Harbour Authority, Business Association, Water Board, and Community Association), and; residents-at-large from Lund and Sliammon. The Lund Planning Group would provide planning input and feedback on the Village Centre Plan and be advisory to the Working Committee. All meetings would be open to the public.

8.3 Establish Design Guidelines for Lund village centre

Description: As part of the Lund Village Plan, or as a stand-alone activity, design guidelines should be developed for the Lund village centre. The guidelines would help preserve the area's unique rural coastal character and qualities.

8.4 Service Agreement *if* the Lund Properties become TSL

Description: If the Lund Properties become TSL, a comprehensive Service Agreement will be required. The agreement would help ensure that appropriate service levels are maintained for the Lund Properties and that Sliammon participates equitably in the provision of services to the broader community, including important regional soft services like parks and recreation, fire protection and the hospital. The agreement would further ensure that any potential new development on the Lund Properties would not place undue strain on current infrastructure and that Sliammon contribute fairly to any potential expansion or improvement of existing services.

Owned and operated by Sliammon, the historic Lund Hotel is a major tourist destination and an important community amenity with its post office and general store.



3.3 PROPOSED IMPLEMENTATION SCHEDULE

The following section outlines a preliminary implementation schedule for the 21 recommendations that came out of the *Sliammon / Powell River Regional District Harmonization Project*. The final implementation schedule will be jointly determined by Sliammon Council and the PRRD Board following their formal acceptance of this report. Implementation phasing is broken into the following three general time lines:

- **Short-term:** June 2008 to March 2009
- **Medium-term:** April 2009 to March 2011
- **Long-term:** April 2011 and beyond

In determining the implementation schedule, the project consultants considered not only what activities would logically have to occur in advance of others, but also the following three key factors:

- **Capacity:** Both Sliammon and PRRD have small planning staffs with limited resources and considerable existing project loads. As many of the draft recommendations involve creating new plans (e.g., Malaspina OCP), considerable revisions to existing plans (e.g., Sliammon Land and Resource Management Plan), or the development of new planning frameworks (e.g., performance zoning), staff capacity to undertake new projects will necessarily be limited and/or external support may be required.
- **Funding:** Many of the recommendations are stand-alone projects that may require external grant funding and/or new internal budget allocations. Both take time and require staff resources. Some of the recommendations (e.g., development of a Malaspina Peninsula OCP) would be more costly to develop than others due to the scale and scope of work required.
- **Sliammon Final Treaty:** While it is expected that a final Agreement will be developed in the coming year, there is no firm timetable. Once, and if, this Agreement is negotiated it will then be voted on by Sliammon members in a referendum. There is no guarantee that it will be passed by members. While some recommendations would not be impacted, others are dependent upon negotiation and approval of a final treaty (e.g., revision of Sliammon Land and Resource Management Plan).

The phased recommendations on the table on the next page have been organized with these considerations in mind. They have also been organized under the different phase terms, so that those recommendations with no capacity, funding or treaty considerations have been brought ahead of those that are limited by these additional considerations.

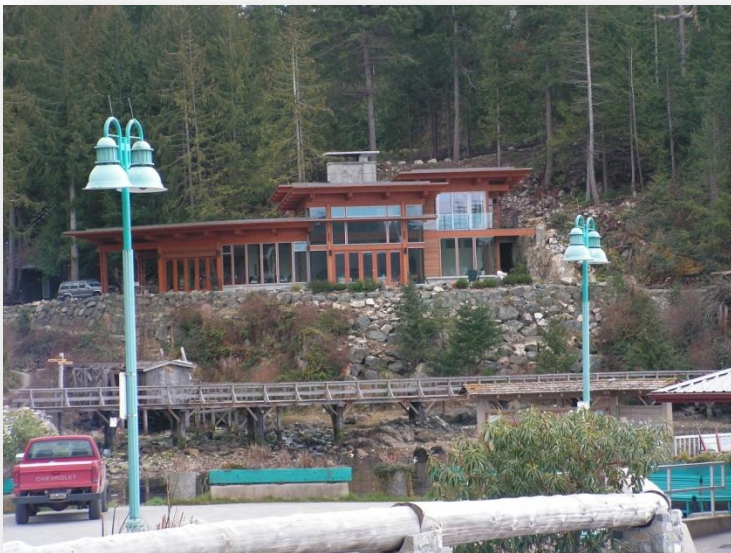
Recommendation A (*Amend existing PRRD and Sliammon plans when practical and feasible*) and Recommendation B (*Utilize harmonization policies in Sliammon Draft Final Agreement where necessary*) are not included on Table 1 on the next page. This is because both recommendations could occur in over the short-, medium- and long-terms depending upon circumstances.

Table 1: Recommendation Phasing

Recommendation		New funding required?	Final Treaty dependent?	Capacity Considerations?
Short term – June 2008 to March 2009				
A	Amend <i>Sliammon – PRRD Protocol Agreement for Communication and Cooperation</i>	No	No	No
B	Activate the Sliammon – PRRD working committee identified in the Protocol	No	No	No
1.1	Resubmit joint-application to establish Coode Peninsula as Wilderness Preservation Area	No	No	No
1.2	Use <i>SLRP</i> to push re-designation of Coode Peninsula area as a Wilderness Preservation Area	No	No	No
3.1	Share results of Sliammon agricultural studies and, when completed, PREDS report	No	No	No
5.2	Jointly pursue making Okeover Arm a 'No Dumping Zone' for marine users	No	No	No
Medium term – April 2009 to March 2011				
5.1	Recommend <i>Malaspina-Okeover Coastal Plan</i> be amended or reopened	No	No	Yes
8.2	Establish a Lund Planning Group	No	No	Yes
2.2	Create <i>Malaspina OCP</i> for the larger area	Yes	No	Yes
4.1	Map boundary areas between PRRD and Sliammon Treaty Settlement Land.	No	Yes	Yes
6.2	Designate compatible land uses on adjacent lands in the Hurtado Point area for any future <i>Malaspina Peninsula OCP</i>	Yes	Yes	No
8.1	Joint Lund Village Centre Plan	Yes	No	Yes
8.3	Establish Design Guidelines for Lund village centre	Yes	No	Yes
8.4	Develop Service Agreement <i>if</i> the Lund Properties become TSL	No	Yes	No
2.1	Revise <i>Sliammon LRMP</i> with info on permitted uses and design guidelines for the Thulin Passage area	Yes	Yes	Yes
4.2	Performance standards for boundary areas in a revised <i>Sliammon LRMP</i> and in any new <i>Malaspina Peninsula OCP</i>	Yes	Yes	Yes
6.1	Revise <i>Sliammon LRMP</i> with info on permitted uses, existing recreation uses and public access for the Hurtado Point area.	Yes	Yes	Yes

Table: Recommendation Phasing

Recommendation		New funding required?	Final Treaty dependent?	Capacity Considerations?
Long term – April 2011 and beyond				
7.1	Update <i>Savary Island OCP</i> with a new section on Sliammon-PRRD relations that briefly summarizes Sliammon’s historic and current use of Savary Island when an amendment is required	No	No	Yes
7.2	Consider land swaps or exchanges between PRRD, Sliammon and BC to protect cultural/archaeological sites on Savary Island	Yes	Yes	Yes



New residential development, like this modern house overlooking Lund harbour, is beginning to occur in the region with significant planning implications for both PRRD and Sliammon.

3.4 COMMUNITY INPUT

Two open houses were held in early April to present the draft recommendations to residents and Sliammon members. One open house was held in Sliammon, the other in Lund. Over 100 people attended the events over the two nights (40 in Sliammon and 65 in Lund).

Overall, community response was positive in both communities. There were some expectations, particularly in Lund, that the open house would be presenting development plans and/or land use plans for comment and feedback. Some people, understandably, had some initial difficulties in understanding that the draft recommendations were all process oriented (i.e., they were about ‘planning to plan’ and not physical land use plans themselves). The open houses clearly indicated that Sliammon members and PRRD residents want to be involved in land use planning when it does occur.

The table below summarizes the results of a simple questionnaire that was distributed at the open houses. Given the small number of questionnaires that were completed (33), the summary table below is included only for general information purposes and does not constitute a statistically valid sample size. As it shows, the majority of respondents either support “all” or “some of” the draft recommendations. A very small percentage (2%) did not know or needed more information. The draft recommendations around isolated parcels and boundary areas (7.1, 7.2) and agricultural lands, particularly the maintenance of Agricultural Land Reserve designations on TSL lands (6.1, 6.2) generated the most comments.

Table: Open House Questionnaire Summary

1. Resident of	Sliammon	Lund	Total	% of total
Lund	0	8	8	24%
Sliammon	17	0	17	52%
Somewhere else between Lund and Powell River	5	3	8	24%
2. Heard about open house via				
Electoral Area A Director’s Newsletter	1	7	8	25%
Sliammon Newsletter	8	0	8	25%
Community poster	4	2	6	19%
Word of mouth	5	1	6	19%
Peak Newspaper	1	3	4	13%
3. Do you support the Draft Recommendations?				
Yes	11	4	15	48%
No	0	0	0	0%
Some	8	6	14	45%
Don't Know	2	0	2	6%
5. How satisfied were you with the information at the open house?				
1 Not satisfied	2	0	2	8%
2	0	0	0	0%
3	0	3	3	12%
4	6	4	10	40%
5 Very satisfied	10	0	10	40%

Lund Open House



4. APPENDICES

APPENDIX A

Sliammon First Nation / Powell River Regional District Harmonization Project Steering Committee – Terms of Reference December 2007

Purpose

The Steering Committee is a volunteer committee that will give advice, assistance and feedback to the project consultants, EcoPlan International (EPI), to carry out the *Sliammon First Nation / Powell River Regional District Harmonization Project*.

The Steering Committee's work builds on the *Protocol Agreement for Communication and Cooperation* that was signed by the Powell River Regional District (PRRD) and Tla'amin First Nation (Sliammon) in December 2004. Specifically, the Steering Committee will review, compare and analyze land use planning issues in the region between Lund and Powell River, including Savary Island and Thulin Passage.

Working with the project consultant and in respect of the principles of cooperation and shared values outlined in the *Protocol Agreement for Communication and Cooperation*, the Steering Committee will focus on identifying options and opportunities for coordinating and harmonizing land use planning policies between the Lund Official Community Plan and Sliammon Land Use Plans, including Sliammon's Comprehensive Community Plan and the Land & Water Use Plan for Tla'amin Traditional Territory.

The Steering Committee is advisory and has no delegated authority from either Sliammon First Nation Chief and Council or the PRRD Board.

Membership

The committee consists of six representatives. This includes two Sliammon First Nation senior staff, two senior staff from the Powell River Regional District and one elected representative from each organization. Members shall be committed to building on government-to-government work that Sliammon and PRRD have already carried out.

Responsibilities

The core responsibilities of the Sliammon First Nation / Powell River Regional District Harmonization Project Steering Committee are:

- To give advice to EPI on local planning issues of shared importance in the area between Lund and Powell River and to act as a resource to EPI on the planning, development and implementation of the Sliammon First Nation / Powell River Regional District Harmonization Project.
- To exchange ideas, opportunities and concerns related to the development of the Sliammon First Nation / Powell River Regional District Harmonization Project.
- To act as "community ambassadors" by helping to communicate the planning process and its outcomes to the broader Sliammon-PRRD communities, both informally and through other project communications (e.g., in interviews on the project website, etc.).
- To review and provide feedback as to whether Sliammon First Nation and PRRD's issues are adequately reflected in materials prepared in support of the project's Land Use Harmonization Report (which may include: background reports; public, stakeholder, and agency representations and submissions; content and policy directions; and drafts of the Plan).

Steering Committee members need to be committed to the Land Use Harmonization process, regularly attend meetings, take part in some of the public outreach events, and read the materials sent out in advance of the meetings to help provide informed feedback.

Process

The Steering Committee will meet every three to six weeks throughout the short planning process. Members will be given sufficient notice of any meeting and will receive an agenda and background material prior to the meeting. Meeting minutes will be kept and Members will be encouraged to contribute to the agenda.

Lund Tenure Comparison

	FEE SIMPLE	TREATY SETTLEMENT LAND
Ownership	- Owned fee simple by 593035 BC Ltd.	- Owned fee simple by 593035 BC Ltd.
	- Property and interests in property may be bought or sold to any person	- Property and interests in property may be bought or sold to any person
Governing authority & powers	- PRRD	- Sliammon
	- PRRD may make by-laws and regulations with respect zoning and development through OCP	- Sliammon may make laws and regulations with respect to zoning and development (Land Code)
	- May be expropriated for public purposes and public works (subject to strict guidelines, Expropriation Act)	- May be expropriated for public purposes and public works (subject to strict regulations, Sliammon Treaty)
Property development process	- No current development controls (no zoning or regulations or development permit/building permit required)	- Very limited current development controls (building permit required, but no zoning or regulations)
	- Controls and regulations could be developed through OCP amendment	- Controls and regulations will be developed post-treaty through Land Code
	- Permission required for Lund sewer and water hook-up	- Permission required for Lund sewer and water hook-up
	- Ministry of Transportation 'Access Permit' may be required and right-of-way setbacks to be followed	- Ministry of Transportation 'Access Permit' may be required and right-of-way setbacks to be followed
Applicable laws (Federal & Provincial)	- Canadian Charter of Rights and Freedoms and Criminal Code apply	- Canadian Charter of Rights and Freedoms and Criminal Code apply
	- Subject to all federal and provincial laws	- Subject to all federal and provincial laws (where not superseded by Sliammon law)
	- Subject to provincial health and safety regulations and occupational health standards	- Subject to provincial health and safety regulations and occupational health standards
Taxes - property	- Taxes/utility fees paid at rates established by PRRD	- Taxes/utility fees at rates established by Sliammon Land and Tax Authority (based on Treaty and through Service Agreement)
	- All applicable PRRD services and utilities included in taxes	- Negotiated additional tax amounts for relevant 'soft' services (e.g., parks, cemetery, waste management, Northside Fire Dept., etc.) as determined by Service Agreement
	- Based on BC Assessment Authority assessments	- Based on BC Assessment Authority assessments (pending treaty)
	- Taxes collected by Surveyor of Taxes	- Taxes collected by Surveyor of Taxes
Taxes - other	- GST and PST charged on applicable services and goods	- GST and PST charged on applicable services and goods
	- GST and PST revenues to federal and provincial government	- Pending treaty, 100% GST and 50% PST returned to Sliammon
	- Payroll, excise/hidden (e.g. alcohol), hotel, corporate taxes paid	- Payroll, excise/hidden (e.g. alcohol), hotel, corporate taxes paid

APPENDIX C

Performance-Based Zoning

"Performance zoning" is an alternative to traditional land use zoning. Whereas traditional land use zoning specifies what uses land can be put to within specified districts, performance zoning specifies the intensity of land use that is acceptable. In other words, it deals not with the use of a parcel, but the performance of a parcel and how it impacts surrounding areas.

Advantages and disadvantages

There are advantages to the performance zoning approach. In some ways it requires less administrative involvement, since variances, appeals and re-zonings are not necessary. It also gives more flexibility both to the municipality and to the developer, allowing more of a range of land uses, as long as their impact is not negative. This allows for more innovation and the incorporation of new technologies that may not be accommodated in more traditional zoning ordinances. This encourages more communication between the public and private sectors.

Also, performance zoning is more effective in the preservation of natural features, since it evaluates directly the impact, rather than indirectly through listing permitted and denied uses.

A primary disadvantage of performance zoning is that as a result of its flexibility it is subject to a steeper learning curve. In traditional ordinances, land uses are listed as absolutes--either allowed or not allowed. Under performance zoning uses are determined through sometimes confusing calculations of a variety of factors. This requires local zoning administrators to be more adept at making appropriate and fair determinations based on sometimes subjective criteria, and can lead to more legal challenges.

What is best?

Studies have indicated perhaps the best approach to zoning is a combination of traditional zoning and performance zoning. Including components of performance zoning could encourage the following:

- Establishing a community vision;
- Greater involvement and participation of all stakeholders in the community;
- Protecting and preserving the environment;
- More collaborative rather than confrontational planning processes;
- Conditionally approving developments at a higher level;
- Reducing the number of districts; and
- Re-engineering existing systems to remove obstacles to quick approvals, new designs and building technologies.¹

¹"Performance-Based Zoning Model." <http://www.steppingstones.ca/library/pbzone.htm>, 29 Sept. 1998.

Performance Zoning

Performance Zoning was created in 1973 in Bucks County, Pennsylvania, and has since been successfully implemented and continually refined. Performance Zoning differs from all other forms of zoning (Euclidian/Cookie Cutter, Conditional, and Form-Based) because it is based on standards designed specifically to meet a wide range of established goals. For instance, rather than using a conventional land use map with well intended transition districts or a conditional approval process in an attempt to avoid land use conflicts through rezoning and lengthy use restrictions or public hearing processes, Performance Zoning directly addresses conflicts in use by implementing design standards that eliminate and/or mitigate such conflicts. Performance Zoning is designed to evaluate the context and compatibility of uses within their environment, as opposed to whether or not a use should be permitted. The premise of Performance Zoning is that land use is irrelevant when it is designed to respect the built and natural environments. In fact, it is not the use itself that determines compatibility; instead, it is the design and intensity of the use, which may be effectively addressed by performance standards.

From its inception, Performance Zoning was designed to provide flexibility to designers and site planners, while ensuring quality outcomes. It addresses all aspects of design, not just architecture or building form. It is designed to ensure the protection of natural resources and allow developers the necessary flexibility to design with the environment while, at the same time, meeting their interests. Performance Zoning is also based on the protection and enhancement of community and development character for all types of communities (urban, suburban, or rural) while promoting diversity and affordability in housing.

Project Example

Protection of the Casper Aquifer: Laramie, Wyoming. The Casper Aquifer is designated as a sole source of drinking water for both City and County residents. An aquifer protection overlay district provided some level of protection by prohibiting certain uses, requiring setbacks from vulnerable features, and establishing standards for treatment systems. However, the underlying zoning allowed five-acre development across the protection area. Through the imposition of performance standards, the protection area was proposed for countryside development with mandatory clustering, which, in effect, shifts development to a less sensitive portion of a site, while maintaining an equivalent density, or increased density, as a bonus for compliance. The use of quantifiable standards such as ratios for open space, impervious cover, and floor area ensures the protection of the rural character, while also measuring the impacts. Such appreciation maximizes the amount of preserved open space and, hence, area for recharge; greatly improves the efficiency of utility provision; and minimizes impervious cover, contamination levels, and water consumption.

Sources:

http://planningwiki.cyburbia.org/Performance_zoning

<http://www.smartcommunities.ncat.org/codes/bucks.shtml>