

Incremental Planning: The Tsawwassen First Nation Experience

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The idea is to integrate and not assimilate, finding balance between challenging interests, and arriving at a healthy and desirable place to live for my community and our welcomed investors.

Chief Kim Baird, August, 2012

ABSTRACT

In terms of community planning in Canada, it can easily be argued that the Tsawwassen First Nation in British Columbia is undergoing one of the most challenging processes in present-day planning practice. Since the signing of the *Tsawwassen First Nation Final Agreement* — the first contemporary urban treaty in the country, several economic development activities have been negotiated, all within a comprehensive land use planning strategy initiated by Tsawwassen Chief Kim Baird, that can only be referred to as ‘innovative’ and ‘bold’. Several multimillion dollar projects are in the works, including a four hundred (400) million dollar shopping mall, an inland port, and a series of subdivisions that will eventually accommodate 4,000 new residents.

The planning process of integrating the First Nation lands within a peri-urban framework, all-the-while maintaining a progressive, jurisdictional approach that places traditional values, transparency and community well-being at the forefront of a list of several important and at times competing planning tenets, is, at best, ambitious. The objective, to Chief Baird, is to create an economy that welcomes investment, all-the-while attracting families, within a First Nation regime that is fair to all stakeholders.

The journey has been a long one, having its roots in colonial times, with the Chief’s great grand-father’s eventual address to the McKenna-McBride Commission, adhering to the British Columbia Treaty Commission’s Treaty Process, becoming a signatory to the *Framework Agreement on First Nation Lands Management*, and culminating in what would arguably be the most significant urban treaty in Canadian history — the *Tsawwassen First Nation Final Agreement*. The whole has provided for a complex blend of lands whose uses together must satisfy needs that extend from the culturally important past into an economically viable future. The land use planning process for this very special set of lands and stakeholders is therefore not straightforward, having required an incremental approach that is novel and worth consideration for other communities undergoing rapid change.

“...I beg to introduce to you the bearer of this, the chief of the Tchwassen village. He and His people are very anxious to see their reservation staked out by the government....”

Father L. Fouquet, Oblate Missionary, 1865¹

Introduction

Situated within the Greater Vancouver region of British Columbia’s lower mainland, the Tsawwassen First Nation is poised to become one of the area’s principle actors in the realm of economic development. Since the signing of the *Tsawwassen First Nation Final Agreement* — the first contemporary urban treaty in the country, several economic development activities have been negotiated, all within a comprehensive land use planning strategy that was initiated by former Chief Kim Baird, that can only be referred to as ‘innovative’ and ‘bold’.² Several multimillion dollar projects are in the works, including a four hundred (400) million dollar shopping mall, an inland port, and a series of subdivisions that will eventually accommodate 4,000 new residents. In terms of community planning in Canada, it can readily be argued that the Tsawwassen First Nation is undergoing one of the most challenging processes in present-day planning practice. The planning process of integrating the First Nation lands within a peri-urban framework, all-the-while maintaining a progressive, jurisdictional approach that places traditional values, transparency and community well-being at the forefront of a list of several important and at times competing planning tenets, is ambitious, to say the least. The objective, to former Chief Baird, is to create an economy that welcomes investment, all-the-while attracting families, within a First Nation regime that is fair to all stakeholders.

The journey has been a long one, having its roots in early colonial times, with the former Chief’s great grand-father’s eventual address to the McKenna-McBride Commission, adhering to the British Columbia Treaty Commission’s Treaty Process, becoming a signatory to the *Framework Agreement on First Nation Lands Management*, and culminating in what would arguably be one of the most significant urban treaties in Canadian history. The whole has provided for a complex blend of lands whose uses together must satisfy needs that extend from the culturally important past into an economically viable future. The land use planning process for this very special set of lands and stakeholders is therefore not straightforward, having required an incremental approach that is novel and worth consideration for other communities undergoing rapid change.

By the time the above quoted letter of Oblate missionary Fouquet reached the Lands and Works Department in New Westminster in 1865, colonial activities were already shaping what would become the Tsawwassen reserve. As early as 1860, we get a glimpse of part of the difficulties when settlers were removing official markers of Indians lands: In a letter by

¹ Father L. Fouquet, letter sent to the Lands and Work Department in New Westminster, August 15, 1865. British Columbia Public Archives Document File Number B1328.

² Chief Baird was in office from 1999 to 2012.

the Chief Commissioner of Lands and Works, R. Moody, for example, we find him referring to an incident during which parcel boundary posts installed on a previous day had been removed by a settler who had installed a fence to mark the same lands as his own.³ Father Fouquet certainly saw urgency in establishing a set parcel of land for the Tsawwassen people: Pre-emption, the mechanism through which lands could be appropriated by colonials, was rapidly locking away lands around the traditional Tsawwassen village near the southern reaches of the expanse between the mouth of the Fraser River and Point Roberts.⁴ The latter process was closed to indigenous people and as lands became tied to others, it became urgent for an official survey of the reserve to be carried out. The reserve's external boundaries were set in 1871,⁵ and the Tsawwassen reserve was formally established at 290 hectares, without any detailed consideration for site actualities or community needs (Figure 1).⁶ This was typical of reserve surveying, leaving descendants of aboriginal populations across Canada to fight for land rights for generations to follow. Later, in 1914, Tsawwassen Chief Harry Joe appealed to the McKenna-McBride Commission for additional lands, but was refused. Chief Joe would not live to see the results of what he had initiated, but his great grand-daughter, former Chief Kim Baird, would lead her community in a set of actions that would include adherence to the *Framework Agreement on First Nation Land Management* (the *Framework Agreement*)⁷, and culminating into what would become known as the *Tsawwassen First Nation Final Agreement*,⁸ which would include a set of lands — the Tsawwassen Treaty Settlement Lands, comprising 724 hectares.

The land considerations within the treaty negotiations and the resulting treaty were complex, with several stakeholders and competing needs. Within the regional context, the land base is relatively small: Land for economic development opportunities including com-

³ Letter dated April 5, 1860, from R. Moody, Chief Commissioner of Lands and Works, to the Attorney General; British Columbia Public Archives Document File Number F920, 37A, B1337. See also a related letter in which the settler undertakes to respect the same boundaries (document has no date); British Columbia Public Archives Document File Number F920, 37A, B1337.

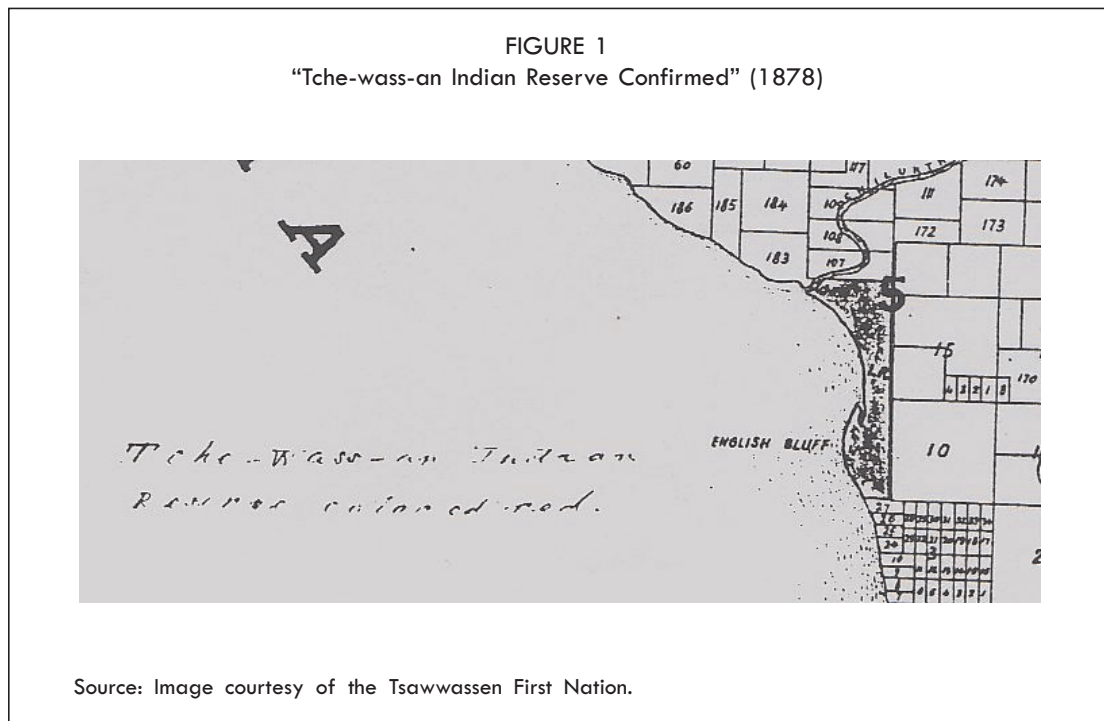
⁴ The Tsawwassen Traditional Territory is vast: It is bordered on the north-east by the watersheds which feed into Pitt Lake and follows the course of the Pitt River to Pitt Meadows where it empties into the Fraser River. It includes the portion of New Westminster along the Fraser River, and follows the outflow of the Fraser just south of Sea Island. From Sea Island it cuts across the Strait of Georgia to Galliano Island. It includes all of Saltspring Island. The western border is Sampson Narrows. It runs between Saltspring Island and the Saanich Peninsula in Satellite Channel, then heads north to Swanson Channel, and includes Pender and then Saturna Island heading south to Boundary Pass. At the northern extremity of Boundary Pass, the boundary of the territory heads directly north-east to White Rock. It misses the watershed of the Campbell River as we move north to Aldergrove. From Aldergrove, the territory winds north including the watersheds of the Serpentine and Nicomekl Rivers, until it reaches Pitt Meadows again. Much, although not all, of the territory has become urbanized. A great deal of it is now agricultural, while some areas around Pitt Lake remain heavily forested. For a detailed analysis of the territory, see Daniel M. Millette, "Reconstructing Culture: A Traditional Use Study of the Tsawwassen First Nation", (Delta: Tsawwassen First Nation and British Columbia Ministry of Forests, 1998).

⁵ British Columbia Papers — Indian Land Question 1850–1875 (Victoria: R. Wolfenden, 1875). p. 92.

⁶ Figure 1, courtesy of the Tsawwassen First Nation archives; Figures 2, 3 and 5, by author; Figure 4, courtesy of Tsawwassen First Nation (Land Use Plan by Daniel M. Millette, RPP, MCIP); Figure 6, courtesy of Tsawwassen First Nation (Neighborhood Context Plan by AECOM); Figure 7 courtesy of Tsawwassen First Nation <http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Information-Centre/Strategic-Planning/Land_Use_Concept_2011.pdf> (Neighborhood Plan by AECOM).

⁷ The Tsawwassen First Nation became a signatory to the Framework Agreement on First Nation Land Management in 2003, enacting its Land Code in 2005.

⁸ The Tsawwassen First Nation Final Agreement was enacted in 2009.



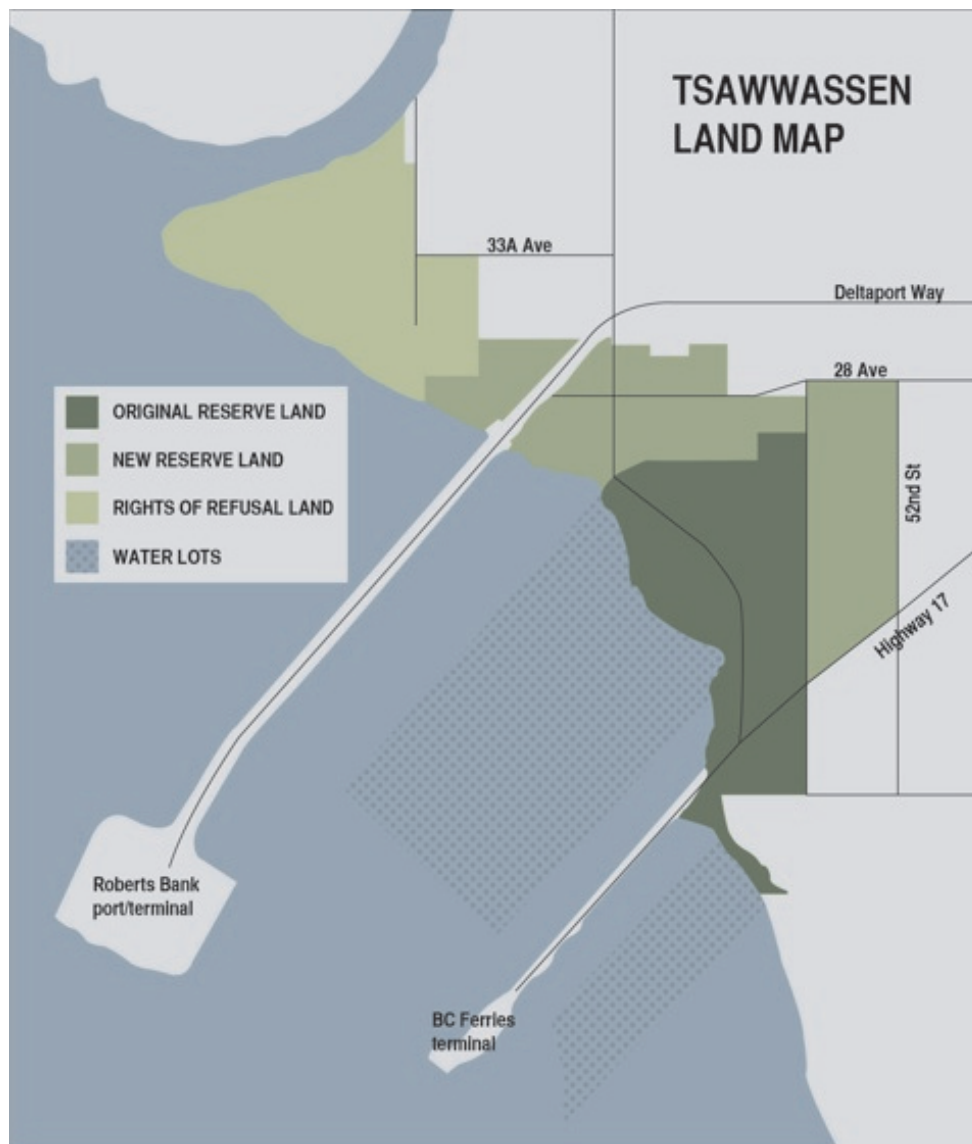
mercial uses, market housing, and housing for Tsawwassen community members was required. All of the lands are vital in terms of Tsawwassen heritage, with archaeological evidence dating occupancy to, depending on interpretation, between 4,000 and 9,000 years; heritage sites therefore required assessment and protection.⁹ At the same time, approximately half the pre-existing Agricultural Land Reserve (ALR) lands remained within the land use designation, and the other half removed. And added to the complexities, public misconceptions with issues such as consideration for what was, at the time, the potential expansion of the neighbouring port cluttered the process.¹⁰ The end result is a 'new' Tsawwassen land base that straddles two strategic road accesses: Highway 17 leading to the Tsawwassen Ferry Terminal, and Deltaport Way, leading to the Roberts Bank port and terminal; a railway corridor also links the lands to the broader national and international transportation networks (Figure 2). All of the lands have been transferred in "fee simple" to the Tsawwassen First Nation, with Certificate of Possession (CP) lands registered within the provincial land title registry.¹¹ The whole is a complex blend of lands whose uses together must satisfy needs

⁹ See ARCAS Consulting Archaeologists. *Archaeological Investigations at Tsawwassen, BC. Volumes I-IV*. Delta. 1992-1996.

¹⁰ The Deltaport Roberts Bank Container Terminal was built in 1970, with expansions in 1983-1984, 1997 and 2010. In 2004, outside of the treaty negotiation process, Chief Baird negotiated an agreement with the Vancouver Port Authority in its one (1) billion dollar plans to expand the port, for compensation and employment for her people.

¹¹ A "Certificate of Possession" (CP) is documentary evidence of a First Nation member's lawful possession of Reserve lands pursuant to the Indian Act. The Government of Canada retains legal title to the land. The CP holder is entitled to the use of the land, and rights are transferable by sale or bequeath to another First Nation individual.

FIGURE 2
Tsawwassen Final Agreement Lands



Source: Image prepared by author.

that extend from the culturally significant past into an economically viable future. The land use planning process for this very special set of lands is therefore not straightforward, having required an incremental approach that is novel and worth consideration for other communities undergoing similar, rapid change.

The Challenge

Dating back at least fifteen (15) years, former Chief Baird realized that regional-locational advantages would be central to her community's need to generate long-term community sustainability. As treaty negotiations progressed, so too did the frequency with which economic development opportunities increase. Negotiations for example, with the development of Deltaport's Roberts Bank forty-seven (47) million dollar container terminal were well underway during treaty negotiations and the resultant agreement would have to be fit within any land use planning process. At the same time, other entities competed 'against' any pondered economic development considerations: The Agricultural Land Commission, for instance, highlighted the ALR designation over much of the proposed treaty settlement lands. And other groups signalled their interests such as those protecting migratory bird corridors and nesting grounds. Regionally, the Greater Vancouver Regional District (GVRD) was working on its own regional planning strategy — the "Liveable Region Strategy", initially hoping to include the Tsawwassen First Nation's lands as green space and farmland. And the neighbouring municipality of Delta was concerned over potential growth, given its stated limited servicing capacities. Internally, within the Tsawwassen First Nation community, several voices were making themselves heard: Certificate of Possession (CP) holders vied for development opportunities, while non-CP holders raised concerns over potentially rapid development; both groups wanted the inclusion of community amenities and culture and traditional values to be at the core, while the same two groups wanted a planning process through which all members would be included. Land use planning was thus central to any treaty outcome and it became clear that whatever the process, it would have to be inclusive of "all" interested parties, with the Tsawwassen First Nation members guiding it.¹²

The community planning process that was ultimately devised was an incremental and cumulative one, beginning with the powers acquired as signatory to the *Framework Agreement* and eventually, as a partner with Canada in the *Tsawwassen First Nation Final Agreement*.

The Tsawwassen Land Use Plan: The *Framework Agreement on First Nation Lands Management*

In 2003, Tsawwassen Chief and Council decided that, while persistently negotiating within the British Columbia Treaty Process, the First Nation would become a signatory to the *Framework Agreement*, enabling a Land Code to be developed, complete with a set of community-specific laws that would help govern over the nation's lands.¹³ The Chief and her Council felt that the nation should broaden its jurisdiction in the absence of what the treaty had thus far accomplished. Key is that the *Framework Agreement* is an innovative

¹² For an example of the complexities involved in planning municipal lands where Indian Act reserves have been surveyed, see Jordan Stanger-Ross, "Municipal Colonialism in Vancouver: City Planning and Conflict over Indian Reserves, 1928–1950s" in *The Canadian Historical Review*, 2008, Volume 89, Number 4, pp. 541–580.

¹³ The *Framework Agreement on First Nations Lands Management* was signed by thirteen First Nations and Canada on February 12, 1996. It is ratified by individual First Nations and brought into effect by Canada in the *First Nations Land Management Act*, assented to June 17, 1999. For the full text of the *First Nations Lands Management Act*, see <<http://laws.justice.gc.ca/eng/F-11.8/page-1.html>>.

agreement offering the opportunity for First Nation jurisdiction and control (legal authority) over reserve lands and resources to First Nations who become signatories to it; at a minimum, this removes some twenty-five (25) percent of the *Indian Act* provisions over the First Nation, and thus provides the nation with much greater flexibility in terms of lands governance, including the efficient and immediate development of an type of land related plan.¹⁴ Signatory First Nations take the necessary steps to ratify the *Framework Agreement* through the drafting and enacting of a Land Code and by proceeding to reassume control over their lands and resources.¹⁵ For the Tsawwassen First Nation, this would on the one hand represent a major step towards lands governance autonomy, all-the-while establishing a minimum threshold in terms of negotiating lands management and governance within the treaty; nowhere, outside of a few modern treaties and self-governing agreements do we find more First Nation autonomy for the governance over reserve lands in Canada. First Nations operating under the *Framework Agreement* can define land use planning processes that can be managed internally and be completely controlled by the same community. This can include any planning process that the First Nation might chose, such an approach that might consider traditional planning concepts blended with western planning principles that together can result in a land use plan that corresponds more closely to the First Nation's planning ideals.¹⁶

Operating under the *Framework Agreement*, community involvement in developing a land use plan is of key importance: For the Tsawwassen First Nation, while a significant amount of reserve lands were held by Certificates of Possession, the nation's Chief and Council wanted as much community member involvement as possible. At the same time, there were treaty negotiating assessments required: Would the proposed set of treaty lands be adequate for the Tsawwassen First Nation community needs? Thus the land planning exercise comprised of actual planning, paralleled by hypothetical planning in order to 'test' treaty possibilities. The resulting process is outlined in Figure 3.

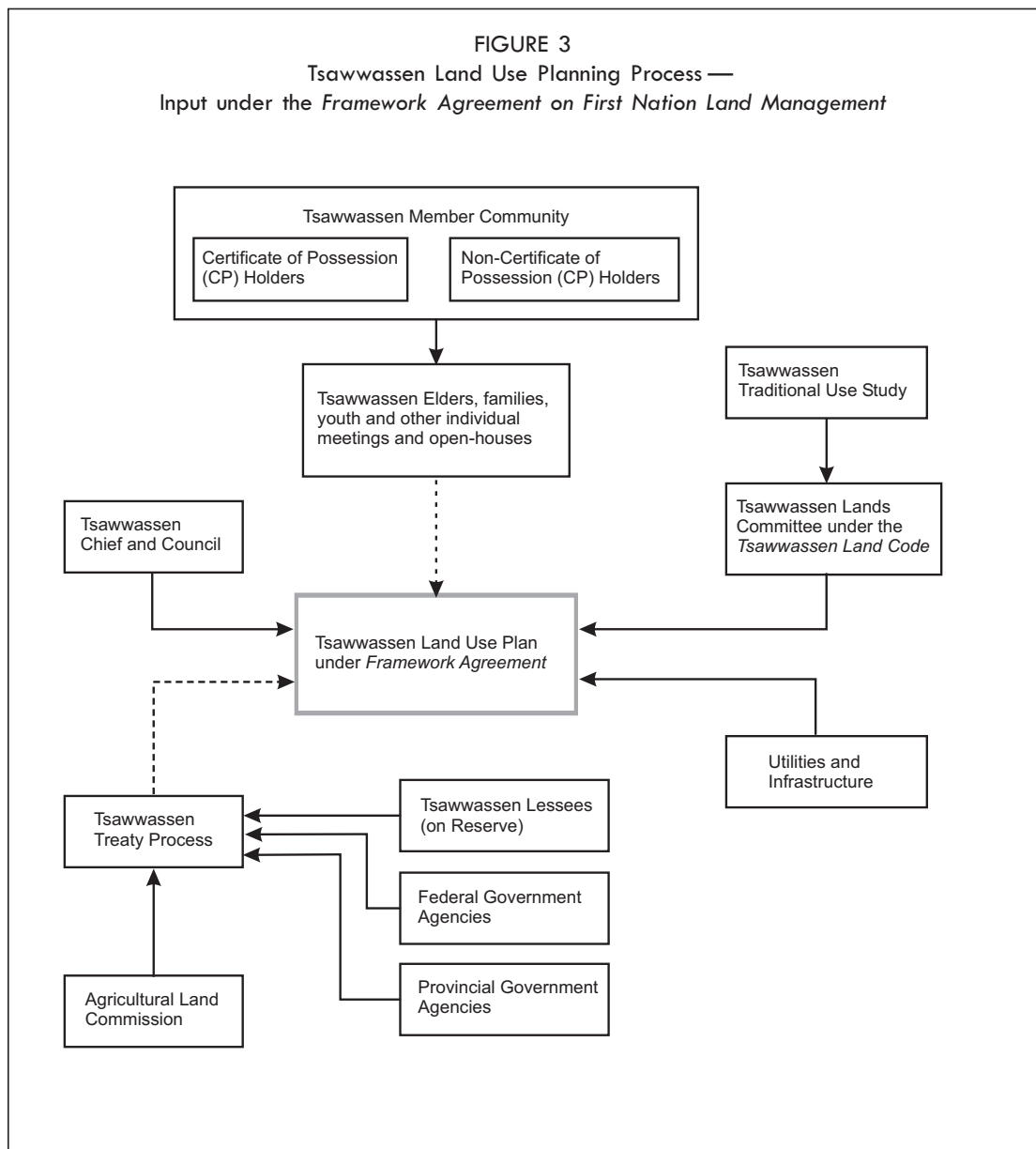
Community input was inclusive, with several overlapping opportunities for Tsawwassen members, whether Certificate of Possession holders or not, to provide comments or land use suggestions.¹⁷ In this way, Tsawwassen Elders, youth, Chief and Council, families and indi-

¹⁴ There are several (land) aspects that underlie the Framework Agreement, including: The removal of reserve lands from the Indian Act and establishing community control over First Nation land management and governance, increased accountability to members of the First Nation, more efficient management of First Nation lands, the transfer by Canada of previous land revenues to the First Nation, the ability of the First Nation to protect the environment, the ability of the First nation to address rules related to land during marriage breakdowns, the recognition of significant law-making powers respecting First Nation lands, the removal of the need to obtain Ministerial approval for First Nation land related laws, the recognition in Canadian courts of First Nation laws, the ability to create local dispute resolution processes, the establishment of a legal registry system, and, the establishment of a First Nation run Lands Advisory Board to provide technical assistance. The Framework Agreement applies to existing reserve lands including natural resources (except for oil and gas, migratory birds, fish and atomic energy).

¹⁵ As the First Nation's principle land law, the Land Code becomes the document that enables the same First Nation to pass further land laws, including land use related laws and any associated policies and land governance processes.

¹⁶ For a discussion on a theoretical approach ('blended planning approach'), see Daniel M. Millette. "Land Use Planning on Aboriginal Lands — Towards a New Model for Planning on Reserve Lands. In *Canadian Journal of Urban Research*, 2012, Volume 20, Number 2, pp. 20–35.

¹⁷ For a discussion on the positive results in inclusive community participation, see Sheeri Torjmann and Ann Makhoul, *Community-Led Development* (Ottawa: Institute of Social Policy. 2012).



viduals were invited to participate.¹⁸ Thus, the first level of opportunity for community input took place at community meetings, open to all Tsawwassen members. The information was generally channelled through a Lands Committee, with the planner in attendance at meetings, recording community member suggestions and comments.¹⁹ The Lands Committee comprised of representative community groups — families, Elders, youths, Chief and Council members, CP holders, and non-CP holders. The composition of the same committee

¹⁸ The pre-Treaty lands of the Tsawwassen First Nation reserve comprised of over 85% lands held by Certificate of Possession.

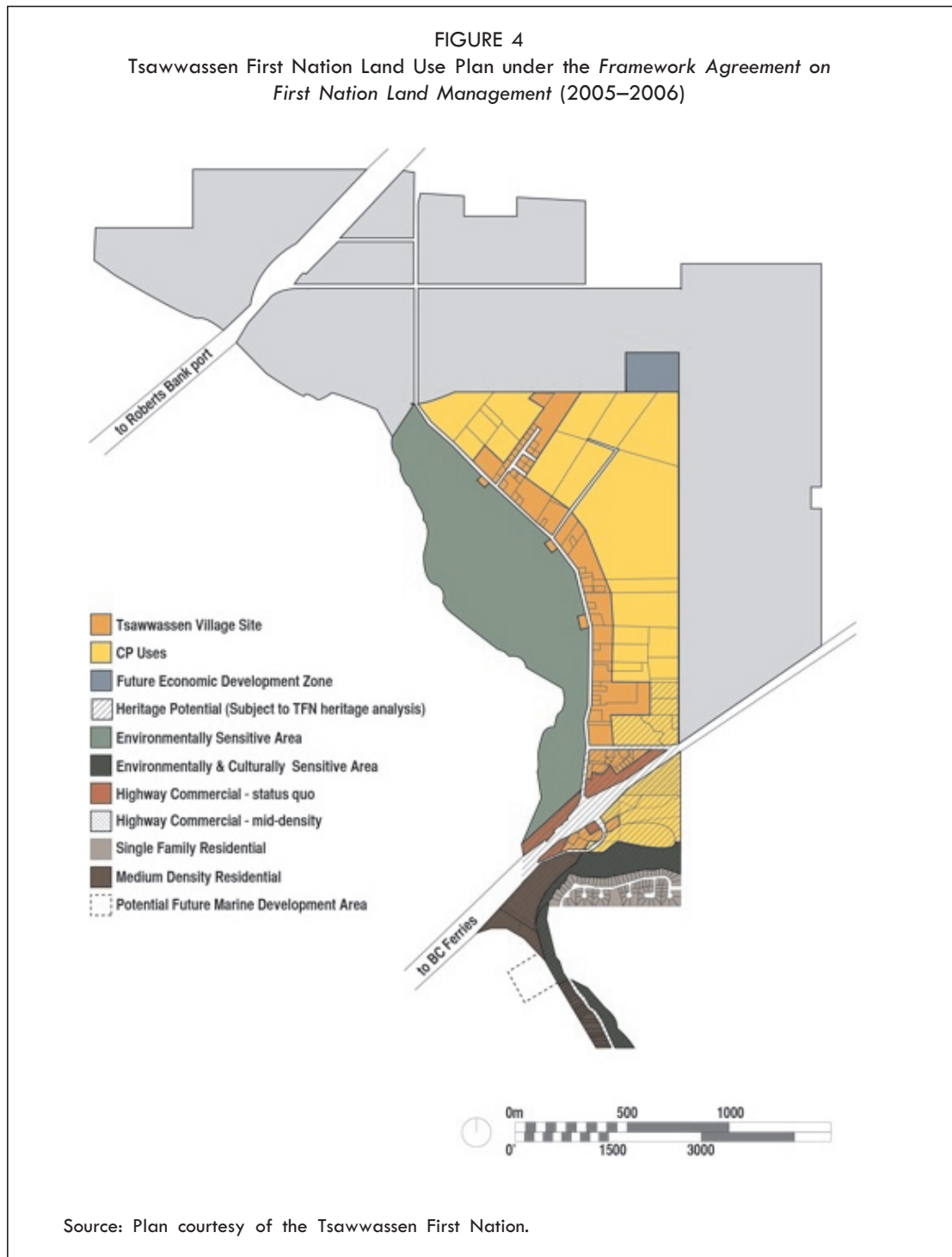
¹⁹ Through its Land Code, the community had established a Lands Committee which, for the development of this particular Land Use Plan, served as a steering committee, with direct input to the Planner.

therefore made it relatively straight-forward to facilitate consultation meetings between the different community components. Family meetings, for example, were arranged by the corresponding family members on the Lands Committee. Similarly, meetings with individuals who may or may not have wanted to be 'public' with their land use ideas, were facilitated by the Lands Committee. Chief and Council, although directly providing input to the planner, were connected to the Lands Committee with one member of Chief and Council being a member of the Lands Committee. A comprehensive Traditional Use Study, undertaken earlier, also informed the process in terms of Traditional Use Sites and heritage values.²⁰ Related to what were at the time intense treaty negotiations, the planning process also included a component whereby specific treaty (land) options were discussed and tested. Options and considerations based on Federal Government agencies, Provincial Government agencies were explored within the process; this included what were reserve lands at the time, as well as what were then "potential treaty settlement lands". As the Agricultural Land Commission's mandate applied to some of the lands under consideration for treaty, commission staff were also provided with opportunity for comments. Finally, the planner, assisted by a community member, dealt directly with public utilities, servicing and infrastructure.

The process therefore focussed on inclusiveness on as many levels as possible, all-the-while operating as a test site for the more expansive set of lands that might eventually come through treaty. In essence, the land use planning process developed under the *Framework Agreement* was devised in part to accommodate what were largely unknowns: CP holder agreements with third parties, port expansion details, potential commercial interests, and so on. The land use plan that was therefore generated from the process was the first phase of the broader process (Figure 4). Within the reserve lands, and recognizing that because there had never been a detailed land use plan,²¹ one section of the reserve lands was grandfathered within what is referred to as "Tsawwassen Village Site". Fronting the same zone is the foreshore, designated as an "Environmentally Sensitive" zone. In effect, much of the area is a marsh that had cumulated over several decades due to the two causeways leading to the coal / container port to the north, and the British Columbia Ferries terminal to the south. Another zone was designated as "Environmentally and Culturally Sensitive", sited along the slope of the bluff (English Bluff). One slightly controversial zone was the "CP Uses" zone. This was a somewhat temporary compromise agreed to by the parties, given the economic development potential of the land coupled to the strategic realities of treaty negotiations. The precise types of land uses for this zone were therefore undetermined at the time of the land use plan development, although it was agreed that specific uses would have to be approved on a case-by-case basis prior to any development taking place. Along the highway leading to the British Columbia Ferries terminal, the land was zoned as "Commercial" (status quo and mid-density). The Tsawwassen member community felt that whether there would be a treaty or not, any commercial development would stand a better chance of being successful if located along highway 99. A "Future Economic Development" zone was designated on community land, relatively close to where any future inland port activities might occur. With a shortage of community housing and a need for income generating market housing, a substantial parcel was reserved as "Residential" (single family and medium density) zones. Finally, a significant area was designated as having "Heritage Potential", overlaying several zones

²⁰ See Daniel M. Millette, "Reconstructing Culture: A Traditional Use Study of the Tsawwassen First Nation", (Delta: Tsawwassen First Nation and British Columbia Ministry of Forests, 1998).

²¹ A previous land use plan was developed in 2002 for a portion of the Tsawwassen reserve lands.



simultaneously. Heritage impacts would be assessed as development would take place. A “Potential Future Marine Development” area, along the foreshore to the south of the British Columbia Ferries causeway was also identified as a specific zone. Beyond the reserve lands

and at the time, purely hypothetical, other zones were tentatively identified. In several ways, adhesion to the *Framework Agreement* and the subsequent Tsawwassen First Nation Land Code served as steps towards greater land governance autonomy, with several sets of policies and processes developed during the period immediately following the community's enactment of its Land Code. The first land use plan for the Tsawwassen First Nation reserve lands thus came to fruition at the end of 2005 and served as a guide for future plans and development considerations. Meanwhile, the TFNFA was being negotiated.

The Tsawwassen Land Planning Process: The *Tsawwassen First Nation Final Agreement*

Once the *Tsawwassen First Nation Final Agreement* was ratified by the Tsawwassen community, among the list of pressing governance matters was that of the development of a more detailed land use plan.²² The process would be a complex one, with a multifarious stakeholder combination: Tsawwassen Members and a host of other important interest groups: Leaseholders, the neighbouring Municipality of Delta, the Regional Government, public utilities, and several potential development partners. All wanted a transparent and engaging process that would focus on communication between stakeholders. The most challenging aspect of the process lay in the fact that these peri-urban lands had not been developed and no substantial services or infrastructure were therefore in place; on the one hand, the undeveloped lands were seen from a *tabula rasa* approach, while on the other hand, the cost implications of bringing services were substantial. Ultimately, the new land use plan would aim to reconcile the advantages of undeveloped lands with the costs of developing the same undeveloped lands. At the same time, the planning process would endeavour at integrating the needs and ambitions of individual land holders with those of the new Tsawwassen government, all-the-while providing a process for amending the same plan in the future. A key underlying tenet for former Chief Baird was that whatever solution that might rise from a land use planning process, the lands were to provide very long term economic benefits to improve her community's quality of life.

Among several other land related laws that the Tsawwassen First Nation is empowered to legislate under the *Tsawwassen First Nation Final Agreement*, the Tsawwassen Government can make laws relating to the management and use of Tsawwassen lands, including planning, zoning and development,²³ the provision of services to the same lands,²⁴ and the approval of developments.²⁵ Within its treaty, the Tsawwassen First Nation also commits to providing a process through which residents of its lands who might be affected by a law regarding planning, zoning and development, are consulted, similar to a municipal process where a similar law might be pondered.²⁶ Mechanisms and commitments were therefore put

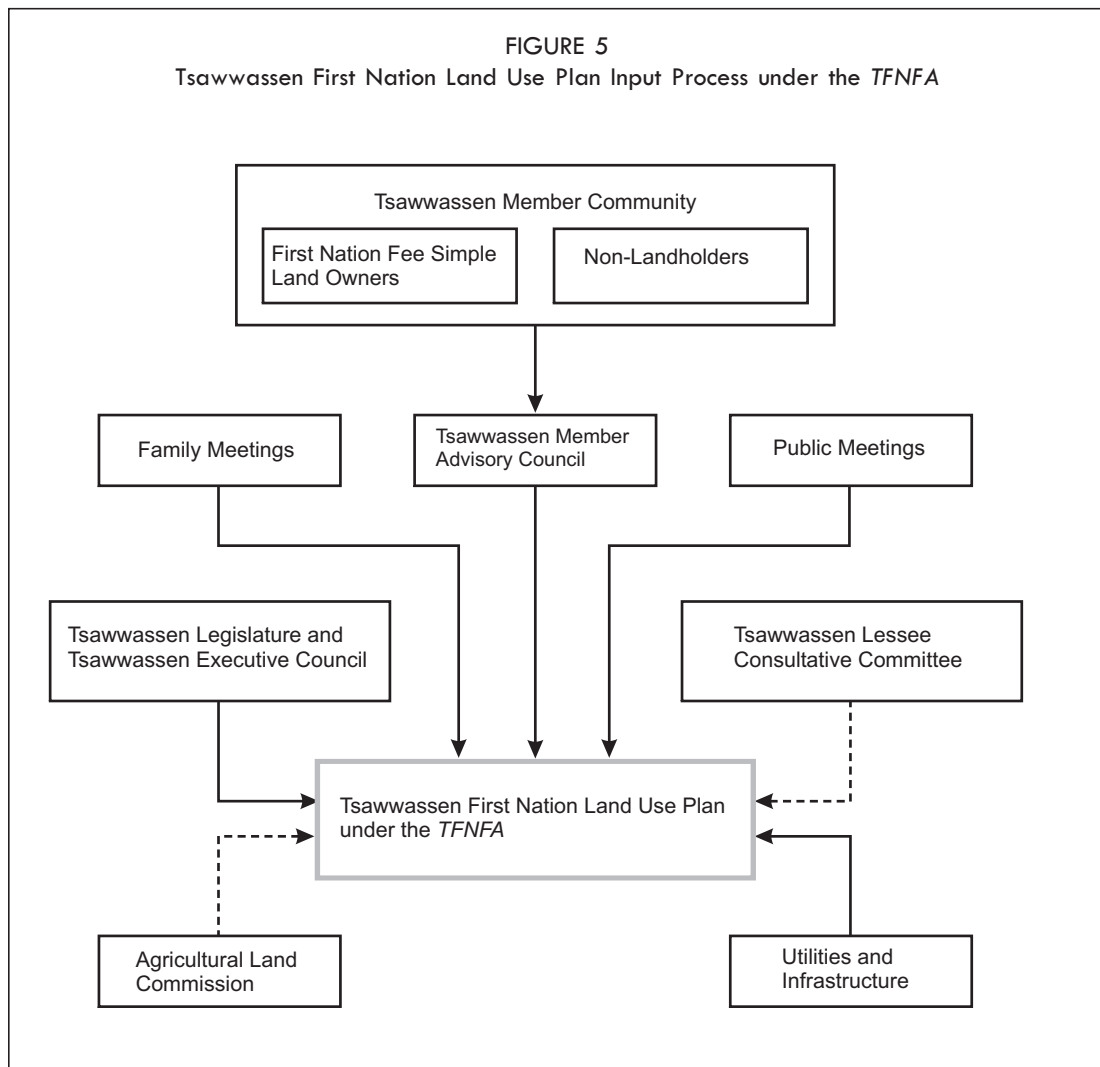
²² For a brief summary of the issues facing Chief Baird within the treaty process, see M. Harcourt and K. Cameron, *City Making in Paradise — Nine Decisions that Saved Vancouver* (Vancouver: Douglas and McIntyre, 2007). pp. 198–203.

²³ *Tsawwassen First Nation Final Agreement*, 6.1.d

²⁴ *Tsawwassen First Nation Final Agreement*, 6.1.f

²⁵ *Tsawwassen First Nation Final Agreement*, 6.1.h

²⁶ *Tsawwassen First Nation Final Agreement*, 10.



in place to ensure a planning process that is inclusive and familiar to residents.²⁷ As a further, unique feature, the *Tsawwassen First Nation Final Agreement* included a provision that recognized that the Tsawwassen community’s land use plan would be deemed compatible with the GVRD’s “Liveable Region Strategy”. In spite of the complexities and competing needs, the planning process within the *Tsawwassen First Nation Final Agreement* was devised to accommodate all parties within a balanced approach (Figure 5).

²⁷ There are several land related chapters included in the Tsawwassen First Nation Final Agreement. These include Chapter 4 — Lands, Chapter 5 — Land Title, and Chapter 6 — Land Management. The latter reflects to some extent the legislative powers and commitments that affect planning and other land development activities on Tsawwassen Lands. For the complete text of the Tsawwassen First Nation Final Agreement, see <<http://laws-lois.justice.gc.ca/eng/acts/T-21.5/>>.

As with the process under the *Framework Agreement*, the community led the initiative. Several groups of families and individuals, including Certificate of possession and non-CP holders, were organized to provide a first tier of input. The community's input flowed directly to the Tsawwassen Member Advisory Council who in turn informed the planner. Family meetings and public meetings also provided input and worked as a way of communicating progress to the Tsawwassen and broader communities. Paralleling the community's input through the Tsawwassen Advisory Council, the Executive Council also provided direct input to the planner. With the new treaty commitments and the general will to provide an opportunity for non-Tsawwassen Members (lessees) residing within the Treaty Settlement Lands to offer comments on potential land uses, the process accommodated the same group within an advisory role.²⁸ Finally, the planner dealt directly with the Agricultural Land Commission and service entities.

At the end of the initial meetings with the community and lessees, the plan's guiding principles were clear, including a wide range of economic development opportunities and housing options (for Members), a strong emphasis on environmental sustainability, preserving and enhancing a strong village centre, maintaining a Tsawwassen First Nation cultural identity, and enabling and encouraging community members to work together in maximizing opportunities and economic returns. The first set of plans that flowed from the initial consultation meetings tended to reflect the plan devised under the *Framework Agreement* (Figure 6). The Tsawwassen village site was left relatively unchanged, for the most part grandfathered, with a greenway separating it from most other land uses. Similarly, the area previously designated as "Environmentally Sensitive" was preserved, as well as portions of the "Commercial" zone along Highway 99. Within the new land parcels, an "Industrial" zone was, not surprisingly, set aside for inland port activities, as were areas for Agricultural Land Reserve consideration (including a potential "Managed Forest" zone) and a "Mixed Use" zone. Key is that once these general zones were identified through the community input process, the same zones were (and continue to be) refined through further, continuous and dynamic stakeholder input. From Figure 7 we get the first example of the refined zoning process with the "Neighbourhood Plan" ("Preferred Land Use Concept"). The CP-held lands that were zones for "CP Uses" in the land use plan under the *Framework Agreement* have now been brought together within the preferred land use concept under the *Tsawwassen First Nation Final Agreement*. The zoning is detailed, complete with community preferences on housing types by area, and a clearly defined central community amenity area. Housing development is therefore being planned at pre-determined intervals, according to community wishes, third-party investor strategies, and market conditions. The other broad zones are similarly being refined by the community.

Conclusion

The planning process of integrating the Tsawwassen Lands within a peri-urban framework, all-the-while maintaining a progressive, jurisdictional approach that places traditional values, First Nation culture, and community well-being at the forefront of a list of several important and at times competing planning tenets, has been challenging. In spite of some criticism, the Tsawwassen nation has had the opportunity to plan its lands in an incremental

²⁸ The same non-Member population also has representation on the community's tax authority.

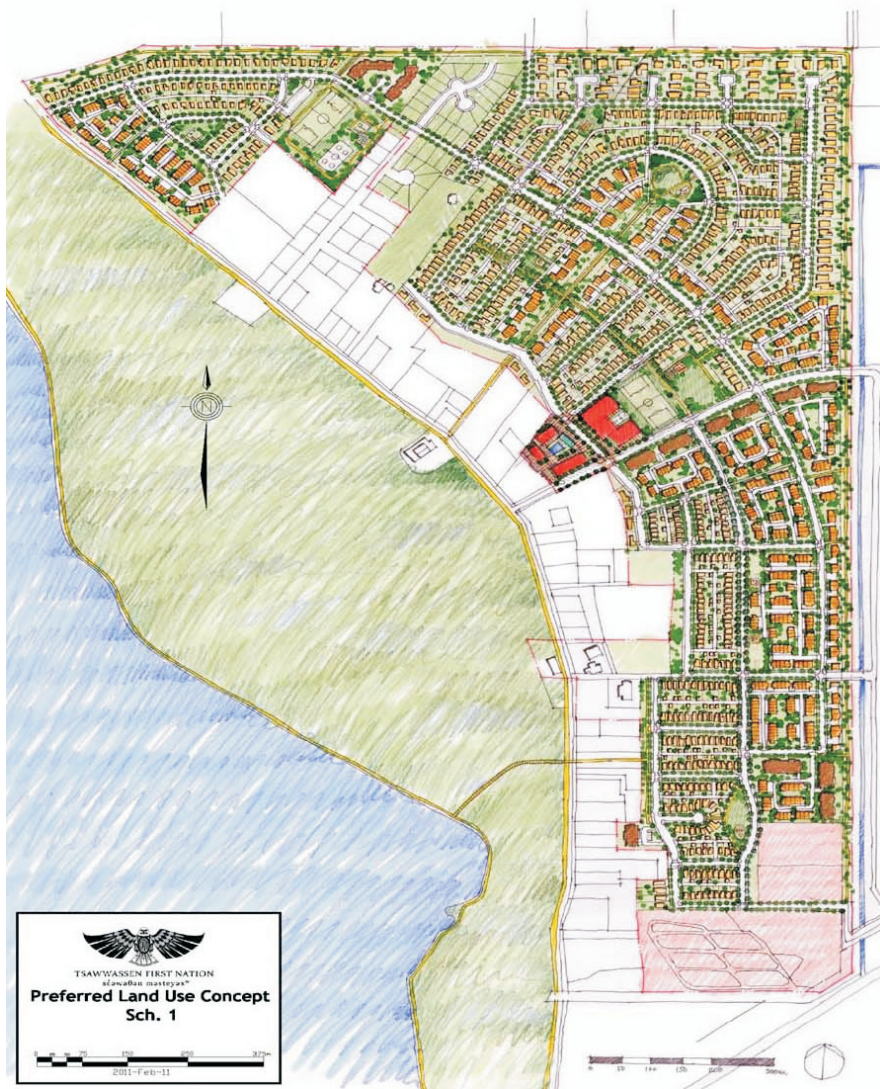
FIGURE 6
 Tsawwassen First Nation Neighbourhood Context Plan under the *TFNFA*
 (2008–2009)



Source: Plan courtesy of the Tsawwassen First Nation.

fashion that looks at the community in a holistic sense. For former Chief Baird, the journey has been a long one, having its roots in colonial times, with her great grand-father's eventual address to the McKenna-McBride Commission, adhering to the British Columbia Treaty Commission's Treaty Process, becoming a signatory to the *Framework Agreement*, and cul-

FIGURE 7
Tsawwassen First Nation Neighbourhood Plan (refined) under the *TFNFA* (2011)



Source: Plan courtesy of the Tsawwassen First Nation.

minating in what would be the first treaty concluded within the British Columbia Treaty process. For the Tsawwassen First Nation community, the resulting land base and treaty commitments, while complicated in terms of expectations from the varied stakeholders, will go a long way in reconciling the culturally important past with an economically viable

future. With its land use plan in place, the community can readily engage with potential investors and newcomers. In terms of community land use planning in Canada, the community has undergone (and continues to undergo) one of the most challenging processes in present-day planning practice. Since the signing of the *Tsawwassen First Nation Final Agreement*, several economic development activities have been negotiated, all within the comprehensive land use planning strategy that was initiated by former Chief Kim Baird. The community members appear fully satisfied, having voted ninety-seven (97) percent in favour of its latest commercial venture.

The land use planning process for this very special set of lands has not been straightforward, requiring cultural sensitivity and having required an incremental approach that is novel and worth consideration for other communities undergoing rapid change. Key lessons learned from the earlier planning processes include the need for extensive community and stakeholder input, the requirement for servicing negotiations from the initial planning stages, the prioritization of projects within the plan, and the need for flexibility in implementation (reacting to broader economic changes). Most of these lessons learned from the earlier planning exercises formed part of the later planning process. There remain challenges, including difficult political and technical issues, particularly in wading through servicing agreements and resident consultation processes. However, because the planning process is comprehensive, is based on a common community vision and set out within an incremental approach, the chances of success are high indeed.