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File No.: 0230-20

Association of Vancouver Island
and Coastal Communities
525 Government Street
Victoria BC V8V 0A8

Re: 2019 Resolution

Please be advised that on January 30, 2019 the Islands Trust Executive Committee passed the following resolution for the 2019 AVICC Annual General Meeting:

That the Executive Committee direct staff to finalize and forward resolutions with backgrounders for consideration at the 2019 Association of Vancouver Island and Coastal Communities and Union of BC Municipalities conventions requesting that the Province improve the enforceability of development permit area requirements and that the Province prioritize the approval of key marine cumulative effects values.

Please find attached the background information regarding these two resolutions.

I trust the above is satisfactory, and please do not hesitate to contact me if you require further information.

Yours truly,

Carmen Thiel
Corporate Secretary



Request for Province of BC to improve the enforceability of development permit area requirements

WHEREAS in 2003 and 2011 UBCM endorsed resolutions calling for legislative changes so local governments can issue municipal ticket information or bylaw violation notices for contraventions of the prohibition on altering land in designated development permit areas, or contrary to issued development permits, but these changes have not yet occurred;

AND WHEREAS in British Columbia, designation of development permit areas is the main legislative mechanism for addressing protection of riparian and environmentally sensitive area and for protecting development from hazardous conditions such as erosion;

THEREFORE BE IT RESOLVED that UBCM request the provincial government to improve the enforceability of development permit area requirements by enabling local governments to enforce violations by way of prosecution, ticket or bylaw notices.

Background

The main legislative mechanism in British Columbia for addressing riparian area protection is the designation of a development permit area in an official community plan under section 488 of the *Local Government Act*, and the corresponding prohibition of altering land without permit under s. 489 of the *Local Government Act*. The same is true for protection of development from hazardous conditions, such as erosion, landslip, and wildfire. While s. 524 of the *Local Government Act* provides for flood protection levels and setbacks, designation of development permit areas are also a key legal mechanism for addressing dangers from flooding and debris torrents. Finally, development permit area designation also provides a mechanism for local government protection of farming, urban revitalization, form and character of development, and the promotion of energy conservation, water conservation and greenhouse gas emission reductions.

There is no authority under the *Local Government Act*, the *Community Charter*, the *Local Government Bylaw Notice Enforcement Act*, or the *Islands Trust Act* for local governments or Islands Trust local trust committees, to enforce violations of the *Local Government Act* relating to development permit requirements by way of municipal ticket information or bylaw notices which are seen as being against the *Local Government Act* and not local government bylaws; violations of development permit area requirements are not currently enforceable directly by local government, except by way of civil proceeding in B.C. Supreme Court. This is a costly, onerous enforcement regime for local governments and local trust committees.



Request for Province of BC to prioritize the approval of key marine cumulative effects values

WHEREAS the Province of British Columbia has adopted the use of a cumulative effects framework to help identify and manage cumulative effects across the natural resource sector;

AND WHEREAS the cumulative effects framework allows for the inclusion of marine values but the Province has not yet approved any marine values for cumulative effects assessment to inform decision making in coastal regions;

THEREFORE BE IT RESOLVED that UBCM request the provincial government to prioritize the approval of key marine cumulative effects values for long-term monitoring and cumulative effects assessments in coastal regions.

Background

In 2013, UBCM endorsed a resolution urging the provincial government to support the development of a Comprehensive Management Plan for Howe Sound that facilitates a coordinated land and marine use planning process between First Nations, senior and local governments, and other local bodies to ensure ongoing recovery and responsible land use planning within Howe Sound.

In 2014, the Province committed to a Howe Sound Cumulative Effects Assessment in response to stakeholders' concerns over potential cumulative impacts and the call for a comprehensive land and marine use plan for Howe Sound. This Assessment includes only terrestrial values despite the importance of coastal values in this ecosystem.

It would be beneficial for coastal areas of the province to have the Province accelerate work on developing the data required to assess the current condition and trend of marine values.