

Regional Planning Committee Agenda

Date: Friday, February 16, 2024
Time: 10:00 am - 3:00 pm
Location: Electronic Zoom Meeting

Pages

1. **CALL TO ORDER**
2. **AGENDA**
 - 2.1 **Review of the Agenda**

Late items, new items and re-ordering of the agenda
 - 2.2 **Approval of Agenda**
3. **PUBLIC COMMENT PERIOD**
4. **DELEGATIONS**

None.
5. **CORRESPONDENCE**

None.
6. **ADMINISTRATIVE COORDINATION**
 - 6.1 **Draft Minutes of Previous Meetings**
 - 6.1.1 **RPC Draft Minutes of November 15, 2023** 3 - 9

For review and approval.
 - 6.2 **Resolutions Without Meeting**

None.
 - 6.3 **Follow up Action List** 10 - 13

For review
7. **BUSINESS - WORK PROGRAM ITEMS**
 - 7.1 **Freshwater Sustainability Strategy Implementation FY 24/25 - BRF** 14 - 16
 - 7.2 **Governance Review - Annex 1 Recommendations Summary - BRF** 17 - 40

7.3	LTC Projects Screening Exercise (Major Projects Review) - BRF	41 - 44
7.4	Montreal Pledge COP15 Biodiversity Framework and potential impacts for the work of Islands Trust - BRF	45 - 51
7.5	Shoreline Planning and protection - Trust-wide Review Discussion - BRF	52 - 54
7.6	Housing Needs Reports - Updated Business Case	55 - 59
7.7	Implementation Update - Housing Strategic Action Plan - BRF	60 - 64
7.8	Short Term Rental Accommodation Act Evaluation - BRF	65 - 104
7.9	Major Planning Project Funding - Discussion	
8.	BUSINESS - NEW	
8.1	Bylaw Compliance and Enforcement Review - RFD	105 - 111
	That Regional Planning Committee endorse the Bylaw Enforcement Review Project Charter and Work Plan and that staff provide a briefing to Trust Council on the status of the project.	
	8.1.1 Bylaw Enforcement Review Project Draft Charter	
	8.1.2 Bylaw Enforcement Review Project Draft Work Plan	
	8.1.3 Bylaw Enforcement Review Project Draft Work Plan Chart	
9.	WORK PROGRAM	112 - 116
	For review and referral to Trust Council before each quarterly TC meeting	
9.1	Work Program Top Priority Review - RFD	117 - 120
	That Regional Planning Committee amend its Work Program to identify three Top Priorities.	
10.	NEXT MEETING	
	Friday, May 24, 2024, from 10 a.m. to 3 p.m.	
11.	CLOSED MEETING	
	If desired:	
	That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90, (quote the pertinent section here, for example, (1)(a) personal information about...) and that the recorder and staff [attend/not attend] the meeting.	
12.	RISE AND REPORT	
	If desired	
13.	ADJOURNMENT	
	*Approximate time is provided for the convenience of the public only and is subject to change without notice.	



Regional Planning Committee Minutes of a Regular Meeting

Date: November 15, 2023
Location: Electronic Meeting

Members Present: Laura Patrick, Salt Spring Island Local Trustee, Chair
Sam Borthwick, Denman Island Local Trustee, Vice Chair
Alex Allen, Hornby Island Local Trustee
Mairead Boland, Saturna Island Local Trustee
Aaron Campbell, North Pender Island Local Trustee
Tobi Elliott, Executive Committee Representative
Mikaila Lironi, Lasqueti Island Local Trustee
David Graham, Denman Island Local Trustee
Peter Luckham, Thetis Island Local Trustee (Ex Officio)

Staff Present: Stefan Cermak, Director, Planning Services
David Marlor, Director, Legislative Services
Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Mary Storzer, Acting Senior Policy Advisor
Jackie O'Neil, Spatial Data Analyst
William Shulba, Senior Freshwater Specialist
Robert Barlow, Legislative Services Clerk/Recorder

Others Present: None.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 a.m. and acknowledged that participants of the meeting were attending all across the territories of the Coast Salish peoples.

2. AGENDA

2.1 Review of the Agenda

The Committee requested an evaluation of Local Trust Committee (LTC) Business Cases be put on the next meeting's agenda.

2.2 Approval of the Agenda

By general consent the Regional Planning Committee approved the agenda as presented.

3. PUBLIC COMMENT PERIOD

No member of the public was present.

4. DELEGATIONS

None.

5. CORRESPONDENCE

None.

6. ADMINISTRATIVE COORDINATION

6.1 Draft Minutes of Previous Meeting

6.1.1 RPC Regular Meeting Minutes of September 6, 2023

By general consent the Regional Planning Committee Minutes of September 6, 2023, were adopted as presented.

6.2 Resolutions Without Meeting (RWM)

None.

6.3 Follow-up Action List

The Follow-up Action List was presented for information.

7. BUSINESS – WORK PROGRAM ITEMS

7.1 Suitable Land Analysis Mapping - Briefing

Robert Kojima introduced the briefing and William Shulba presented the mapping. Committee discussion included:

- meaning of the mapping layers
- how to potentially use the map
- quality and updating of data layers
- ability to customize mapping for each Local Trust Area
- how many existing wells are no longer in use
- actual amount of use of groundwater by residents
- actual water balance in the Trust Area
- staff will improve the mapping and will provide to LTCs that have ongoing housing projects

7.2 Complete Communities Grant – Request For Decision (RFD)

Director Cermak presented the RFD. Committee discussion included:

- potential for other funding from the Province
- equitable water usage and serving diverse housing options

RPC 2023-030

It was MOVED and SECONDED,

that Regional Planning Committee request staff to apply for the UBCM Complete Communities Grant to develop water balance analyses in the Trust Area that support equitable water access and management to meet diverse housing needs.

CARRIED

RPC 2023-031

It was MOVED and SECONDED,

that Regional Planning Committee request staff to forward a Request For Decision to Executive Committee for their support of the application.

CARRIED

By general consent the Committee agreed to return discussion of the Freshwater Sustainability Strategy to the agenda of a future Regional Planning Committee meeting.

Committee recessed at 11:57 a.m. and returned at 12:30 p.m.
Trustee Allen joined the meeting at 12:30 p.m.

7.3 Housing Statute Changes to British Columbia Legislation - Briefing

Director Cermak introduced the briefing. Committee discussion included:

- a public hearing may not be required in all cases
- updated Official Community Plans (OCP) would support community planning for housing
- need to learn to what needs to be built into an OCP
- some of the housing statute changes do not apply to Islands Trust or provides an option for Islands Trust to either opt in or opt out
- some of the analysis is preliminary as some Acts have not been brought into force yet
- need for a high-level version of the briefing to provide a report to Trust Council
- all information has been incorporated into the Legislative Monitoring report

The following amendments were suggested:

- remove suggested actions in report with regard to short-term vacation rentals and public hearings before the legislation is enacted
- add that amendments to OCP still require a public hearing

RPC 2023-032

It was MOVED and SECONDED,

that Regional Planning Committee request staff to forward the Housing Statute Changes to British Columbia Legislation briefing as amended to Trust Council.

CARRIED

7.4 Advocacy Request for Affordable Housing Solutions Specific to Rural Islands in the Islands Trust Area - BRF

Director Cermak introduced the briefing. Committee discussion included:

- possibility of waiting until the new year for Provincial housing legislation to be brought into force
- the elements that need to be discussed with the Minister
- need to advocate for Islands Trust to be included in various provincial initiatives

Item 7.4 was postponed for discussion by Chair Patrick until after presentation of the Housing Toolkit and the draft Trust Council Housing Strategic Action Plan.

7.5 Housing Toolkit - RFD

Regional Planning Manager Kojima presented the RFD. Committee discussion included:

- the toolkit has already been used by some non-profit organizations
- Islands Trust does not use containment areas but could
- a previous version of the housing toolkit from 2010 presented general concepts rather than specific actions
- the toolkit needs a table of contents that includes appendices and bookmarks to improve ease of use
- one factor of a successful housing project is availability of money to buy and develop land
- need to incorporate mitigation impacts to the environment from housing development
- tool 2: the discussion paper could include analysis of the pattern of growth
- the toolkit needs to be seen as a living document that will be updated as needed
- the Agricultural Land Commission is now requiring local government to identify if any identified agricultural land isn't actually suitable for agriculture

RPC 2023-033

It was MOVED and SECONDED,

that Regional Planning Committee endorse the revised Housing Options Toolkit Part 1 as amended.

CARRIED

7.6 Draft Trust Council Housing Strategic Action Plan – RFD

Director Cermak presented the RFD, indicating that staff resources may not be available to act on all aspects of the plan. Committee discussion included:

- possibility of waiting for the new Provincial housing legislation to take effect before the Committee endorses the plan
- need to review the new Provincial housing legislation when in place

RPC 2023-034

It was MOVED and SECONDED,

that Regional Planning Committee endorse the draft Trust Council Housing Strategic Action Plan including proposed priority actions and refer to Trust Council for approval.

CARRIED

RPC 2023-035

It was MOVED and SECONDED,

that Regional Planning Committee request staff to review the impact on the Trust Council Housing Strategic Action Plan when the recently proposed regulations are released.

CARRIED

Committee returned to agenda item 7.4.

7.4 Advocacy Request for Affordable Housing Solutions Specific to Rural Islands in the Islands Trust Area - BRF

Committee discussion included:

- stories need to be customized for each Local Trust Area; focus on key message
- the uniqueness of Islands Trust needs to be part of advocacy
- Islands Trust needs to seek alignment with other local governments that may have similar issues
- possibility of Islands Trust to provide written support for some housing applications
- need to identify the challenges that Islands Trust has experienced with accessing funding
- specific suggestions for solutions or options to the Province for improvements is more effective than general statements of issues or problems
- staff have a list of funding programs and the challenges experienced with accessing funding

RPC 2023-036

It was MOVED and SECONDED,

that Regional Planning Committee request Executive Committee to write a letter of support for all of the Islands Trust applicants for funding from the BC Housing current intake.

CARRIED

Committee discussion continued:

- need a complete list of applicants; Trustee Elliott is collecting that information
- need to refine the advocacy letter that was directed to Honourable Ravi Kahlon, Minister of Housing (Advocacy for Affordable Housing Solutions)
- the letter will be shared with the Committee for comment

RPC 2023-037

It was MOVED and SECONDED,

that Regional Planning Committee request staff to compile a current top priority list of advocacy issues for discussion at the next meeting of the Regional Planning Committee.

CARRIED

By general consent items 7.7 and 7.8 will be moved to a future meeting:

- Shoreline Planning and Protection – Trust-wide Review Discussion – BRF
- Montreal Pledge COP15 Biodiversity Framework and the potential impacts for the work of the Islands Trust - BRF

8. BUSINESS - OTHER

None.

9. BUSINESS – NEW

None.

10. WORK PROGRAM

Director Cermak noted that:

- the numerical order is not representative of priority
- Chair of RPC is expected to speak to the RPC Work Plan at the Trust Council meeting.

11. NEXT MEETING

11.1 Proposed RPC Meeting Schedule for 2024 - RFD

RPC 2023-038

It was MOVED and SECONDED,
that Regional Planning Committee adopt the meeting dates of February 16, May 24, September 4, and November 8 for the 2024 calendar year.

CARRIED

RPC 2023-039

It was MOVED and SECONDED,
that Regional Planning Committee schedule all 2024 RPC meeting dates as electronic meetings.

CARRIED

By general consent the committee agreed to forego the budget allocation for an in-person meeting in favour of holding all electronic meetings.

12. CLOSED MEETING

The Committee did not close the meeting.

13. RISE AND REPORT

As the Committee did not close the meeting, there was no need for the Committee to discuss this option.

14. ADJOURNMENT

By general consent the meeting adjourned at 3:25 p.m.

Laura Patrick, Chair

Certified Correct:

Robert Barlow, Legislative Services Clerk/Recorder

Minutes are not official until adopted at a subsequent meeting.

Follow Up Action Report

Regional Planning Committee

01-Feb-2022

Activity	Responsibility	Dates	Status
1 that Regional Planning Committee recommend staff schedule a staff-lead online education session focusing on housing challenges and solutions for Trust Council following the update of the Islands Trust Community Housing (Options) 'Toolkit'.	Robert Kojima Stefan Cermak	Target: 31-Dec-2023	In Progress

09-Feb-2022

Activity	Responsibility	Dates	Status
1 that Regional Planning Committee request staff develop an Islands Trust Freshwater Sustainability Strategy policy document.	Sonja Zupanec William Shulba	Target: 29-Dec-2023	In Progress

24-Aug-2022

Activity	Responsibility	Dates	Status
1 that Regional Planning Committee request staff to create a Freshwater Sustainability Strategy Frequently Asked Questions document.	Sonja Zupanec William Shulba	Target: 29-Dec-2023	In Progress

07-Mar-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Regional Planning Committee

07-Mar-2023

Activity	Responsibility	Dates	Status
1 Trust Council direct the Regional Planning Committee and the Trust Programs Committee to consider how the Montreal Charter on Biodiversity impacts the work of the Islands Trust and share their thinking back with Trust Council in this calendar year.	Clare Frater Stefan Cermak	Target: 05-Dec-2023	In Progress

06-Sep-2023

Activity	Responsibility	Dates	Status
1 that Regional Planning Committee request staff to prepare Terms Of Reference before the end of the current fiscal year for potential grant funding for eelgrass mapping and explore partnerships.	Stefan Cermak	Target: 31-Mar-2024	In Progress
2 that Regional Planning Committee recommend that the Executive Committee include the financial support for completing the Housing Needs Assessments in the Trust Area within the strategic request for funds from the Province.	Stefan Cermak	Target: 15-Nov-2023	Completed

15-Nov-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Regional Planning Committee

15-Nov-2023

Activity	Responsibility	Dates	Status
1 that Regional Planning Committee request staff to apply for the UBCM Complete Communities Grant to develop water balance analyses in the Trust Area that support equitable water access and management to meet diverse housing needs.	Narissa Chadwick Stefan Cermak	Target: 16-Feb-2024	Completed
2 that Regional Planning Committee request staff to forward a Request For Decision to Executive Committee for their support of the UBCM Complete Communities Grant application.	Stefan Cermak	Target: 22-Nov-2023	Completed
3 that Regional Planning Committee request staff to forward the Housing Statute Changes to British Columbia Legislation briefing as amended to Trust Council.	David Marlor	Target: 22-Nov-2023	Completed
4 that Regional Planning Committee endorse the draft Trust Council Housing Strategic Action Plan including proposed priority actions and refer to Trust Council for approval.	Stefan Cermak	Target: 22-Nov-2023	Completed
5 that Regional Planning Committee request staff to review the impact on the Trust Council Housing Strategic Action Plan when the recently proposed regulations are released.	Stefan Cermak	Target: 16-Feb-2024	Completed
6 that Regional Planning Committee request Executive Committee to write a letter of support for all of the Islands Trust applicants for funding from the BC Housing current intake.	Stefan Cermak	Target: 16-Feb-2024	Completed

Follow Up Action Report

Regional Planning Committee

15-Nov-2023

Activity	Responsibility	Dates	Status
7 that Regional Planning Committee request staff to compile a current top priority list of advocacy issues for discussion at the next meeting of the Regional Planning Committee.	Narissa Chadwick Robert Kojima Stefan Cermak	Target: 16-Feb-2024	Completed
8 that staff return discussion of the Freshwater Sustainability Strategy to the agenda of a future Regional Planning Committee meeting.	Stefan Cermak William Shulba	Target: 16-Feb-2024	Completed
9 that the following items from the agenda of the November 15 RPC meeting be moved to a future meeting: 7.7 Shoreline Planning and Protection - Trust-wide Review Discussion - Briefing 7.8 Montreal Pledge COP15 Biodiversity Framework and the potential impacts for the work of the Islands Trust - Briefing	Rob Kroeker Stefan Cermak	Target: 16-Feb-2024	Completed

To: Regional Planning Committee **For the Meeting of:** February 16, 2024
From: William Shulba, P.Geo. **Date Prepared:** February 9, 2024
SUBJECT: Freshwater Sustainability Strategy Implementation FY24/25

PURPOSE

The purpose of this briefing is to provide the Regional Planning Committee (RPC) a brief background on the Islands Trust Freshwater Sustainability Strategy (FWSS) and implementation actions that are contained within.

BACKGROUND

In December 2020, the Islands Trust received a grant of \$245,000 of provincial funding through the Healthy Watersheds Initiative (HWI) to develop a Freshwater Sustainability Strategy and for related projects. The development of the FWSS (\$125,000) involved Indigenous Knowledge Holders and representatives of several government agencies including the Province, water purveyors, consultants, community organizations, Islands Trust Staff and Trustees as part of an advisory committee that contributed to the development of goals, objectives and actions.

In December 2021, the Islands Trust Council received the Islands Trust Freshwater Sustainability Strategy. This document sets out a vision and actions to address freshwater supply challenges, support climate action, and protect water resources over the longer term. The strategy also identifies how Islands Trust will work with key partners in other government agencies, First Nations, community groups, and island residents. The implementation of the strategy is required to maintain the momentum of the ongoing work sponsored by the Islands Trust Council and lead by the Regional Planning Committee.

The FWSS document is on the Islands Trust website:
<https://islandstrust.bc.ca/document/freshwater-sustainability-strategy/>

The purpose of the freshwater strategy is to support research, advocate for water literacy, and provide open public access to knowledge about freshwater and that freshwater sustainability is a key lens through which Islands Trust land use decisions are made.

The Islands Trust Freshwater Sustainability Strategy was developed with the overarching goals:

- Protect ecosystems and the health of watersheds and groundwater,
- Collaborate with First Nations and Indigenous organizations to create understanding of cultural and spiritual values of water and how they interrelate to ecosystems and community well-being in decision making,
- Preserve or enhance quantity and quality of drinking water sources for current and future Trust Area residents, and
- Enable British Columbians to enjoy the islands' water for recreation, aesthetic, and spiritual purposes.

Supported by Healthy Watershed Initiative funding, the Islands Trust facilitated relationships with First Nations Elders, Youth and Cultural Knowledge Holders through the freshwater sustainability initiative. The Islands Trust partnered with Naut'sa maut Tribal Council to deliver an "Aspiring Leaders Workshop Series" for Indigenous Youth. An Indigenous Youth watershed restoration project with the Islands Trust Conservancy on Salt Spring Island was also supported by Healthy Watersheds Initiative funding. In addition, Islands Trust was able to support an Indigenous lead eco-cultural mapping project on Galiano Island and engage Cultural Knowledge Holders, Indigenous Youth and Elders in the creation of a film on Indigenous perspective on water. Provincial funding for freshwater sustainability emphasizes engagement with Indigenous peoples and First Nations. The FWSS positions the Islands Trust to take advantage of opportunities that will advance goals related to reconciliation in the context of freshwater sustainability.

The Regional Planning Committee has discussed the Freshwater Sustainability Strategy in past meetings and provided resolutions that:

- Request staff develop an Islands Trust Freshwater Sustainability Strategy policy document.
 - This has not been initiated and is likely synonymous with an implementation plan.
- Request staff to create a Freshwater Sustainability Strategy Frequently Asked Questions document.
 - This has been an on-going tasks and planning staff is coordinating with communications staff to post to the website, following the scheduled freshwater webinars.
- Request staff return discussion of the Freshwater Sustainability Strategy to the agenda of a future Regional Planning Committee meeting.
 - This briefing is to address this resolution.

Implementation planning is proposed in the strategy to be reviewed on an annual basis through an adaptive management approach to progress towards the goals and objectives. Actions of the strategy are proposed to be prioritized according to the following considerations:

- Potential to improve water management or protection of water resources,
- Capacity of Islands Trust to execute the actions based on existing organizational structure and resources, anticipated funding requirements,
- Time required for successful execution, and
- Logical sequencing of activities where there are dependencies between them.

All the actions set out in the strategy are important, but it was proposed through the development of the strategy that progress on water science and outreach components is of the highest priority. On some islands there may be land-use planning initiatives that require freshwater information and in these situations, support for policy and land use planning processes could, and have been, expedited. To date the majority of the actions have been completed within the Groundwater Sustainability Science program and some communications.

To accomplish an implementation plan the freshwater sustainability strategy recommends two essential organizational structures; an *"Inter-departmental Freshwater Sustainability Strategy Implementation Team"* and an *"Inter-agency Technical Advisory Committee"*. These structures have not been discussed nor initiated since the development of the strategy. The intention of these structures are to guide implementation of the strategy by coordinating, planning, prioritizing, and evaluating actions. The *Inter-agency Technical Advisory Committee* is proposed to consist of representatives of agencies and organizations with direct influence over strategy outcomes, including technical and policy staff from provincial agencies, regional districts, water purveyors, and First Nations. The *Inter-departmental Freshwater Sustainability Strategy Implementation Team* is recommended to support the effective functioning of the Technical Advisory Committee and to track the success of implementation of the strategy.

The following actions were proposed within the strategy to start in 2022 as priorities.

- Develop an organizational plan for strategy implementation that identifies responsibilities of Regional Planning Committee, Trust Programs Committee, Trust Council and key staff, and identify options for enlisting a Freshwater Sustainability Strategy Coordinator,
 - This has not been initiated.
- Implement new land use planning tools through local trust area/island municipality groundwater implementation projects and projects of the Regional Planning Committee for the Regional Planning Team,
 - Some projects have been initiated including housing project on Mayne and developing online presence including the Freshwater Atlas.
- Continue implementation of groundwater science programs including data inventory, groundwater recharge potential mapping, and groundwater availability assessments,
 - Data inventory is occurring and on-going,
 - groundwater recharge mapping project has been completed, and
 - preliminary regional-scale groundwater availability assessments were completed on Galiano, Mayne, North and South Pender, and Saturna.
- As new water availability and vulnerability information becomes available, integrate this into land use policies and regulations through minor and major updates to official community plans and land use bylaws,
 - Proof of water at time of subdivision was adopted into the North Pender Land-Use Bylaw
 - Work is underway on a development permit area for groundwater recharge protection on Galiano, and
 - Water balance assessments have been discussed at the Gabriola LTC and a business case is included in the fiscal year 2024/25 budget cycle.
- Continue to identify sites of cultural and spiritual significance to First Nations through the Cultural Heritage Mapping Project.
- Develop and commence implementation of the freshwater stewardship outreach plan, and
 - This has not been initiated.
- Publish the first 'state of freshwater report' by consolidating existing research and information.
 - This has not been initiated

FOLLOW-UP:

The Senior Freshwater Specialist is coordinating with communication staff to undertake two webinars at the end of fiscal year 2023/24 and is building an online line presence for data and information for freshwater utilizing tools within and external to the existing Islands Trust website. In the absence of specific direction from the Regional Planning Committee, the Senior Freshwater Specialist will continue to support elements of the strategy specifically relating to communications in addition to regular business responsibilities of supporting planning staff in land-use projects and applications.

If the Regional Planning Committee chooses to investigate implementation planning of the Freshwater Sustainability Strategy in more detail through resolution, staff will provide resourcing analysis on the implementation actions recommended in the strategy.

Prepared By: William Shulba, P.Geo., Senior Freshwater Specialist

Reviewed By/Date: Stefan Cermak, Director of Planning Services / February 9, 2024

BRIEFING

To: Regional Planning Committee **For the Meeting of:** April 27, 2023

From: Robert Kojima,
Regional Planning Manager **Date Prepared:** April 12, 2023

SUBJECT: Governance Review – Annex 1 Recommendations Summary

PURPOSE: To provide Regional Planning Committee with a summary of the recommendations of the 2022 Governance Review specific to Planning Services.

BACKGROUND: The Governance Review was completed in early 2022. While the focus of the review was on overall governance of the Islands Trust, the scope also included Local Planning Services and a number of planning related recommendations were included in an appendix to the report (Annex 1). There has been no specific direction from Trust Council to consider or undertake implementation of the Annex 1 recommendations, however RPC's terms of reference include providing policy guidance for staff and LTCs, and advising on the provision and allocation of resources to deliver planning services. Consequently, staff have reviewed the recommendations in Annex 1 and provide updates and comments on the status of the various recommendations in the attached table.

The 2018 Review of Local Planning Services resulted in significant changes to the organization of Planning Services, as a result many of the items in Annex 1 are already on-going or in some cases implemented. The unimplemented items tend to be longer term actions, such as reducing the number of bylaws, reviewing all OCPs/LUBs, and relocating offices. As there is no direction from Trust Council to implement the recommendations of Annex 1, staff are providing this for RPC's information.

ATTACHMENT(S):

1. Summary Table of Annex 1 Recommendations
2. Annex 1 extract

FOLLOW-UP: None

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date: Stefan Cermak, Director, Planning Services / August 29, 2023

Summary of Annex 1 Recommendations

	Recommendation	Status	Comments
	Bylaws		
1.	1. Reduce the number of OCPs to 14 – one for each of the 13 LTAs, plus one for Bowen Island Municipality.	Not implemented	Rescinding existing Associated Islands OCPs/LUBs would be major projects; and politically challenging as many smaller islands are invested in their bylaws; but some benefit from modernizing bylaws. The recommended approach is to consider amalgamation of bylaws by opportunity where Associated Islands' bylaws are either identified for review or as part of major OCP review of the primary island OCP. The focus should be on updating outdated OCPs for larger islands.
2.	2. Use the same format and content for all OCPs, recognizing that some may be much longer and more detailed than others, depending on the LTA. It is noted that an OCP template is being prepared by LPS that should resolve this issue.	On-going	Regional Planning Team has developed a draft model OCP format. The current approach is not use staff time to further develop a template, but to use current OCP review projects to develop examples for future OCP formats. There has long been a model LUB that is used for new LUB projects and which is periodically reviewed and updated as new LUBs are adopted.
3.	3. Start at least two OCP reviews each year until they are all updated. Bowen Island Municipality can begin its review independent of the OCP review process for the LTAs since it will be using its own staff resources rather than those of LPS.	On-going	The Gabriola OCP and LUB are proposed for a full review starting in April '23. Other LTCs have not initiated full reviews currently, but are anticipated in future years.
4.	4. Give priority to those LTAs experiencing the most growth and change.	On-going	An assessment of growth and other development issues has been included as a criteria for RPC prioritization of Major Projects. Implementation will be dependant on Council and committees prioritizing projects for those LTAs over other LTC requests.
5.	5. Complete each OCP review within a maximum of two years of being started. Some can likely be completed within a shorter timeframe.	On-going	The draft model timeline for Major Projects being developed by the RPT proposes a 2 year timeline for major projects, along with a preliminary period for issue identification, project initiation, scoping and development, and approval of a business case. Full implementation will be dependant on the willingness of LTCs to complete reviews within the timeline.
6.	6. Target five years for the completion of the entire process, especially given that two OCPs are relatively recent (Ballenas-Winchelsea Islands and Hornby Island) and do not need a comprehensive review and two others (Lasqueti Island and Gambier Island) are in the midst of comprehensive reviews. If that overtaxes LPS staff resources, outside planning assistance can be sought, which is common for OCP reviews, especially the public engagement component since that can be particularly time-consuming.	Not Implemented	Five years is unrealistic to update all OCPs, however not all OCPs need a complete review. Currently, LTCs identify a desire for an OCP review, instead RPC could pro-actively identify and prioritize OCPs for review and recommend that LTCs undertake a review.
7.	7. Apply the same public engagement processes for each LTA as part of the OCP updates, with clearly defined steps, engagement methods, expected outcomes, timelines, etc	On-going	The Regional Planning Team has developed a model project timeline, identifying key milestones for a typical Major Project. Further specific work is on developing a detailed, standard engagement process is on-going.
	Land Use Bylaws		

	Recommendation	Status	Comments
8.	1. Reduce the number of LUBs / zoning bylaws to, if possible, match the recommended number of OCPs.	Not implemented	See one above.
9.	2. Use the same general format and content for all the LUBs.	Implemented	A model LUB is used for new LUBs. RPT continues to review, update and revise the model LUB as new LUBs are completed.
10.	3. Create more consistency among the LUBs for topics such as definitions and general regulations.	Implemented	Common definitions are included in the model LUB. General Regulations format is in the model LUB.
11.	4. There are two options for updating the LUBs: ▪ Undertake concurrently with the OCP updates. ▪ Undertake immediately after the OCP updates	On-going	Where feasible, OCPs and LUBs may be reviewed concurrently. Where OCPs are completed, LUBs should be updated as soon as possible following completion of OCP.
	Model Bylaws		
12.	1. Determine why the LTCs are not adopting the model bylaws. Either the bylaws are relevant and there is no compelling reason why they should not be adopted by most LTCs or they are largely irrelevant and should not have been prepared to begin with.	On-going	Use of model planning bylaws should be limited and only undertaken by RPT where there are multiple LTCs identifying a topic as a priority. Preference is to undertake pilot projects, coordinate projects, or develop expertise within the RPT, rather than develop model bylaws. However, model bylaws are well suited for administrative bylaws.
13.	2. Explore ways to encourage all LTCs to adopt the same fees. Trust Council has some control over the matter. For example, if an LTA is collecting lower fees, the amount of LPS staff time allocated to the LTA could be reduced.	On-going	All but two LTCs have adopted the recently updated model fees bylaw.
	Compliance and Enforcement		
14.	1. Consistently apply bylaw enforcement in all the LTAs, both by Islands Trust Compliance and Enforcement and the regional districts.	On-going	Review of bylaw enforcement practices being considered by Trust Council, with Ombudspersons office report to be received at September Trust Council
15.	2. Review Compliance and Enforcement staff resources to determine if more are required as part of consistently applied bylaw enforcement and/or if some reorganization is needed.	On-going	Review of bylaw enforcement practices being considered by Trust Council
16.	3. Improve communication and cooperation between Islands Trust Compliance and Enforcement and some of the regional districts.	On-going	Review of bylaw enforcement practices being considered by Trust Council
17.	4. Create more public awareness of the respective roles of Islands Trust and the regional districts in dealing with bylaw issues.	On-going	Review of bylaw enforcement practices being considered by Trust Council
18.	5. Increase the follow-up by staff on permits issued to ensure compliance	Implemented	Planning staff currently monitor TUP and DP where there are specific conditions.
	Planning Projects		
19.	1. Local planning projects should be considered, along with all other Islands Trust initiatives requiring the allocation of financial and human resources, in the context of an annual multi-year strategic and financial plan. The number of projects approved should correspond to the resources available to implement them.	On-going	The number of Major LTC projects should be limited to those that can be resourced by the Regional Planning Team. Over the longer term RPC should re-consider support for on-going Major Projects for LTCs that are not adhering to project timelines.
20.	2. Establish criteria to guide selection of the projects to be undertaken, including an evaluation process that determines priorities on the basis of need and regional equity.	On-going	Evaluation criteria has been drafted by the RPT and presented to RPC, the criteria will be provided to RPC to assess proposed Major LTC projects during the assessment of business cases. The evaluation criteria should be reviewed and adjusted over time.
	Development Applications		

	Recommendation	Status	Comments
21.	1. Delegate the issuance of most, if not all, development permits to staff	On-going	Two LTCs have adopted delegation bylaws (GL and SS), both have high volumes of DP. The two to three other high volume LTCs could be encouraged to adopt delegation bylaws.
22.	2. Determine what constitutes minor DVPs and prepare a model bylaw that can be adopted by each LTA.	On-going	Staff will be reporting on options for delegation of minor DVPs in future
23.	3. Review the current development application fees and how they are applied to ensure appropriate cost recovery.	Implemented	Fees have been reviewed by RPC, most LTCs have adopted a new fee bylaw.
	Organization		
24.	1. Move the Northern team office to Nanaimo, but retain an office on Gabriola Island open regular hours and staffed on a rotating basis by one planner.	Not Implemented	May be considered upon expiry of current lease
25.	2. Reduce the siloing by having regular meetings between the planning teams to share information and ideas. This can be more easily accomplished now that many meetings have moved to video conference platforms.	On-going	Cross-office planning teams have been implemented: - Regional Planning Team: 3 planners have been assigned, one based in each office, meet regularly and are supported by one RPM - Current Planning team: 4 planners based in the 3 regional offices have been assigned to the current planning team, supported by an RPM and meet regularly
	Staff Resources		
26.	1. Reduce the amount of planning staff time spent at meetings by allowing them to attend more meetings via video conferencing, even when there is a return to more face-to-face meetings.	Implemented	Assigned Island Planner still attends regular LTC meetings, other planners join by zoom for specific items. Potential for Island Planners to attend some meetings remotely with addition of meeting admin position
27.	2. Planners should not be participating in meetings as de facto corporate officers. Their role should be focused on planning matters.	Not Implemented	Remains an issue
28.	3. Move the Northern offices to Nanaimo, but retain an office on Gabriola Island open regular hours and staffed on a rotating basis by one planner	Not Implemented	See above
29.	4. Review the current training and orientation program for new planning hires. The input of the planners hired in the past several years, as well as the staff involved in the exit interviews, should be sought as part of this process.	On-going	Orientation for new planner hires is being expanded. Specific training and mentoring is being provided to the Current Planning Team, who are typically less experienced planners.
	Planning Reports		
30.	1. Standardize the format and style of the planning reports	On-going	There is currently a single staff report template. Current Planning Team will be considering developing specific, shorter templates for various application types.
31.	2. Planning reports should generally be shorter. An executive summary should be included for any report longer than six pages that gives the decision makers the critical information. That means telling them what they need to know in making a decision, not simply summarizing topic headings. The reports can also put more of the details, where they are needed, into attachments rather than the main body, where they clog the flow of important information.	On-going	Current Planning Team will be considering developing specific, shorter templates for various application types and expanded use of checklist attachments.

Annex 1

Islands Trust Governance and Management Review Local Planning Services

Local Planning Services (LPS) is the biggest activity of Islands Trust, consuming the greatest amount of resources, accounting for \$6.7 million (74%) of the \$9.1 million budget for 2021-22.

The way in which land use planning and regulation is undertaken by Islands Trust is unique in the province, driven by a combination of legislation in the *Local Government Act*, *Community Charter* and *Islands Trust Act*. It is a more complex and cumbersome process than that found in a municipality or regional district because there are 13 Local Trust Areas (LTAs)³ that each manage land use and have their own bylaws for doing so (see attached map). That includes Official Community Plans (OCPs), Land Use Bylaws (LUBs)⁴, compliance and enforcement bylaws, and an array of other bylaws (e.g., subdivision, regulation of soil removal and deposit, housing agreements, authorization of permits).

Adding to this complexity, Bowen Island, while part of Islands Trust, is not in an LTA, although it is surrounded by the Gambier Island LTA. Bowen Island is a municipal government and therefore has its own set of bylaws. So, there are essentially 14 separate land use planning authorities in Islands Trust, with LPS delivering services to each of the 13 LTAs and Bowen Island municipality managing its own land use planning and regulations.

For the Ballenas-Winchelsea LTA, the Islands Trust Executive Committee, acting as a Local Trust Committee (LTC), makes decisions on all planning initiatives.

The common planning touchstone spanning the entire Islands Trust area is the Trust Policy Statement, which is in the process of being substantially updated after more than 25 years. For many other municipalities and regional districts in BC, it is regional growth strategies (currently 10 adopted strategies in the province) that serve this purpose.

Without significant changes to the *Islands Trust Act*, which is largely outside the scope of this review, Islands Trust land use planning will continue to be a very different process than for other local governments. The focus here is therefore on recommendations to improve the delivery of planning services within the existing legislated framework.

It must also be noted that this review of LPS must be considered within the context of the broader governance and management review. It is understood that issues identified and recommendations made in respect of governance must be addressed before most land use planning recommendations can be fully assessed and their implementation properly

³ Ballenas-Winchelsea (aka Executive Committee), Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, North Pender, Salt Spring, Saturna, South Pender and Thetis.

⁴ LUBs are more commonly referred to as zoning bylaws. The terms are used interchangeably here.

directed by Trust Council. Also, the LPS review is not an efficiency review, although that is an important topic that will be partly addressed this year through a separate process.

Islands Trust was recently awarded a \$367,795 grant from the provincial government for a *Development Application Service Delivery and Technology Improvement Program*. The budget includes \$50,000 to retain a consultant to review current processes at Islands Trust, make recommendations to improve efficiency, and streamline processing times.

This LPS review covers five topics: bylaws, planning projects, development applications, organization and staff resources, and other considerations.

For each topic, recommendations are provided for consideration. Implementation of most recommendations should wait until a new Policy Statement is adopted, a new Strategic Plan is in place, and Trust Council has addressed higher-level governance issues.

A. BYLAWS

Islands Trust has a total of 149 bylaws, many of which are tied to land use planning, such as OCPs, LUBs and compliance and enforcement.

1. Official Community Plans

There are 21 OCPs covering the Islands Trust, including five LTAs with more than one OCP. They have different formats and subject areas and some do not meet the requirements for an OCP under current provincial legislation.

Most of the OCPs focus on land use policy, which is the intent of an OCP, but a few delve into land use regulations better suited to LUBs (e.g., Gabriola Island).

With the exception of the Ballenas-Winchelsea Islands OCP (adopted in 2013) and the Hornby Island OCP (adopted in 2014), the OCPs have not been comprehensively reviewed for years, with only piecemeal amendments since adoption, largely at the discretion of the LTCs (or municipal Council in the case of Bowen Island).

Examples of outdated OCPs include:

- Bowen Island OCP - adopted in 2011.
- Galiano Island OCP - adopted in 1995 and last comprehensively reviewed in 2011.
- Salt Spring Island OCP - adopted in 2008.
- North Pender Island OCP - adopted in 2007.
- Gabriola Island OCP - adopted in 1997.
- And, at the extreme, Piers Island OCP - adopted in 1981, with no amendments since then.⁵

⁵ A process was started in 2015/16 to update the Piers Island OCP to include climate change considerations, but it was not completed. It is a moot point since even if the proposed amendments had been adopted, the Piers Island OCP would still not meet the content requirements of an OCP under current legislation. In any event, it should be an area plan as part of a larger OCP (Salt Spring Island), as should a number of the other smaller islands that currently have their own OCPs.

Two comprehensive OCP reviews are currently underway:

- The Lasqueti Island OCP review, which was started in mid-2018 and is estimated to be completed in the latter part of 2022 (four years).
- The Gambier Island OCP review, which was identified by the LTC as a top priority in 2015, put on hold in 2018 and recommenced in late 2021, with estimated completion in 2023 (two years).

Because a number of the OCPs are outdated, they do not fully reflect current and anticipated future conditions on the islands and the land use planning implications.

Two examples that show the age and incompleteness of some of the information (emphasis added) that is being relied upon as underpinnings to land use policies are:

- The **Salt Spring Island OCP**, which states, *“There are approximately 5,800 residential lots on Salt Spring Island (2007). While approximately 1,300 of these are vacant, local zoning allows for the construction of a single family dwelling on each of them. Of the existing residential parcels, many are large enough that they can be further subdivided under the existing local subdivision bylaw. A few are zoned for multi-family use. All told, the number of dwelling units (not including seasonal cottages and suites) that could be built on Salt Spring Island under current residential zoning is estimated to be about 8,150. The eventual population of Salt Spring Island that might result from the zoning now in place is estimated to be a little over 17,000.”* (page 23)
- The **Gabriola Island OCP**, which states, *“Based on the 2011 records of the B.C. Assessment Authority there were a total of 3,280 parcels on Gabriola of which 20% (or 668 parcels) were undeveloped. Of these undeveloped parcels, the majority are in the residential land use designations of this Plan. In other words, not counting new lots from potentially subdividable residentially zoned land, there are in excess of 566 existing parcels available for residential purposes on Gabriola.*

The 2006 Census estimates the population of Gabriola to be 4,050. Based on historic growth trends, the Planning Area’s population could increase to about 4,720 by the year 2016. Based on an average household size of 2.4 persons, the anticipated population increase of 390 persons over the next five years can be accommodated on 566 parcels. Therefore there is no requirement to designate additional lands as residential, as the current availability of vacant residential parcels combined with the future potential to create new parcels through the subdivision of existing residentially zoned land should be more than adequate to satisfy the Island’s housing requirements for fifteen to twenty years.

In addition, while issues related to the carrying capacity of Gabriola’s land base to accommodate more development have not been substantiated, there are known problems with inadequate soil percolation for septic disposal and groundwater

supply because of the complex nature of groundwater flow through fractures in the bedrock.” (page 13)

Comprehensive analysis using current data is needed on the ability of the islands to manage existing development and natural areas and to accommodate more growth (where there is the potential to do so) in light of the effects of climate change (e.g., increasing water shortages, rising sea levels, greater wildfire risks, the impact on species and ecosystems), more stringent environmental protection regulations and standards, the increasing costs of delivering public services and other considerations. This pressing need was acknowledged by Trust Council in 2019 when it adopted a Climate Emergency Declaration.

Despite the absence of a regional growth strategy, each of the LTAs is part of a larger system and land use planning decisions in any one LTA can have implications that extend far beyond its boundaries. The need for an integrated planning approach is expressed in a number of ways in the current Policy Statement. For example:

“The Trust Area is a unique and special place -- a scenic archipelago of 13 major islands and more than 450 smaller islands.” (page i)

“The Islands Trust today faces a major challenge. While populations, numbers of visitors and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Area’s resources and systems are limited. Potential for conflict exists: conflict between short and long-term interests and between unlimited use of the Trust Area and ongoing stewardship. To keep everything in the Trust Area exactly as it is today is impossible. Changes will occur. If the Area’s environment and unique character are to be preserved and protected, priorities must be defined and management strategies established.” (page iii)

“The primary responsibility of the Islands Trust Council is to provide leadership for the preservation, protection and stewardship of the amenities, environment and resources of the Trust Area.

When making decisions and exercising judgment, Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area.

Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation.” (page 6)

This need for integration and keeping the bigger planning picture in mind will be important as the OCPs are updated. The proposed new Policy Statement carries forward and builds on many of the key themes in the existing Policy Statement, as well as adding new ones.

Consideration should be given on holding off on the comprehensive OCP updates until the new Policy Statement is adopted by Trust Council.

It is recognized that updating some of the OCPs will be a challenging process. Islands Trust residents have diverse and passionately held views on many land use topics, including whether more growth is desirable. For some, the Islands Trust preserve and protect mandate should be interpreted as meaning very limited new development (which on some islands is already the case anyway). However, there are also 26,000 full-time residents on the islands and increasing housing, social, economic and other challenges, many of which are inter-twined, just as they are in other communities. Some residents feel that part of the solution requires more development (e.g., increased housing supply, more local job creation, more local services).

Reconciling these differences will take time for some LTAs as their OCPs are updated, but it should not drag out for years. OCP review processes typically get bogged down when:

- There is not a clear understanding by the public (and sometimes the decision makers) about the purpose of an OCP, leading to an expectation by some that it should cover topics that do not belong in an OCP but rather in other regulatory bylaws or policy documents.
- The public engagement is not properly structured and managed. Every member of the public needs the opportunity to fully express their views, but that should not lead to unduly long timelines to gather and consider the input.
- There are insufficient resources applied (often limited staff time) to complete the work.
- Decision makers are reluctant to make decisions when there are strongly held differences of opinion among the public on land use issues that cannot be fully reconciled.

Recommendations:

1. Reduce the number of OCPs to 14 - one for each of the 13 LTAs, plus one for Bowen Island Municipality.
2. Use the same format and content for all OCPs, recognizing that some may be much longer and more detailed than others, depending on the LTA. It is noted that an OCP template is being prepared by LPS that should resolve this issue.
3. Start at least two OCP reviews each year until they are all updated. Bowen Island Municipality can begin its review independent of the OCP review process for the LTAs since it will be using its own staff resources rather than those of LPS.
4. Give priority to those LTAs experiencing the most growth and change.
5. Complete each OCP review within a maximum of two years of being started. Some can likely be completed within a shorter timeframe.

6. Target five years for the completion of the entire process, especially given that two OCPS are relatively recent (Ballenas-Winchelsea Islands and Hornby Island) and do not need a comprehensive review and two others (Lasqueti Island and Gambier Island) are in the midst of comprehensive reviews. If that overtaxes LPS staff resources, outside planning assistance can be sought, which is common for OCP reviews, especially the public engagement component since that can be particularly time-consuming.
7. Apply the same public engagement processes for each LTA as part of the OCP updates, with clearly defined steps, engagement methods, expected outcomes, timelines, etc.

2. Land Use Bylaws

There are 21 LUBs and two zoning bylaws, including five LTAs with more than one LUB. Zoning bylaws are typically implementation tools of OCPs.

With the exception of Ballenas-Winchelsea Islands and Hornby Island, the LUBs are largely outdated. As one LPS staff member put it, many of the LUBs are “historical artifacts” of bylaws inherited decades ago from the regional districts.

As with the OCPs, there have been only piecemeal amendments since adoption, largely at the discretion of the LTCs.

The LUBs vary for topics such as definitions and general regulations (e.g., building heights, siting and setbacks). There may be good reasons for this in some cases, but not all.

Because they have not been modernized to any degree, there is inconsistent interpretation of elements of the LUBs, depending on the LTA.

This is not an issue unique to Islands Trust – many local governments in BC have not comprehensively reviewed their zoning bylaws in years because it can be a time-consuming process. Nonetheless, it is an important part of good land use planning.

Recommendations:

1. Reduce the number of LUBs / zoning bylaws to, if possible, match the recommended number of OCPs.
2. Use the same general format and content for all the LUBs.
3. Create more consistency among the LUBs for topics such as definitions and general regulations.
4. There are two options for updating the LUBs:
 - Undertake concurrently with the OCP updates.
 - Undertake immediately after the OCP updates.

Selecting the first option would allow the public to see how proposed OCP land use policies would be translated into land use regulations. It would also shorten the length of time of the updating process.

If the second option is selected, the LUB update should be completed within a year of the OCP update.

3. Model Bylaws

Staff time is being spent researching and preparing model bylaws on a variety of land use planning topics. Examples include a Development Permit Area (DPA) Bylaw, a Bonus Density for Affordable Housing Bylaw and a Floor Area Ratio Bylaw.

Model bylaws prepared to date have typically been implemented by only a very few LTCs. There is no requirement that LTCs adopt model bylaws, including the recently approved model Fees Bylaw. In the case of bylaw fees, applicants in some LTAs pay less than in others, despite the amount of staff time and other resources required to process applications generally being the same regardless of location. While this is inequitable, the decision to adopt the model bylaw rectifying the situation is left to each LTC.

Recommendations:

1. Determine why the LTCs are not adopting the model bylaws. Either the bylaws are relevant and there is no compelling reason why they should not be adopted by most LTCs or they are largely irrelevant and should not have been prepared to begin with.
2. Explore ways to encourage all LTCs to adopt the same fees. Trust Council has some control over the matter. For example, if an LTA is collecting lower fees, the amount of LPS staff time allocated to the LTA could be reduced.

4. Compliance and Enforcement

The Bylaw Enforcement Notification Bylaws and Bylaw Infractions Investigations Bylaws are based on the LUBs. There are differences in these bylaws, depending on the LTA. If the number of LUBs is reduced, these two types of bylaws will also be reduced in number.

There is inconsistent enforcement of the LUBs, depending on the LTA, with some LTCs and residents wanting more enforcement and others wanting less, either in general or for specific issues (e.g., short-term vacation rentals).

There is also a misunderstanding by some residents and business owners as to the areas of responsibility of Islands Trust Compliance and Enforcement, which is only land use matters. As a result, Compliance and Enforcement frequently receives enquires and complaints on bylaw issues that are handled by the regional districts. Conversely, the regional districts receive bylaw enquiries and complaints on land use issues.

There are some inconsistencies in enforcement among the regional districts given the time and cost incurred by regional district bylaws staff in investigating complaints on the islands, especially where it involves longer travel times.

Staff estimate that there is only follow-up by staff on roughly half at most of the various permits issued to ensure compliance because of the time and cost involved. This is low compared to some other local governments, although most do not follow-up on every permit to ensure compliance for the same reason as Islands Trust, namely limited resources.

The limited follow-up on permits may explain some of the complaints received by Islands Trust about non-compliance.

Recommendations:

1. Consistently apply bylaw enforcement in all the LTAs, both by Islands Trust Compliance and Enforcement and the regional districts.
2. Review Compliance and Enforcement staff resources to determine if more are required as part of consistently applied bylaw enforcement and/or if some reorganization is needed.
3. Improve communication and cooperation between Islands Trust Compliance and Enforcement and some of the regional districts.
4. Create more public awareness of the respective roles of Islands Trust and the regional districts in dealing with bylaw issues.
5. Increase the follow-up by staff on permits issued to ensure compliance.

B. PLANNING PROJECTS

As of late 2021, there were an estimated 70 planning projects underway, some of which were started several years ago and have made little progress since then because of limited staff time and other resources to complete them. The majority of projects are initiated by the individual LTCs, with a few initiated by the Regional Planning Committee.

At any given time, the LTAs may each have one to three projects underway, with more waiting to be started. While separate projects, some are on the same topics for several of the LTAs (e.g., groundwater sustainability), while others are on topics specific to one LTA (e.g., housing policy – tiny homes for Mayne Island LTA).

Despite the large number of projects, planning staff estimate that they are only able to devote about 20% of their time to them since many of the projects have to be a lower priority relative to the more immediate demands of development applications and public enquiries (50%) and involvement in public meetings (30%). Compared to other local governments, allocating only 20% of planning resources to projects (also referred to as long-range planning or community planning) is low.

There is no assignment of budget to each of the projects in terms of the cost of staff time and other resources, although some have budgets for consulting assistance. Also, there are no standard evaluation criteria to determine priorities, benefits and other considerations in selecting the projects to be undertaken.

It is appreciated that not all projects need to have Islands Trust-wide benefit to be important, but there needs to be a better understanding of what some of these projects will consume in the way of staff time and other resources before direction is given to LPS to undertake them.

If less staff time is spent in *attending public meetings* and managing development applications as a result of the outcomes of the *Development Application Service Delivery and Technology Improvement Program*, more staff time can be devoted to planning projects. That means projects can be completed quicker and more of the projects waiting in queue can be initiated.

Recommendations

1. Local planning projects should be considered, along with all other Islands Trust initiatives requiring the allocation of financial and human resources, in the context of an annual multi-year strategic and financial plan. The number of projects approved should correspond to the resources available to implement them.
2. Establish criteria to guide selection of the projects to be undertaken, including an evaluation process that determines priorities on the basis of need and regional equity.

C. DEVELOPMENT APPLICATIONS

LPS estimates that 50% of planning staff time is spent on development applications and referrals and enquiries from the public. In 2021, applications and referrals were as follows:

Application Type	Nor	Salt Spring	Southern	Total
Agricultural Land Commission	1	6	3	10
Board of Variance	0	0	6	6
Building Permit, Siting & Use Permit, Crown Land & Other Referrals	142	188	144	474
Development Permit	11	14	17	42
Development Variance Permit	19	24	25	68
Heritage Alteration Permit	0	0	0	0
Rezoning	2	3	3	8
Strata Conversion	0	0	0	0
Soil Removal & Deposit Permit	0	1	0	1
Subdivision	9	7	3	19
Temporary Use Permit	2	1	15	18
Other	0	0	3	3
Total	186	244	219	649

The total number of applications in 2021 was up from previous years: 559 in 2020, 425 in 2019 and 481 in 2018. LPS anticipates the number of applications to continue to increase annually.

A significant number of the applications processed are referrals from other agencies, notably building permit referrals from the regional districts.

What the statistics do not show is the complexity of some of the applications. For example, a development permit application could be for exterior modifications to an existing building or it could be for a whole new development.

LPS estimates the typical times between filing an application and approval to be as follows for those that require LTC approval:

- Rezoning: The average is 20 months where the LTC approves a bylaw and five months where the LTC decides to proceed no further with the bylaw.
- Development Permit: Eight to 10 weeks to process, but development permits currently require LTC approval to issue and therefore can take up to four months or more until issued.
- Development Variance Permit: Two months to process but can take longer... four months or more to issue depending on the LTC meeting schedule. Many DVPs are a result of bylaw enforcement and some of those take longer to resolve.
- Temporary Use Permit: Six to eight weeks to process.

These times may be extended where LTCs do not meet at least monthly or because of the limitation of the LTC to handle more than three to four applications per meeting.

LPS estimates the typical times between filing an application and approval to be as follows for those that do not require LTC approval:

- Siting and Use Permit: Two weeks.
- Building Permit Referral: Four to eight days.

These types of applications/referrals are generally processed by a Planning Technician.

The Islands Trust development applications review and approvals process is similar to that of other local governments in BC in some respects, but not others. The key differences are:

- Building inspection services are conducted by the regional districts⁶, although LPS staff review the applications to ensure conformity with the LUBs and other pertinent bylaws. Islands Trust does not receive a portion of the building permit application fees for performing this service.

⁶ Not all the LTAs have building inspection services. Lasqueti LTA does not require any form of building permit while landowners in the Denman and Hornby LTAs must have a valid Siting and Use Permit from Islands Trust prior to beginning construction.

- An OCP bylaw, or an amendment to an OCP bylaw, must be referred to the Minister of Municipal Affairs for approval after third reading.⁷ LPS staff estimate that, on average, it takes a bylaw about six months to be approved by the Minister. While they are almost always approved without comment, there is no sense by LPS staff of why it takes this long, nor what the Ministry does internally with the bylaws once they are received.
- Bylaws must also be referred to the Islands Trust Executive Committee for approval after third reading.
- Development permits cannot be delegated to staff for issuance. However, recent provincial legislation allows LTCs, by bylaw, to delegate the issuance of development permits to staff, with allowance for the reconsideration of staff decisions by the LTC if warranted. This is a change that Islands Trust has sought for several years since it is a power already granted to other local governments.
- Islands Trust is exempt from Regional Growth Strategy legislation and this is not a consideration in preparing or amending OCP and zoning bylaws.

One of the recent amendments to the *Local Government Act* is that minor development variance permits (DVPs) can, by bylaw, be delegated to staff for approval and issuance. Up until now, DVPs could not be delegated to staff by local governments anywhere in the province.

The minor DVPs that can be delegated to staff include:

- Zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses.
- Off-street parking and loading space requirements.
- Regulation of signs.
- Screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance the natural environment.

This is a potentially important change for Islands Trust, which handles a significant number of DVP applications annually (68 in 2021). Delegation to staff of minor DVPs will shorten the turn-around time for many DVP applications and also reduce LTC agendas, allowing the Trustees to focus on more important matters.

The legislation, however, requires that a bylaw be adopted that delegates the authority to staff and that the bylaw includes:

- Criteria for determining whether a proposed variance is minor.
- Guidelines the delegate (staff) must consider in deciding whether to issue a DVP.
- Any terms and conditions the local government considers appropriate.

This bylaw will need to be adopted separately for each LTA.

⁷ There is no requirement for a zoning bylaw to be approved by the Minister, except where there is no OCP in force or where the OCP in force was adopted prior to March 31, 1990.

As noted earlier, the average amount of time required to process an application can vary widely, depending on the type of application, its complexity and other factors, such as:

- Applications with incomplete and incorrect information, including mapping and technical reports (e.g., engineering, environmental, agricultural, building architecture, landscape architecture, archaeological). This is a common issue for most local governments since many applicants are not familiar with development review and approvals processes. LPS staff note that a significant amount of staff time is spent helping inexperienced applicants both before and after applications are received.
- The amount of deliberation by the LTA Trustees on OCP amendment and rezoning bylaws, with some applications appearing on agendas several times before a decision is made on whether or not to give readings and advance the application.
- The amount of time taken by the Minister to sign off on an OCP bylaw or amendment bylaw after third reading.
- The timing of getting a bylaw onto an Executive Committee agenda for approval before adoption and then back onto a LTC agenda for final reading.
- The amount of time taken by the Ministry of Transportation and Infrastructure (MoTI) to approve subdivision applications.
- The amount and type of engagement required with persons, organizations and authorities that Islands Trust considers will be affected by an application. This is increasing, especially with First Nations, and is occupying more of staff's time.

The consultants have heard anecdotal stories of applications being held up for what is perceived to be too long and unexpected added information requirements sought by LPS or other agencies that appear unjustified, creating more delay and cost for the applicants. This may be the case for some applications, but there is no evidence to suggest that this is a chronic issue. The same criticism is leveled at almost all local governments across the province by applicants frustrated, sometimes with good reason, in their efforts to gain approvals.

A significant issue that needs to be further explored is the amount of development application revenue received by Islands Trust relative to the amount of LPS resources put into processing applications. For the 2021/22 fiscal year, it is roughly estimated that about \$100,000 in application fees will be collected.

If planning staff are spending upwards of 50% of their time on development applications and public enquiries (not all of which are related to development applications), this suggests a large gap between what is being paid for this service and what it costs to deliver the service.

Development application fees, while in theory intended to cover a significant share of the cost of processing applications, rarely do in any local government in the province. Nonetheless, the gap here appears large and is being off-set by property tax revenue.

This is partly due to Islands Trust not receiving any revenue, nor the ability to do so under current legislation, for the hundreds of referrals that it handles each year from other agencies, notably building permit referrals from the regional districts.⁸

It is also noted that most of the development application fees are fixed and not scaled. For example, the Salt Spring Island LTA currently charges \$4,400 for a rezoning application, regardless of the nature of the rezoning. Most local governments have base fees upon which there are added fees based on the number of residential units, land area, amount of floor space, type of use or similar metrics. So, complex applications pay more since they require more staff time to process.

Trust Council approved an Application Processing Services Policy on June 9, 2021 that:

- Identifies the services provided by Islands Trust and the different levels of costs associated with these services.
- Provides direction for the preparation of Fees Bylaws and Schedules by LTCs.
- Provides the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and the LTC.
- Is intended to recover from applicants 100 per cent of the average cost of processing development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

However, it is understood that for many of the applications that end up taking more time than initially anticipated (e.g., added public engagement at the direction of the LTC), the extra costs are not being charged to the applicants.

This issue should be examined as part of the *Development Application Service Delivery and Technology Improvement Program* to see not only how time and cost savings can be achieved but also if fees are set appropriately.

Recommendations

1. Delegate the issuance of most, if not all, development permits to staff.
2. Determine what constitutes minor DVPs and prepare a model bylaw that can be adopted by each LTA.
3. Review the current development application fees and how they are applied to ensure appropriate cost recovery.

⁸ Islands Trust Financial Planning Committee received a report from LPS at its January 19, 2022 meeting recommending that staff report back on options to recover costs related to building permit referrals.

D. ORGANIZATION AND STAFF RESOURCES

1. Organization

LPS is divided into three planning teams / offices: Salt Spring, Northern and Southern (see attached map), plus Compliance and Enforcement.

There is also the recently established Regional Planning Team that serves all of Islands Trust (excluding Bowen Island).

The majority of LPS staff are located at the Islands Trust office in Victoria, where most other Islands Trust staff are also located. There is an office on Salt Spring Island to help serve that planning area and an office on Gabriola Island to help serve the Northern area.

Two issues have been identified with the current organizational structure:

- The three planning teams are siloed, with limited communication and sharing of information between them, leading to some duplication of effort and also inconsistencies in the approach to dealing with some planning matters.
- Much of the planning staff turnover in recent years has been in the Northern office, which staff believe is partly due to it being located on Gabriola Island instead of in Nanaimo, where most of the team lives.

Recommendations

1. Move the Northern team office to Nanaimo, but retain an office on Gabriola Island open regular hours and staffed on a rotating basis by one planner. Notably this was also one of the recommendations of Stantec in its 2007 report⁹:

“The northern office should be relocated from Gabriola Island to Nanaimo and converted from a ‘full service’ office to more of a ‘store front’ or satellite office with a smaller staff complement, focusing primarily on the development application side. This will provide somewhat easier access to staff for residents of the northern islands, but it is primarily intended to be able to recruit and retain staff. (page 3)

2. Reduce the siloing by having regular meetings between the planning teams to share information and ideas. This can be more easily accomplished now that many meetings have moved to video conference platforms.

2. Staff Resources

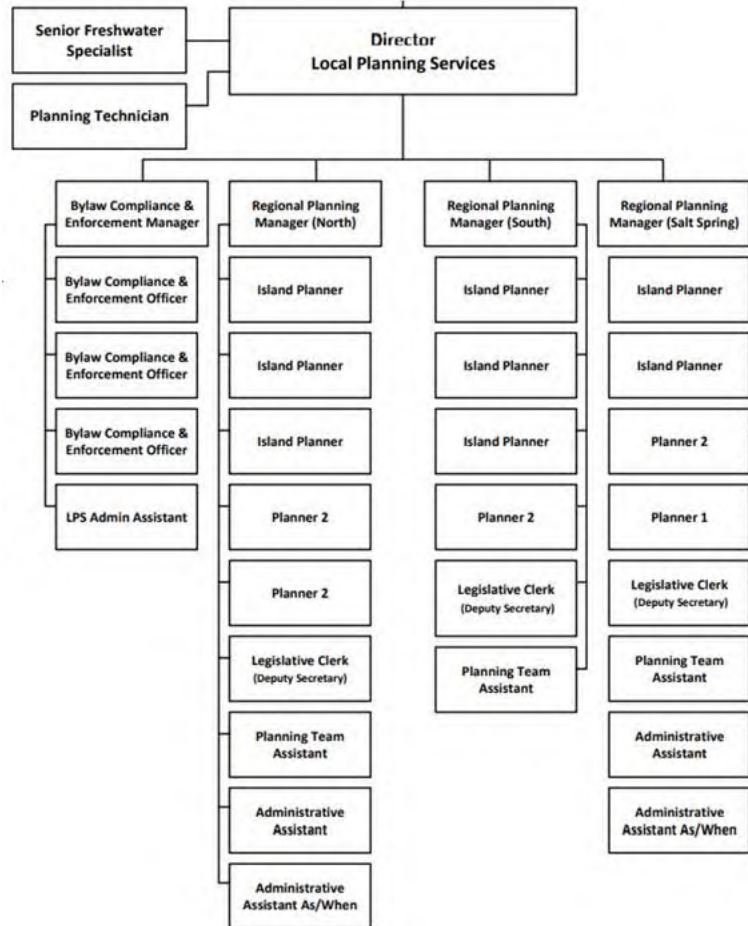
As shown in the organization chart below, there are 34 LPS staff positions. Seventeen are professional planning positions, including Planner 1s (1), Planner 2s (4), Island Planners (8), Regional Planning Managers (3) and the Director (1). Three of the planners are assigned to the Regional Planning Team.

⁹ Stantec Consulting Ltd., *Islands Trust Local Planning Services Review*, March 23, 2007.

The planners are in generalist positions. While they all have education and experience in a wide range of planning subjects, none are specialist planner positions (e.g., housing, social, environmental). Outside assistance is sought on occasion for some of these services.

While not a planner, there is one specialist position in LPS - the Senior Freshwater Specialist who reports directly to the Director.

Local Planning Services Organization



Questions have been raised about the number of professional planning staff (17) relative to the population (~26,000 full-time residents), a per capita ratio of 1:1,500 that almost certainly exceeds that of any other municipality or regional district in the province. Even if the estimated 10,000 part-time residents were added in, it would still be significant (1:2,100).

This was noted in the 2007 review of LPS by Stantec, which stated:

“The organization has nine planners (Planner II’s, Island Planners, Regional Planning Managers, and the Director) for 23,000 people which, per capita, is higher than other planning agencies that we are aware of. We also note the uniqueness of the Islands Trust circumstances in terms of geography, but this is not much different than some of the larger regional districts.” (page 4)

However, this is not a relevant comparison given that Islands Trust is comprised of 13 LTAs that each have separate land use planning bylaws and processes served by LPS. This is unlike any other local government in the province in terms of the demands on staff time.

To help put the issue into context, the planners attended an estimated 172 public meetings in 2021, as follows:

- LTC Regular Meetings: 90
- LTC Special Meetings: 19
- Executive Committee Meetings: 19
- Community Information Meetings: 13
- Islands Trust Council Meetings (4 times per year x 3 days per meeting): 12
- Regular Planning Committee Meetings: 9
- Agricultural Advisory Committee Meetings - Salt Spring: 5
- Public Hearings: 3
- Advisory Committee Meetings - Salt Spring: 2

For some of these meetings, more than one planner was in attendance, depending on the agenda.

LPS staff at the LTC meetings often act as *de facto* corporate officers on topics well outside of planning since they are often the only staff person in attendance to support the Trustees. This is not a normal practice in local government.

Staff estimate that, in a typical year, about 30% of planning staff time is spent on the public meetings (preparation for, attendance at, travel to and from). That is far more than for any other local government, where there are fewer public meetings in which planning staff have to be involved (e.g., regional district boards typically meet once or twice a month and municipal councils typically meet between two and four times a month).

The past two years have not been typical in that most meetings were held via video conferencing, which reduced the amount of staff time involved with meetings since there was less travel.

There have been questions raised about whether some of the planning staff are suited to working in a rural/non-urban planning environment as opposed to an urban planning environment. In the opinion of the consultants, there is no reason for this to be a concern.

All professional planners have education in both urban and rural planning and many have experience working in both environments.

Professional planners are in high demand in the province, with heavy competition amongst public and private sector employers in attracting and retaining planners, especially on the development planning side and in middle and senior management positions. This is particularly a challenge for some of the smaller communities around the province and many planning departments have vacancies that they are having difficulty filling. Placing more stringent requirements on new planning hires at Islands Trust is not advised.

However, more training and orientation for new planning hires could be of benefit given the complexity of the Islands Trust planning process, which no planner would have experienced anywhere else in local government, be it rural or urban.

Recommendations

1. Reduce the amount of planning staff time spent at meetings by allowing them to attend more meetings via video conferencing, even when there is a return to more face-to-face meetings.
2. Planners should not be participating in meetings as *de facto* corporate officers. Their role should be focused on planning matters.
3. Move the Northern offices to Nanaimo, but retain an office on Gabriola Island open regular hours and staffed on a rotating basis by one planner. Notably, this was also one of the recommendations of the 2007 Stantec report:

“The northern office should be relocated from Gabriola Island to Nanaimo and converted from a ‘full service’ office to more of a ‘store front’ or satellite office with a smaller staff complement, focusing primarily on the development application side. This will provide somewhat easier access to staff for residents of the northern islands, but it is primarily intended to be able to recruit and retain staff.” (page 3)

4. Review the current training and orientation program for new planning hires. The input of the planners hired in the past several years, as well as the staff involved in the exit interviews, should be sought as part of this process.

E. OTHER OBSERVATIONS

1. Planning Reports

LPS staff are producing hundreds of reports each year for the Planning Committees, the Task Forces, the Boards of Variance, the LTCs, Council and the Executive Committee, which is very time consuming.

Some of the reports are inconsistent in format and style, depending on the author and the subject matter.

Too much staff time is being spent writing planning reports that are not being read, or at best are being lightly skimmed, because they are too long and have too much detail for decision makers to fully absorb in agendas that can run into hundreds of pages. This was an observation made by a number of the Trustees.

Recommendations

1. Standardize the format and style of the planning reports.
2. Planning reports should generally be shorter. An executive summary should be included for any report longer than six pages that gives the decision makers the critical information. That means telling them what they need to know in making a decision, not simply summarizing topic headings. The reports can also put more of the details, where they are needed, into attachments rather than the main body, where they clog the flow of important information.

2. Development Application Service Delivery and Technology Improvement Program

One of the activities that Islands Trust will be undertaking as part of this recently funded project is:

“Hire a consultant to review the development application processing approach currently used at Islands Trust and make recommendations on changes that could be made to improve efficiency. This will be focused on the steps used, the reporting, and the detail in the reporting to the elected officials for each type of major application - rezoning, development variance permit, development permits and temporary use permits. Part of this will be to look at means to “fast-track” or “prioritise” those applications that improve equity and access to affordable housing.” (page 4 of application)

Some points for consideration in this upcoming review have already been covered in this report. Others that should be considered in the review are:

- The relationship with other agencies that have a role in the applications approval process. For example, there should include a better understanding why it takes the Ministry an average of six months to approve an OCP bylaw or amendment bylaw after third reading and determine if there are ways to shorten that time. If

applications are going to be fast-tracked, a strong working relationship will be required among all agencies involved in the process, including a clear understanding of needs, objectives, processes and priorities.

- It is not just the amount of time that an application takes to move through the process, but where it is in the process. One local government is working on an operational dashboard for applications that will include the time that the application is with it being reviewed, the time that the application is back with the applicant for further work, and the time that the application is with referral groups (e.g., other government agencies). They refer to it as a “chess clock”.
- This same local government does post-mortems of completed major applications to see if there are things that could have been done better.
- The application fees, which do not appear to be coming close to covering the cost of processing some applications, should be reviewed.
- Greater use can be made of outside consultants in helping fast-track applications if there is not sufficient LPS staff capacity. A number of local governments take this approach by selecting and retaining consultants (i.e., the local government is the client, not the applicant) and re-billing the applicant for the consultants’ fees and expenses. Applicants are sometimes prepared to do this where there is an offsetting benefit in time savings and therefore project financing costs. For the local government, this also frees up staff resources to deal with other applications.
- There may be a role for the application of Comprehensive Development (CD) zones, which are essentially custom zones, for some proposed developments that do not conform to existing zones (e.g., they exceed the maximum permitted density), but are desirable. This could be particularly useful as Islands Trust explores opportunities to create innovative affordable housing projects. CD zones are commonly used by local governments.
- Policies such as the Best Management Practices for Delivery of Local Planning Services to Local Trust Communities (approved in 2006 and last updated in 2013) and the Application Processing Services Policy (approved in 2021) will likely need to be updated based on the findings of the review.

3. Benchmarking

There was a desire by Islands Trust to have benchmarking undertaken as part of this relatively high-level review of LPS. However, it became clear as the review progressed that this would not be a particularly productive or informative exercise given the way in which Islands Trust is structured and governed under the *Islands Trust Act*, which is unlike any other local government in the province when it comes to land use planning. There are planning lessons that can be learned from other local governments, but they do not lend themselves to a benchmarking exercise.

Map of LTA Boundaries and LPS Office Service Areas



BRIEFING

To: Regional Planning Committee **For the Meeting of:** November 15, 2023

From: Robert Kojima,
Regional Planning Manager **Date Prepared:** November 8, 2023

SUBJECT: Major Project Review Criteria

PURPOSE: To provide Regional Planning Committee with an update on the status of OCPs and LUBs and criteria for reviewing future Major Project business cases.

BACKGROUND: In 2022 Trust Council amended Policies 5.9.1 (The Best Management Practices for Delivery of Local Planning Services Policy) and 6.2.1 (Priority Setting/Review Guidelines) to increase transparency in the allocation of funding for Local Trust Committee projects and to increase efficiency in how projects are undertaken.

The amended policies were intended to support the systematic update of OCPs and LUBs on a regular basis, support co-ordination of LTC projects with regional initiatives, support realistic expectations for volume and timing of project completion, and promote the fair, efficient and equitable allocation of staff and financial resources for major LTC projects.

The policies specifically established that:

- Staff will maintain a checklist of the “health” of official community plans, and will use this to recommend to Trust Council, via Regional Planning Committee, prioritization of OCPs for review and update as part of Trust Council’s budget process.
- A set of criteria will be used by Regional Planning Team staff to recommend to Trust Council via the Regional Planning Committee prioritization of these projects.
- Staff resources will limit the number and type of major policy/regulatory work that can start in any one year. This limit will also be considered when recommending OCP/LUB reviews.

At the February RPC meeting staff provided a briefing with a detailed overview of the policies and attached draft tables that would review Major Projects and track OCPs and LUBs. This briefing provides an updated assessment of the health of OCPs and LUBs and criteria for assessing the prioritization of Major Projects.

OCP/LUB Health

The attached OCP-LUB Status Table tracks the relative ‘health’ of all OCPs and LUBs in the Trust Area. Primarily it tracks the date of adoption (or major amendment) of the each bylaw, but also identifies if any are missing required or recommended major content. This document is intended to be used to assist RPC in prioritizing proposed projects. However, the table can also identify which LTC bylaws may be in most need of review. For example, many of the associated islands bylaws are substantially out of date.

Prioritization of Major Projects

The second attached table provides evaluation criteria for prioritization of Major Projects requested by LTCs. For the coming fiscal year (2024/25) there are currently sufficient staff assigned to the Regional Planning Team to support the proposed business cases for both on-going and new LTC Major Projects. In subsequent years RPC may be requested to review the criteria in the table to recommend support for some projects over others. However, staff are requesting that RPC members review the criteria and provide any feedback on the categories or comments.

ATTACHMENT(S):

1. OCP-LUB Status Tracking Table
2. Major Project Prioritization Table

FOLLOW-UP: None

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date: Stefan Cermak, Director, Planning Services / November 8, 2023

OCP/LUB Status		November 8, 2023													
Last updated															

<u>LTC</u>	<u>Proposed Project</u>	<u>Business case request</u>	<u>Estimated Planner time</u>	<u>On-going or new project</u>	<u>Date of last major project or bylaw update</u>	<u>Priority issue that would be addressed</u>	<u>Date of OCP or LUB</u>	<u>Prov. Requirement or new legislation</u>	<u>Trust Council Strategic Priority</u>	<u>Data, toolkit, or model bylaw available</u>	<u>Benefits Multiple LTCs</u>	<u>On-going Project: has successfully met milestones</u>	<u>Notes</u>
BW													
Denman	Housing Review	\$ 15,000	0.25	on-going	2015 - tourist accommodation	Housing	2009 (OCP and LUB)		Housing Affordability	Yes	Yes	Yes	
Gabriola	OCPLUB Review	\$ 77,000	0.25	on-going	2015 - OCP Review	Housing, DPA	1998, updated in 2011		Multiple		Yes	Yes	<i>OCPL intended to provide a new template</i>
Galiano													
Gambier													
Hornby	First Nations	\$ 19,500	?	new	2022 - OCP/LUB amendments	FN relationships	2016 (OCP and LUB)		Relations with First			new	
Lasqueti													
Mayne	Housing Options	\$ 10,000	0.25	on-going	2017 - commercial land use	Housing	2009 (OCP) 2007 (LUB)		Housing Affordability	Yes	Yes	new	
North Pender	Housing Affordability	\$ 15,000	0.25	new	2019 - LUB Review	Housing	2008 (OCP) 2023 (LUB)		Housing Affordability	Yes	Yes	new	
Salt Spring	OCPLUB Review	\$ 96,000	0.75	on-going	2019 - CDF		2008 (OCP) 1998 (LUB)		Multiple				
Salt Spring	Village Area Plan	\$ 86,500	0.50	on-going	2019 - CDF		2008 (OCP) 1998 (LUB)		Multiple				
Saturna													
South Pender													
Thetis													
		\$ 319,000	2.25										

BRIEFING

To: Regional Planning Committee **For the Meeting of:** February 14, 2024
From: Staff (Trust Council re-referral) **Date Prepared:** February 2, 2024
SUBJECT: **Montreal Pledge COP15 Biodiversity Framework and potential impacts for the work of the Islands Trust**

PURPOSE: To convey a request from Trust Council that Trust Programs Committee to consider the possible actions in the briefing and develop recommendations for future strategic planning.

BACKGROUND: This briefing was provided to Trust Council in December 2023 from Trust Programs Committee/Regional Planning Committee. Trust Council discussed the response options and passed the following resolution:

That Trust Council refer the possible actions outlined in this report back to Trust Programs Committee and Regional Planning Committee for inclusion in Trust Council's strategic planning process.

This briefing content below was written by a Trust Programs Committee/Regional Planning Committee working group considering how the Montreal Charter on Biodiversity impacts the work of the Islands Trust. The joint working group of TPC and RPC, was comprised of Trustees Alex Allen, Tobi Elliott, Sue Ellen Fast and Laura Patrick, and provincially-appointed Trustee Risa Smith, and was reviewed by Trust Program Committee. It was added to the Regional Planning Committee agenda in November but the committee ran out of time to consider it and deferred to the next meeting.

The COP15 to the UN Convention on Biological Diversity (CBD) in Montréal brought together governments from around the world who agreed after much debate to “a historic global framework to safeguard nature and halt and reverse biodiversity loss, putting nature on a path to recovery by 2050.” The K-M Global biodiversity framework consists of four goals and 23 targets to be achieved by 2030, which include:

- Protect 30% of Earth's lands, oceans, coastal areas, inland waters;
- Reduce by \$500 billion annual harmful government subsidies;
- Cut food waste in half

Trust Council passed a motion responding to a delegation from the Gulf Island Alliance to “consider how the Montréal Charter on biodiversity impacts the work of the Islands Trust and share their thinking with Trust Council.” Four Trustees volunteered to consider and share their thoughts (Allen, Elliott, Fast and Patrick). They were joined by ITC Chair Risa Smith via Zoom in October to discuss the warrants of the Montréal Pledge and its relation to Islands Trust. There wasn't consensus regarding the pledge and its relevance to the Islands Trust, and it was agreed that each would contribute their thoughts individually. Trustee Elliot compiled them into this document, edits were made, and here it is for consideration of Trust Council.

The K-M Global biodiversity framework consists of 23 targets which “aim to catalyze, enable and galvanize urgent and transformative action by Governments, subnational and local governments, and with the involvement of all society to halt and reverse biodiversity loss”. The Islands Trust, with its unique ‘preserve and protect’ mandate, is well positioned to act on components of this framework.

Target 1: Spatial Planning

Ensure that all areas are under participatory integrated biodiversity inclusive spatial planning and/or effective management processes addressing land and sea use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, while respecting the rights of indigenous peoples and local communities.

At least three members of our working group agreed that Target 1 seems most applicable to the Islands Trust. The Islands Trust has already recognized that it needs better spatial planning tools, as have local governments in B.C., Canada and globally. Integrated spatial planning is at the heart of “revealing pathways to achievement of multiple nature- based goals at once”, which is what the Islands Trust attempts to do in all of land use planning decisions.

Ensuring our natural habitats are more resilient to the changes that are happening, and can adapt to the changes happening in the near future, requires frequently-updated maps and data that include cumulative impacts and disturbances. Dynamic information is needed now to address the pressures of biodiversity loss and climate change, as well as static information, so that the web of life on the islands can continue to support people and wildlife thriving in the ecosystems we share. Target 1 is a fundamental requirement for strengthened decision-making, better coordination across sectors and increased recognition of nature’s pivotal role in addressing the planetary crisis.

Potential Actions:

Several tools have been developed to help with implementation of Target 1, which may be relevant to the Islands Trust. The Integrated Spatial Planning Workbook (December 2022) by the UN Development Program and the Global Environment Facility may be useful. Google Earth has been developing map-based tools, at a 10-metre resolution, that support local governments in spatial planning, such as “Dynamic World”. Further work on how staff could become trained and make use of google earth products and other tools for spatial planning would be needed. Investments in this type of training would allow us to produce improved maps to support land use planning in the trust area, to support regional planning and conservancy work. We also should be able to work with other agencies’ regional mapping tools, such as the CRD’s Atlas.

One example of how new spatial planning tools are being used in the Átl’ka7tsem/Howe Sound Biosphere Region (which Trust Council supports through the Secretariat function) can be seen with the Wildlife Connectivity project. This collaboration between the Squamish Environment Society (SES), and the Átl’ka7tsem/Howe Sound Biosphere Region Initiative, with Skwx̓ wú7mesh Úxwumixw (Squamish Nation) as a partner, will identify areas that could be protected as habitat connectivity corridors. See article (easy to read): <https://www.squamishchief.com/in-the-community/creating-connections-helping-wildlife-and-people-thrive-in-the-sea-to-sky-5867911>

Bowen Island Conservancy is looking at some of these new dynamic spatial planning tools too. A first step for Islands Trust might be to ask Murray Journeay (quoted in the article above) to lead or suggest someone to lead a webinar for island conservancies and other organizations who protect places on the islands. Trust Programs Committee could explore this as a stewardship-related workshop, and the Regional Planning Committee could explore the implications to improve spatial data used in its land use planning and mapping.

Salt Spring Island LTC, working in cooperation with UBC’s Forest and Conservation Sciences Department, created a GIS-based relational mapping tool using multiple layers including LiDAR. This tool could assist

decision makers in many ways, for example, which part of a land parcel was most important to preserve contiguous forests. However, the tool has disappeared.

Target 3: 30 x 30 Pledge

Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities including over their traditional territories.

Much attention has focused on Target 3, in which signatories pledge to protect 30% of land, inland waters and marine areas, and to restore 30% of the planet's degraded terrestrial, inland water, coastal and marine ecosystems by 2030. This target seems most applicable to the Islands Trust Conservancy's work, and for the Islands Trust's work in cooperation with local conservancies and not-for-profits.

Table 1 contains percentage of protected area using 2019 data:

<https://islandstrust.bc.ca/conservancy/conservation-planning/achievements/>

Local Trust Area	Protected Area (ha)	% of area protected
Ballenas-Winchelsea Islands	64.14	19.91
Bowen Island	1085.88	21.49
Denman Island	1271.7	24.68
Gabriola Island	701.58	12.06
Galiano Island	1472.05	24.39
Gambier/Keats	1628.67	16.59
Hornby Island	699.85	23.48
Lasqueti Island	989.16	13.44
Mayne Island	196.85	8.31
North Pender	1026.2	19.58
Salt Spring Island	4466.79	22.70
Saturna Island	1641.39	45.97
South Pender Island	293.88	32.16
Thetis Island	192.43	3.96

Total	15730.51	19.55
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Potential Action

One way the Islands Trust could participate in this work is exploring participating in the newly-launched Municipal Protected Areas Project (MPAP). The project aims to work “with local governments to encourage contributions to the 30 by 30 target and increase protection for natural areas in BC and across Canada.” Their goal is to increase the registration of nature reserves and conservation covenants in the Canadian Protected and Conserved Areas Database (CPCAD) by assessing and registering municipal lands in the database at no cost.

The project has just started, with a webinar for municipal staff and a brief introduction at the Howe Sound Community Forum in October 2023 (no website yet). Since the project aims to do the work to register protected properties that meet the criteria, staff resources required may be minimal. Participating in this national project will help ensure that Islands Trust is well positioned to seek future support and resources. Contact Andrew Banks: conservation@bcnature.ca

The Islands Trust could also explore, develop and implement planning-based incentives to drive further participation in conserving land, contributing further to 30 x 30.

A Dissenting View

One member of our working group disagreed that the K-M Biodiversity framework is applicable to the Islands Trust. The following contribution outlines some of the potential ethical issues underlying the framework’s goals, and outline the structural issues that may result from the Islands Trust taking on work that may be beyond its scope, capacity or mandate:

First, this comes from a delegation, which has resulted in Trust Council apparently responding immediately by passing some lofty motion that is beyond our jurisdiction or capacity. Secondly, the pledge is about cities taking 15 actions, not islands or small rural communities. In the host’s words, “COP15 was a crucial opportunity that we seized to engage the world’s cities in concrete actions to protect biodiversity.” Canadian cities that signed the pledge include: Laval, Quebec, Sherbrooke, Montreal, Longueuil, Levis, Gatineau, Terrebonne, Trois-Rivieres, Toronto, Mississauga, Windsor and Vancouver. Not islands and not rural communities.

The 15 actions fell under one of the following three categories:

1. Reducing threats to biodiversity.
2. Sharing the benefits of biodiversity.
3. Solutions, governance, management and education.

Reducing threats to biodiversity and generating solutions... all the actions are worthy and lofty. Except it is not what it seems; the actions are all under the umbrella of *nature as capital*. This controversial concept of nature-based solutions was also a dividing issue for many at the convention. The United Nations Environment Assembly defines nature-based solutions as actions that “protect, conserve, restore, sustainably use and manage” ecosystems, that “effectively address social, economic and environmental challenges and also provide human well being, ecosystem services and biodiversity benefits.”

A report by the Friends of the Earth International accused “industry” of trying to “turn nature into a business” and placed the blame on the Convention on Biological Diversity (CBD). The report added that industry representatives often appear at UN biodiversity talks under “promisingly green-sounding

names” and advocate or lobby for the inclusion of terms such as “no net loss,” “net gain,” “nature positive” and of course, “nature-based solutions.” It is worth noting that the CBD denied multiple requests to provide a full delegates list and, thus, it is not known how many industry representatives attended COP15. Another partner, the World Business Counsel for Sustainable Development (WBCSD) is a confederation of approximately 200 of the world’s largest corporations that promote their business practices under the cloak of “sustainable development.” Members include fossil fuel corporations like Royal Dutch Shell, BP, Chevron Corporation, and Suncor Energy. Mining giant Vale S.A. Syngenta, the maker of atrazine, the amphibian-poisoning pesticide. Bayer, the maker of neonicotinoid pesticides. Five of the top twenty most toxic air-polluting corporations in the US (E.I. du Pont de Nemours, Bayer, BASF, Dow Chemical, and Eastman Chemical) and three of the top fifteen most toxic water polluting corporations (Dow, Eastman, and BASF) are also members.

When biodiversity becomes *nature capital*, it is not protecting biodiversity it is protecting corporations under the guise of “sustainable development.” This practice, which in theory should lead to no net loss of nature and biodiversity, leads to an untenable contradiction. It means that nature can only be conserved if it is first destroyed. The single biggest threat to the environment and to nature is the dominance of these nature- based principles and practices. Yet they are promoted by the world’s most powerful and entrenched organizations, alongside such “conservation” organizations as the Intergovernmental Panel on Biodiversity and Ecosystem Services, NatCap (the Stanford-based Natural Capital Project), and the world’s largest conservation organizations (The Nature Conservancy, the World Wildlife Fund, and Conservation International). The relationships are all too cozy. Nature Conservancy and the Wildlife Fund are partners with NatCap and the chief scientists of both organizations also sit on the NatCap Board.

The common argument made by proponents of natural capital, that it helps to make the value of nature visible, is deeply flawed. The value of nature is perfectly visible to investors. They know that destroying it is far more profitable than saving it. An even more fundamental point is that destruction of nature is increasingly becoming the basis for the conservation of nature. Programs built on natural capital are usually geared towards offsetting the destruction of nature, which becomes the main source of the money needed for investing in conservation. In the logic of natural capital, investments in unsustainable economic activities are therefore “compensated” by equal investments in sustainable activities. What’s the economic value of salmon or orcas versus the economic benefit of the Roberts Bank Terminal expansion? How can aquatic life adequately compensate for the Trans Mountain Pipeline expansion?

Donald S. Maier wrote in his paper ‘Should biodiversity and nature have to earn their keep?’ that these “institutions and their non-corporate supporters embody a tragic irony: While they regard and promote themselves as devoted to conservation of biodiversity, ecosystems, and nature, these organizations follow principles that ensure their destruction.” This “nature” creep is everywhere. Exhibit A: In 2006, Nature Conservancy of Canada’s mission was “to preserve the plants, animals, and natural communities that represent the diversity of life on Earth by protecting the lands and water they need to survive.” Today, their purpose: “with nature, we build a thriving world to conserve portfolios of functional conservation areas within and across ecoregions. Through this portfolio approach, we will work with partners to conserve an array of ecological systems and viable native species ... nature can better deliver essential services that support life. By connecting landscapes that provide nature-based solutions, we’re taking care of places.”

In 2010, Cormac Cullinan wrote in *The Legal Case for the Universal Declaration of Mother Earth*, that “existing governance systems are not working. Despite a huge increase in environmental laws and treaties over the last few decades and redoubled enforcement efforts, climate change, the loss of biological diversity and unique ecosystems, the depletion of fish stocks, the over-exploitation of fresh water resources, the loss of soil and desertification are continuing. The evidence that human regulatory

systems are failing to prevent the destruction of the living communities and natural processes that are essential to most forms of life, is now overwhelming.”

We should all have very deep moral reasons to reject these econometric principles to biodiversity, nature, and other environmental goods. As Maier eloquently wrote, “biodiversity and nature should not have to earn their keep.”

ATTACHMENT(S):

1. Convention on Biological Diversity, Conference of the Parties, 2022, *Decision Adopted/Kunming-Montreal Global Biodiversity Framework*: <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>
2. United Nations, 2022, *Press Release: Nations Adopt Four Goals, 23 Targets for 2030 In Landmark UN Biodiversity Agreement*: <https://www.un.org/sustainabledevelopment/blog/2022/12/press-release-nations-adopt-four-goals-23-targets-for-2030-in-landmark-un-biodiversity-agreement/>
3. United Nations Development Programme, 2022 updated September 2023, *Integrated Spatial Planning Workbook*: <https://www.undp.org/publications/integrated-spatial-planning-workbook>
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4. Thuncher, J. 2022, Thuncher, J. 2022, *Creating connections: Helping wildlife and people thrive in the Sea to Sky*: <https://www.squamishchief.com/in-the-community/creating-connections-helping-wildlife-and-people-thrive-in-the-sea-to-sky-5867911#>
5. Municipal Protected Areas Project (MPAP) brochure
6. Maier D.S. 2018, *Should biodiversity and nature have to earn their keep? What it really means to bring environmental goods into the marketplace*: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5884767/>
7. Cullinan, C. 2010, *The Universal Declaration of the Rights of Mother Earth*: <https://www.garn.org/wp-content/uploads/2021/09/Legal-Case-for-Universal-Declaration-Cormac-Cullinan.pdf>

 MUNICIPAL PROTECTED AREAS PROJECT <i>Inspired by Canada's commitment to conserve 30 percent of land and water by 2030 (30x30)</i> The Municipal Protected Areas Project (MPAP) is a collaborative initiative to advance Canada's commitment, under the UN Convention on Biological Diversity, to protect at least 30 percent of our lands and waters by 2030 – also known as the 30 by 30 target. The project focuses on working with local governments to encourage contributions to the 30 by 30 target and increase protection for natural areas in BC and across Canada.	2022 Conservation Status in Canada 13.6% of its terrestrial area (land and freshwater) 14.7% of its marine territory 2022 Conservation Status in BC 15.4% of land base 3.2% of B.C.'s marine areas Importance of Local Governments ❖ Municipal natural areas are home to rich biological diversity ❖ Municipal natural areas play a critical role in local adaptation to climate change ❖ Helps achieve Canada's biodiversity commitments in a meaningful way for communities Benefits of Local Governments Participation ✓ Raises the profile of local government's work for biodiversity ✓ Validates local government's conservation policies and approaches ✓ Builds collaboration between local governments and local conservation organizations ✓ Ensures local governments are well positioned to seek future support and resources for conserved areas	Local Government protected areas are under-reported on the Canadian Protected and Conserved Areas Database (CPCAD) What Qualifies? Natural areas can be added to the Canadian Protected and Conserved Areas Database (CPCAD) if they: ❖ Have clearly defined geographical boundaries ❖ Achieve in-situ conservation of biodiversity ❖ Prohibit actions incompatible with conservation ❖ Are intended to be protected into perpetuity BC Nature MPAP team can: ✓ Assess municipal lands for registry at no cost ✓ Undertake the registry process for CPCAD at no cost ✓ Engage with local clubs to generate excitement about conservation ✓ Provide resources in the protection of lands ✓ Identify opportunities for new lands to be conserved and protected For more information on MPAP, contact us at: conservation@bcnature.ca
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Further Reading:

- *Natural Capital in BC's Lower Mainland Valuing the Benefits from Nature*. David Suzuki Foundation (Solutions are in Our Nature), Pacific Parklands Foundation (2010)
- *Natural Asset Infrastructure in British Columbia: Barriers and Opportunities*. Municipal Natural Assets Initiative (Making Nature Count) (2023)
- *Legal Primer Natural Asset Management by Local Governments in Canada*. Municipal Natural Assets Initiative (Making Nature Count) (2023)
- *Towards an Eco-Asset Strategy in the Town of Gibsons*. Municipal Natural Assets Initiative (Making Nature Count) (2023)
- *Managing Natural Assets to Increase Coastal Resilience Town of Gibsons British Columbia*. Municipal Natural Assets Initiative (Making Nature Count) (2023)
- *Toward a 2030 Biodiversity Strategy for Canada: Halting and reversing nature loss Discussion Paper*. Environment and Climate Change Canada (2023)
- *Stepping Up on Biodiversity: What the Kunming-Montreal Global Biodiversity Framework means for responsible investors*. UN Environment Programme (April 2023)

Watch:

- *Natural Capital & Ecosystem Services. Natural Capital Project*
- Dr. Anne Guerry, Chief Strategy Officer and Lead Scientist for the Natural Capital Project, introduces the concepts of natural capital and ecosystem services. (YouTube)

FOLLOW-UP: Staff will follow-up as requested.

Response Options:

- 1) That Trust Programs Committee recommend to Trust Council that the following actions be considered in the next strategic planning process:
- 2) That Trust Programs Committee defer consideration of this briefing to a future.

Prepared By: Clare Frater, Director, Trust Area Services using a prior briefing co-produced by Trustees Alex Allen, Tobi Elliott, Sue Ellen Fast and Laura Patrick, and provincially-appointed Trustee Risa Smith

Reviewed By/Date:

BRIEFING

To: Regional Planning Committee **For the Meeting of:** November 15, 2023
From: Director Planning Services **Date Prepared:** October 27, 2023
SUBJECT: Shoreline Planning and Protection – Trust-wide Review Discussion

PURPOSE:

This matter is raised to the Regional Planning Committee (RPC) to solicit discussion regarding whether there is a desire to explore shoreline planning and protection as an Islands Trust-wide review.

Previous discussions have occurred from the Thetis, Gambier, and Gabriola Local Trust Committees. The RPC may be aware of these discussions, and consideration that has been posed as to whether the matter should be examined at a higher regional level across the Trust Areas rather than at a smaller local Island-level, because of common concerns (i.e. climate adaption, shoreline and ecosystem protection, sensitive culturally significant areas) and actions that may benefit the regional context of the Trust Area.

BACKGROUND:

The following resolutions have been made by the Thetis and Gabriola Local Trust Committees (LTC)s which provides context to the previous discussions.

Carried 04-Jul-2023

Thetis Island LTC Resolution # 2023-019

That the Thetis Island Local Trust Committee request the Regional Planning Committee to include the Thetis Local Trust Area in a Regional Review and indicate its strong interest in Shoreline protection Planning and Zoning for the Trust Area.

Carried 30-Mar-2023

Gabriola Island LTC Resolution # 2023-017

That the Gabriola Local Trust Committee request the Regional Planning Committee to include the Gabriola Local Trust Area in a Regional Review of Shoreline Planning and Zoning for the Trust Area. And, that the Regional Planning Committee look at Bowen Island's Mannion Bay Revitalization Plan as part of a Shoreline Review.

Summary of past actions:

- Gabriola Island LTC raised the matter to the RPC and Executive Committee (EC) earlier in 2023 to see if there was appetite for a regional review and approach. The EC did not take any action on it as a project.

- During their July 4, 2023 LTC meeting, the Thetis Island LTC raised the matter when discussing a draft project charter for a Shoreline and Coastal Protection Review, as a major project. Since the Regional Planning Team (RPT) is anticipated to be fully committed to ongoing major projects into the 2024/25 fiscal year, there is unfortunately no guarantee that there would be support at Trust Council. Therefore the TH LTC passed a resolution to see if the RPC has an appetite to consider a regional review for the Trust Area. Previous projects include:
 - Marine shorelines DPA, 2011-2013 & 2013-2014
 - Shoreline & coastal protection, 2021
- Gambier Island LTC has completed previous projects such as:
 - Shoreline Mapping, Thormanby, 2012
 - Foreshore protection, 2014
 - Green Shores, 2016
 - Keats shoreline protection, 2018-2023
 - [Shoreline discussion paper](#), 2020
- Other: [Shoreline Toolkit](#), 2021

Summary of current actions:

- Gambier Island LTC has an OCP & LUB bylaw amendment project in its final stages regarding the [Keats Shoreline Protection Project](#). (Bylaws #153 & 154) The purpose of the project is to establish a Shoreline DPA for protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions; the project was started in 2018.
 - [Staff Report](#) from June 20, 2023, page 23 of the report shows a comparison table of other LTCs and jurisdictions regarding shoreline protection (residential zone considerations only).
- Other resources are listed on the Islands Trust [Marine Shorelines](#) webpage.

Other Considerations:

The RPC has existing actions and considerations with regards to marine protection from now until the end of next fiscal year (March 2025). The prioritization of projects beyond that is deliberated and directed by Trust Council.

Trust Council approved the existing [Strategic Plan](#) as an interim strategy for the next fiscal year with a few minor changes including prioritizing strategies that support land use (which includes marine use) decision making. The existing plan includes two marine protection strategies already assigned to the RPC:

- Strategy 2.2: Map the extent of eelgrass and kelp beds throughout the Trust Area. Phase 1 of a 2 phase mapping assessment was completed. Phase 2 needs “ground truthing” to increase confidence and make the data reliable enough for application into protection guidelines and regulations. RPC requested and received a 2024/25 business case to complete phase 2 of the mapping but did not support advancing the work due to concerns of cost. Instead, the RPC requested staff to draft a terms of reference to be available in case external funding become available for 100% of the mapping cost. The original business case will continue to Trust Council as an unsupported business case.

- Strategy 2.3: Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. RPC received a review of foreshore policies and regulatory bylaws in 2021 (see [here](#)). The report did not create model policy or regulatory bylaw. It does; however, include various recommendations such as a minimum 15m setback from the high water mark and increased elevation from potential storm water surges. The report could probably use a synthesis but it does provide some overview as to actions LTC could take to amend their respective OCPs and LUBs to preserve and protect shorelines and the marine ecosystem. There have been no recommended follow up actions or discussions that I'm aware of in how to optimize this report to assist in LTC land use decision making. Ultimately its research to assist LTCs update their bylaws.
- One of the recommendations in the Shoreline Protection Model Bylaw Report received in March 2021 recommends following provincial [coastal floodplain mapping guidelines and specifications](#) for developing hazard management plans. Staff note that the province has made substantial funding available to regional governments for such mapping. (see [link](#) for discussion on funding floodplain mapping).

The above information is supplemented by other resources listed on our [Marine Shorelines](#) webpage.

ATTACHMENT(S): none.

FOLLOW-UP:

Following RPC discussion, there may be further questions or clarity required of the named LTCs to inform any direction from the RPC.

The RPC may reconsider it's support the funding request to complete the eelgrass mapping strategic item assigned to it via Trust Council.

Prepared By: Renee Jamurat, Regional Planning Manager

Reviewed By/Date: Stefan Cermak, Director, Planning Services / October 30, 2023



Islands Trust

**Budget Funding Request
Short-Form Business Case**

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Requested by: Regional Planning Committee	Budget Source (select all that apply): ☐ Specific Project Funding (select all that apply) ☒ Third Party Contractors (or Co-op student) ☐ Staff Travel Expense ☐ Staff Overtime Expense ☐ New Staff Member – Temporary for project ☐ Computer Hardware/Software ☐ Furniture & Equipment ☐ Computer Hardware/Software/Supplies ☐ New Staff Resources (see Staff Costing Tool) ☐ Permanent ☐ Temporary Temp Duration: _____ ☐ Other – please describe: _____
Department: Planning Services	
Name of Request: Northern Region and Southern Gulf Islands Housing Needs Reports – <u>all Local Trust Committees</u>	
\$ Value of Request (indicate by fiscal year and total if project is multi-year): 2024/25: \$110,000 <u>\$127,336</u>	Funding Required for (date range): April 1, 2024 – March 31, 2025 <u>(funding via provincial grant)</u>
TIE TO ISLANDS TRUST GUIDING DOCUMENTS: (Indicate how the proposed project/activity/work ties to Trust Council's strategic plan, Policy Statement directives, Council Bylaws, work programs, the Trust's object, etc. Provide a copy/paste of the relevant reference, along with hyperlinks to external documents where available.) Effective April 16, 2019 provincial requirements require all local governments to complete housing needs reports for their communities by April 2022 and every five years thereafter. The Housing Needs Reports for all Local Trust Committees, except the Salt Spring Island Local Trust Committee are legislatively required to be updated. • Northern Region (DE, GA, GM, HO, LA, TH) Housing Needs Report, Dillon Consulting, June 2018 • Southern Gulf Island (GL, MA, NP, SP, SA) Housing Needs Report, JG Consulting Services, February 2018 • Salt Spring Island, Housing Needs Report, CRD, November 2020	

Islands Trust Council [Strategic Plan 2018-2022](#). Objective: Strengthen Housing Affordability Throughout the Islands Trust Area. In June 2023, [Islands Trust Council amended the Strategic Plan](#) to:

- “Prioritize elements of the strategic plan that support land use decision making”, and
- “Update the strategic initiatives related to housing to focus on projects that will develop healthy, resilient island communities by employing two lenses: mitigating and adapting to the effects of climate change, and managing growth by cultivating equitable, inclusive and resilient communities and the natural environment.”

Strategic Actions 4.4 iii – 4.4 v within the Strategic Plan were refined in the RPC work program to include development of a Housing Options Strategy and Toolkit (subject of a different business case).

Regional Planning Committee Work Program: Strengthen housing affordability throughout the Islands Trust Area

[Islands Trust Policy Statement](#) Goal: To Sustain Island Character and Healthy Communities: “...The health of a community is influenced by numerous factors such as economic security, education, social support systems, the cleanliness and safety of the environment, and the availability of such necessities as educational and social services, transportation, affordable food and housing”.

ISSUE/OPPORTUNITY: *(What issue are you trying to resolve with this initiative, or what opportunity has been identified that would benefit Islands Trust by undertaking this initiative? What are the future needs? What organizational objectives are being addressed? Include background information that decision makers will need to properly assess this request.)*

The business case proposes to hire a consultant to produce the legislatively required Housing Needs Reports.

All Local Trust Committees are legislatively required to update their Housing Needs Report every five years.

All LTC’s Housing Needs Reports, except Salt Spring Island, are valid from 2018-2023; Salt Spring’s Housing Needs Report is valid from 2020-2025.

A further opportunity is to consider including gaps as identified in the Housing Needs Gaps Analysis, Urban Matters, August 2023.

Update (Jan. 2024):

The Housing Statutes (Residential Development) Amendment Act (Bill 44) received Royal Assent on Nov. 30, 2023; Order in Council was adopted December 7, 2023. The Act and Regulations require all Local Trust Committees to update their Housing Needs Reports to align with the new requirements.

On December 20, 2023, the Islands Trust received an announcement that it has been awarded \$127, 336 to update all Housing Needs Reports – including Salt Spring Island Local Trust Area. The grant displaces the \$110,000 budget request (which did not include Salt Spring Island Local Trust Area).

PROJECTED RESULTS/DELIVERABLES: *(How does this address the issue/opportunity described above? Indicate how results of this work will impact decision-making by trustees or staff. Will this work result in better decisions, more efficient decision-making, more efficient completion of work, better public perception, etc. Consider all possible results from undertaking this work.)*

Housing Needs Reports for each Local Trust Area ~~except Salt Spring Island would~~ must meet legislative requirements. Including a more detailed assessment of supplementary data points, typically qualitative data, would support a fully picture analysis of housing needs in each community.

RISK ASSESSMENT: *(List and discuss potential risk factors associated with this work, if identified. List and discuss the options that exist to mitigate identified risks.)*

Risk conflicting with oath of office. Housing Needs Reports are required by provincial legislation. All Trustees swore an oath of office to perform duties of office in accordance with the law. (Similarly staff swear an annual oath of employment). Completing the legislatively required task would alleviate any conflict.

Risk having outdated housing needs information. It is well understood that a housing crisis exists and that housing is needed by many. However, not updating the assessment regularly would result in current decisions being made on old data. Much changes every five years, and this has been especially true since Covid-19.

ALTERNATIVES CONSIDERED: *(What other options/alternative courses of action were considered? List and discuss each alternative separately. Each option must be supported by a succinct and realistic presentation of the benefits, risks, financial implications, resource requirements and other implications to allow for an informed decision among the options. One option should reflect the status quo - i.e. do nothing - and the anticipated results of that action.)*

Option 1: Do Nothing

- Benefits – no cost
- Risks – Not meet provincial legislation. May affect funding or other agreements from province. May reduce effectiveness of housing related projects. May affect challenges related to sworn oaths.
- Financial implications – no cost.
- Resource requirements – staff would likely seek ways to update housing needs information on a project by project basis.
- Other implications-

Option 2: Update ~~Northern and SGI~~ Housing Needs Reports to minimal requirements using a Coop student

- Benefits – cost effective
- Risks – minimal to no experience – significant time orientating and reviewing student work
- Financial implications – cost effective
- Resource requirements – approved Coop Planner position; student supervision
- Other implications- Coop student would not get much else done and would have minimal opportunity to experience more of planning services while coop supervisor would be focused on primary output of student.

Option 3: Update ~~Northern and SGI~~ Housing Needs Reports to minimal requirements using a contractor

- Benefits – all LTCs requiring Housing Needs Reports would get them – meeting legislation.
- Risks – ~~SSI is done separately thus not assured funding (although at time of drafting this business case SSI is reasonably funded for various Housing Need related deliverables and required deliverable can be during the 2025/26 fiscal period).~~ Need to meet legislative requirements drives up demand for contractors and cost
- Financial implications – Grant funded. Cost effective.
- Resource requirements – Standard. Staff drafting of Request for Proposal and contract management.
- Other implications- This option excludes consideration of addressing any qualitative assessments such as understanding employer needs, the quality of housing, or getting a more accurate assessment of rental accommodations and hidden homelessness.

Option 4: Update ~~Northern and SGI~~ Housing Needs Reports with supplemental data

- Benefits – Same as above but with supplemental data providing better insight into housing needs.
- Risks – each Local Trust Area may benefit from a different approach when identifying and addressing gaps in housing needs data. This in turn leads to increased need to cooperate/coordinate with local groups who could provide more information. This leads to different and inconsistent data gathering methods/information but once established, could benefit each LTA uniquely.
- Financial implications – expensive. The grant funding would cover the minimum requirements and an additional \$110,000 - \$130,000 would be required if each Local Trust Area received supplemental data.
- Resource requirements – standard.

- Other implications- getting better information will help the Islands Trust meet and address local housing needs in a more succinct manner and may lead to improved funding opportunities for local groups including regional districts to address more specific needs.

CRITICAL SUCCESS FACTORS: *(What related factors have been identified that are important to the success of completing this work/initiative? Which of these factors are considered critical to the success of this initiative? Discuss outcomes if critical success factors are not met.)*

Must meet legislative requirements.

Address updated Strategic Plan healthy community strategies.

Meet community needs.

Minimal resource requirements.

RECOMMENDED OPTION: *(State your recommendation, referencing the options discussed earlier, and summarise why you chose it over others.)*

Option 3.

- Meets legislation and somewhat addresses updated Strategic Plan.
- It does not provide enhanced community engagement or any robust qualitative data; however, this may be included in focused OCP or LUB amendments on a LTC by LTC basis
- Grant funding ~~request kept to what is required only to~~ meet s legislation requirements.

COST/BENEFIT ANALYSIS: *(Discuss both quantitative and qualitative considerations of this initiative. Quantitative discussion should include financial costs as well as benefits (savings). Qualitative considerations include non-quantifiable costs and benefits.)*

Quantitative:

Cost is estimated to be ~~\$100,000—\$120,000—\$127, 336~~ (this number was generated independently by the province but is reasonably close to staff estimates). ~~This is based on similar work done in 2017 and assuming an average annual rate of inflation of 3.26% between 2017–2023; it is further substantiated through a high-level cost estimate given in the Housing Needs Gaps Analysis Report.~~

Qualitative:

Assists LTCs make informed decisions based on current data, as required by legislation.

PURCHASING PROCEDURE: *(Describe any purchasing processes that will be needed to support this initiative (ie. Direct Award, RFP, ITQ to qualified vendor) if goods or services need to be procured for the work. If this is for new staff hiring, indicate likely hiring method (ie: external competition, government-restricted internal competition, etc.)*

Request for Proposal.

PROPOSED IMPLEMENTATION STRATEGY: *(What are the specific features of the “roll-out” of the recommended solution? What is the timeline and anticipated date of completion for this initiative?)*

- April 2024: draft Request For Proposal (RFP) terms of reference
- May 2024: post RFP
- June 2024: award RFP
- September 2024: submit final report to RPC
- October 2024: distribute report to LTCs

STAFF RESOURCING: *(What staff resources will be needed to achieve success on this initiative? Estimate how many hours of staff time will be required, by staff level/role. Comment on the reasonability of expected staff hours when assessed in conjunction with other work underway or planned.)*

Standard resourcing for contract management.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION: *(Discuss proposed change management requirements, communications needed, involvement with others. Are there any concerns related to these? If so, how will these be addressed? Have other stakeholders been identified?)*

No special change management required. Share results with LTCs and staff.

Requested by: Regional Planning Committee

Prepared by: Stefan Cermak, Director Planning Services, August 28, 2023

Updated January 9, 2024.

BRIEFING

To: Regional Planning Committee **For the Meeting of:** February 16, 2024

From: Stefan Cermak, Director of Planning Services **Date Prepared:** January 31, 2024

SUBJECT: Implementation Update – Housing Strategic Action Plan

PURPOSE:

To provide an update to Regional Planning Committee (RPC) regarding implementation actions undertaken to date on the Trust Council endorsed Housing Strategic Action Plan.

BACKGROUND:

At its November 15, 2023 meeting, the Regional Planning Committee endorsed the draft Trust Council Housing Strategic Action Plan including proposed priority actions and referred it to Trust Council for approval. At its meeting in December, Trust Council adopted the [Housing Strategic Action Plan](#).

The Housing Strategic Action Plan contains objectives, and specific actions, along with priorities and key timelines by which actions are intended to be completed. It is a living document and will be updated as needed. Attachment 1 provides RPC with an implementation update, identifying the status of actions undertaken to date, as well as presenting endorsed future actions.

ATTACHMENT(S):

Attachment 1: Housing Strategic Action Plan – Implementation Update – February 2024

FOLLOW-UP:

Staff will continue to its work to implement the Housing Strategic Action Plan according to the timeline set out in the Housing Strategic Action Plan (and Attachment 1, which presents the actions by quarter) and availability of staff resources.

Prepared By: Mary Storzer, Senior Policy Advisor

Reviewed By/Date: Robert Kojima, Regional Planning Manager, Southern Team
Stefan Cermak, Director of Planning Services

Attachment 1: Housing Strategic Action Plan – Implementation Update - February 2024

 = Completed
 = In Progress

2023-2024 – HOUSING STRATEGIC ACTION PLAN – Actions Update			
Q	Actions	Details	Status
Q3	Action 3: Update Housing Affordability webpage (including by posting the Housing Options Toolkit) and support awareness of housing affordability advocacy	-Now posted to the Housing Affordability page: Housing Options Toolkit (HOT), Housing Strategic Action Plan (HSAP), HOT and HSAP News Releases -IT planner workshop on HOT happened January 11, 2024 - Advocacy Letter page (Housing section) link added to Housing Affordability page	
	Action 27: Advocate to Province to enable improvement districts (that serve the IT) to access infrastructure grants	-document drafting underway to identify next steps	
Q4	Action 4: Communicate to property owners what housing actions (e.g., secondary suites etc.) can be taken under existing bylaws and constraints that are beyond an LTC's authority to address, e.g. Building Code	-adding a more summarized table to Tool 8 (baseline report) -exploring adding more detail to Tool 10 (roles and responsibilities) with graphics to provide general information but with as much specificity as possible	
	Action 7: Identify consistent housing definitions & recommend LTCs to adopt	-the model Land Use Bylaw Template is being updated with this information for use by LTCs	
	Action 11: Apply for funding to incorporate new data on social and economic implications of housing location into suitable land analysis; pilot approach	-funding applied for and received by Salt Spring to undertake this work as part of complete communities grant	
	Action 24: Work with Regional Districts to facilitate the development and implementation of affordable housing strategies for the islands	-this is underway and ongoing (in Capital Regional District, and conversations occurred with Comox Valley RD; future regions RD Nanaimo and Cowichan Valley RD)	
	Action 22: Work with Indigenous Nations to address their interests in Action Plan	-letter drafted to initiate this work, will be sent shortly	
	Action 31: Review of provincial housing regulations 2023/2024	-Toolkit updated and memos sent to LTCs	

Note: Q1 =Apr-Jun; Q2=July-Sept; Q3=Oct-Dec; Q4=Jan-Mar

	Action 25: Advocate to Provincial Health to develop support and guidance for unplumbed sewage disposal such as composting toilets and alternative water solutions	-UBCM resolution drafted for AVICC consideration re Ministry of Health to update the Manual of Composting Toilet and Greywater Practice & provide funding for demonstration projects and pro-d	
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Note: Q1 =Apr-Jun; Q2=July-Sept; Q3=Oct-Dec; Q4=Jan-Mar

FUTURE ACTIONS TIMELINE - FROM THE HOUSING STRATEGIC ACTION PLAN	
2024/25	
Q1	Action 2: Updates to Housing Needs Reports - grant received from Province for all LTCs
	Action 21: Trust Council to identify if there are specific circumstances where they want to hold land for housing in a manner consistent with its mandate
	Action 26: Advocate to Province for Prov and regional level changes to support wheeled tiny homes
	For Action 23 in Q3 24/25– consider if \$ is needed for roundtable – and ask for it at Trust Council
Q2	Action 13: Encourage LTCs (communications from staff) to update OCPs to facilitate housing to address need
	Action 14: Encourage LTCs (communications from staff) to create opportunities through zoning for housing forms that address need
	Action 29: Advocate for BC Housing and CMHC to incorporate a low density, rural framework within capital funding programs
	For Action 23 in Q3 24/25- planning work including agenda, meeting invitations, location, consultant?
	Action 11: Apply the methodology to incorporate new data on social and economic implications of housing location into suitable land analysis; apply from Salt Spring pilot approach
Q3	Action 1: Updates to Housing Profiles for all LTCs
	Action 9: Create a model engagement process for LTCs
	Action 23: Hold a regional interagency cooperation staff roundtable
	Action 25: Advocate to Provincial Health to develop support and guidance for unplumbed sewage disposal and alternative water solutions
	For Action 23 in Q2 25/26: (Hold a regional interagency cooperation elected officials roundtable) – consider if \$ needed and ask for it from TC
	Action 12: Apply for funding (e.g. through Real Estate Foundation of BC) to undertake work with First Nations to incorporate indigenous interests into suitable land analysis; pilot approach
Q4	Action 6: Prioritize funding to LTC housing projects to update bylaws
	Action 7: LTCs to adopt consistent definitions of affordable housing and other housing-related terms
	Action 10: Undertake suitable land analysis using existing evidence-based research data
	Action 11: Pilot approach to incorporate new data on social and economic implications of housing location into suitable land analysis
	Action 12: Undertake work with First Nations to identify ways to incorporate indigenous interests into suitable land analysis and pilot it
	Action 15: Develop communications on pre-development steps and costs for community organizations & affordable housing application process (Tools 11-12)
	Action 18: Terms of Reference and Water Management Plan Template including proof of water guidance (Tools 14-16)
	For Action 23 in Q2 25/26: (Hold a regional interagency cooperation elected officials roundtable) – start planning agenda etc
	Action 28: Advocate for provincial government to fund growth-limits assessment like groundwater availability studies
	Action 30: Advocate for ongoing provincial funding to help address housing need in the Islands Trust
2025/26 ACTIONS	
Q1	<i>Work underway to meet future action completion timelines</i>
Q2	Action 23: Hold a regional interagency cooperation elected officials roundtable
Q3	<i>Work underway to meet future action completion timelines</i>
Q4	Action 2: Updates to Housing Profiles for all LTCs when new data available from: Census (release Feb 2026)

Note: Q1 =Apr-Jun; Q2=July-Sept; Q3=Oct-Dec; Q4=Jan-Mar

	Action 6: Prioritize funding to LTC housing projects that will result in effective and/or innovate bylaws increasing housing options (Official Community Plan and Land Use Bylaw) and updates to older zoning provisions
	Action 7: LTCs to adopt consistent definitions of affordable housing and other housing-related terms
	Action 10: Undertake suitable land (for development) analysis using evidence-based research data that the Islands Trust has
	Action 16: Resource a technical services fund to commission professional reports for site-specific affordable housing projects or a granting function to support pre-development costs for affordable housing
	Action 19: Adopt revised Housing Agreement template for multi-family developments
	Action 20: Co-ordinate with Regional Districts to develop a simple program to administer housing agreements
2026/2027 ACTIONS	
Q1	<i>Work underway to meet future action completion timelines</i>
Q2	<i>Work underway to meet future action completion timelines</i>
Q3	Action 5. Islands Trust Policy Statement amendments to provide affordable housing vision
Q4	Action 6: Prioritize funding to LTC housing projects that will result in effective and/or innovate bylaws increasing housing options (Official Community Plan and Land Use Bylaw) and updates to older zoning provisions
	Action 7: LTCs to adopt consistent definitions of affordable housing and other housing-related terms
	Action 10: Undertake suitable land (for development) analysis using evidence-based research data that the Islands Trust has

Note: Q1 =Apr-Jun; Q2=July-Sept; Q3=Oct-Dec; Q4=Jan-Mar

BRIEFING

To:	Regional Planning Committee	For the Meeting of:	February 16, 2024
From:	Director, Planning Services	Date Prepared:	February 8, 2024
SUBJECT:	Short Term Rental Accommodation Act Evaluation		

PURPOSE:

To evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.

BACKGROUND:

The Short Term Rental Accommodation Act ([Bill 35](#)):

- Received Royal Assent on October 26, 2023
- Adopted Regulations ([Order in Council 679](#)) on December 7, 2023

On December 7, 2023, the Islands Trust Council received a briefing (Attachment 1) regarding Housing Statute and Regulation Changes to British Columbia Legislation. After consideration, Trust Council carried the following resolution:

THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.

On December 20, 2023, the Executive Committee received an update (Attachment 2) on [Order in Council 679](#) - bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions. The Executive Committee was also updated on the provincial release of a [policy guidance document](#) (Attachment 3) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.

Evaluation

There are various opportunities and challenges for implementation of the act on the management of short term rentals (STRs) in the Trust Area (summarized in Table 1).

Table 1 STR Act Opportunities and Challenges

Legislative Overview		Opportunity	Challenge
1	Regional District Business Licensing	• Work in cooperation with Regional Districts	• Islands Trust may not issue business licenses • Requires Regional District prioritization and action • Strategic shift and resources required
2	Increased Fines	• Increase fines up to \$3,000 / day	• Does not apply to BEN Bylaws (all LTAs except LA & SA) • Applies to MTI system • only GB, NP, SS & TH have MTI Bylaws • Existing MTI Bylaws have not been applied for ~ 15 years • Strategic shift and resources required
3	Principal residence requirement	• LTCs may opt in by March 31st (annual deadline)	• Local Trust Committees must opt-in by deadline to be included (this can be done in any successive year by March 31st to take effect by November 1st of the same year)
4	End of legal non-conforming status	• Provincial enforcement • Educate and enforce	• Would supersede zoning and TUPs • No assessment of scale or volume of unpermitted STRs protected by legal non-conforming status
5	Provincial Registry	• Province will share data when system is created • Accessible central database • Enforcement against website hosts • Provincial enforcement	• Timing of enacting system unknown • No details available • Likely to create decentralized or less formal webhosting
6	Provincial Enforcement	• Province to enforce its own legislation which will include the principal residence requirement if LTCs opt-in	• Province only enforcing its legislation – not local bylaws • Does not apply to RVs, tents, or other types of shelters

1. Regional District Business Licenses

a. Capital Regional District

Over 75% of STR investigations are within the Capital Regional District (CRD) (Table 2). The CRD Electoral Areas Committee (EAC) considered regulating vacation rentals on Salt Spring and the Southern Gulf Islands (see [CRD Electoral Areas Report dated February 9, 2022](#) which includes a letter written on behalf of Galiano, Mayne, North Pender, Salt Spring, and South Pender Local Trust Committees requesting that the CRD explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals). After consideration, the committee requested CRD staff “to prepare a report on the financial impacts of business licenses, on Salt Spring Island and Southern Gulf Islands, and the costs and benefits of the speculation and

vacancy tax as applied to Salt Spring Island” (see [minutes](#)). CRD staff followed up with a [report to the EAC July 13, 2022](#). The report does not appear to fully address the resolution (ex: only Salt Spring was assessed for business license expenses, no revenue appears to be discussed, nor are the other Southern Gulf Islands addressed). The report states that at the time of drafting the CRD did not have business licensing authority and CRD staff seemed disinterested since Local Trust Committees (LTCs) may regulate STRs via zoning and/or temporary use permits. [Minutes from the meeting](#) show that the EAC only advanced the issue of the speculation and vacancy tax.

Legislative changes authorizing regional districts to issue business licenses has since been amended permitting regional districts to issue business licenses. This may provide an opportunity for the CRD to reevaluate the issue. Local Trust Areas within the CRD may seek to cooperate with the regional district to have a harmonious approach to STRs. The topic may evolve by way of Member of Legislative Assembly Olsen’s regular SGI Roundtable Discussions. Actions would have to become a top priority of the respective LTCs, and/or Trust Council, and the CRD.

b. Comox Valley Regional District

Hornby Island Local Trust Committee (HO LTC) has requested the Comox Valley Regional District (CVRD) to consider conducting a feasibility study to establish a business licensing service within the Hornby Island LTA. This request has not yet been fully considered by the CVRD. The CVRD, HO LTC and Denman LTC have a joint meeting in June 2024 and may further explore opportunities and challenges at that time.

c. Bowen Island Municipality

[Bowen Island issues business licenses](#) to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas.

2. Increased Fines: MTI vs BEN Bylaws

LTCs that have Municipal Ticket Information (MTI) bylaws may amend them to increase fines up to \$3,000 / day / infraction. This could be a respective minor LTC project. LTCs without MTI bylaws may prioritize creating them. This could be a minor or major project depending on the approach taken by the LTC. Many challenges exist with MTI bylaws – hence the shift to BEN bylaws. A regional shift back from the BEN bylaw approach to MTIs would require strategic agreement from Trust Council and allocation of resources to further examine.

3. Principal Residence Requirement

The most immediate opportunity is for individual LTCs to pass a resolution by March 31st, 2024 to “opt-in” to the principal residence requirement. Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.

A sample LTC resolution to opt-in may read:

“That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.”

Opting-in would mean the provincial restriction on short-term rental accommodations will override any schemes that the local trust committee has enacted (where there is a collision between them). For example, a local trust committee may have adopted a temporary use permit scheme and issued permits to non-resident owners; if that committee opted-in, those temporary use permits would become void. The owners would not have legal non-conforming status as the Act states that the legal non-conforming provisions of the local government act do not apply to short-term accommodation rentals. Similarly, any currently legal non-conforming vacation rentals will no longer be lawful; consequently in local trust areas where bylaw amendments have prohibited previously legal vacation rentals there will likely be an increase in enforcement files. Various LTCs have considered the Executive Committees request for them to consider the option. Thus far, LTCs have generally expressed a need to more fully understand potential local impacts of making such a decision.

4. End of Legal Non-Conforming Status

The Short-Term Rental Accommodations Act eliminates all non-conforming use defences by making the relevant sections of the Local Government Act inapplicable to this type of land use. LTCs may wish to consider any local impacts of the end of legal non-conforming use for short-term rentals such as the application of their bylaws and any operational implications. No assessment of scale or volume of unpermitted STRs protected by legal non-conforming status has been completed.

5. Provincial Registry

The proposed provincial registry system is being developed by the Province. More details will be available later in 2024. Opportunities will include access to centralized data and subsequent enforcement. Challenges will include timely access and the applicability of specific data to local bylaws.

6. Enforcement

As of January 4, 2024, STR investigations accounted for 26% (153 of 589) open bylaw compliance and enforcement files (Attachment 4). Seven LTCs have proactive STR enforcement.

Table 2 STR Enforcement Files by LTA and Regional District

Local Trust Area	Open Files	Regional District
Salt Spring*	88	Capital
Galiano*	13	Capital
North Pender*	10	Capital
Mayne*	6	Capital
Hornby*	15	Comox Valley
Denman*	6	Comox Valley
Gabriola*	13	Nanaimo
Thetis	1	Cowichan Valley
Gambier	1	Sunshine Coast
Total	153	

*Proactive enforcement policy

There is currently a trend towards “glamping” operations in an effort to maximize the number of rentals, offer unique experiences, and to create a greater return on investment. These operations are considered non-permitted campgrounds. These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and

the threat to neighbouring wells. The legislative changes do not apply to these types of operations, as the legislation changes do not apply to RVs, tents, or other types of shelters (as opposed to buildings).

An early assessment is that the STR Act and Regulation would have minimal impact on the number of bylaw compliance and enforcement files due to the proactive enforcement policies, current trend of glamping, and increased awareness of legislative changes. No assessment of the scale or volume of unpermitted STRs protected by legal non-conforming status has been completed. Any changes to trends will be reported when Bylaw Compliance and Enforcement staff report semi-annually to Trust Council (spring and fall).

7. General

LTCs have taken a variety of approaches consistent with each island's respective culture, history, and intensity of tourist use. The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STR-specific provisions. Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STR use, and places limits upon their operations. The OCP allows TUPs to be issued for limited periods of time, and several islands have created specific guidelines.

Enforcement staff note that the clear bylaw language in the Gabriola Island [OCP](#) and [LUB](#) has resulted in less complications and conflicts than have occurred in other LTAs. The Land Use Bylaw explicitly states that you cannot operate without a temporary use permit:

- *B.6.3 Commercial Vacation Rentals*
- *B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*

LUBs may be more restrictive than the legislation. For example, LTCs could further regulate matters related to STRs such as:

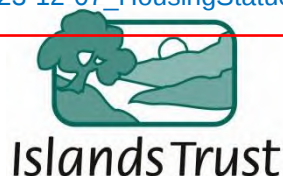
- Types of units that can be used (ex: secondary suites and Accessory Dwelling Units could be prohibited for use)
- Maximum density may be established (ex: maximum 50 / local trust area)
- Maximum number of nights / year (ex: 90 days / year)
- Maximum number of guests per unit

ATTACHMENT(S):

1. Trust Council Briefing – Legislative Changes – December 7, 2023
2. Executive Committee Briefing – Legislative Changes Update - December 20, 2023
3. Short-Term Rentals: Policy Guidance for BC Local Governments – December 2023
4. Bylaw Compliance and Enforcement – Open Investigations - January 4, 2024

FOLLOW-UP: Consideration of RPC Work Program.

Prepared By: Director, Planning Services



BRIEFING

To:	Trust Council	For the Meeting of:	December 5, 2023
From:	Stefan Cermak, Director, Planning Services	Date Prepared:	November 15, 2023
SUBJECT:	Housing Statute Changes to British Columbia Legislation		

PURPOSE: To provide Trust Council with an update on recent and upcoming legislative changes regarding provision of housing in British Columbia, and how the legislation may affect the Islands Trust Area and local trust committees.

BACKGROUND:

The British Columbia Government has so far enacted, or is in the process of enacting, five pieces of legislation to increase housing supply throughout BC. They are:

1. ***Speculation and Vacancy Tax Act*** – came into force in on November 27, 2018. The Speculation and Vacancy Tax Regulation was last amended April 3, 2023.
2. ***The Short Term Rental Accommodation Act (Bill 35)*** – received Royal Assent on October 26, 2023 and will be brought into force by Ministerial regulations expected in December 2023.
3. ***The Housing Statutes (Residential Development) Amendment Act (Bill 44)*** - received First Reading on November 6, 2023, and is expected to receive Royal Assent before the end of 2023. This Act will also be brought into force by Ministerial regulations, which are expected in early 2024.
4. ***Housing Statutes (Development Financing) Amendment Act (Bill 46)*** – received First Reading on November 7, 2023, and is expected to receive Royal Assent before the end of 2023.
5. ***Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)*** received First reading on November 8, 2023 and is expected to receive Royal Assent before the end of 2023.

Speculation and Vacancy Tax Act

The *Speculation and Vacancy Tax Act* requires owners in prescribed areas to declare their primary home, and with certain exceptions, would be taxed on homes that they do not occupy as a primary residence. The Act applies to areas specified in the Act (municipalities in the Capital Regional District and Metro Vancouver, as well as seven other municipalities (Abbotsford, Chilliwack, Kelowna, Nanaimo, West Kelowna, Lantzville and Mission)). The Act also includes one unincorporated area, the University Endowment Lands. In April 2023, the list was expanded by Ministerial regulation to include six more municipalities (Duncan, North Cowichan, Squamish, Ladysmith, Lake Cowichan and Lions Bay).

Islands Trust Area and the rest of the Province is excluded from the *Speculation and Vacancy Tax Act* requirements. The Act allows the Minister, by regulation, to add areas to the list of areas to which the *Speculation and Vacancy Tax Act* applies.

The Short-Term Rental Accommodation Act.

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short-term rental accommodation uses.

Action for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).

The Housing Statutes (Residential Development) Amendment Act

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

Residential Density Requirements

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

Housing Needs Reports Amendments

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the

prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to apply only to municipal councils). This is a point that needs clarification with Ministry staff.

Action for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are consistent with the official community plan and exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

Action for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments that are consistent with the Official Community Plan for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential. Note that if there is a Official Community Plan amendment as part of the land use bylaw amendment, then a public hearing is required for the amendment to the Official Community Plan.

Housing Statutes (Development Financing) Amendment Act

Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

Housing Statutes (Transit Oriented Areas) Amendment Act

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

ATTACHMENT(S):

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

FOLLOW-UP:

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

Prepared By: David Marlor, Director, Legislative Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager
Stefan Cermak, Director, Planning Services/ November 8, 2023

Backgrounder/Speaking Notes

Bill 44 - Housing Statutes (Residential Development) Amendment Act, 2023 (First Reading version)

Bill 35 - 2023 Short-Term Rental Accommodations Act (Royal Assent)

November 9, 2023

[Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023 was on November 1.
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. Staff understanding is that this section will also not apply to municipalities under a certain population. The BC Government news release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. Staff will need to wait for the regulation to know for sure.

Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs report must be received by December 31, 2028, and then by December 31st every five years after that. A transitional provision in the legislation requires that existing housing needs reports are updated to reflect the new requirements by a prescribed date – that date will be in the forthcoming regulations and will likely be by the end of 2024 or early 2025.
- Housing needs reports must consider five-year and 20-year timelines for expected housing requirements (previously only five years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every five years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional (i.e. cannot require conditions (such as provision of amenities) for the housing to be provided).

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
 - an official community plan is in place for that area
 - the bylaw is consistent with the official community plan
 - the purpose of the bylaw is to permit a residential development
 - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

Official Community Plan Adoption

Previously, the decision to adopt an official community plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but will be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs.

Bill 35: 2023 Short-Term Rental Accommodations Act

- **Royal Ascent October 26, 2023**– will be brought into force by regulation, which is expected in December 2023.

Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust committees are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Staff not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.
- Provincial staff have advised that local trust committees will be able to opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how a local trust committees that chooses to opt-in can opt-out in the future.

No Legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

Business Licenses

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees.

Focus of the Legislation

- The legislation focuses on three key areas:
 - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTCs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
 - Returning more short-term rentals to long-term homes
 - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
 - Hotels and motels
 - Additional types of properties, for example, timeshares and fishing lodges
 - Communities on First Nations reserve land
 - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
 - Resort municipalities and mountain resort areas
 - Regional district electoral areas
 - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

Islands Trust Background:

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
 - Poorly managed growth could threaten the preservation and protection of the Trust Area
- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
 - Strengthening housing affordability is an Islands Trust Council priority
 - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
 - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful

- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
 - Increased noise, traffic and parking concerns
 - Increased fire risk
 - Increased consumption of disposable goods, production of solid waste, and sewage
 - Impacts to community character and cohesiveness
 - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
 - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows Temporary Use Permits to be issued for limited periods of time, and several islands have created specific guidelines
 - Bowen Island Municipality issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
 - There is interest from some islands in advocating to regional districts to institute business licenses for STVRs

Current Islands Trust Enforcement

- Since the 2012 Islands Trust loss in the Supreme Court of BC of a case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island, Islands Trust has continuously found that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts. In the 2012 case the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw.
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
 - Co-op planning students have, at times, reviewed the listings
 - Since 2005, 532 STVR enforcement files have been closed

- During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
 - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
 - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
 - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice.
- Enforcement staff note that the clear bylaw language in the Gabriola Island Land Use Bylaw has resulted in less complications and conflicts than have occurred in other local trust areas.
 - The Gabriola Island Land Use Bylaw also explicitly states that you cannot operate without that permit:
 - *B.6.3 Commercial Vacation Rentals*
 - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
 - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
 - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)*
- While the province’s STVR market is dominated by commercial operators*, this may not be the case for the Islands Trust Area
- The top 10% of hosts earned 48.8% of revenue*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023*
- In June 2023, 16,810 housing units were taken off BC’s long-term and shifting to the STVR market*

**Data from The Housing Impacts of Short-Terms Rentals in British Columbia’s Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*



BRIEFING

To: Executive Committee **For the Meeting of:** December 20, 2023

From: Stefan Cermak, Director,
Planning Services **Date Prepared:** December 14, 2023

SUBJECT: Housing Statute and Regulation Changes to British Columbia Legislation

PURPOSE:

To provide the Executive Committee with an update on recent and upcoming legislative and regulatory changes regarding provision of housing in British Columbia, and how the changes may affect the Islands Trust area and local trust committees.

Key Takeaways:

- A draft resolution is provided for local trust committees to opt-in to the principal residence requirement for Short Term Rental. Such a resolution needs to be made by March 31, 2024 to take effect by November 1, 2024.
- Local Trust Committees with MTI Bylaws (Gabriola, North Pender, Salt Spring, and Thetis) may amend the penalty fees to \$3,000 per infraction per day. Other LTCs would require MTI bylaws if seeking the extra short term rental disincentive.
- Housing Need Reports Regulations have not been adopted at time of drafting this briefing.

BACKGROUND:

On December 7, 2023, the Islands Trust Council was briefed on five recent and upcoming provincial legislative changes designed to increase housing supply throughout BC. On the same day, the province adopted Orders-In-Council (Regulations) for Bills 35 and 44 (Short Term Rental Accommodation and Housing Statutes (Residential Development) respectively) and released policy documents to assist local governments implement the changes.

1. **The Short Term Rental Accommodation Act (Bill 35)**
 - Received Royal Assent on October 26, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
2. **The Housing Statutes (Residential Development) Amendment Act (Bill 44)**
 - Received Royal Assent on November 30, 2023
 - NEW regulations (Order in Council) adopted December 7, 2023
3. **Housing Statutes (Development Financing) Amendment Act (Bill 46)**
 - Received Royal Assent on November 30, 2023
 - Does not apply to Local Trust Committees; applies to Bowen Island Municipality
4. **Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)**
 - Received Royal Assent on November 30, 2023

- Does not apply to Local Trust Committees; applies to Bowen Island Municipality
5. **Speculation and Vacancy Tax Act**
- Came into force in on November 27, 2018
 - The *Speculation and Vacancy Tax Regulation* was last amended November 16, 2023
 - Does not apply to properties in the Islands Trust area

The Short-Term Rental Accommodation Act and Regulations.

Materials pertaining to [Bill 35](#) - *Short-Term Rental Accommodation Act* include:

- Order in Council [679](#) – bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions.
- A policy guidance [document](#) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.
- Properties in the Islands Trust Area are exempt from the principal residence requirement. A local trust committee or Bowen Island Municipality needs a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting-in would mean the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).
- A sample LTC resolution to opt-in may read:
 - That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.
 - Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.
 - If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.
- Order in Council [680](#) - increases possible maximum bylaw ticketing fine from \$1,000 to \$3,000 (amends BC Reg 425/2003).
 - The maximum fine that a local trust committee may set for a bylaw ticket has been increased to \$3,000 per infraction per day in accordance with the Community Charter Bylaw Enforcement Ticket Regulation. Note that this has been implemented via “Municipal Ticket Information System Bylaws” (MTI Bylaw) within the Islands Trust Area. The following local trust committees have MTI Bylaws: Gabriola, North Pender, Salt Spring, and Thetis (Table 1).
 - MTI Bylaws have been generally replaced in favour of Bylaw Enforcement Notification (BEN) Bylaws. The maximum Local Trust Committee bylaw notices penalty of \$500 under the Local Government Bylaw Notice Enforcement Act (Bylaw Enforcement Notification (BEN) Bylaws) is overseen by the Ministry of Attorney General and remains unchanged (Table 1).

Table 1 LTCs Enforcement Bylaws and Associated Maximum Permitted Penalty

Local Trust Committee	MTI Bylaw (max: \$3,000 penalty)	BEN Bylaw (max: \$500 penalty)
Ballenas-Winchelsea	N/A	✓
Denman	N/A	✓
Gabriola	✓	✓
Galiano	N/A	✓
Gambier	N/A	✓
Hornby	N/A	✓
Lasqueti	N/A	N/A
Mayne	N/A	✓
North Pender	✓	✓
Salt Spring	✓	✓
Saturna	N/A	N/A
South Pender	N/A	✓
Thetis	✓	✓

- Effective May 1, 2024, the *Short-Term Rental Accommodation Act* removes legal non-conforming protection for short-term rental accommodation uses.

Bill 35, Order in Council 679, and the policy guidance document for local governments will be forwarded to the Regional Planning Committee as per the December 7, 2023 [draft] Islands Trust Council resolution:

“THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.”

The Housing Statutes (Residential Development) Amendment Act

Materials pertaining to [Bill 44](#) – *Housing Statutes (Residential Development) Amendment Act* include:

- A Policy [Manual](#) & Site Standards document to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with Small Scale Multi-Unit Housing (SSMUH) legislation. In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.
- Order in Council [673](#) – bringing into force specific provisions of the *Housing Statutes (Residential Development) Amendment Act* and making a Local Government Zoning Bylaw Regulation that among other things, prescribes: minimum densities, distances and parcel sizes. The regulation also provides additional details on what constitutes a bus stop, and details exemptions from small-scale multi-family housing requirements. Does not apply to local trust committees.

ATTACHMENT(S):

- Hyperlinks provided to Orders In Council and Policy Manuals

FOLLOW-UP:

Staff will update as more information on regulations becomes available (ex: Housing Needs Reports). Staff may forward to Local Trust Committees for consideration of opting to the principal residence regulations.

Prepared By: Stefan Cermak, Director, Planning Services

Reviewed By/Date:



Short-Term Rentals:

Policy Guidance for BC Local Governments

Short-Term Rentals: Policy Guidance for BC Local Governments

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Key Contacts

Ministry of Housing

Contact the Ministry of Housing for answers to questions about the material contained in this guide.

Ministry of Housing

Housing Policy Branch

Housing and Land Use Policy Division

PO Box 9844 Stn. Prov. Govt.

Victoria B.C. V8W 9T2

Email address: Housing.Policy@gov.bc.ca

Website: <https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/housing>

Other Resources

BC Laws

BC Laws provides free public online access to the current laws of British Columbia. This unofficial current consolidation of BC Statutes and Regulations is updated continually as new and amended laws come into force.

Electronic versions of the *Short-Term Rental Accommodations Act*, *Community Charter*, the *Local Government Act*, the *Vancouver Charter* and other enactments are available on the BC Laws website at: www.bclaws.ca

NOTE: The Province of British Columbia does not warrant the accuracy or the completeness of the electronic version of the [Statutes and Regulations](#) available online at BC Laws.

Disclaimer

The information in this document on the Province of British Columbia's *Short-Term Rental Accommodations Act* and regulations is provided for the user's convenience as a basic starting point. It is not a substitute for getting legal advice or other professional advice. If there is a conflict between the information in this document and the legislation or regulations, the legislation and regulations prevail. This information may be subject to change, including due to any future government approvals.

PART ONE - Context

1.1 Purpose

This policy guidance provides information about the *Short-Term Rental Accommodations Act*, and related amendments to the *Local Government Act*, *Community Charter*, and *Vancouver Charter*.

1.2 Background

The goal of the *Short-Term Rental Accommodations Act* and associated amendments to the *Local Government Act*, *Community Charter*, and *Vancouver Charter*, is to strengthen tools to support local government enforcement of short-term rental bylaws, return short-term rentals to the long-term housing market, and establish a provincial role in the regulation of short-term rentals.

The legislation responds to the joint Union of BC Municipalities (UBCM)-Government of British Columbia (Province) 2021 report [Priorities for Action on Short-Term Rentals](#) recommendations, including platform accountability, data sharing, local government regulatory tools, capacity, and broader efforts to improve data sources and analysis on rental housing.

The legislation was developed in consultation with Indigenous partners, key stakeholders, including UBCM and local governments, and industry experts.

1.3 Legislative Overview

To achieve the legislative goals, the provincial short-term rental framework includes the following components:



Regional District Business

Licensing: Regional districts now have the authority to regulate short-term rentals and other

businesses, in the same way as municipalities.



Increased Fines: Fines that local governments may use for bylaw enforcement are increased, as follows:

- Maximum fines for regional district bylaw offences prosecuted under the *Offence Act* will be increased to \$50,000.
- Maximum fines local governments may issue under the Bylaw Enforcement Ticket Regulations have been increased from \$1,000 to \$3,000 per infraction per day.



Data Sharing:

A data sharing system will be established requiring short-term rental platforms to provide listing information to the Province. This will enable the Province to share that information with local governments for bylaw enforcement purposes, and with the Ministry of Finance and the Government of Canada for tax auditing purposes.



Platform Accountability: Short-term rental platforms will be required to remove listings that do not have valid local

government business licences, when requested by the local government, and must not post listings that do not include a valid provincial registry number. These new accountability measures will ensure that properties listed on short-term rental platforms have the requisite local and provincial approvals to operate.



Principal Residence Requirement:

A provincial principal residence requirement to limit short-term rentals to the host's principal residence, plus one secondary suite or accessory dwelling unit (e.g., laneway home/garden suite) on the property. It applies to municipalities with a population over 10,000 people and adjacent communities, with exemptions.

**End of Legal Non-Conforming Use:**

The legislation will remove non-conforming use protections that allowed short-term rental hosts to continue operating in specific areas despite updated local bylaws prohibiting their use in those areas.



Provincial Registry: The Province will establish a short-term rental registry that will require hosts and platforms to register with the Province.

**Provincial Compliance and Enforcement Unit:**

A provincial Compliance and Enforcement Unit will be established in the Ministry of Housing to support enforcement of the new legislation.

The legislation applies to all short-term rentals being offered to the public, including:

- Offers hosted by a platform, where people reserve and pay for the rental service (which may include, for example, Airbnb, Expedia [VRBO & Homeaway], and FlipKey).
- Offers on other web listing forums (which may include for example, online booking sites established by property managers, Facebook Marketplace, Kijiji, or Craigslist).
- Offers in classified ads in newspapers.

The legislation does not apply to:

- Hotels, motels.
- Vehicles, such as Recreational Vehicles (RVs).
- Tents or other temporary shelters.

1.4 Key Considerations

Key considerations are defined throughout this policy guide, which can help local governments understand the *Short-Term Rental Accommodations Act*. For convenience, the considerations are listed here:

- **Principal Residence Requirement:** While the provincial principal residence requirement will be enforced at the provincial level, local governments should not grant zoning (or other permission) to short-term rental hosts, where inconsistent with the provincial legislation. Local governments may wish to review their bylaws and consider whether any updates may be warranted in light of the new provincial rules.
- **Time Period Regulations:** Many local governments regulate short-term rentals in a different time period, such as 30 days or less. The *Short-Term Rental Accommodations Act* does not prevent local governments from continuing to define short-term rentals differently, long or shorter, from the Province's 90-day definition if they choose, for the purpose of their local bylaws.
- **Legal Non-Conforming Use:** Local governments may wish to consider any local impacts of the end of legal non-conforming use for short-term rentals under the *Short-Term Rental Accommodations Act*, such as the application of their bylaws and any operational implications. Local governments will have discretion to determine whether short-term rentals previously granted legal non-conforming use status may continue to be permitted, provided they are consistent with the principal residence requirement in the provincial legislation, where the principal residence requirement is applicable. This is especially relevant in Resort Municipalities where the principal residence requirement will not apply by default and where there may be broad vacation rental zoning.
- **Business License Updates:** After May 1, 2024, municipalities that currently regulate STRs may consider reviewing and updating business license bylaws as needed to align

with what is permitted under the Act. Local governments may wish to communicate early with hosts via business licence renewal notices whether they will be able to continue operating. Local governments could also consider prorating business licencing for non-principal residence short-term rentals from January to April 30, 2024.

- **Enforcement Responsibilities:** Local governments will continue to be responsible for enforcing their own bylaws, while the provincial compliance unit will be responsible for enforcing the provincial *Short-Term Rental Accommodations Act*.

PART TWO – Provincial Legislation & Local Regulations

The *Short-Term Rental Accommodations Act* establishes a provincial role in the regulation of short-term rentals. The Province continues to recognize the important role local governments play in regulating short-term rentals through tools such as bylaws, policies, and business licensing.

Local governments are not responsible for enforcing the provincial legislation in their community, including the provincial principal residence requirement. The Province will enforce the legislation through the provincial compliance unit.

The provincial principal residence requirement is intended to be a “floor” or minimum standard for regulating short-term rentals. A local government may prefer to be more restrictive.

If a local government has a question about how their bylaws fit with the provincial rules, they may wish to review, for example, section 10 of the *Community Charter* (or section 16 of the *Short-Term Rental Accommodations Act*

regarding the *Vancouver Charter*, as applicable), and consult their solicitors.

- If bylaws are currently **more permissive** than the provincial standard, provisions in the bylaw that are inconsistent with that standard would no longer be in effect.
- Note that section 10 of the *Community Charter* states: “A provision of a municipal bylaw has no effect if it is inconsistent with a Provincial enactment.”
- In addition, the STRAA specifies that “a provision of a short-term rental bylaw made under the *Vancouver Charter* has no effect if it is inconsistent with the principal residence requirement under this Act.”

2.1 Relationship to Related Provincial Legislation & Programs

Municipal & Regional District Tax Program (MRDT)

- Up to 3% tax applied to the purchase of taxable accommodation (including online short-term rentals) within designated accommodation areas of BC, collected on behalf of municipalities, regional districts, and eligible entities.
- Intended to help grow tourism and jobs and amplify BC’s tourism marketing efforts.
- Affordable housing was added as a permissible use of funds in the 2018 Provincial Budget, to help address local housing needs.
- **MRDT continues to be collected for short-term accommodation that is less than 27 continuous days in designated areas. Short-term accommodation that is 27 or more continuous days is exempt from the MRDT.**
- However, the application of MRDT is not related to whether an accommodation is captured under the definition of short-term rental accommodation service under the *Short-Term Rental Accommodations Act*.

- MRDT Program Requirements can be viewed online:
<https://www.destinationbc.ca/content/uploads/2022/12/MRDT-Program-Requirements-September-2021-1.pdf>

PART THREE – Tools for Short-Term Rental Regulation

There are several tools available to local governments to support the regulation of short-term rentals, including zoning bylaws, business licensing and compliance and enforcement.

3.1 Bylaws

When establishing local rules around short-term rentals, local governments may wish to consider additional requirements beyond those outlined in the provincial legislation based on community housing needs or other considerations. For example, some local governments have regulated matters, such as:

- Types of units that can be used for short-term rental (e.g., whether to prohibit in secondary suites or accessory dwelling units).
- Maximum density of short-term rentals or percentage of total dwellings in a community that may be used for short-term rentals.
- Maximum number of nights a short-term rental unit may be rented per year.
- Maximum number of guests per unit.
- Road network/parking requirements.
- Zoning requirements.
- Local host/contact requirements.
- Fire/safety standards.

For regional districts, prior to regulating short-term rentals through business regulation, they may wish to consider applicable requirements such as adopting a bylaw.

3.1.1 Comparison of Local and Provincial Regulations

The table on pages 5 and 6 is intended as an illustration to show possible ways that local government bylaws and provincial legislation may interact and do not replace the need for local governments to seek their own advice on individual bylaws and circumstances.

BUSINESS LICENCE			
	Local Bylaw	Provincial	Implications
Licence Term	Year-round licence	N/A	Licence may be issued for any term.
Short-Term Rental Definition	The use of a dwelling	The service of accommodation for less than 90 consecutive days or another prescribed period, if any.	If they choose, local governments may continue to regulate short-term rentals of less than 30 days only, leaving the Province to regulate rentals of up to 90 days.
Accommodation Type	One guest room only	Principal residence, plus one secondary suite or accessory dwelling unit, where applicable.	No restriction on the no. of single rooms rented or accommodation type, provided it is a principal residence, and/or one other suite/unit, where applicable.
Legal Non-Conforming Use Properties	Previously, in some municipalities hosts paid a premium licence for rentals in legal non-conforming use properties.	Protections of legal non-conforming use no longer apply to short-term rentals.	These properties will need to comply with both local and provincial regulations, including the provincial principal residence requirement, where applicable.
Bed & Breakfasts	Operations licenced as Bed & Breakfasts.	Must be in host's principal residence; no restriction on the allowable number of bedrooms but no more than one secondary suite or accessory dwelling unit.	Bed & Breakfasts must have a resident owner or operator, or operate as a hotel, to continue to operate where the principal residence requirement applies.
ZONING			
	Local Bylaw	Provincial	Implications
Commercially Zoned Short-Term Accommodation on Properties	Some municipalities restrict short-term rentals to certain zones.	Within a local government, the new principal residence requirement is not zone-specific.	In jurisdictions where the provincial principal residence requirement applies, including any who wish to opt-in to the PR requirement, provincial enforcement of that will apply to the entire jurisdiction and will not be zone specific (with the exception of resort areas and farm land).

Principal Residence Restrictions, and Secondary Suite / Accessory Dwelling Use	Many local governments have rules that restrict STRs to principal residences, and in some cases secondary suites and accessory dwelling units are not considered part of the principal residence.	Must be in host's principal residence and/or one secondary suite or accessory dwelling unit on the property, where the principal residence requirement is applicable. Hotels, motels, RVs, tents, or other temporary shelters are exempt from the <i>Short-Term Rental Accommodations Act</i> . Strata hotels, timeshares, home exchanges, lodges, guest suites in stratas, and formal student accommodations are exempt from the principal residence requirement.	If the Province's principal residence rule applies in a jurisdiction, the Province will enforce its principal residence definition. Local governments are responsible for enforcing their bylaws, including bylaws that are more restrictive (e.g., no STRs in a secondary suite) than the Act.
TEMPORARY USE PERMITS			
	Local Bylaw	Provincial	Implications
Criteria	E.g., Maximum guest occupancy; Off-street parking requirements; Occupancy permit; Floor/fire safety plan.	Must be in host's principal residence and/or one secondary suite or accessory dwelling unit, where applicable.	Additional criteria can continue to be regulated through temporary use permits.

3.1.2 Provincial Principal Residence Requirement



WHAT'S NEW: Effective May 1, 2024, in areas where the principal residence requirement applies, short-term rentals will be limited to

a host's principal residence and either a secondary suite or accessory dwelling unit (ADU) for most types of accommodation. Hotels, motels, strata hotels, and some other types of properties are not bound by the requirement anywhere in the province.

"Principal Residence" means the residence in which an individual resides for a longer period of time in a calendar year than any other place.

"Secondary Suite" means an accessory dwelling unit that is located in, and forms part of, a primary dwelling unit.

"Accessory Dwelling Unit" means a building, or part of a building, that:

- a) is a self-contained residential accommodation unit;
- b) has cooking, sleeping and bathroom facilities; and,
- c) is secondary to a primary dwelling unit located on the same property.

Exemptions

The legislation provides a province-wide framework, with the principal residence rules designed to target areas with high housing needs, while ensuring smaller communities and tourist destinations that are more dependent on short-term rentals or lack suitable overnight accommodation can continue as-is, or opt-in if they choose to.

The principal residence requirement will apply in communities over 10,000 in population, and some smaller neighbouring communities as listed in the regulations. Rural communities (municipalities with under 10,000 population and regional district electoral areas) and resort

municipalities will be exempt from the principal residence requirement, but may request to opt in, as per section 15 of the Act and the regulation. Mountain/ski resorts in rural areas are also exempted, with no opt-in provision.

The principal residence requirement will apply to municipalities with a population over 10,000 initially by default. Those with a rental vacancy rate over 3% (for two consecutive years) will have the opportunity to request to 'opt out' from the principal residence requirement if they choose. Smaller municipalities that are less than 10,000 in population but within 15 km of a municipality that is larger than 10,000 in population and that meets the above vacancy rate criteria can also request to opt out – these are the same neighbouring or "adjacent" communities, as listed in the regulation.

Note: Although an area or accommodation type may be exempt from the principal residence requirement, STR hosts will still be subject to the other requirements of the legislation, including the requirement to register with the Province once the registry is operational.

Exempt Land (from Principal Residence requirement):

- Regional district electoral areas (except University of British Columbia and the University Endowment Lands), with a choice to request to opt in by board resolution.
- Municipalities with populations less than 10,000 and are not within 15 km of a larger municipality (as specified in the regulation), with a choice to request to opt in by council resolution.
- 14 resort municipalities, with the choice to request to opt in.
- 44 mountain resorts / ski areas, comprising regional/destination resorts, BC Parks resorts, some private resorts, and community ski resorts, with no provision for opting in.*

- The trust area (as defined in section 1 of the *Islands Trust Act*), with a choice for local trust committees to request to opt in.*
- Land with BC Assessment farm class (Class 9), whether in the Agricultural Land Reserve (ALR) or not.*

*Note: Lands described in the final three bullets would remain exempt if the municipality or regional district surrounding them requested to opt in.

Accommodation Types Exempt from Principal Residence requirement:

- Strata titled hotel or motel if the owner may not use the property as a principal residence due to mandatory provisions in a rental pool or rental management agreement.
- Properties where owners hold a fractional interest and cannot use the property as their principal residence due to mandatory provisions in a fractional ownership agreement.
- Time Share properties.
- Home exchanges.
- Lodges, i.e., accommodation
- that is provided by an operator of outdoor recreational activities (e.g., hunting, fishing, water sports).
- Living accommodation primarily for students or employees of an educational institution that is owned or operated by the educational institution or a non-profit organization.
- Strata corporation guest suites intended mainly for people visiting strata residents.



KEY CONSIDERATION: While the provincial principal residence requirement will be enforced at the provincial level, local governments should not grant zoning (or other permission) to short-term rental hosts, where inconsistent with the provincial legislation.

Local governments may wish to review their bylaws and consider whether any updates may be warranted in light of the new provincial rules.

Enforcement of Principal Residence related statutes:

After May 1, 2024, where the provincial principal residence requirement applies, the provincial compliance unit will be responsible for enforcing the provincial principal residence requirement. Local governments will continue to be responsible for enforcing any applicable bylaws.

Where the host is a tenant, the Province may also consider their tenancy agreement to verify principal residence status. Some local governments have established a Landlord Consent Form as part of business licensing to confirm that the property owner does not object to the short-term rental.

Some local governments have also implemented a Strata Consent Form as part of business licensing to confirm that the strata does not object to the short-term rental.

Farm Class Assessment

Property that includes farm land (Class 9) is exempt from the provincial principal residence requirement, regardless of whether the property is in the Agricultural Land Reserve. Where a host is claiming to be exempt from the principal residence requirement due to farm class assessment, the Province is responsible for ensuring that the property includes land with the appropriate classification (Class 9).

Farm status is classified by BC Assessment based on a property's **Assessment Roll Report**. Such reports may be obtained from BC Assessment, using [BC Online](#).

More information about farm classification may be found online: [Apply for farm classification \(bcassessment.ca\)](#)

Strata Hotels and Motels, Time Shares, Home Exchanges, Lodges, and Student Accommodations

Where a host is claiming to be exempt from the principal residence requirement due to an exempt accommodation type (e.g., strata hotel, timeshare), the host should ensure that the accommodation meets the appropriate definition within the *Short-Term Rental Accommodations Regulation*.

“Strata Titled Hotel or Motel” means a property in which accommodation is provided in a manner similar to that of a hotel or motel and, in respect of which property:

- a) a strata plan is filed under the *Strata Property Act*; and,
- b) different owners own different strata lots.

Note – these properties are only exempt where the owner may not use the property as a principal residence due to mandatory provisions in a rental pool or rental management agreement.

“Time Share” means property within British Columbia, other than a property described in section 4 (b) or (c) of the regulation, in respect of which a person:

- a) has a time share contract within the meaning of the *Business Practices and Consumer Protection Act*; or,
- b) has a time share interest within the meaning of the *Real Estate Development Marketing Act*.

“Home Exchange” means a reciprocal arrangement for a person who offers a right to use the person’s property for accommodation in BC in exchange for the right to use another person’s property.

“Outdoor Recreational Activity”, in the context of an exempt type of lodge, has the same definition as in section 8 (2) of the [Prescribed Classes of Property Regulation](#). This means any of the following activities that are organized by

or through the operator of the overnight commercial accommodation, or which are carried out with a guide:

- Hunting;
- Fishing;
- Kayaking;
- Canoeing;
- White-water rafting;
- Horseback riding;
- Mountain biking;
- Wildlife viewing;
- Hiking;
- Mountain climbing; or,
- Backcountry skiing.

“Student Accommodation” means property:

- a) ordinarily used for more than six months in the calendar year for the living accommodation of students or employees of an educational institution; and,
- b) owned or operated by the educational institution or by a non-profit organization.

Requests for Changes to Exempt Land Opting Into the Principal Residence Requirement

Eligibility: With the exception of mountain resort/ski areas and farm land, exempt areas will have the opportunity to opt-in to the principal residence requirement, including:

- Regional district electoral areas.
- Municipalities with populations less than 10,000 and not within 15 km of a larger municipality as specified in the *Short-Term Rental Accommodations Regulations*.
- 14 resort municipalities.
- The trust area (as defined in section 1 of the *Islands Trust Act*).

In circumstances where geographic areas overlap, rules including the following will apply:

- **Municipality that overlaps or partly overlaps with a Resort area:** the municipality may request to opt-in; however, the request may not include the

Resort area, see section 10 of the *Short-Term Rental Accommodations Regulation* for more details.

- **Regional Districts:** may request for one or more electoral areas to opt-in; however, the request may not include a mountain resort area, the trust area, property that includes farm land, or Cultus Lake Park.
- **Islands Trust Local Trust Committees:** a local trust committee has the authority to opt in rather than the regional district it is a part of.
- **Cultus Lake Park Board:** the Cultus Lake Park Board has the authority to opt-in without seeking the approval of the regional district it is situated within.

Requirements:

- Submit written request accompanied by local government resolution requesting the opt in.
- Request should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by **March 31 of each year** (starting in 2024) to take effect **November 1 of the same year** (starting in 2024) to give hosts notice to comply.
- If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

Opting Out of the Principal Residence Requirement

Eligibility:

- Municipalities with a population over 10,000 in 2021 Census and a rental vacancy rate of 3% or more for each of the two previous years.
- Municipalities with populations less than 10,000 in 2021 but that are within 15 km of a municipality over 10,000 that has a rental vacancy rate that is 3% or more for each of the two previous years.

The Province expects that vacancy rates will typically be from Canadian Mortgage and Housing Corporation (CMHC) data, which are published in late January of each year.

Communities over 10,000 that did not have vacancy rate data in the latest CMHC report (e.g., because the data quality was too poor or there were no purpose-built rentals in the community) could consider providing the published vacancy rate for the next larger geographic area that encompasses them based on Census definitions or by providing their own survey data.

Requirements:

- Submit local government resolution requesting the opt out.
- Request should include background information and rationale.
- Request can only be submitted by local governments that meet the prescribed criteria, including having two consecutive years of a rental vacancy rate of 3% or more.
- Request must be submitted to the Minister of Housing by **March 31 each year** to take effect **November 1 of the same year***.
 - *Note: For the first year, an accelerated opt-out process will be established, taking effect May 1, 2024, allowing eligible communities to avoid having the principal residence requirement ever come into effect (if their requests are granted). Requests must be submitted by **February 29, 2024**.
- If the Province grants a change to exempt land status, that change remains in effect until an end date (if one is provided in the regulation), or until the exempt land is subsequently changed, i.e., it does not expire or automatically change if vacancy rates change but may be the subject of another request to reverse at some point.

Considerations for Requesting Changes to Exempt Land

When considering whether to request to opt-in or out of the principal residence requirement, a local government may wish to consider things such as their Housing Needs Report, the number of short-term rental listings, and the rental vacancy rate for their community.

- **Housing Needs Reports:** Local governments are required to collect data, analyze trends, and present reports that describe current and anticipated housing needs. Recent changes require all local governments to update their reports using a standardized methodology to estimate housing needs over a 20-year time horizon. Official Community Plans and zoning bylaws must also be updated every 5 years to reflect and pre-zone for the 20-year total number of housing units required to meet anticipated housing needs and must include housing policies respecting each class of housing need.

Housing Needs Reports are a way for communities to better understand their current and future housing needs and can help identify existing and projected gaps in housing supply. Data is collected about local demographics, economics, housing stock, and other factors. In these reports, statements about key areas of local need, including affordable housing, rental housing, special needs housing, seniors housing, family housing, and shelters and housing for people at risk of homelessness are identified.

- **CMHC Vacancy Rate:** CMHC publishes data around January of each year on Canada's urban and rural rental markets, including data on vacancy rates, average rents, and more for various types of housing. The CMHC rental vacancy rate applies purpose built rental properties in a municipality or Census Area, based on an annual survey each Fall. A vacancy rate of 3% is

considered healthy because it represents a market balanced between tenants and owners.

- **Short-Term Rental Listings:** The number of short-term rental listings on platforms compared to the community's overall rental housing stock can provide information about the relative extent of short-term rentals in the community. Other factors, such as the type of listing (e.g., entire home vs. shared accommodation) can provide useful information to understand how short-term rentals are impacting your community's long-term housing supply. When data sharing with short-term rental platforms through the Province is enabled, more accurate information about short-term rentals will be made available to local governments.

3.1.3 Short-Term Rental Definition



WHAT'S NEW: The provincial legislation defines short-term rentals as less than 90 consecutive days - so short-term rental listings

that are being offered for stays of less than 90 consecutive days, even if exempt from the Principal Residence requirement, will be subject to the provincial rules, including registration with the provincial registry, once the registry is in effect (as long as they are not otherwise exempt from the *Short-Term Rental Accommodations Act* or the registry requirement).

"Short-Term Rental Accommodation Service" means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days or another prescribed period, if any, and does not include hotels and motels and some other limited accommodation types described in the regulations.



KEY CONSIDERATION: Many local governments regulate short-term rentals in a different time period, such as 30 days or less. The *Short-Term Rental Accommodations Act* does not

prevent local governments from continuing to define short-term rentals differently from the Province's 90-day definition if they choose, for the purpose of their local bylaws.

3.1.4 End of Legal Non-Conforming Use for Short-Term Rentals

Under the previous legal non-conforming use protections, at the time a new land use bylaw is adopted for short-term rentals, if an existing use of land or a building is lawful and it does not conform to the new bylaw, it may be generally continued as a legal non-conforming use.



WHAT'S NEW: Effective May 1, 2024, non-conforming use of property under section 528 of the *Local Government Act* and section 559 of the *Vancouver Charter* does not apply to short-term rentals.

Non-conforming use protections of short-term rentals in the *Local Government Act* and *Vancouver Charter* prevented local governments from enforcing their new short-term rental bylaws.

The provision only applies to short-term rentals and does not extend to other land uses.

The transition period to May 1, 2024 allows short-term rental hosts to adapt to these changes and ensure their operations comply with the law.



KEY CONSIDERATION: Local governments may wish to consider any local impacts of the end of legal non-conforming use for short-term rentals under the *Short-Term Rental Accommodations Act*, such as the application of

their bylaws and any operational implications. Local governments will have discretion to determine whether short-term rentals previously granted legal non-conforming use status may continue to be permitted, provided they are consistent with the principal residence requirement in the provincial legislation, where the principal residence requirement is applicable. This is especially relevant in Resort Municipalities where the principal residence requirement will not apply by default and where there may be broad vacation rental zoning.

3.2 Business Licensing

Municipalities have broad powers to regulate in relation to business, including providing for business licensing (subject to certain limits). Many municipalities have established business licensing frameworks, which sometimes address other local matters, such as land use, buildings, fire and other community health and safety requirements. Business licensing frameworks can also assist municipalities in collecting important statistics about local businesses to help understand trends that impact local government policy decisions.

For short-term rentals, business licensing can provide valuable information about where these rentals are operating in the community. Some municipalities have also attached conditions to a short-term rental host's licence, such as limiting the short-term rental to the host's principal dwelling unit and requiring additional parking for guests.



WHAT'S NEW: Regional districts now have broad business regulation and licensing powers, parallel to those of municipalities, in accordance with Division 6.1 of the *Local Government Act* (see also amendments to sections 14 and 282(2) of the *Community Charter* re: intermunicipal schemes in relation to business regulation).

As of May 1, 2024, short-term rental hosts will be required to display a valid business licence number on their listing, where a business licence is required by a local government. To enable local governments to validate the business licence number (if they wish to do so), platforms will also be required to enable the posting of the business licence number.

3.2.1 Regional District Business Licencing

Regional districts will no longer need to make a request to the Minister of Municipal Affairs to get business licensing authority. Regional districts can implement business licensing by following applicable requirements, such as adopting an establishing bylaw according to the *Local Government Act*. Participating area approval may be obtained by electoral area director consent if the participating area includes all of the electoral area and the service can be established without borrowing.

3.2.2 Issuing Short-Term Rental Business Licences

Local governments that currently issue business licences for short-term rentals can continue to do so in accordance with their bylaws.



KEY CONSIDERATIONS: After May 1, 2024, municipalities that currently regulate STRs may consider reviewing and updating business license bylaws as needed to align with what is permitted under the Act. Local governments may wish to communicate early with hosts via business licence renewal notices whether they will be able to continue operating. Local governments could also consider prorating business licencing for non-principal residence short-term rentals from January to April 30, 2024.

3.3 Compliance and Enforcement

Local governments will continue to have options to enforce their short-term rental bylaws.



WHAT'S NEW – DATA SHARING & DISPLAY OF BUSINESS LICENCE:

Short-term rental platforms must record and maintain any short-term rental information provided to them and disclose that information to the Minister of Housing. This information may be shared with local governments.

The Province expects that data will be provided by platforms at specified intervals, and the Province and local governments will be able to use this information to support enforcement of their respective laws.

Data collected may also be disclosed for certain other purposes, such as provincial and federal tax auditing, and policymaking.

Short-term rental hosts will be required to display the local business licence number on each listing, where a local government requires an STR business licence. Platforms will also be required to enable the posting of the business licence number. These requirements will be effective May 1, 2024. It will be up to hosts to determine whether a local government business licence is required when they post their listing on a short-term rental platform.

In the future, local governments with business licensing regimes will be able to serve a notice of failure to comply to hosts and to platforms, under the *Short-Term Rental Accommodations Act*. Once the data sharing system is operational (targeted for Spring/Summer 2024), they can also request that the platform remove the non-compliant listing and the platform must comply with the request as per section 18 of the Act.

3.3.1 Sharing Data

The Province will be working with local governments and STR platforms to establish a provincial data sharing system. The system will receive STR listing data directly from platforms and then share it with local governments. A data sharing agreement between the Province

and local governments will be required prior to sharing data. Local governments will only receive listing data for their own jurisdiction. Note this data is not to be shared with the public. Local governments with an existing short-term rental bylaw that requires short-term rental business licences will be prioritized. Data sharing is expected to include information such as names and addresses and booking information along with other host information to be finalized in Spring 2024.

3.3.2 Requesting Removal of Non-Compliant Listings

If a local government issues business licences for short-term rentals, the host will be required to post their business licence information on their listing as of May 1, 2024. Once the data sharing system is in place, and after taking initial steps to gain compliance from the host, local governments will be able to request that a platform remove a listing that does not comply with an applicable business licence requirement. The Province expects that further information on this process will be available with Spring 2024 regulations.

3.4 Fines

Local governments may establish penalties for bylaw contraventions by bylaw. Typically, the penalties are fines.

The new legislation increases the maximum fines available to regional districts for *Offence Act* prosecutions and to all local governments for ticketing under the Bylaw Enforcement Ticket Regulation.

3.4.1 Offence Act Prosecutions

Direct prosecutions under the [Offence Act](#) are typically used for enforcing serious bylaw contraventions. The *Offence Act* provides a default penalty for these prosecutions if a local government has not established penalties by bylaw.



WHAT'S NEW: The maximum fine that a regional district may specify for bylaw offences prosecuted under the *Offence Act* has been increased to \$50,000, under s. 416 of the *Local Government Act* to reflect the maximum fine available to municipalities.

Implementing the Maximum Penalty

If a regional district bylaw specifies the previous maximum fine that a regional district can seek under the *Offence Act*, a bylaw amendment will be required if the regional district wants to rely on the new maximum amounts. If no penalty is specified by local government bylaw, the default maximum under the *Offence Act* continues to apply.

3.4.2 Bylaw Tickets

When a local government has a bylaw establishing a ticketing scheme, the bylaws will also set ticket fine amounts for specific ticketable bylaw offences.



WHAT'S NEW: The maximum fine that a local government (and local trust committees of the Islands Trust) may set for a bylaw ticket has been increased to \$3,000* per infraction per day in accordance with the *Community Charter Bylaw Enforcement Ticket Regulation* and *Vancouver Charter By-Law Enforcement Ticket Regulation* (and other applicable statutes).
*Note: the maximum fine is \$1,000 if a young person (as defined in the *Youth Justice Act*) is charged with an offence.

3.4.3 Local Government Bylaw Notices

The maximum local government bylaw notices penalty of \$500 under the [Local Government Bylaw Notice Enforcement Act](#) is overseen by the Ministry of Attorney General and remains unchanged.

PART FOUR – Working Together

Local governments identified their need for support with the regulation of short-term rentals. The Province is establishing a provincial role in the regulation of short-term rentals through the planned provincial short-term rental registry and compliance and enforcement unit, the latter expected to be established over the Spring/Summer 2024. The provincial compliance and enforcement unit will be responsible for enforcing the requirements of the legislation, including the provincial principal residence requirement. It will not enforce local government by-laws.

4.1 Provincial Registry



WHAT'S NEW: In late 2024/early 2025, the Province will establish a short-term rental registry and make it mandatory for short-term rental hosts and platforms to register with the Province.

In cases where the principal residence requirement is applicable to the host's community, as part of registration hosts will have to include a declaration of their principal residence and provide proof demonstrating their principal residence. The provincial Registrar for the short-term rental registry will have the authority to reject an applicant's registration or renewal request in the case they are not complying with provincial legislation.

Further information on the interaction between local government business licensing and the provincial registration requirement will be communicated by Fall 2024.

Note that although an area or accommodation type may be exempt from the principal residence requirement, in many cases the host will still be subject to the other components of

the *Short-Term Rental Accommodations Act*, including the requirement to register with the Province.

4.2 Provincial Compliance and Enforcement

In recent years, the provincial government has worked with local governments and UBCM to understand the challenges of enforcing local short-term rental bylaws. New provincial compliance and enforcement measures reflect those earlier consultations.



WHAT'S NEW: The Province is introducing a provincial short-term rental compliance and enforcement unit within the Ministry of Housing to support implementation of the new legislation. The unit will comprise various teams, including those that will, respectively, act as a conduit between the platforms and local governments for data-sharing, facilitate the process for the removal of short-term rental listings that do not have valid local government business licence from platforms, host the upcoming STR registry, and undertake enforcement actions related to the provincial STR regulatory regime.

4.2.1 Working with the Provincial Compliance Unit

Once a future regulation is in place (expected in Spring 2024), local governments will have additional support for the regulation of short-term rentals. The provincial compliance and enforcement unit will complement local government bylaw enforcement. The unit will become the key provincial contact for local governments on short-term rental regulation. A designated local government contact within the compliance and enforcement unit will be shared once available.

Examples:

Short-term rental listing that lacks a valid business licence number or is using a fraudulent business licence number that a platform has failed to remove.

- Contact the provincial compliance and enforcement unit to notify the Province of the platform's failure to remove the listing. The Province will follow up with the platform to have the listing removed.

Platforms that consistently ignore local government bylaws and enforcement measures and have failed to provide the Province with host data.

- The provincial compliance and enforcement unit will take action to ensure requirements of the *Short-Term Rental Accommodations Act* are followed as it becomes aware of such operators.



KEY CONSIDERATION: Local governments will continue to be responsible for enforcing their own bylaws, while the provincial compliance unit will be responsible for enforcing the provincial *Short-Term Rental Accommodations Act*.



Bylaw Enforcement Open Files by ContraventionType as of January 04, 2024

	Contravention Type											
	LTC	Development Permit	Foreshore	Home Occupation	Siting	Soil Bylaw	STVR	Unenclosed Vehicle	Non-Permitted Dwelling	Density	Other Land Use	TOTALS
Denman	1	2	0	4		6	0	0	0	0	13	2%
Ballenas-Winchelsea	0	0	0	0		0	0	0	0	0	0	0%
Gabriola	5	13	1	6		13	15	20	0	14	87	15%
Galiano	9	0	0	12		13	0	9	1	6	50	8%
Gambier	3	4	2	31		1	1	1	0	2	45	8%
Hornby	1	0	2	9		15	0	11	1	8	47	8%
Lasqueti		0	0	0		0		1	1	4	6	1%
Mayne	0	1	1	5		6		3	0	10	29	5%
North Pender	13	2	1	1		10	12	16	0	7	62	11%
Salt Spring	32	3	7	21	7	88	3	42	1	33	237	40%
Saturna	0	0	0	0		0	0	1	0	1	2	0%
South Pender	0	0	0	1		0	1	0	0	2	4	1%
Thetis		1	0	2		1	0	1	0	2	7	1%
TOTAL	64	26	14	92	7	153	35	105	4	89	589	100%
Percentage	11%	4%	2%	16%	1%	26%	6%	18%	1%	15%	100%	

REQUEST FOR DECISION

To: Regional Planning Committee **For the Meeting of:** February 16, 2024
From: Director, Planning Services **Date Prepared:** January 31, 2024
SUBJECT: Bylaw Compliance and Enforcement Review

RECOMMENDATION:

1. That Regional Planning Committee endorse the Bylaw Enforcement Review Project Charter and Work Plan and that staff provide a briefing to Trust Council on the status of the project.
-

1 PURPOSE:

To consider a draft project charter and work plan for the Bylaw Enforcement Review project which would implement the recommendations of the Office of the Ombudsperson to ensure fairness within the policies and procedures for bylaw enforcement by the Islands Trust.

2 BACKGROUND:

Islands Trust Council (Trust Council) received a report from staff in March 2023 describing the bylaw enforcement process, authorities, open files, the issues, and number and nature of complaints, along with a presentation from staff of the Office of the Ombudsperson and the Attorney General's office. Trust Council subsequently passed the following motion:

"THAT the Director of Planning Services request the Office of the Ombudsperson to undertake a comprehensive review of the enforcement related policies and practices of the Islands Trust, and recommend such improvements and changes to them as may be required to bring the policies and practices into conformity with best practices for local government by law enforcement."

The Ombudspersons Report was completed in August 2023. The Report evaluated how administrative fairness may be enhanced and provided detailed recommendations to improve policy and procedure. At the September meeting, Trust Council received the report, along with an RFD, and adopted the following recommendations:

"THAT Trust Council direct that the recommendations from the Office of Ombudsperson Report titled: "Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust", dated August 2023, be implemented, and that staff develop an associated work plan and project charter and refer to the Regional Planning Committee."

"THAT the work plan and project charter for implementing the recommendations from the Office of Ombudsperson Report titled: "Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust", dated August 2023 be

brought back to Trust Council with recommendations from the RPC for review within the next six months.”

This RFD attaches a draft project charter and work plan, as requested by Trust Council, for review and endorsement by Regional Planning Committee. Staff will provide a briefing for the March Trust Council meeting with the work plan and project charter.

The proposed scope of work would be to review, assess and implement the recommendations of Ombudsperson’s report through changes to Trust Council policies, Bylaw Enforcement practices and procedures, and implement changes through staff training and public communications. The project timeline anticipates three meetings for RPC to deliberate and review revisions to policy and procedures. Any changes to the proposed scope of work could result in changes to the timeline or the requirement for additional resources.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Updating Bylaw Compliance and Enforcement Policies and Procedures would be added to the Regional Planning Committee work program. Staff resourcing will be challenging and will depend upon availability of staff to support this project along with the other RPC top priorities.

FINANCIAL:

There is currently no budget approved for this project. The work plan assumes that all work will be undertaken by staff.

POLICY:

- Bylaw Compliance and Enforcement Policy 5.5.1
- Bylaw Compliance and Enforcement Best Practices and Procedures
- Handling of Administrative Fairness Complaints Policy 7.1.2

IMPLEMENTATION/COMMUNICATIONS:

Communications propose to be drafted when revised policies and procedures are presented to Trust Council. New policies and procedures will require staff orientation and training.

FIRST NATIONS:

First Nations have not been specifically addressed in this report.

4 RELEVANT POLICY(S):

- Bylaw Compliance and Enforcement Policy 5.5.1
- Bylaw Compliance and Enforcement Best Practices and Procedures
- Handling of Administrative Fairness Complaints Policy 7.1.2

5 ATTACHMENT(S):

1. Draft Project Charter
2. Draft Project Work Plan
3. Draft Project Work Plan Chart

RESPONSE OPTIONS

Recommendation:

That Regional Planning Committee endorse the Bylaw Enforcement Review Project Charter and Work Plan and that staff provide a briefing to Trust Council on the status of the project.

Alternatives:

That Regional Planning Committee not proceed with the project as proposed, and report back to Trust Council.

That Regional Planning Committee request staff for more information [list requested information].

Prepared By: **Robert Kojima, Regional Planning Manager**

Reviewed By/Date: **Stefan Cermak, Director, Planning Services**

Bylaw Enforcement Review - Charter v1

Regional Planning Committee (RPC)

RPC Endorsement Date: xxx

Purpose: To review and amend Islands Trust Bylaw Enforcement policies and procedures through implementation of the recommendations of the August 2023 report of the Office of the Ombudsperson ('The Report')

Background: Islands Trust Council requested that the Office of the Ombudsperson undertake a review of enforcement policies and practices and provide recommendations at the March 2023 Trust Council meeting. In August 2023 the Office of the Ombudsperson's Consultation and Training Team submitted the 'Voluntary Consultation on Bylaw Enforcement Policies and Practices within the Islands Trust' report. At the September 2023 Trust Council meeting directed that the recommendations of the report be implemented, that staff develop a work and project charter and was referred to the Regional Planning Committee.

Deliverables

- Revisions to Bylaw Compliance and Enforcement Policy 5.5.1
- Revisions to the Handling of Administrative Fairness Complaints Policy 7.1.2
- Revisions to Bylaw and Enforcement Best Practices and Procedures Manual ('the Manual')
- A public Bylaw Complaints and Enforcement document
- Updates and revisions to Bylaw Enforcement forms, templates and documents
- Training and information for Bylaw Enforcement Officers and other relevant staff

In Scope

- Review the Report, compile recommendations
- Review current Trust Council policies
- Review the Manual
- Compile and review all LTC bylaw enforcement standing resolutions and policies
- Review selected policies of other relevant local governments
- Report to RPC with proposed revisions for direction
- Provide regular updates and recommended revisions to Trust Council
- Implement changes to policies and practices

Out of Scope

- Amendments to bylaws
- Public consultation
- Referrals to LTCs
- External consultants
- Expenses beyond staff time

IAP2 Engagement Level:

- ☒ Inform
- ☐ Consult
- ☐ Involve
- ☐ Collaborate

Workplan Overview

Deliverable/Milestone	Target Date
Draft Project Charter to RPC for review and endorsement	Feb 2024
Briefing to Trust Council	Mar 2024
RPC review of preliminary policy revisions	May 2024
Briefing to Trust Council	June 2024
Draft policies and manual to RPC for review and changes	Sept 2024
Referral of draft revisions to Ombudsperson's office for comment	Sept 2024
Briefing to Trust Council	Sept 2024
Final RPC review and referral to Trust Council	Nov 2024
Endorsement by Trust Council	Dec 2024
Implementation	Jan – Mar 2025

Project Team	
<i>Stefan Cermak, DPS</i>	Project Champion
<i>Robert Kojima, RPM</i>	Project Manager
<i>Warren Dingman, Manager C & E</i>	Project Manager
<i>TBD</i>	RPC Planner
<i>David Marlor, DLS</i>	Advisor
Director Approval: <i>Stefan Cermak</i> Date: xxx	LTC Endorsement: Resolution #: Date: xxx

Budget		
Budget Sources: N/A – no budget has been assigned		
Fiscal	Item	Est. Staff hours*
2023-24	Project initiation	20
2024-25	- Preliminary analysis and review	40
	- Drafting of policy revisions	50
	- Final policy	20
	- Updates to manuals and templates	40
	- Implementation	40
	- Contingency	40
	Total	250

*excludes any admin support, attendance at RPC/TC meetings, staff receiving training

Bylaw Enforcement Review Project Work Plan

PROJECT TIMELINE				
Meeting	Milestone	Target Dates	Comments	Cost
PHASE 1: PROJECT PLANNING				
	Staff draft Project Charter and Work Plan and report	Jan	Completed	
PHASE 2: PROJECT INITIATION				
1	RPC reviews Project Charter and Work Plan, requests revisions, and endorses Project Charter	Feb		
	Project Charter, Work Plan and Briefing prepared for Trust Council	Mar		
PHASE 3: ANALYSIS				
	Staff review policies, compile recommendations, review external policies	Feb – Mar		
	Staff draft preliminary revisions	April- May		
PHASE 4: DRAFTING				
2	RPC review of preliminary revisions, policy options, provide direction	May		
	Staff complete draft policies, briefing to TC, draft public materials, prepare updates to Manual	May - Aug		
3	RPC review of draft policies and other documents, provide direction on any further changes	Sept		
	Referral of drafts to Ombudsperson's office for comment or specific questions	Sept - Oct		
PHASE 5: POLICY				
	Staff prepare final drafts of all documents	Oct		
4	RPC review of final drafts, endorsement, referral to Trust Council	Nov		
	Trust Council adoption of policy revisions	Dec		
PHASE 6: IMPLEMENTATION				
	Updates to forms and templates, communications on changes to policies and procedures	Jan – Feb '25		
	Staff training and implementation	Jan - Apr		

Bylaw Enforcement Review Project Work Plan

Month	1	2	3	4	5	6	7	8	9	10	11	12	13-15
Phase 1: Project Planning													
Draft Project Charter and Work Plan													
Phase 2: Project Initiation													
RPC endorsement of Project Charter													
Trust Council Briefing on project status													
Phase 3: Analysis													
Review and analysis of report recommendations, policies, manual, other material													
Drafting of preliminary revisions													
Phase 4: Drafting													
RPC Review of preliminary policy options, direction for revisions													
Complete Draft policies, public materials, manual updates, briefing													
RPC review and further revisions													
Referral to Ombudsperson's office													
Phase 5: Policy													
Final drafts of all documents													
RPC final review and endorsement													
Trust Council adoption of policy revisions													
Phase 6: Implementation													
Procedural updates													
Communications and Training													

Active Projects Report

Regional Planning Committee

0. Manage Trust Council Strategic Plan Action Items

Top Priority broken out into list of relevant strategic plan actions items. 1.2 (CDF), 2.2 (eelgrass) 2.3 (shoreline), 2.4(freshwater), 2.5. (aquifers), 4.4.iii (FAR), 4.4 .v(strata), and 4.8 (heritage).

Responsible

Dates

Stefan Cermak

Rec'd: 29-Jul-2020
Target: 19-Dec-2022

1. Protect quality and quantity of fresh water resources of the Trust Area

Strategic Plan item #2.4: FWSS-completed and presented to Trust Council in December 2021. A webpage devoted to implementation of the Freshwater Sustainability Strategy is being developed.

Responsible

Dates

Sonja Zupanec
Stefan Cermak
William Shulba

Rec'd: 12-Feb-2020
Target: 31-Mar-2025

Strategic Plan item #2.5 - Map and develop water budgets for groundwater aquifers in the Trust Area. Water budgets are still required for Hornby, Denman and Gabriola, Salt Spring, Thetis, Keats, Gambier and updates for southern gulf islands.

2. Strengthen housing affordability throughout the Islands Trust Area

Strategic Plan Item #4.4 - RPC support has updated the baseline report within a Housing Options Toolkit #1 (internal tools) and Toolkit #2 (external tools) and Housing Strategic Action Plan.

Strategic Plan item #4.4 iv- Model Density Bylaw. Repurposed to be a Planner forum March 1, 2023 to update baseline report with housing strategies and tools; Flexible housing bylaw created for Mayne Island . Recommend no further action for this specific

Responsible

Dates

Narissa Chadwick
Stefan Cermak

Rec'd: 12-Feb-2020
Target: 31-Mar-2024

Active Projects Report

Regional Planning Committee

Strategic Plan item.

3. *Strengthen relations with First Nations*

Strategic Plan item #4.8: Heritage Conservation Overlay Mapping. Phase 1 complete. Phase 2 not started due to loss of key staff, loss of key consultants, and feedback from various First Nations. At present, no future work planned.

Responsible

Robyn Kefi
Stefan Cermak

Dates

Rec'd: 12-Feb-2020

4. *Preserve, protect and advocate for forest and terrestrial ecosystems*

Strategic Plan item #1.1: Model CDF Protection DPA. SS LTC developed communications materials but changed to Wildfire DP (which could protect some CDF). At present, no future work planned.

Responsible

Chris Hutton
Louisa Garbo
Stefan Cermak

Dates

Rec'd: 12-Feb-2020
Target: 29-Mar-2024

5. *To preserve and protect marine ecosystems*

Strategic Plan item #2.2 - Map the extent of eelgrass and kelp beds throughout the Trust Area. Phase 1 of mapping received March 2023. Phase 2 mapping business case not supported by RPC due to funding concerns. RPC requested staff to develop a terms of reference if and when grant funding becomes available.

Responsible

Stefan Cermak

Dates

Rec'd: 01-Feb-2020
Target: 31-Mar-2024

Future Projects Report

Regional Planning Committee

1. *Shoreline Marine Planning*

Responsible

Date Received

Trust Council - 2015-2018 Strategic Plan Item

09-Nov-2017

Conduct a working group session to brainstorm possible directions.

2. *Preserve, protect and advocate for forest and terrestrial ecosystems*

Responsible

Date Received

1. Map contiguous tracts of the Coastal Douglas-fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems (Completed March 31, 2020) (2018-2022 Strategic Plan item 1.1).

12-Feb-2020

2. Create a model development permit area for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area (2018-2022 Strategic Plan item 1.2).

3. *Preserve and protect marine ecosystems*

Responsible

Date Received

1. Map the extent of eelgrass and kelp beds throughout the Trust Area (2018-2022 Strategic Plan item 2.2). Phase 1 (GIS and aerial data review) done. Phase 2 - groundtruthing - feasible next step.

12-Feb-2020

2. Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore (2018-2022 Strategic Plan item 2.3). Received Consultants Report.

Future Projects Report

Regional Planning Committee

4. *Protect quality and quantity of fresh water resources of the Trust Area*

Responsible

Date Received

1. Map and develop water budgets for groundwater aquifers in the Trust Area (2018-2022 Strategic Plan item 2.5)
2. Develop a model land use regulation regarding freshwater sustainability including groundwater, rainwater catchment and greywater recycling (2018-2022 Strategic Plan item 2.6).
3. -Develop an Islands Trust Freshwater Sustainability Strategy policy document and recommendations for implementation of the Freshwater Sustainability Strategy

12-Feb-2020

5. *Strengthen housing affordability throughout the Islands Trust Area*

Responsible

Date Received

- Implement the high priority actions outlined in the Affordable Housing in the Trust Area: Strategic Actions for Islands Trust previously referred by Trust Council:
1. Develop model bylaws that use floor area ratio as a density metric for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 4.4 iii). Received Consultants Report.
 2. Develop model density bonus bylaws for consideration of implementation in local trust area land use bylaws (2018-2022 Strategic Plan item 4.4 iv).
 3. Develop model bylaws to address the use of building stratas as a tool for affordable housing (2018-2022 Strategic Plan item 4.4 v).

12-Feb-2020

6. *Mitigate and adapt to climate change impacts*

Responsible

Date Received

Future Projects Report

Regional Planning Committee

1. Amend Official Community Plans and land use bylaws to foster climate change resilience, including measures to protect Coastal Douglas fir, foreshore and nearshore environments and groundwater. (2018-2022 Strategic Plan item 3.2).

12-Feb-2020

7. *Update the model strategy for antennae systems*

Responsible

Date Received

09-Feb-2022

8. *Develop healthy, resilient island communities*

Responsible

Date Received

Work on a suite of projects that will employ two lenses: mitigating and adapting to the effects of climate change; and managing growth by cultivating equitable, inclusive, and resilient communities and the natural environment.

27-Apr-2023

REQUEST FOR DECISION

To: Regional Planning Committee **For the Meeting of:** February 16, 2024
From: Director, Planning Services **Date Prepared:** February 7, 2024
SUBJECT: Work Program Review

RECOMMENDATION:

1. That Regional Planning Committee amend its Work Program to identify three Top Priorities.
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1 PURPOSE:

To provide Regional Planning Committee with a summary of its current Work Program Top Priorities and identify up to three projects as Top Priorities.

2 BACKGROUND:

All Islands Trust bodies manage resources and set priorities through their respective Work Programs. A Work Program consists of three tools – Top Priorities, Future Projects and Follow-up Action List – to allocate resources, prioritize activities, establish future topics and provide a basis for budgeting. The use of these tools is guided by Trust Council Policies [2.3.1](#), [6.2.1](#) and [6.7.1](#). Specifically policy 2.3.1 (Council Committee System and Terms of Reference) establishes that each standing committee shall maintain a work program with items referred by Trust Council, projects identified by the committee, and that the 3 top priorities must include any priorities assigned by Trust Council.

Currently the Regional Planning Committee work program has 6 Top Priorities (please see attached). These include a general item to manage Trust Council Strategic Plan items relevant to RPC, along with:

- Protect quality and quantity of fresh water resources of the Trust Area
- Strengthen Housing Affordability throughout the Trust Area
- Strengthen relations with First Nations
- Preserve, protect and advocate for forest and terrestrial ecosystems
- Preserve and protect marine ecosystems

In addition, Trust Council has referred the Bylaw Enforcement Review to RPC. Several of the current projects have no further actions currently identified, with explanations noted. Based on current priorities, staff would recommend that RPC:

- Retain 'Strengthen Housing Affordability' as a Top Priority, with the focus on implementation the Housing Strategy Action Plan
- Either retain 'Protect quality and quantity of freshwater resources' or add 'Shoreline Marine Planning' as a Top Priority

- Add 'Bylaw Enforcement Review' a Top Priority as this has been referred to RPC from Trust Council
- Remove other items, or move them to the future projects list, and remove duplicate items from the future projects list.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Updating the Top Priorities to identify three projects would align the work program with Trust Council policies and practices and would more realistically reflect available resources.

FINANCIAL:

Regional Planning Committee has a business case requesting \$30,000 in funding to support its Housing Strategy Action Plan. Grant funding from the province has been received to complete Housing Needs Assessments for all Local Trust Areas (which is included in the Housing Strategy Action). Staff are seeking grant funding for developing water balance assessments as per the Freshwater Sustainability Strategy and in support of current LTC major projects updating their OCPs.

POLICY:

Establishing up to three Top Priority projects on the committee's work program would be consistent with Trust Council policies and best practices.

IMPLEMENTATION/COMMUNICATIONS:

The Work Program is reported at quarterly Trust Council meetings.

FIRST NATIONS:

First Nations have not been specifically addressed in this report.

4 RELEVANT POLICY(S):

- Council Committee System Policy 2.3.1
- Priority Setting/Review Guidelines Policy 6.2.1
- Work Program, Follow-up Action List and Priorities Matrix Policy 6.7.1

5 ATTACHMENT(S):

1. RPC Top Priorities

RESPONSE OPTIONS

Recommendation:

That Regional Planning Committee amend its Work Program to identify three Top Priorities.

Alternatives:

That Regional Planning Committee not amend its Work Program.

That Regional Planning Committee request staff for more information [list requested information].

Prepared By: Robert Kojima, Regional Planning Manager

Reviewed By/Date: Stefan Cermak, Director, Planning Services

Active Projects Report

Regional Planning Committee

0. Manage Trust Council Strategic Plan Action Items

Top Priority broken out into list of relevant strategic plan actions items. 1.2 (CDF), 2.2 (eelgrass) 2.3 (shoreline), 2.4(freshwater), 2.5. (aquifers), 4.4.iii (FAR), 4.4 .v(strata), and 4.8 (heritage).

Responsible

Dates

Stefan Cermak

Rec'd: 29-Jul-2020
Target: 19-Dec-2022

1. Protect quality and quantity of fresh water resources of the Trust Area

Strategic Plan item #2.4: FWSS-completed and presented to Trust Council in December 2021. A webpage devoted to implementation of the Freshwater Sustainability Strategy is being developed.

Responsible

Dates

Sonja Zupanec
Stefan Cermak
William Shulba

Rec'd: 12-Feb-2020
Target: 31-Mar-2025

Strategic Plan item #2.5 - Map and develop water budgets for groundwater aquifers in the Trust Area. Water budgets are still required for Hornby, Denman and Gabriola, Salt Spring, Thetis, Keats, Gambier and updates for southern gulf islands.

2. Strengthen housing affordability throughout the Islands Trust Area

Strategic Plan Item #4.4 - RPC support has updated the baseline report within a Housing Options Toolkit #1 (internal tools) and Toolkit #2 (external tools) and Housing Strategic Action Plan.

Strategic Plan item #4.4 iv- Model Density Bylaw. Repurposed to be a Planner forum March 1, 2023 to update baseline report with housing strategies and tools; Flexible housing bylaw created for Mayne Island . Recommend no further action for this specific

Responsible

Dates

Narissa Chadwick
Stefan Cermak

Rec'd: 12-Feb-2020
Target: 31-Mar-2024

Active Projects Report

Regional Planning Committee

Strategic Plan item.

3. *Strengthen relations with First Nations*

Strategic Plan item #4.8: Heritage Conservation Overlay Mapping. Phase 1 complete. Phase 2 not started due to loss of key staff, loss of key consultants, and feedback from various First Nations. At present, no future work planned.

Responsible

Robyn Kefi
Stefan Cermak

Dates

Rec'd: 12-Feb-2020

4. *Preserve, protect and advocate for forest and terrestrial ecosystems*

Strategic Plan item #1.1: Model CDF Protection DPA. SS LTC developed communications materials but changed to Wildfire DP (which could protect some CDF). At present, no future work planned.

Responsible

Chris Hutton
Louisa Garbo
Stefan Cermak

Dates

Rec'd: 12-Feb-2020
Target: 29-Mar-2024

5. *To preserve and protect marine ecosystems*

Strategic Plan item #2.2 - Map the extent of eelgrass and kelp beds throughout the Trust Area. Phase 1 of mapping received March 2023. Phase 2 mapping business case not supported by RPC due to funding concerns. RPC requested staff to develop a terms of reference if and when grant funding becomes available.

Responsible

Stefan Cermak

Dates

Rec'd: 01-Feb-2020
Target: 31-Mar-2024