



Regional Planning Committee Minutes of a Regular Meeting

Date: September 4, 2024

Location: Electronic Meeting

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

Member Regrets:

Staff Present: Stefan Cermak, Director, Planning Services
Robert Kojima, Regional Planning Manager
Anthony Fotino, Island Planner
William Shulba, Senior Freshwater Specialist
Rob Kroeker, Planning Services Administrative Assistant / Recorder

Others Present: Four members of the public were present.

1. CALL TO ORDER

Acting as Chair, Trustee Borthwick 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

Director Cermak advised that Item 7.6 is captured in Item 7.5 and can be removed.

An updated version of Item 7.5 including Director's Comments was presented for consideration.

2.2 Approval of the Agenda

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

3. PUBLIC COMMENT PERIOD

Four members of the public were present. Members of the public made the following comments:

- thanking Regional Planning Committee for taking time to discuss the correspondence regarding the bylaw compliance and enforcement process on Mudge Island
- that Regional Planning Committee consider the angst created in the community by receiving bylaw enforcement letters and site visits, and exercise judgment when opening and investigating bylaw enforcement files

4. DELEGATIONS

None.

5. CORRESPONDENCE

5.1 2024-08-18, R. Brooks and Mudge Island Community Association

Regional Planning Committee reviewed the letter from Rich Brooks and the Mudge Island Community Association. Committee discussion included:

- Regional Planning Committee is tasked with reviewing Trust Council Policy 5.5.1, including how complaints are investigated and files initiated
- staff discretion and the interpretation of Trust Council Policy 5.5.1 section 3 wording “may be investigated”
- complaint-based system allows a few complainants to make many complaints
- complaints on Mudge have been the source of community grief and anxiety, and a major use of staff resources
- Trustees’ job is to ensure system supports fair and just bylaw policy for all islands
- Local Trust Committees have tools to deal with issues in their own community through their bylaws

6. ADMINISTRATIVE COORDINATION

6.1 Draft Minutes of Previous Meeting

6.1.1 RPC Special Meeting Minutes of April 25, 2024

By general consent the Regional Planning Committee Minutes of April 25, 2024, were adopted as presented.

6.1.2 RPC Regular Meeting Minutes of May 24, 2024

By general consent the Regional Planning Committee Minutes of May 24, 2024, 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 Freshwater Sustainability Strategy Implementation - Briefing

Senior Freshwater Specialist William Shulba introduced the briefing. Committee discussion included:

- the briefing provides a timeline of Freshwater Sustainability Strategy work completed, ongoing, and planned; a November business case will further outline strategic approach
- Cowichan Valley Regional District groundwater strategy technical advisory committee participation, and advocating for work within Thetis Local Trust Area
- increasing the understanding of projects and justification with reporting so that communities which are funding this work can understand and support it
- the corporate planning process will contemplate how multi-year projects like Freshwater Sustainability Strategy will factor into Trust-wide plans

7.2 Bylaw Compliance and Enforcement Policy Review Updates - Request For Decision

The Request For Decision was presented by Director Cermak. Committee discussion included:

- Local Trust Committees are responsible for enforcement, and Trust Council sets Trust-wide policies on roles and responsibilities
- administrative fairness and clarity for recipients navigating the bylaw process
- Bylaw Compliance and Enforcement Manager could be given discretion in opening new files and prioritizing complaints based on staff resources, or further discretion given to investigating Bylaw Compliance and Enforcement Officers
- guidance on discretion should involve input from the Local Trust Committees, reflecting the particular situation on each island
- site inspections without receiving notice have been problematic in communities, though permitted by Community Charter, but Local Trust Committees have stipulated conditions of notice with their bylaws and standing resolutions
- Local Trust Committee Bylaw and Enforcement Policies are a further tool to give specific direction regarding notice of inspection, screening officer policies, and other enforcement policies decided at Local Trust Committee level

The Regional Planning Committee recessed for lunch at 12:08 p.m. and returned at 12:45 p.m. Committee discussion continued:

- Local Trust Committees determine approach for their communities, using tools such as the Local Trust Committee Bylaw Enforcement Policy, and Trust Council level policy is not the place for detail as nuance exists on the local level
- Ombudsperson report detailed that these are public facing documents that should be written in accessible, transparent, easily understood language
- where appropriate, proactive inspection tools can be warranted where health and safety or environmental concerns need timely addressing
- Ombudsperson’s report recommends a review of current practices such that Islands Trust approach is consistent with legal and fairness principles
- approach to bylaw enforcement can be guided by Local Trust Committee policies, and described in Bylaw Compliance and Enforcement Best Practices Manual
- Best Practices Manual is the interface between policy and community members, and it should be written in plain language using the lens of a community member
- some of Ombudsperson’s Complaint Handling Guide components such as handling bias and assessing complaints, are missing from Best Practices Manual
- as an example, Abbotsford set out to create all enforcement policies with a plain language approach: they made it clear that goal of all bylaw enforcement activities is voluntary compliance, and demonstrated how it will be sought
- consideration for an expert in plain language to revise the document
- utilizing Islands Trust Communications Specialist to make a plain language draft
- the problem with the Best Practices Manual lies in tone rather than in content
- restoring trust is the core goal from the Bylaw Compliance and Enforcement Review project charter
- staff are suggested to work through the Ombudsperson Complaint Handling Guide policy checklist to be certain Islands Trust has all components in policies and documents
- in regard to the Handling of Complaints Policy 7.1.2, the Ombudsperson Complaint Handling Guide self assessment checklist suggests omissions including unreasonable conduct and staff training
- plain language and clarity of escalation process for the person making a complaint are imperative
- the Handling of Complaints policy change from Administrative Fairness and its meaning in broader government context, which the Director of Legislative Services and senior management team are going to review

RPC 2024-013

It was MOVED and SECONDED,

that Regional Planning Committee request staff to amend the Bylaw Compliance and Enforcement Best Practices Manual to create a plain language version.

CARRIED

RPC 2024-014

It was MOVED and SECONDED,

that Regional Planning Committee request staff to work through the self-assessment checklist of the Ombudsperson Complaints Guide to determine if recommended components are included in the draft Policy 7.1.2, and to identify gaps and opportunities for future work for the Bylaw Enforcement and Compliance Review Project.

CARRIED

RPC 2024-015

It was MOVED and SECONDED,

that Regional Planning Committee recommend the following changes:

- a) Amend the notification period to two weeks
- b) Policy 5.5.1: That the Manager of Compliance and Enforcement has the discretion to open files and launch an investigation based on the available resources.

CARRIED

RPC 2024-016

It was MOVED and SECONDED,

that Regional Planning Committee request that Trust Council approve the attached amended Project Charter at their September 2024 meeting.

CARRIED

7.3 Fiscal Year 2026 Local Trust Committee Major Project Business Cases – Request For Decision

Director Cermak introduced the Request For Decision. Committee discussion included:

- staff capacity challenges exist to support all proposed business cases, which is difficult to evaluate without all business cases in front of the Committee to consider
- Regional Planning Committee should evaluate on the basis of project merit, with financial considerations left to Financial Planning Committee
- available staff resources can be allocated by Regional Planning Committee
- timing with next Regional Planning Committee and the following Financial Planning Committee meeting is very close, and a special meeting could be warranted to move through outstanding business

RPC 2024-17

It was MOVED and SECONDED,

that Regional Planning Committee defer consideration of Fiscal Year 2026 Local Trust Committee business cases until all proposed business cases have been endorsed by Local Trust Committees.

DEFEATED

Committee discussion continued:

- Financial Planning Committee is aware of and will discuss potential staffing challenges regarding supporting all business cases

RPC 2024-018

It was MOVED and SECONDED,

that Regional Planning Committee forward to Financial Planning Committee for inclusion in the Fiscal Year 2026 budget, business cases for the Mayne Housing Project,

the North Pender Housing Project, and the Lasqueti Official Community Plan / Land Use Bylaw Review Major Projects.

CARRIED

7.4 Housing Strategic Action Plan Implementation - Briefing

Director Cermak presented the briefing for information.

7.5 Housing Strategic Action Plan Action #26: Advocate to Province for changes at the Provincial and regional level to support tiny homes on wheels – Request For Decision

Trustee Elliott presented the Request for Decision. Committee discussion included:

- working on identifying barriers to legalizing tiny homes and mapping out the regulatory framework
- differentiating between mobile homes and tiny homes on wheels
- one blockage is that certification needs to affirm the purpose for which the structure was designed to be used, with tiny homes on wheels distinct from seasonal RVs
- some manufacturers build tiny homes to manufactured home standards
- the Request For Decision work proposes that each Local Trust Committee can look at recommendations and see what fits their community
- recalculating density measures based on environmental impact
- advocacy is outside of the Regional Planning Committee Terms of Reference, but Trust Council could be asked to do this work
- this topic is on upcoming Union of BC Municipalities agenda
- some capital from the Housing Options Toolkit is unallocated and available
- a need exists to work across jurisdictions and possibly hold forums to bring together stakeholders, such as regional districts and building inspection authorities
- the development of communications tools and forums for this project, including the hiring of a forum coordinator or other ways to utilize the Housing Strategy and Housing Options Toolkit unallocated budget
- the time sensitivity of this work amidst changing codes and regulations
- creating more security and a safer standard for islanders struggling with housing

RPC 2024-019

It was MOVED and SECONDED,

that Regional Planning Committee endorse the baseline work done on the Tiny Homes On Wheels (THOW) Guide to date, and request the Tiny House working group to continue work developing tools for advocacy and communications to enable Tiny Homes On Wheels in the Trust Area.

CARRIED

RPC 2024-020

It was MOVED and SECONDED,

that Regional Planning Committee recommend to Trust Council that implementation of the Islands Trust Housing Action Plan be included in the 2025-2028 Strategic Plan and

that Trust Council prioritize implementation of Objectives 23, 24 and 26, with a focus on enabling Tiny Homes On Wheels in the islands.

CARRIED

Committee discussion continued:

- a trustee suggested waiting until after the potential opportunity for Executive Committee to speak with Minister of Housing at Union of BC Municipalities, to use the money most strategically
- Islands Trust is best positioned to examine tiny homes challenges because of the various Local Trust Committees with their different community needs
- forums reflect need for discussions regarding specific localities, with planners, building inspectors, and regional districts moving towards specific direction in their jurisdictions
- a trustee sought the opinion of the Director of Administrative Services regarding spending these funds, noting that other forums had been hosted under Secretariat Services, and precautionary steps regarding spending should be taken

RPC 2024-021

It was MOVED and SECONDED,

That Regional Planning Committee recommends to Trust Council that it allocate the budget of \$20,000, allocated to advance the Housing Strategy and Housing Options Toolkit, in order to support coordination for forums with a focus on enabling Tiny Homes in the Trust Area.

CARRIED

8. BUSINESS - OTHER

None.

9. BUSINESS – NEW

None.

10. WORK PROGRAM

By general consent the work program is referred to Trust Council.

11. NEXT MEETING

The next scheduled meeting of the Regional Planning Committee is November 8, 2024.

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 3:51 p.m.

Sam Borthwick, Acting Chair

Certified Correct:

Rob Kroeker, Planning Services Administrative Assistant / Recorder