

Regional Planning Committee Agenda

Date: Thursday, April 25, 2024
Time: 10:00 am - 1:00 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

5. BUSINESS - WORK PROGRAM ITEMS

5.1 Governance Review Annex 1 - Recommendations Summary - BRF

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5.1.1 Summary Table of Annex 1 Recommendations

5.1.2 Annex 1 Extract

6. BUSINESS - OTHER

7. BUSINESS - NEW

8. NEXT MEETING

The next Regional Planning Committee meeting is May 24th, 2024.

9. 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.

10. RISE AND REPORT

If desired

11. ADJOURNMENT

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

BRIEFING

To: Regional Planning Committee **For the Meeting of:** April 25, 2024
From: Robert Kojima,
Regional Planning Manager **Date Prepared:** April 4, 2024
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 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 provided 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 have been 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.

This table was initially provided to RPC in April 2023, but review by the committee was deferred at several meetings. A special meeting has now been scheduled to specifically review the Annex 1 recommendations. The attached Summary Table has been updated in several areas from the table prepared in April 2023.

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 / April 4, 2024

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 an extraordinary project; and politically challenging as many smaller islands are invested in their bylaws; but some would benefit from modernizing the 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 a major OCP review of the primary 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 Gabriola OCP review project will be used to pilot a template to be used for future reviews. There has long been a model LUB that is used for new LUB projects and which is also being reviewed and updated by Regional Planning Team
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 currently in a full review, which commenced in April '23. The expectation is that RPC will review the state of all OCPs and LUBs and recommend OCPs and LUBs to be prioritized for full review.
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.
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 year for issue identification, community visioning, 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. RPC could identify and recommend several OCPs for priority review. With others to follow upon completion of the Islands Trust Policy Statement 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, and is finalizing a community engagement framework.

	Recommendation	Status	Comments
	Land Use Bylaws		
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. Approximately half of LUBs in the Trust Area use the model LUB format. RPT is reviewing, updating and expanding 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 and general regulations formatting are included 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 more than one LTC identifying a topic as a priority or for specific elements such as DPA. Preference is to undertake pilot projects, coordinate projects, and develop expertise within the RPT, rather than develop model bylaws. However, model bylaws are well suited for administrative bylaws and are generally adopted by LTCs..
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.	Implemented	All LTCs have adopted, or are about to adopt, the 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 policies, procedures and practices underway by RPC
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 policies, procedures and practices underway by RPC
16.	3. Improve communication and cooperation between Islands Trust Compliance and Enforcement and some of the regional districts.	On-going	Review of bylaw enforcement policies, procedures and practices underway by RPC
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 policies, procedures and practices underway by RPC
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 review all business cases for new major projects to ensure consistency with higher level objectives, resource availability and review on-going Major Projects where LTCs are not adhering to project timelines. Moreover, Trust Council is currently advancing a new corporate planning process to achieve similar goals.

	Recommendation	Status	Comments
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.	Implemented	Evaluation criteria has been drafted by the RPT and presented to RPC, the criteria will be provided to RPC to assess future proposed Major LTC projects. The evaluation criteria will adjusted over time.
	Development Applications		
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 (NP, DE, and GM) should 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
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, LTCs have adopted, or are about to adopt, 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.	Implemented	Cross-office planning teams have been implemented: - Regional Planning Team: 3 planners have been assigned, one based in each office, meet regularly, are developing processes, and are supported by one RPM - Current Planning team: 4 planners based in the 3 regional offices are assigned to the current planning team, supported by an RPM, and meet regularly to develop consistent processes and share issues. - A 'Local Planning team' is in the process of being established, consisting of Island Planners and Planner 2s who support LTCs, to build consistency and expertise on complex applications, minor projects, and LTC meeting procedures.
	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, establishment of Local Planning team of Island Planners is intended to build expertise in meeting procedures
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		

	Recommendation	Status	Comments
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. Expanded use of checklist attachments. Regional Planning Team should also develop specific report templates for projects.

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

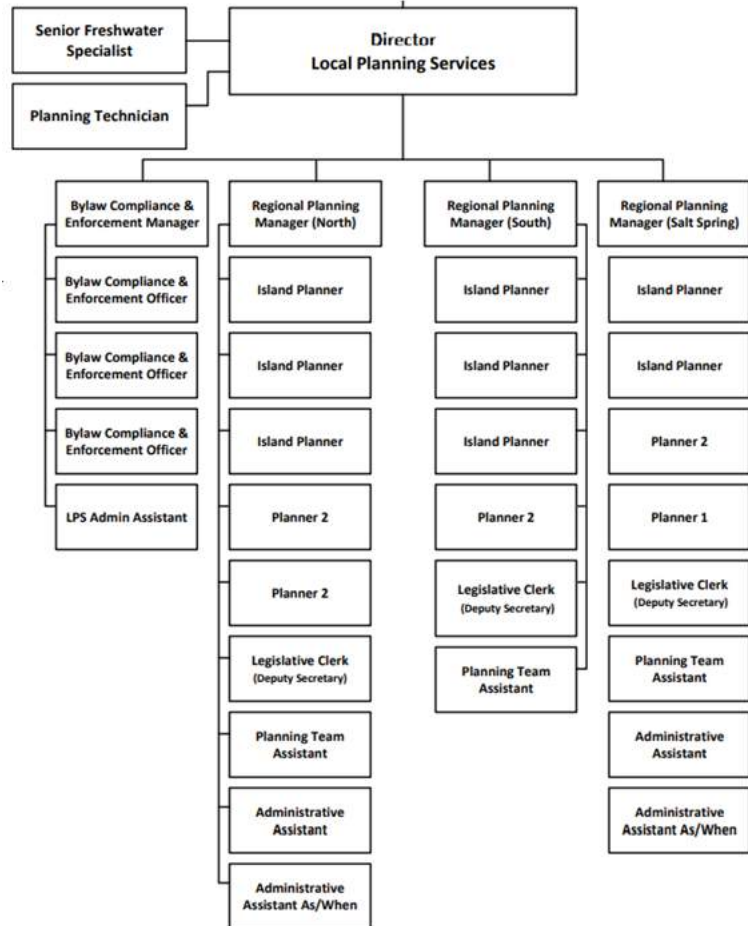
As shown in the organization chart below, there are 34 LPS staff positions. Seventeen are professional planning positions, including Planner 1s (1), Planner 2s (4), Island Planners (8), Regional Planning Managers (3) and the Director (1). Three of the planners are assigned to the Regional Planning Team.

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

