

# Tools of the Trade

Part of the *Municipal Act* Reform Initiative  
of British Columbia



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## Executive Summary

In 1996, the government of British Columbia committed to a multi-year program to overhaul the *Municipal Act* as a result of discussions by the Provincial/Local Governments Joint Council. This research forms a part of the larger effort to update the entire *Municipal Act*. The purpose of the research presented in this report is to describe the use and effectiveness of local government planning tools in British Columbia. The research focuses primarily on the powers currently granted under Part 26 of the *Municipal Act*.

This study was informed by previous research by Dr. Gary Pivo at the University of Washington. Also, literature on questionnaire research was examined to improve the construction and response rate of the questionnaire used for this research.

The questionnaire garnered an unusually high response rate for a mail-out questionnaire. Nearly every local government in the province was included in the research, and response rates were 51% of 151 municipalities and 70% of 27 regional districts. Respondents represent a wide range of communities in terms of both size and location.

The research found that the use of planning tools varies greatly depending on the tool and the type of government in question. All respondents use both Official Community Plans and zoning. At the other extreme, only six municipalities (and no regional districts) make use of farm bylaws. In almost every case, tools are used by a larger percentage of municipalities than regional districts.

Planning tools vary greatly in effectiveness as well. The most effective planning tools as defined by recipients are zoning, flood plain designation, development works agreements, and subdivision servicing requirements. The least effective planning tools are regional district planning services, social planning, Advisory Planning Commissions, signage regulations, and landscaping. In most cases, tools are more effective for municipalities than for regional districts.

The chapter on specific tool results contains summarized information on each tool's use and effectiveness as well as the free-form comments made by respondents. This information provides a starting point for discussions with local governments on how to improve individual local planning tools.

Recommended actions include more educational and training efforts on the part of the Ministry of Municipal Affairs, better coordination among provincial agencies when dealing with local governments, and a re-examination of the purpose and structure of regional district governments.

It is suggested that further research would be useful in examining how individual tools work together when combined into a single "package." Also, it is critical to ensure that research is done on heritage conservation and regional growth strategies as these tools have a direct bearing on the overall effectiveness of local government planning programs.

## CHAPTER 1: Introduction

### ***Background and Purpose***

In 1996, the government of British Columbia committed to a multi-year program to overhaul the Municipal Act as a result of discussions by the Provincial / Local Governments Joint Council. According to the Ministry of Municipal Affairs, the province is “committee...to turn the current *Municipal Act* into a new legislative foundation for local government...[with] a view to providing local government with greater authority, autonomy and flexibility to meet the changing needs of BC communities” (Ministry website, 1999). The Ministry is coordinating the research and legislative initiatives required to make the overhaul possible. This study forms a part of the research initiative.

The main purpose of the research presented in this report is to describe the use and effectiveness of local government planning tools in British Columbia. This includes an examination of ways to improve the operation of individual planning tools. Also, the research looks for local planning goals or objectives which have not been satisfied with any of the current planning tools. Finally, input is sought from local governments about new tools that would help them meet their planning objectives and about how the overall system of local planning in B.C. might be improved.

### ***Structure of report***

The first half of this report contains the procedures used to conduct the research. Chapter 1 introduces the background and purpose of the research. Chapter 2 describes previous research that helped frame and structure the approach taken by this study and examines the current provisions of the *Municipal Act*. The construction and analysis of the main research tool, a mail-out questionnaire, is explained in Chapter 3.

The second half of the report provides the results of the research. Chapter 4 lays out a summary of the overall research results. This includes a brief description of the group of local governments that responded to the questionnaire and a report on the use and overall effectiveness of planning tools province-wide. In-depth results are presented on a tool by tool basis in Chapter 5. Analyses include more specific information about the use and effectiveness of the tools as well as open-ended comments provided by local governments. Chapter 6 is the last results section. It contains the comments that local governments provided regarding the overall system of local government planning in British Columbia. The final word, Chapter 7, contains concluding observations about the research results and some suggestions for legislative reform and further research.

## CHAPTER 2: Background research

### ***Previous research***

Some of the impetus for conducting this research came from similar research done by Dr. Gary Pivo at the University of Washington in 1992 and conducted for the Growth Management Planning and Research Clearinghouse. His aim was to determine what growth management tools were being used by local governments across the United States. The study also examined why growth management tools were being used and how effective they were.

For that purpose, Pivo created a questionnaire that was sent to a randomly selected sample of local governments across the U.S. It contained a part on comprehensive planning and a part on tool use. The questions about tools also asked respondents to identify why they used the tools from a predetermined list of common reasons and to assess tool effectiveness. The approach of Pivo's questionnaire formed the basis of the questionnaire used for the research in this report.

While the research presented in this report is similar to the research done by Dr. Pivo, it has been tailored to a study of local governments within British Columbia. This creates two important differences between Pivo's research and the research presented here. First it was possible to send questionnaires to all of the jurisdictions under study rather than a sampling. This means that the potential for sampling error and bias are greatly reduced.

Second, the potential variation in the structure and authority of local governments was greatly reduced. Although acts such as the *Vancouver Charter* and the *Islands Trust Act* grant powers to some local governments which vary from the *Municipal Act*, the number of jurisdictions which fall under legislation other than the *Municipal Act* is small. Therefore, it was not necessary to ask questions about senior government planning policies and constraints for local governments. This provided an opportunity to create a questionnaire that asked for detailed responses and allowed respondents the opportunity to provide entirely new information not contemplated by the questionnaire's closed-ended questions.

### ***Municipal Act***

The *Municipal Act* Reform Initiative is structured to examine portions of the *Act* each year. This allows reform to occur annually rather than waiting to enact an entirely new *Act* all at once sometime in the future once all research is completed. The segment of the *Municipal Act* reform program of which this research is a part concentrates specifically on Part 26 – Management of Development. This is the part that contains local government powers and authority traditionally associated with planning: land use controls, servicing and the creation of broad comprehensive plans.

In order to study how the local planning tools provided in the *Act* are being used, it is necessary to define and identify the tools of interest. A "tool" can be simply described as a device used to aid or accomplish a task. However, since part of the research is to determine what tools are being used, it must be assumed that use of a "tool" is not required

– there must be discretion on the part of local government. Therefore, in the context of this research, tools which the province requires local governments to use in certain situations (often called “mandates”) have been excluded. Also, tools which have a broader application were favoured over those that apply to only very specific situations, e.g. issuance of permits.

Even with the above restraints, an initial review of the *Act* revealed an extensive list of discretionary tools that are available to local governments. The next step was to determine which tools should be classified as “planning” tools. Unfortunately, due to the wide range of issues which planning touches nearly every tool available to local governments could be classified as a “planning” tool including financial, administrative and construction control tools. In order to narrow the field, and because this research coincides with the review of Part 26 of the *Municipal Act*, most tools in that part that meet the previous requirements, and are not of a purely administrative nature (i.e. fees), have been included. As for the rest of the *Act*, a few tools of particular interest to the Ministry are included, namely social planning, regional district planning services, and restrictive covenants from the *Land Title Act*. Because a number of local governments noted the absence of particular tools from this research, a brief discussion of four main categories of excluded tools is provided below.

### **Administrative arrangements**

An administrative arrangement refers to a tool which gives a jurisdiction flexibility in how it structures its own government or how it conducts business generally. Although the bureaucratic arrangements within a government can impact its ability to do planning, for the purposes of this research such arrangements have not been considered tools because they are not used primarily to achieve planning purposes. They tend to be narrowly focused and include public input devices or arrangements for administrative efficiency in certain local situations. The advisory planning commission is an administrative arrangement that has been kept, however, because it is specifically used to assist local governments with planning issues.

### **Financial tools**

Financial tools, such as the ability to impose fees or create dedicated local funds as part of a local government budget, were not included in this study. While these tools can indirectly impact the effectiveness of local planning efforts by affecting a local government’s financial well-being, such tools do not deal with planning issues and policies. Financial issues are critical, however, and separate attention should be paid to the ability of local governments to fund all functions, not just planning.

### **Heritage Conservation**

Tools for preserving provincial and local heritage were specifically excluded from the study by the Ministry of Municipal Affairs. Although heritage preservation is definitely a local planning issue, these tools appear in Part 27 - Heritage Conservation. They are subject to separate research in the Ministry’s *Municipal Act* review program and so were not studied here.



### **Regional Growth Strategies**

Part 25 of the *Act* (Regional Growth Strategies) has a direct impact on planning, not just at a regional level, but at a local level too. All decisions of a regional district's board and its member municipalities must be consistent with an adopted regional growth strategy. This requirement potentially affects every planning decision which is made by all local governments within a certain region. However, this section of the *Act* is comparatively new and is the subject of ongoing study and review by the province's Growth Strategies Office. Therefore, these provisions of the *Municipal Act* have also been omitted from this research.

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## CHAPTER 3: Research Method

The data for this research could have been collected in many different ways. However, it was determined early on that since the research was confined to British Columbia there was an opportunity to reach every local government in the province rather than only a sampling of them. With this kind of scope, gathering information via telephone interviews and local bylaw research would have been a monumental task. Therefore, the decision was made to use a comprehensive mail-out questionnaire as the primary means of data collection. This method was supplemented with data from the 1996 census, and follow-up phone conversations with respondents were used to clarify responses.

### ***Questionnaire Construction***

The target audience of this research was local planning officials. It was anticipated, however, that some jurisdictions receiving the questionnaire would not have any professional planners on staff. throughout the questionnaire development process, an attempt was made to avoid the use of planning jargon and keep the information being requested as simple as possible considering the scope of the study. However, it has been assumed that all respondents must have some knowledge of how planning operates within their communities.

With this in mind the construction of the questionnaire drew upon some of the extensive literature on survey research methods. The literature identifies two basic types of questions: open-ended and closed-ended. An open-ended question gives the respondent complete freedom in how to answer. Without a predetermined list of answers, an open-ended question can potentially provide richer, more thoughtful information because there are no constraints. However, this kind of question is also more difficult to answer – it requires more thought, takes longer to write out an answer and therefore presumes the respondent has knowledge or interest in the subject.

The opposite of this is the closed-ended question which is completely constrained. A closed-ended question provides the respondent with a list of all possible answers and does not allow for unanticipated responses. Even so, having a preset list of answers is quick and easy for respondents because less consideration is required and the time spent developing a response is minimized. This should increase a respondent's willingness to participate in the research.

Survey literature also identifies two basic structures for the ordering of questions within a survey. One approach, termed the funnel sequence, begins with questions that ask the respondent to consider broad issues first and gradually progresses to questions of a more specific nature. This approach is good for framing the issue being researched particularly if the respondent is familiar with it. This approach usually requires an interested respondent, however, since broad questions can be more difficult to answer and the relevance of the topic to the respondent may not be apparent at first.

On the other hand, the inverted funnel sequence begins with more specific questions that may be relevant to the respondent, and therefore easier to answer, which encourages the respondent to participate. From there the questions become progressively more general, a technique which is useful in research which tries to take on a narrow topic and generalize it to a broader level.

From this overview of the literature, it was determined that a funnel sequence with a combination of open-ended and closed-ended questions would best achieve the research objectives. To achieve this the questionnaire was formed into four parts which begin with questions about broad-based planning tools and proceeds to more specific tools – those that apply to only a narrow planning subject: A) Comprehensive Planning, B) Use and Effectiveness of Tools, C) Other Tools and Comments, and D) Identification. Two versions of the questionnaire were created: one for municipalities and one for regional districts. This allowed each questionnaire to be tailored to one type of government but the structure was the same for both.

Part A, Comprehensive Planning, asked respondents to describe certain aspects of their general planning documents. In particular, it attempted to ascertain how many jurisdictions use Official Community Plans (OCPs) and Rural Land Use bylaws (RLUBs), whether either of these was used but did not cover the whole jurisdiction, and what kinds of optional subject matter was contained in the OCPs and RLUBs. One specific planning tool, development permit area, was included with this section because its use is entirely dependent upon policy statements and designations made within an OCP.

Part B contained a section for each tool available to the local government being surveyed by the questionnaire (either municipality or regional district). For each tool, respondents provided responses on whether they used the tool or not, what statutorily-provided aspects of the tool are used, what are the reasons for using the tool (particularly the goals or objectives stated in plans or other policy statements), and how effective the tool is with respect to the reasons why it is used.

Part C contained two questions, one asking local governments to identify new tools that they believe would help them achieve their planning objectives and another asking for additional comments or suggestions on either the planning tools or the system of local government planning in British Columbia generally.

As a result of literature that suggests questionnaires should engage respondents with the survey topic right from the start, the relatively uninteresting information about the respondent jurisdiction and the individual completing the questionnaire was placed at the end in Part D. The jurisdiction information was used to describe the kinds of local governments that responded to the questionnaire (this is presented in the chapter on General Results). The personal information was used to determine the level of familiarity the individuals have with professional planning and for contact purposes if more information was needed.

Several techniques to increase the response rate were used where they have been shown to be effective in the survey research literature. Rather than being from the researcher, the questionnaire was sponsored by the Ministry of Municipal Affairs. It was accompanied by a cover letter describing the purpose and importance of the research and signed by Minister Jenny Kwan. The questionnaire itself was formatted into a booklet with a blue cover and simple graphics. The attention to aesthetics was to demonstrate that the research is important enough to the Ministry to spend time and money on appearance. All questionnaires were also accompanied by a return envelope as a convenience to respondents.

### **Analysis**

This research is primarily descriptive. The analysis of questionnaire responses has attempted to create a picture of the planning “toolkit” of the typical municipality or regional district. There has been an attempt to identify patterns that may lend insight into the “real world” operation of different planning tools and the possible distinctions between municipal and regional district planning efforts.

It is important to keep in mind that although all local governments were surveyed, not all responded. Those that did respond may not be a representative sample and therefore it is possible that the results may not be generalizable across the province. Nevertheless, the response rates are high for both municipalities (51%) and regional districts (70%), and the responding jurisdictions are well distributed across the province. This provides confidence that responses are generally applicable to the non-responding jurisdictions as well.

A special note must be made for examining the effectiveness of planning tools. In the questionnaire, respondents were asked to identify their own reasons for using each tool and then to rate the effectiveness of the tool based on their own criteria. This self-assessment of tool effectiveness means that quantifiable comparisons cannot be made. For example, if 100% of respondents said Tool #1 is very effective and only 50% of respondents said the same about Tool #2, it cannot be said that Tool #1 is twice as effective as Tool #2 because respondents may have different ideas about the meaning of “very effective.” Also, many effectiveness ratings were made without an accompanying reason for using the tool. Comments made on the questionnaire leads one to believe that this is primarily because the respondents felt that the reasons for using a tool were self-evident. As a result of all this, effectiveness ratings should be seen simply as a means of identifying the degree to which local governments are satisfied with an existing planning tool. Additional research can then be concentrated on tools which do not satisfy local government needs or expectations.

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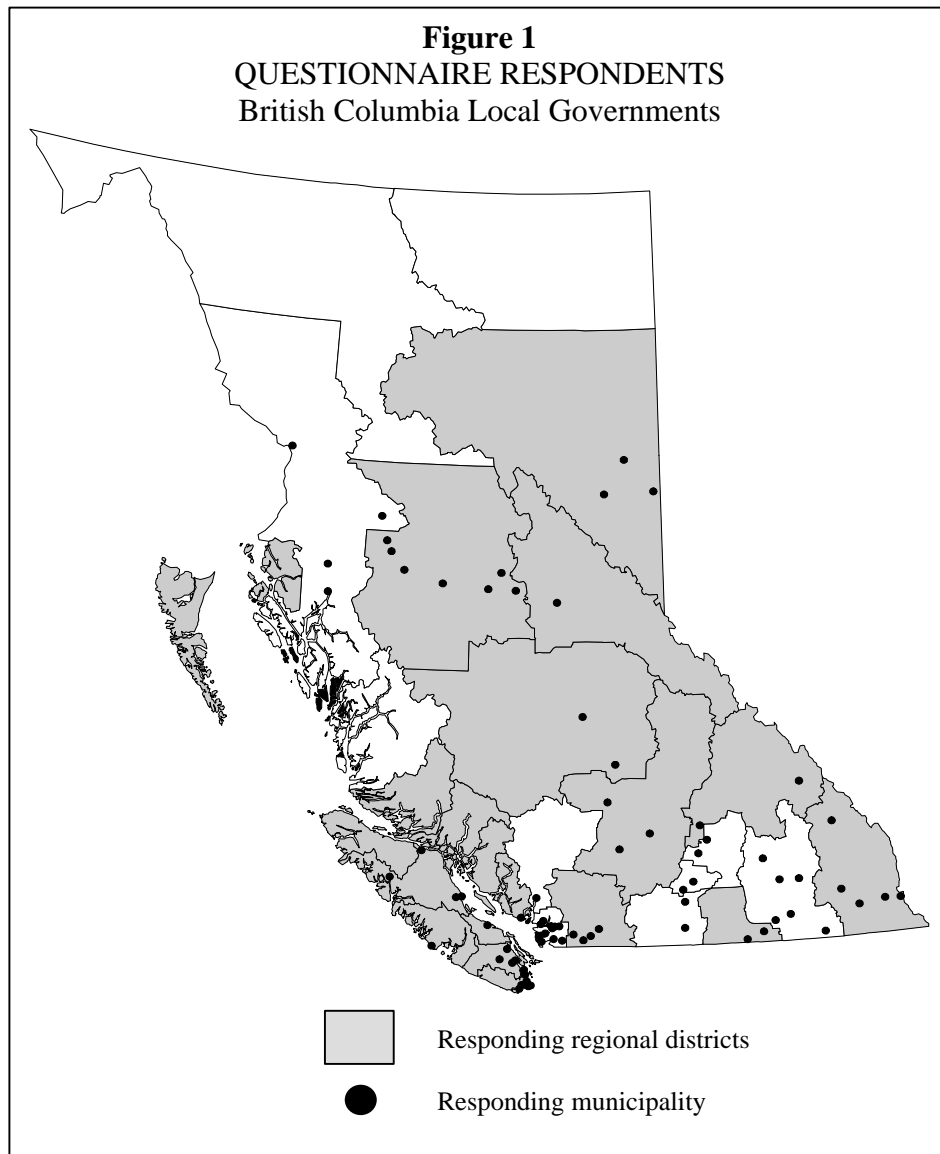
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## CHAPTER 4: General Results

### *Overview of respondents*

Respondents represent the diversity of local situations throughout Figure shows the location of responding jurisdictions. A list of all respondents appears in Appendix 2. Response rates for both questionnaires are above average: 51% of 151 municipalities and 70% of the 27 regional districts responded. Because these response rates are unusually high for mailed questionnaires, they provide a good estimation of the views of local governments generally.

As stated before, the purpose of this research is primarily descriptive, therefore a detailed examination of non-respondents to determine potential bias is not required. Nevertheless, it is, instructive to review some of the “vital statistics” provided by the respondents in order to understand the kinds of communities whose views of planning tools we are ex-



aming.

### Population size

Responding jurisdictions represent a wide range of community sizes. Among municipalities, the smallest is Silverton with 241 residents, and the largest is Surrey with 304,477 (according to the 1996 census). The population spread among regional districts is not quite as pronounced with Mount Waddington reporting a total population of 13,999 and the Capital Regional District reporting 336,240 residents.

### Planning office

The existence of a formal planning office is by no means commonplace among local governments. While every responding regional district confirmed that it has a formal planning office, only 57% of municipalities also have one. Municipalities without a planning office tend to be smaller in size ranging from the smallest at 241 to the largest with a population of almost 18,000. Although one might expect all municipalities with a formal planning office to be

over a certain size, it appears that a large critical mass of population is not necessary. The smallest municipality with a formal planning office has only 729 inhabitants. Planning offices also exist in five other communities with populations under 5,000.

**Table 1**

Title of person acting as "planner"	No. of municipalities
Municipal administrator	20
Municipal clerk	9
Director of Planning, Services or Parks	7
Superintendent of Public Works	7
Regional District planner	6
Building inspector	5
Engineer	1
Technician	1
Elected officials	1

The 33 municipalities that do not have a formal planning office were asked to list the job titles of individuals who handle planning-related issues. Table 1 shows the nine positions that handle planning in the absence of a planning office (the position of Clerk-Administrator has been included with municipal clerk). Note that in most cases, municipalities reported that planning is handled by more than one person.

### Planning expenditures

Jurisdictions with a formal planning office were asked to provide its most recent budget. This information must be interpreted only generally since many governments combine their planning offices with other functions and could not easily provide a figure for the planning function alone. On a per capita basis, planning expenditures for municipalities ranged from a low of \$5.26 to \$105.41. On the regional district side, the range was much narrower: \$2.48 to \$28.26 when total population is considered. As mentioned before, per capita expenditures for planning are not based on standardized data. In regional districts especially, the figures are not accurate since many regional districts have some municipalities within their borders that do their own planning and others that rely upon the re-

gional district. Nevertheless, the huge range in municipal expenditures raises concerns that some jurisdictions may be at a disadvantage financially in trying to pursue an effective planning program.

## Planning Tools

### Use of Tools

The use of planning tools varies widely depending on the particular tool and the type of jurisdiction in question. The range extends from two tools (Official Community Plans and zoning) that are used by all responding jurisdictions to farm bylaws which are used by less than a tenth of the municipalities and none of the regional districts.

Table 2 shows the number and percentage of respondents that use, or are preparing to use, each of the tools examined by this research. Aside from the tools used by all jurisdictions, regional districts most commonly make use of regional district planning services, advisory planning commissions and off-street parking regulations. Municipalities usually have off-street parking regulations, development permit areas and subdivision servicing requirements.

As mentioned previously, all jurisdictions reported that they have both an Official Community Plan and a zoning bylaw. Clearly this demonstrates the broad acceptance of both tools and their applicability to municipalities and regional districts alike. Aside from these, however, municipalities make use of each planning tool more often than regional districts with only one exception. This is an important observation because it calls into question the usefulness of the overall structure of local planning to regional districts. Comments from regional district respondents mention an urban-orientation of certain tools – this assessment might be applicable to many of the other tools as well.

### Effectiveness of Tools

In determining whether planning tools are effective for local governments, respondents were asked to identify the main reasons why they use each tool and then assess the effectiveness of the tool based on their unique reasons for use. The options for rating a tool's

**Table 2 – Number of Jurisdictions Using Each Tool**

Planning Tool	Municipalities*		Regional Districts*	
	Count	Percentage	Count	Percentage
1. Official Community Plan	<b>77</b>	<b>100%</b>	<b>18</b>	<b>100%</b>
2. Development Permit Area	<b>69</b>	<b>90%</b>	<b>15</b>	<b>83%</b>
3. Rural land use bylaw	NA	NA	8	44%
4. RD planning services	NA	NA	<b>16</b>	<b>89%</b>
5. Social planning	<i>19</i>	<i>25%</i>	<i>2</i>	<i>11%</i>
6. Advisory Planning Commission	35	45%	<b>16</b>	<b>89%</b>
7. Zoning	<b>77</b>	<b>100%</b>	<b>18</b>	<b>100%</b>
8. Housing agreements	<i>15</i>	<i>19%</i>	<i>3</i>	<i>17%</i>
9. Off-street parking	<b>73</b>	<b>95%</b>	<b>16</b>	<b>89%</b>
10. Drainage	43	56%	4	22%
11. Signage	<b>65</b>	<b>84%</b>	11	61%
12. Landscaping	56	73%	10	56%
13. Flood plain designation	55	71%	11	61%
14. Farm bylaws	<i>6</i>	<i>8%</i>	<i>0</i>	<i>0%</i>
15. Tree cutting permit areas	NA	NA	<i>2</i>	<i>11%</i>
16. Development cost charges	50	65%	9	50%
17. Development works agreements	24	31%	NA	NA
18. Subdivision servicing	<b>75</b>	<b>97%</b>	11	61%
19. Parkland discretion	52	68%	11	61%
20. Restrictive covenants	<b>67</b>	<b>87%</b>	<b>15</b>	<b>83%</b>

\***Bold type** indicates tools used by more than 75% of respondents.  
*Italics* indicates tools used by less than one-fourth of respondents.  
 NA = not applicable



effectiveness were: very effective, somewhat effective, not effective, or don't know. It is important to keep in mind that jurisdictions were invited to provide multiple reasons for using a tool and to judge the tool's effectiveness for each use. With regard to the category of "don't know" in rating effectiveness, in almost every case this rating was used for

**Table 3 – Overall Effectiveness**

Planning Tool	Municipalities	Regional Districts	Total
<b>4. <u>RD planning services</u></b>			
Very effective	NA*	7	<b>7</b>
Somewhat effective		8	<b>8</b>
Not effective		2	<b>2</b>
Don't know		0	<b>0</b>
<b>5. <u>Social planning</u></b>			
Very effective	5	1	<b>6</b>
Somewhat effective	18	0	<b>18</b>
Not effective	1	2	<b>3</b>
Don't know	2	0	<b>2</b>
<b>6. <u>Advisory Planning Commission</u></b>			
Very effective	16	8	<b>24</b>
Somewhat effective	19	10	<b>29</b>
Not effective	6	0	<b>6</b>
Don't know	1	0	<b>1</b>
<b>7. <u>Zoning</u></b>			
Very effective	93	17	<b>110</b>
Somewhat effective	55	12	<b>67</b>
Not effective	3	1	<b>4</b>
Don't know	0	0	<b>0</b>
<b>8. <u>Housing agreement</u></b>			
Very effective	8	1	<b>9</b>
Somewhat effective	5	1	<b>6</b>
Not effective	3	0	<b>3</b>
Don't know	4	1	<b>5</b>
<b>9. <u>Off-street parking</u></b>			
Very effective	57	10	<b>67</b>
Somewhat effective	32	7	<b>39</b>
Not effective	2	1	<b>3</b>
Don't know	0	1	<b>1</b>
<b>10. <u>Drainage</u></b>			
Very effective	34	1	<b>35</b>
Somewhat effective	17	2	<b>19</b>
Not effective	1	0	<b>1</b>
Don't know	2	0	<b>2</b>
<b>11. <u>Signage</u></b>			
Very effective	43	4	<b>47</b>
Somewhat effective	38	7	<b>45</b>
Not effective	4	0	<b>4</b>
Don't know	0	0	<b>0</b>
<b>12. <u>Landscaping</u></b>			
Very effective	34	3	<b>37</b>
Somewhat effective	30	6	<b>36</b>
Not effective	4	0	<b>4</b>
Don't know	2	0	<b>2</b>

Planning Tool	Municipalities	Regional Districts	Total
<b>13. <u>Flood plain designation</u></b>			
Very effective	43	5	<b>48</b>
Somewhat effective	14	4	<b>18</b>
Not effective	3	0	<b>3</b>
Don't know	2	0	<b>2</b>
<b>14. <u>Farm bylaw</u></b>			
Very effective	2	0	<b>2</b>
Somewhat effective	0	0	<b>0</b>
Not effective	0	0	<b>0</b>
Don't know	0	0	<b>0</b>
<b>15. <u>Tree cutting permit area</u></b>			
Very effective	NA	1	<b>1</b>
Somewhat effective		1	<b>1</b>
Not effective		0	<b>0</b>
Don't know		0	<b>0</b>
<b>16. <u>Development cost charge</u></b>			
Very effective	35	6	<b>41</b>
Somewhat effective	18	2	<b>20</b>
Not effective	1	0	<b>1</b>
Don't know	1	0	<b>1</b>
<b>17. <u>Development works agreement</u></b>			
Very effective	15	NA	<b>15</b>
Somewhat effective	2		<b>2</b>
Not effective	0		<b>0</b>
Don't know	2		<b>2</b>
<b>18. <u>Subdivision servicing</u></b>			
Very effective	66	6	<b>72</b>
Somewhat effective	12	4	<b>16</b>
Not effective	2	1	<b>3</b>
Don't know	1	0	<b>1</b>
<b>19. <u>Parkland discretion</u></b>			
Very effective	34	8	<b>42</b>
Somewhat effective	12	4	<b>16</b>
Not effective	4	1	<b>5</b>
Don't know	2	0	<b>2</b>
<b>20. <u>Restrictive covenant</u></b>			
Very effective	58	11	<b>69</b>
Somewhat effective	26	8	<b>34</b>
Not effective	1	0	<b>1</b>
Don't know	0	0	<b>0</b>

\*NA = not applicable

a tool that has only recently been adopted and it is too early to determine if it is effective or not. In some cases no reason for use was provided but the tool's effectiveness was rated anyway. Therefore, the numbers given in Table 3 are the combined totals for all effectiveness rating regardless of reason for use (including cases where no use was given).

Respondents were not specifically asked to rate the effectiveness of general planning tools in the same way as other tools. These tools typically contain only goals and policies for a local government's planning program. This means they don't actually *do* anything, rather they state what should be done and leave the implementation of the policies to the specific planning tools. It is therefore difficult to determine how to assess the effectiveness of the general planning tool itself. Instead, respondents were given the opportunity to provide overall comments on the general planning tools including their effectiveness if appropriate.

What is immediately evident from the information in Table 3 is that regional districts consistently rate tools as less effective than municipalities. This finding may support the observation made in the previous section that tools are consistently used by fewer regional districts than municipalities. Regional districts may be choosing not to use certain tools, or may have used them in the past and have discontinued their use, because they are not effective. Again, this raises the question of whether there exists an urban bias in the tools themselves which prevent the tools from being effective in less populous or less developed areas.

Further examination of the Overall Effectiveness information identifies seven tools that rate less than "very effective" when the total scores of both municipalities and regional districts are considered:

- Regional district planning services
- Social planning
- Advisory planning commission
- Housing agreement
- Signage
- Landscaping
- Tree cutting permit area

In addition, the scores for signage and landscaping reveal that these two tools perform notably worse for regional districts than for municipalities. Although they do not differ much, the effectiveness scores for all other tools tend to be lower overall for regional districts than for municipalities.

## **CHAPTER 5: Specific Planning Tool Results**

### ***Overview***

The following sections describe the information gathered from jurisdictions about each of the planning tools contained in the questionnaire. A brief summary box gives simple statistics about each tool's use and effectiveness. The detailed description highlights significant observations about the tool. Responses from municipalities and regional districts have been kept separate to show how the use and effectiveness of each tool differs for each type of local government.

Open-ended comments received from both municipalities and regional districts are presented at the end of each tool's section. The researcher considered the merits of summarizing the comments versus including all comments as submitted. Summarizing would increase brevity and avoid duplication of responses. On the other hand, the Ministry has repeatedly expressed its interest in hearing from local governments – summaries would not be the true voice of the local respondent. It was decided that the process of summarizing may lead to misinterpretations of comments and would destroy the individual wording of comments which helps to convey the respondent's attitudes about the subject. In short, too much substance would potentially be lost in translation, so the comments have been reproduced, with only minor changes, as the respondents submitted them. Any changes are to improve the readability of comments or to preserve a respondent's anonymity by deleting remarks that might identify the respondent.

## Official Community Plan (OCP)

All jurisdictions use Official Community Plans and geographically larger jurisdictions, especially the regional districts, use multiple OCPs. Similarly, it is also the larger jurisdictions that tend to have areas that are not covered by an OCP at all. It is also interesting to note that, in addition to the policies required by law, regional district OCPs tend to incorporate more optional policies than municipal

OCPs. Likely this is because Official Community Plans were created primarily for *urban* planning. As a result, regional districts are forced to incorporate issues not originally contemplated for OCPs.

The research questionnaire asked local governments to indicate the kinds of broad objectives outside of their control which are included in an OCP. Local governments were then asked to list the issues about which they would like to make specific policies in their OCPs. As might be expected, the two lists were similar; however, some of the broad objectives were not repeated in the list of desired authority. This may be due to local government reluctance to have authority over them or an expectation that the provincial government would not be willing to relinquish control. Another reason is local governments often find other ways of achieving the broad objectives and so do not perceive a need to have specific authority granted.

Of the numerous issues outside the control of local governments that are the subject of broad policy statements in municipal OCPs, the most common one is provincial roads and transportation. Seven respondents specifically listed provincial roads or provincial transportation policy as a broad issue included in their OCPs. When it comes to issues over which municipalities would like to have policy-making authority, the development of land outside of (especially adjacent to) municipal borders was most often listed.

Broad objectives included in regional district OCPs are similar to those in municipal plans. However, the full list clearly demonstrates the greater interest regional districts have in resource planning and the environment. The list of issues for which regional districts would like to set policy directly also has the same focus.

### OCP Summary Information

- Jurisdictions using this tool:** 77 (all) of 77 municipalities  
18 (all) of 18 regional districts (RDs)
- Jurisdictions with multiple OCPs:** 5 (6%) municipalities, 17 (94%) RDs
- Jurisdictions with areas lacking an OCP:**  
4 (5%) municipalities, 18 (all) RDs
- Jurisdictions with OCPs containing the following optional policies:**
1. Social needs, development or well-being:  
➤ 44 (57%) municipalities, 10 (56%) RDs
  2. Maintenance and enhancement of farming:  
➤ 40 (52%) municipalities, 16 (89%) RDs
  3. Preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity:  
➤ 67 (87%) municipalities, 16 (89%) RDs
  4. Broad objectives for issues outside the control of local governments:  
➤ 21 (27%) municipalities, 16 (89%) RDs

Although some of the comments from regional districts talk about the OCPs directly, the most repeated comments concern the procedural environment within which OCPs are developed. Ministerial approval of different aspects of OCPs is discouraged by some respondents – in fact, this comment appears in numerous questionnaire responses relating to various tools. Other respondents criticize senior government agencies for creating conflicting policies and priorities that regional districts are expected to follow or implement. One respondent suggests the development of a mechanism to reconcile conflicting positions from different provincial agencies.

Almost a third of respondents provided more extensive feedback in the comment section on OCPs. The comments that appear multiple times from different municipalities bear special note. Several jurisdictions would like to see senior government agencies, especially the Agricultural Land Commission, respect local OCPs or, at least, work cooperatively with the local government's planning process. Also, the connection between OCPs and local capital expenditure programs is considered too rigid by some. These comments, like most, believe the power or influence of OCPs should be expanded in some way.

Some respondents differ in how they would like to see OCPs used. A couple of comments stated that OCPs should be only very simple, basic documents instead of the existing potentially complex combination of tools and issues. Other comments reveal frustration with the manner in which OCPs are handled locally in some communities – they can be amended too easily and frequently by Councils.

Below is a complete list of issues and comments provided by both municipal and regional district respondents regarding OCPs. Issues have been interpreted by the researcher and agglomerated into categories as appropriate to show the level of interest in different subject areas.

## Municipalities

Issues included in municipal OCPs that are outside the control of local governments:

- ALR-related issues (4)\*
- Provincial roads/transportation (7)
- Schools (2)
- First Nations (3)
- Trans-boundary (international) issues (1)
- Federal or provincial land (2)
- Logging practices (1)
- Economic development/growth (3)
- Agriculture (1)
- Regional strategies/growth/services (3)
- Waste disposal (1)
- Police (1)
- Non-road transportation (2)
- Housing (1)
- Fish and wildlife resources (1)
- Air and water quality (1)
- Annexation of other areas (1)
- Child care (1)
- Public art (1)
- Lifestyles (1)
- Nuclear-free zone (1)

Issues for which municipalities would like to make specific OCP policies:

- Developments outside/adjacent to municipality (5)\*
- Development in ALR lands (3)
- Land use and planning on First Nation lands (1)
- Land use and planning on Crown land (1)
- Tree retention/replanting (1)
- Developer contributions for community amenities (1)
- Vital road improvements (2)
- Sand and gravel extraction (2)
- Waterfront development/shorezone dedication (2)
- Hospital plans/health services (2)
- Provincial school policy (1)
- Provincial liquor policy (1)
- Provincial social services policy (1)
- Police services (1)
- Environment (esp. watershed and airshed prot.) (3)
- Affordable housing (1)
- Water use and tenure (1)
- Planning of "independent" public agencies (1)
- Fisheries/streamside setbacks (1)
- Seasonal staff housing for resorts/destinations (1)

\*(#)=number of respondents who listed this item

### Comments on Official Community Plans

1. Should be limited to LAND USE
2. ALR lands – the OCP is intended to be a vision for the future – 20+ years. Council is being forced by ALC to include policies in their OCP which are not representative of the community’s vision for the future.
3. Need to ensure that requirements for referrals to other provincial agencies such as the Ministry of Agriculture (Right to Farm Legislation) and MOTH do not delay amendments for months.
4. Our OCP is very straightforward and relatively brief focussing on land use and transportation policies. I like OCPs that are brief and stick to the point. It would be interesting to get Municipal Affairs’s comments on this.
5. Plan currently in process after significant disagreements with ALC.
6. New developments adjacent to municipal boundaries [should] require consultation with municipality.
7. Fragmentation of land into 5-acre parcels under separate ownership hampers orderly and efficient urban growth.
8. MoTH and ALC should be part of the OCP approval process whereas they only provide comments at this stage of municipal OCPs.
9. Would like to improve the behaviour of senior levels of government – port authorities, harbour commissions, First Nations – to comply with

- municipal OCP policies, zoning, transportation, environmental protection outside riparian areas, and social program delivery.
10. Legal connection to capital expenditure program (created by the courts) is too rigid.
  11. Land use regulation of provincial Crown corporation lands would be desirable even if it was necessary to include an appeal process administered by Municipal Affairs.
  12. We have included a section on the management of our OCP to ensure some action is taken on its implementation, fiscal impacts, and continuing public input.
  13. Would be useful to have a “vocabulary” of designations from which to choose for inter-municipal consistency.
  14. Municipalities need the ability to protect transportation corridors beyond 20-year planning limitation. Twenty years is too limiting.
  15. OCP can be amended as frequently as Council wishes. Could the Municipal Act have a provision to tie up an OCP without revision for, say, 3 years?
  16. Section 879 re: development permits and more specifically the operationalization under (2) requires clarification. In my experience, this section has not been well understood since the development permit procedure was overhauled around 1986.
  17. Need to clarify establishing plan designations and policies on future parks and highways as the courts are basically striking down any efforts by a municipality to show such in a plan.
  18. Economic viability.
  19. Exclusion of the need to include capital financing plans.
  20. Issue of multi-unit residential projects (i.e. condos) contributing to parkland similar to 5% parkland provision for single family subdivisions.
  21. Issue of lack of land use control over gravel pits (i.e. under Petroleum & Natural Resources legislation) is very controversial.
  22. It is my belief all municipalities, regional district electoral areas with a certain population level and density (for example 2,500 persons or density of 1 person per acre) should be required by law to have an OCP.
  23. Less emphasis on policies that must be included. Make policy choice areas optional.
  24. Excellent planning tool! It would be good to see sessions run by the MOA on using this tool.
  25. OCP should say more about financing.
  26. Temporary Use provisions should not be in OCP.
  27. Development Permits should not be in OCPs.
  28. Two-thirds majority of Council should be required to amend OCP.
  29. Clearer relationship between OCPs and secondary plans needed.
  30. Mandatory provision of staff housing for major recreational developments hiring seasonal staff.

31. In general, OCPs are only as good as the Council that administers them. It is not unusual for amendments to be considered within days of receiving final approval.

### Regional Districts

Issues included in regional district OCPs that are outside the control of local governments:

- Provincial roads/transportation (5)\*
- Federal or provincial (Crown) land (1)
- Logging practices (1)
- Economic development/growth (1)
- Agriculture (2)
- Provincial policies (1)
- Intergovernmental planning policies (1)
- Recreation (2)
- Fish and wildlife resources (2)
- Environmental protection (3)
- Surface and groundwater (1)
- Drainage (1)
- Resource issues (5)

Issues for which regional districts would like to make specific OCP policies:

- Development/subdivision of ALR lands (1)\*
- Land use and planning on Crown land (2)
- Pesticide/herbicide permits (1)
- Vital road networks/improvements (1)
- Sand and gravel extraction (1)
- Waste management permits/approvals (1)
- Watercourse access (1)
- Environment (esp. watershed and airshed prot.) (2)
- Preservation of trees in specified areas (1)
- Fisheries/streamside setbacks (2)
- Resource issues generally (3)
- Floating barges/lodges/houseboats (1)
- Visual quality controls (Crown and private land) (1)

\*(#)=number of respondents who listed this item

### Comments on Official Community Plans

1. Wider scope to sub-regional planning would be useful.
2. Problems with conflicting policies from senior governments. Downloading without necessary powers and resources to follow through.
3. The document, given its scope of responsibilities, should be applied to well-defined *settled*, developed areas. Another category of plans needs to be created for rural communities that are large in area and modest in population. Rural land use bylaws don't fit this "bill."
4. Want to be able to plan proper communities in the fringe areas for more efficient and serviceable development without the Crown lands constraints, or the agricultural land reserve on lands with marginal capability for agriculture.
5. Minister approval of OCPs and amendments should be discontinued – to be more in keeping with municipal processes.
6. Where a Regional District has an approved Regional Growth Strategy there should not be a requirement for the Minister's approval of an OCP. Requirements to designate provisions for temporary use permits are too restrictive in OCPs – there should be more emphasis on general provisions of zoning bylaws (as within amenities).
7. A mechanism is needed to reconcile inflexible provincial agency positions and distinguish staff comments from statutory policy requirements affecting the content of an OCP.
8. Irregular approval process (e.g. no highways "sign-off" – drop s.57(2) authority).



9. Inappropriate use of RD planning by provincial agencies (e.g. “use” of OCPs to achieve provincial agency objectives or to “correct” legislative or regulatory deficiencies – coercive, manipulative).
10. Too many agency “overrides” (e.g. Mines, ALC, etc.)
11. Correlate (equate) approval processes by Municipal Affairs for both Regional Districts and municipalities.

## Development Permit Area (DPA)

Although the development permit area authority is a major incentive for communities to adopt an OCP, most communities make use of only one or two areas of regulation and a few communities do not use them at all.

As noted before, even though DPAs are a specific planning tool, they are included with the general planning tools because they must be an integral part of an OCP

in order to be used. This is unusual with respect to the other tools that can be used with or without an OCP.

### DPA Summary Information

**Jurisdictions using this tool:** 69 (87%) of 77 municipalities  
15 (83%) of 18 regional districts (RDs)

#### **Jurisdictions which regulate the following with a DPA:**

1. Natural environment, ecosystems and biological diversity:
  - 40 (58%) municipalities, 10 (67%) RDs
2. Conditions hazardous to development:
  - 38 (55%) municipalities, 11 (73%) RDs
3. Farming:
  - 4 (6%) municipalities, 3 (20%) RDs
4. Commercial area revitalisation:
  - 46 (67%) municipalities, 1 (7%) RDs
5. Form and character of commercial, industrial, and multi-family residential development:
  - 63 (91%) municipalities, 13 (87%) RDs
6. Temporary commercial and industrial uses:
  - 22 (32%) municipalities, 5 (33%) RDs

The questionnaire asked respondents to indicate the areas of regulation for which they use DPAs. The *Municipal Act* allows for the creation of six specific types of development permit areas as shown in the Summary Information above. By far, most local governments take advantage of the opportunity to regulate the form and character of commercial, industrial, and multi-family residential development. Temporary commercial and industrial uses and farming are both used very infrequently by contrast.

**Table 4 – Desired Development Permit Area authority**

<u>Municipalities</u>	<u>Regional Districts</u>
<ul style="list-style-type: none"> <li>▪ Institutional sites and structures (7)*</li> <li>▪ Form and character of other development types (6)</li> <li>▪ Detailed building design (6)</li> <li>▪ Various off-site works (1)</li> <li>▪ Signage (1)</li> <li>▪ Location and access to city streets (1)</li> <li>▪ Variance of subdivision standards (1)</li> <li>▪ Ability to vary landscape or density (1)</li> <li>▪ Agricultural land use (1)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Form and character of other development types (3)*</li> <li>▪ Watersheds (2)</li> <li>▪ Tree removal (2)</li> <li>▪ Off-site signage (1)</li> <li>▪ Institutional sites and structures (1)</li> <li>▪ Landscaping without link to environment (1)</li> <li>▪ Storm water management (1)</li> <li>▪ Riparian area protection (1)</li> <li>▪ Density of land use (1)</li> </ul>

\*(#)=number of respondents who listed this item

After establishing how DPAs are currently being used, the questionnaire asked if there is anything respondents would like to regulate with a DPA that is not currently authorized. The area most commonly mentioned by all local governments is the form and character of developments other than those already permitted. Aside from this, municipalities and regional districts listed different issues that they would like to control with DPAs. The complete list of items mentioned by each type of local government is given in Table 4.

Comments from municipalities and regional districts raise various issues. Notably, there are several requests to allow the issuance of development permits to be delegated to staff. Changes to the *Municipal Act* made in 1998 that grant broader powers of delegation to local governments may need to be clarified or more information needs to be provided to local governments. Regional districts made several comments about the desire to have DPAs applicable to areas without OCPs or available in rural land use bylaws (RLUBs). The actual comments appear below.

### Comments on Development Permit Areas

#### MUNICIPALITIES

1. Can be subject to abuse
2. New to us but considered long overdue
3. It would be nice if a municipality could require road dedication as a condition of DP approval.
4. Act should be clearer on allowable scope, form of DP guidelines, withholding of DP, issuance of DP by administration if criteria are met in the OCP. Institutional uses should also comply with DP criteria; allow specific requests of design and materials for form and character.
5. We require a clear statement in the Municipal Act that municipal development permits must be complied with by regional districts, including regional water districts and sewerage and drainage districts.
6. We use heritage conservation area designations interchangeably with “form and character” DPA. They should be fully coordinated.
7. Should be more explicit regarding use of DPAs to regulate the sequence and timing of the provision of infrastructure and development.
8. Sections 920 (8) and (9) are contradictory – please clarify intent. Section 879(1)(e) needs clarification as it relates to s. 920.
9. It needs to be clarified to what extent the discretion of Council can be applied with using Development Permit Guideline.
10. Development permits should not allow variance of bylaws and regulations which should be dealt with by DVP with notification process. Also DPs should be issued by staff (similar to building permits) based on the adopted guidelines.
11. DP for subdivision is not a useful tool – one more “red tape” item that serves no purpose.
12. Development Variance Permits should be given same enforceability for design that now exists for Development Permits.

13. There needs to be a clear understanding that Council has the authority to deny any application that does not meet the guidelines.
14. Could we not remove “special” development permit areas and have every development (outside of single family homes) require a development permit?
15. Form & character limitations in legislation do not allow management control over building materials, landscaping, parking areas or signage...especially for commercial.
16. It is odd that form and character of a multi-family building or a commercial building can fall under a DP but not a church or school for example. These uses can have just as great an impact on surrounding uses and community aesthetics.
17. It would be good for municipalities to have greater control over temporary commercial permits. These are sometimes denied on what seems to be a “small technicality”.
18. Should [development permits] be part of OCP? Should DP’s exist in another document, e.g. zoning bylaw?
19. Enforcement is costly and difficult in small communities. Construction comes first then the development permit.
20. Penalties are needed for ignoring development permit areas and altering the building after issuance of the development permit.
21. Delegation of some powers to staff/committee.

#### REGIONAL DISTRICTS

1. Municipal Act should be revised to provide authority for development permits in Rural Land Use bylaws, and for zoning bylaws in areas where there are no OCPs.
2. Include DPs in RLUBs.
3. New powers to delegate are good. Requirement to specifically designate areas limits you to surveyed or known boundaries (legally problematic). Should provide broader powers for designation (i.e. portions of a plan area).
4. Should be able to provide DPs outside of an OCP in rural areas. Also need to allow for temporary commercial and industrial uses outside an OCP.
5. Recent changes to Municipal Act re. DPs should help to streamline DP process if local governments choose to delegate approval to staff.
6. In some of our Electoral Areas they are not popular, and in others they are accepted as a reasonable planning tool.
7. We are currently researching the establishment of Development Permit guidelines for protection of the natural environment (riparian areas).
8. Generally they are effective once registered against a property. However, it is not uncommon for environmental disturbances to occur prior to application for a development permit – thereby leaving little left to protect.

## Rural Land Use Bylaw (RLUB) – Regional districts only

The Rural Land Use bylaw is only available to regional district governments. It encourages the combination of general planning tools with specific planning tools. Rural Land Use bylaws ideally provide regional districts with a method of planning which is legislatively easier than creating numerous separate by-laws to individually address the various authorized policies. In this way RLUBs can act as an OCP, zoning by-law, subdivision control bylaw and servicing standards bylaw all in one. One important difference between

RLUBs and OCPs is that the former cannot contain development permit areas.

Similar to the OCP section, the questionnaire asked respondents to describe issues for which they would like to make specific policies in RLUBs rather than just broad objectives. The following lists present not only the policy-making authority desired by regional districts of RLUBs but also the policies that have been specially authorised by the Minister for individual governments.

### Want to make policy in RLUB for:

- Building height restrictions
- Resource extraction and management
- Development permit areas
- Lot coverage ratios
- Parking/loading requirements
- Screening and fencing

### Minister-approved policies:

- Parking requirements
- Height of buildings and structures
- Lot coverage ratios
- Screening and fencing
- Flood plain provisions
- Home occupations
- Signage

### RLUB Summary Information

**Jurisdictions using this tool:** 8 (44%) of 18 regional districts (RDs)

**Jurisdictions with multiple RLUBs:** 4 (50%) of 8 RDs

**Jurisdictions with areas lacking an OCP and RLUB:** 7 (88%) of 8 RDs

#### **Jurisdictions with RLUBs containing the following policies:**

1. Location of land use types: ➤ 8 (100%) of 8 RDs
2. Density of land use: ➤ 8 (100%) RDs
3. Conditions, requirements and restrictions on development due to hazardous conditions or environmental sensitivity: ➤ 4 (50%) RDs
4. Approximate location and phasing of major road systems: ➤ 2 (25%) RDs
5. Area of parcels of land to be created by subdivision: ➤ 8 (100%) RDs
6. Servicing standards for different land uses: ➤ 4 (50%) RDs
7. Siting of buildings and structures: ➤ 8 (100%) RDs
8. Location of temporary commercial or industrial uses: ➤ 3 (38%) RDs
9. Other matters authorised by the Minister of Municipal Affairs: ➤ 3 (38%) RDs
10. Broad objectives for issues outside the control of regional district governments: ➤ 2 (25%) RDs

Although not many respondents use this tool, of those that do more than half provided comments. It is apparent that this is the one planning tool which was custom made for rural areas, however there is disagreement as to whether it should be kept in its current form.

### Comments on Rural Land Use Bylaws

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1. RLUBs are very good tool for remote areas with little development pressure, but not for rural areas that are under development pressure.
2. They have the opportunity to work well in outlying rural areas by simplifying the process wherein one bylaw provides both policies and regulations, with only one bylaw to amend. Rural people prefer less complication, and do not always want to have to rezone anytime they want to do something different. Further, many rural commercial uses try to satisfy a variety of needs that would otherwise require multiple zones in a conventional zoning bylaw.
3. They are generally unworkable under the current legislative framework. They should not be encouraged and now be converted to OCPs and zoning.
4. A useful tool for rural areas but land designation changes should be approvable without Municipal Affairs authority as with zoning where an OCP is in effect.
5. We do not intend to prepare any more of them but are choosing to have OCPs and zoning.

## Regional District Planning Services – Regional Districts only

This tool received mixed reviews from respondents. While few found the tool completely ineffective, it only ranked as somewhat effective for most of the uses to which it is put. By far the most common criticism of this tool is that municipalities are given the opportunity to “opt out” of participating. According to two respondents, this situation undermines the ability of regional districts to plan regionally and reduces the overall coordination of planning among jurisdictions within a regional district. Concerns were also raised about the inability of regional district governments to consistently fund and operate effective planning departments because of potential annual changes in their responsibilities as a result of municipalities deciding to opt out.

### RD Planning Services Summary Information

**Jurisdictions using this tool:** Not available to municipalities  
16 (89%) of 18 regional districts (RDs)

**Common reasons for use and effectiveness** (not all reasons included):

#### *Regulate development*

Very effective	4 RDs
Somewhat effective	2
Not effective	1
Don't know	0

#### *Implement Regional Growth Strategy*

Very effective	1 RDs
Somewhat effective	2
Not effective	0
Don't know	0

#### *Research*

Very effective	1 RDs
Somewhat effective	1
Not effective	0
Don't know	0

#### *Combined effectiveness (all reasons for use)*

Very effective	7 RDs
Somewhat effective	8
Not effective	2
Don't know	0

### Comments / Why is this tool not “very effective?”

1. The section is lacking in definitions, i.e. what is “coordination,” or an “analytical and research service?” Clarity of concept would be very helpful.
2. Parochialism and authority for constituent municipalities to “opt out” of the planning function leaves regional planning function “under funded” and “under utilized” resulting in a general lack of coordination and cooperation.
3. The annual debate over the opt-in provisions for municipalities in planning services has not been a problem so far, but could be.
4. Regional Growth Strategy has not been adopted by our Board of Directors yet.
5. Limited by staffing and resources.

6. Controls/powers are limited; resources are very limited; process is manipulated by developers; provincial policies/regulations unclear for protecting the “public interest.”
7. The concept of “public hearing” needs extensive reworking.
8. There is no temporary use review/decision process
9. There is no decision appeal process other than courts.
10. The current legislation uses incorrect language which misrepresents and misleads with respect to local government interests in planning.
11. It might be more effective if the “opting out” provision for municipalities did not undermine the Regional District’s ability to plan “regionally.”



## Social Planning

Less than a quarter of the municipalities responding make use of this tool, although one municipality reported that it is just beginning to address social planning. Almost none of the regional districts use this tool.

The effectiveness of this tool is decidedly mixed. It was ranked as “very effective” for only 21% of the reasons for which it is used.

In the comments provided by local governments, lack of resources is most often cited as the reason why governments cannot pursue a social planning program. Another prominent issue with regard to social planning is the degree to which social policies are established and controlled by senior governments. Provincial and federal control of social programs and funding often means it is not seen as a local issue and, therefore, scarce local resources are devoted to other uses.

### Social Planning Summary Information

**Jurisdictions using this tool:** 18 (23%) of 77 municipalities  
2 (11%) of 18 regional districts (RDs)

#### **Common reasons for use and effectiveness** (not all reasons included):

##### *Enhance social “well-being”*

Very effective	2 municipalities	0 RDs
Somewhat effective	7	0
Not effective	0	2
Don’t know	0	0

##### *Encourage social development (facilities and services)*

Very effective	1 municipalities	0 RDs
Somewhat effective	3	0
Not effective	1	0
Don’t know	2	0

##### *Liaison with governmental and community social service agencies*

Very effective	2 municipalities	0 RDs
Somewhat effective	1	0
Not effective	0	0
Don’t know	0	0

##### *Combined effectiveness (all reasons for use)*

Very effective	5 municipalities	1 RDs
Somewhat effective	18	0
Not effective	1	2
Don’t know	2	0

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. Provincial and/or federal governments deliver and/or fund social programs and control content and scope.
2. Because social planning is not compulsory in section 530 it is not recognized as a serious issue by members of council and ratepayer groups.
3. These problems cannot be resolved at local level – too complex / expensive.
4. The reality is that most municipalities have little resources to allocate to social planning. Sources of revenue are derived from property taxes and development control processes. There is little ability to take on additional responsibilities beyond the wide range of services municipalities are already expected to provide. Planning departments in par-

tical must justify their existence based on the level of development processing that occurs. Research and development and policy writing are seen as luxuries, and are the first areas to be cut by municipal councils. Add to this the recent trend for the province to cut even more money from traditional transfer payments, and the pressure to cut services that are seen as non-essential only increases. The best means we have available to influence our social environment at the local level is to use the planning tools such as zoning, development permit approvals, policies and guidelines documents. Creating separate levels of social service delivery is not feasible.

5. Requires more enforcement, more resources, better economic climate, and more agreement by society on goals.
6. The context of “social planning” is so broad, it is difficult to bring long term consistent focus to the program particularly in view of the limited resources which can be dedicated to the function in view of the many competing priorities in a municipality. Many social issues are provincial matters, such as affordable housing, drug abuse, recovery homes.
7. It is not clear what this section accomplishes. The type of activities outlined (i.e. research, etc.) can be accomplished routinely without enabling legislation.
8. Lack of staff and lack of strong Council support.
9. From a land use planning perspective, as planners we would like to pursue social planning issues, but politically this area is deemed to be potentially very costly (i.e. groups requesting \$) – social planning DCCs should be considered.
10. Need more input on provincial changing health care regulations.
11. Developers do not want to provide affordable housing without considerable assistance from the federal and/or provincial governments.
12. Jurisdiction for public health issues removed to regional Health Boards. They were better integrated with the community previously.
13. No clear mandate for committee which is not used effectively or always within their perceived mandate. More guidance from a social planner would be assistive but our community is not large enough to necessitate the position.

#### REGIONAL DISTRICTS

1. Social housing policy should be more clearly directed to communities (i.e. designated areas “urban,” “rural villages”) not suburban neighbourhoods in rural areas where support services are not available.
2. Our bylaws are of interest to property owners who largely have little interest in dealing with what they consider are “urban problems.” [Need] education to show that [everyone is] impacted.

## Advisory Planning Commission (APC)

This tool bucks the trend of planning tools that are more often used by municipalities. It is also rare in that its effectiveness is rated higher by regional districts than by municipalities. Even so, it is not rated highly by either type of local government. As with social planning, APCs received mixed reviews from questionnaire respondents.

Because the effectiveness of advisory planning commissions is rated nearly the same by both municipalities and regional districts, their more frequent use by regional districts is probably a reflection on the structure of regional district government. Unlike municipalities, regional districts are a collection of politically distinct units. It is common, therefore, for each political unit having its own advisory planning commission. Unfortunately, even with their more frequent use, regional districts do not find them much more effective than do municipalities.

In the comments provided by respondents, the most common complaint about APCs is a tendency for commission members to bring biases or personal agendas to the commission. Many respondents also complain about the difficulty of fully informing commission members of planning issues. These two problems encountered by respondents also show up in the effectiveness ratings above. Regardless of whether an APC is used to promote public involvement or purely to provide advice to a council or board, it is usually rated as only “somewhat effective.”

<u>APC Summary Information</u>		
<b>Jurisdictions using this tool:</b>	35 (45%) of 77 municipalities	
	16 (89%) of 18 regional districts (RDs)	
<b>Common reasons for use and effectiveness (not all reasons included):</b>		
<i>Obtain “lay” opinions / promote public involvement</i>		
Very effective	6 municipalities	5 RDs
Somewhat effective	9	5
Not effective	1	0
Don’t know	0	0
<i>Provide advice to Council/Board</i>		
Very effective	6 municipalities	2 RDs
Somewhat effective	7	2
Not effective	1	0
Don’t know	1	0
<i>Review development proposals in detail</i>		
Very effective	2 municipalities	0 RDs
Somewhat effective	0	0
Not effective	1	0
Don’t know	0	0
<i>Combined effectiveness (all reasons for use)</i>		
Very effective	16 municipalities	8 RDs
Somewhat effective	19	10
Not effective	6	0
Don’t know	1	0

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. Our APC is currently dormant and has never been effective in providing quality advice to Council. I personally do not see a need for APCs in smaller communities.

2. It's difficult to fully inform citizen advisors on planning topics, it's difficult to maintain continuity from meeting to meeting and from year to year and it's difficult for citizen advisors detached from the neighbourhood to provide advice on neighbourhood issues that is as compelling as the comments and concerns from within the neighbourhood.
3. Council sits as Committee of the Whole in public session every Monday which provides for consideration of items prior to public hearings. APC is in camera – outdated, superfluous and time consuming.
4. Current Municipal Act sets out very broad terms of reference. [Municipality] needs to consider how APC resources can best be used to assist and APC procedures and scope need clarification by council.
5. Council considers this an opportunity for continuing public input into the municipal planning process however the APC seems to get into too much detail on specific projects (rather like an Advisory Design Panel) instead of policy issues. It does tend to serve as a training ground for future members of council.
6. Mainly in implementation; not really a problem with legislation.
7. Do not have an Advisory Planning Commission as per s. 898, but the municipality has established an Advisory Planning and Land Use Committee.
8. Membership selection process should be improved.
9. We are a very small municipality and a lot of development doesn't take place.
10. Commissioners' advice is often not given much weight by Council members; Council member who "represents" the Commission may choose not to relay Commission debate if it is at odds with own views. Minutes are a less effective means of communication than verbal presentation at Council table. Commissioners have little/no training – this budget was cut circa 1996.
11. Permit Councils to appoint elected officials.
12. Same as [social planning], politically an advisory planning commission is perceived as risky in that Councillors may have to take advice/recommendations from a group unaware of costs.
13. APC just appointed and have yet to deal with any issues in accordance with new bylaw.
14. Commission has not been appointed in years. Bylaw should be repealed or Commission set up to do its appointed task.
15. Need commitment of Council.
16. The APC has not been utilized over the past 1-2 years.
17. Local tradition of "holding back" APCs from full involvement in rezoning proposals.
18. APC has a tendency to interfere in areas beyond their jurisdiction. (Solution – disband the APC).
19. Committee members push their personal agenda or lack adequate knowledge and decision-making with no accountability.

## REGIONAL DISTRICTS

1. This is an antiquated tool. With all the varieties of public input now received APCs are redundant. Scrap'm.
2. APCs generally work fairly well. However, there are occasions when judgement and advice are “clouded” by “personalities” and “history of property” which occasionally creates conflict with planning staff advice.
3. APCs continue to struggle with their role as advisory only. They want more power to decide issues (should be resisted until a formal change in governance is decided). Can be dominated by specific interests.
4. The tool can be very effective although APCs may not be absolutely impartial at times.
5. Varies according to participation.
6. Requires additional staff support to function.
7. While APCs can provide valuable insight, they can also make recommendations based on personal opinion which in some cases is an uninformed opinion and in some cases disregard technical information. Many APC members are ill-prepared to be making recommendations.
8. The relationship between APCs (as an advisory body) and the Board (as a legislative body) becomes blurred in practice (especially in large rural RDs). Communication, accountability and jurisdictions are unclear – especially in the eye of the public.
9. Because Advisory Planning Commission members are appointed by the local director, they do not represent a cross-section of the local community. Generally, APC members have the same interests and biases as the Director.
10. The level of commitment or involvement of members can limit their effectiveness. This is often a reflection of the level of involvement by the elected Director.

## Zoning

Zoning is the tool most often associated with local planning. Considered by many planners to be the basis of local planning, zoning is the only specific planning tool used by every local government. In fact, this tool is remarkable in the uniformity of its statistics regardless of whether one examines the uses to which the tool is put or its effectiveness in various situations, municipalities and regional districts consistently come up with nearly the same results.

Use of this tool is primarily concentrated in the traditional areas of land use control, building size and siting restrictions, and subdivision regulation. Special provisions available for amenity bonusing and three-dimensional vertical zone limits are not widely used. Use of the amenity provisions may be discouraged because of other available tools that achieve similar objectives. Vertical zone limits have a more limited use because they are usually applied to urban areas that experience significant vertical construction.

Overall, approximately 60% of both municipalities and regional districts rate zoning

### Zoning Summary Information

**Jurisdictions using this tool:** 77 (all) of 77 municipalities  
18 (all) of 18 regional districts (RDs)

#### **Aspects of the tool that are used:**

1. Vertical zone limits:
  - 18 (23%) municipalities, 4 (22%) RDs
2. Use, density, siting, size, dimension or location of land, buildings and structures:
  - 77 (all) municipalities, 18 (all) RDs
3. Shape, dimensions and area of parcels created by subdivision:
  - 72 (94%) municipalities, 16 (89%) RDs
4. Special provisions for amenities, affordable housing or housing agreements:
  - 26 (34%) municipalities, 6 (33%) RDs

#### **Common reasons for use and effectiveness (not all reasons included):**

##### *Ensure orderly and efficient development*

Very effective	40 municipalities	9 RDs
Somewhat effective	22	4
Not effective	1	0
Don't know	0	0

##### *Protect the public (promote health, safety and welfare)*

Very effective	3 municipalities	1 RDs
Somewhat effective	4	1
Not effective	0	0
Don't know	0	0

##### *Protect property values*

Very effective	4 municipalities	1 RDs
Somewhat effective	4	1
Not effective	0	0
Don't know	0	0

##### *Create complete or compact communities*

Very effective	1 municipalities	0 RDs
Somewhat effective	4	0
Not effective	0	0
Don't know	0	0

##### *Aesthetics (visual appeal)*

Very effective	3 municipalities	1 RDs
Somewhat effective	2	0
Not effective	0	0
Don't know	0	0

##### *Prevent land use conflicts*

Very effective	5 municipalities	1 RDs
Somewhat effective	3	1
Not effective	0	0
Don't know	0	0

##### *Combined effectiveness (all reasons for use)*

Very effective	93 municipalities	17 RDs
Somewhat effective	55	12
Not effective	3	1
Don't know	0	0

as very effective. However, many respondents noted the limiting nature of zoning as it currently exists. Zoning does not promote innovative solutions to local planning problems. The interest in creating complete or compact communities is particularly frustrated by current zoning regulations as shown in the effectiveness ratings above. Many jurisdictions would welcome the introduction of discretionary or conditional zoning similar to what is currently available to the City of Vancouver.

### Comments / Why is this tool not “very effective?”

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#### MUNICIPALITIES

1. Many urban areas like our City would benefit from conditional zoning (Vancouver) which could govern design more completely and provide more discretion to Council or staff delegated by them. The current system is somewhat effective, so I’m not griping too much.
2. Siting and height controls crude in single family areas. DPs effective for multi-family, commercial and industrial applications.
3. Any [reasons for using this tool] can be and are on occasion frustrated by actions of Council and the Board of Variance by haphazard rezoning approvals and variance certificates.
4. Should consider amendment to Municipal Act to differentiate between permitted uses and discretionary uses, and allow for discretionary use approval subject to conditions which can address possible concerns related to proposed development.
5. Zoning bylaw requires comprehensive update to be effective tool for a community that has grown substantially since mid-80s when bylaw was developed.
6. Cumbersome to change (public hearing). Too legalistic/adversarial.
7. Rezoning in some instances requires the approval of provincial agencies – ALC, MoTH and the Ministry of Agriculture.
8. Effectiveness is based on the municipality’s ability/willingness to enforce the zoning. There are also zoning decisions which are out of our control – such as approvals from MoTH and MOE.
9. Zoning in B.C. is very limiting and literal. There is no flexibility provided for in the regulations. After doing research to look at ways to affect social change through zoning, legal opinions repeatedly showed that we are unable to do things the way they can be done in other provinces or jurisdictions. There is no ability to use conditional or discretionary zoning. Density bonusing for amenities has little effect to encourage amenities or affordable housing, since an increase in density is not always an incentive to a developer to provide such community benefits. Increased density over what would ordinarily be permitted has the effect of decreasing the marketability of a development. It also creates a sometimes undesirable assumption that it is acceptable to alter minimum zoning standards for housing if the housing is considered “affordable.” It sets lower standards for low income which has negative social implications.

10. Rules are only as effective as the enforcement.
11. The Act needs to be more clear about municipalities' jurisdiction over water (both fresh water & marine waters) within their boundaries.
12. We use comprehensive development zoning now for most rezoning applications – many are very minor like triplex in former R1 zone. It seems our zoning map will eventually be hundreds of CD zones and not easy to interpret at a glance.
13. There are many variables affecting decisions for zoning to be totally effective. A program to change public attitudes in favour of compact living is necessary.
14. Insufficient tools allowed in the legislation to control building massing which is now regulated only by floor area, setbacks and heights. Massing impacts are better managed by design of s.f. dwelling which cannot be regulated by zoning bylaw or DP.
15. Anyone can get a rezoning so why have specific zoning in some areas.
16. Problems stem more from internal administration than from enabling legislation.
17. Limited flexibility to address all situations and innovative solutions – perhaps discretionary or conditional uses should be explored. Notice provisions regarding zoning text amendments (differentiation of number of properties affected).
18. Sometimes it is very difficult within a specific zone to preclude all undesirable uses before they happen (i.e. within commercial downtown zone...uses such as tattoo parlours, pawn shops, cheque cashing outlets are difficult to define/exclude).
19. Zoning as a tool for restricting development is powerful. As a tool for encouraging creative, sensitive organic growth – it is poorly utilized and ineffective. We are often working with hidebound zoning codes that are rooted in the 1920s and '30s mentality! (It is hard to change attitudes.)
20. Alternatives such as density bonusing or density transfers could be expanded.
21. Human nature sometimes creates less savory property conditions and uses.
22. Our parking regulations are in conflict with MoTH. Too much variance between jurisdictions.
23. [Informing the public of land use changes is difficult because] our use categories are general, our ads are general.
24. "Permitted uses" in specific zones are open to broad interpretation and debate in some cases.
25. Need more flexibility in interpretation, e.g. similar and compatible use concept used in other jurisdictions.
26. Less cumbersome way of dealing with minor variances – perhaps delegation to staff in some instances.
27. Conditional uses could help to control certain uses.



28. Should allow zoning with “subject to servicing.” Stop the charade which is now happening, e.g. “gifting,” “voluntary contribution.”
29. Secondary suite issues (illegal suites).
30. [Recreation destination] generates seasonal but low-paying jobs and we are finding several persons pooling their resources to rent a single family dwelling but each one has a vehicle. Parking on street is a problem for snow removal.
31. Inability to plan or accommodate “all” possible factors within a static document.

#### REGIONAL DISTRICTS

1. Difficult to find middle ground between regulation and flexibility.
2. Enforcement problems.
3. This is too complex an issue to respond in generalities.
4. Our use of the tool needs to be updated to make zones more open to evolving land uses and less prescriptive.
5. It is not always easy to cover all uses or variations in a zoning bylaw, therefore “grey areas” appear and interpretations have to be made for things that are otherwise ambiguous.
6. Some provincial ministries (e.g. Mines) do not respect OCP policies and are exempt pursuant to Mines Act. Provincial Approving Officers do not fully acknowledge provisions of OCPs as part of subdivisions approval process. Zoning is increasingly subject to legal challenges and does not appear to be fully understood by the general public and courts.
7. Would prefer some flexibility, i.e. provide for “permitted” and “discretionary” uses – the latter subject to development permit.
8. Somewhat [effective] only because amendments are always possible.
9. I would humbly suggest that you read a pre-Ralph Klein Alberta Planning Act or the 1983 Ontario legislation. Please remove tenancy notification – it cannot be accomplished.
10. Zoning bylaws are often ineffective as little is budgeted for enforcement, only enforced if complaint received. Elected officials are reluctant to take legal action or go further than issue warnings as costs are too high.
11. Poorly crafted legislation, clumsy, etc., etc., etc. (Unfortunately to properly answer this question based on 17 years of experience would fill a book.)
12. The zoning bylaw is restricted in its ability to protect the environment, as it cannot restrict the clearing of vegetation – both residential clearing and industrial logging.
13. RD does not utilize building inspection to compliment the health and safety reason for zoning.
14. For subdivision it is only useful for parcel sizing, not the many factors that effect subdivisions and the servicing thereof.

## Housing Agreement

Neither municipalities nor regional districts use this tool frequently. In both cases less than 20% are currently using housing agreements, however, two more municipalities are in the process of preparing agreements.

This is another tool which receives mixed reviews when it comes to effectiveness. Only half of those jurisdiction using the tool rate it as very effective. A large number of respondents could not assess the effectiveness of the tool primarily

because their housing agreements are either too new or still in the preparation stage. Although only a few comments were made on this tool, the term “cumbersome” is often used to describe it.

<b><u>Housing Agreement Summary Information</u></b>		
<b>Jurisdictions using this tool:</b> 15 (19%) of 77 municipalities 3 (17%) of 18 regional districts (RDs)		
<b>Common reasons for use and effectiveness</b> (not all reasons included):		
<i>Additional development control/customized regulations</i>		
Very effective	1 municipalities	0 RDs
Somewhat effective	2	1
Not effective	0	0
Don't know	1	0
<i>Promote affordable, special needs, or other alternative housing</i>		
Very effective	4 municipalities	1 RDs
Somewhat effective	1	0
Not effective	3	0
Don't know	2	1
<i>Combined effectiveness (all reasons for use)</i>		
Very effective	8 municipalities	1 RDs
Somewhat effective	5	1
Not effective	3	0
Don't know	4	1

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. [Municipality] has considered bonus density and housing agreements to provide for secondary suites subject to conditions. Has not been adopted to date as it is seen as too cumbersome a tool.
2. New tool, not yet tested.
3. This is a cumbersome approach, albeit related to creative means of acquiring affordable housing. A simpler tool, such as the 5% park land clause, would be preferred.
4. Problems stem more from internal administration than from enabling legislation.
5. Have used covenants on properties to achieve similar housing objectives.
6. The added cost of providing [daycare, disabled and affordable rental units] does not allow goals to be met. Also many developers feel these uses take away from their development. Municipality is exploring ways to require developers to provide disabled/affordable units or provide cash in lieu of supplying the units.
7. Quite cumbersome and difficult to administer.

## REGIONAL DISTRICTS

1. Seems to be a very wide range of application of those agreements for different purposes and may be overly legalistic for its intended purpose.

## Off-street Parking

Nearly all respondents have regulations regarding the provision of off-street parking. While the tool effectively addresses parking problems, it is not as effective in addressing other needs. In particular, traffic flow is often not improved with off-street parking because drivers continue to park on the street. Also, the off-street parking required is often a minimum amount that is not adequate for future needs.

Two primary problems have been raised with regard to this tool. First, this tool is only truly effective with new development. In built-up areas, particularly in down-

town areas, there is no space for businesses to provide off-street parking. Second, the Ministry of Transportation and Highways has a great deal of power over areas surrounding provincial highways. This power often prevents local governments from implementing solutions to local traffic and parking problems. Many respondents would like to see either the Ministry's authority pared down or would like more flexibility and acceptance for local innovations and approaches to addressing traffic and parking issues.

<u>Off-street Parking Summary Information</u>		
<b>Jurisdictions using this tool:</b> 73 (95%) of 77 municipalities 16 (89%) of 18 regional districts (RDs)		
<b>Common reasons for use and effectiveness</b> (not all reasons included):		
<i>Facilitate street maintenance</i>		
Very effective	2 municipalities	0 RDs
Somewhat effective	1	0
Not effective	0	0
Don't know	0	0
<i>Reduce traffic hazards/increase traffic flow</i>		
Very effective	4 municipalities	4 RDs
Somewhat effective	4	2
Not effective	0	0
Don't know	0	1
<i>Provide adequate parking</i>		
Very effective	23 municipalities	6 RDs
Somewhat effective	16	1
Not effective	1	0
Don't know	0	0
<i>Combined effectiveness (all reasons for use)</i>		
Very effective	57 municipalities	10 RDs
Somewhat effective	32	7
Not effective	2	1
Don't know	0	1

### Comments / Why is this tool not "very effective?"

#### MUNICIPALITIES

1. Pre-existing lot sizes too small
2. This regulation is a "one-size fits all" and from time to time a particular use may not require the parking spaces outlined for that particular use category. Other than adjudicating this on a case by case basis, I'm not sure what the answer is.
3. Employees parking on adjacent streets.
4. It is difficult to ensure that new developments provide adequate parking as it is impossible to have a parking requirement for every use. It is also difficult to determine the required parking as two restaurants

with the same number of seats may attract different numbers of cars.  
Can't control existing problems.

5. Conflict between municipal standards related to TDM and MoTH who does not support TDM objectives in day-to-day operations.
6. Parking seems so arbitrary and our requirements are high – if a new development cannot meet parking requirement they may be asked to enter into a parking agreement. But this does not add more spots to the system.
7. Frequent use of Development Variance Permit negates intent of the bylaw.
8. Demand can shift rapidly without any review and anyone can buy a car. Need agreement mechanism to facilitate alternative forms of transportation and limit number of cars at site to that agreed to.
9. Minimum requirements tend to be maximum provision. Fixed standards do not reflect the real needs in different situations. Lots of effort devoted to justify the variation by both sides.
10. We have numerous commercial buildings built years ago and it isn't possible to effectively deal with the realistic parking requirements associated with their current use since often parking was not a requirement in years past.
11. Owners can go to Council to get variances.
12. Mall concept of downtown and neighbourhood centres has led to dedication of most parking areas to the municipality. Although this has worked well, costs of ongoing maintenance and snow clearing has piqued Council interest in other models.
13. Area-specific problems are studied as needed, which may or many not result in regulatory change.
14. Additional research on changing patterns in parking use as a result of increased use of transit, small car use, changing demographics (i.e. seniors' decreased use of autos) is difficult to obtain to stay abreast of true parking needs.
15. The only problem is that parking requirements tend to “drive” the design of new development and stifle more compact development.
16. Standard adopted in bylaw (1980), types of vehicles, size, etc. have changed, i.e. rec. vehicles, downsizing of cars. Bylaw needs amendment to reflect these changes.
17. Need better enforcement of bylaw.
18. Majority of our commercial development exists on [a provincial highway]. Therefore MoTH has total control of off-street parking in our Business District.
19. Sec. 906(2)(B): owner can pay municipality for parking stalls only in cases where municipality has a parking facility – no opportunity for payment to be banked for future purchase!!
20. Difficult to apply modern standards to old buildings.
21. Difficult to assure parking provided is used for on-site use, e.g. some commercial lease out required parking to other uses.

22. Cannot force people to use off-street parking.
23. s. 906(3) restricts means of charging for deficiency in parking space requirements. Municipality should be allowed to levy an ongoing annual fee instead of one-time payment.
24. Recently the municipality has been addressing senior's housing (undefined) requirements through variance (inefficient). Sec. 54 of Highway Act (MoTH within 800m) is excessive in many cases.
25. Dated requirements, inappropriate for old downtown core – now using cash-in-lieu and off-site parking covenants.

#### REGIONAL DISTRICTS

1. Our standards may be different than those of MoTH. When this occurs dispute resolution may be extremely challenging.
2. Current standards are out of date. Ministry of Transportation frequently imposes their own standards and requirements anyway in spite of bylaw requirements.
3. Interference by MoTH in Regional Districts under the authority of restricting access to property.
4. The current and rumoured future Municipal Act is primarily permissive rather than prescriptive. If (?) sufficient staff exist with knowledge this works, however permissive requires additional knowledge and legal support.
5. Not strictly enforced.
6. Poor wording – conflicts with Highway's interest – not well coordinated. The problem primarily rests with cross-jurisdictional interests and legal jurisdiction – it also reflects on one of the main failings of the Regional District form of government in rural areas – too many layers of jurisdiction.
7. Has not really been tested extensively as most of our Regional District development parcels are large enough that parking is not a major issue.

## Management of Surface Drainage

Far more municipalities make use of this tool than regional districts. This indicates the degree to which the tool is made for urban environments. It is not surprising, then, that municipalities find the tool to be more effective.

Although the tool is primarily meant to control runoff, it is also used by a few jurisdictions to help protect natural areas. For this use, the tool is less effective.

The most commonly mentioned difficulty with using this tool is the lack of sufficient infrastructure to handle drainage. This seems to be the case in older urbanized areas where storm sewers require updating but the local government cannot afford the cost.

### Drainage Management Summary Information

**Jurisdictions using this tool:** 43 (56%) of 77 municipalities  
4 (22%) of 18 regional districts (RDs)

#### **Common reasons for use and effectiveness** (not all reasons included):

##### *Control flooding/protect properties*

Very effective	19 municipalities	1 RDs
Somewhat effective	9	0
Not effective	1	0
Don't know	0	0

##### *Natural areas/environmental protection*

Very effective	4 municipalities	0 RDs
Somewhat effective	4	0
Not effective	0	0
Don't know	1	0

##### *Combined effectiveness (all reasons for use)*

Very effective	34 municipalities	1 RDs
Somewhat effective	17	2
Not effective	1	0
Don't know	2	0

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. In past was not used
2. Connection to storm sewer system may not be practical if system is not close to development. The site's physical conditions may not be sufficient to hold all drainage on the site.
3. Design flows occasionally too low.
4. Overland detention is not a perfect science. Full scale integration [with parks and environmental needs] only recently proposed; cooperation of DFO/MELP not secured yet.
5. This is only part of a larger issue. More comprehensive environmental planning is needed, but is time consuming and lengthy.
6. Pre-existing, long ago developments did not require storm drainage systems in subdivisions, probably because the municipality had a very limited system of storm drains. Old problems are expensive beyond our means to update.
7. Not enough detail in OCP.

8. Need to review municipal regulations and update to reflect current “best practices” which may reveal need for provincial regulatory “enabling” support.
9. The municipality has limited drainage infrastructure, i.e. almost no storm sewers. So there is no system to connect to. Therefore on-site rock pits are used and not always effective.
10. Concerns lie in the level of enforcement.
11. Difficult to establish standards which are defensible in court.

#### REGIONAL DISTRICTS

1. Don't currently use but should as areas get more urbanized; better addressed at subdivision or development permit stage; usually addressed by Highways anyway when in proximity to a controlled access highway.
2. A lot of problems exist as a result of past approvals. There is a clear intent to download this function from province to local government due to costs.
3. Again, overlapping jurisdictions (with Highways) and uncertain liability issues (case law is erratic).



## Signage Regulation

Signage regulation is not a particularly effective tool for either municipalities or regional districts. Specifically, municipalities give signage regulations a “very effective” rating about half the time whereas regional districts primarily rate it as only “somewhat effective.”

This tool does not seem to lend itself well to creating or encouraging local character. Only a few local governments attempt to use the tool for this reason and it typically is only “somewhat effective.”

<b><u>Signage Regulation Summary Information</u></b>			
<b>Jurisdictions using this tool:</b> 65 (84%) of 77 municipalities 11 (61%) of 18 regional districts (RDs)			
<b>Common reasons for use and effectiveness</b> (not all reasons included):			
<i>Control aesthetics (visual appeal)</i>			
Very effective	18 municipalities	0 RDs	
Somewhat effective	16	2	
Not effective	2	0	
Don't know	0	0	
<i>Create/encourage local character (distinctive environment)</i>			
Very effective	2 municipalities	1 RDs	
Somewhat effective	5	0	
Not effective	0	0	
Don't know	0	0	
<i>Regulate location type, quality and safety of signage</i>			
Very effective	18 municipalities	3 RDs	
Somewhat effective	11	2	
Not effective	1	0	
Don't know	0	0	
<i>Combined effectiveness (all reasons for use)</i>			
Very effective	43 municipalities	4 RDs	
Somewhat effective	38	7	
Not effective	4	0	
Don't know	0	0	

By far the most common problem with this tool is enforcement. Many respondents find that signs are built first, then the owners apply for approval. Given the wide range of responsibilities handled by local government enforcement officials, signage regulations often end up being a low priority.

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. Public perception is that more is better
2. This is an area where municipalities need more control and some guidance from the Province. The sign industry is powerful and doesn't like to be restricted and a lot of ugly signage results.
3. The sign bylaw needs to be reviewed and rewritten as it is out of date.
4. City Council has not aggressively enforced the sign bylaw, consequently illegal and non-compliant signage is prevalent.
5. Allow municipalities to set up different signage regulations in different areas and zone classifications to reflect the needs and character of commercial areas. Sign bylaw is being revised to improve its use and clarity.

6. Bylaw/guidelines to be reviewed in 1999. Problem with installation of unauthorized signs. We need to address this problem.
7. Controlling signage is a low priority for enforcement.
8. Improvements in sign control appear more related to bylaw enforcement matters, particularly with respect to temporary signage.
9. Only very effective if enforced.
10. Enforcement is a problem.
11. It is very difficult to get all downtown businesses to apply for DP prior to erecting sign or from erecting an unapproved sign. Those businesses that respect the system are pleased with the overall effect.
12. Lack of enforcement by the city, general public.
13. Sign bylaw inherited through incorporation – it covered a diverse area and includes regulations for signs in urbanized areas. Our municipality is rural and the bylaw needs revision to reflect this.
14. Fairly high rate of sign erection without proper permits with high cost of enforcement, yet low permit fees to not discourage compliance. Penalties may not be sufficient to encourage compliance.
15. Market is very selfish, advertising their use is paramount concern, apply for DVP if sign bylaw is deemed to restrictive...sea of signs results.
16. We are having a problem with “sandwich boards” and it is difficult to police.
17. Better control and monitoring [needed].
18. Difficult and time consuming for municipality to enforce.
19. Enforcement is time consuming.
20. Difficult to enforce.
21. Most signs go up before a sign permit is issued. People resist regulation. On highway corridor it has to be bigger, brighter, higher and flashing.
22. Existing sign bylaw is currently under review.

#### REGIONAL DISTRICTS

1. Rural sign issues are often difficult to define and to draft regulations around.
2. More support and cooperative agreements needed with MoTH. Difficult to administer (legal challenges).
3. Enforcement is costly/difficult.
4. Not strictly enforced.

## Landscaping

Landscaping falls in the category of less effective local planning tools. In fact, the statistics for this tool are strikingly similar to the statistics for signage regulations. Although fewer jurisdictions make use of landscaping requirements, those that do only classify the tool as “very effective” in about half the cases.

Nearly all of the jurisdictions that use this tool do so in order to separate different land uses. Comparatively more municipalities use the tool for environmental protection than regional districts, and approximately the same percentage of each type of local government use it to prevent hazardous conditions.

Again, similar to signage, enforcement is a big factor in the effectiveness of this tool. Local governments encounter difficulties in policing the maintenance of landscaping over the long term. Comments from respondents reveal a wide variety of problems associated with this tool.

### Landscaping Summary Information

**Jurisdictions using this tool:** 56 (73%) of 77 municipalities  
10 (56%) of 18 regional districts (RDs)

#### **Aspects of the tool that are used:**

1. Buffer to separate different land uses:
  - 53 (95%) municipalities, 10 (all) RDs
2. Preserve, protect, restore or enhance the natural environment:
  - 33 (59%) municipalities, 4 (40%) RDs
3. Prevent hazardous conditions:
  - 13 (23%) municipalities, 2 (20%) RDs

#### **Common reasons for use and effectiveness (not all reasons included):**

##### *To separate land uses*

Very effective	7 municipalities	1 RDs
Somewhat effective	11	4
Not effective	2	0
Don't know	2	0

##### *Environmental protection or enhancement*

Very effective	3 municipalities	1 RDs
Somewhat effective	3	0
Not effective	0	0
Don't know	0	0

##### *Prevent hazardous conditions*

Very effective	1 municipalities	0 RDs
Somewhat effective	1	0
Not effective	0	0
Don't know	0	0

##### *Aesthetics (visual appeal)*

Very effective	16 municipalities	0 RDs
Somewhat effective	10	0
Not effective	1	0
Don't know	0	0

##### *Combined effectiveness (all reasons for use)*

Very effective	34 municipalities	3 RDs
Somewhat effective	30	6
Not effective	4	0
Don't know	2	0

### **Comments / Why is this tool not “very effective?”**

#### **MUNICIPALITIES**

1. Landscaping requires maintenance and often new owners/tenants don't do the best job of this.

2. Our requirements are very basic and need to be refined in application. There is sometimes a desire to not “impose” additional costs to a developer beyond basic development requirements.
3. Must rely on restrictive covenants (which are often ignored) to regulate tree removal and tree protection. Enforcement challenges need to be addressed.
4. Performance bonding for restorative works. Conflicting legislation with MOE.
5. The community’s desire to grow sometimes overweighs the “detail”.
6. Need long run enforcement.
7. No legislative provision for the local government to obtain landscaping security at the building permit stage unless it is covered by a DP.
8. No chance to apply the tool.
9. To date there has been limited application in this community.
10. The tool itself is effective, but we have not pre-set detailed standards.
11. It is virtually useless because we need to regulate landscaping areas within the same use, e.g. parking lot of an apartment, [rather than buffer between uses].
12. Ability to ensure long-term maintenance and full compliance with rules (growth and interference with growth) unless substantial enforcement costs incurred.
13. Landscaping is a critical part of site development, legislation should be changed to allow as DP Area variable, thereby achieving more “greening” of sites.
14. Municipality is small population with many non-conforming use (or well-established use) properties. Use of buffers applies to newer construction only.
15. No mechanism for ensuring planting is maintained properly.
16. We need to implement a bonding system to have better control.
17. Landscaping is used as snow dumping areas in winter adjacent to parking lots.
18. Bylaw is not widely applicable.
19. Long term enforcement difficult. Okay if combined with DPs and tree protection bylaw.
20. For screening to be “very effective,” a substantial land buffer is necessary. Physical limitations often prevent this. Solution – work with developers to minimize impact of development on surrounding area.
21. The established standards are minimal.

#### REGIONAL DISTRICTS

1. Sometimes difficult to administer and enforce, particularly for heavy equipment vehicles that are highly transient, i.e. logging trucks and equipment, which are only there for a few months of the year, then gone again before bylaw enforcement can act.
2. Easy to write regulations but often difficult to enforce with Board support.

3. Provincial guidelines lacking with respect to priority of provincial interest. Mismanaged by province and DFO so difficult to get public buy-in now.
4. Difficult to monitor or regulate waterbody riparian vegetative retention.
5. Not strictly enforced.
6. Does not permit local government to require a buffer when someone clears all the trees from a lot, leaving a clearcut for neighbours to view.

## Flood Plain Designation

Approximately two-thirds of all respondents have designated flood plains within their jurisdictions. Overall, the effectiveness of this tool is rated very highly. Unfortunately, this high rating often was not accompanied with a reason why the tool is used.

In cases where problems exist with this tool, it is often due to action (or inaction) by a provincial agency. The Ministry of Environment is often the recipient of complaints in the comments provided by respondents. Several respondents are unsatisfied with the time it takes to get information or approvals from the Ministry.

In other cases, problems stem from the actions of local councils or boards. Where local governments issue variances that are counter to a flood plain designation the potential future benefit of the development restrictions is lost.

<u>Summary Information</u>		
<b>Jurisdictions using this tool:</b> 55 (71%) of 77 municipalities 11 (61%) of 18 regional districts (RDs)		
<b>Common reasons for use and effectiveness</b> (not all reasons included):		
<i>Protect persons or property</i>		
Very effective	17 municipalities	2 RDs
Somewhat effective	5	1
Not effective	1	0
Don't know	1	0
<i>Environmental protection or enhancement</i>		
Very effective	2 municipalities	0 RDs
Somewhat effective	2	0
Not effective	0	0
Don't know	0	0
<i>Reduce local government liability</i>		
Very effective	5 municipalities	0 RDs
Somewhat effective	2	1
Not effective	0	0
Don't know	0	0
<i>Combined effectiveness (all reasons for use)</i>		
Very effective	43 municipalities	5 RDs
Somewhat effective	14	4
Not effective	3	0
Don't know	2	0

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. [Would like to use this tool but] cannot get flood plain maps from MOE.
2. Limited flood plain area.
3. [Part of municipality] is an exempt community, leaving many people exposed to a hazard.
4. Applied at development permit or building permit review stage – need to consider including specific regulations in OCPs.
5. Contradicts policy of infill and higher density (growth management). Potentially negative impacts on historically developed areas.
6. Provincial commitment to provide floodplain mapping for creek has yet to be fulfilled.
7. Inconsistency of interpretation by senior government – advice has been very inconsistent. Need very simple rules.

8. Virtually no one accepts that the 200-year flood plain can ever be reached. Council has approved relaxations by development variance permit in return for a save harmless covenant, with respect to flooding, being registered against title.
9. Difficulty of addressing all site conditions.
10. Haphazard development of one site flood-proofed, and an adjacent historic site not flood-proofed, occurs. Province should financially assist municipalities in building effective dyke system.
11. Our downtown is in a floodplain.
12. Required by MOE, but no real floodplain impact on the community.
13. Requiring MOE approval for developments increases approval time frame significantly.

#### REGIONAL DISTRICTS

1. Often creates a high volume of development variance permit application along large lakes due to higher elevation requirement recommended by MOE.
2. Limited to building inspection enforcement. No clear provincial policy. Should not allow further development within specified floodplains. Provincial health policy appears contradictory.
3. Hard to change once in place. Surveyor-General made arbitrary decision re. Accreted lands that contradicted B.C. Water Management Branch; protection lost on those lands.
4. MELP needs to improve variance communication/criteria to help improve enforcement.

## **Farm Bylaw**

This tool is rarely used as evidenced by the summary information. Undoubtedly the Ministerial approval process discourages or prevents a number local governments from using this tool. Even so, in addition to the two respondents that already have approved farm

bylaws, four municipalities are currently in the process of creating them. Since the bylaws can be tailor made to suit the individual situation, once approved by the province this tool is very effective. Nevertheless, a few concerns were raised by respondents.

### **Farm Bylaw Summary Information**

**Jurisdictions using this tool:** 2 (3%) of 77 municipalities  
0 (0%) of 18 regional districts (RDs)

**Combined effectiveness (all reasons for use):**

Very effective	2 municipalities	0 RDs
Somewhat effective	0	0
Not effective	0	0
Don't know	0	0

### **Comments / Why is this tool not “very effective?”**

#### **MUNICIPALITIES**

1. [Municipality] is in the process of preparing such bylaws. Concern that implementation of Farm Practices Protection Act does not give municipality ability to control setbacks, coverage, deal with setback of noxious issues, protect habitat.
2. [Bylaw still in progress.] Assessment of bylaw performance will probably take a few years.
3. Would be helpful if province would allow adoption of individual farm bylaw without getting into overall review.

#### **REGIONAL DISTRICTS**

1. We don't like the process or approach used in this legislation.



## **Tree Cutting Permit Area – Regional Districts only**

This tool has been used by only two of the questionnaire respondents. It is therefore impossible to truly gauge the effectiveness of the tool. However, its lack of use may indicate that either other regional districts have found it to be ineffective in the past and discontinued its use or the results of using the tool can be achieved in other ways. If this is the case, then the reason for the tool's existence should be re-examined.

### **Tree Cutting Permit Area Summary Information**

**Jurisdictions using this tool:** Not available to municipalities  
2 (11%) of 18 regional districts (RDs)

**Combined effectiveness (all reasons for use):**

Very effective	1 RDs
Somewhat effective	1
Not effective	0
Don't know	0

One of the two comments given for this tool reveals that there may simply be a lack of awareness that this tool exists. Even so, the tool is substantially similar to other tools – it may be more effective to look at ways of adding this authority to another tool.

### **Comments / Why is this tool not “very effective?”**

#### **REGIONAL DISTRICTS**

1. Have not had the authority to date. It is needed in Regional Districts for specific purposes, i.e. highway protection. A stretch for DPs.
2. Property owners often cut trees without getting prior approval. Difficult to enforce. Property owners often not aware of regulation.

## Development Cost Charge (DCC)

Between one-half and two-thirds of respondents make use of DCCs. As usual, the percentage of municipalities using the tool is higher than regional districts, plus one additional municipality currently has a DCC policy under development. The difference between municipal and regional district use of DCCs is more apparent when examining the ways in which the tool is used. Most municipalities with DCCs collect them for every allowable purpose. On the other hand, regional districts mostly use DCCs to fund water supply facilities with a smaller percentage using them for sewage facilities.

As far as effectiveness is concerned, both types of government rate DCCs as “very effective” regardless of why they are used. It is only when DCCs are used to create a fund for future service provision or upgrade that they are slightly less effective.

### DCC Summary Information

**Jurisdictions using this tool:** 49 (64%) of 77 municipalities  
9 (50%) of 18 regional districts (RDs)

#### **Aspects of the tool that are used:**

1. Providing or altering sewage facilities:
  - 43 (88%) of the municipalities using the tool, 5 (56%) RDs
2. Providing or altering water supply facilities:
  - 43 (88%) municipalities, 8 (89%) RDs
3. Providing or altering drainage facilities:
  - 36 (73%) municipalities, 2 (22%) RDs
4. Providing or altering highway facilities:
  - 41 (84%) municipalities, 0 (0%) RDs
5. Providing or improving park land:
  - 29 (59%) municipalities, 2 (22%) RDs

#### **Common reasons for use and effectiveness (not all reasons included):**

##### *“User” pays for service provision*

Very effective	10 municipalities	2 RDs
Somewhat effective	4	0
Not effective	0	0
Don't know	0	0

##### *Reduce public costs of development*

Very effective	12 municipalities	2 RDs
Somewhat effective	5	1
Not effective	1	0
Don't know	1	0

##### *Create fund for future service provision or upgrade*

Very effective	9 municipalities	2 RDs
Somewhat effective	7	1
Not effective	0	0
Don't know	0	0

##### *Combined effectiveness (all reasons for use)*

Very effective	35 municipalities	6 RDs
Somewhat effective	18	2
Not effective	1	0
Don't know	1	0

Comments from respondents vary considerably on this tool. One problem which shows up repeatedly is the inflexibility of DCCs and their cumbersome implementation. Also, this tool is almost entirely growth-based – if a community is not experiencing growth it will not benefit from this tool.

## Comments / Why is this tool not “very effective?”

### MUNICIPALITIES

1. Drives costs up, slows development when there is no growth management strategy by regional district
2. [Parkland] is very expensive and somewhat disruptive to acquire and develop in an urban setting.
3. Cannot convince Council that this is the fair and equitable way to handle development.
4. Bylaw is out of date in that funds generated have not offset costs sufficiently. Level of development following adoption has not kept pace with borrowing costs. Some might suggest that DCCs should be more broadly applied but [there is] concern that it will deter new development.
5. Municipality’s share of costs of growth can be high still.
6. DCC bylaw is under review to broaden scope given recent legislative changes and the Best Practices Guide.
7. It is a very controversial tool and under constant attack by development industry. It is cumbersome from a legal perspective – not a flexible financial tool.
8. Cost recovery mechanism is inflexible, when growth stalls, future program funding eaten by interest, “Best Practice” removes programs prior to full cost recovery, priorities change faster than bylaw.
9. Difficult to implement.
10. Cumbersome adoption and amendment procedures; grandfathering provision and exemptions are creating severe cash flow problems; should allow industrial charges to be included.
11. DCCs place younger municipalities facing high growth at a severe disadvantage over older, established urban areas because DCCs must be much higher to pay for services that do not exist.
12. We don’t have a lot of development in our community.
13. Bylaw is relatively new and rates yield relatively small annual income.
14. Infrastructure costs are “lumpy” so the pattern of charges received may not match need without significant “front-ending” or other solutions.
15. The long, arduous task of updating DCC bylaws to keep current with inflation, rising material costs and increased land costs for parkland makes DCC amounts payable very out-of-date very quickly.
16. It is still premature to predict whether or not this fund will provide for what it is intended. When development occurs, this fund should grow.
17. Downturn in development equals little DCC revenue for city capital projects.
18. Churches should pay!
19. DCCs for soft services would help, e.g. police and fire, library, etc.

## REGIONAL DISTRICTS

1. In small communities, the restrictions under s. 933(4), i.e. limitation of DCCs to buildings with more than three units, represents a real hardship – most construction is single family.
2. Better capital planning required in most jurisdictions. Infrastructure grant programs are counter-productive.
3. Limited application because this region has no zoning or requirement for building permits. DCCs can only be obtained at time of subdivision.
4. [Regarding DCCs for highway facilities,] RDs do not have authority for roads or highways in rural areas. May be a useful function for some rural communities.

## Development Works Agreement – Municipalities only

Although this is a relatively new planning tool, almost a third of the responding municipalities have already used it. One more municipality is currently preparing to use the tool.

Generally speaking, the reasons for using this tool are similar to the reasons for using development cost charges and subdivision servicing requirements. One major difference is the expectation that the agreements will provide an increased level of legal surety that certain development-related works will be completed. For this, as for other uses, the tool is rated as “very effective.”

The few comments on this tool shown below represent a variety of concerns.

### Development Works Agreements Summary Information

**Jurisdictions using this tool:** 23 (30%) of 77 municipalities  
Not available to regional districts

#### **Common reasons for use and effectiveness** (not all reasons included):

##### *Developer pays servicing costs*

Very effective	4 municipalities
Somewhat effective	0
Not effective	0
Don't know	0

##### *Legally ensure services are provided*

Very effective	4 municipalities
Somewhat effective	2
Not effective	0
Don't know	1

##### *Provide cost-sharing options for developers*

Very effective	1 municipalities
Somewhat effective	0
Not effective	0
Don't know	1

##### *Combined effectiveness (all reasons for use)*

Very effective	15 municipalities
Somewhat effective	2
Not effective	0
Don't know	2

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. We intend to use DWAs for new neighbourhoods – concerned about counter petition process undermining orderly growth.
2. The idea seems like a good idea since it offers another alternative for developers to finance the cost of infrastructure related to new development. The legislation should be amended to allow local governments to collect an agreement preparation and administration fee for preparing and the ongoing administration associated with such agreements.
3. I have worked in municipalities that have not used this and still get the work done.
4. Negotiating climate and power relationships result in different solutions which may be positive or negative for general municipality.
5. A province-wide standard agreement (or framework) would be useful.
6. A provincial standard of cost-sharing formulas would be of assistance.

## Subdivision Servicing Requirement

This tool is predominantly used by municipalities, almost all of which have the tool already in place. Municipalities also use most aspects of the tool. Regional districts concentrate primarily on requiring utilities and underground infrastructure.

As with other tools, the effectiveness of this tool varies for each type of government. Municipalities overwhelmingly find subdivision servicing requirements to be “very effective,” whereas regional districts rate it highly in only half the cases.

In many cases, existing subdivision servicing requirements are in need of updating. Respondents identified outdated or inconsistent standards as reasons for reduced effectiveness of the tool. The issue of flexibility is also mentioned as being desirable. In short, it seems that some very specific improvements may dramatically increase the effectiveness of this tool.

### Subdivision Servicing Requirement Summary Information

**Jurisdictions using this tool:** 75 (97%) of 77 municipalities  
11 (61%) of 18 regional districts (RDs)

#### **Aspects of the tool that are used:**

1. Set minimum standards for highways connected with subdivisions:
  - 71 (95%) of 75 municipalities using the tool, 5 (45%) of RDs
2. Require transportation infrastructure:
  - 61 (81%) municipalities, 2 (18%) RDs
3. Require utility and underground infrastructure:
  - 73 (97%) municipalities, 9 (82%) RDs
4. Require excess or extended services with latecomer fees:
  - 44 (59%) municipalities, 3 (27%) RDs

#### **Common reasons for use and effectiveness (not all reasons included):**

##### *“User”/developer pays for service provision*

Very effective	18 municipalities	0 RDs
Somewhat effective	0	0
Not effective	0	0
Don't know	0	0

##### *Maintain consistent servicing standards*

Very effective	27 municipalities	3 RDs
Somewhat effective	6	3
Not effective	0	0
Don't know	0	0

##### *Meet future service demands or ongoing maintenance needs*

Very effective	2 municipalities	0 RDs
Somewhat effective	2	0
Not effective	0	0
Don't know	0	0

##### *Control form or process of development*

Very effective	4 municipalities	3 RDs
Somewhat effective	1	1
Not effective	0	0
Don't know	0	0

##### *Combined effectiveness (all reasons for use)*

Very effective	66 municipalities	6 RDs
Somewhat effective	12	4
Not effective	2	1
Don't know	1	0

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. Need for sufficient staff to monitor and ensure servicing/infrastructure is done right. Need for more comprehensive and long-term planning

to set the character and direction of future development in order to project servicing requirements.

2. Too cumbersome
3. Bylaw under review to update process and standards.
4. Works and services provisions should apply to rezoning and development permit applications as well so that all development and servicing issues are addressed at the same time rather than some at rezoning, others at building permit or subdivision stage.
5. More flexibility is desirable in an urban setting where aged infrastructure in place.
6. Difficulties experienced where piecemeal/retrofitting situations encountered. Tends not to produce needed comprehensive, long-term servicing solutions.
7. Council sometimes decreases requirements through development variance application when developers complain servicing requirements are too onerous. Eliminate use of development variance to vary servicing requirements.
8. Standards need to be reviewed, set and adhered to in order to make this an effective planning tool.
9. Rapid development leads to poor construction inspection and contractor workmanship.
10. The municipality has been the only “developer.” No multi-lot subdivisions submitted in the past three years.
11. Previous Approving Officers haven’t enforced any of the standard requirements.

#### REGIONAL DISTRICTS

1. [Regarding utilities and underground infrastructure,] RDs do not have authority for installations where not within a Local Service Area.
2. There is no support mechanism through land titles or assessment for enforcement.
3. Other agencies are involved in approving subdivision. Not prepared at this time to take full responsibility for subdivision approval.
4. Board is not consistent in granting variances and is currently looking to review standards.

## Parkland vs. Park Funds Discretion

Approximately two-thirds of respondents make use of this tool. Overall it is rated as very effective. It is important to keep in mind that a large number of ratings were without a reason for use. As mentioned in the section on questionnaire analysis, this is most likely because respondents felt that the reason for using this tool is self-evident.

The most common complaint about this tool is the exemption for certain subdivisions. Also, many respondents want to see the concept of park expanded to include natural or

sensitive areas. Likewise, several respondents would like to see the use of funds collected from this tool expanded to include park improvements, not just land.

It is important to note that parkland discretion has a “very effective” rating overall, but it also has the second-highest “not effective” rating of any tool. Comments received on this tool lend support to the assessment that this wide difference in views among local governments is due primarily to a jurisdiction’s particular experience with regard to subdivisions and parkland acquisition.

### Parkland vs. Park Funds Summary Information

**Jurisdictions using this tool:** 52 (68%) of 77 municipalities  
11 (61%) of 18 regional districts (RDs)

**Common reasons for use and effectiveness** (not all reasons included):

#### *Acquire parkland*

Very effective	7 municipalities	4 RDs
Somewhat effective	3	2
Not effective	0	0
Don't know	0	0

#### *Acquire funds to purchase parkland*

Very effective	1 municipalities	2 RDs
Somewhat effective	2	0
Not effective	0	0
Don't know	0	0

#### *Combined effectiveness (all reasons for use)*

Very effective	34 municipalities	8 RDs
Somewhat effective	12	4
Not effective	4	1
Don't know	2	0

### Comments / Why is this tool not “very effective?”

#### MUNICIPALITIES

1. As the policy is in our new OCP it is too soon to tell how this will work....
2. Exemption of subdivisions where fewer than 3 lots are provided – SILLY CLAUSE! Developers are staging two lot subdivisions. Remove exemption.
3. The City’s policy provides little guidance.
4. The 5% cash-in-lieu reduced the net contribution to a municipality if land cannot be taken for parkland at the time of subdivision. Park contribution and cash-in-lieu should be more equivalent – 5% cash should be reviewed and adjusted accordingly. Council, in past, often decided not to take the park dedication, resulting in a shortage – dedi-



cations often too small to provide usable space – does not address small-lot infill increasing the demand.

5. Difficult to deal with natural areas using these tools which were set out for “park” acquisition in the traditional sense – we use DCCs.
6. Sometimes the most desirable areas for park are also the most desirable for home sites. If [an ecologically] sensitive area is more than 5%, it can be difficult to negotiate a larger area with the developer.
7. Subdivisions of less than 3 new lots should be subject to cash in lieu where dedication of 5% is not practical.
8. Greenbelt planning models used in the early 1950s meant significantly more than 5% of area has been set aside as park in first three neighbourhoods. Newer sections of town have much less park space. Has been successful in ensuring municipality receives usable land for park purposes.
9. Should also have an environmental reserve for parkland dedication which would include lands that are environmentally sensitive, floodplain, etc. in addition to 5%.
10. More dense developments such as compact lots (i.e. 9-12 units/acre) pay same as conventional single family developments (i.e. 4-5 u.p.a.) – inequities result. Also, 5% provision does not [allow] any site improvements to be done to parkland.
11. System [for walking and cycling] is not fully developed and people like using their cars too much.
12. It would be helpful if the municipality already has land which could be used for parkland that the 5% could be used for the development of parkland not just land acquisition. I feel very strongly on this instead of developing bureaucratic parkland DCCs.
13. The parkland provision should be 10% and developers build parks as well.
14. Need clearer legislation that says it is Council’s choice for land or cash.
15. The municipality has been the only “developer.” No multi-lot subdivisions submitted in the past three years.

#### REGIONAL DISTRICTS

1. Should apply to all subdivision – eliminate the exemption for subdivisions with lots greater than 2 ha. This is a major loophole in rural areas.
2. Still problems with equity in value of land. Should apply to all subdivisions regardless of size or number of lots. Problems with phased subdivision avoiding park requirement (\*Big problem\*).
3. It would be desirable in many cases to have the unrestricted option of requiring financial compensation for parkland in lieu of solely land dedication where a definitive park plan is not clearly articulated in an OCP.

4. Complex provision. Linkage between OCP and community park function unclear. Nature of OCP policy needs to be defined better.
5. At present 5% is voluntary and subject to review. Why not make 5%-10% or minimum 5%. Please remove developer option.
6. 5% of land being subdivided is often not enough for park. If dedication is only way to get land the valuable park land can be lost.

## Restrictive Covenant

Both types of local government commonly use restrictive covenants. This tool is somewhat unusual in that the regional districts which use the tool put it to more varied use than the municipalities. Regional districts tend to use restrictive covenants to control all aspects of land use and development, and more than half also use them to encourage amenities.

Regional districts have also found restrictive covenants to be less effective than municipalities. This may be due to each regional district's greater experience with the tool or perhaps the way the tool operates.

Even though restrictive covenants are usually "very effective," they are difficult to administer and enforce. Many respondents describe the difficulties they have with ensuring past covenants continue to be observed.

### Restrictive Covenant Summary Information

**Jurisdictions using this tool:** 67 (87%) of 77 municipalities  
14 (78%) of 18 regional districts (RDs)

#### **Aspects of the tool that are used:**

1. Control the use of land:
  - 53 (79%) of 67 municipalities using the tool, 14 (all) RDs
2. Control construction and physical development:
  - 60 (90%) municipalities, 13 (93%) RDs
3. Control subdivision of land:
  - 44 (66%) municipalities, 11 (79%) RDs
4. Encourage amenity conservation:
  - 32 (48%) municipalities, 8 (57%) RDs

#### **Common reasons for use and effectiveness (not all reasons included):**

##### *Refine development (in addition to bylaw requirements)*

Very effective	13 municipalities	6 RDs
Somewhat effective	8	3
Not effective	1	0
Don't know	0	0

##### *Control timing of development*

Very effective	5 municipalities	0 RDs
Somewhat effective	0	0
Not effective	0	0
Don't know	0	0

##### *Protect amenities*

Very effective	6 municipalities	2 RDs
Somewhat effective	5	1
Not effective	0	0
Don't know	0	0

##### *Combined effectiveness (all reasons for use)*

Very effective	58 municipalities	11 RDs
Somewhat effective	26	8
Not effective	1	0
Don't know	0	0

### Comments / Why is this tool not "very effective?"

#### MUNICIPALITIES

1. Enforcement is difficult.
2. Tool is good; the use is not always appropriate: e.g. density control in rezoning.
3. Ongoing monitoring/enforcement is problematic.
4. This would be better dealt with by allowing discretionary uses in zoning. Not all uses fit all zones all of the time. Restrictive covenants produce an enforcement problem.

5. This is another way of recourse for the property owners who are not willing to provide required works and services when subdividing.
6. Severe enforcement problem; cannot take immediate enforcement action when the owner does not fulfill or violate the obligations. More a gentleman's agreement. It is desirable that the legislation allow city enforcement of s.219 covenants similar to bylaw enforcement.
7. While I think this is effective "up front" it is a cumbersome approach to administer. I favour other tools, i.e. writing a specific zone to control use, etc. This approach appears to give an easy out.
8. Given the increasing difficulty of siting new developments in the midst of public opposition of NIMBY et. al., from a planning and political perspective, use of restrictive covenant appears to be only recourse to achieve specific site management objectives.
9. There must be a political will to act upon and enforce.
10. It allows some development to proceed, but some of covenanted lands (I suspect) have not been properly constructed for parking or kept clear for parking [relative to off-site parking covenants].

#### REGIONAL DISTRICTS

1. Enforcement and monitoring are difficult. Often don't know when an infraction occurs. Costly to prosecute.
2. Land Title Office is very conservative in what they will allow to be registered on title. This limits how covenants can be used. The courts are also very conservative in what they will enforce. This is an area for improvement.
3. Tend to get forgotten about and "overlooked" on zoning inquiries, which creates problems if lawyers or real estate agents are not thorough on a property transaction.
4. Costs a lot to administer. Hard to pass all costs on to the developer.
5. There must be mutual agreement to register a covenant. Other departments and/or agencies may not be aware of the existence of a covenant.
6. Monitoring is not always done, options for quick and easy enforcement are limited.
7. Enforcement of covenants can be problematic.

## ***New Tools***

Local governments provided extensive feedback on planning tools they would like to have available. In some cases the comments relate to past planning tools, others mention tools used elsewhere. The comments are presented in as close to original form as possible.

### **New Tools Requested by Local Governments**

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#### **MUNICIPALITIES**

1. Ability to control institutional uses by DP.
2. Need legislated right to enter into development agreements (similar to former land use agreements); they are an excellent tool to ensure good developments occur in communities.
3. Need legislated right to set subdivision development requirements – other than servicing (i.e. old subdivision approval provisions).
4. In addition to “permitted uses” in zoning bylaw, add “discretionary uses” whereby development approval would be based on merits of proposal and ability to apply conditions to address any negative impacts. Other [provinces’] legislation (e.g. Saskatchewan) allows for this.
5. Please enact legislation similar to the former Land Use Contracts as a significant portion of that legislation was effective.
6. Enable a municipality to require a developer to provide a traffic impact analysis as a condition of DP or building permit approval.
7. Zoning provisions should include the ability to include permitted and discretionary uses within each zoning classification.
8. Extra dedications for natural or environmental features – e.g. streams, forests.
9. Development contracts with developers which ensure land use, density, etc. (LUC)
10. Land use contracts; conditional zoning; ability to regulate secondary suites in terms of family relationship and tenure; ability to create level playing field for secondary suites in terms of reimbursing local government for services – i.e. hard and soft including schools; ability to regulate agricultural uses in the ALR.
11. With some general parameters, the ability to enter into comprehensive development agreements similar to the old Land Use Contracts.
12. Though recent legislation has taken a step in this direction, the ability to process various permits (i.e. DP, DVP) in a more timely manner with ability for staff to issue if consistent with council policies set out in an OCP.
13. Transfer of development rights for environmental and farmland protection; create “environmental reserves” to allow municipalities to protect sensitive areas without purchasing (Alberta model). [Also us-

- ing Alberta model] require everything to have a development permit which is approved by staff with a development appeal process.
14. Allow open space and landscaping for amenity purposes in all districts.
  15. Need to bring provincial agencies to table for discussing plans and integrating with municipal goals and objectives.
  16. Should provide for a process/system by which the city may negotiate with developers to achieve objectives [of both parties]. The density bonusing system in the zoning bylaw is not flexible to deal with individual and unique cases.
  17. Provide the ability for parkland dedication to apply to all future development of a large parcel of large property owner so large parcels of parkland (wetlands, etc.) can be acquired all at once – may require specific development plans be mapped out prior to actual subdivision.
  18. Provision to acquire parkland in an area other than the subdivision but credited to that subdivision.
  19. Revegetation of disturbed areas as compensation.
  20. Need for a mechanism to require standards (i.e. access/turnarounds) on development sites (i.e. townhouse sites) where subdivision not involved.
  21. A formal development agreement that is binding on both parties for a defined time period (e.g. land use contracts) for use in rezonings/subdivision master agreements.
  22. Density transfer – as a means to preserve open space and acquire sensitive lands.
  23. Creation of a body to hear zoning appeals similar to a Municipal Board so that Councils are not the last work on zoning.
  24. Creation of conditional uses in zoning.
  25. 5% parkland provision to apply to condo sites.
  26. 5% parkland monies to be used for parkland improvements.
  27. 5% parkland to consider higher u.p.a. developments.
  28. Development Permit Areas to allow management of institutional uses.
  29. Municipal Act legislation to allow land use management of gravel extraction.
  30. Modification to DCC system to allow public/private partnerships, inter-governmental partnerships, etc. Ability to levy DCCs to other levels of gov't.
  31. Ownership of road allowances like Vancouver is allowed under its charter, those types of added “pluses”.
  32. Discretion.
  33. Allow development permits to be more specific regarding exterior finishes.
  34. Allow development permits to be required for institutional developments.
  35. Allow Approving Officer to obtain highway dedications wider than 20m.

36. Provide flexibility in flood construction levels by development permit.
37. Use of Area Structure Plans/Neighbourhood Plans (see Alberta).
38. Approve subdivisions in conjunction with and prior to rezoning by-laws.
39. Administrative tribunal/appeal board to hear appeals, i.e. subdivisions, development permits, DVP.
40. Greater flexibility in building code to permit new housing forms.
41. A requirement that regional districts must develop Official Community Plans or Local Settlement Plans for fringe areas surrounding a municipality. This would greatly benefit planning for both jurisdictions and, I believe, improve cooperation between these local governments.
42. While the [tools] listed previously are effective in managing development when it occurs, OCPs are generally ineffectively used by Council in achieving a climate for future development.
43. Funding for general operating purposes, planning grant, commercial area revitalization, heritage preservation, major roads, etc.
44. Economic Development Planning (no provincial leadership through legislation and programs) – our municipality has formed an Economic Partners Corporation with private sector agencies. As a community, we have adopted an Economic Development Strategy and are actively pursuing business development in several areas. We have also established a new structure/framework to do economic development.

#### REGIONAL DISTRICTS

1. Regional Districts should have greater control over resource issues which are crucial to our economic and social well-being.
2. Give Regional Districts control over sewage disposal and subdivision approval, but must be with the financial resource to carry out those functions. There is altogether too much downloading from senior levels of government (e.g. Fish Protection Act, Right to Farm legislation, storm water management) without the resources to carry out effective implementation.
3. Alternative public input processes. The current public hearing requirement is not conducive to getting input from all types of local residents. Other input methods need to be acknowledged by the Act, and supported by the courts. Public hearings are also easily “hi-jacked” by an unruly “mob” which has a political agenda to pursue.
4. Mediation as an Act-mandated dispute resolution technique.
5. Transfer of development rights.
6. Should provide the ability to provide for “environmental development permits” regardless of whether there is OCP coverage, even if it only means approval of a general policy statement.
7. A greater variety of tools or methods of considering amenity contributions, density transfer and averaging, in the form of a “land bank” or DCC type of scheme to address the inequity of granting/removing

zoning. There are currently a lot of “back door” tools to achieve the same result.

8. Make it easier to establish DCCs for parks (as an alternative to 5% cash in lieu or parkland) – based on # of units and not property size.
9. Cash from developer for parks should be available for both acquisition and development as in Ontario.
10. Enforcement of Development Permit Areas similar to building permit enforcement (especially where there is no building permit required for new structures in some areas).
11. Legislation that empowers local governments to protect groundwater resources (i.e. DP).
12. Business licensing function, tree management authority, road specifications, approving authority for all strata conversions, parkland requirements applicable to all subdivision applications such as parcels greater than 2 ha and situations where further subdivision is possible.
13. Development permits outside of a designated OCP area.
14. Reintroduction of a tool similar or comparable to the former Land Use Contracts.
15. Provision to all for fencing and maintenance of fencing for rural subdivision.
16. Mechanism to reconcile provincial agency positions.
17. I would suggest 2 “planning” sets of rules. If the jurisdiction is given an option of choosing permissive or prescriptive and allowed to change on a yearly basis would this be acceptable to the province? If the answer is no, then why is control of planning so authorized? Realistically, smaller jurisdictions like [ours] need prescriptive rather than permissive or the function of planning in rural areas will fail. The adoption of the “old” Alberta Planning Act would be of great assistance to the rural RDs.
18. Siting of structures bylaw similar to Islands Trust Act.
19. Alberta uses a system of outright permitted uses and “conditional” uses in its zoning regulations. This makes them a much more flexible tool.
20. OCPs could provide for policies to allow more innovative housing, e.g. fee simple row housing, development permits – single family.



## CHAPTER 6: Local Government Comments & Suggestions

The final questionnaire question to deal with planning tools asked respondents to provide any general comments on British Columbia's system of local planning and make any suggestions they felt would improve the system. Local governments were not shy about this request. Extensive comments were provided, sometimes a questionnaire even contained responses from multiple individuals within the same planning office. The comments of respondents are reproduced below. In order to be as true to the original intent as possible, comments have been edited only for form and to remove remarks which might identify the respondent.

### Additional comments on planning tools or B.C.'s local planning system

#### MUNICIPALITIES

1. Board of Variance – lack of definition of a “minor” variance creates problem. Needs a definitive limitation otherwise LUBs are compromised
2. Simplify – K.I.S.S.
3. Municipalities need more control over future uses of lands included in the ALR. This has come to light in our community as it is effective the relocating of roads and development of lands along [a highway] at the entrance to the City. The release of a parcel of City owned land...is required for a major commercial development for the travelling public. The ALC will only agree to release contingent on buffer and formal closure of some roads and consolidation with adjacent ALR lands. The City does not wish to force this on the adjacent private property owners. The ALC appears to be doing our planning for us.
4. Generally the Municipal Act and our creative lawyers provide sufficient scope to achieve our planning objectives. The Act's density bonusing sections 904 have created several different opinions in our City Hall about what the Province is really allowing us to do – so I think this could be clarified.
5. Improve working in comprehensive zones. Our solicitor will not sanction our use of this invaluable section because of the wording.
6. There should be greater flexibility by the ALC where planning for residential expansion involves lands in the ALR. We can understand their position where a request for removal of lands if for a golf course. However, there should be a procedure to make the ALC more accountable in the matter of residential expansion.
7. Municipal Act should allow conditions to be applied as part of approval of a Development Variance Permit.
8. Reduce the 800m radius requirement for MoTH approval of rezoning, OCP amendment and LUC discharge/amendment applications to a lesser distance (i.e. 100m).

9. Reinstate planning grants for a more wide range of local planning initiatives and not just for provincial planning mandates.
10. Need improvements to the planning process, i.e. the process for amendments to OCP and zoning bylaw to make it more streamlined, less bureaucratic and make public input more meaningful. Process of two readings, public hearing and then two more readings should be streamlined.
11. [Provide] an updated information booklet for public information purposes outlining the role of civic government and a brief description of the powers (and limits) available under the Municipal Act.
12. [Provide] a provincial guidebook for councillors explaining the professional planning function of staff, the role of advisory committees, and the importance of getting the broad picture as opposed to only that of special interest groups. The guidebook could outline accepted rules of procedure in the council chamber and in dealing with management and staff.
13. Review what needs to go through formal public hearing process – some issues are simply too irrelevant for such a big process.
14. Improve MOE/DFO interface with local government; more emphasis on plans, i.e. if a local government's zoning, etc. complies with its OCP, then no further referral to province; implementation of an Ontario style "OMB" would be counterproductive.
15. Considerable uncertainty, confusion and fear exists at the moment with regard to environmental features/sensitive areas. The respective authorities/responsibilities in this broad area must be clarified and a system that allows some flexibility for local government land use decisions is urgently required.
16. The slow trend to strengthen regional planning...is hindered in part by local parochialism/NIMBY syndrome.
17. Remove MoTH authority over primary highway; province has downloaded costs but not responsibility for many areas – MoTH and the 800m control area is best example. The province has far too much control on the day-to-day decisions of local governments.
18. Development permit under s.879(1)(a) may require dedication of watercourse but s.941 limits the amount to 5%. This is usually not sufficient to cover the undevelopable watercourse in a site. The legislation should be amended to allow local governments to require watercourse dedication beyond the 5% limit in development area under s.879(1)(a). This is consistent with MoE's interest.
19. Introduce DPs for single family lots which are not covered under a building scheme/design guidelines to control the design and massing of houses especially in older infill areas.
20. Approving officer workshop is valuable – would like to include planning workshops. Small communities have no in-house staff that is specialized.

21. The security that can be taken for permits (s.925) might be expanded to allow other conditions than those in subsection (2).
22. More flexibility (through certainty) in the ability to acquire amenities via s.904 in innovative financial methods, e.g. lump sum, phased, linked to commercial land use activities. Use (as well as density) should be able to be exchanged for amenities.
23. The total Province benefits from proper effective planning and so funding (planning grants) to keep plans updated every 5-10 years would seem reasonable.
24. Board of Variance has proven more adept at consideration of appeals than Council consideration of Development Variance Permit Requests. Any possibility of removing requirement for “undue hardship” from cases to be heard by BoV?
25. Sec. 865 RGMP compliance – need for dispute resolution mechanism re: compliance, where there is disagreement about whether a plan under this (i.e. individual jurisdiction OCP) complies.
26. Sec. 911 – clarify, restructure section. Sec. 941(2) – need to clarify the extent to which a municipality must go to identify parkland.
27. There is increasing “unnecessary” complexity in newer legislation, i.e. affordable housing, Right to Farm.
28. The requirement to register DPs and DVPs on title should be dropped. It is a cumbersome and meaningless procedure to track and should be internal to the municipality.
29. Processing of development applications that comply to OCPs and local bylaws could be simplified by giving authority to planning staff.
30. Delegation of variance approvals to staff (minor or otherwise) and an appeal body from those approvals/denials which is not Council but a separate body comprised of local members, etc.
31. Make secondary suites legal throughout B.C.
32. Board of Variance system seems antiquated and unnecessary. Also, rules seem vague, members are not professionals. Council can grant Development Variance Permit if circumstances warrant – so why have Board of Variance? Also, Board orders are not registered on title whereas DVPs are. If Board is to remain their orders should appear on title to notify new owners and other parties.
33. Standardized land use regulations based on keys like B.C. Building Code for some types of new development throughout province, i.e. affordable housing.
34. More discretionary tools, i.e. overlay zones.
35. Less confrontational public hearing process – need to come up with a much better model for B.C. local governments to use.
36. Cumbersome to have MoTH sign off on “most” rezonings (800m radius).
37. Lack of input – B.C. Environment/DFO, on environmental regulations. May result in non-consistent approvals.

38. Under s. 941 owner of land being subdivided must provide parkland or cash in lieu. It would be helpful if the cash in lieu could be used not only for parkland acquisition but for parkland development. Currently the municipality has a lot of parkland but little developed parkland. In many cases the parkland acquisition requirement would be more helpful if used for parkland development. I realize DCCs can do this, but DCCs are cumbersome to small towns and in many cases are for works 15-20 years in the future. It is our contention people want developed parks in their new neighbourhoods much sooner.
39. Under s. 910 a local government can set building levels and setback requirements upon approval of the MoE. [Our municipality] has done this, yet prior to subdivision approval the municipality must ask the Ministry for the flood plain level. This is taking 3 months at least. This is ridiculous as [we] can get the level in five minutes off MoE mapping. If a municipality adopts a bylaw under s. 910 it should be able to give levels in accordance with the bylaw without having to go to MoE. It is a delay which is unnecessary and costly. Please call as this is very important and a source of great aggravation.
40. Having been a professional planner in Ontario and Alberta for 18 years before coming to B.C. I am shocked by the pathetic state of the Municipal Act and Strata Property Act (formerly Condominium Act).
41. Use the Municipal Act model from Alberta in B.C.
42. Approving Officer provisions are not realistic in this day and age.
43. Find the land title system very confusing with respect to property descriptions. Why use “district lot” descriptions, “parcel” designations, etc? Alberta implemented a simple “lot-block-plan” system 25 years ago. Why can’t B.C.’s system be simplified too?
44. The public involvement process (hearings, etc.) needs to be rethought.
45. Alternate dispute mechanism.
46. Strengthen the use and value of OCPs – reduce importance of zoning.
47. Provincial involvement [in flood plain regulation] is good.
48. Need to do something about existing LUCs: how do we get rid of them?
49. Need to have fines imposed for violations of zoning bylaw placed on taxes (subject to conviction).
50. Need similar and compatible use provisions.
51. [Need] controls for unwanted secondary suites.
52. Planning should become more of an administrative function after Council has established the policies and objectives. Small communities do not have staff to carry out social engineering/planning to the extent that the province appears to be suggesting.
53. Regional growth strategy tools may need to be strengthened to improve effectiveness.
54. Provincial leadership on secondary suites issue would be appreciated.
55. Power of special purpose provincial agencies (e.g. ALC) sometimes conflicts with planning for parks and heritage preservation.

56. Urban design – tools and framework. Although in the OCP urban design can be addressed through a Development Permit Area for form and character, the Municipal Act lacks clarity and provides few parameters for establishing a Design Panel its structure and powers. Municipalities can use better provincial lead.
57. Better provincial-municipal communication. Municipal communication and cooperation in land use planning, especially for those provincial agencies which affect the municipal development process on a daily basis, i.e. MOT, ALC, MOE, and MOH.

#### REGIONAL DISTRICTS

1. Whole questionnaire is overly simplistic for the complexity of the issue involved.
2. How do you begin to answer a question like “why do you plan?” How much time do you have?
3. Comprehensive bylaws are easier to administer in rural areas where everything is included in one bylaw, including zoning, permitting, floodplain, signage, landscaping, drainage, etc. rather than a series of disjointed bylaws.
4. Consideration should be given to authority for a variance for use and density in rural areas since things do not always fit into homogeneous packages, and particularly where land has been lost to road widening.
5. Further consideration should be given to the ability to revise a zoning amendment for use or density after a public hearing has been held if the changes are “more restrictive,” result from concerns expressed at the public hearing, and where agreed to by the applicant.
6. Suggest a workshop to discuss combined results of survey rather than trying to approach the UBCM with a huge wish list. Probably could reach consensus on key shortcomings with one day meeting.
7. Approval process for OCP is extremely time consuming – vulnerable to veto by competing provincial interests.
8. Use of tools often depends on political will to impose further restrictions on development.
9. This RD deals with social planning research, analysis and coordination related to social well-being in the OCPs. This is also where statistical research is often carried out. In terms of landscaping, our OCPs and particularly our DPAs use it for protection of environment, buffering between conflicting uses and soil retention. For management in floodplains our OCPs have policies – some of our areas are mapped by the Ministry.
10. I haven’t been precise with respect to the “official” reasons for using most of these tools. These tend to reflect the usual general statements contained in plans here and elsewhere. I’ve attached photocopies of some of our OCP goal/objectives to demonstrate this. As you know the real reasons why local governments engage in planning and use these tools goes much deeper. It is at this deeper level and in context

that the true strengths and weaknesses of planning legislation becomes evident. This survey doesn't seem to want to go to that level. However, I'd be pleased to do so in a less formal and more productive forum at any time with you or any other involved in this review (over 30 years as a planning practitioner across Canada and 17 years as a Regional Districts planning director in B.C. has given me some insights into these matters which may be useful).

11. Some changes are required to s. 911 (non-conforming uses and siting). Recent court decision have made this section virtually meaningless.
12. Eliminate the "opting-out of planning" provision for municipalities. It is extremely difficult to budget, run a department and keep good staff with this type of uncertainty hanging over our heads on an annual basis. Because this option exists, our experience is that the planning department tends to become a political football and its funding used as a bargaining position in other negotiations which may have nothing to do with the merits of the function per se.
13. Need greater delineation of the respective roles of Regional Districts and First Nations – this should be a two-way street.
14. Eliminate the requirement for Municipal Affairs approval for Regional District bylaws and possibly replace it with a greater degree of oversight for small municipalities. Virtually all RDs have professional planning staff, whereas a small municipality may not and consequently may have a greater need for input from MOMA.
15. A stronger research/resource role for MOMA planning staff would be helpful to those of us in smaller communities. How often do we circulate requests to other RDs/municipalities for input into a specific planning problem? Why not have all planning bylaws and research on major issues placed in a central research library in MOMA, with key issues indexed on computer?
16. The current system is extremely disjointed. Many provincial agencies will not spend the time or effort on zoning referrals. Otherwise, there is often considerable overlap between the regional districts and MoTH. Except for the Regional Growth Strategy process, there is no forum to bring the various agencies together and therefore [improve] coordination. The ALC has too much authority in areas with marginal capability for agriculture, with no appeal mechanism, and insufficient attention by the PALC to local issues or concerns.
17. Greater effort to improve public awareness of property law. What ownership means in B.C. (limitations to property rights) as recognized in Municipal Act provisions for no compensation for changes in land use planning designations.
18. Greater links between infrastructure grants , local capital planning, Regional Growth Strategies and OCPs.
19. More coordination of guidelines and approaches of senior governments with local planning direction. Provincial guidelines do not work as well as adopted standards or regulations.

20. Provincial agencies do not agree among themselves on environmental protection guidelines vs. farming or forestry objectives.
21. There seems to be some problems with the legislation as it pertains to regional context statements. First, there should be specific reference to the requirement to refer RCS as well as OCPs to RDs in the bylaw approval process (for member municipalities). The lack of this causes confusion. Second, once an RD has approved an RCS a Council can make changes that the RD may object to at the time it grants 3rd reading and adoption to the RCS bylaw.
22. Requirement for bylaw approval at Municipal Affairs not necessary or at least a time limit for the province to reply.
23. Amendment to s. 920(1)(b) – Development Permits – should include “use of land.”
24. Sec. 946 – should include under 3(b)(ii) legislation prior to 996 of M.A. – not just 996.
25. The Act revisions require a Table of Concordance.
26. Clarification of non-conforming use and siting per s. 911.
27. Clarify application of DVP vs. Board of Variance.
28. Provide for less cumbersome application for temporary commercial/industrial permits outside of OCP.
29. Remove opt-out provisions from planning by municipalities.
30. Simplify Regional Growth Strategies Act.
31. The assessment/tax system is the most important of any legislation regarding land use by 1) penalizing improvements to land (and thus rewarding speculation and/or destructive land stewardship practices); 2) setting arbitrary limits on inter-class ratios (in municipalities, creating an unstable and uncertain economic climate that contributes to migration to fringe unincorporated areas); and 3) provincial setting of the rural tax rate at a level far lower than any municipal rate, contributing for fringe development.
32. I would suggest the Ministry should ask those jurisdictions with APCs if they would like to meet or arrange a series of meeting between the individuals drafting the new Municipal Act and the APCs to obtain their input on what does and does not work.
33. The opt-in/opt-out capability of municipalities in RD planning makes financial and operational expenditures a joke.
34. A new OCP is supposed to be reviewed in terms of a capital plan that exceeds the service life of the entity charged with performing the task.
35. We have a difficult time at the OCP referral stage, balancing the interests of the provincial agencies. They often give contradictory feedback. There should be better coordination between provincial agencies. Jurisdictions are not always clear, i.e. drainage. If RDs are going to be responsible for these areas, give them the resources to do a good job. Subdivision approval requires resources that the RDs do not have. In areas where the province has responsibility, we require more consultation – particularly regarding Crown Land grants.

36. The Regional District form of government is an inappropriate framework for the delivery of effective rural planning programs – this requires autonomous rural governments with direct accountability, servicing responsibilities and taxing authorities.
37. Because of the inherent organizational weaknesses (Regional Districts/rural communities vis a vis provincial interests) we are burdens with complex, even contradictory, processes which impede effective planning and resource management regimes.
38. Boards of Variance should be abolished. Development Variance Permits provide sufficient authority to provide variances when warranted. Boards of Variance do not necessarily grant variances on the basis of “hardship.”
39. Elected Advisory Planning Commissions would provide a more balanced local advisory capacity. Current APC structure tends to support the dictatorial nature of electoral area governance.
40. Need to change Local Services Act minimum parcel size for unplanned areas. Currently size (1675m<sup>2</sup> for on-site well and septic) is too small for much of our area. Planning serves to increase this size and is viewed as negative. Local Services Act serves to dissuade a change that may limit subdivision activity. Raise the L.S.A. min. to +5 acres.
41. Municipal Act is generally difficult to follow.
42. Remove the opting-out clause for municipalities with respect to Regional Planning from the Municipal Act.
43. Clear resolution of bylaws that need referral: new base bylaws only; new OCP bylaws only; new subdivision control bylaws only.
44. Referral process – statutory? Times limits for comments.
45. Referendums: which bylaws need them?
46. Liability: absolve if due process shown; less fettering of regulation – specify result; remove reference to which person public hearing is delegated; Approving Officer to be named as officer to be protected and defined in Mun. Act.



## CHAPTER 7: Conclusion

### ***Observations & Recommendations***

The preceding chapters contain a wealth of information about how local governments approach planning and the difficulties they encounter. Since the purpose of this study has been to gather and report information, specific conclusions and recommendations for action will not be made. This report should serve as a means of understanding the present planning situation in B.C. and to promote discussion between the provincial and local governments. It is left to the Ministry to decide how to approach local governments now that local concerns have been presented through the comments reported in this document.

Although respondents were assured that their responses would be kept confidential, it is important to note that many respondents expressed a willingness to discuss planning issues in more detail. There was some frustration about the narrow scope of this research, and local government planners are anxious to make sure other planning issues are reviewed and discussed in addition to those which appear in this report.

There are a number of recurring issues that appeared throughout the questionnaire responses. First, a frequent difficulty with many planning tools is enforcement. Respondents felt that the effectiveness of many planning tools would be increased if they had more resources to devote to enforcement. Provincial financial support may be the way to achieve increased planning tool effectiveness. Another approach, mentioned in Chapter 2, is to re-examine the authority of local governments to finance their activities. An increase in the funding options available to local governments may serve two of the goals of *Municipal Act* reform simultaneously: to increase local government ability to plan in response to unique local conditions, and to increase the accountability of local government by shifting more financial responsibility to them.

There are certain planning objectives which have not been achievable with the current planning tools. These objectives include sustainable development and the building of complete communities. Inflexible land use regulations seem to be the primary obstacle in achieving these goals. Because land use regulations, particularly zoning, comprises such a major aspect of local planning, giving local governments the option to adopt more flexible, innovative land use regulations would go a long way toward improving the local planning system as a whole.

Coordination and cooperation with and among provincial agencies needs to be improved. The degree to which provincial land and development policies affect local governments varies depending on their location within the province. Local governments in predominantly resource or agricultural areas are greatly restricted in their ability to plan due to the need to obtain provincial approvals. In cases where multiple approvals are required, local efforts can be frustrated for months, even years. Serious consideration should be given to the suggestion to set up a mechanism for resolving interagency policy conflicts and disputes.

In the case of regional districts, the effectiveness of planning is often hampered by the structure and operation of the government itself. The fractured nature of regional districts and the requirement for ministerial approval of routine bylaws call into question provincial commitment to this form of government. If the province is interested in maintaining an effective rural government structure and a framework for regional planning it is necessary to reconsider the structure and operation regional district governments.

Education is absolutely necessary to ensure the effectiveness of current planning tools and any future revisions to the *Municipal Act*. Many comments received from respondents indicate that some jurisdictions are unaware of authority currently available to them. Some suggested that the Ministry of Municipal Affairs hold more workshops for different local government officials, including Approving Officers and planners. Although the Ministry is currently engaged in efforts to educate local governments about recent changes in the *Municipal Act*, it is clear that more can be done.

### **Further Research**

This research has begun the process of examining local government planning tools in British Columbia. This research had identified how and why local governments use certain planning tools and how effective the tools are. However, in examining tools individually, this research has not determined if certain tools are usually used together as a “package” that is more effective than the sum of the tools individually.

As mentioned in Chapter 2, other areas of planning – heritage conservation and regional growth strategies – are not studied here. It is critical that these tools are subject to a detailed review to make sure they work well with the tools studied here. Many other local government tools influence planning activities as well. These influences need to be kept in mind as the other parts of the *Municipal Act* are reviewed and changed.

Generally, local government planning tools are considered to be effective. However, the *Municipal Act* Reform Initiative provides a chance to mold a collection of tools that is currently adequate into a responsive, integrated system of local planning that truly engages local communities and more evenly balances the needs of local governments with the interests of the province as a whole.

## Appendix 1 – Glossary of Acronyms

The following list gives the meanings of acronyms that appear in this report.

ALC	Agricultural Land Commission
ALR	Agricultural Land Reserve
APC	advisory planning commission
DCC	development cost charge
DP	development permit
DPA	development permit area
DVP	development variance permit
LUC	land use contract
MoE / MELP	Ministry of Environment, Lands and Parks
MoMA	Ministry of Municipal Affairs
MoT / MoTH	Ministry of Transportation and Highways
OCP	official community plan
RLUB	rural land use bylaw
UBCM	Union of British Columbia Municipalities

## Appendix 2 - Tools

Below is a list of the tools that appear in this research. All section numbers are references to the *Municipal Act* unless otherwise stated.

<u>Act section</u>	<u>Description of power</u>
530	Social planning
797	Regional district planning services
875	Official Community Plans
878	Optional OCP objectives
879	Development permit areas
898	Advisory Planning Commission
903	Zoning
904	Zoning bonuses
905	Housing agreements
906	Parking space requirements (off-street)
907	Drainage requirements
908	Signage regulations
909	Landscaping
910	Flood plain designation
917	Farm bylaws
923	Tree cutting permit areas
933	Development cost charges
938	Subdivision Servicing
939	Require excess or extended services (to which late comer payments apply)
941	Owner must provide park land (up to 5% of land subdivided) or payment in lieu at local government's option if OCP or rural land use bylaw applies
219	Restrictive covenants (contained in the <i>Land Title Act</i> )

## **Appendix 3 - Respondents**

The following is a list of all the local governments that responded to the research questionnaire and whose responses are included in this report.

### ***Municipalities***

100 Mile House, District of  
Abbotsford, City of  
Burns Lake, Village of  
Castlegar, City of  
Central Saanich, District of  
Chetwynd, District of  
Chilliwack, District of  
Clinton, Village of  
Colwood, City of  
Comox, Town of  
Coquitlam, City of  
Courtenay, City of  
Cranbrook, City of  
Creston, Town of  
Dawson Creek, City of  
Delta, Corporation of  
Duncan, City of  
Enderby, City of  
Esquimalt, Corporation of the Township of  
Ferne, City of  
Fort St. James, District of  
Fraser Lake, Village of  
Gibsons, Town of  
Golden, Town of  
Grand Forks, Corporation of the City of  
Highlands, District of  
Houston, District of  
Kamloops, City of  
Kaslo, Corporation of the Village of  
Kelowna, City of  
Kent, Corporation of the District of  
Keremeos, Corporation of the Village of  
Kimberley, City of  
Kitimat, District of  
Ladysmith, Town of  
Lake Cowichan, Town of  
Langley, Township of  
Logan Lake, District of  
Metchosin, District of  
Mission, District of  
Nakusp, Village of  
Nelson, Corporation of the City of  
New Hazelton, District of  
New Westminster, Corporation of the City of  
North Cowichan, District of  
North Saanich, District of

North Vancouver, City of  
North Vancouver, District Municipality of  
Oak Bay, Corporation of the District of  
Parksville, City of  
Peachland, District of  
Pitt Meadows, District of  
Port Coquitlam, City of  
Port Moody, City of  
Prince George, City of  
Radium Hot Springs, Village of  
Richmond, City of  
Saanich, Corporation of the District of  
Salmon Arm, District of  
Sayward, Village of  
Silverton, Corporation of the Village of  
Smithers, Town of  
Sparwood, District of  
Squamish, District of  
Stewart, District of  
Summerland, District of  
Surrey, City of  
Tahsis, Village of  
Taylor, District of  
Telkwa, Corporation of the Village of  
Terrace, City of  
Tofino, District of  
Trail, City of  
Vanderhoof, District of  
Vernon, City of  
Victoria, City of  
Williams Lake, City of

***Regional Districts***

Alberni-Clayoquot  
Bulkley-Nechako  
Capital  
Cariboo  
Columbia-Shuswap  
Comox-Strathcona  
Cowichan Valley  
East Kootenay  
Fraser Valley  
Fraser-Ft. George  
Kootenay Boundary  
Mount Waddington

Nanaimo  
Peace River  
Powell River  
Skeena-Queen Charlotte  
Sunshine Coast